

Federal Court



Cour fédérale

Date: 20210106

Docket: T-1673-17

Citation: 2021 FC 25

Ottawa, Ontario, January 6, 2021

PRESENT: The Honourable Mr. Justice Phelan

CLASS PROCEEDING

BETWEEN:

**CHERYL TILLER, MARY-ELLEN COPLAND
AND DAYNA ROACH**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

(re: Deemed Exceptional Circumstances)

UPON MOTION by the Plaintiffs under Rule 369 of the *Federal Courts Rules*, SOR/98-106, for an Order extending time due to “deemed exceptional circumstances”;

AND UPON considering the Plaintiffs’ request, as a result of extraordinary circumstances, for this extension of time beyond the January 12, 2021 claim deadline, to process claims for compensation by primary class members;

AND UPON considering the motion materials filed on behalf of the Plaintiffs including an Affidavit of Connie Luong sworn on December 18, 2020;

AND UPON noting that the Defendant consents in writing to the Plaintiffs' extension request;

AND UPON the Court concluding that the Coronavirus Pandemic is an "exceptional circumstance" under the Settlement Agreement;

AND CONCLUDING that the relief requested is in the best interests of all parties;

THIS COURT ORDERS that:

1. An "exceptional circumstance" under the Settlement Agreement is deemed for each Primary Class Member who has, on or before the Claim Deadline, being January 12, 2021, informed Class Counsel or the Assessor in the manner specified below that she intends to file a Claim for compensation under the Settlement Agreement [Deemed Exceptional Circumstance];
2. On January 13, 2021, being the day after the Claim Deadline, Class Counsel shall provide the Office of the Independent Assessor and the Claim Administrator with a list of the names of all Primary Class Members who have informed Class Counsel in writing or by email, on or before the Claim Deadline, that they intend to file a Claim for compensation under the Settlement Agreement;
3. Any Primary Class Member who has, on or before January 12, 2021, opened an online file with the Claim Administrator but has not yet submitted her Claim

Form will be deemed to have informed the Assessor that she intends to file a Claim under the Settlement Agreement;

4. Primary Class Members for whom the Deemed Exceptional Circumstance applies have until April 22, 2021 to submit their Claim Forms and all supporting documentation to the Claim Administrator;
5. Primary Class Members for whom the Deemed Exceptional Circumstance applies are not required to individually file with the Assessor a Request for Deadline Extension form;
6. Where the Deemed Exceptional Circumstance does not apply to a Primary Class Member because the Primary Class Member has not, on or before the Claim Deadline of January 12, 2021, informed Class Counsel or the Assessor, as specified above, that she intends to file a Claim for compensation under the Settlement Agreement, Article 7.05 (2) and Schedule B of the Settlement Agreement still apply;
7. The Claim Administrator shall post this Order on the website upon receipt of the Order; and
8. No costs are payable on this motion.

“Michael L. Phelan”

Judge