

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE BELOBABA ) TUESDAY THE 27  
DAY OF JULY 2021

B E T W E E N:

THE ROYAL CANADIAN LEGION, VICTORY BRANCH # 317  
Plaintiff

- and -

AVIVA INSURANCE COMPANY OF CANADA  
Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

THIS MOTION, made by the Plaintiff for an Order certifying this proceeding as a class proceeding was heard on May 18, July 5 and 6, 2021, by judicial videoconference.

ON READING the Plaintiff's Motion Record, Supplementary Motion Record, Factum, Reply Factum, and Joint Supplementary Factum, the Respondent's Responding Record, Factum, and Responding Supplemental Factum, on being advised of the consent of the parties to a number of issues in this matter, and on hearing the oral argument of counsel for the parties,

1. **THIS COURT ORDERS** that the within action be and is hereby certified as a class proceeding as against the Defendant pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c. 6;

2. **THIS COURT ORDERS** that the Class is defined as:

All persons, natural or corporate, carrying on operations as branches of The Royal Canadian Legion and other veterans, service, and legacy organizations operating in a similar manner to Legion Branches across Canada (except British Columbia) which were insured by and have submitted a claim to Aviva Insurance Company of Canada (“Aviva”) under a Commercial Insurance Policy issued by Aviva on behalf of The Royal Canadian Legion, pursuant to the *PIB Provincial Command Insurance Program* (“*Legion Program*”), which included “Restricted Access” coverage and/or “Negative Publicity” coverage under Business Income Actual Loss Sustained Form (912000-01), and which claimed loss of business income:

- a) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part (“Restricted Access”) by an order of civil authority, including the mandatory closure order made by the Province of Ontario on March 23, 2020, and similar closure orders made in all Provinces and Territories in Canada in March or April 2020 (the “Closure Orders”), and/or
- b) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part by any subsequent order of civil authority, and/or
- c) as a direct result of an outbreak of COVID-19 within 25 kilometres of its premises (the “Class Members”).

3. **THIS COURT ORDERS** that The Royal Canadian Legion, Victory Branch #317 is hereby appointed as the representative Plaintiff of the Class and confirms that the representative Plaintiff has produced a plan (the “Litigation Plan”), attached hereto as **Schedule “1”**, that sets out a workable method for advancing the proceeding on behalf of the Class, without prejudice to the Defendant’s right to contest any of the details of the Litigation Plan.

4. **THIS COURT ORDERS** that Lerner LLP is hereby appointed as the lawyers for the Class (“Class Counsel”).

5. **THIS COURT DECLARES** that the causes of action asserted on behalf of the Class are as set out in paragraphs 18 to 23 of the Fresh as Amended Statement of Claim.

6. **THIS COURT DECLARES** that the relief sought by the Class includes that which is claimed in paragraphs 1 and 24 to 26 of the Fresh as Amended Statement of Claim.

7. **THIS COURT ORDERS** that the common issues are:

1. Does loss of business income caused by the interruption of the “business” at the “premises” by order of civil authority or the advice of the Public Health Authority or similar authority, issued in response to COVID-19, including the Lockdown Orders or a subsequent order of civil authority restricting access in whole or in part to a Class Member’s premises trigger coverage under the Restricted Access Coverage on the basis that:
  - a. the Order(s) constitute an order of civil authority and/or the advice of the Public Health Authority or similar authority;
  - b. the Order(s) restrict ingress to or egress from, or prohibit access to, the Class Member’s premises, in whole or in part; and
  - c. the Order(s) result from, or were given as a direct result of, an outbreak of a contagious or infectious disease that is required by law to be reported to government authorities, or that is notifiable?
2. What constitutes an occurrence of an outbreak of a contagious or infectious disease within 25 km of a Class Member’s premises, or such other distance as specified in the policy, required by law to be reported to government authorities that will trigger coverage under the supplemental Negative Publicity coverage for loss of business income sustained as a direct result of such occurrence?

3. If Class Members have coverage, when does the period of indemnity start to run?
  4. If Class Members have coverage, can a Class Member claim period(s) of indemnity for each order of a civil authority issued in response to COVID-19 restricting ingress to or egress from a Class Member's premises or each outbreak of COVID-19 within 25 kilometres of the Class Member's premises, or such other distance as specified in the policy?
  5. Is the quantification of actual loss of "business income" sustained in the Restricted Access Coverage or the Negative Publicity Coverage subject to the "Measure of Recovery" and/or the definitions in that form relating to the calculation of Business Interruption losses, including the "Business income percentage" and "Expected Revenue" clauses?
  6. If Class Members have coverage, are Class Members entitled to coverage under their policies for accountants' fees incurred for producing particulars or details or other proofs, information or evidence as may be required by the defendants for the purpose of investigating or verifying any claim and reporting that such particulars or details are in accordance with the Class Member's accounting records?
  7. To what extent, if any, is any government assistance, subsidies or other government benefits, which Class Members received or were eligible to receive, to be considered in quantifying Class Members' losses?
8. **THIS COURT ORDERS** that, following the final resolution of all appeal proceedings arising from this Order, the Class Members shall be given notice of the certification of this action and of the opt-out process in substantially the form set out in **Schedule "2"** (the "Notice"), and the manner set out in **Schedule "1"**.
9. **THIS COURT ORDERS** that Class Members may opt out of this class proceeding by following the opt-out process set out in the Notice, by sending a

written election to opt-out containing the information identified in the Notice's opt-out coupon and/or the opt-out coupon by regular mail, fax, email, courier or otherwise, within 60 days of when Notice is given (the "Opt-Out Deadline"), signed by the Class Member or the Class Member's authorized representative to:

Lerners LLP  
85 Dufferin Avenue  
P.O. Box 2335  
London, Ontario N6A 4G4  
Attention: Royal Canadian Legion Class Action  
Email: royalcanadianlegion@lerners.ca  
Fax: 519.932.3315

10. **THIS COURT ORDERS** that any person who opts out of this action in accordance with the provision for doing so in the Notice and paragraphs 8 and 9 of this order shall be excluded from the Class and the action.

11. **THIS COURT ORDERS** that within 30 days of the Opt-Out Deadline, Lerners LLP shall report to the Defendant, a report containing the names of all Class Members who have validly and timely opted out of the class proceeding and a summary of the information delivered by such persons in accordance with paragraphs 8 through 9, above.

**Signed:** *Justice Edward Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective and binding from the date it is made and is enforceable without any need for entry and filing. Any party to this Judgment [Order] may submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.

**Schedule 1**

Court File No. CV-20-00001041-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

THE ROYAL CANADIAN LEGION, VICTORY BRANCH # 317

Plaintiff

- and -

AVIVA INSURANCE COMPANY OF CANADA

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**PLAINTIFF'S LITIGATION PLAN**

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## OVERVIEW AND DEFINITIONS

1. The Plaintiff proposes the following general plan of litigation pursuant to s. 5(l)(e)(ii) of the *Class Proceedings Act, 1992*.
2. This plan contemplates a determination of eligibility and an assessment of damages for each Class Member after the determination of the common issues.
3. Capitalized terms that are not defined in this litigation plan have the meanings attributed to them in the Fresh as Amended Statement of Claim dated February 2, 2021.

## CLASS COUNSEL

4. Class Counsel is Lerner LLP ("**Class Counsel**").

## COMPOSITION OF THE CLASS

5. The Royal Canadian Legion, Victory Branch #317 (the "Plaintiff") is the Representative Plaintiff for the Class.
6. The Plaintiff seeks to represent a Class defined as:

All persons, natural or corporate, carrying on operations as branches of The Royal Canadian Legion and other veterans, service, and legacy organizations operating in a similar manner to Legion Branches across Canada (except British Columbia) which were insured by and have submitted a claim to Aviva Insurance Company of Canada ("Aviva") under a Commercial Insurance Policy issued by Aviva on behalf of The Royal Canadian Legion, pursuant to the *PIB Provincial Command Insurance Program* ("*Legion Program*"), which included "Restricted Access" coverage and/or "Negative Publicity" coverage under Business Income Actual Loss Sustained Form (912000-01), and which claimed loss of business income:

- a) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part ("Restricted Access")



by an order of civil authority, including the mandatory closure order made by the Province of Ontario on March 23, 2020, and similar closure orders made in all Provinces and Territories in Canada in March or April 2020 (the “Closure Orders”), and/or

b) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part by any subsequent order of civil authority, and/or

c) as a direct result of an outbreak of COVID-19 within 25 kilometres of its premises.

Collectively, the Plaintiff and the Class are “**Class Members**”.

7. The Class Members consist of 615 Local Branches of the Royal Canadian Legion and 27 units, wings, clubs, or associations of other veterans, service, and legacy organizations.

8. The Royal Canadian Legion – Dominion Command has provided the last known addresses, email addresses, phone numbers, and contact persons of the entire Class as at January 2021.

## **REPORTING TO AND COMMUNICATING WITH CLASS MEMBERS**

9. Class Counsel have created a website for this proposed class action at: <https://www.lerners.ca/cases/canadian-legion-class-action/> (the “**Website**”).

10. Information on the status of the action is posted on the Website and will be updated regularly. Copies of some of the publicly filed Court documents, Court decisions and other information relating to the action are or will also be posted on or accessible from the Website. This will allow the Class Members, wherever they reside, to be kept informed of the status of the action.

11. The Website contains electronic communication information for Class Counsel and will permit Class Members to submit inquiries to Class Counsel. Any inquiries will be sent directly to a designated member of Class Counsel who will respond promptly to inquiries.

12. The Website also lists:

(a) A toll-free telephone number dedicated to this class action which will contain a recorded message providing information regarding and advising of the current status of this litigation. The recorded message will be updated as required.

(b) The direct dial telephone numbers for some of the lawyers who are Class Counsel so that Class Members may make inquiries of a live person should they wish to do so.

13. From time to time, Class Counsel will provide updates reporting on the status of the class action directly to Class Members. As of February 8, 2021, Class Counsel has been directly contacted by 108 of the Class Members (approximately one-sixth). Class Members who provide email addresses will receive future updates by way of direct email from Class Counsel.

14. To date, all Class Members have been updated by way of direct mailing and “all-branch” email distributions facilitated by The Royal Canadian Legion – Dominion Command. Class Counsel will continue to work with the Dominion Command and Provincial Command structures of the Royal Canadian Legion as conduits to communicate information and updates directly to the Class Members through “all-branch” communications from Dominion Command, or, where applicable, on a regional basis through the relevant Provincial Command.

## NOTICE OF CERTIFICATION AND OPT OUT PROCEDURE

15. The Defendant knows the contact information for all Class Members. Class Counsel propose a notice plan that requires that Defendant to provide the names, addresses, emails and phone numbers, where applicable, to Class Counsel. Class Counsel will be able to provide direct notice of certification (the “**Notice**”) and invite those Class Members contact Class Counsel with questions about the Notice or Opt Out Procedure (described below).

16. Notice of Certification will be provided pursuant to section 17 of the *Class Proceeding Act, 1992* (the “CPA”) in the format and manner approved by this Court. As part of the Certification Order, the Court will be asked to:

- (a) set an opt-out date sixty (60) days after the date when Notice is given;
- (b) settle the form and content of the Notice and opt-out coupon/written election; and
- (c) settle the means by which Notice will be given (the “Notice Program”) as follows:
  - (i) delivery by direct mailing via email and physical mail by Class Counsel to all Class Members at the email address and physical address provided by Dominion Command;
  - (ii) posting by Class Counsel on the Website;
  - (iii) Class Counsel updating the toll-free telephone recording to advise that Notice has been sent out and advising to check the Website or contact Class Counsel if it is a Class Member and has not received a copy of the Notice; and
  - (iv) by Dominion Command posting a copy on its website and encouraging provincial, district, and zone commands to do the same.

- (d) approve the following Opt Out Procedure:
- (i) a Class Member may opt out of this class proceeding by sending a written election by regular mail, fax, email, courier or otherwise, before the opt out date fixed by the Court, to:  

Lerners LLP  
85 Dufferin Avenue  
P.O. Box 2335  
London, Ontario N6A 4G4  
Attention: Royal Canadian Legion Class Action  
Email: royalcanadianlegion@lerners.ca  
Fax: 519.932.3315
  - (ii) no Class Member will be permitted to opt out of the class action unless the election to opt out is received by Lerners LLP on or before 5:00pm ET on the opt out date fixed by the Court;
  - (iii) no Class Member may opt out of the class proceeding after the opt out date fixed by the Court except by Court order; and
  - (iv) within thirty (30) days of the opt out date fixed by the Court, Class Counsel shall report to the Defendant the names of the Class Members who have opted out of this class proceeding.

#### **LITIGATION SCHEDULE PRIOR TO THE COMMON ISSUES DETERMINATION**

17. The Plaintiff will ask the Court or the case management judge to establish a litigation schedule for:

- (a) the scheduling and conduct of the motion for certification, including the exchange of motion records, cross-examinations, exchange of facts and the hearing of the motion;
- (b) the scheduling and conduct of a summary judgment motion to determine some or all of the common issues, including the exchange of motion records, cross-examinations, exchange of facts, and the hearing of the motion, including, if necessary, the delivery of the Defendant's Statement of Defence;
- (c) the completion of pleadings;

- (d) service of affidavits of documents by the parties and the exchange of productions;
- (e) examinations for discovery, including the location and length of the examinations;
- (f) discovery motions and other pre-trial motions, as necessary;
- (g) the service of experts' reports;
- (h) the common issues pre-trial conference; and
- (i) the common issues trial.

18. The Plaintiff will likely request that the litigation schedule be amended from time to time, as required.

**A. Pleadings**

19. The Plaintiff will ask the Court to order that the Defendant serve their Statement of Defence within twenty (20) days after the certification order is issued, if it has not already done so in advance of the summary judgment motion. Following service of the Statement of Defence, the Plaintiff will have ten (10) days to serve a Reply.

**B. Document Exchange and Management**

20. The Plaintiff and the Defendant shall meet and agree upon a discovery plan pursuant to Rule 29.1 of the *Rules of Civil Procedure* and agree on a method and timeline for productions of documents and for e-discovery, including the participation in any necessary "meet and confer" meetings.

21. Additional documents relevant to the proposed common issues are in the possession of non-parties including the broker which placed the Policy for the Class Members, Programmed Insurance Brokers Inc.

22. Rule 30.10 motions may be required in the course of this action to obtain relevant documentation in the possession of non-parties.

23. The Plaintiff will request that all document production take place electronically.

24. Class Counsel are able to handle the intake and organization of the large number of documents that will be produced by the Defendant, non-parties, and Plaintiff. Class Counsel will use data management systems to organize, code and manage the documents.

### **C. Examinations for Discovery**

25. The parties shall conduct examinations for discovery in accordance with the agreed upon discovery plan and Rule 31 of the *Rules of Civil Procedure*.

26. Depending on documentary discovery, the Plaintiff will examine for discovery at least one (1) representative of the Defendant but cannot, until the production of documents has been completed, estimate the time required for each examination or the number of examinations required. The Defendant will examine the Plaintiff for discovery if they choose to do so.

27. The Plaintiff may ask the Court for an order allowing it to examine multiple representatives of the Defendant and/or for an order allowing more than seven (7) hours of examination if the parties cannot otherwise agree.

28. The Plaintiff may ask the Court for an order allowing it to examine more than one representative of the Defendant, if necessary.

#### **D. Expert Reports**

29. The Plaintiff will retain experts to provide assistance as may be required to Class Counsel and to produce reports as may be required.

(a) The Plaintiff has retained an expert in the field of forensic accounting to review accounting documentation, and to opine on loss of business income and accounting costs issues sustained by Class Members.

(b) The Plaintiff has also retained an expert in the field of epidemiology, public health, and infectious diseases to opine on the classification of coronavirus disease (COVID-19), and any relevant public health reporting and closure obligations, which might be at issue in this class proceeding.

30. The Plaintiff may retain other experts as the action proceeds.

31. All expert reports will be exchanged in accordance with the directions of the case management judge with respect to scheduling, following completion of examinations for discovery, unless the parties agree or the Court orders otherwise.

#### **E. Motions**

32. Although no motions other than those indicated in this litigation plan are currently anticipated by the Plaintiff, additional motions may be required and will be scheduled as the case progresses in conference with the Defendant and the case management judge.

#### **F. Clarification of the Common Issues**

33. Following certification, the Plaintiff may ask the Court for an order to clarify and/or redefine the common issues, if required.

## **MEDIATION**

34. The Plaintiff and Class Counsel are willing to participate in mediation or other non-binding alternative dispute resolution efforts during the course of this action, either before or after certification and/or the trial of the common issues, if the Defendant is also prepared to do so.

## **TRIAL OF THE COMMON ISSUES**

35. The Plaintiff's present intention is to make a Rule 20 motion for summary judgment as soon after the determination of the certification motion as reasonably possible and as directed by the Court. This summary judgment motion will determine common issues related to the coverage questions and interpretation of the Policy.

36. The Plaintiff will ask the Court to schedule the trial of the common issues as certified by the Court not already determined on summary judgment after the completion of examinations for discovery.

37. The findings of fact and conclusions on the common issues will likely permit the judge at the common issues trial to give directions, pursuant to s. 25 of the *CPA* to deal with any remaining individual issues.

## **RESOLUTION OF INDIVIDUAL ISSUES**

38. Assuming that the common issues are resolved in favour of the Class it will be necessary for the Court, following submissions from Counsel, to order the creation of a claims and assessment procedure to determine the value of each Class Members' individual claim. The structure and content of the individual claim process will depend



on the findings of the Court on the summary judgment motion and/or at the common issues trial.

**A. Determination of Individual Issues**

39. At present, the Plaintiff anticipate that, depending on the Court's resolution of common issues and with respect to damages and remedies, some individual issues may remain to be determined.

40. If a determination of individual issues is to proceed under the *CPA* section 25, the Plaintiff will request the Court to settle a procedural protocol for the individual issues determinations.

41. If a determination of individual issues is to proceed under *CPA* section 25, the Plaintiff will request the Court to settle the form and content of a notice under *CPA* section 18 and order that the Notice Administrator disseminate the notice accordingly.

**B. Individual Claims and Assistance with Quantification of Damages**

42. It is likely that many or all of the Class Members will require assistance in quantifying their damages. Class Counsel will assist these Class Members by engaging forensic accountants and guiding the Class Members through the process, as provided for in the retainer agreement between the Plaintiff and Class Counsel.

43. Class Counsel will ask the Court to approve a process whereby every member of the Class (who has not otherwise opted out) will work with Class Counsel to complete a form summarizing their claim. The Class Member will also provide to Class Counsel any documents related to their claim.

44. Class Counsel will deliver a copy of the Claim Form and accompanying material to the Defendant.

**C. Motions for Directions**

45. The Administrator, Class Counsel, the Defendant, and the Class Counsel representative may apply to the Court for directions

**THE DISTRIBUTION PROCESS**

46. As soon as practicable after Class Counsel receives the result of the references, Class Counsel will seek Court approval of a method to distribute any judgments to Class Members.

**A. Class Counsel Fees**

47. The Court will be asked to fix the amount of Class Counsel fees, disbursements and applicable taxes ("Class Counsel fees"). Class Counsel will ask the Court to direct the Administrator and Defendant to pay Class Counsel fees out of the monies recovered. Class Counsel fees are a first charge on every recovery in accordance with s. 32(3) of the *Class Proceedings Act, 1992*.

**B. Reporting**

48. Class Counsel and the administrator, if one was appointed, shall deliver such report as required by the *CPA* or by Court Order.

**REVIEW OF LITIGATION PLAN**

49. This Litigation Plan is a proposal for the future conduct of this action being made by Class Counsel. The Court may revise this Plan before the determination of the

certification motion and/or before and/or after the determination of the common issues at the common issues trial or otherwise.

10503932.1

**Authorized by the Ontario Superior Court of Justice**  
**—NOTICE OF CERTIFICATION OF THE ROYAL CANADIAN LEGIONS CLASS ACTION—**  
**Read this notice carefully as it may affect your legal rights.**

**TO ALL CLASS MEMBERS, WHO ARE**

All persons, natural or corporate, carrying on operations as branches of The Royal Canadian Legion and other veterans, service, and legacy organizations operating in a similar manner to Legion Branches across Canada (except British Columbia) which were insured by and have submitted a claim to Aviva Insurance Company of Canada ("Aviva") under a Commercial Insurance Policy issued by Aviva on behalf of The Royal Canadian Legion, pursuant to the *PIB Provincial Command Insurance Program* ("Legion Program"), which included "Restricted Access" coverage and/or "Negative Publicity" coverage under Business Income Actual Loss Sustained Form (912000-01), and which claimed loss of business income: a) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part ("Restricted Access") by an order of civil authority, including the mandatory closure order made by the Province of Ontario on March 23, 2020, and similar closure orders made in all Provinces and Territories in Canada in March or April 2020 (the "Closure Orders"), and/or b) caused by the interruption of its business when ingress to or egress from its premises was restricted in whole or in part by any subsequent order of civil authority, and/or c) as a direct result of an outbreak of COVID-19 within 25 kilometres of its premises (the "Class").

**CERTIFICATION**

On July 15, 2021, the Ontario Superior Court of Justice certified the action The Royal Canadian Legion, Victory Branch #317 v. Aviva Insurance Company of Canada as a class proceeding and appointed The Royal Canadian Legion, Victory Branch #317 as the representative plaintiff of the Class. The class action seeks damages on behalf of the Class in the form of coverage for loss of business income pursuant to the policies of insurance issued by Aviva held by the Class. The class action alleges that Aviva breached its contracts with the Class by denying coverage of loss of business income.

**COST TO THE CLASS OF THE ACTION**

The Court will determine whether Class Members' claims for business income losses trigger insurance coverage. As a member of the Class you will not be required to pay any costs in the event that the class action is unsuccessful. If the class action is successful in establishing coverage, it may be necessary for Class Members to submit business income loss claims for individual determination. Class Counsel will assist Class Members with respect to determination of your individual claim amount if requested by the Class Member. You will have the opportunity to decide if you wish to proceed with your individual loss claim and determination before it begins.

**DO NOTHING IF YOU WANT TO PARTICIPATE IN THE CLASS ACTION**

Members of the Class who want to participate in the class action are automatically included and do not need to do anything at this time. Each member of the Class who does not opt out of the class action will be bound by the decisions made in the action, and the terms of any judgment or settlement - whether favourable or not - and will not be allowed to start their own action against Aviva for the same claims.

**OPTING OUT**

Members of the Class who do not want to participate in the class action must opt out.

To opt out you must complete and send the opt-out form below or a written, signed opt-out election indicating:

- that the Class member wishes to opt-out;
- the name of the Class member;
- your name, and contact information; and
- your authority to act on behalf of the Class member

**Send the completed opt-out form or signed written election to:**

Lerners LLP  
 85 Dufferin Avenue  
 P.O. Box 2335  
 London, Ontario N6A 4G4  
 Attention: Royal Canadian Legion Class Action  
 Email: royalcanadianlegionsclassaction@lerners.ca  
 Fax: 519.932.3315

No Class Member will be permitted to opt out of the class action unless the election to opt out is **received by Lerners LLP on or before 5:00 p.m. EST.**

A member of the Class who opts out will not be entitled to participate in the class action, will not be bound by any judgment in the class action, and will not be eligible for any recovery in the class action. A Class Member who opts out may be eligible to pursue a claim in a separate proceeding. If you wish to pursue your own claim in a separate proceeding, you should consult with a lawyer immediately. This is because there are time limitations and other considerations for starting a law suit and the decision to opt-out may not be reversible.

**CLASS COUNSEL FEES AND DISBURSEMENTS**

The representative Plaintiff and Class Counsel entered into a retainer agreement providing for the payment of legal fees, disbursements and applicable taxes. The agreement provides that Class Counsel will not receive payment for their work unless and until the class action is successful. In that case, Class counsel will be paid out of any recovery in the class action. The Class Counsel fees, disbursements and applicable taxes must be approved by the Court. Class Counsel will assist Class Members with respect to determination of your individual amount if requested to by the Class Member.

**DO NOT CALL THE COURT WITH ANY QUESTIONS ABOUT THIS NOTICE**

Any questions regarding the class action should be directed to:  
 Kevin L. Ross. Tel: 1.844.847.1262 (toll free)  
 Lerners LLP Fax: 519.932.3315  
 85 Dufferin Avenue  
 P.O. Box 2335  
 London, Ontario N6A 4G4  
 email: royalcanadianlegionsclassaction@lerners.ca

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order prevails.

**Additional information, including the certification order, may be found on the website: <https://www.lerners.ca/cases/canadian-legion-class-action/>**

**OPT-OUT FORM**

I do **not** want to be included in the class action relating to The Royal Canadian Legion and loss of business income insurance coverage against Aviva. I want to **opt out (be excluded from)** this class action. My information is as follows:

Name of Class Member \_\_\_\_\_

Address: \_\_\_\_\_

City and Province \_\_\_\_\_

Postal Code: \_\_\_\_\_

Date: \_\_\_\_\_

Name of authorized representative \_\_\_\_\_

Relationship/Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

Signature: \_\_\_\_\_

THE ROYAL CANADIAN LEGION,  
VICTORY BRANCH # 317  
Plaintiff

and

AVIVA INSURANCE COMPANY OF  
CANADA  
Defendant

Court File No.: CV-20-00001041-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

**CERTIFICATION ORDER**

LERNERS LLP  
85 Dufferin Ave.  
P.O Box 2335  
London, Ontario N6A 4G4

**Kevin L. Ross LS#: 24549R**  
**Peter W. Kryworuk LS#: 24513N**  
**Anthony J. Bedard LS #: 28920A**  
**Alfonso Campos Reales LS#: 59143T**  
**Jacob R.W. Damstra LS#: 69805S**  
**Jacqueline M. Palef LS#: 75194B**

Tel: 519.640.6315  
Fax: 519.932.3315

Lawyers for the Plaintiff