

## NOTICE OF DETERMINATION

### CLASS ACTION REGARDING THE CALCULATION OF LONG TERM DISABILITY BENEFITS UNDER DIVISION 2, PART III(B) of SISIP POLICY #901102

*Simon Logan v. Her Majesty The Queen*  
Court No. T-1358-18

The Federal Court has issued a judgment in this class action in favour of the Class.

**This notice is provided for your information only. You do not have to do anything at this time.**

**Please note that Class Counsel does not know what amount an individual Class Member may be entitled to under this class action.**

#### WHAT IS THIS CLASS ACTION ABOUT?

SISIP Policy 901102, Division 2, Part III(B) provides long term disability and dismemberment insurance to members of the Regular Force and Reserve Force – Class C who were released from the Canadian Armed Forces on or after December 1, 1999. The Plaintiff and the Class say that the Defendant breached the terms of Division 2, Part III(B) of SISIP Policy 901102 by improperly calculating the monthly income benefit and monthly income benefit – dismemberment.

In particular, the Plaintiff and the Class say the Defendant failed to include monthly allowances as part of the “member’s monthly pay in effect on the date of release from the Canadian Forces” for the purposes of calculating the monthly income benefits of Regular Force Members.

Further, the Plaintiff and the Class say the Defendant failed to include monthly allowances as part of their “monthly pay in effect when the injury was incurred or the illness was contracted” for the purposes of calculating the monthly income benefits of Reserve Force Class “C” members.

#### WHAT DID THE COURT DECIDE?

In its March 24, 2020, decision, the Federal Court decided the question of law in favour of the Class. As a result, the Court found that the calculation of Class Members’ long term disability benefits under Division 2, Part III(B) of SISIP Policy 901102 should factor in a Class Member’s monthly allowances at the time of release (for Regular Force Members) and when the injury was incurred or the illness was contracted (for Reserve Force Class “C” Members).

#### WHO ARE THE CLASS MEMBERS?

The Federal Court has defined the Class as follows:

All former members of the Canadian Armed Forces who on or after July 17, 2012, received long term disability benefits and/or dismemberment benefits under Division 2, Part III(B) of SISIP Policy 901102, and had an allowance from the Canadian Armed Forces in effect on the date of their release from the Canadian

Armed Forces or, in the case of a Class "C" member, when the injury was incurred or the illness was contracted. ("Class")

You are a Class Member if you meet the above definition and did not opt out by mailing a completed opt-out form to McInnes Cooper by January 28, 2020.

#### **WHAT HAPPENS NEXT? DO I NEED TO DO ANYTHING?**

The parties will now enter negotiations in an attempt to resolve the remaining issues in this class action. These issues may include such things as an applicable interest rate and the administrative process for paying Class Members. If the parties are unable to resolve these issues through negotiation, they will seek the Court's direction.

You do not have to do anything at this time. This notice is provided for your information only. You will receive a further notice following the resolution of the remaining issues.

#### **WHERE CAN I FIND MORE INFORMATION?**

For more information about the class action, please contact lawyers for the Class: McInnes Cooper by email at [SISIPClassAction@mcinnescooper.com](mailto:SISIPClassAction@mcinnescooper.com) or by leaving a voicemail at (902) 444-8417. Please reference your service number in your message. Due to staffing restrictions during the COVID-19 pandemic, please be patient, as our response may be delayed. Please note that we do not know what amount an individual Class Member may be entitled to under this class action.