

LifeLabs Class Action - FAQs

What is the proposed Settlement?

If the Settlement is approved by the Court, LifeLabs has agreed to pay compensation to Class members who submit a valid claim form within the time set by the Court for filing a claim.

If the Settlement is approved, LifeLabs will pay a guaranteed amount of \$4.9M, and up to a further \$4.9M depending on the number of claims made (“the Settlement Funds”). Each Class member who completes a valid claim form during the claim period will be eligible to receive **compensation of \$50, up to a maximum of \$150, from which will be deducted Court-approved legal fees, disbursements and taxes**. Class members may receive more or less than \$50, depending on the number of claims filed, and the legal fees and disbursements approved by the Court.

In exchange for LifeLabs paying the Settlement Funds, LifeLabs will be released by the Class from all forms of potential claims against LifeLabs arising from the data breach.

What are the proposed contingency legal fees by Class Counsel?

The Plaintiffs retained Class Counsel on a contingency fee basis, which means that the lawyers do not get paid unless the Court approves a settlement of the Action or awards a monetary judgment after a trial.

If the Settlement is approved, Class Counsel will request that the Court approve legal fees totalling 25% of the Settlement Funds paid by LifeLabs, plus taxes and disbursements.

How will the Settlement proceed and how can I object?

The Court will convene a hearing to decide whether it approves the Settlement and the proposed Class Counsel fees. This hearing is scheduled to be held on **October 25, 2023** by videoconference.

If you are a Class member, and you object to the terms of the proposed Settlement, or to the fees that Class Counsel will request, you are entitled to file a written objection with the Court. The procedure for filing a written objection is as follows:

- Your objection must be sent to the Claims Administrator by **October 20, 2023** at the latest at lifelabssettlement.object@kpmg.ca;
- Your objection must include your full name, current address, email address, telephone number, and Provincial Health Number (which will be kept confidential and used only to confirm that you are a Class member);
- You must provide a statement to the effect that you object to the Settlement or to Class Counsel’s proposed Fees; and
- You must provide your reason(s) for objecting.

Class members who object may also ask the Court for the right to speak at the hearing.

If the Court approves the Settlement, then a further notice will be provided to the Class with details explaining how to make a claim for a portion of the Settlement Fund.

Am I eligible for compensation?

The Class is:

All Canadian resident customers or patients of the Defendant LifeLabs companies whose Personal Information was stored on computer systems in the control of LifeLabs that were compromised or accessed by unauthorized persons in the security breach announced by LifeLabs on December 17, 2019; including a subclass of:

- (i) all customers or patients of LifeLabs whose test requisitions or test results were accessed by persons unknown as a result of a security breach announced by LifeLabs on December 17, 2019

If the Settlement is approved by the Court, and you are a member of the Class, you will need to submit a completed and signed claim form to the Claim Administrator within the 120-day claim period, which is expected to start in December 2023. The claim form will be posted on the Claim Administrator's website, and can be completed on line, or may be downloaded then sent by mail or email. **THE CLAIM FORM WILL NOT BE AVAILABLE UNLESS THE SETTLEMENT IS APPROVED.**

This website will be updated on a regular basis in order to provide the Class members with the most recent information and status of the administration of the Settlement Agreement.

How do I opt-out from the Action?

If you fall within the Class definition and you **do not wish to participate in the Action**, you must opt-out of the Action, by sending a written election to opt-out to the Claims Administrator at lifelabssettlement.optout@kpmg.ca. The opt out must include your name, address and signature (which may be an electronic signature) to be valid.

The deadline to file the opt-out notice is September 9, 2023.

If you opt-out by the deadline, it means that you may seek to bring your own lawsuit, and you will not be bound by the Settlement or any result in the Action. It also means that you cannot object to the Settlement, or request or obtain any of the Settlement Funds approved by the Court.

What happens if the Court does not approve the Settlement?

If the Court does not approve the Settlement Agreement, it will not be completed, the certification order will be set aside, and the Action will continue against the Defendants on a contested basis.

If the Court refuses to award the requested Class Counsel Fees and disbursements, that will not terminate or cancel the Settlement Agreement, if the Settlement is approved by the Court.