

## Federal Indian Hospitals Class Action Settlement

### Estates Protocol

#### GENERAL

A. This document outlines the Protocol for Estates with respect to Settlement Agreement between Ann Cecile Hardy and Cecil Hardy and The Attorney General of Canada as approved by the Federal Court of Canada on June 24, 2025 (“**Settlement Agreement**” or “**SA**”).

B. Apart from direct quotation, where the SA refers to “**Application**”, it will be referred to as “**Claim**” in this Protocol.

C. Interpretation of this Estates Protocol: Capitalized terms are defined either in the Settlement Agreement (SA 1.01) or otherwise in this Estates Protocol. For example, under the SA “**Day**” refers to Business Day, being a day other than a Holiday (SA 1.01).

#### A. Definitions

1. In this Estates Protocol:

- a. “**Estate Representative**” means (SA 1.01):
  - i. An individual who is authorized to represent the estate of the deceased Primary Class Member (Grant of Authority); or
  - ii. Any other persons permitted to make a Claim on behalf of a deceased Primary Class Member such as an Heir, if the deceased Primary Class Member died without a Grant of Authority.
- b. “**Grant of Authority**” means authorization to act on behalf of the estate of a deceased Primary Class Member pursuant to a will, court order, or legislation;
- c. “**Heir**” means a familial relative of a deceased Primary Class Member without a Grant of Authority as referred to and ranked in order of priority pursuant to Part C of this Estates Protocol;
- d. “**Heir Claim**” means a claim submitted in accordance with Part C of this Estates Protocol; and

- e. "**Heir Claimant**" means an individual acting or seeking to make a Claim for compensation on behalf of the estate of a deceased Primary Class Member in accordance with Part C of this Estates Protocol.

2. In the Claim Form:

- a. "**Executor**" means a person named as Estate Representative in a valid will pursuant to applicable federal, provincial, or territorial legislation;
- b. "**Administrator**" means a person officially appointed as estate executor or administrator by a court or government authority;
- c. "**Liquidator**" means the person named as liquidator in a valid will, or designated as the liquidator by the heirs to administer the estate, in the province of Quebec; and
- d. "**Trustee**" means the Public Guardian and Trustee or an individual or firm with a Grant of Authority to act in that capacity.

**B. Where the Estate Representative has a Grant of Authority**

3. Where the Estate Representative has a Grant of Authority, the Estate Representative shall:
- a. Complete the Claim;
  - b. Provide evidence that the Primary Class Member is deceased, and died on or after January 25, 2016 (SA 6.01); and
  - c. Provide evidence that the Estate Representative has been authorized to act on behalf of the deceased Primary Class Member's estate, referred to as a Grant of Authority (SA 1.01), such as evidence that the Estate Representative has been:
    - i. Appointed by a valid will; or

- ii. For deceased Primary Class Members whose estates are subject to the laws of Quebec, authorized pursuant to law and practice in that province, including authorization as a Liquidator; or
  - iii. Appointed by Indigenous Services Canada or Crown-Indigenous Relations and Northern Affairs Canada or the predecessors to these organizations; or
  - iv. Appointed by a court in Canada or the United States; or
  - v. For the public trustee for a province or territory, where the public trustee can administer estates in the absence of a court order, such action is authorized under the legislation of that province or territory.
4. Where an individual is unable to provide evidence of authority to act on behalf of the deceased Primary Class Member's estate prior to the deadline set out in the Missing Information Letter, the Claims Administrator will provide a letter to the Claimant advising that the Claim will be converted to an Heir Claim and providing information about the requirements set out in Part C below.
5. If the Claim is approved for compensation, payment will be made payable to "**Estate of**" the deceased Primary Class Member in the amount to which the deceased Primary Class Member would have been entitled (SA 6.01(1)).
6. Where, prior to payment of compensation, more than one Estate Representative submits a valid Grant of Authority, the Claims Administrator may ask the Estate Representatives to seek appointment via a court (Probate) or a decision from the issuing agent.
7. Where, subsequent to payment of compensation, other wills or appointments nominating an Estate Representative(s) other than the original Estate Representative who submitted the Claim, are submitted in relation to a Claim, the compensation will not be reissued. The Estate Representative(s) can take the matter to court or another venue to resolve the dispute.

**C. Where there is no Grant of Authority**

8. Where no Grant of Authority exists, a familial relative of a deceased Primary Class Member may make a Claim for compensation on behalf of the estate of a deceased Primary Class Member by submitting a Claim as an Heir Claimant. The Heir Claimant shall:
  - a. Complete and submit the Claim;
  - b. Provide evidence that the Primary Class Member is deceased, and died on or after January 25, 2016;
  - c. Provide an attestation/declaration that, there is no will or no Estate Representative with a Grant of Authority;
  - d. Provide proof of the Heir Claimant's relationship to the deceased Primary Class Member, which may take the form of documentary evidence and/or an attestation/declaration; and
  - e. Declare that, to the best of their knowledge and belief, there is no living family member who is a higher priority Heir; and
  - f. If there are living family member(s) who are higher priority Heir(s), provide written consent(s) of the non-applying higher-priority Heir(s).
  
9. The priority ranking of Heirs, from highest to lowest priority, is as follows:
  - a. Surviving legal spouse or legal common-law partner;
  - b. Biological or adopted children;
  - c. Biological or adopted grandchildren;
  - d. Biological or adoptive parents;
  - e. Biological or adopted siblings;
  - f. Biological or adopted children of biological or adopted siblings;
  - g. Any other individual with a derivative claim in accordance with the applicable family law legislation arising from a relationship with a deceased Primary Class Member.

10. An Estate Representative with a Grant of Authority has priority over an Heir Claimant.
11. Where the Heir of a Claimant of a deceased Primary Class Member is a Minor or Person Under Disability, a Personal Representative may submit an Heir Claim on their behalf. The Personal Representative shall provide proof of authority to act on the Heir's behalf (See Claims Protocol section entitled "Personal Representatives – Minors and Adult Persons Under Disability").
12. If no other individual claiming to be an Heir of a deceased Primary Class Member submits a Claim before the Claims Deadline, or within an approved Deadline Extension, the Claims Administrator will process the Heir's Claim without requiring consent from non-applying equal priority Heirs, or evidence that non-applying higher priority Heirs have died.
13. If the Claim is approved for compensation, payment will be made payable in the name of the Heir Claimant in the amount to which the deceased Primary Class Member would have been entitled.

**D. Where there are Additional Claims**

14. If additional Claim(s) with respect to the same deceased Primary Class Member are received by the Claims Administrator before the expiry of the Claims Deadline or an approved Deadline Extension, where a Claimant is determined to possess a Grant of Authority, the Claims Administrator shall deny the Claim(s) submitted without a Grant of Authority. The Claims Administrator will provide a letter advising the Claimant(s) who do not possess a Grant of Authority that their Claim(s) have been denied without reconsideration, together with the reason for the denial. The Claims Administrator will process the Claim from the Estate Representative with a Grant of Authority per Part B of this Protocol.
15. If additional Claim(s) with respect to the same deceased Primary Class Member are received by the Claims Administrator before the expiry of the Claims Deadline or an approved Deadline Extension, from Claimant(s) who does not possess a Grant of Authority, and who are of a different priority level of heirs than the previous Heir Claimant(s), the Claims Administrator shall contact the Heir Claimant(s) with the lower priority to inquire

as to whether the Heir Claimant(s) dispute the claim of the higher priority level Heir Claimant. If the Claim of a higher priority level Heir Claimant is disputed, the Independent Reviewer shall determine which Heir Claimant has the highest valid priority level. Once determined, the Heir Claimant with the highest priority level shall be deemed eligible to make an Heir Claim.

16. If any additional Claim(s) with respect to the same deceased Primary Class Member is/are received by the Claims Administrator before the later of the expiry of the Claims Deadline or an approved Deadline Extension, from individual(s) who does not possess a Grant of Authority and are of the same priority level as the other Heir Claimants, the Claims Administrator shall deny all of the Heir Claims and provide a letter advising each Heir Claimant accordingly. Notwithstanding the Claims Deadline, the letter will state that the equal priority level Heirs who submitted competing Heir Claims will have one hundred twenty (120) days from the letter date to submit to the Claims Administrator one new complete Heir Claim signed by all previously competing equal priority level Heir Claimants designating one Heir Claimant on behalf of all of them and any other equal priority Heirs. After receiving the new Heir Claim, the Claims Administrator shall process the Heir Claim according to the Claims Protocol.
17. The Claims Administrator may contact the competing Heir Claimant(s) and disclose the other competing Heir Claim(s) and Claim information, as necessary.
18. If the Claim is approved for compensation, one payment will be made in the name of the assigned Heir Claimant.