

## FREQUENTLY ASKED QUESTIONS (FAQS)

1. **Q: To whom do we make these comments?**

A: You may make the comments to DD West LLP at our website ([www.ddwestllp.com](http://www.ddwestllp.com)). The comments and inquiries that you make we will attempt to answer in this section of the website. Hopefully the answers that we provide will be satisfactory to your purposes. The actual Claims Procedure will follow if the approval for the Settlement is obtained at the Court Hearing on January 13, 2022.

2. **Q: I was proposing to develop a portion of my property, am I entitled to claim for that loss?**

A: If you had obtained subdivision approval by May 1, 2011, then you are entitled to claim for losses that resulted from the inability to develop the property.

3. **Q: How do I know whether I am a Class Member?**

A: *Class Definition:*

Class Member are all individuals, corporations partnerships or other legal entities that own real property and/or have an interest in real property, situated within 30 kilometers of areas around Lake Manitoba:

- a) whose property, real or personal, was flooded in 2011 by Lake Manitoba, its tributaries or distributaries, or surrounding bodies of water affected by overland flooding emanating from any of the above; and
- b) who suffered damages, including loss of income, as a result of the said flooding in 2011,

Including the estates of any person who have died since March 1, 2011 who meet the preceding criteria.

If you were impacted by the Flood of 2011, if you own property off-reserve as of May 1, 2011 and that property was within 30 kilometres of Lake Manitoba you will be considered.

4. **Q: Can members of a First Nation band join this class action?**  
A: Yes, a class member who is also an individual member of a First Nation band may join the class action if the real property he or she personally owns that was affected by the 2011 Lake Manitoba Flood is situated outside a First Nation reserve.
5. **Q: What percentage of the legal fees is Manitoba covering?**  
A: From the total Class Counsel fees of \$16,700,000.00 Manitoba is paying \$7,500,000.00 plus \$1,000,000.00 in RST, leaving a balance of \$9,200,000.00 plus taxes of \$1,004,000.00 to be paid from the total settlement amount.
6. **Q: To whom do we provide the comments and questions at this stage; is it DD West LLP or is it the Claims Administrator?**  
A: At this stage you may provide the comments and questions to DD West LLP, but we will not be providing any legal opinion specific to your claim, as eligibility and assessment of amounts is the task of the Claims Administrator.
7. **Q: I have been paid by MASC with respect to the Claim I made initially; am I entitled to claim any monies above that amount?**  
A: Yes, subject to acceptance of the Claims Administrator.
8. **Q: I have sold my property; am I entitled to compensation?**  
A: Yes, provided you owned the property on May 1, 2011. You would have to deduct the amount you received from the sale.
9. **Q: I lost rental income as a result of the Flood; is that compensable?**  
A: Yes.
10. **Q: How was the \$85,500,000.00 Settlement calculated?**  
A: The Aggregate Settlement amount of \$85,500,000.00 is made up of
- |   |                        |
|---|------------------------|
| a. Claim Administration Costs               | \$2,000,000.00         |
| b. Legal Fees                               | \$16,700,000.00        |
| c. Taxes on Legal Fees                      | \$2,004,000.00         |
| d. Disbursements and taxes on disbursements | \$258,000.00 (est)     |
| e. Balance for Claims                       | \$64,538,000.00 (est)  |
| <b>Total</b>                                | <b>\$85,500,000.00</b> |

**11. Q: When does the 90 days start to run?**

A: Assuming Settlement Approval, scheduled for Court hearing on January 13, 2022, a claimant can submit the Claim Registration Form to the Claims Administrator between January 14, 2022 and April 14, 2022 for an assessment of a claim.

**12. Q: Whether claims already submitted have to be resubmitted or would those claims become part of the claim?**

A: A Claims Registration Form will have to be submitted to the Claims Administrator to determine a Claimant's eligibility.

Supporting documents can either be submitted to the Claims Administrator or upon request claims material received from a claimant by DD West LLP will be sent directly to the Claims Administrator.

**13. Q: Can we claim what is left owing over and above the compensation already received?**

A: Yes, you can make the submission as part of the Claims Administration Procedure. You will have to provide the supporting documentation for Claims Administrator assessment.

**14. Q: Why are there two payment options?**

A: The two payment options are to give the claimant a choice. In some cases the amounts are not great or proof may be difficult, in which case the claimant may wish to take the more expeditious option. However, the **choice** is strictly up to the claimant to make.

**15. Q: Are rebuilding costs and content replacement costs at full value?**

A: To be determined by the Claims Administrator.

**16. Q: Has the class action membership closed for claimants or are more still eligible to put in a claim?**

A: Claims can be made by any eligible claimant as per the class definition (see FAQ 3 above)

**17. Q: Is there anything I should be doing with respect to the Pre-Approval Notice?**

A: No, unless you wish to provide comments to the Court by December 31, 2021.

**18. Q: Is there any cost for joining the class action?**

**A:** No

**19. Q: Can we claim loss of employment?**

**A:** To be determined by the Claims Administrator

**20. Q: How was the \$85.5 million settlement determined?**

**A:** The settlement amount was agreed to between Manitoba and Class Counsel based upon:

- a. an analysis of claims received;
- b. a previous engineering consultant's report;
- c. the amount of compensation already paid by Manitoba;
- d. A discount to recognize the risks of Manitoba appealing and being successful on appeal; the degree of complexity and delay in each claimant having to provide a claim in a more adversarial manner.

Whether all claims are fully paid will be entirely dependent on the total eligible amounts claimed and approved by the Claims Administrator.

**21. Q: Will we need to submit additional documentation to give proof of any of my claims, or will the summary that you have be good enough?**

**A:** To be determined by the Claims Administrator (see FAQ 12).

**22. Q: Is the current legal owner entitled to participate in the class action?**

**A:** Not unless the legal owner owned the property as at May 1, 2011 or an estate has not been wound up prior to a sale.

**23. Q: Does a claimant give up any right to further compensation after a previous formalized settlement agreement with Manitoba?**

**A:** Not unless a release from all future claims was signed. However, any amounts received from Manitoba will have to be deducted so as to avoid double payment.

**24. Q: Why are costs set at no greater than May 1, 2011 when most people could not address the rebuilds and replacements until much later?**

**A:** The costs are not set as at May 1, 2011. You must have owned the property on that date. Any costs of the Flood in 2011 will be assessed and quantified.

**25. Q: Does the Lawyer's share drop if not all of the pool is paid out?**

**A:** The legal fees are based on a percentage of the settlement not the percentage paid out.