

**Notice of hearing on the approval of the settlement agreement for a class action concerning appointments made with imaging clinics and scheduled between December 29, 2016 and January 27, 2017**

Superior Court, file no: 500-06-000844-171

This notice concerns an Application for Authorization to Institute a Class Action that was filed on February 3, 2017 in the Superior Court of Quebec (file no 500-06-000844-171), against the Association des Radiologistes du Québec (“**ARQ**”), the Fédération des Médecins Spécialistes (“**FMSQ**”) and certain imaging clinics. According to the allegations of the application, these establishments have, in conjunction with the ARQ and the FMSQ, refused to honor or grant appointments to patients that have made requests, or charged fees for these appointments between December 29, 2016 and January 27, 2016 (the “**Class Action**”).

A settlement (“**Settlement**”) was reached, subject to its approval by the Superior Court of Quebec, between the Conseil pour la protection des malades and Sylvain Fortin (The “**Plaintiffs**”) as well as the ARQ, the FMSQ and the imaging clinics concerned (the “**Defendants**”) in the context of the Class Action.

The Defendants include l’Association des radiologistes du Québec, la Fédération des Médecin Spécialistes du Québec, and the following imaging clinics : 9203-5294 Québec inc., Groupe Santé Physimed inc., Groupe Radiologix inc., Imagix Imagerie Médicale inc., Radiologie Concorde inc., Imagerie Terrebonne, Radiologix Hochelaga, Clinique Radiologique de la Capitale inc., Clinique radiologique Audet Inc., Radiologie VARAD s.e.n.c.r.l., Radiologie P.B. inc., Radiologie Concorde inc., Résoscan inc., Imagerie des pionniers inc., Radiologie St-Martin & Bois-de-Boulogne inc., Radiologie Mailloux inc., Radiologie Trois-Rivières inc., Écho-Médic inc., Centre Radiologique de Saint-Hyacinthe, Sorad s.e.n.c.r.l. and Radiologistes universitaires de Montréal S.E.N.C.R.L.

This Settlement may affect your rights whether you act or not. **Please read this notice carefully.**

**GENERAL INFORMATION**

**What is the subject matter of the notice?**

The purpose of this notice is to inform you that the Plaintiffs and Defendants have reached a Settlement which terminates the Class Action. All the parties concerned believe that the Settlement represents the best solution to settle the dispute in a fair and equitable manner and will ask the Superior Court of Quebec to approve it.

The Superior Court will hold a hearing to decide whether it should approve the Settlement, the fees of the lawyers for the class and the distribution protocol of the amount of the Settlement, and appoint the claims administrator. You can attend the hearing which will take place on January 20, 2021 at 9:30 a.m. in a room to be determined, the number of which will be displayed on the day of the hearing on the door of Room 2.08 at the Montreal Courthouse, located at 1, Notre-Dame St, East, Montreal. All the details regarding this hearing, which will be held by video-conference, will be available on the settlement web page, one week prior to the hearing.

**What is the subject matter of the Class action?**

According to the Plaintiffs, the imaging clinics listed above violated the *Act respecting health services and social services*, RLRQ c S-4.2, the *Code of ethics of physicians*, RLRQ c M-9, r 17, the *Charter of human rights and freedom*, CQLR c C-12 and the *Decree 1021-2016* by using pressure tactics intended to serve as “leverage” in the context of negotiations between the Government of Quebec and the FMSQ, in refusing to honor or agree to appointments, or by charging fees for these appointments between December 29, 2016 and January 27, 2017.

These allegations have not been proven in Court and are contested by the Defendants, who deny any fault or liability of any kind towards the Plaintiffs and the members of the group they wish to represent.

**SUMMARY OF THE SETTLEMENT**

**Who are the class action members affected by the settlement?**

You are a member of the group affected by the Settlement if you fit the following description:

*“All people who, between **December 29, 2016 and January 27, 2017**, tried unsuccessfully to get an appointment in a private clinic in Quebec to obtain ultrasound services rendered by a radiologist, or have had their appointments canceled during this period, or have been charged a fee for such appointment, in contravention of Decree 1021-2016 adopted on November 30, 2016” (hereinafter the “**Class Members**”).*

However, under the Settlement, only people meeting the following criteria will receive an amount of money: If, between December 29, 2017 and January 2017, you had an appointment in one of the defendant imaging clinics listed above to obtain ultrasound services rendered by a radiologist and that:

- a) Your appointment had been canceled; or that
- b) Your appointment had been postponed (hereinafter the “**Compensated Members**”)

Thus, the other Class Members **will not receive** any amount of money under the Settlement, namely people who simply tried unsuccessfully to obtain an appointment in one of the defendant imaging clinics listed above after December 29, 2016 and those who would have been charged fees for such appointments.

**What does the Settlement provide?**

Without admission of liability, and for the sole purpose of avoiding a trial and the additional costs and expenses related to the holding of a trial, the Defendants agree to:

Give each Compensated Member an amount of \$125,00, this including the principal of the indemnity, interest, additional indemnity, costs, expenses, fees, penalties and taxes.

In return, all Class Members, and not only the Compensated Members, (i) acknowledge that the foregoing constitutes a full settlement of the claims of Class Members; and (ii) agree to waive any claim against the Defendants relating to the subject matter of the Class Action.

**Am I eligible to receive an indemnity?**

If you meet the definition of “Compensated Members” described above, you will receive an indemnity of \$125.00.

\*You do not have to take any steps to obtain your indemnity of \$125.00. If the Settlement is approved by the Court, the claims administrator will mail you this indemnity at the address that the defendant imaging clinic with which you made an appointment has in its possession. If your address has changed in the last four (4) years or if you wish to ensure that the indemnity will be sent to your current address, we ask that you send your postal details by email to the claims administrator at the following address: [radiologistes@larochelleavocats.com](mailto:radiologistes@larochelleavocats.com), no later than **January 8, 2021**.

**\*NOTICE TO CLASS MEMBERS FROM THE CENTRE RADIOLOGIQUE DE ST-HYACINTHE :** Class members whose appointments were canceled or postponed by the *Centre Radiologique St-Hyacinthe* must imperatively communicate with the claims administrator to receive their indemnity since the defendant imaging clinic is no longer in possession of their coordinates.

**EXCLUSION**

If you are a Class member and you do not wish to be bound by this Settlement for any reason, you must take steps to exclude yourself from the Class, which will result in your exclusion from the Settlement.

**What happens if I exclude myself?**

If you exclude yourself:

1. You will not receive any indemnity under the Settlement;
2. You will not be bound by the judgement approving the Settlement rendered by the Superior Court of Quebec;
3. You will retain the right to sue the Defendants yourself; and
4. You will not be able to object to this Settlement.

**What happens if I don't exclude myself?**

If you do not exclude yourself and the Settlement is approved by the Superior Court of Quebec:

1. You are eligible to receive an indemnity under the Settlement, if applicable;
2. You will be bound by the judgement approving the Settlement rendered by the Superior Court of Quebec;

3. You will release the Defendants and you will waive any legal action against them in connection with the subject matter of the Class Action;
4. You can object to the Settlement.

#### **How can I exclude myself?**

To exclude yourself, you must send the clerk of the Superior Court of Quebec a duly signed request for exclusion that contains the following information:

1. The file number of the Class action: Council pour la protection des maladies et al. vs. Association des radiologistes et al., C.S.M. 500-06-000844-171;
2. Your name and contact details;
3. Your phone number;
4. Your email address;
5. A declaration that you wish to exclude yourself from the Class Action;
6. The exclusion request must be sent by registered or certified mail **before January 8, 2021** to the Tribunal, and a copy must also be sent to the lawyers of the Class at the following addresses:

#### **Addresses:**

Superior Court of Quebec Registry  
Montreal Courthouse  
1, Notre-Dame St, East, room 1.120  
Montreal (Quebec) H2Y 1B5

Me Philippe Larochelle  
Larochelle Avocats  
338, Saint-Antoine St, East, Office 300  
Montreal, Quebec, H2Y 1A3

#### **Reference :**

**Conseil pour la protection des malades et al vs. Association des radiologistes et al.**  
500-06-000844-171

#### **OBJECTION TO THE SETTLEMENT**

You can tell the Tribunal that you do not agree with this Settlement.

#### **How can I tell the Tribunal that I do not agree with this Settlement?**

To assert your claims regarding the Settlement, you must write to the Class lawyers no later than January, 8, 2021 at the following address:

Me Philippe Larochelle  
Larochelle Avocats  
338, Saint-Antoine St, East, Office 300  
Montreal, Quebec, H2Y 1A3

**Reference:**

**Conseil pour la protection des malades et al vs. Association des radiologistes et al.**  
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Be sure to explain why you disagree with the Settlement. In your letter, include your name, address, phone number and signature. The lawyers will send your letter to the Court.

If you object, you don't need to attend the Court approval hearing to explain why.

**Do I need a lawyer to object to the Settlement?**

No. You can object to the Settlement without mandating a lawyer to represent you. If you wish to be represented by a lawyer, you can retain one at your own expense.

**If I object to the Settlement and it's approved, will I still be able to get the \$125.00 indemnity?**

Yes. If, despite your opposition, the Settlement is still approved, you will still be able to obtain an indemnity of \$125.00, if you are eligible.

**FOR FURTHER INFORMATION**

How can I get more information?

For more information and to access the text of the Settlement, please visit the following website: <https://www.larochelleavocats.com/action-collective-radiologistes/>

**Who represents me?**

You can also communicate with the lawyers of the Class:

**Me Philippe Larochelle**  
**Larochelle Avocats**  
338, Saint-Antoine St, East, Office 300  
Montreal, Quebec, H2Y 1A3  
e-mail: [radiologistes@larochelleavocats.com](mailto:radiologistes@larochelleavocats.com)

In the event of any discrepancy between this notice and the Settlement, the Settlement shall prevail.

**The publication and dissemination of this notice have been approved by the Tribunal.**