

HSA Class Action – Bulletin #20
Update – January 31, 2022
(Third Settlement Payment – Winding up of the HSA Trusts)

In Bulletin #19 we advised that the Trustees for the HSA Trusts intended to seek a Court order winding up the respective Trusts and transferring the Trusts' remaining obligations to the Healthcare Benefit Trust (the "HBT"). That application was heard by Mr. Justice Punnett on January 17, 2022, who made the Order sought. A copy of the Order that was made can be found [here](#).

The effect of the Order is threefold:

- a) \$700,000 of the Trusts' estimated surplus of \$926,000, has been paid out to Church & Company. In keeping with the terms of the original settlement, Church & Company will receive a contingency fee on these monies. Church & Company will then pay the balance to the class members as a distribution;
- b) "active beneficiaries" (i.e., those who continued to receive disability and certain medical / dental benefits from the HSA Trusts as of January 31, 2022) will have those obligations taken over by the HBT, a much larger trust with significantly greater assets than the existing HSA Trusts; and
- c) upon the HSA Trustees receiving a "clearance certificate" from the Canada Revenue Agency, any remaining surplus in the HSA Trusts will be paid to Church & Company for distribution to class members, after payment of Church & Company's contingency fee. Although there is no specific date by which this must occur, it is expected that it may take place in the summer of 2023.

Church & Company expect to be in a position to send out payments to class members by the end of February, 2022. ***However, please allow sufficient time for your settlement funds to be mailed to, and received by, you. Given the continuing Covid pandemic, mail may be delayed. As such, we suggest that you wait until March 15, 2022 and only contact us regarding the status of your settlement payment, if you have not received your settlement monies by that date.***

As for any final payment expected in the summer of 2023, we will post a further notice on this website, providing updates as that date gets closer.

PLEASE NOTE THAT if you are an "active beneficiary" (i.e., still receiving disability benefits) then you will likely receive a letter from the HSA Trusts, advising you of the fact that the HBT will now be paying your benefits and containing some questions and answers. A copy of that letter can be found [here](#). However, you should not notice any meaningful change in the way in which disability payments are made to you.

If you are moving or your address or contact information (email / phone) have changed or are expected to change during the year, please advise us in that regard either by post or email at the addresses below. Include in your correspondence your name, current postal address, phone number and email address.

Church & Company
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