

## **BC DOCTORS 1992 – 1996 CLASS ACTION**

### **NOTICE OF PROPOSED SETTLEMENT**

**THIS NOTICE MAY AFFECT YOUR RIGHTS, PLEASE READ CAREFULLY**

#### **WHO SHOULD READ THIS NOTICE**

You should read this notice if you were a practising fee-for-service medical practitioner who was enrolled with British Columbia Medical Services Plan from July 23, 1992 to April 30, 1996 (the Material Time), or any portion of that time period. You may be a class member, and if settlement approval is given, you will be bound by the terms of the Settlement Agreement, set out below, unless you are not a member of the class.

#### **PURPOSE OF THIS NOTICE**

A class action was certified against the Medical Services Commission of British Columbia and Her Majesty the Queen in right of British Columbia and the Minister of Health as represented by the Attorney General for British Columbia (the “Defendants”) on July 12, 2012. The class action alleges that the class members were not paid by the Defendants when rendering medical services to British Columbian beneficiaries if such beneficiaries’ medical premiums had not been paid (often referred to as “MSP negative” or simply “bad debt”). The claim alleges damages for breach of statute and compensation for unjust enrichment as against the Defendants. The class has been defined as follows:

all medical practitioners who were enrolled under the *Medical and Health Care Services Act*, S.B.C. 1992, c. 76, as amended, at any time during the period July 23, 1992 to April 30, 1996, excluding those medical practitioners who were members of the Medical Services Commission at any time during that time period

A previous notice was issued following which class members resident in British Columbia had to opt out of the class action and class members not resident in British Columbia had to opt in to the class action.

The lawyers for the class (“Class Counsel”) and the plaintiff have entered into a settlement agreement (the “Settlement Agreement”) with the Defendants, which is subject to court approval. A copy of the Settlement Agreement can be viewed at [www.gkn.ca](http://www.gkn.ca) or at [www.bcdoctorssettlement.ca](http://www.bcdoctorssettlement.ca).

If approved, the settlement will be binding on all class members. A further notice will be issued that describes the procedures and deadlines for class members to make a claim.

## **TERMS OF THE PROPOSED SETTLEMENT**

This is a summary only. A complete description of the proposed protocol for distribution of the settlement funds, including claims forms, is set out in the Settlement Agreement.

The Defendants will provide funds of \$7.5 million (the "Settlement Proceeds") in full and final satisfaction of the class members' claims. The people entitled to participate in the settlement do not include persons who have opted out of the class action.

Class members must submit a claim form within a specified period of time. The amount a given class member will receive will depend on which medical specialty he or she practised during the Material Time, the proportionate fee-for-service billings that he or she had during the Material Time and the total number of Class members who make a claim against the Settlement Fund.

In addition, and subject to court approval, Class Counsel will be seeking a fee of \$2.5 million plus disbursements and applicable taxes to be paid out of the Settlement Proceeds.

In exchange for the Settlement Proceeds, class members will release all claims against the Defendants arising out of the matters in issue in the class action.

## **SETTLEMENT APPROVAL HEARING**

Class members need not take any action at this time. Class members will be bound by the ruling of the court if the court approves the settlement. The court will hold a hearing to decide whether the proposed settlement is fair, reasonable and in the best interests of the class. If the settlement is approved the court will set requirements for notice to the class. The settlement approval hearing will be held on July 11, 2016 at 10:00 AM at the Supreme Court of British Columbia, 800 Smithe Street, Vancouver, B.C. V6Z 2E1

## **OBJECTIONS TO THE PROPOSED SETTLEMENT**

You may attend the settlement approval hearing but you are not required to attend in order to participate in the settlement. At the settlement approval hearing the court will consider any objections to the proposed settlement by class members or their legal counsel. All persons who object to the Settlement Agreement must provide written notice to Class Counsel by July 4, 2016 at the address below explaining the reason for their objection, advising whether they intend to appear at the settlement approval hearing and providing a mailing address, telephone number or e-mail address where they may be contacted.

## **REGISTERING FOR A CLAIMS PACKAGE**

In advance of the settlement approval hearings and in anticipation of the settlement being approved, people who believe that they may be a class member can register to receive further information about the settlement and the claims application forms by contacting the Claims Administrator as follows:

BC Doctors 1992-1996 Settlement Program  
Crawford Class Action Services  
180 King St. South. Suite 610  
Waterloo, Ontario N2J 1P8

Tel: 1-877-797-6682  
Fax: 1-888-842-1332  
Email: [BCDoctorsSettlement@craw.ca](mailto:BCDoctorsSettlement@craw.ca)

### **ADDITIONAL INFORMATION AND QUESTIONS FOR CLASS COUNSEL**

Do not contact the court about this notice or the proceedings. Additional information concerning the proposed settlement can be found at [www.gkn.ca](http://www.gkn.ca) or at [www.bcdoctorssettlement.ca](http://www.bcdoctorssettlement.ca).

If you still have questions after viewing that website, you can contact Class Counsel as follows:

Arthur M. Grant or Sandy J. Kovacs,  
Grant Kovacs Norell  
400 – 900 Howe St. Vancouver, B.C. V5Z 2M4,  
Tel: 604-609-6699  
Fax: 604-609-6688  
Email: [info@gkn.ca](mailto:info@gkn.ca)

**This notice has been approved by the Supreme Court of British Columbia**