

NOTICE OF CERTIFICATION OF CLASS PROCEEDING

**CLASS ACTION REGARDING
SUPPLEMENTARY RETIREMENT BENEFIT PAID BY VETERANS AFFAIRS CANADA
TO FORMER MEMBERS OF THE CANADIAN ARMED FORCES**

**Are you a Canadian veteran, or the survivor of a Canadian veteran,
who received a Supplementary Retirement Benefit in 2019?**

If you are a former member of the Canadian Armed Forces, or the survivor of a former member of the Canadian Armed Forces, this notice may affect your legal rights. Please read it carefully.

A class action lawsuit was initiated by a former member of the Canadian Armed Forces (“CAF”), Sean Bruyeya, against the Government of Canada (“Canada”) in relation to certain benefits sponsored and administered by Veterans Affairs Canada (“VAC”) and payable to former members of the CAF. The lawsuit alleges that VAC failed in its duty to properly advise Class Members of their eligibility for financial benefits, particularly related to the Earnings Loss Benefit and Supplementary Retirement Benefit. This class proceeding has now been certified by the Federal Court. If the class proceeding succeeds at trial, or is settled, then eligible class members may be entitled to a payment. Counsel for the representative plaintiff, Mr. Bruyeya, and the Class Members is Murphy Battista LLP.

What is this class action lawsuit about?

The Supplementary Retirement Benefit program (the “SRB Program”) was established by Canada to compensate for the lower pension earnings and retirement benefits payable to former members of the Canadian Armed Forces (“Veterans”) who were unable to engage in suitable gainful employment because of service-related injuries and disabilities. The plaintiff and the Class claim that the VAC negligently misrepresented information to Class Members concerning their eligibility for financial benefits. The plaintiff and the Class claim that this failure by VAC to provide timely and accurate information about their entitlement to the Supplementary Retirement Benefit resulted in smaller payouts than the Class Members would have otherwise been entitled to or actually received. As relief, the plaintiff and the Class seek damages from Canada and declarations from the Federal Court concerning Canada’s alleged systemic negligence and breach of fiduciary duties.

The plaintiff, Sean Bruyeya, served as a member of the CAF from 1982 until 1996. For the purpose of this proceeding, Mr. Bruyeya’s address is: c/o 2020 – 650 West Georgia Street, Vancouver, B.C., V6B 4N7.

Am I eligible to be a class member?

You are eligible to participate in the class action lawsuit, if you are a member of the class as defined below.

Primary Class Members: all former members of the CAF who were (i) approved to be in the VAC Rehabilitation Program sponsored and administered by Canada, (ii) declared to be Totally and Permanently Incapacitated and/or suffering Diminished Earnings Capacity as defined in programs sponsored and administered by the Defendant including those Veterans approved for CAF-LTD and designated Totally Disabled and (iii) approved for and in receipt of an Earnings Loss Benefit (ELB) sponsored and administered by [Canada], whether or not that payment [the ELB payable to them] would have been offset by other income or payments, and, as a result of the foregoing, received the Supplementary Retirement Benefit.

Secondary Class Members: all survivors of former members of the CAF, where those survivors received the Supplementary Retirement Benefit under Canada's legislative scheme and programs.

Your right to opt-out of this class action

If you *do not* wish to participate in this class action lawsuit, you must email, mail, fax or courier a signed Opt-Out Form to Murphy Battista LLP received or postmarked no later than November 27, 2023:

Murphy Battista LLP
Attn: Jacinda Chapman
650 W Georgia St, #2020
Vancouver, BC V6B 3N7

Email address: SRB@murphybattista.com

If you opt-out, you will *not* be included in this class action lawsuit, and you will *not* be eligible for compensation in the event of a successful trial judgment or settlement. **Fill out and return an Opt-Out if you do not wish to participate in this class action.** The Opt-Out Form can be obtained from Class Counsel and is available on Class Counsel's website and at SRB@murphybattista.com.

If you have an ongoing lawsuit or other claim for compensation with respect to alleged negligent misrepresentation by VAC concerning your eligibility for financial benefits, in particular related to the Earnings Loss Benefit and Supplementary Retirement Benefit, and you wish to participate in this class action lawsuit, you **MUST** discontinue your lawsuit or other claim on or before November 27, 2023. **If you do not, you will be deemed by s. 334.21(2) of the *Federal Courts Rules* to have opted out of this class action.** Contact your lawyer to discuss your options.

What are the financial consequences of this class action lawsuit?

If you remain a Class Member and this class action lawsuit succeeds at trial, or is settled, then you will be bound by the terms of any final court order or settlement agreement, and you will be eligible to file a claim for compensation. If you opt-out of this class action lawsuit, as described above, you will *not* be bound by the terms of any final court order or settlement agreement, and you will *not* be eligible to file a claim for compensation.

If you remain a Class Member and this class action lawsuit is dismissed by the court, then you will be bound by the terms of that dismissal. If you opt-out of this class action lawsuit, as described above, you will *not* be bound by the terms of any dismissal.

By remaining a Class Member, you do not need to pay any legal fees. If the class action lawsuit is unsuccessful, there will be no legal fees. If the case succeeds, whether at trial or by settlement, Class Counsel (Murphy Battista LLP) will seek to be paid 33.3% of the amount awarded to the Class in settlement or judgment, plus disbursements, interest on disbursements and applicable taxes. The Federal Court must approve Class Counsel's fees and/or any settlement of the class proceeding.

Want more information?

If you would like to know more information about this class action lawsuit, contact Class Counsel at the addresses provided below:

Murphy Battista LLP
Jacinda Chapman
650 W Georgia St, #2020
Vancouver, BC V6B 3N7

Email: SRB@murphybattista.com

Website: www.murphybattista.com