

## CHURCH & COMPANY

This Information Notice was mailed to Class Members on November 16, 2015. If you have not received a Notice and believe you should have, please contact Church & Company by email at [info@churchlegal.com](mailto:info@churchlegal.com) or by voice message at 1-866-408-8277.

FILE REF: 33005/001

November 16, 2015

### BY MAIL

Dear Class Member:

**Re: Nina Watt and James Hensman v. Health Sciences Association of B.C., and others SCBC S134066 (Vancouver Registry)**

The purpose of this letter is to advise you of a class action which may affect your rights with respect to long term disability, and other, benefits provided as a result of your membership in the Health Sciences Association of British Columbia. ***This letter is provided for information purposes only, and does not affect your legal rights.***

### **Appeal by the Defendants**

The Defendants have filed an appeal of the certification order. That appeal is set to be heard on January 26, 2016 and the result of the appeal will likely not be known until sometime afterward. If the Defendants are successful on their appeal, then the order certifying the matter as a class proceeding could be changed or withdrawn entirely. Church & Company will notify you of the outcome of the appeal.

If the Defendants are unsuccessful on their appeal, then the certification order will stand

### **No Requirement to Take Steps at This Time**

As set out above, the purpose of this letter is to provide you with information concerning the class action. You are not required to take any steps at this time with respect to the class action and, as matters presently stand, your rights are not affected by the class action.

If the certification order remains in place after the Defendants' appeal, either in whole or in part, Church & Company will provide you with notice and will communicate further, setting out the manner in which the class action may affect your rights.

A class action has been certified by the Honourable Mr. Justice Punnett in the case of **Watt and Hensman v. Health Sciences Association of B.C., and others**, SCBC S134066 Vancouver Registry, (the "Class Action"). The Class Action was certified by the Court on July 24, 2015.

The Class Action has been certified on behalf of two subclasses consisting of:

1. Health Science Association of British Columbia ("HSA") members who started receiving long term disability benefits between March 1, 1989 and February 28, 1999 and who were still receiving such benefits as of June 1, 2012 (the "LTD Agreement #1 Subclass"); and
2. HSA members who started receiving long term disability benefits between March 1, 1999 and August 3, 2006 and who were still receiving such benefits as of June 1, 2012 (the LTD Agreement #2 Subclass").

You are being contacted by us because the records of the defendant trustees, or their administrators or agents, indicate that you are likely to be a class member.

### **The Parties**

The representative plaintiff approved by the Court to represent the LTD Agreement #1 Subclass is James Hensman. Mr. Hensman can be contacted through Church & Company at the address below.

The representative plaintiff approved by the Court to represent the LTD Agreement #2 Subclass is Nina Watt. Ms. Watt can be contacted through Church & Company at the address below.

The defendants in the action are:

1. the HSA;
2. Reid Johnson, Valerie Avery and Bruce MacDonald in their capacity as the Trustees of the Health Sciences Association of B.C. Trust Fund;
3. Reid Johnson, Bruce MacDonald and Marg Beddis in their capacity as the Trustees of the HSA Ltd Trust No. 2;
4. Reid Johnson, Bruce MacDonald, Valerie Avery and Marg Beddis in their capacity as the Trustees of the HSA Ltd Trust No. 3;
5. Reid Johnson;

6. Bruce Macdonald;
7. Valerie Avery; and
8. Marg Beddis.

The representative plaintiffs seek financial compensation on behalf of the class membership for the alleged losses suffered by class members as a result of the reduction in long-term disability benefits paid to class members starting in approximately June, 2012 and, in the case of the LTD Agreement #1 Subclass, the termination of certain benefits such as life insurance.

The Class is represented by the law firm of:

Church & Company  
900 - 1040 W. Georgia Street  
Vancouver, BC V6E 4H1

Telephone: 1-866-408-8277  
Email: [info@churchlegal.com](mailto:info@churchlegal.com)  
[www.churchlegal.com](http://www.churchlegal.com)

Class members can obtain further information and updates by visiting [www.churchlegal.com](http://www.churchlegal.com) and clicking on the HSA class action tab. Class members can also contact the above firm with any requests for further information. You can either leave an email message at the [info@churchlegal.com](mailto:info@churchlegal.com) email or a voice mail message on the 1-866-408-8277 number.

### **The Lawsuit**

The lawsuit alleges that there were contracts between HSA and its members and that HSA breached the terms of those contracts by reducing long-term disability benefits to disabled members.

The lawsuit also alleges that the LTD Agreements constituted contracts of insurance under the BC Insurance Act and that HSA was precluded by legislation from taking steps to reduce benefits.

Further, the lawsuit alleges that certain of the Defendants owed a fiduciary duty to the class members and breached that duty or were negligent in carrying out their obligations.

The allegations in the action are denied by the Defendants.

For a more detailed understanding of the allegations made in this class action, please see the Amended Notice of Civil Claim, as well as the Court's Reasons for Certification at [www.churchlegal.com](http://www.churchlegal.com). Class members may also contact Class Counsel for further information. If you are uncertain about whether you are a member of one of the two subclasses, you may contact our firm (by phone 1-866-408-8277 or by email [info@churchlegal.com](mailto:info@churchlegal.com)) and we will advise you accordingly.

**Consequences of Certification of the Lawsuit as a Class Action**

Now that the lawsuit has been certified as a class action, the claims of the representative plaintiffs will be used to determine the legal responsibility of the Defendants to compensate the class members for the losses allegedly suffered.

Judgment on the common issues **whether favourable or not** will bind all Class members. You will be bound by the result of the Class action - whether the lawsuit is successful or unsuccessful - and will not be able to start or pursue your own legal claim against the Defendants. A list of the common issues is attached as **Schedule "A"** to this letter.

Class members will not have a right to participate directly in the lawsuit, unless specifically permitted to do so by the Court.

**Questions**

Class Members can obtain more information by visiting Class Counsel's website ([www.churchlegal.com](http://www.churchlegal.com)) and clicking on the HSA class action page. Regular updates will be posted on the website. Further class members can contact Class Counsel directly at the addresses and telephone number set out above.

Yours truly,

**CHURCH & COMPANY**

By:



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