

LEGAL NOTICE

Do you collect a disability-related benefit administered by Veterans Affairs Canada?

**A proposed class action settlement may affect you.
Please read this notice carefully.**

The Government of Canada has agreed to settle a certified class action (“**Class Action**”) involving underpayment of certain disability pension benefits administered by Veterans Affairs Canada (“**VAC**”) payable to members or former members of the Canadian Armed Forces (“**CAF**”) and the Royal Canadian Mounted Police (“**RCMP**”) and their spouses, common-law partners, survivors, and other related individuals.

If you received any of the disability-related benefits listed below at any time between 2003 and 2023, you may be entitled to benefit from the proposed settlement (“**Settlement**”). As the administrator, executor, estate trustee, or beneficiary of an estate of a deceased Class Member who collected disability-related benefits administered by VAC, you may be able to claim on behalf of the estate.

The Federal Court will hold an approval hearing for the Settlement commencing at 10:00 a.m. EST on **December 18, 2023**, at 90 Sparks St. in Ottawa, Ontario or by videoconference.

WHO IS INCLUDED?

The Settlement covers members and former members of the CAF and the RCMP and their spouses, common-law partners, dependants, survivors, orphans, and any other individuals, including eligible estates of all such persons, who received—at any time between 2003 and 2023—annual adjustments of the basic pension under s. 75 of the *Pension Act* (the “**Class Members**”).

The terms of the Settlement will be binding on all Class Members, except those who have already opted out of the Class Action by the court-approved deadline in October 2021. The proposed settlement includes releases of some claims asserted in the certified Class Action.

WHAT BENEFITS ARE AFFECTED?

The proposed settlement affects prescribed annual adjustments of the following benefits:

- *Pension Act* pension for disability;
- *Pension Act* pension for death;
- *Pension Act* attendance allowance;
- *Pension Act* allowance for wear and tear of clothing or for specially made apparel;
- *Civilian War-related Benefits Act* war pensions and allowances for salt water fishers, overseas headquarters staff, air raid precautions works, and injury for remedial treatment of various persons and voluntary aid detachment (World War II);
- *Flying Accidents Compensation Regulations* flying accidents compensation

- *Pension Act* exceptional incapacity allowance;
- RCMP Disability Benefits awarded in accordance with the *Pension Act*

WHAT DOES THE SETTLEMENT PROVIDE?

Class Members will receive compensation for the alleged miscalculation of the affected benefits between January 1, 2003 and December 31, 2023.

The Settlement does not affect Class Members' eligibility to receive other disability-related benefits administered by VAC.

A copy of the Settlement will be made available online by November 8, 2023 at: www.vetspensionerror.ca/court-documents/.

HOW AM I PAID?

Eligible Class Members who are currently collecting VAC-administered disability benefits or pensions will receive a Settlement payment automatically through the same payment method they currently use to collect benefits, including by direct deposit.

Class Members who received Affected Benefits between 2003 to 2023 but do not have a current payment arrangement with VAC will be required to make a claim with the Claims Administrator. This includes all Class Members who are deceased, and where an executor, estate trustee, administrator, or beneficiary of an estate is making a claim on behalf of that Class Member.

However, if a deceased Class Member has a survivor who is in receipt of VAC benefits and has a current payment arrangement, that survivor will automatically receive the deceased Class Member's entitlement without the need to make a claim with the Claims Administrator.

AM I RESPONSIBLE FOR LEGAL FEES?

You are not responsible for payment of legal fees. The lawyers will only be paid if the Federal Court approves the Settlement and the legal fees as fair and reasonable. In this case, the five law firms ("Class Counsel") that act for the Representative Plaintiffs and Class Members have a retainer agreement that provides for payment of fees of approximately 15% of any amounts recovered for Class Members. These legal fees will be automatically calculated and deducted from the amount you are entitled to before the payment is issued.

WHAT IF I DON'T AGREE WITH THE SETTLEMENT?

If you do not agree with the proposed settlement, you can do one of the four things listed below.

1. Object

Download and fill out an Objection Form from <https://vetspensionerror.ca/>. You must send your Objection Form by mail to Murphy Battista LLP, 2020-650 W Georgia Street, Vancouver, BC, Canada, V6B 4N7 or by email to info@vetspensionerror.ca by December 1, 2023. If you do not file

your Objection Form by the deadline, you will not be entitled to speak at the Settlement Approval Hearing. Filing an objection does not mean that you have opted out of the Class Action.

2. Attend the Settlement Approval Hearing

You can attend the Settlement Approval Hearing to voice your concerns. **Only Class Members who have completed a valid Objection Form may speak at the hearing.** The Settlement Approval Hearing is set to commence at 10:00 a.m. EST on December 18, 2023, in Ottawa, Ontario, and by videoconference.

3. Videoconference into the Settlement Approval Hearing

The Court will create a dedicated videoconference link for Class Members who wish to attend the Settlement Approval Hearing virtually. Class Counsel will post the videoconference link at <https://vetspensionerror.ca/>.

4. Agreement with Settlement/Statements of Support

If you agree with the Settlement, there is nothing more to do. Class Counsel will welcome any statement of support sent to: info@vetspensionerror.ca.

FURTHER INFORMATION?

Contact Class Counsel by phone, email, or online:

Visit: <https://vetspensionerror.ca/>

Call: 1-866-545-9920

Email: info@vetspensionerror.ca

DO YOU KNOW ANY OTHER RECIPIENTS OF A VAC DISABILITY PENSION?

Please share this information with them.