

May 29, 2023

Dear All:

Re: Emergency Department

Let me begin this letter by saying how blessed I feel in being part of the community in Minden Hills and Haliburton County. My wife and I have lived, enjoyed and worked remotely full time in covid and on a part time basis at our cottage for over 20 years. After 45 years of the practice of law in Toronto, having seen the good and a lot of the bad of humanity I cannot even begin to express the wonder I feel when I have witnessed and been part of a community whom has come together and raised over \$85,000.00 in a week to try and do something that is right and necessary for everyone. Minden Hills has become home for us and the people that live here have always been kind and supportive. So there is no misunderstanding, neither I nor my firm is charging anything for my time or the administration of the Trust. Everything from us is pro bono.

I suppose this letter is also for the Premier of the Province of Ontario, the Minister of Health, the board of Haliburton Highlands Health Services and the Prime Minister of Canada. As part of the community, we demand their respect and ask that they work with us collaboratively to solve this problem, which to date is unresolved and creating significant stress in our community.

This is how it all unfolded. On Friday afternoon of the long weekend, Patrick Porzuczek and Debbie Sherwin came to my cottage and asked for help to try and stop the closing of the Emergency Department in Minden Hills Hospital. They needed a way to accept donations to pay for legal service and they needed lawyers to help them. I explained I was not a litigator, but they insisted I help in a sort of general counsel role. I created the "Save Minden ED Emergency Trust" with myself, Patrick and Debbie as Trustees. I then asked for the best litigators to help us and I was thrilled that Mark Ross and Justin Nasseri at Ross Nasseri LLP agreed to help. Further a good friend of mine, David Preger of Dickinson Wright LLP, offered his and his firm's services. I spoke to Mark Ross and for all of us, it was a very lucky and amazing experience to meet lawyers who believe their job is to do what is right for people, first and foremost.

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On the strength of a story about what was happening, Mark drove from Toronto to Minden Hills for a meeting at my cottage with myself, Patrick, Debbie and the Mayor of Minden Hills, Bob Carter. Mark had his staff and partners go to the office full day Sunday and Monday morning to look at putting together an injunction and judicial review application. In order to get from here to there, it was first necessary to get the facts, apply the law and then determine if a judge would grant the relief.

Sunday afternoon the people of Minden Hills showed their love and support by attending the rally. Almost a thousand people took time on the long weekend to try and make the politicians understand that this 30-year-old institution was necessary to save lives and the community and to make donations in person. Access to medical care was a paramount concern. Many people do not have the resources to get to Haliburton for emergency treatment.

Monday noon, I was contacted by Mark Ross whose explanation I shall hereafter try to put in lay terms. Mark indicated no Judge would grant an injunction or judicial review for 2 main reasons. First, the hospital is not a stand-alone hospital. Minden Hills and Haliburton are 1 hospital together, with 2 separate campuses. In other words, it is like a business doing an internal consolidation and there is no legislation or case law that would support an injunction and secondly because of the way HHHS did things, even though we were staffed until September, by advising the Drs they had no jobs in Minden Hills after June 1, the Doctors took jobs elsewhere and we could not restaff for the summer.

This does not mean we could not re-open in September and I have been advised by the Chief Medical Officer that we could have staff for then. David Preger has since reached out to me and said that the Canada Health Act (Federal legislation) states that its underlying policy is "to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers." The closing of the emergency in Minden Hills could be seen as being contrary to the act and creating a situation where residents are denied reasonable access to health services.

This means that although we are down we are not out. We certainly have no where to go for June 1, but we may have a case to proceed for relief to force the re-opening for the fall. A lot will depend on how HHS manages the situation in Haliburton. Has this unilateral decision, made without input from the stakeholders created a situation where people will suffer or have, they done it correctly and after a few organisational challenges properly prepared. The proof will be in the pudding. Unfortunately, if they were wrong people may die. I hope despite everything, that they were right. There has been a hospital in Minden Hills for over 100 years. Suddenly we don't need one? This is absurd.

Now to the money. We have collected over \$85,000.00. We have a record of everyone who donated with how much and how to reach them. There is \$53,355 deposited into the Save Minden ED Emergency Trust. The balance is sitting in my email e-transfer account, and I have not deposited it. The total is around \$31,350.00. Please start cancelling the e-transfers. I will NOT deposit these monies. I wish I could thank each of you personally for the generosity and caring. As I said at the beginning, we are blessed to be part of a community that comes together like this.

We owe \$6,000 +\$780 HST to Mark Ross at Ross Nasserri LLP. I want to personally thank Ross Nasserri LLP for working so quickly, advising us in such a directional manner and reducing their bill considerably and in my opinion saving us the significant fees and costs that an unsuccessful injunction and judicial review application would have cost. Dickinson Wright has not asked for any money for their research. James Ritchie, Debbie Sherwin and Terry St. Peter and I have agreed not to personally look for a refund. We are taking the \$1000.00 each (\$3,000.00 total) that we put into the Trust and applying all of it to the legal fees owing. The balance will be paid for out of the trust unless others want to match us.

We now need to consider if we wish to push forward. There are more or less 3 options:

1. I have requested that the Federal Government look into whether there has been a breach of the Canada Health Act. We have the right to go to Court on behalf of those who cannot get to Haliburton due to financial, physical, mental or other constraints and to ask a Judge to re-open the Emergency in

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the fall. We may need more money to do that and there are no guarantees that we will be successful. If we go that way we need a lot of community support to prove the point and collect the evidence to show a Judge. We will need our Doctors and nurses in Minden Hills to demonstrate their support.

2. The other thing we need to consider is to challenge the HHHS. The HHHS has passed internal resolutions and by-laws making it difficult if not impossible to elect directors that disagree with the current Board decisions. In order to run you need to pass a nominating committee. Of course, that committee is controlled by the current Board. Why did 3 board members resign? How is this Board spending OUR money and how are they making decision that affect OUR lives. Maybe we should take some of this money to try and change the way HHHS operates.

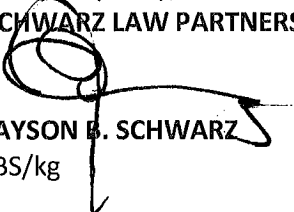
3. Should we simply refund the money to all of you.

If we do not have contrary instructions in the next few days Debbie and I will start the process of refunding you all your money less the percentage attributed to everyone for payment of the balance of Ross Nasseri's fees and tax (\$4,780.00). This is heart-breaking for all of us. I have spoken to the Bob Carter, the Mayor of Minden Hills and offered to help anyway I can going forward. It is a terrible thing to not be able to protect yourself legally, from the wrongs that have been done.

We will try to set up set up a mass email list so we can reach out to all of you and set up to get votes as to what to do. If someone does not have an email address, please let Patrick or Debbie know. In the meantime all of your money is safe and copies of statements will be available in the office at any time.

It has been my honour to help

Yours very truly,
SCHWARZ LAW PARTNERS LLP


JAYSON B. SCHWARZ
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