

NOVA SCOTIA DISABILITY SERVICES CLASS ACTION

Were you placed on the Waitlist, or placed in an Institution, Nursing Home, or Hospital, while eligible for disability services under the *Social Assistance Act* after April 1, 1998?

If yes, please read this notice carefully because it affects your legal rights.

In Nova Scotia, people with disabilities may apply for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 through the Disability Support Program ("**DSP**"). Certain individuals who were eligible for this assistance were placed on waitlists to receive services, and/or placed in Institutions, Nursing Homes, or Hospitals while on the waitlist.

Two law firms, Koskie Minsky LLP and McKiggan Hebert Lawyers, launched a class action against the Province of Nova Scotia (the "**Province**"), alleging that it mismanaged the system for assistance for people with disabilities. The class action claims that, as a result of this mismanagement, the Province is negligent and has violated sections 7 (right to life, liberty, and security of the person) and 15(1) (right to equality under the law without discrimination) of the *Canadian Charter of Rights and Freedoms*.

This lawsuit was certified as a class action by the Nova Scotia Supreme Court on June 21, 2024, with the consent of the Province. This means that the Court decided this case could be considered a class action. A proposed Settlement has now been reached. The Province has agreed to settle the claims in the class action and to compensate eligible Class Members. The Court will soon decide whether to approve that Settlement.

If approved, the Settlement will provide compensation to eligible Class Members based on the length of time they were on the Waitlist for disability services under the *Social Assistance Act*, and how long they were placed in an Institution, Nursing Home, and/or Hospital while they were eligible for disability services under the *Social Assistance Act*.

The Court will decide whether to approve the proposed Settlement, the lawyers' fees, and a payment (honorarium) for the representative plaintiff at a hearing at **9:30 a.m. on Friday, November 7, 2025**, at the Nova Scotia Supreme Court Satellite Courthouse, 7 Mellor Avenue, Dartmouth, Nova Scotia. This is the "Settlement Approval Hearing".

This notice explains the proposed Settlement, and your rights and options.

WHAT ARE MY LEGAL RIGHTS AND OPTIONS?

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| 1. Do nothing | If you agree with the Settlement, you do not have to do anything now. If the Court approves the Settlement, further information will be provided about how to make a claim for compensation. |
| 2. Submit an Objection to the Settlement and/or Class Counsel Fees | If you disagree with the Settlement, the amount of legal fees requested by the lawyers, or the requested honorarium for the representative plaintiff, and DO NOT want the Settlement, proposed fees, or honorarium to be approved by the Court, you may complete an Objection Form and submit it to the Notice Administrator by October 27, 2025 using the information listed. |

Class Members will not be able to claim compensation under the Settlement if the Settlement is not approved by the Court.

3. Opt out of the class action

If you do not want to participate in the class action, and don't want to get money from the Settlement if it is approved but want to keep your right to sue the Province on your own, you may opt out of the class action.

If you want to opt out, you must submit an **Opt-out Form** by **October 27, 2025**, using the information listed.

For a copy of the proposed **Settlement**, the **Objection Form**, the **Opt-out Form**, or any other information, visit NSWaitlistSettlement.ca or contact the Notice Administrator at 1-844-677-1771, by email at info@NSWaitlistSettlement.ca, by fax at 902-450-4956, or by mail at:

PO BOX 998 STN CENTRAL
Halifax, NS B3J 2X1

WHAT THIS NOTICE CONTAINS

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1. WHY AM I RECEIVING THIS NOTICE?

You received this Notice for one of three reasons:

1. First, you signed up with one of the law firms representing Class Members to receive updates about the class action.
2. Second, someone you know sent you this information because they believe that this Settlement will impact your rights. Please read the entire Notice carefully as your legal rights will be affected, even if you do nothing.
3. Third, you found this Notice in a public area or in a facility providing services under the *Social Assistance Act*. In an effort to reach as many Class Members as possible, these Notices were distributed by the Province to service providers across Nova Scotia. Please read the entire Notice carefully as your legal rights will be affected, even if you do nothing.

2. WHAT IS A CLASS ACTION?

A class action is a type of lawsuit that provides a method for a large group of people who experienced similar harms to jointly sue the same defendant, instead of launching individual lawsuits. Class actions are a way for a large group of individuals to receive compensation for systemic harm or negligence committed against them.

The individuals included in a class action are called Class Members. Unless they opt out, Class Members are included in the lawsuit and decisions made in the class action are legally binding on them.

3. WHAT IS THIS CLASS ACTION ABOUT?

This class action, *Isai Estey v. The Attorney General of Nova Scotia* (Hfx No. 514712), was brought to claim compensation for people with disabilities who were found to be eligible to receive disability services under the *Social Assistance Act* but who, instead of receiving those services, were put on the Waitlist, or placed in an Institution, Nursing Home, or Hospital, while eligible for disability services.

This class action claims that the Province's mismanagement of the system for assisting people with disabilities was negligent and violated sections 7 and 15(1) of the *Canadian Charter of Rights and Freedoms*.

The Court certified this lawsuit as a class action on **June 21, 2024**, with the consent of the Province of Nova Scotia.

4. WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

The classes or categories of individuals in this Class Action are referred to as:

Waitlist Class

All persons, who were alive as of May 4, 2022, who were on the waitlist for services (other than a residential placement for seniors) under the *Social Assistance Act*, S.N.S. 1989, c. 432, for any period of time after April 1, 1998, exclusive of any period for which an individual was a member of:

- a) the Institution Class;
- b) the Nursing Home Class; or
- c) the Hospital Class.

Institution Class

All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998 resided at a Regional Rehabilitation Centre, Adult Residential Centre, or Residential Care Facility, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432.

Nursing Home Class

All persons, who were alive as of May 4, 2022, who:

- a) For any period of time after April 1, 1998, resided in a nursing home;
- b) Were eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432 while residing in the nursing home; and
- c) Had been assessed by an agent or employee of the Department of Community Services as having support needs which fell

within the mandate of the Department of Community Services pursuant to the Disability Support Program Policy (or Services for Persons with Disabilities Policy) applicable at the time of their residence in the nursing home.

Hospital Class

All persons, who were alive as of May 4, 2022, who for any period of time after April 1, 1998 resided in the Nova Scotia Hospital or another hospital operated by the Nova Scotia Hospital Authority or any of its predecessors, without a medical reason for the hospitalization, while eligible for assistance under the *Social Assistance Act*, R.S.N.S. 1989, c. 432.

5. WHAT DOES THE PROPOSED SETTLEMENT PROVIDE?

If the Settlement is approved, the Province will initially pay **\$32 million** to resolve the class action. An additional \$2 million may be paid by the Province if there are a certain number of valid claims from people who were legally unable to start a lawsuit on their own prior to May 4, 2020 (see Category 2 in section 7 of this Notice).

This brings the total amount the Province may pay under the Settlement to **\$34 million**.

The amount paid by the Province is all-inclusive. It will be used to pay compensation to approved Class Members as well as legal fees for the lawyers, administration and notice costs, fees to the litigation funder, and a payment (honorarium) for the representative plaintiff.

The proposed Settlement must be approved by the Court before compensation will be available to eligible Class Members. The claims process for compensation **has not yet started**.

If the Settlement is approved by the Court, eligible Class Members will receive compensation based on how long they were in the Waitlist Class, Institution Class, Hospital Class, and/or Nursing Home Class.

Compensation will be paid in accordance with the Compensation Protocol, which is attached as Schedule "A" to the proposed Settlement, and sets out the rules for who is eligible for compensation and the amounts they may receive.

Compensation Amounts Summary	
Class Group	Compensation
Waitlist Class	Class Members who met the Waitlist Class definition for at least six (6) months may be eligible for a base payment of \$5,000. Class Members who continued to meet the Waitlist Class definition may be eligible for a further \$500 for each additional twelve (12) month duration as a member of the Waitlist Class.

Compensation Amounts Summary	
Class Group	Compensation
Institution Class	<p>Class Members who met the Institution Class definition for at least three (3) months may be eligible for a base payment of \$15,000.</p> <p>Class Members who continued to meet the Institution Class definition may be eligible for a further \$1,500 for each additional twelve (12) month duration as a member of the Institution Class.</p>
Nursing Home Class	<p>Class Members who met the Nursing Home Class definition for at least three (3) months may be eligible for a base payment of \$15,000.</p> <p>Nursing Home Class Members who continued to meet the Nursing Home Class definition may be eligible for a further \$1,500 for each additional twelve (12) month duration as a member of the Nursing Home Class.</p>
Hospital Class	<p>Class Members who met the Hospital Class Definition for at least one (1) month may be eligible for \$1,500 for each whole month as a member of the Hospital Class.</p>

This compensation "stacks," which means a Class Member may be eligible for compensation as a member of more than one Class.

Example: Sylvia was on a waitlist for services for six months (\$5,000), then moved to an Institution for three months (\$15,000). Sylvia could be eligible for \$20,000 in compensation.

Depending on the number of approved claims, these amounts may be *pro-rated* (reduced) to ensure that the amount of approved compensation does not exceed the amount paid by the Province.

You can find a copy of the Settlement Agreement setting out the terms of the Settlement, along with the full Compensation Protocol (Schedule "A") on the class action website: NSWaitlistSettlement.ca.

6. HOW DO I RECEIVE PAYMENT?

The proposed Settlement must be approved by the Court before eligible Class Members can receive compensation. The claims process for compensation **has not yet started**.

If the Court approves the Settlement, you will need to submit a form (the "**Application**") and describe how you meet the requirements for compensation under the Settlement. A deadline will be set to submit the Application.

For more information on how compensation will be paid out of the Settlement if it is approved, see the Compensation Protocol in section 5 of this Notice. You can also find it attached as Schedule "A" to the proposed Settlement Agreement, on the class action website: NSWaitlistSettlement.ca.

7. WHAT TIME PERIOD DOES THE SETTLEMENT COVER?

The period covered by the Settlement runs from April 1, 1998 to August 20, 2025. There are different eligibility rules depending on the period of time an individual was on the waitlist. These are Category 1 Claims and Category 2 Claims.

- Category 1 covers the period of time between May 4, 2020 and August 20, 2025.
- Category 2 covers the period of time between April 1, 1998, and May 4, 2020. To be eligible for compensation for this period, people will have to show that they were not able to start a lawsuit of their own due to mental incapacity. This means they could not make reasonable judgements about their financial and legal affairs.

These rules exist because of the two-year limitation period created by Nova Scotia law. This limitation period applies to class actions as well as individual lawsuits.

This class action was started on May 4, 2022. Based on the limitation period in Nova Scotia law, Class Members are only eligible for compensation for waitlist time before May 4, 2020 if they were legally incapable of starting a lawsuit on their own before that date.

For more details about proving legal incapacity, you can find a copy of the Compensation Protocol, which is attached as Schedule "A" to the proposed Settlement Agreement, on the class action website: NSWaitlistSettlement.ca.

8. WHO ARE THE LAWYERS FOR THE CLASS?

Class Counsel in this class action are:

Koskie Minsky LLP	20 Queen St West Toronto, ON M5H 3R4 Email: NovaScotiaDisabilityServicesClassAction@kmlaw.ca Phone: 1-877-309-9111
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McKiggan Hebert Lawyers	1959 Upper Water St Suite 502 Halifax, NS B3J 3N2 Email: info@mckigganhebert.com Phone: 902-706-2298
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You will not be charged for contacting these lawyers with questions about the proposed Settlement. If you want to be represented by your own lawyer, you may hire one at your own expense.

9. HOW ARE THE LAWYERS PAID?

No part of the lawyers' fees will be paid by Class Members. Class Counsel will seek approval for payment of legal fees as a percentage of the Settlement Funds.

Class Counsel intends to reduce their request for court approval of legal fees from 30% to 25% of the settlement fund to be paid by the Defendant. Class Counsel will not be asking for any fee on the \$2 million in additional funds which may be contributed by the Defendant if certain conditions are met.

Class Counsel will ask the Court to approve their legal fees to be paid from the Settlement Funds at the **Settlement Approval Hearing on November 7, 2025**. The Court will decide if the amount of fees requested by Class Counsel is fair and reasonable.

10. WHAT IF I DISAGREE WITH THE SETTLEMENT, LEGAL FEES, OR HONORARIUM?

If you are a Class Member, you can object to the proposed Settlement if you do not like any part of it. You can give the Court reasons why you think the Court should not approve the proposed Settlement. The Court will consider your views. You can also object to the requested honorarium and/or the requested lawyers' fees.

To object, you must submit a signed and completed Objection Form to the Notice Administrator by mail at PO BOX 998 STN CENTRAL, Halifax, NS B3J 2X1, email at (info@NSWaitlistSettlement.ca), or fax at 902-450-4956 on or before **October 27, 2025**. Be sure to include the following information:

- (a) your full name, mailing address, telephone number, and email address (if available);
- (b) information necessary to confirm that you meet the criteria for membership in the Class;
- (c) a written statement of all factual and legal grounds (reasons) for the objection, as well as any legal support for such objection;
- (d) copies of any papers, briefs, or other documents the objection is based on;
- (e) a statement setting out whether you intend to appear at the Settlement Approval Hearing; and
- (f) a statement setting out whether you intend to appear at the Settlement Approval Hearing through counsel (a lawyer), and if so, identifying any counsel representing you who intends to appear at the Settlement Approval Hearing.

You can get a copy of the Objection Form by visiting the website NSWaitlistSettlement.ca or by contacting the Notice Administrator by email: info@NSWaitlistSettlement.ca; toll-free telephone at 1-844-677-1771; or fax at 902-450-4956.

11. WHAT IF I DO NOT WANT TO PARTICIPATE IN THE CLASS ACTION?

If you do not want to receive compensation under the proposed Settlement and wish to maintain your right to bring your own lawsuit regarding time spent on the waitlist under the *Social Assistance Act*, you may remove yourself from the class action by "opting out".

To opt out, you must submit an Opt-out Form to the Notice Administrator by mail (PO BOX 998 STN CENTRAL, Halifax, NS B3J 2X1) or email (info@NSWaitlistSettlement.ca) before the Opt-out Deadline on **October 27, 2025**.

You can get a copy of the Objection Form by visiting the website NSWaitlistSettlement.ca, or by contacting the Notice Administrator: email at info@NSWaitlistSettlement.ca; toll-free telephone at 844-677-1771, or fax at 902-450-4956.

If the proposed Settlement is approved, Class Members who do NOT opt out will be eligible to make a claim for compensation under the Settlement, but will not be able to start an individual lawsuit against the Province for time spent on the waitlist under the *Social Assistance Act*, as you will be "releasing" the Province from liability (responsibility).

If you have any questions about what it means to 'release' claims, please contact Class Counsel:

Koskie Minsky LLP 20 Queen St West
Toronto, ON M5H 3R4
Email: NovaScotiaDisabilityServicesClassAction@kmlaw.ca
Phone: 1-877-309-9111

McKiggan Hebert Lawyers 1959 Upper Water St Suite 502
Halifax, NS B3J 3N2
Email: info@mckigganhebert.com
Phone: 902-706-2298

You can find the Opt-out Form on the Class Action website: NSWaitlistSettlement.ca. You can also request a form from the Notice Administrator by phone at 1-844-677-1771, by email at info@NSWaitlistSettlement.ca, by fax at 902-450-4956, or by mail at:

PO BOX 998 STN CENTRAL
Halifax, NS B3J 2X1

Opting out of the class action is not the same as objecting to the proposed Settlement. If you disagree with the Settlement, you can share your opinion by completing an Objection Form as outlined.

12. IS THE CLASS ACTION SETTLEMENT RELATED TO THE HUMAN RIGHTS CASE AND REMEDY PROCESS?

This class action is separate from the Human Rights case brought by the Disability Rights Coalition of Nova Scotia.

In the Human Rights case, the Nova Scotia Court of Appeal decided that the Province of Nova Scotia was systemically discriminating against people with disabilities through its management of the Disability Support Program. The Nova Scotia Court of Appeal also awarded compensation to two individuals for their experiences of discrimination.

In response to the Court of Appeal's findings in the Human Rights case, the Province is currently putting policy and program reforms into place through a remedy process supervised by a Nova Scotia Human Rights Board of Inquiry (the "Remedy").

Further details about the Remedy process are available online at <https://www.dsp-transformation.ca/> and at <https://humanrights.novascotia.ca/remedy>.

The Settlement in this class action is intended to complement the Remedy by providing compensation to other individuals who experienced discrimination.

Nothing in the Settlement interferes with the Remedy process. If the Settlement is approved, it will be managed by the parties and a claims administrator, while the Province continues to implement the Remedy.

13. DO I NEED TO ATTEND THE SETTLEMENT APPROVAL HEARING?

No. You do not need to attend the Settlement Approval Hearing. You have the right to attend the hearing if you want to. It will take place at **9:30 a.m. on Friday, November 7, 2025**, at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia.

If you want to object to the Settlement, you can submit a signed Objection Form to the Notice Administrator as described. Your Objection Form will be given to the judge at the Settlement Approval Hearing.

14. HOW DO I GET MORE INFORMATION?

For more information about the proposed Settlement, please visit the Class Action website at: NSWaitlistSettlement.ca.

You may also contact the Notice Administrator at 1-844-677-1771, by email at info@NSWaitlistSettlement.ca, by fax at 902-450-4956 or by mail at PO BOX 998 STN CENTRAL, Halifax, NS B3J 2X1.

You may also contact Class Counsel at the contact information listed.

This Notice has been approved by the Nova Scotia Supreme Court.