

**NOTICE OF PROPOSED SETTLEMENT OF  
CAPITAL DISTRICT HEALTH AUTHORITY PRIVACY BREACH CLASS  
ACTION**

**PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR  
LEGAL RIGHTS**

**WHO IS ELIGIBLE?**

A proposed settlement (“Settlement”) has been reached in the Capital District Health Authority privacy breach class action. Class Counsel in this class action consist of three law firms: Patterson Law, Wagners and Valent Legal.

In February 2012, letters were sent to some patients of the Capital District Health Authority advising them that their personal health information had been inappropriately accessed by an employee. These patients are now entitled to a remedy under the proposed settlement.

The Settlement applies to all Class Members who have not previously opted out of this class action. Class Members are defined as:

- (1) All living persons, who are related by blood or marriage to Katharine Zinck Lawrence, and who were sent letters from the Capital District Health Authority advising them that their personal health information had been inappropriately accessed by Katharine Zinck Lawrence between the years 2005 and 2012 (the "Family Class"); and,
- (2) All living persons, who are not related by blood or marriage to Katharine Zinck Lawrence, and who were sent letters from the Capital District Health Authority advising them that their personal health information had been inappropriately accessed by Katharine Zinck Lawrence between the years 2005 and 2012 (the "Non-Family Class").

**HOW MUCH WILL I RECEIVE UNDER THE SETTLEMENT?**

**Guaranteed Payments**

Each Class Member is entitled to receive compensation under this settlement. Each direct relative of Katherine Zinck Lawrence will receive a cheque of \$2,750. Each non-relative of Katherine Zinck Lawrence will receive a cheque of \$1,400. These cheques will be directly mailed to each Class Member if the settlement is approved by the court. Class Members must deposit their cheques within six months from the date they are mailed.

Any Class Member who believes they have been misclassified as a Non-Family Class Member when, in fact, they are related to Katharine Zinck Lawrence may challenge their classification by submitting proof to Class Counsel for review among the Parties.

## **Arbitration Fund**

In addition, there is an arbitration process for Class Members who feel that they have been affected by the inappropriate access of personal health information in a manner that warrants higher compensation. Such individuals may submit a claim in writing to an independent Arbitrator who has the discretion to award a total of up to \$8,000. Any payments already received will be deducted from any Arbitration Award (i.e. if you have received \$1,400, and the Arbitrator awards \$5,000, you will receive up to an additional \$3,600, dependent on the number of claimants and amount of total awards). Participating in the arbitration process does not risk forfeiting your Guaranteed Payment. There is no assurance that Class Members who submit claims to the Arbitrator will be awarded money beyond their Guaranteed Payment.

**If you are a Class Member and have moved residences since June of 2012, we invite you to contact us by telephone or email as soon as possible to provide your updated mailing address. This will help ensure you receive your cheque.**

## **SETTLEMENT APPROVAL HEARING – OCTOBER 31, 2018 AT 2:00 P.M.**

The Settlement will only be effective if the Court approves it as being fair, reasonable and in the best interests of Class Members. The Court will determine this at a Settlement Approval Hearing on **October 31, 2018 at 2:00 p.m.** at the Law Courts Building, 1815 Upper Water Street, Halifax, Nova Scotia.

## **OBJECTION TO SETTLEMENT – DEADLINE OF OCTOBER 19, 2018**

If you wish to object to the Settlement, you may submit a written objection to us. Your written objection must be received by us no later than **October 19, 2018** at the mailing address or email address provided below. We will file copies of all objections with the Court. Do **NOT** send an objection directly to the Court. You may attend the Settlement Approval Hearing and you may make oral submissions to the Court.

## **LEGAL FEES**

At the Settlement Approval Hearing, we will request approval for payment of our legal fees, disbursements and applicable taxes. We have pursued this lawsuit on a contingency basis and will seek approval from the Court for such payment in accordance with the terms of our retainer agreement. As part of the settlement, the Defendants are paying \$100,000 plus HST to Class Counsel towards fees and disbursements, as well as \$7,500 plus HST towards the costs of administering this settlement. Should this amount be approved by the Court, there will be no legal fees deducted from individual payments to class members.

**CONTACT US FOR MORE INFORMATION OR TO UPDATE YOUR ADDRESS**

The Settlement Agreement is available on our websites at: [www.valentlegal.ca](http://www.valentlegal.ca)

If you have any questions or wish to update your mailing address, please contact us by email at [info@valentlegal.ca](mailto:info@valentlegal.ca) or by telephone at 902-443-4488.

Our mailing address is 700-1741 Brunswick Street, Halifax, Nova Scotia, B3J 3X8

