

Federal Court



Cour fédérale

Date: 20210917

Dockets: T-2111-16
T-460-17

Ottawa, Ontario, September 17, 2021

PRESENT: The Honourable Mr. Justice Fothergill

Docket: T-2111-16

CLASS PROCEEDING

BETWEEN:

**SHERRY HEYDER
AMY GRAHAM
NADINE SCHULTZ-NIELSEN**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-460-17

AND BETWEEN:

LARRY BEATTIE

Plaintiff

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

(Approval of Further Amendments to Schedule Q of Final Settlement Agreement)

UPON THE MOTION brought in writing jointly on behalf of all parties for an Order amending paragraphs 23, 35, 37 and 48(a) of Schedule Q to the Final Settlement Agreement [FSA] approved by this Court on November 25, 2019;

AND CONSIDERING that s 19.04 of the FSA permits amendments to the FSA only where they are agreed to by all parties in writing, and approved by this Court without material difference;

AND UPON being satisfied that it is in the interests of justice to grant the relief sought;

THIS COURT ORDERS that:

1. Schedule Q to the FSA is amended by striking out paragraph 23(g), adding new paragraph 35A, deleting the word “and” at the end of paragraph 37(c), and making the following amendments to paragraph 37(d) and (e), all as follows (changes underlined):

35A. In assessing Individual Applications for **Category A**, in any cases in which there is reason to believe that a Claimant may also have been a class member pursuant to the *Ross, Roy & Satalic v. HMQ* settlement agreement, the Administrator must refer the Application to the Lead Assessor who will designate a Roster Assessor to determine whether the Claimant received payment or was eligible to receive payment under the settlement in *Ross, Roy & Satalic v HMQ* in respect of the same incident and injury or injuries. Upon receipt of the Assessor’s determination, the Administrator shall take it into account in determining the Claimant’s eligibility for compensation under Category A.

37. In determining if a Claimant is eligible for compensation under Categories B1 or B2, the Assessor(s) must find on a balance of probabilities, all of the following:

...

- (c) that the incidents or experiences are in Connection with Military Service for the CAF Class or in Connection with Employment for the DND/SNPF Class having regard to the entire context including whether or not it occurred within the Military Workplace, outside the Military Workplace but involving a military member (CAF or foreign military), DND employee or DND contractor; ~~and~~
- (d) that the nature of the harm described in the Claim Form was caused or contributed to by the incident(s); and
- (e) that the Claimant has not received payment or was not eligible to receive payment under the settlement in *Ross, Roy & Satalic v. HMQ* in respect of the same incident and injury or injuries.

2. Paragraph 48(a) of Schedule Q to the FSA, as amended by the Third Supplementary Agreement approved by this Court on October 29, 2020, is amended as follows (change underlined):

48(a) The Lead Assessor may extend the time periods set out in paragraphs 44-48 where she deems an extension necessary, subject to the requirement established in paragraph 22 that requires all decisions be completed within fourteen (14) months of the Individual Application Deadline.

“Simon Fothergill”

Judge