



Grey Wowk Spencer LLP

Leighton B.U. Grey, K.C. *
Bradley V. Sinclair *
Alexis Trignani

Lawren E.I. Wowk *
Moe K. Tanash

Hart R. Spencer *
Connor Farquhar
David Hersey †

FAQs

VACINE HARMS CLASS ACTION

Taylor v His Majesty the King in Right of Canada et al

1. What do I need to do?

You have the option of contributing to the crowd fund to help support the class action, which is already filed. This is not required, but you are urged to contribute. You can also await certification of the class action, at which point you can join the action as a class plaintiff. In the meanwhile, we can take your information and keep you apprised of developments in the case. You can also begin to gather relevant documents supporting your claim, including damages and related expenses that may be requested at a later date.

2. What is the stage of litigation?

The class action will enter case management. We are await notice from the court about available dates to schedule the initial case management conference with the assigned judge and the lawyers from the Government of Canada.

3. Who is the Representative Plaintiff? Why were they chosen?

The Representative Plaintiff is Drue Taylor. She is a young mother who lives in Alberta. She was chosen for a number of reasons, included in her testimony at the National Citizen's Inquiry in Red Deer on April 2023.

4. Do I need to be a Plaintiff?

You are not a Plaintiff. There is only one Representative Plaintiff. Other claimants can join the Plaintiff class once the case is certified by the Court. We expect that to take 1-3 years. Residents of Quebec are excluded from participation.

5. What is Case Management

Case Management is a process that the court uses in cases involving many litigants. A judge or judges are assigned to guide the case through the litigation. Class actions always go under case management. The case management judge is disqualified from hearing the trials but can hear pre-liminary motions.

6. What is the time frame for the action to be certified?

1-3 years. We expect Canada to file a series of motions to have the case thrown out. They also tend to employ delay tactics to drive up the costs of litigation and discourage Plaintiffs.

7. What is needed for the action to be certified?

To be certified, there is a five-part test to be met. The essence of the test is that the case must be of broad public interest and there must be a serious issue to be tried. This is generally a low threshold to meet. Despite this, we expect vigorous opposition from Canada.

8. What is a triable issue?

A triable issue is a substantive question of fact or law that must be decided by the court to resolve a dispute. Again, this is generally a low test to meet;

9. What is the time frame for this action to settle?

We cannot predict when the case will settle. What we expect is that Canada will do everything it can to defeat the action by opposing certification. Most class actions settle post-certification.

10. Where does my donation go?

Donations are processed to cover ongoing costs of advancing the case.

11. How much money is needed?

We estimate the costs of taking the case to trial to be roughly \$2M.

12. What is the difference between a retainer fee and a donation payment?

A retainer fee hires a lawyer to do legal work. The donation funds a group retainer from many donors. If the case is ultimately successful, all donations will be refunded to donors out of settlement proceeds. The purpose of the donation agreement is to document donations so that we can issue refunds later in the process. A contingency fee agreement has been signed with the Representative Plaintiff in the class action.

13. In addition to crowd funding the lawsuit, should the lawsuit be unsuccessful, how is it determined who is liable to pay the government's court costs?

At this point, only the Representative Plaintiff is liable to pay any of the Defendants' court costs.

14. I have donated. I want to make sure I'm not liable for future class action costs.

Donors are not liable for any ongoing or future costs. They can donate or not at their discretion. There are portions of the retainer agreement that are inapplicable, and so we are in the process of revising it. The main function of the agreement is simply to document donations so that they can be refunded from settlement proceeds.