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File Ref: 20104-001

## LETTER NOTICE OF CERTIFICATION

Dear Sirs/Mesdames:

Re: **Notice of Certification**

***Hay v. Mundi 910 Victoria Enterprises Ltd., BCSC Action PRG-S-S-2058198***  
**(the "Class Action")**

### WHY AM I GETTING THIS LETTER?

You are receiving this letter because we believe you are a member of the Class Action which has been approved by the Supreme Court of British Columbia. The Class Action is about the **fire that took place on July 8, 2020, ("Fire") at the Econo Lodge City Centre Inn in Prince George**, located at 910 Victoria Street (the "Motel").

The Class Action is a lawsuit filed by one person on behalf of a group of people. The Court certified the Class Action on behalf of the following people:

All individuals who were registered guests of the Motel, all individuals at the Motel or the Yolks All Day Restaurant at the time of the Fire, and the personal representatives and dependants of the people who died as a result of the Fire; but excluding the Defendants and their directors, officers, representatives, servants, employees or agents and any person who intentionally started the Fire or conspired to start the Fire.

This letter has been sent to you because you have been identified as a potential class member and you may be entitled to compensation for your losses caused by the Fire.

### WHAT HAPPENED?

The Court has certified the Class Action and appointed Leonard Hay as the representative plaintiff for the class.

The defendants are:

1. Mundi 910 Victoria Enterprises Ltd.;
2. Choice Hotels Canada Inc.;

3. City of Prince George; and
4. All Points Fire Protection Ltd.

The Class Action alleges that the defendants are at fault for failing to prevent the Fire and for inadequately responding to the Fire.

The Class Action claims compensation for class members' losses and injuries, including physical and psychological injuries, lost or damaged property, room costs that were not refunded, expenses paid as a result of the Fire, and wrongful death damages for family members of the victims who were killed.

### **WHAT HAPPENS NEXT?**

The next step in the litigation is for the class members to prove their claims at a common issues trial. The common issues trial will be limited to questions about the fault of the defendants. The court will be asked to decide whether any or all of the defendants are required to pay compensation to the class members, but it will not at this time determine how much any class member is entitled to.

If we are unsuccessful at establishing fault against any of the defendants at the common issues trial, the class action will be dismissed and you will not receive any compensation.

If we are successful at the common issues trial, we will ask the court to decide what process should be used to determine how much compensation individual class members are entitled to. If you have relatively small losses, such as transportation and short-term housing expenses, it is possible that the process will be as simple as you submitting some records to prove your losses. If you suffered significant injuries, it is possible that another court hearing will take place to determine the compensation you are owed.

We will also attempt to negotiate a settlement with the defendants. Settlement negotiations may occur at any time, including before the common issues trial. For settlement negotiations to be successful, it is important that we as class counsel know what your losses are.

### **WHAT STEPS SHOULD I TAKE TO PROTECT MY RIGHTS?**

You do not need to sign up for the Class Action for your legal rights to be affected. If you fit into the class member description above, you are automatically part of the class. However, there are three steps you should take to protect your legal rights:

1. You should keep any records that show you are a member of the class, for example, receipts from the Motel or Restaurant, or credit card statements showing payments to them.
2. You should also keep receipts and records from any treatment you receive or out of pocket expenses you pay because of the fire. These records may help prove your damages.

**3. You should contact class counsel at:**

Camp Fiorante Matthews Mogerman, 400 – 856 Homer Street, Vancouver, B.C.,  
V6B 2W5, ATTN: Amy Mileusnic; or  
Tel: 604-689-7555 (toll free 1-800-698-2322); or  
Email: info@cfmlawyers.ca

Dick Byl Law Corporation, 300 - 1777 3rd Avenue, Prince George, BC,  
V2L 3G7, ATTN: Dick Byl; or  
Tel: 250-564-3400 (toll free 1-800-835-0088); or  
Email: dbyl@dbylaw.com

Please confirm that you have received this letter and that you would like to participate in the Class Action. We will work with you to determine the approximate size of your losses, which may allow us to reach a settlement agreement with the defendants, or prepare a more efficient process for the court to determine your compensation.

4. If you know of anyone else who was at the Motel or Restaurant during the Fire, please also ask them to contact Class Counsel.

**WHAT IF I DON'T WANT TO BE IN THIS CLASS ACTION – HOW CAN I OPT OUT?**

**If you do not wish to participate in the Class Action you must take action to exclude yourself, which is referred to as “opting out”.**

If you do not opt out of the Class Action you will be automatically included in the Class Action and bound by the terms of any judgment or settlement in the Class Action whether favourable or not.

If you wish to opt out of the Class Action you must do so on or before May 24, 2023 by sending a letter or email, signed by you, stating that you are opting out of the Class Action to:

Camp Fiorante Matthews Mogerman, 400 – 856 Homer Street, Vancouver, B.C., V6B 2W5,  
ATTN: Amy Mileusnic; or

Email: AMileusnic@cfmlawyers.ca

The letter or email must also include: (i) your full name, (ii) your current address, (iii) your telephone number, and (iv) a statement that you wish to opt-out of the Class Action.

No class member will be permitted to opt out of the Class Action after May 24, 2023.

If you choose to opt out:

- you will not be eligible to participate in the ongoing class action, and

- you will not be bound by the outcome of the class action, including any judgment on the common issues for the class, whether favourable or not, and
- you will not receive any money from the class action, but
- you will be able to start or continue your own case against the Defendants regarding the claims made in the class action.

**If you do nothing, you will not be able to opt out after May 24, 2023, which means:**

- you will be eligible to participate in the ongoing class action, and
- you will be bound by the outcome of the class action, including any judgment on the common issues for the class, whether favourable or not, and
- you may receive money from the class action, but
- you will not be able to start or continue your own case against the Defendants regarding the claims made in the class action.

This is your only chance to opt out of the Class Action. No further right to opt out will be provided later.

#### **WHO ARE THE LAWYERS WORKING ON THE CLASS AND HOW ARE THEY PAID?**

The law firms of Camp Fiorante Matthews Mogerman LLP and Dick Byl Law Corporation (“**Class Counsel**”) are representing the plaintiff and the class in the Class Action.

**As an individual, you do not have to pay out-of-pocket for the lawyers working on this class action.** There is an agreement between the representative plaintiff and Class Counsel that provides that Class Counsel will only be paid in the event that the case is successful (i.e., a settlement or court award). Our fees will be a percentage of the money recovered from the defendants, plus applicable taxes and disbursements (which are our out-of-pocket expenses for pursuing the case). Class Counsel’s fees and disbursements must be approved by the court.

#### **WHERE CAN I ASK MORE QUESTIONS?**

Any questions about the matters in this notice should NOT be directed to the court. The certification order and other information may be obtained by visiting Class Counsel’s website at [www.cfmlawyers.ca](http://www.cfmlawyers.ca) or [www.dbylaw.com](http://www.dbylaw.com) or you can reach Class Counsel through the contact information provided above.

Yours truly,



Camp Fiorante Matthews Mogerman LLP