

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 November 14, 2021 at 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: _____