

Were You Eligible and Assessed for Ministry of Children, Community and Social Services (formerly Ministry of Community and Social Services)-Funded Adult Developmental Services and Supports and Funding and Placed on a Service Registry between July 1, 2011, and December 14, 2018?

A lawsuit may affect you. Please read this carefully.

A class action is happening for people who were alive as of April 10, 2015 and eligible for ministry-funded adult developmental services and supports and funding, who were assessed by an application entity (DSO) and placed on these service registries between July 1, 2011 to December 14, 2018:

- (i) "residential services and supports" and ,
- (ii) "caregiver respite services and supports" under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*; and
- (iii) "Passport" funding under the *Ministry of Community and Social Services Act*.

If you are a Class member, you can choose to stay in or leave the Class.

Option 1: Stay in the class action: To stay in the class action, you do not have to do anything. If money or benefits are obtained, you will be told about how to make a claim. You will be legally bound by all orders and judgments in the class action, and you will not be able to sue Ontario separately about the legal claims in this case.

Option 2: Get out of the class action: If you want to leave the class action, you must submit an opt out form by July 26, 2024. Opt out forms are available here: kmlaw.ca/waitlistclassaction. You can also opt out by writing to Class Counsel at the address below and telling them that you want to be removed from this class action. Please include your name, address, telephone number and/or email address in the letter and have it post marked by July 26, 2024. If you remove yourself, you cannot get money or benefits from this lawsuit if any are awarded.

The Court has appointed Koskie Minsky LLP ("Class Counsel") to represent the Class. You don't have to pay Class Counsel to participate. If they get money or benefits for the Class, they may ask for lawyers' fees and costs which would be deducted from any money obtained or to be paid separately by Ontario.

To contact class counsel and for more information about your rights:

- Go to kmlaw.ca/waitlistclassaction
- Email waitlistclassaction@kmlaw.ca
- Call toll-free 1-866-474-1740 (Dial 711 before number for TTY)
- Write to: Developmental Services Waitlist Class Action
Attn: Communications Department
Koskie Minsky LLP
20 Queen Street West, Suite 900
PO Box 52
Toronto, ON
M5H 3R3

BASIC INFORMATION

1. Why is there a notice?

This lawsuit has been “certified” as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are a Class member, you may have legal rights and options before the Court decides whether the claims being made against Ontario on your behalf are correct. This notice explains all of these things.

A judge of the Ontario Superior Court of Justice is currently overseeing this case. The case is known as *Leroux v. Ontario*, Court File No. CV-17-573091-00CP. The person who sued is called the Plaintiff. Ontario is the Defendant.

2. What is this lawsuit about?

In the lawsuit, the plaintiff alleges that Ontario has been negligent, and breached section 7 of the *Canadian Charter of Rights and Freedoms*, by virtue of “waitlisting” Class Members for residential services and supports, caregiver respite services and supports, and/or Passport funding. Ontario denies these claims. The Court has not decided whether the Plaintiff or Ontario is right. The lawyers for the Plaintiff will have to prove their claims in Court.

3. Why is this a class action?

In a class action, a person called the “Representative Plaintiff” (in this case, Briana Leroux and her litigation guardian Marc Leroux) sues on behalf of people who have similar claims. This group of people is called a “Class” or “Class Members.” The court resolves the issues for all class members in one case, except for those who remove themselves from the class.

YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by **July 26, 2024**.

7. What happens if I do nothing at all?

If you do nothing you will automatically remain in the lawsuit. You will be bound by all Court orders and judgments in the class action, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

8. What if I don't want to be in the Lawsuit?

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders or judgements in the class action and you keep your right to sue Ontario separately as an individual regarding the issues in this case.

To remove yourself, send a letter to Class Counsel that says you want to be removed from the Class in *Leroux v. Ontario*. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at kmlaw.ca/waitlistclassaction.

Whether you use a letter or an Opt Out Form, you must send your request to be removed from the class action by no later than **July 26, 2024**, by email to waitlistclassaction@kmlaw.ca or by mail to:

Developmental Services Waitlist Class Action
 Attn: Communications Department
 Koskie Minsky LLP
 20 Queen Street West, Suite 900
 PO Box 52
 Toronto, Ontario M5H 3R3

Opt out forms sent by mail must be postmarked no later than **July 26, 2024**.

Call toll-free 1-866-474-1740 (Dial 711 first for TTY) if you have any questions about how to get out of the Class.

4. Who is a member of the Class?

The Class includes:

All persons who were alive as of April 10, 2015, who are eligible for ministry-funded adult developmental services and supports and funding, assessed by an application entity (DSO) and placed, at any point between July 1, 2011 to December 14, 2018, on any one or more of the service registries for:

- i. "residential services and supports",
- ii. "caregiver respite services and supports" under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008; and
- iii. "Passport" funding under the *Ministry of Community and Social Services Act*.

5. What is the Plaintiff asking for?

The Plaintiff is asking for money or other benefits for the Class. She is also asking for lawyers' fees and costs, plus interest.

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Ontario did anything wrong, nor have the two sides settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, there will be another notice about how Class Members can ask for a share.

The class action has received financial support from the Class Proceedings Fund. There will be a levy that reduces the amount of any award or settlement funds to which Class Members may become entitled that is the sum of the amount of any financial support paid from the Fund and 10 per cent of the amount of the award or settlement funds payable to Class Members, if any.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP from Toronto to represent you and other Class Members as “Class Counsel.” You **will not be personally charged** for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

10. How will the lawyers be paid?

Class Counsel will only be paid if they win a trial or if there is a settlement. The Court has to approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class or paid separately by the Defendant.

A TRIAL

11. How and when will the Court decide who is right?

If the lawsuit is not dismissed or settled, the Plaintiff will have to prove his claims at a trial that will take place in Toronto. During the trial, a Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or Ontario is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

12. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, there will be another notice about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the website, kmlaw.ca/waitlistclassaction, as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at kmlaw.ca/waitlistclassaction, or by contacting Class Counsel:

- By calling toll free at 1-866-474-1740 (Dial 711 first for TTY)
- By email to waitlistclassaction@kmlaw.ca
- Or in writing to:

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Attn: Communications Department
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