

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL MOTION REGARDING THE DR. SOLOMON CLASS ACTION

This Court Approved Notice is directed to all potential Class Members as described below. This Notice may affect your rights. Please read it carefully.

THE CLASS ACTION

You are receiving this Notice because you have been identified as a patient of Dr. Anthony Garry Solomon, deceased, who *may* have been notified by the police that you were surreptitiously video recorded by Dr. Solomon, deceased (the “Class” or “Class Members”).

The Ontario Superior Court of Justice has ordered that this Notice be sent to you for the purpose of providing information about this class proceeding and your legal rights.

THE CONSENT CERTIFICATION & SETTLEMENT MOTION

Thomson Rogers and Bonn Law Office (“Class Counsel”) and counsel for the Defendant have reached a settlement agreement in relation to this class proceeding, subject to Court approval. Details of the next steps and the settlement agreement are set out below. The Consent Certification and Settlement Motion is scheduled to be heard on **April 20, 2020 at 10:00 a.m.** at 15 Bridge Street West, Belleville, Ontario.

The Defendant has consented to a motion, subject to Court approval, certifying the action titled *Jane Doe v The Estate of Anthony Garry Soloman, Deceased*, Court file no. CV-17-0343-00, as a class proceeding and substituting/appointing Sarah Davidson as the representative plaintiff.

The certification of this class proceeding proposes that the class be defined as follows: “All persons who were notified by the police that they had been surreptitiously video recorded by the Defendant” (the “Class” or “Class Members”).

If the Court certifies the within action as a class proceeding at the motion to be held on April 20, 2020, the Court will proceed to consider the settlement agreement that was reached on consent by the parties. Details of the nature of the settlement are outlined below.

NATURE OF THE SETTLEMENT

A settlement has now been reached by the parties following negotiations, subject to approval by the Court. If you are a Class Member, as defined above, you are eligible to apply for compensation under the settlement.

The settlement will be considered by the Court at a motion on April 20, 2020 (the "Approval Motion"). The proposed settlement will provide compensation to Class Members with valid claims.

Having regard to the available information on the potential Class size, the settlement agreement proposes that Class Members will be entitled to receive a net amount of approximately \$1,000, each, after payment of Court approved legal fees.

In order to be considered for compensation under the settlement agreement, once approved, Class Members will have to provide confirmation, to the satisfaction of Class Counsel, that the Class Member was notified by the police that they were surreptitiously video recorded by Dr. Anthony Garry Solomon, deceased, and that the Class Member was negatively impacted as a result of being so notified.

If you are a Class Member, you will automatically be included in this class proceeding and are not required to take any further steps at this time. A further "Notice of Settlement" will be sent to you once the settlement is approved and only thereafter must you provide the required information to apply for compensation within a deadline that will be set by the Court.

Those wishing to maintain their right to sue the Defendant and thus NOT participate in this class action must OPT OUT (see "Opting Out" below).

PATIENTS OF THE DEFENDANT NOT INCLUDED IN THE CLASS

If you were a patient of the Defendant and you were not notified by the police that you had been surreptitiously video recorded by the Defendant, you will not receive compensation under the proposed settlement agreement. Such individuals are defined as "Uncompensated Patients" under the proposed settlement agreement.

If you are an Uncompensated Patient and you intend to issue a civil proceeding against the Defendant in relation to alleged surreptitious videotaping, you will be required to provide written notice to Defence Counsel on or before a date approved by the Court (likely to be July 1, 2020) and issue and serve a claim on or before a date approved by the Court (likely to be August 31, 2020).

OPTION TO OBJECT TO THIS SETTLEMENT

Class Members and/or Uncompensated Patients have the right to object to the proposed settlement agreement at the Approval Motion. Please also note that if the proposed settlement agreement is approved by the Court at the Approval Motion, Class Members who do not want to participate in the Class Action can still opt out (see "Opting Out" below).

If you wish to make submissions for or against the proposed settlement at the Approval Motion, you must send a request in writing with a summary of your submissions to Thomson Rogers at the address listed at the end of this Notice, by no later than **March 30, 2020**. Persons making submissions by the deadline will be provided with further information on how they may participate in the Approval Motion. Of course, any interested Class Member may attend the Approval Motion if they wish.

Subject to Court approval, Class Counsel will be seeking the approval of total fees of approximately \$150,000, inclusive of all disbursements and applicable taxes.

Following the Approval Motion, Class Members will be provided with a "Notice of Settlement" explaining how to apply for compensation under the settlement and the deadline to do so.

OPTING OUT OF THE CLASS ACTION

Class Members who wish to participate in the class action are automatically included in the class action. Any Class Member who wishes to opt out of the class action may do so on or before a date approved by the Court (likely to be July 1, 2020). Notice of the deadline to opt out will be set in the Notice of Settlement. It should be noted that if too many people opt out of the settlement, the settlement may be nullified.

No Class Members will be permitted to opt out of the class action after the opt out deadline.

No person may opt out on behalf of a minor or a mentally incapable person without permission of the court and after notice to the Children's Lawyer or the Public Guardian and Trustee, as appropriate.

ADDITIONAL INFORMATION

Any questions about the matters in this Notice should NOT be directed to the Court because their administrative structures are not designed to address this type of inquiry. The Notice Order and other information may be obtained online at: www.thomsonrogers.com under the headings "Class Actions" and "Class Action against Dr. Garry Solomon" and at www.bonnlaw.ca/class-action-commenced-against-dr-solomon.

Questions for counsel from Class Members should be directed by email, fax or telephone to:

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