

SCHEDULE "E"**PROTOCOL FOR ESTATE CLAIMS AND PERSONS UNDER DISABILITY**

1. Payment if Deceased: Grant of Authority or the Like
 - (a) If a Sexual Assault Class Member has died after filing a Claim Form or a Claim Form is submitted to the Administrator on behalf of a deceased Claimant (in either case a "Deceased Claimant") and the executor, administrator, trustee or liquidator of such Deceased Claimant's estate (the "Estate Executor") has submitted the evidence required by Section 0(a) of this Protocol to the Administrator, the Estate Executor shall have authority to provide instructions on behalf of the Deceased Claimant, and the Administrator shall pay the Estate Executor any amounts to which the Deceased Claimant was entitled under the Settlement, with such payment made payable to "the estate of" such Deceased Claimant.
 - (b) In support of a Claim made pursuant to Section 01 of this Protocol, the Estate Executor for the Deceased Claimant shall submit to the Administrator, in each case in a form acceptable to the Administrator:
 - (i) a Claim Form (if a Claim Form was not submitted by such Deceased Claimant or their Personal Representative prior to the death of the Deceased Claimant);
 - (ii) evidence that such Deceased Claimant is deceased and of the date on which such Deceased Claimant died; and
 - (iii) evidence in the following form identifying the Estate Executor as having the legal authority to receive compensation on behalf of the estate of the Deceased Claimant:
 - (1) if the claim is based on a will or other testamentary instrument or on intestacy, a copy of a grant of probate or a grant and letters testamentary or other document of like import or a grant of letters of

administration or other document of like import, purporting to be issued by any court or authority in Canada; or

- (2) if the claim is based on a Quebec notarial will, an authenticated copy thereof.

2. Payment if Deceased: No Grant of Authority or the Like

- (a) If a Claim Form has been submitted to the Administrator by, or on behalf of a Deceased Claimant, but the estate of such Deceased Claimant has not submitted all of the evidence required by Section 1(a) of this Protocol, the Estate Executor, Personal Representative, as defined below, or another representative of such Deceased Claimant shall be an "Estate Claimant" for the Deceased Claimant, and the Estate Claimant must comply with Sections 1(b) and 1(b)(i) of this Protocol, and submit to the Administrator evidence that the Estate Claimant represents the estate of such Deceased Claimant in accordance with Section 2(d) of this Protocol (in totality, an "Estate Representation Claim"), before the deadline specified in paragraph 25 of the Settlement, or before an extended deadline pursuant to paragraph 32 of the Settlement.
- (b) If only one Estate Representation Claim has been submitted to the Administrator in respect of such Deceased Claimant on or prior to the Estate Claims Deadline, the Estate Claimant shall have authority to provide instructions on behalf of the Deceased Claimant, and the Administrator shall pay the Claimant any amounts to which the Deceased Claimant was entitled under this Settlement, and such payment shall be made payable to the Estate Claimant on behalf of the estate of the Deceased Claimant.
- (c) If more than one Estate Representation Claim has been submitted in respect of such Deceased Claimant on or prior to the Estate Claims Deadline, the Administrator shall:

- (i) if the Estate Claimants identified in all such Estate Representation Claims submit to the Administrator a signed agreement directing the payment of the amounts to which such Deceased Claimant is entitled under this Settlement and provide a release in a form acceptable to the Administrator, pay such amounts to the estate of the Deceased Claimant in accordance with such agreement; or
 - (ii) if the Estate Claimants identified in all such Estate Representation Claims do not submit to the Administrator an agreement in accordance with Section 2(b)(c) of this Protocol, require one of the Estate Claimants identified in one of the Estate Representation Claims to submit to the Administrator the evidence set out in Section 1(b)(ii) of this Protocol and pay such person on behalf of the estate of the Deceased Claimant any amounts to which the Deceased Claimant was entitled under this Settlement.
 - (iii) Notwithstanding Section 2(b)(i) of this Protocol, if no person submits the evidence set out in Section 1(b)(ii) of this Protocol to the Administrator before the deadline specified in paragraph 25 of the Settlement, or before an extended deadline pursuant to paragraph 32 of the Settlement, the claim of the Deceased Claimant shall be dismissed.
- (d) If a Claim Form is submitted to the Administrator by, or on behalf of, a Deceased Claimant and no Estate Representation Claim is submitted to the Administrator in respect of such Deceased Claimant in accordance with Section 22 of this Protocol before thirty (30) days before the deadline specified in paragraph 25 of the Settlement, or before an extended deadline pursuant to paragraph 32 of the Settlement, the Administrator shall make reasonable efforts to send a notice to the last known addresses of the Deceased Claimant and any Estate Claimant of such Deceased Claimant, as applicable, requiring the submission of an Estate Representation Claim. If no person submits an Estate Representation Claim to the Administrator in respect of a given Deceased Claimant before the deadline specified in paragraph 25 of the Settlement, or before an extended deadline pursuant

to paragraph 32 of the Settlement, the claim of the Deceased Claimant shall be dismissed.

- (e) In support of an Estate Representation Claim made pursuant to Section 22 of this Protocol, the Estate Claimant for the Deceased Claimant shall submit to the Administrator the following evidence that they represent the estate of such Deceased Claimant, in each case in a form acceptable to the Administrator:
 - (i) if the Deceased Claimant had a will:
 - (1) a copy of the will appointing the Estate Claimant, as applicable, to represent the estate of such Deceased Claimant; and
 - (2) an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally, confirming that they believe the will to be valid,¹ do not know the will to have been revoked, know of no later will of the Deceased Claimant, and know of no executor, administrator, trustee, or liquidator that has been appointed by a court; or
 - (ii) if the Deceased Claimant did not have a will:
 - (1) an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally, confirming that they do not know such Deceased Claimant to have had a will and that no executor, administrator, trustee, or liquidator has been appointed by a court;

¹ This is not a requirement in the province of Quebec.

- (2) proof of the relationship of such Estate Claimant to the Deceased Claimant in a form reasonably acceptable to the Administrator;
 - (3) an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally:
 - (A) confirming that they know of no higher priority heir of such Deceased Claimant in accordance with Section 2(4) of this Protocol; and
 - (B) either:
 - (I) confirming that they know of no equal or higher priority heir of such Deceased Claimant in accordance with Section 2(4) of this Protocol; or
 - (II) if there is any equal or higher priority heir of such Deceased Claimant in accordance with Section 2(4) of this Protocol, listing the persons at the same or higher priority level; and
 - (4) if there are heirs of such Deceased Claimant of equal or higher priority to the Estate Claimant in accordance with Section 2(4) of this Protocol, all such persons' signed consent for such Estate Claimant to act for the estate of such Deceased Claimant.
- (f) For purposes of Section 2(d)(e)(i)(2) of this Protocol, the priority level of heirs from highest to lowest priority is as follows, with each defined as set out in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26:
- (i) surviving spouse or common-law partner;
 - (ii) children;
 - (iii) grandchildren;
 - (iv) parents;

- (v) siblings; and
- (vi) children of siblings.

3. Person Under Disability

- (a) If a Sexual Assault Class Member who submitted a Claim Form to the Administrator prior to the Claims Filing Deadline is or becomes a person who is unable to manage or make reasonable judgments or decisions in respect of their affairs by reason of mental incapacity and for whom a Personal Representative, as defined below, has been appointed pursuant to the applicable provincial or federal legislation (a "Person Under Disability") prior to their receipt of any amounts to which they are entitled under this Settlement, and the Administrator receives notice that such Claimant is a Person Under Disability prior to paying such amounts, the Administrator shall pay the person appointed pursuant to the applicable provincial or federal legislation to manage or make reasonable judgments or decisions in respect of the affairs of a Person Under Disability, including an administrator for property (the "Personal Representative") of such Claimant any amounts to which the Claimant is entitled under this Settlement, and if the Administrator receives no such notice, the Administrator shall pay such amounts to the Claimant.
- (b) If Claimant is or becomes a Person Under Disability prior to submitting a Claim Form to the Administrator, the Personal Representative of the Claimant may provide instructions and submit a Claim Form on behalf of such Claimant prior to the deadline specified in paragraph 25 of the Settlement, or before an extended deadline pursuant to paragraph 32 of the Settlement, and the Administrator shall pay the Personal Representative of the Claimant any amounts to which the Claimant is entitled under this Settlement.