

Long Notice of Proposed Settlement

LEGAL NOTICE

**Were you a paramedic for Spectrum Event Medical Services (SEMS)
between May 30, 2014 and October 30, 2020?**

**You might be entitled to a payment as part of a class action settlement.
Please read this notice carefully.**

Notice of Class Action Settlement and Claim Discontinuance

A settlement agreement was recently reached in the Spectrum Event Medical Services Class Action (“Spectrum EMS Class Action”). You are receiving this letter because we believe you might be entitled to a payment under this settlement.

Paramedics who *exclusively* worked for Spectrum Patient Services, Spectrum’s patient transfer service are not part of this settlement.

Please read this notice carefully for details of the Proposed Settlement.

The Ontario Superior Court authorized this notice. This is not a solicitation from a lawyer.

Proposed Settlement of the Spectrum Event Medical Services (SEMS) Class Action

A former Spectrum paramedic, Shane Hale (the "**Representative Plaintiff**"), sued Spectrum on behalf of Spectrum paramedics. The class action lawsuit claimed:

- Spectrum misclassified its paramedics as "independent contractors" when they were in fact "employees"; and
- As a result, Spectrum did not compensate these paramedics for overtime, public holiday pay, and vacation pay.

SEMS has denied all of these allegations.

After extensive settlement discussions, Hale and SEMS have now reached a proposed settlement that provides compensation to eligible paramedics.

The settlement of this action does not constitute an admission of liability on behalf of SEMS.

However, in order to finalize the settlement and begin the claims process, a judge of the Superior Court in Toronto must first approve this proposed agreement.

The Court's approval hearing will be held on August 23, 2021. On that day, the Parties will present evidence and argue that the proposed settlement is fair and reasonable. Class Members can participate if they wish. For more information on your right to participate, please read the section "Your Legal Rights and Options in this Proposed Settlement", below.

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A. BASIC INFORMATION

1. Why did I get this notice?

The Ontario Superior Court of Justice authorized this notice to let you know about a proposed settlement. Based on SEMS's records, we believe you may be a Class Member.

This notice explains the lawsuit, the proposed settlement, and your legal rights.

2. What is a class action?

In a class action, one or more people called the "representative plaintiff(s)" sue on behalf of people who have similar claims, called the "class" or "class members".

In a class action, the court can resolve all or some of the class members' claims at the same time. People who meet the definition of a "class member" are automatically included in the claim unless they choose to "opt out". Opting-out is explained in more detail below.

3. What is this class action about?

Shane Hale (the "Representative Plaintiff"), commenced the lawsuit and is represented by Monkhouse Law ("Class Counsel"). Spectrum is defending the case and is represented by McCarthy Tétrault ("Defence Counsel")

The lawsuit alleges that SEMS misclassified its Ontario paramedics as independent contractors when they were truly employees. As employees, these paramedics would have been entitled to receive vacation pay, public holiday pay and overtime pay.

The lawsuit claims for all lost wages, including public holiday pay, vacation pay, and overtime pay, and all damages, including punitive damages, that flow from SEMS's failure to properly classify and compensate its paramedics.

SEMS has denied all of the allegations advanced in this class action.

4. Has there been a trial?

This case has not yet gone to trial. A judge has not made any decision on the merits of this lawsuit.

The Parties reached the proposed settlement before a "certification motion" hearing was scheduled.

5. Why is there a proposed settlement?

The Representative Plaintiff and SEMS have agreed to the proposed settlement.

By agreeing to the proposed settlement, the parties avoid the costs and uncertainty of a trial and the potential delays in obtaining judgment. It also means that the Class Members will not need to testify in court.

The Representative Plaintiff and Class Counsel think the proposed settlement is in the best interests of all Class Members.

B. WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

6. Who is included in the proposed settlement?

The Class Members included in the proposed settlement are:

All paramedics identified as independent contractors who worked for Spectrum Event Medical Services (GP) Inc., or one of the companies Spectrum Event Medical Services (GP) Inc. acquired, since the year 2000 to the date of the certification of this action who have not filed a complaint with the Ministry of Labour relating to the matters in question unless it was properly withdrawn.

This definition includes but is not limited to Emergency First Responders, Primary Care Paramedics, Advanced Care Paramedics, and any other individuals who provided event paramedical services to the Defendant on an independent contractor basis at any point during the Class Period. You are a Class Member if you meet this definition.

This does not include paramedics who worked exclusively for Spectrum Patient Services.

Estates of Class Members may be eligible. A claim must be filed by the Estate Executor for deceased Class Members.

If the settlement is approved, all Class Members, except those who validly opt out of the settlement, will be bound by the proposed settlement and will be covered by the releases in the proposed settlement.

7. I worked for Spectrum Patient Services. What does the settlement mean for me?

This class action did not include the work done for Spectrum Patient Services, the patient transfer service of Spectrum. As such, any patient transfer services work is not included in the settlement. If you worked for Spectrum Event Medical Services and Spectrum Patient Services, only your work for Spectrum Event Medical Services as an independent contractor would be included in this class action.

8. What if I am not sure whether I am included in the proposed settlement?

If you are not sure whether you are included in the proposed settlement, you may call 416-907-9249 or visit <https://www.monkouselaw.com/spectrum-event-medical-class-action/>.

C. PROPOSED SETTLEMENT

9. What does the proposed settlement provide?

If approved, the settlement provides that Class Members are eligible for compensation.

- To receive payment, Class Members **must** fill out a claims form that details, to the best of their abilities, the dates which they worked for SEMS, proof of working for SEMS and their contact information.
- Monkhouse Law will receive these forms and will review records from SEMS to corroborate each paramedic's claim form.
- Monkhouse Law will send a notification letter to each paramedic and explain what it has concluded regarding the paramedic's work history.
- If a Class Member disagrees with Monkhouse Law's assessment, they can file an appeal.
- Once all appeals are complete, Monkhouse Law will calculate the amount of each paramedic's payment using a pre-determined formula.

The Proposed Settlement is for a total possible payment of \$300,000 to Class Members. This amount will be distributed on a pro-rata basis according to the number of Class Members that apply for payment and according to the hours worked and rates paid to each Class Member.

A full copy of the proposed Settlement Agreement is available for your review at: <https://www.monkouselaw.com/spectrum-event-medical-class-action/>.

10. What am I giving up in the proposed settlement?

Once the proposed settlement becomes final, you will have given up your right to sue SEMS for the claims outlined in the Settlement Agreement. In other words, you will be "releasing" SEMS from liability for the claims set out by this Class Action. This

means you cannot sue SEMS for anything in respect of pay for alleged overtime hours worked, public holiday pay, vacation pay, and unpaid minimum wage from the year 2000 to the date settlement is approved, or any other claim arising from your classification as an independent contractor rather than an employee.

The proposed Settlement Agreement describes the released claims with specific descriptions, so please read it carefully. If you have any questions about what this means, you may contact Class Counsel or you may engage your own lawyer. If you decide to retain your own lawyer, you are responsible for paying their legal fees.

11. May I remove myself from the proposed settlement?

Yes. If the proposed settlement is approved, a notice will be sent describing the process for removing yourself from the Proposed Settlement. This is called "Opting Out".

If you do not wish to be a part of the class action you must Opt-Out before a date that will be set by the Court. If you opt out, you will not be bound by any order made in this class action and you will not be eligible for compensation. You may hire and pay for your own lawyer and commence your own lawsuit.

If you want to commence your own lawsuit, you must Opt-Out. If you Opt-Out, you must abide by all applicable limitation periods. We strongly recommend you consult a lawyer before deciding to opt out.

Further information on how to Opt-Out - and the deadline by which you must do so - will be available if the proposed Settlement Agreement is approved.

<p>D. HOW TO RECEIVE A PAYMENT IF THE PROPOSED SETTLEMENT IS APPROVED</p>
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12. How will I receive a payment?

To ask for a payment, all Class Members must complete and submit a Claim Form. Monkhouse Law will assess all claims using a strict formula that the Parties have agreed upon. Eligible Class Members will not need to testify in court. Once the claim is verified, Class Members will receive compensation as soon as reasonably possible.

Before anyone can file a Claim Form or be assessed, the Ontario Superior Court must decide whether to grant final approval of the proposed settlement (see "**The Approval Hearing**" below).

If the settlement is approved, we will provide more information about the claims process, including the Claim Form, in a further notice.

13. How will payments be calculated?

Monkhouse Law will review your Claim Form and determine if you qualify for a payment. If you do, Monkhouse Law will determine the amount of your payment based on the pre-set formula described in the Settlement Agreement.

Importantly, the settlement is for a fixed amount, meaning that SEMS does not "save" money by denying claims.

The amount each Class Member will receive will depend on several factors. They are:

- (1) The number of Class Members that apply for payment;
- (2) When you worked for SEMS;
- (3) The number of hours you worked for SEMS and the rate you were paid; and
- (4) Whether you worked as an independent contractor for a company which SEMS acquired

Monkhouse Law will review records provided by SEMS to determine how much each Class Member worked for SEMS and at what rate. That calculation will be used to determine what share of the settlement amount the person receives and will depend on how many claims are made.

The proposed Notice and Distribution plan sets out a specific amount for individuals who worked for companies acquired by SEMS.

The proposed Notice and Distribution Plan at <https://www.monkhouselaw.com/spectrum-event-medical-class-action/> explains fully how much is being paid and how it is being distributed.

14. What if I disagree with the decision?

If you disagree with how Monkhouse Law determined your entitlement, you can appeal their assessment. All appeals will be decided by a neutral referee.

E. THE LAWYERS REPRESENTING YOU
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15. Who is Class Counsel?

Monkhouse Law represents the Representative Plaintiff and the Class Members. If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense.

16. Do I have to pay Class Counsel anything?

No.

Class Counsel is asking for the approval of fees and disbursements in the amount of \$200,000. This amount will be paid directly by SEMS from the total amounts set aside to settle the class action. Class Counsel will not be paid unless the Ontario Superior Court declares that the proposed legal fees are fair and reasonable.

You will not need to pay any legal fees out of your own pocket for services from Class Counsel relating to the Class Action. If a Class Member retains other lawyers or a personal representative, that Class Member is responsible for paying their own lawyer or representative's fees, disbursements, and taxes.

F. PARTICIPATING IN THE PROPOSED SETTLEMENT HEARING

You may participate in the hearing to voice your support for the proposed settlement, you may object to the proposed settlement if you disagree with all or part of it, and you may also voice support or disapproval of the proposed legal fees payments. The Court will consider your views.

Participation in the hearing is optional. You may choose to wait for the outcome of the hearing.

17. How do I tell the Court if I support the proposed settlement?

To express your support for the proposed settlement, the proposed legal fees, or both, you may write a letter that includes the following:

- Your name, address, and telephone number;
- A statement saying that you support the Spectrum EMS Class Action proposed settlement, legal fees, or both;
- The reasons you support the proposed settlement, legal fees, or both, along with any supporting materials; and,
- Your signature

You may mail or email your letter to:

Spectrum EMS Class Action
c/o Monkhouse Law, 220 Bay Street,
Suite 900,
Toronto, Ontario, M5J 2W4
Email: SpectrumEMSClassAction@monkouselaw.com

18. How do I tell the Court if I do not like the proposed settlement or legal fees?

To object to the proposed settlement, you may either:

- (a) **Make a written objection:** Write a letter or email that includes the following information:
- Your name, address, and telephone number;
 - A statement saying that you object to the Spectrum EMS Class Action proposed settlement or the legal fees or both;
 - The reasons you object to the proposed settlement, fees, or both, along with any supporting materials; and
 - Your signature.
- (b) **Make an oral objection at the approval hearing:** You must fill out an Objection Form and indicate that you intend to appear at the hearing to object. The approval hearing before the Court is scheduled to be heard in Toronto, Ontario on August 23, 2021 at 10 am.

All objecting letters or emails, including any Objection Forms, must be sent on or before August 9, 2021 to:

Spectrum EMS Class Action
c/o Monkhouse Law, 220 Bay Street,
Suite 900,
Toronto, Ontario, M5J 2W4
Email: SpectrumEMSClassAction@monkouselaw.com

G. THE APPROVAL HEARING

19. When/where will the Court decide whether to approve the proposed settlement and/or the legal fees?

The Ontario Superior Court will hold an Approval Hearing in Toronto, Ontario on **August 23, 2021.**

This is a public hearing, and you may attend if you wish. As a Class Member, you may also ask to speak, but you do not have to.

The hearing date could be moved to a different date or time without additional notice. If you plan to attend the hearing, we recommend you check Class Counsel website at <https://www.monkouselaw.com/spectrum-event-medical-class-action/> or call 416-907-9249.

At the hearing, the Court will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class. If there are objections, the Court will listen to the people who submitted an Objection Form and asked to speak at the hearing.

After the hearing, the Court will decide whether to approve the proposed settlement. We cannot guarantee when the Judge will release his decision.

The Court will, at the same, consider whether the proposed legal fees are fair and reasonable.

20. What if I do nothing?

If you do nothing, you are deemed to have accepted the proposed settlement. The approval hearing will proceed and the Court will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class. You will have no further opportunity to make objections to the Court with respect to the proposed settlement.

H. GETTING MORE INFORMATION

21. How do I get more information?

This notice summarizes the proposed settlement. For full details, a copy of the proposed Settlement Agreement is available at:
<https://www.monkouselaw.com/spectrum-event-medical-class-action/>.

If you have any questions, you may send them to:

Spectrum EMS Class Action
Monkhouse Law
220 Bay Street, Suite 900
Toronto, Ontario M5T 2W4

or email: SpectrumEMSClassAction@monkouselaw.com

or call 416-907-9249