

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE AKBARALI

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THURSDAY, THE 15<sup>TH</sup>  
DAY OF SEPTEMBER, 2022

BETWEEN:



ARTHUR REDUBLO and DONNA MOHER

Plaintiffs

and

~~8262900 CANADA INC. o/a CAREPARTNERS/COMMUNITY NURSING  
SERVICES FOUNDATION~~

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
(Approval of Notices of Certification and Settlement Approval)**

**THIS MOTION**, made by the plaintiffs for an order approving the plaintiffs' Notices of Certification and Settlement Approval, was read this day at Osgoode Hall courthouse, 130 Queen Street West, Toronto, Ontario.

**ON READING** the materials filed by the plaintiffs, including the Affidavit of Margaret L. Waddell, sworn August 12, 2022;

1. **THIS COURT ORDERS** that capitalized terms herein shall have the same meaning as in the Certification and Settlement Approval Order.
2. **THIS COURT DECLARES** that the form and content of the short-form and long-form Notices of Certification (the Notices), attached hereto as **Schedule "A-1"** and **"A-2"**, are hereby approved.

Entered at Toronto SCJ - Sept. 21, 2022 - mg

3. **THIS COURT ORDERS AND DECLARES** that the Notices shall be disseminated to the Class Members substantially in accordance with the Notice Plan previously approved by this Court.

4. **THIS COURT ORDERS** that the costs associated with disseminating the Notices in accordance with the Notice Plan shall be paid from the Settlement Fund.

5. **THIS COURT ORDERS AND DECLARES** that the Plaintiffs and Trilogy Class Action Services may use the Class Members' personal information contained in the Final Affected Class Member List for the purposes of disseminating the Notices to the Class.

6. **THIS COURT ORDERS AND DECLARES** that the use of the Class Members' personal information for the purposes of providing the Notices in accordance with the Notice Plan does not breach the Class Members' statutory or common law privacy rights.



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**The Honourable Justice J. Akbarali**

## SCHEDULE "A-1"

### NOTICE OF CLASS ACTION CERTIFICATION, SETTLEMENT APPROVAL, AND COUNSEL FEE APPROVAL

*REDUBLO ET AL. V. 8262900 CANADA INC O/A CAREPARTNERS CLASS ACTION*

#### **PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

This Notice is for **all persons who are or were patients, non-unionized employees or contractors of CarePartners from January 1, 2010, to June 11, 2018, excluding (i) the defendant's officers and directors; and (ii) any person who validly opts out of the Class Action (the "Class").**

You have received this Notice because you have been identified as an **Affected Class Member**, who is entitled to make a claim for compensation in a Settlement of this action.

#### **WHAT THE ACTION IS ABOUT**

In June, 2018, CarePartners discovered that it had been the victim of a cyber-security breach (the "Cyber-Breach"). Personal information and personal health information belonging to many CarePartners' patients and employees or contractors was extracted by hackers who were attempting to procure a ransom from CarePartners.

Arthur Redublo and Donna Moher (the "Plaintiffs") brought this Class Action alleging CarePartners was negligent, and sought damages for Class members affected by the Cyber-Breach.

The Court has certified this Action as a class action on consent, for the purposes of facilitating the Settlement.

#### **THE SETTLEMENT TERMS**

**The Claim Deadline is:** [date], after which time no further claim forms will be accepted or valid.

This Notice provides a summary of the terms of a Settlement between the parties, which has been approved by the Ontario Court. Further details of the Settlement including a copy of the Settlement Agreement and the Court's certification and settlement approval order may be accessed at:

<https://schneiderlawfirm.ca/practice-items/carepartners-privacy-class-action/>;

<https://www.hshlawyers.com/expertise/mass-tort-class-action-litigation/carepartners-class-action-lawsuit/>, or

<https://waddellphillips.ca/classactions/carepartners-class-action/>

Under the Settlement, CarePartners will pay \$3,440,000.00 (the "Settlement Amount") in full and final settlement of all the claims made against it. CarePartners will receive a release from the Class, and the Class Action will be dismissed.

The Settlement Amount includes all legal fees, interest, and the costs of administering the settlement of the Action. Once these amounts are deducted, the net settlement fund will be distributed equally among all Affected Class Members who submit a valid claim form before the Claim Period ends.

The Court has approved legal fees and disbursements totaling \$816,302.25, inclusive of taxes; and honoraria for the Plaintiffs, each in the amount of \$5,000. These amounts will be paid out of the Settlement Fund, along with the costs of the claims administration.

The Settlement is a compromise of disputed claims in order to achieve an early full and final resolution of the Class Action and without any admission or findings of liability or wrongdoing against CarePartners. The defendant denies any liability.

**HOW TO MAKE A CLAIM**

Only Affected Class Members are entitled to receive compensation under the terms of the Settlement. Claimants must complete and submit their Claim Form electronically in the online claims administration portal at: <https://portal.CarePartnersClassAction.ca>

The amount that each Affected Class Member will receive will depend upon the total number of valid claims received by the Claims Administrator, and the total costs of the claims administration process.

Any amount remaining in the Settlement Fund after the claims administration process is complete will be transferred to the Public Interest Advocacy Center, a non-profit and charity that provides legal and research services on behalf of consumer interests.

**YOUR OPTIONS**

<p><b>STAY IN THIS LAWSUIT</b></p>	<p>If you are an Affected Class Member and wish to receive a portion of the Settlement Fund, you must complete a claim form and deliver it to the Claims Administrator by the Claim Deadline. These claimants will be included in the distribution of the Settlement Fund and the Claims Administrator will directly mail settlement cheques to their requested address.</p> <p>All Class Members will be legally bound by the Court order approving the settlement and dismissing the Action, including the release granted to the defendants, unless they opt out of this Class Action, regardless of whether they are entitled to receive a payment from the Settlement Fund.</p> <p>Class Members may not pursue any claim, complaint, demand, action or suit against CarePartners or related entities for the same claims that were raised or could have been raised in the Class Action.</p>
<p><b>REMOVE YOURSELF FROM THIS LAWSUIT (OPT-OUT)</b></p>	<p>If you do not want to be involved in this Class Action, you must opt-out. You will then no longer be part of the Class. You will not be entitled to share in the Settlement Fund, and you will not be bound by the Court’s order approving the Settlement and granting the release to CarePartners. If you opt out, you may be able to commence your own claim against CarePartners, but you should be aware that there are time limits within which you can start a claim. You should consult a lawyer before deciding to opt out to start your own claim.</p>

If you meet the Class definition, and you do not want to be involved in this Class Action, you must tell the Claims Administrator that you want to opt out before the opt-out deadline of [DATE]. Your opt-out notice must be in writing and include a clear statement that you wish to exclude yourself/opt out from this Class Action, as well as your full name and address, and it must be signed by you, or include your electronic signature.

Opt-out notices must be sent to the Claims Administrator:

Trilogy Class Action Services  
117 Queen Street  
P.O. Box 1000  
Niagara-on-the-Lake, ON L0S 1J0  
inquiry@trilogyclassactions.ca  
Tel: 1-877-400-1211 ext. 316  
Fax: 1-416-342-1761

All opt-out notices must be submitted by [DATE] by mail, fax or email to.  
No opt-out notices will be accepted after that date, under any circumstances.

If you have questions about the settlement, or your potential entitlement under the settlement, please contact the Claims Administrator.

If you have questions about this action, or about “opting out” please contact any one of Class Counsel.

**CLAIMS ADMINISTRATOR**

**Trilogy Class Action Services**  
117 Queen Street  
P.O. Box 1000  
Niagara-on-the-Lake, Ontario  
[inquiry@trilogyclassactions.ca](mailto:inquiry@trilogyclassactions.ca)  
Tel: 1-877-400-1211 ext. 316

**Attn: CarePartners Privacy-Breach Class Action**

**CLASS COUNSEL**

**HOWIE, SACKS & HENRY LLP**  
20 Queen Street West, Suite 3500  
Toronto, ON M5H 3R3  
Email: [pmiller@hshlawyers.com](mailto:pmiller@hshlawyers.com)  
Telephone: 416-646-3901  
Fax: 416361-0083

**Attn: CarePartners Privacy-Breach Class Action**

**WADDELL PHILLIPS PC**  
36 Toronto Street, Suite 1120  
Toronto, ON M5C 2C5  
[reception@waddellphillips.ca](mailto:reception@waddellphillips.ca)  
Tel: 1-888-684-5545  
Fax: 416-477-1657

**Attn: CarePartners Privacy-Breach Class Action**

**SCHNEIDER LAW FIRM**  
1120 Finch Avenue West, Suite 700,  
Toronto, ON, M3J 3H7  
[cschneider@schneiderlawfirm.ca](mailto:cschneider@schneiderlawfirm.ca)  
Phone #: 416-849-6633  
Fax #: 416-514-0695

**Attn: CarePartners Privacy-Breach Class Action**

SCHEDULE " A-2"

**CAREPARTNERS PRIVACY BREACH CLASS ACTION  
NOTICE OF CLASS ACTION CERTIFICATION, SETTLEMENT  
APPROVAL, AND COUNSEL FEE APPROVAL**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

**Summary**

A class action was brought against CarePartners related to the cyber-security breach which was announced by CarePartners on June 18, 2018 (the "Cyber-Breach"). The Court has now allowed the case to be prosecuted as a class action, and it has also approved a settlement of the class action. The class action is called *Redublo et al. v. 8262900 Canada Inc. o/a CarePartners* (the "Class Action").

Anyone who fits this definition is included in the Class:

**All persons who are or were patients, non-unionized employees or contractors of CarePartners from January 1, 2010, to June 11, 2018, excluding CarePartners' officers and directors.**

You are receiving this Notice because you have been identified as an Affected Class Member. Affected Class Members are those Class Members whose personal information has been confirmed to have been included in the Cyber-Breach.

As an Affected Class Member, you now must decide whether to stay in the Class Action or to exclude yourself from the Class Action (this is called opting out).

- If you stay in the Class Action, then you will be bound by the settlement, and you are entitled to share in the compensation from the settlement. **You need to submit a claim form by [DATE] if you stay in the Class Action and want to receive a share of the settlement funds.**
- If you opt out, then you will not be part of the Class Action, you will not be bound by the settlement, and you will not be able to receive a share of the settlement. If you opt out, you may be able to commence your own claim against CarePartners, but you should be aware that there are time limits within which you can start a claim. You should consult a lawyer before deciding to opt out to start your own claim. **If you decide to opt out, you need to submit an opt-out notice to the Claims Administrator by [DATE].** Details about how to opt out are set out below at #6.

Under the Settlement, CarePartners will pay \$3,440,000.00 (the "Settlement Fund"), in exchange for a full and final release from the Class of all the claims made against it in the Class Action. If more than a specified number of people decide to opt out, CarePartners has the option to void the Settlement, in which case the Class Action will continue.

Once legal fees, disbursements, honorarium payments to the Plaintiffs, and the costs of administering the settlement are deducted, the net Settlement Fund will be distributed equally among all Affected Class Members who submit valid claim forms by the claims deadline.

The settlement is a compromise of disputed claims in order to achieve an early full and final resolution of the Class Action and without any admission or findings of liability or wrongdoing against CarePartners. CarePartners denies any liability and denies the truth of the allegations made against it. If the Settlement Agreement had not been approved, it would have defended the Class Action and opposed certification of the action as a class proceeding.

This Notice provides a summary of the Settlement Agreement. The full [Settlement Agreement](#) may be viewed [here](#).

## **BASIC INFORMATION**

### **1. Why is there a Notice?**

The Ontario Superior Court of Justice has now certified this lawsuit as a class action, on consent, for the purposes of facilitating the settlement. Arthur Redublo and Donna Moher (the "Plaintiffs") were appointed as the representative plaintiffs for the Class. The Plaintiffs are two individuals whose information was taken by the hackers during the Cyber-Breach. The Plaintiffs brought this Class Action seeking damages on behalf of all individuals who may have been similarly affected by the Cyber-Breach.

The Court has approved the Settlement Agreement and has found that it is fair, reasonable, and in the best interests of the class. The Court's [Reasons](#) may be viewed [here](#).

Affected Class Members (as defined in the Settlement Agreement – see discussion below) may now make a claim to receive a portion of the net Settlement Fund. A claim form is available on the Claims Administrator's website, which can be accessed at:

<https://portal.CarePartnersClassAction.ca>

### **2. What is this lawsuit about?**

On June 18, 2018, CarePartners announced that it had been hacked. Personal information, including personal health information, belonging to an unspecified number of CarePartners patients and employees/contractors was extracted by the hackers who wanted CarePartners to pay them a ransom. To pressure CarePartners into paying the ransom, the hackers produced a sample of the stolen information to CarePartners to prove that they had the data. When CarePartners did not pay the ransom, the hackers produced a large data set to the CBC. The CBC reviewed the data, but did not share the data more broadly.

The Plaintiffs alleged that CarePartners was negligent in how it was storing the Class Members' personal information, which led to the Cyber-Breach.

CarePartners disputes the Plaintiffs' allegations and has not admitted liability.



### 3. What are the settlement terms?

All of those individuals whose personal information was produced to CarePartners or to the CBC by the hackers are the "Affected Class Members." An independent review company was hired to review the CBC data set to identify Affected Class Members.

Affected Class Members are entitled to claim compensation under the terms of the Settlement.

Under the terms of the Settlement, CarePartners has paid \$3,440,000.00 in full and final settlement of all of the claims made against it in the Class Action. CarePartners will receive a release from the Class, and the Class Action has been dismissed. However, if more than a specified number of Affected Class Members opt out of the Class Action, CarePartners has the option to void the Settlement Agreement, and the litigation will continue, and the settlement fund will be returned to CarePartners.

The total Settlement Fund includes legal fees, interest, disbursements, honoraria for the Plaintiffs (in the amount of \$5,000 each, in recognition of their contributions to make the Class Action possible), as well as the costs of administering the settlement (including the costs to review the CBC data set). The legal fees and disbursements have been approved by the Court in the total amount of \$816,302.25, inclusive of taxes. After these amounts are deducted from the Settlement Fund, the net amount will be distributed equally amongst all Affected Class Members who submit a valid claim form by [DATE].

If any amount remains in the Settlement Fund after the claims administration process is complete, it will be transferred to the Public Interest Advocacy Center, a non-profit organization that provides legal and research services on behalf of consumer interests, including privacy rights.

### 4. Who is a member of the class?

If you meet the Class definition, and you do not opt out of the Class Action before the opt-out deadline of [DATE], then you are automatically included as a Class Member.

The Class definition is:

all persons who are or were patients, non-unionized employees or contractors of CarePartners from January 1, 2010, to June 11, 2018, excluding CarePartners' officers and directors.

## **WHAT TO DO NOW**

### 5. How do I make a claim?

Only Affected Class Members are entitled to receive a payment from the Settlement Fund. Affected Class Members must submit a completed Claim Form to the Claims Administrator, Trilogy Class Action Services, no later than [DATE] (the "Claim Deadline"). Compensation for approved claims will be paid by cheque.

Claimants must complete and submit their Claim Form electronically in the online claims administration portal at:

<https://portal.CarePartnersClassAction.ca>

Questions about the Claim Form should be made to the Claims Administrator at:

**Trilogy Class Action Services**

117 Queen Street  
 P.O. Box 1000  
 Niagara-on-the-Lake, ON L0S 1J0  
[claims@trilogyclassactions.ca](mailto:claims@trilogyclassactions.ca)  
 Tel: 1-877-400-1211 ext. 316

**All Claim Forms must be submitted by [DATE]. No Claim Forms will be accepted after that date, under any circumstances.**

**6. How do I opt out?**

If you meet the Class definition, and you do not want to be involved in this Class Action, you must tell the Claims Administrator that you want to opt out before the opt-out deadline of [DATE]. Your opt-out notice must be in writing and include a clear statement that you wish to exclude yourself/opt out from this Class Action, as well as your full name and address, and it must be signed by you, or include your electronic signature.

Opt-out notices must be sent to the Claims Administrator by mail, fax or email to:

**Trilogy Class Action Services**

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[inquiry@trilogyclassactions.ca](mailto:inquiry@trilogyclassactions.ca)  
 Tel: 1-877-400-1211 ext. 316  
 Fax: 1-416-342-1761

**All opt-out notices must be submitted by [DATE]. No opt-out notices will be accepted after that date, under any circumstances.**

If you opt out, that means that you are no longer a Class Member. **You cannot make a claim for compensation from the Settlement Fund if you opt out of the Class Action.** You will not be entitled to share in the Settlement Fund, and you will not be bound by the Court's order approving the Settlement Agreement and granting the release to CarePartners. You will keep any existing right that you had to bring a claim against CarePartners on your own about the Cyber-Breach.

**THE LAWYERS REPRESENTING YOU****7. How are Class Counsel paid?**

You will not have to pay any of the fees and expenses of Class Counsel. The Court granted Class Counsel's fee request, and Class Counsel's fees and expenses will be deducted from the Settlement Fund, in the total amount of \$816,302.25.

The Court also granted honoraria of \$5,000 each to the Plaintiffs for their contributions in commencing the Class Action and seeing it through to a successful resolution.

**GETTING MORE INFORMATION****8. How do I get more information?**

You can obtain more information about this settlement or the Class Action by contacting the Claims Administrator or Class Counsel using the contact details listed below.

**Claims Administrator:**

**Trilogy Class Action Services**  
117 Queen Street  
P.O. Box 1000  
Niagara-on-the-Lake, ON L0S 1J0  
[inquiry@trilogyclassactions.ca](mailto:inquiry@trilogyclassactions.ca)  
Tel: 1-877-400-1211 ext. 316

**Class Counsel:**

**HOWIE, SACKS & HENRY LLP**  
20 Queen Street West, Suite 3500  
Toronto, ON M5H 3R3  
[pmiller@hshlawyers.com](mailto:pmiller@hshlawyers.com)  
Tel: 416-646-3901  
Fax: 416-361-0083  
**Attn: CarePartners Privacy Breach Class Action**

**WADDELL PHILLIPS PC**  
36 Toronto Street, Suite 1120  
Toronto, ON M5C 2C5  
[reception@waddellphillips.ca](mailto:reception@waddellphillips.ca)  
Tel: 1-888-684-5545  
Fax: 416-477-1657  
**Attn: CarePartners Privacy Breach Class Action**

**SCHNEIDER LAW FIRM**  
1120 Finch Avenue West, Suite 700  
Toronto, ON M3J 3H7  
[cschneider@schneiderlawfirm.ca](mailto:cschneider@schneiderlawfirm.ca)  
Tel: 416-849-6633  
Fax: 416-514-0695  
**Attn: CarePartners Privacy Breach Class Action**

ARTHUR REDUBLO et al. -and- 8262900 CANADA INC. o/a CAREPARTNERS  
Plaintiffs Defendant

Court File No.: CV-20-00647324-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
PROCEEDING COMMENCED AT TORONTO

**ORDER**  
(Approval of Notices of Certification and Settlement Approval)

**WADDELL PHILLIPS PC**  
PART I - 36 Toronto Street, Suite 1120  
Toronto, ON M5C 2C5

**SCHNEIDER LAW FIRM**  
1120 Finch Avenue West, Suite 700  
Toronto, ON M3J 3H7

**Tina Q. Yang (LSO No.: 60010N)**  
tina@waddellphillips.ca  
Tel: 647.261.4486

**Cary Schneider (LSO No.: 44428L)**  
CSchneider@schneiderlawfirm.ca  
**Adam Warner (LSO No.: 65022I)**  
AWarner@schneiderlawfirm.ca

**HOWIE, SACKS & HENRY LLP**  
20 Queen Street West, Suite 3500  
Toronto, ON M5H 3R3

Tel: 416.849.6633

**Paul Miller (LSO No.: 39202A)**  
PMiller@hshlawyers.com  
**Christine Sesek (LSO No.: 77807S)**  
CSesek@hshlawyers.com

Tel: 416.361.5990

Class Counsel