

**NOTICE TO CLASS OF DISCONTINUANCE OF THE
NOVA SCOTIA NURSING HOME HEALTH CARE COSTS CLASS ACTION**
Morrison Estate et al. v. Attorney General of Nova Scotia et al - Hfx No. 230887

AUGUST 25, 2020

PLEASE READ CAREFULLY. IGNORING THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS

A proposed class action was commenced on September 8, 2005, challenging a government policy which required nursing home residents and their spouses to pay *per diem* costs between February 1, 2001 and January 1, 2005 (“Class Period”). In 2010, the proceeding was certified on behalf of a “Resident Class” (residents of nursing homes who have been required to pay for their health care costs in nursing homes at anytime in the Class Period) and a “Spousal Class” (spouses of residents of nursing homes who have been required to pay for or contribute to the health care costs of residents in nursing homes at anytime in the Class Period). Notice of Certification of the class proceeding was completed by February 2013.

Simultaneously, a similar class action known as *Elder Advocates of Alberta Society v. Alberta* was proceeding at a more advanced stage in Alberta. The *Elder Advocates* proceeding challenged accommodation fees charged to long-term care residents by the province of Alberta. As a result of the more advanced stage of the *Elder Advocates* proceeding, and the similarity of the issues to this Nova Scotia class action, Class Counsel considered it appropriate to await the final outcome of the *Elder Advocates* proceeding before undertaking further significant steps in this class action.

In January 2018, the *Elder Advocates* proceeding was dismissed by the Trial Judge following a lengthy trial. The plaintiffs appealed the dismissal and in September 2019, the Alberta Court of Appeal dismissed the appeal. The plaintiffs attempt to seek leave to appeal to the Supreme Court of Canada was dismissed on April 2, 2020. As the plaintiffs and class were unsuccessful in the *Elder Advocates* proceeding and given the similarity of the issues in *Elder Advocates* to those sought to be determined in this Nova Scotia class action, a decision was made to discontinue this class action.

When a proposed class action has been filed with the Court, the limitation period applicable to all members of the class stops running. Now that the class action regarding Nova Scotia Nursing Home Health Care Costs has been discontinued, limitation periods regarding this action have re-commenced. **As a result, any legal action you may wish to pursue with respect to Nova Scotia Nursing Home Health Care Costs covered by this action is now subject to an active limitation period.**

In the event that you wish to pursue further legal action, it is incumbent upon you to speak with a lawyer.

If you have questions about the discontinuance of the class action and/or would like to obtain more information, please contact Wagners by email at **classaction@wagners.co** or by telephone at **1-800-465-8794 / 902-425-7330**.

This Notice has been approved by the Supreme Court of Nova Scotia