

Notice of Certification and Settlement Approval Hearing (Long Form)

KENT PHARMACY CLASS ACTION: NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

Please read this Notice carefully. Your legal rights may be affected regardless of whether or not you act.

Who is this Notice for?

This Notice is for all resident persons in British Columbia who (1) attended at premises owned or operated by the Defendant, Kent Pharmacy, at 424 Columbia Street, New Westminster, British Columbia on August 24, 25 or 26, 2021 and received a COVID-19 vaccination, and which person is named and identified on a list of 96 people that received the subject COVID-19 vaccinations on August 24, 25 or 26, 2021 and (2) were contacted by Fraser Health Authority by letter advising them that the syringe barrel was re-used among patients and that they were at risk of contracting hepatitis B, hepatitis C and or human immunodeficiency (“HIV”) and to take three blood tests over the next three months: at three weeks, six weeks and three month intervals (“**Class Members**”).

What is the Purpose of this Notice?

A proposed Settlement has been reached in a certified class action lawsuit against Bhanu Prasad Seelaboyina, Kent Pharmacy Ltd. and Fabia Kara (the “**Defendants**”): *Joshua Richard Jonsen v. Bhanu Prasad Seelaboyina, Kent Pharmacy and Fabia Kara*, Supreme Court of British Columbia, Action No. S219811. The lawsuit alleges that the Defendants failed to safely administer COVID-19 vaccinations by re-using the same syringe barrel among patients so as to expose the Plaintiff and Class Members to the risk of contracting hepatitis B, hepatitis C and/or HIV. The Defendants deny any liability whatsoever, and the Court did not decide who was right. The Parties have instead decided to settle the lawsuit.

The purpose of this Notice is:

- (1) to inform all Class Members of a proposed Settlement in this class action;
- (2) to advise all Class Members of the Settlement Approval Hearing on **March 27, 2026, at 2:00 PM (PST)**, at which the Supreme Court of British Columbia will consider whether to approve the proposed Settlement;
- (3) to advise all Class Members of their right to opt-out of this Action on or before **January 8, 2026, at 5:00 PM (PST)**; and
- (4) to advise all Class Members of their entitlement to file objections to the proposed Settlement on or before **January 8, 2026, at 5:00 PM (PST)**.

What benefits are available to eligible Class Members under the Proposed Settlement?

The proposed Settlement provides for the creation of two funds: Fund 1 in the amount of \$307,200.00 and Fund 2 in the amount of \$200,000.00, which will be used to pay compensation to approved Class Members, including court-approved Class Counsel legal fees, disbursements and applicable taxes. Each approved Class Member will be entitled to a payment of \$3,200 from Fund 1 without proof of injury or damage,

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subject to any Court approved deductions for Class Counsel legal fees, and subject to *pro rata* reductions from the total payable in the event claims on Fund 1 exceed the sums held in Fund 1. Each approved Class Member will be entitled to a further payment, to a maximum of \$5,000, from Fund 2, on establishing that they suffered psychological harm exceeding four months with proof of psychological or psychiatric treatment.

Contact the Claims Administrator, MNP Ltd., 2000, 112 – 4 Ave. SW Calgary, AB T2P 0H3 or kentpharmacysettlement@mnp.ca or 1-833-680-3637, or Dusevic & Garcha ("Class Counsel") for more information about eligibility and supporting evidence for making a Claim, www.dusevicgarchalaw.ca.

SETTLEMENT APPROVAL HEARING: The proposed Settlement and Class Counsel Fees must be approved by the Court before they become effective. The Court will decide whether or not to approve the proposed Settlement and Class Counsel Fees on **Friday, March 27, 2026 at 2:00 PM (PST)** at the Vancouver Courthouse, 800 Smithe, Vancouver, British Columbia, V6Z 2E1. Check kentpharmacysettlement@mnp.ca or **1-833-680-3637** or Class Counsel's website, www.dusevicgarchalaw.ca, regularly after that date to see if the proposed Settlement has been approved.

YOUR LEGAL RIGHTS AND OPTIONS:

- If the Court approves the proposed Settlement, you can **participate** by submitting a Claim for compensation. If you wish to participate, you are not required to do anything until after the proposed Settlement is approved pursuant to the Settlement Approval Hearing.
- You can **object** to the proposed Settlement and attend the Settlement Approval Hearing to present that objection. If you wish to object, you must submit a signed and completed Objection Form to the Claims Administrator on or before **January 8, 2026, at 5:00 PM (PST)**. A copy of the Objection Form can be obtained from kentpharmacysettlement@mnp.ca or 1-833-680-3637 or Class Counsel's website, www.dusevicgarchalaw.ca, or by reaching out to Class Counsel by telephone (604-436-3315) or toll-free (1-844-878-0444) or email (info@dusevicgarchalaw.ca).

FREQUENTLY ASKED QUESTIONS

(1) Why did I receive this Notice?

You are receiving this Notice because the records of the Defendants indicate that you received a COVID-19 vaccination from the Defendants on August 24, 25 or 26, 2021, and you are a person that is named and identified on a list of 96 people that received the subject COVID-19 vaccinations on August 24, 25 or 26, 2021 and were contacted by the Fraser Health Authority by letter advising that the syringe barrel was re-used among patients and that they were at risk of contracting hepatitis B, hepatitis C and/or HIV and to take three blood tests over the next three months: at three weeks, six weeks and three month intervals.

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You have a right to know about the proposed Settlement and your options before the Court decides whether to approve the proposed Settlement. If the Court approves the proposed Settlement, the Defendants will provide the payments agreed to in the Settlement Agreement to Class Members who submit valid and timely Claims. This Notice explains the class action, the proposed Settlement, your legal rights, what compensation is available, who is eligible for that compensation, and how to make a Claim for that compensation. **Please read this entire Notice carefully.**

(2) What is the class action about?

Joshua Richard Jonsen v. Bhanu Prasad Seelaboyina, Kent Pharmacy and Fabia Kara, Supreme Court of British Columbia, Action No. S219811 is a certified class action against the Defendants. The lawsuit alleges that the Defendants failed to safely administer COVID-19 vaccinations by re-using the same syringe barrel among patients so as to expose the Plaintiff and Class Members to the risk of contracting hepatitis B, hepatitis C and/or HIV. The Defendants deny any liability.

(3) Why is there a Settlement?

The Parties have agreed to the proposed Settlement to avoid the cost and risk of further litigation, including potential trials, and to provide Class Members with reasonable compensation in exchange for releasing the Defendants from liability. The proposed Settlement does not mean that the Defendants did anything wrong, and the Court did not decide which Party was right.

The Parties entered into a Settlement Agreement. The individual who filed the Action (called the "Representative Plaintiff") and Class Counsel believe that the proposed Settlement is fair, reasonable and in the best interests of Class Members.

(4) How do I know if I am part of the Settlement?

For the purposes of the proposed Settlement, all resident persons in British Columbia who (1) attended at premises owned or operated by the Defendants, at 424 Columbia Street, New Westminster, British Columbia on August 24, 25 or 26, 2021 and received a COVID-19 vaccination, and which person is named and identified on a list of 96 people that received the subject COVID-19 vaccinations on August 24, 25 or 26, 2021 and (2) were contacted by Fraser Health Authority by letter advising them that the syringe barrel was re-used among patients and that they were at risk of contracting hepatitis B, hepatitis C and HIV and to take three blood tests over the next three months are Class Members. Where such person is deceased, the personal representative of the estate of the deceased person is a Class Member.

(5) Who is excluded from the Settlement?

Only Class Members who meet certain criteria are eligible to submit Claims in the proposed Settlement. You are excluded from making a Claim in the proposed Settlement if:

- (a) you are not a Class Member under the terms of the Settlement Agreement;
- (b) you previously and validly opted out of this class action in writing; and/or
- (c) you previously settled claims against the Defendants and executed a release in favour of the Defendants in relation to matters that are the subject of this class action.

(6) What is available under the Settlement?

The proposed Settlement provides for the creation of two funds: Fund 1 in the amount of \$307,200 and Fund 2 in the amount of \$200,000, which will be used to pay compensation to approved Claimants, including court-approved Class Counsel legal fees, disbursements, and applicable taxes. Each approved Claimant will be entitled to a payment of \$3,200 from Fund 1 without proof of injury or damage, subject to any court- approved deductions for Class Counsel legal fees, and subject to *pro rata* deductions from the total payable in the event claims on Fund 1 exceed the sums held in Fund 1. Each approved Class Member Claimant will be entitled to a further payment, to a maximum of \$5,000, from Fund 2, on establishing that they suffered psychological harm exceeding four months with proof of psychological or psychiatric treatment.

Net settlement proceeds will be allocated among the approved Claimants in accordance with the compensation agreement section of the Settlement Agreement, which can be found at section 9 of the Settlement Agreement.

If the proposed Settlement is approved, Class Counsel will make an application for Class Counsel legal fees of 33% of the total Settlement Amount plus taxes and disbursements to be paid from the Settlement Amount. Approval of the proposed Settlement is not contingent on the outcome of any application regarding Class Counsel legal fees.

The Settlement Agreement is conditional upon approval by the British Columbia Ministry of Health (the “**Ministry**”) pursuant to the *Health Care Costs Recovery Act* or upon the Defendants settling any claims with the Ministry that the Ministry may advance in relation to the subject matter of the Action.

Any undistributed balance of the Settlement Amount will be returned to the Defendants.

(7) How do I make a Claim?

The claims process has not yet begun. If the proposed Settlement is approved by the Court at the Settlement Approval Hearing to be held on **Friday, March 27, 2026 at 2:00 PM (PST) before the Supreme Court of British Columbia**, you will receive the Notice of Settlement Approval and Claims Procedure that sets out how you may make a Claim by doing the following:

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- (1) fill out the Claim Form;
- (2) include the supporting evidence and documentation specified on the Claim Form; and
- (3) submit the Claim Form and supporting evidence and documentation to the Claims Administrator by mail or courier (at the address listed on the Claim Form) or by email (at the email address listed on the Claim Form) on or before the deadline to submit a Claim Form, which is tentatively **June 25, 2026, at 5:00 PM (PST)** (this date may change).

Please keep a copy of your completed Claim Form and all of the supporting evidence and documentation you submit for your own records.

If you fail to submit a Claim Form and supporting evidence and documentation on or before the deadline to submit a Claim Form, you will not be eligible for any compensation whatsoever (i.e., you will not get paid). Sending in a Claim Form late will be the same as doing nothing.

(8) What evidence do I need to prove my Claim?

Supporting information and/or documentation must be submitted with the Claim Form for those Class Members making a claim. For claims being made under Fund 2 the supporting documentation required is medical documentation from a licensed British Columbia psychologist or psychiatrist demonstrating that you suffered psychological harm that exceed four months after receiving the subject COVID-19 vaccination from the Defendants and received treatment in regards thereto.

(9) Can I submit a Claim on behalf of someone else?

Yes, you can submit a Claim on behalf of someone else if you have legal authority to do so. If a Claim is being submitted on behalf of someone else, the person completing the Claim must explain on the Claim Form why he/she has the authority to act and must attach a copy of any Certificate of Appointment of Estate Trustee, Power of Attorney or other document establishing that authority.

(10) If my Claim is successful, when will I receive my compensation?

The Claims Administrator will mail individual compensation cheques to approved Claimants at the postal addresses you indicated in your Claim Form.

The Claims Administrator cannot mail the individual compensation cheques until (i) all timely Claim Forms have been processed; (ii) the time to request a reconsideration has expired; (iii) all requests for reconsideration have concluded; (iv) the Claims Administrator has reviewed its determinations and has allocated amounts to approved Claimants; and (v) the Claims Administrator has prepared a Successful Claims Report advising the Defendants of the approved Claims and the amounts to be awarded to each approved Claimant. The Claims Administrator will mail the individual compensation cheques within **60** days of the completion of the Successful Claims Report. This process will take some time, and your patience is appreciated. When the cheques have been mailed, an announcement will be posted on Class Counsel's website: www.dusevicgarchalaw.ca.

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(11) Who will review my Claim?

The Parties agree that they will seek to have the Court appoint a Claims Administrator who will be tasked with implementing and administering the proposed Settlement and the claims process. The Claims Administrator will conduct an initial review of all Claims to verify that each Claimant is eligible to claim compensation.

Once the Claims have been verified, the Claims Administrator will review the Claim Form and supporting documentation to determine the compensation for which a Claimant is eligible.

(12) What if my Claim is found to be incomplete?

The Claims Administrator will review each Claim Form for completeness. If your Claim Form is incomplete, the Claims Administrator will let you know within **10** business days of receiving your Claim Form. You will then have to complete the Claim Form within the later of (i) **10** days from the date that the Claims Administrator advises you that your Claim Form is incomplete; or, (ii) the deadline to submit a Claim Form and supporting documentation.

(13) Do I have a lawyer in this case?

Yes. The law firm representing the Class Members (Class Counsel) is listed below. You will not be charged for contacting these lawyers for more information. If you want to be represented by your own lawyer, you may hire one at your own expense.

Dusevic & Garcha 210 – 4603 Kingsway Burnaby, BC V5H 4M4 Telephone: (604)-436-3315 Toll-Free Telephone: 1-844-878-0444 Email: info@dusevicgarchalaw.ca

(14) How will the lawyers representing the Class be paid?

At the Settlement Approval Hearing, Class Counsel will ask the Court for approval of the payment of their fees and other expenses out of the \$507,200.00 Settlement fund. It will be up to the Court to approve or determine the amount that Class Counsel will receive from the \$507,200.00 Settlement fund. The Court may award something less than the amount requested by Class Counsel.

You may continue to check on the progress of Class Counsel's request for fees and expenses by visiting www.dusevicgarchalaw.ca.

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(15) What if I don't want to participate in this Action?

If you are a Class Member and do not wish to participate in the Action, then you must Opt-Out of this Action.

To validly Opt-Out, you must submit a **signed and completed** Opt-Out Form to the Claims Administrator on or before the Opt-Out Deadline, **January 8, 2026, at 5:00 PM (PST)**. Be sure to include the following information in the Opt-Out Form:

- (i) your full name, address, email address, and telephone number;
- (ii) brief statement of your reason for opting-out of the Action; and
- (iii) your signature.

Opt-Outs must be sent by mail, courier or email to the Claims Administrator on or before the Opt-Out Deadline, **January 8, 2026, at 5:00 PM (PST)** using the Opt-Out Form, which can be obtained by requesting a copy from the Claims Administrator at kentpharmacysettlement@mnp.ca or 1-833-680-3637 or from Class Counsel by downloading a copy at www.dusevicgarchalaw.ca. Opt-Outs submitted after this date will not be considered.

(16) What if I want to participate in the Action, but I don't agree with the Settlement?

If you are a Class Member, you can tell the Court that you don't agree with the proposed Settlement or some part of it by filing an objection. In an objection, you can give the Court reasons why you think the Court should not approve the proposed Settlement. The Court will consider your views.

To object, you must submit a **signed and completed** Objection Form to the Claims Administrator on or before the Objection Deadline, **January 8, 2026, at 5:00 PM (PST)**. Be sure to include the following information in the Objection Form:

- (i) your full name, address, email address, and telephone number;
- (ii) a statement that you meet the criteria for membership in the Class;
- (iii) the date that you received a COVID-19 vaccination from the and whether you suffered any psychological harm that exceeded four months and received treatment from a British Columbia licensed psychologist or psychiatrist;
- (iv) a written statement of all factual and legal grounds for your objection accompanied by any legal support for your objection;
- (v) copies of any papers, briefs or other documents upon which your objection is based;

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- (vi) a statement setting out whether you intend to appear at the Settlement Approval Hearing;
- (vii) a statement setting out whether you intend to appear at the Settlement Approval Hearing through counsel, and if so, identifying any counsel representing you who intends to appear at the Settlement Approval Hearing; and
- (viii) your signature.

Objections must be sent by mail, courier or email to the Claims Administrator on or before the Objection Deadline, **January 8, 2026, at 5:00 PM (PST)** using the Objection Form, which can be obtained by requesting a copy from the Claims Administrator at kentpharmacysettlement@mnp.ca or 1-833-680-3637 or from Class Counsel by downloading a copy at www.dusevicgarchalaw.ca. Objections submitted after this date will not be considered.

If you want to speak at the Settlement Approval Hearing, you must indicate that you intend to do so in your Objection Form. You can hire a lawyer to appear on your behalf at your own expense or you may appear yourself. If you do not state your intention to appear in your Objection Form, or you do not submit a signed and completed Objection Form on or before the Objection Deadline, **January 8, 2026, at 5:00 PM (PST)** you will waive all objections and can be barred from speaking at the Settlement Approval hearing.

(17) What is the Settlement Approval Hearing?

The Court will hold a hearing to decide whether to approve the proposed Settlement and Class Counsel Fees. You may attend and you may ask to speak, subject to the requirements above, but you do not have to attend.

(18) When is the Settlement Approval Hearing?

The Settlement Approval Hearing will take place before the Supreme Court of British Columbia on **March 27, 2026, at 2:00 PM (PST)** at the Vancouver Courthouse, 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1.

At this Settlement Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and in the best interests of the Class. If there are objections, the Court will consider them. The Court will listen to Class Members who have asked to speak at the Settlement Approval Hearing. After the Settlement Approval Hearing, the Court will decide whether to approve the proposed Settlement. We do not know how long this decision will take.

At the Settlement Approval Hearing, the Court will also decide how much to pay Class Counsel. That amount will be paid out of the \$507,200.00 Settlement fund.

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If the proposed Settlement is approved, a Notice of Settlement Approval and Claims Procedure will be sent out by the Claims Administrator to the Claimants notifying them of the Settlement and how to make a Claim for compensation under the Settlement. The Notice of Settlement Approval and Claims Procedure will also be posted at Class Counsel's website, www.dusevicgarchalaw.ca.

(19) Do I have to attend the Settlement Approval Hearing?

No, you do not need to attend the Settlement Approval Hearing, but you are welcome to attend at your own expense.

If you submit an objection, you do not need to attend in Court to talk about it. As long as you have mailed, couriered or emailed your signed and completed Objection Form on time, the Court will consider it. You may also attend or pay your own lawyer to attend, but it is not necessary.

Class Members do not need to attend the Settlement Approval Hearing or take any other action to indicate their approval of the proposed Settlement. Class Counsel will answer any questions that the Court may have.

(20) What happens if I do nothing at all?

If the Court approves the proposed Settlement and you do nothing at all, you will not receive any compensation from the proposed Settlement. In order to receive compensation in the proposed Settlement, you must submit a Claim Form with applicable supporting information and/or documentation specified on the Claim Form. Unless you previously and validly excluded yourself (opted out), you won't be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues in this class action.

However, even if you take no action, you will keep your right to sue the Defendants for any other claims not resolved by the proposed Settlement, subject to any applicable limitation periods.

(21) How can I get more information?

This Notice summarizes the essential terms of the proposed Settlement. The Settlement Agreement and its schedules, which you can view at www.dusevicgarchalaw.ca, which describes in greater detail the rights and obligations of all the Parties. If there is any conflict between this Notice and the Settlement Agreement, the Settlement Agreement governs.

Neither the Parties nor their counsel make any representation regarding the tax effects, if any, of receiving any benefits under the proposed Settlement. Consult your tax adviser for any tax questions you may have.

The court offices will be unable to answer any questions about the matters in this Notice. If you have any questions regarding the proposed Settlement or about the class action lawsuit in general, information is available at Class Counsel's website at www.dusevicgarchalaw.ca or by contacting Class Counsel directly:

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Dusevic & Garcha
210 – 4603 Kingsway
Burnaby, British Columbia V5H 4M4
Telephone: (604)-436-3315
Toll-Free Telephone: 1-844-878-0444
Email: info@dusevicgarchalaw.ca
Website: www.dusevicgarchalaw.ca

If the Court approves the proposed Settlement and the Settlement Agreement is not terminated, the Notice of Settlement Approval and Claims Procedure will be posted to Class Counsel's website: www.dusevicgarchalaw.ca. Check Class Counsel's website regularly after the Settlement Approval Hearing for the most up-to-date information.

This Notice was approved by order of the Supreme Court of British Columbia.

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