

SCHEDULE “C”

NOTICE OF SETTLEMENT APPROVAL of FLY JAMAICA CLASS ACTION and CLAIMS PROCESS

This Notice is for all persons and their immediate family members who were onboard Fly Jamaica Flight OJ256, which landed at and overran/exited Runway 06 at the Georgetown Cheddi Jagan International Airport (CJIA) in Guyana on November 9, 2018 (the “Class”).

READ THIS NOTICE CAREFULLY, IT MAY AFFECT YOUR LEGAL RIGHTS.

The Ontario Superior Court of Justice has approved the settlement of a class action against Fly Jamaica Airways Ltd., Basil Ferguson, Keone Bryan (collectively the “Fly Jamaica Defendants”), The Boeing Company (“Boeing”) and MexicanaMRO, S.A. DE C.V. and John Doe No. 4 Aircraft Maintenance Mechanic (collectively the “Mexicana MRO”) (together, “the Defendants”) on behalf of the Class in the action Somwar et al. v. Fly Jamaica, Court File No. CV-18-00609498-00CP.

The Settlement Agreement is a compromise of disputed claims, without any admission or findings of liability or wrongdoing against the Defendants. The class action alleged that, as a result of the crash landing of Fly Jamaica Flight OJ256, the Class suffered injuries. The Defendants dispute these allegations.

The Defendants have agreed to pay the all-inclusive amount of \$5,550,000 CAD (the “Settlement Fund”) to settle the class action, in return for releases and a dismissal of the class action. The Court has approved payment of Class Counsel’s legal fees in the amount of \$1,293,432.50 plus \$168,146.225 HST, which is 25% of the Settlement Amount, exclusive of the costs of disbursements, HST and monies set aside for the Ontario Health Insurance Plan’s subrogated claims. Class Counsel will also be reimbursed for the disbursements and expenses they incurred. These amounts will be deducted from the Settlement Fund. The total fees, disbursements and taxes paid to Class Counsel, as approved by the Court, is \$1,756,578.72 CAD.

This Notice provides a summary of the Settlement Agreement. The full Settlement Agreement may be viewed at:

<https://hshlawyers.com/expertise/mass-tort-class-action-litigation/fly-jamaica-crash/>

BASIC INFORMATION

1. Why is there a Notice?

This action was previously certified as a class action by Order dated September 19, 2019. The Court has now determined that the Settlement Agreement is fair, reasonable, and in the best interest of the Class, and it has been approved.

Eligible Class Members may now receive a portion of the Settlement Fund.

2. What are the settlement benefits?

The Defendants will pay the Settlement Amount of \$5,550,000 CAD in full and final settlement of all claims against it, including class counsel fees, in return for a comprehensive release from the Class and the Provincial Health Insurers, and a dismissal of the class action. The Settlement Amount, less class counsel fees, will be distributed in accordance with the Court-approved and supervised Distribution Protocol, which is Schedule “E” to the Settlement Agreement, and can be viewed at: <https://hshlawyers.com/expertise/mass-tort-class-action-litigation/fly-jamaica-crash/>

Class Members will be eligible to receive the following:

- a. \$2,228,000.00 (the “**Severe Claims Fund**”) shall be distributed among those Eligible Class Members with “severe” claims based on Class Counsel Assessments, Class Counsel Reassessments or Review Assessments, as the case may be; and
 - i. \$18,000.00 of the Severe Claims Fund shall be distributed among these Eligible Class Members’ *Family Law Act* claimants with identifiable and documented income loss claims.
- b. \$605,000.00 (the “**Moderate Claims Fund**”) shall be distributed among those Eligible Class Members with “moderate” claims based on Class Counsel Assessments, Class Counsel Reassessments or Review Assessments, as the case may be; and
- c. \$542,000.00 (the “**Other Claims Fund**”) shall be distributed among those Eligible Class Members with claims that are neither severe nor moderate and are based on Class Counsel Assessments, Class Counsel Reassessments or Review Assessments, as the case may be.

3. How do I make a claim?

THERE IS NO NEED TO SUBMIT A CLAIM FORM

Class Counsel have conducted a valuation of each Class Member’s claim (the “**Class Counsel Assessment**”) and will deliver to each Eligible Class Member a summary of their Class Counsel Assessment.

Class Counsel will begin to distribute the funds to Class Members in accordance with the Class Counsel Assessment and Distribution Protocol after the review process is complete and the total final assessed value of all claims is known.

THERE IS NO NEED TO DO ANYTHING FURTHER AT THIS TIME TO RECEIVE COMPENSATION.

4. How do I dispute my allocation?

Each Eligible Class Member will have the option of accepting the Class Counsel Assessment or requesting that the assessment be reviewed by an independent arbitrator. Eligible Class Members will have 20 days from the date Notice of the Settlement Approval is sent to make this election and shall do so by communicating their election in writing to Class Counsel. Failure to do so will be deemed an acceptance by the Eligible Class Member of the Class Counsel Assessment of their claim.

More information on the dispute process can be found in the Settlement Agreement at **Schedule “E” – Distribution Protocol**

THE LAWYERS REPRESENTING YOU

5. How will Class Counsel be paid?

You will not have to pay any of the fees and expenses of Class Counsel. The Court granted their fee approval request, and Class Counsel’s fees and expenses have been deducted from the Settlement Amount, in the total amount of \$1,756,578.72 CAD, as approved by the Court.

GETTING MORE INFORMATION

6. How do I get more information?

You can obtain more information about this case by contacting Class Counsel using the contact details listed below:

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