

Clerk's stamp:

COURT FILE NUMBER	2001-06293
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF	MARIJKE ROBERGE as REPRESENTATIVE PLAINTIFF
DEFENDANTS	REVERA INC. operating as MCKENZIE TOWNE CONTINUING CARE CENTRE, AXR (MCKENZIE/MILLER) INC., AXR OPERATING (NATIONAL) LP and REVERA LTC MANAGING GP INC.



DOCUMENT

CONSENT CERTIFICATION ORDER

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

James H. Brown &
Associates LLP
2400 Sun Life Place
10123-99 Street
Edmonton, AB T5J 3H1

Lawyer: Nicole K. Keeler
Telephone: 780-428-0088
Fax: 780-428-7788
Email:
nkeeler@jameshbrown.com

DATE ON WHICH ORDER WAS PRONOUNCED: July 27, 2026

LOCATION OF HEARING OR TRIAL: Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER: M.H. Hollins

UPON THE APPLICATION of counsel for the Plaintiff to Certify this Action as a Class Action under the *Class Proceedings Act*, SA 2003 c. 16.5; AND UPON noting the stay of this Action by the Learned Case Management Judge; AND UPON noting the Consent Order dated August 5, 2025 limiting the stay of the Action to May 15, 2026, AND UPON hearing submissions from counsel for the Plaintiff and Defendants; AND UPON noting the consent of counsel for the Plaintiff and Defendants;

IT IS HEREBY ORDERED THAT:

1. The Plaintiff's application to have this action certified as a class action is granted.
2. The **"Class"** is hereby defined as follows:

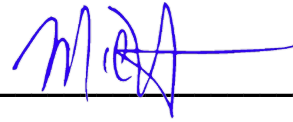
"Resident Class" means all persons who were residents at McKenzie Towne Continuing Care Centre ("McKenzie Towne") at any time between March 1, 2020 and June 10, 2020 inclusive (**"Class Period"**) who became infected with COVID-19 while resident at McKenzie Towne Care Centre during the

Class Period, and became ill from or died from COVID-19 during the Class Period.

"Family Class" are spouses, adult interdependent partners or children of any age of members of the Resident Class.

3. Marijke Roberge is hereby appointed as the Representative Plaintiff.
4. Nicole Keeler of James H. Brown & Associates LLP and Adam Bordignon of Napoli Shkolnik Canada are appointed as Class Counsel.
5. The common issues for the Class are as follows:
 - a. Did the Defendants owe a duty of care to the Resident Class related to COVID-19 outbreaks in McKenzie Towne?
 - b. If the answer to a) is "yes", what were the applicable standards of care during the Class Period?
 - c. If the answer to a) is "yes", did the Defendants breach the duty of care owed to any members of the Resident Class?
 - d. If the answer to c) is yes, when and how did breaches occur?
 - e. If the answer to c) is "yes", did the breaches amount to gross negligence?
6. In the event paragraph 5(e) is answered in the affirmative by the Court after the common issues trial, then issues of causation and damages are to be determined individually.
7. The Plaintiff will discontinue her claim for exemplary, punitive and aggregate damages, with the pleading to be amended to accord with the same. The pleading is hereby amended per the attached Amended Amended Statement of Claim (**Schedule "A"**).
8. For further certainty, apart from common issue of negligence rising to the level of gross negligence as described at para. 5 above, none of the other common issues as proposed by the Plaintiff are or shall be certified as common issues.
9. Notice of this Order is to be provided to all Class Members in substantially the same form attached hereto as **Schedule "B"** (Short Form Notice of Certification) and **Schedule "C"** (Long Form Notice of Certification), in accordance with the Notice Plan, approved and attached hereto as **Schedule "D"**.
10. To validly opt out, Class Members must deliver a completed Opt-Out Request Form no later than 30 days after the publication of newspaper notice pursuant to the Notice Plan. Any opt-out request shall be in the form as hereby approved and attached as **Schedule "E"**.
11. This Order may be executed either by original signature, or electronically, including by PDF signature attached to an e-mail, or by facsimile signature, and may be executed by the parties in one or more counterparts.

12. There shall be no costs awarded with respect to this Order.



**JUSTICE OF THE COURT OF
KING'S BENCH OF ALBERTA**

Consented to on June 15, 2026

JAMES H. BROWN & ASSOCIATES LLP



Nicole K. Keeler
Lawyer for the Plaintiffs

Consented to on June 15, 2026

NAPOLI SHKOLNIK CANADA



Adam Bordignon
Lawyer for the Plaintiffs

Consented to on June 2, 2026

CLYDE & CO CANADA LLP



Don Dear, K.C.
Lawyer for the Defendants

Consented to on June 2, 2026

AVIVA TRIAL LAWYERS



J. Kate Foster
Lawyer for the Defendants

Schedule "A"

COURT FILE NUMBER	2001 06293
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF(S)	MARIJKE <u>ROBERGE</u> as REPRESENTATIVE PLAINTIFF
DEFENDANT(S)	REVERA INC. operating as MCKENZIE TOWNE CONTINUING CARE CENTRE, <u>AXR (MCKENZIE/MILLER) INC.,</u> <u>AXR OPERATING (NATIONAL)</u> <u>LP and REVERA LTC MANAGING</u> <u>GP INC.</u>
DOCUMENT	<u>AMENDED AMENDED STATEMENT OF</u> <u>CLAIM</u>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Nicole K. Keeler James H. Brown & Associates 2400 Sun Life Place 10123 - 99 Street Edmonton, Alberta T5J 3H1 Phone: (780) 428-0088 Fax: (780) 428-7788 Adam Bordignon Napoli Shkolnik Canada Suite 400, 1000 – 7 Avenue S.W. Calgary, Alberta T2P 5L5 Phone: (888) 531-0675

NOTICE TO DEFENDANT(S)

You are being sued. You are Defendants.

Go to the end of this document to see what you can do and when you must do it.

Statement of facts relied on:

A. LITIGANTS

1. The Representative Plaintiff Marijke Roberge resides in the City of Calgary in the Province of Alberta.
2. The Defendant Revera Inc. (“Revera”) carried on business at all material times in Calgary, Alberta and owned and operated a care facility for elderly persons in Calgary under the name McKenzie Towne Continuing Care Centre (McKenzie Towne) and operates other locations throughout Alberta and Canada.
3. The Defendant AXR (McKenzie/Miller) Inc. (“AXR McKenzie”) carried on business at all material times in Calgary, Alberta and was an owner of McKenzie Towne.
4. The Defendant AXR Operating (National) LP (“AXR National”) carried on business at all material times in Calgary, Alberta and was an operator and licensee of McKenzie Towne.
5. The Defendant Revera LTC Managing GP Inc. (“Revera LTC”) carried on business at all material times in Calgary, Alberta and was a manager of McKenzie Towne.

B. CLASS

6. The Plaintiff claims on behalf of herself and natural persons in Canada who:
 - a. Are current or former Residents of McKenzie Towne (“Residents”) who at any time between March 1, 2020 and June 10, 2020 (inclusive) became infected with COVID-19 while Resident at McKenzie Towne and became ill or died from COVID-19 during the Class Period (“Resident Class”).
 - b. Are spouses, adult interdependent partners or children of any age of members of the Resident Class (“Family Class”) < >.

C. THE COVID-19 PANDEMIC IN CANADA

7. The elderly are especially vulnerable to COVID-19 and are entitled to care from properly trained and equipped staff, in a < > proper environment with adequate testing and response protocols to prevent the introduction or spread of COVID-19.
8. On January 26, 2020, the first presumptive case of COVID-19 in Canada was announced in the City of Toronto, in the Province of Ontario.
9. On February 25, 2020, the World Health Organization stated that older adults are more vulnerable to contracting severe or fatal forms of COVID-19.
10. On March 5, 2020, the first presumptive case of COVID-19 in Alberta was announced;
11. The first death in Alberta from COVID-19 was announced on March 19, 2020.

D. THE REPRESENTATIVE PLAINTIFF

12. Marijke Roberge's mother moved into the McKenzie Towne Continuing Care Centre on February 25, 2020. She was placed on a wait list for a private room and was placed in a room with a bed a short distance away from another Resident.
13. On March 14, 2020, Marijke Roberge was advised she could no longer access McKenzie Towne Continuing Care Centre to visit her mother. Marijke tried to keep in contact with her but could hardly reach anyone at McKenzie Towne to speak to regarding her mother.
14. The Plaintiff's mother was tested on March 25, 2020 for COVID-19. Marijke Roberge received a phone call on March 28, 2020 that her mother had tested positive for COVID-19. Her mother died at McKenzie Towne from COVID-19 on April 4, 2020.
15. As a result of the acts and omissions of the Defendants, jointly and severally, as referred to herein, a COVID 19 outbreak at McKenzie Towne occurred and developed into one of the most egregious and severe outbreaks in the history of the Province of Alberta. Many other care homes, hospitals or other facilities did not have similar or any outbreaks or were able to limit the outbreaks and the related illnesses and fatalities either substantially or entirely.

E. NEGLIGENCE AND GROSS NEGLIGENCE

16. The Defendants are liable to the Plaintiff and the other Class members in negligence and gross negligence.
17. At all relevant times, the Defendants had an obligation to safeguard the life, health, and dignity of Residents and to ensure continued and adequate care.
18. The Defendants knew that the COVID-19 crisis constituted a serious danger to its Residents and its staff.
19. The Defendants knew that the Residents of McKenzie Towne were among the most vulnerable in the population to contracting severe or fatal symptoms of COVID-19.
20. At all material times the Defendants owed a duty of care to the Plaintiff and Class members to ensure that there were reasonable protocols and procedures in place to protect the Residents and prevent the introduction or spread of COVID-19.
21. The Defendants owed the Plaintiff and other similarly situated persons in Alberta, or elsewhere in Canada the following duties of care, and other duties, among others:
 - a. To ensure that adequate sanitation protocols were in place;
 - b. To conduct or arrange for regular testing to prevent the spread of COVID-19;
 - c. To develop and implement adequate protocols for caring for Residents infected with COVID-19 and to prevent the spread to other Residents;
 - d. Upon discovering that COVID-19 was present at McKenzie Towne, to warn the Class of COVID-19 infection, take immediate and comprehensive steps to isolate those affected, or take any other appropriate remedial action.
22. The Defendant, Revera Inc., through its employees, breached the duty of care and failed to meet the applicable standard of care and was negligent or grossly negligent, particulars of which include:
 - a. Failing to ensure that adequate safety protocols were in place;
 - b. Failing to warn the Class Members of the COVID-19 infection at McKenzie Towne and failing to take immediate and comprehensive steps to isolate those affected or take other appropriate remedial action.

- c. Failing to provide or monitor adequate separation between Residents;
- d. Failing to provide or monitor adequate separation between Residents and staff;
- e. Failing to conduct regular testing to prevent the spread of COVID-19;
- f. Failing to have any or adequate personal protective equipment available including proper masks, gloves, gowns and other equipment;
- g. Failing to develop and implement adequate protocols for caring for Residents infected with COVID-19 and to prevent the spread to other Residents;
- h. Allowing employees or contractors working at other facilities to enter and work at McKenzie Towne Continuing Care Centre;
- i. Failing to implement and adhere to protocols mandated or recommended by Alberta Health Services, Alberta's Chief Medical Officer of Health, and the World Health Organization, among others.
- j. Failing to conduct proper, or any testing, for COVID-19, to identify cases and implement protocols to prevent the spread of COVID-19;
- k. Failing to have adequate numbers of staff;
- l. Failing to adopt technological advances in testing for COVID-19;
- m. Failing to devote sufficient financial resources to staffing personnel to provide care to Residents, testing for COVID-19 and to ensure adequate sanitation.
- n. Failing to implement adequate procedures for cleaning in order to prevent the spread of COVID-19, or, in the alternative, failing to ensure such procedures were followed;
- o. Failing to implement adequate procedures to ensure that personnel or staff or others infected or potentially infected with COVID-19 were not allowed entry into McKenzie Towne or, in the alternative, failing to ensure such procedures were followed;
- p. Failing to employ and properly train competent staff on proper, safe or adequate protocols for caring for those with COVID-19 and preventing the spread;
- q. Failing to implement adequate cleaning and maintenance procedures;

- r. Failing to provide proper resources to each of the other Defendants including for personal protective equipment, staffing, pandemic planning and other matters;
 - s. Failing to ensure that one or more of the other Defendants had a pandemic plan in place, adequate supplies of personal protective equipment, adequate staffing and adequate training;
 - t. Failing to take immediate and comprehensive steps to inform Alberta Health Services, the Chief Medical Officer or the public of the scope of the infection with COVID-19;
 - u. Failing to ensure that the Residents or Family Members were adequately informed, or at all, of the COVID-19 outbreak at McKenzie Towne.
23. The Defendant, AXR McKenzie, through its employees, breached the duty of care and failed to meet the applicable standard of care, and was negligent or grossly negligent, particulars of which include:
- a. Failing to ensure that adequate safety protocols were in place;
 - b. Failing to warn the Class Members of the COVID-19 infection at McKenzie Towne and failing to take immediate and comprehensive steps to isolate those affected or take other appropriate remedial action.
 - c. Failing to provide or monitor adequate separation between Residents;
 - d. Failing to provide or monitor adequate separation between Residents and staff;
 - e. Failing to conduct regular testing to prevent the spread of COVID-19;
 - f. Failing to have any or adequate personal protective equipment available including proper masks, gloves, gowns and other equipment;
 - g. Failing to develop and implement adequate protocols for caring for Residents infected with COVID-19 and to prevent the spread to other Residents;
 - h. Allowing employees or contractors working at other facilities to enter and work at McKenzie Towne Continuing Care Centre;
 - i. Failing to implement and adhere to protocols mandated or recommended by Alberta Health Services, Alberta's Chief Medical Officer of Health, and the World Health Organization, among others.

- j. Failing to conduct proper, or any testing, for COVID-19, to identify cases and implement protocols to prevent the spread of COVID-19;
 - k. Failing to have adequate numbers of staff;
 - l. Failing to adopt technological advances in testing for COVID-19;
 - m. Failing to devote sufficient financial resources to staffing personnel to provide care to Residents, testing for COVID-19 and to ensure adequate sanitation.
 - n. Failing to implement adequate procedures for cleaning in order to prevent the spread of COVID-19, or, in the alternative, failing to ensure such procedures were followed;
 - o. Failing to implement adequate procedures to ensure that personnel or staff or others infected or potentially infected with COVID-19 were not allowed entry into McKenzie Towne or, in the alternative, failing to ensure such procedures were followed;
 - p. Failing to employ and properly train competent staff on proper, safe or adequate protocols for caring for those with COVID-19 and preventing the spread;
 - q. Failing to implement adequate cleaning and maintenance procedures;
 - r. Failing to provide proper resources to each of the other Defendants including for personal protective equipment, staffing, pandemic planning and other matters;
 - s. Failing to ensure that one or more of the other Defendants had a pandemic plan in place, adequate supplies of personal protective equipment, adequate staffing and adequate training;
 - t. Failing to communicate adequately or at all with one or more of the other Defendants;
 - u. Failing to take immediate and comprehensive steps to inform Alberta Health Services, the Chief Medical Officer or the public of the scope of the infection with COVID-19;
 - v. Failing to ensure that the Residents or Family Members were adequately informed, or at all, of the COVID-19 outbreak at McKenzie Towne.
24. The Defendant, AXR National, through its employees, breached the duty of care and failed to meet the applicable standard of care, and was negligent or grossly negligent, particulars of which include:

- a. Failing to ensure that adequate safety protocols were in place;
- b. Failing to warn the Class Members of the COVID-19 infection at McKenzie Towne and failing to take immediate and comprehensive steps to isolate those affected or take other appropriate remedial action.
- c. Failing to provide or monitor adequate separation between Residents;
- d. Failing to provide or monitor adequate separation between Residents and staff;
- e. Failing to conduct regular testing to prevent the spread of COVID-19;
- f. Failing to have any or adequate personal protective equipment available including proper masks, gloves, gowns and other equipment;
- g. Failing to develop and implement adequate protocols for caring for Residents infected with COVID-19 and to prevent the spread to other Residents;
- h. Allowing employees or contractors working at other facilities to enter and work at McKenzie Towne Continuing Care Centre;
- i. Failing to implement and adhere to protocols mandated or recommended by Alberta Health Services, Alberta's Chief Medical Officer of Health, and the World Health Organization, among others.
- j. Failing to conduct proper, or any testing, for COVID-19, to identify cases and implement protocols to prevent the spread of COVID-19;
- k. Failing to have adequate numbers of staff;
- l. Failing to adopt technological advances in testing for COVID-19;
- m. Failing to devote sufficient financial resources to staffing personnel to provide care to Residents, testing for COVID-19 and to ensure adequate sanitation.
- n. Failing to implement adequate procedures for cleaning in order to prevent the spread of COVID-19, or, in the alternative, failing to ensure such procedures were followed;
- o. Failing to implement adequate procedures to ensure that personnel or staff or others infected or potentially infected with COVID-19 were not allowed entry into McKenzie Towne or, in the alternative, failing to ensure such procedures were followed;

- p. Failing to employ and properly train competent staff on proper, safe or adequate protocols for caring for those with COVID-19 and preventing the spread;
 - q. Failing to implement adequate cleaning and maintenance procedures;
 - r. Failing to provide proper resources to each of the other Defendants including for personal protective equipment, staffing, pandemic planning and other matters;
 - s. Failing to ensure that one or more of the other Defendants had a pandemic plan in place, adequate supplies of personal protective equipment, adequate staffing and adequate training;
 - t. Failing to communicate adequately or at all with one or more of the other Defendants;
 - u. Failing to take immediate and comprehensive steps to inform Alberta Health Services, the Chief Medical Officer or the public of the scope of the infection with COVID-19;
 - v. Failing to ensure that the Residents or Family Members were adequately informed, or at all, of the COVID-19 outbreak at McKenzie Towne.
25. The Defendant, Revera LTC, through its employees, breached the duty of care and failed to meet the applicable standard of care, and was negligent or grossly negligent, particulars of which include:
- a. Failing to ensure that adequate safety protocols were in place;
 - b. Failing to warn the Class Members of the COVID-19 infection at McKenzie Towne and failing to take immediate and comprehensive steps to isolate those affected or take other appropriate remedial action.
 - c. Failing to provide or monitor adequate separation between Residents;
 - d. Failing to provide or monitor adequate separation between Residents and staff;
 - e. Failing to conduct regular testing to prevent the spread of COVID-19;
 - f. Failing to have any or adequate personal protective equipment available including proper masks, gloves, gowns and other equipment;
 - g. Failing to develop and implement adequate protocols for caring for Residents infected with COVID-19 and to prevent the spread to other Residents;

- h. Allowing employees or contractors working at other facilities to enter and work at McKenzie Towne Continuing Care Centre;
- i. Failing to implement and adhere to protocols mandated or recommended by Alberta Health Services, Alberta's Chief Medical Officer of Health, and the World Health Organization, among others.
- j. Failing to conduct proper, or any testing, for COVID-19, to identify cases and implement protocols to prevent the spread of COVID-19;
- k. Failing to have adequate numbers of staff;
- l. Failing to adopt technological advances in testing for COVID-19;
- m. Failing to devote sufficient financial resources to staffing personnel to provide care to Residents, testing for COVID-19 and to ensure adequate sanitation.
- n. Failing to implement adequate procedures for cleaning in order to prevent the spread of COVID-19, or, in the alternative, failing to ensure such procedures were followed;
- o. Failing to implement adequate procedures to ensure that personnel or staff or others infected or potentially infected with COVID-19 were not allowed entry into McKenzie Towne or, in the alternative, failing to ensure such procedures were followed;
- p. Failing to employ and properly train competent staff on proper, safe or adequate protocols for caring for those with COVID-19 and preventing the spread;
- q. Failing to implement adequate cleaning and maintenance procedures;
- r. Failing to provide proper resources to each of the other Defendants including for personal protective equipment, staffing, pandemic planning and other matters;
- s. Failing to ensure that one or more of the other Defendants had a pandemic plan in place, adequate supplies of personal protective equipment, adequate staffing and adequate training;
- t. Failing to communicate adequately or at all with one or more of the other Defendants;
- u. Failing to take immediate and comprehensive steps to inform Alberta Health Services, the Chief Medical Officer or the public of the scope of the infection with COVID-19;

- v. Failing to ensure that the Residents or Family Members were adequately informed, or at all, of the COVID-19 outbreak at McKenzie Towne.

F. ◇

26. ◇

27. ◇

28. ◇

G. ◇

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H. ◇

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39. ◇

K. VICARIOUS LIABILITY

40. The Plaintiff and the Class plead that each of the Defendants can only act through their respective employees, directors, officers and agents and are vicariously liable for their acts and omissions as <> pleaded. The acts and omissions particularized and alleged in this claim to have been done by each of the Defendants was authorized, ordered or done by that Defendant's employees, directors, officers and agents while engaging in the management, direction, control and transaction of that Defendant's business and are therefore acts and omissions for which the respective Defendants are vicariously liable. —

L. PUNITIVE DAMAGES

41. <>

M. DAMAGES

42. As a result of the breaches of the duty of care, negligence, gross negligence, and failures to meet the applicable standard of care <>, the serious outbreak of COVID 19 and the resulting illnesses and deaths of the Residents occurred when there was a foreseeable and avoidable risk of the outbreak and COVID 19 infections which ultimately occurred.

43. As a result of the breaches <> of the duty of care, failures to meet the applicable standard of care, <> the acts and omissions and resulting negligence or gross negligence <> of the Defendants as referred to herein, jointly and severally, the Class and Class Members suffered damage, particulars of which include:

- a. Damages for Family Members pursuant to the *Fatal Accidents Act*, RSA 2000, c F-8 and amendments thereto;
- b. Damages for the unnecessary pain and suffering endured by Residents who had COVID-19 but are recovered or recovering;

- c. Damages for emotional distress and psychological injuries as a result of fearing for the health and lives of Residents who were unnecessarily exposed to COVID-19 at McKenzie Towne;
- d. Damages for loss of consortium for the person's spouse or adult interdependent partner;
- e. Special Damages for hospital, medical, nursing, medication and other out of pocket expenses.
- f. Such further and other damages as may be proven at the trial of this action.

44. <>

45. <>

- 46. The trial of this action will not likely take more than twenty-five days.
- 47. The Plaintiff proposes that this action be tried in the City of Calgary in the Province of Alberta.
- 48. The Plaintiff has sufficient facts and grounds to serve this Statement of Claim ex juris outside of Alberta and, if necessary, outside of Canada since the within claims arise out of and relate to torts committed in Alberta and is governed by the law of Alberta and have a real and substantial connection to Alberta.

N. REMEDY SOUGHT

- 49. The Plaintiff and the Class therefore claim against the Defendants, jointly and severally:
 - a. A declaration that the Defendants are liable to the Plaintiff and the other Class Members for the damages caused by the COVID-19 outbreak in McKenzie Towne;
 - b. Certification of this action including certification of the common issues;
 - c. General damages, in the sum of \$15,000,000.00:

- d. Special damages in the sum of \$5,000,000.00;
- e. 
- f. 
- g. 
- h. 
- i. Interest pursuant to the *Judgment Interest Act*, R.S.A. 2000, c. J 1 as may be allowed;
- j. Costs of this action; and
- k. Such further and other relief as this Honourable Court may allow or counsel may advise.

NOTICE TO THE DEFENDANTS (S)

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of King's Bench at Calgary, Alberta, AND serving your statement of defence or a demand for notice on the Plaintiff's address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the Plaintiff against you.

MCKENZIE TOWNE CONTINUING CARE CENTRE CLASS ACTION

You may be entitled to participate in a class action that has been certified in relation to residents at McKenzie Towne Continuing Care Centre ("McKenzie Towne") who became infected with COVID-19 at any time between March 1, 2020 and June 10, 2020 inclusive ("Class Period") or had a spouse, adult interdependent partner or parent who became ill from or died from COVID-19 during this period.

A class action against REVERA INC. operating as MCKENZIE TOWNE CONTINUING CARE CENTRE, AXR (MCKENZIE/MILLER) INC., AXR OPERATING (NATIONAL) LP and REVERA LTC MANAGING GP INC. has been certified on behalf of:

- (a) all persons who were residents at McKenzie Towne at any time between March 1, 2020 and June 10, 2020 inclusive ("Class Period") who became infected with COVID-19 while resident at McKenzie Towne during the Class Period and became ill or died from COVID-19 during the Class Period ("Resident Class");
- (b) spouses, adult interdependent partners or children of any age of a members of the Resident Class ("Family Class").

The claims have not been decided by the Court or settled and the Defendant denies any fault or liability and will vigorously defend the action.

IMPORTANT INFORMATION:

For important details see the "Long Form Notice" available from Class Counsel at www.jameshbrown.com or www.NapoliLaw.ca.

If you want to exclude yourself from the McKenzie Towne Class Action you must send the Opt-Out Request Form to Class Counsel at James H. Brown & Associates LLP by _____ in the manner described in the "Long Form Notice".

If you have questions contact Class Counsel: Nicole K. Keeler of James H. Brown & Associates LLP at nkeeler@jameshbrown.com, 1-800-616-0088 or Adam Bordignon, of Napoli Shkolnik Canada at abordignon@NapoliLaw.ca, 1-888-531-0675.

MCKENZIE TOWNE CONTINUING CARE CENTRE CLASS ACTION

This notice is directed at anyone who was a resident at McKenzie Towne Continuing Care Centre ("McKenzie Towne") at any time between March 1, 2020 and June 10, 2020 inclusive and became infected or died from COVID-19 during this period and spouses, adult interdependent partners and children of the residents described above.

A class action has been certified in Alberta in connection with the residents at McKenzie Towne who became infected or died from COVID-19 at any time between March 1, 2020 and June 10, 2020 inclusive while residing at McKenzie Towne during this period, and the spouses, adult interdependent partners and children of the residents described above, being Court of King's Bench of Alberta Action No. 2001 06293 (the "Class Action").

The Class Action alleges that Revera Inc. operating McKenzie Towne did not meet the duty of care to the residents at McKenzie Towne who became ill from or died from COVID-19 at any time between March 1, 2020 and June 10, 2020 inclusive. The claims have not been decided by the Court or settled and the Defendant denies any fault or liability and will vigorously defend the action.

The Class Action has been certified on behalf of the following "Resident Class" or "Family Class", as:

(a) "Resident Class" means all persons who were residents at McKenzie Towne at any time between March 1, 2020 and June 10, 2020 inclusive ("**Class Period**") who became infected with COVID-19 while resident at McKenzie Towne during the Class Period, and became ill from or died from COVID-19 during the Class Period.

(b) "Family Class" are spouses, adult interdependent partners or children of any age of members of the Resident Class.

No Class Member will have to pay for any expenses or legal costs. However, if the action is successful at trial or is settled, Class Counsel will be entitled to a fee in an amount to be approved by the Court.

Class Members will receive notice of any major steps in the litigation, including settlement. If the Class Action is settled, you will have an opportunity to "object" to the settlement and the amount of Class Counsel fees if you do not think they are appropriate.

If you want to be a member of the class action, you do not need to do anything. However, in order to protect your rights, you should:

1. Register online at www.jameshbrown.com or www.NapoliLaw.ca to receive updates.

2. If you or your spouse, adult interdependent partner or parent were a resident at McKenzie Towne at any time March 1, 2020 and June 10, 2020 inclusive and became infected with or died from COVID-19 during this period, contact Class Counsel. Class Counsel can assist in the process of obtaining records that might be necessary.

If the class action is not successful, that result will bind all Class Members. If the class action is successful, or settles before trial, Class Members may be entitled to compensation in the manner in which the Court orders and will be bound by that result. You will not be permitted to bring other legal proceedings in relation to the matters alleged in the Class Action against the Defendant. Conversely, if you are a Class Member who Opts-Out of the Class Action (an "Opt-Out Party"), you will not be able to make a claim in the Class Action but will maintain the right to pursue your own claim against the Defendants relating to the matters alleged in the Class Action. Your right to pursue a claim in a separate proceeding will not be effected, but any limitation period (i.e. a time limit in which you must commence a claim) that was paused by the commencement of the class proceedings will resume running from the date of the Opt-Out.

If you are a Class Member and wish to Opt-Out, you must submit an election to do so to Class Counsel.

The following is the opt-out procedure:

- a. A person may opt out of the Class Action by sending the Opt-Out Request Form to Class Counsel available on Class Counsel's respective websites:
www.jameshbrown.com and www.NapoliLaw.ca

Class Counsel must receive your Opt-Out Request Form no later than **4:30 pm MST on ____ ("Opt-Out Deadline")**. Opt-Out Request Forms may be sent electronically or by mail or courier to the following Class Counsel firm:

Nicole K. Keeler
James H. Brown & Associates LLP
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An Opt-Out Request Form that does not contain all of the required information will not be valid, which means that you will be part of the Class Action.

For information on the McKenzie Towne Continuing Care Centre Class Action:

www.jameshbrown.com or www.NapoliLaw.ca
➤ Or by telephone: 1-800-616-0088 or 1-888-531-0675

There is **no charge** to speak with Class Counsel to discuss the Class Action, to have your questions answered, or to retrieve a copy of the Opt-Out Request Form, or related documents.

PLAN OF NOTICE

NOTICE OF CERTIFICATION

The Short Form Notice of Certification will be disseminated as follows:

Internet Publication

Electronic publication of the Short Form Notice of Certification will occur on Class Counsel's respective websites.

Newspaper Publication

The Short Form Notice of Certification will be disseminated by advertisements in print and electronic media. Publication shall be completed within 45 days of the granting of the Certification Order. Print publication will be made once in English, in the Calgary Herald and the Calgary Sun.

The Long Form Notice of Certification will be disseminated as follows:

Internet Publication

Electronic publication of the Long Form Notice of Certification will occur on Class Counsel's respective websites.

Mail and Electronic Notice

Within 45 days of the granting of the Certification Order, the Defendants or a claims administrator (to be agreed upon by the parties or as otherwise ordered by the Court), shall provide the Long Form Notice of Certification by electronic mail to every Class member for whom an email address is located. If there is only a physical address for a Class Member, the Defendants or claims administrator shall provide the Long Form Notice of Certification by regular mail, postage pre-paid.

The Defendants will provide the Long Form Notice of Certification to any individual, of whom they are aware, who has filed individual litigation relating to the same or similar matters raised in the class action.

Direct Notice

Class Counsel will send the Long Form Notice of Certification by email to any person who has requested it or who has registered to receive updates through Class Counsel's websites. The Long Form Notice of Certification will be sent by direct mail to persons who have requested to receive updates in this manner.

Schedule "E"

OPT OUT FORM

Marijke Roberge v. Revera Inc. operating as McKenzie Towne Continuing Care Centre, AXR (McKenzie/Miller) Inc., AXR Operating (National) LP and Revera Ltd. Managing GP Inc., Court of King's Bench of Alberta, Action No. 2001 06293

This is not a Claim Form. This form is only to be used by any potential member of the Class who wishes to be excluded from the McKenzie Towne Continuing Care Centre Class Action. You must submit this Opt Out Form properly completed to opt out of the McKenzie Towne Continuing Care Centre Class Action. Submitting this form excludes you from the class action and any future settlement of the class action. Do not use this form if you wish to receive compensation from any future settlement of the class action.

First and Last Name: _____

Current Address: _____

Phone Number: _____

Email Address: _____

Date of Birth: _____

Reason for Opting-Out: _____

I understand that by opting out and excluding myself from the class action and any future settlement of the class action, I waive any and all rights that I may have to receive any money from the class action.

Date: _____ Signature _____

Send this completed Opt-Out Request Form by email, mail or courier to the following Class Counsel firm no later than **4:30 pm MST on _____ ("Opt-Out Deadline")**.

Nicole K. Keeler

James H. Brown & Associates LLP

2400 Sun Life Place, 10123 99 Street, Edmonton, AB T5J 3H1

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