

NOTICE OF CERTIFICATION OF A CLASS ACTION

Against Dr. Martin Jugenburg

**Were you a patient of Dr. Martin Jugenburg
and/or the Toronto Cosmetic Surgery Institute
between January 1, 2017 and December 13, 2018?**

**PLEASE READ THIS NOTICE CAREFULLY.
YOUR LEGAL RIGHTS WILL BE AFFECTED.**

The Ontario Superior Court of Justice has certified a class action lawsuit against Dr. Martin Jugenburg and Dr. Martin Jugenburg Medicine Professional Corporation. The class action lawsuit is called *G.C. et al. v. Jugenburg et al.*, and the court file number is CV-19-00631903-00CP.

What is this notice?

A class action is a type of lawsuit that involves a group of people who all have similar legal claims. Instead of each person filing a separate lawsuit, a class action is one lawsuit for the whole group. The group is called a “class” and members of the group are called “class members”.

This Class Action was started by three individuals who represent all the class members. The individuals who started this claim are called “representative plaintiffs”.

A judge must decide if a lawsuit is suitable to be a class action in order for it to move forward: this is called “certification”. When a lawsuit is certified as a class action, a notice goes out to tell the class members about the class action and that it is now certified to move forward. This class action has been certified, and this is the notice.

Who is a Class Member in this class action lawsuit?

The Class includes all patients who attended at the Toronto Cosmetic Surgery Institute including the Skinjectibles clinic (the “Clinic”) at the Royal York Hotel at least once between January 1, 2017, and December 13, 2018, for any reason, whether or not they had a treatment or surgery. It also includes patients who never saw Dr. Jugenburg, and patients who saw doctors at the Clinic other than Dr. Jugenburg.

What is this class action about?

The representative plaintiffs are three former patients of Dr. Jugenburg who claim that, between January 2017 and December 2018, Dr. Jugenburg used video surveillance cameras throughout the Clinic—including in waiting areas, consultation rooms, examination rooms and operation rooms—and recorded video and audio of patients without their consent.

The claim alleges that using the video surveillance cameras violated the class members’ legal rights to privacy and confidentiality. The representative plaintiffs make four legal claims against Dr. Jugenburg and the Clinic: breach of fiduciary duty, breach of trust, intrusion upon seclusion (breach of privacy), and negligence.

The representative plaintiffs had also alleged that some Clinic patients’ images were posted on the internet by Dr. Jugenburg and the Clinic, without valid consent. However, the Court decided that these claims are too individualistic to be part of a class action, so those claims are not included in the class action.

For more information, please go to www.dr6ixclassaction.com or <https://www.hshlawyers.com/expertise/mass-tort-class-action-litigation/dr-martin-jugenburg/>.

Do I need to do anything now?

Everyone who fits the Class Member definition is automatically included in the Class Action and is bound by its results. This means that whatever happens in the Class Action (win, lose or settle) will apply to all Class Members.

If you are a Class Member and want to stay as part of the Class Action lawsuit, then you do not need to do anything at this stage.

As a Class Member, your name will not be made public. You are also not required to participate in the trial of the common issues.

The lawyers for the Class Members are called "Class Counsel". If you want to speak with Class Counsel to provide your contact information or additional information about your experience with the Clinic, please use the information at the end of this notice.

What if I do not want to participate?

If you do not want to participate in this Class Action, and do not want to have any future settlements or judgments apply to you, then you must exclude yourself by opting out.

To opt out, you must send a written and signed notice saying that you wish to opt out of this action by no later than 5:00 p.m. EST on **Monday, October 4, 2021** to:

HOWIE, SACKS & HENRY LLP
Att'n Dr. Jugenburg Class Action
20 Queen St. W., Suite 3500
Toronto, ON M5H 3R3
Fax: 416-361-0083
Email: jugenburgclassaction@hshlawyers.com

If you opt out, you will not be eligible for any of the benefits of any judgment or settlement if the action is successful. There will be no opportunity to change your mind later and opt back in.

How much will this cost?

Class Members do not have to pay any legal fees or court costs out-of-pocket. Class Counsel will only be paid on contingency fee basis, meaning that they will only be paid if this class action succeeds at trial or if there is a settlement. The plaintiffs and Class Counsel have agreed to a contingency fee of 30% of the total amount recovered for the Class Members, but the Court will decide what fees are fair and reasonable to be paid, once the case is resolved.

What if I have more questions?

Contact Class Counsel at:

Waddell Phillips PC

647-261-4486

reception@waddellphillips.ca**Beyond Law LLP**

416-287-0199

info@beyond.law**Howie, Sacks & Henry LLP**

1-877-771-7006

jugenburgclassaction@hshlawyers.com

This notice was approved by the Ontario Superior Court of Justice. It is a summary of the certification order. If there is a conflict between what it says in this notice and what it says in the certification order, the certification order applies.