

# UKRAINE INTERNATIONAL AIRLINES FLIGHT PS752 CLASS ACTION NOTICE OF CERTIFICATION

**IF YOUR FAMILY MEMBER WAS A PASSENGER ON UIA  
FLIGHT PS752, TRAVELLING FROM IRAN TO CANADA VIA  
UKRAINE, THIS NOTICE MAY AFFECT YOUR RIGHTS.  
PLEASE READ CAREFULLY.**

## THE NATURE OF THIS CLASS ACTION

This class action seeks damages as a result of the January 8, 2020 crash of Ukraine International Airlines Flight PS752 departing Tehran, Iran to Kiev, Ukraine, en route to Toronto, Canada (the “Crash”), which killed all passengers and crew members on board (the “Passengers”). The plaintiffs claim the defendants, Ukraine International Airlines PJSC (“UIA”), the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps (the “Iran Defendants”), and John Doe Missile Operator, are liable and owe damages to the estates and family members of Passengers.

## CERTIFICATION

By decision dated February 22, 2021, the Ontario Superior Court of Justice has certified this action as a class action and appointed Omid Arsalani, Fathaolla (Vahid) Hezarkhani and Habib Haghjoo as representative plaintiffs. TWA Law has been appointed as Class Counsel.

The plaintiffs’ allegations have not been proven in Court and the Court has made no determination of the merits of the plaintiffs’ claims. UIA denies the allegations. The Iran Defendants have not responded to the claim and been noted in default by the Court.

**This notice is being provided because you may be a member of the Class whose rights may be affected by this class action. You are encouraged to forward this notice to other family members, as they too may be members of the Class.**

## THE CLASS

The class action has been certified on behalf of the following individuals:

- (a) **Passenger Class** - the passengers who were on board Ukraine International Airlines Flight PS752 who are entitled to claim damages in the Ontario Superior Court of Justice pursuant to the *Carriage by Air Act*, R.S.C. 1985, c. C-26, as amended and/or such other legislation or agreement as may be applicable in their province or territory. For the sake of clarity, the following persons are excluded from this class as against the Defendant, Ukraine International Airlines: (i) on duty employees of Ukraine International Airlines including members of the flight crew and cabin crew; and (ii) passengers whose claims against Ukraine International Airlines are not subject to the jurisdiction before the Courts

of Canada under the *Carriage by Air Act*, R.S.C. 1985, c. C-26, as amended;

(b) **Family Claimant Class** – those members of the family of passengers of Ukraine International Airlines Flight PS752 (including each passenger’s spouse, parent, step-parent, grandparent, brother, sister, child, adopted child, step-child, grandchild, and any other person for whom the passenger stood in the place of a parent) who are entitled to claim damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c. F3, as amended or, as against Ukraine International Airlines, s. 2(5) and Schedule II of the *Carriage by Air Act*, R.S.C. 1985, c., C-26 (“*Carriage by Air Act*”), as amended, and/or such other legislation or agreement as may be applicable in their province or territory. For the sake of clarity, the following persons are excluded from this class as against the Defendant, Ukraine International Airlines: family members of passengers whose claims against Ukraine International Airlines are not subject to the jurisdiction before the courts of Canada under the *Carriage by Air Act*, R.S.C. 1985, c. C-26, as amended;

(collectively, “**Class Members**”).

All persons who meet the class definitions as described above have a right to participate in this proceeding as a Class Member.

## **PARTICIPATION AND EXCLUSION FROM THE CLASS**

If you are a Class Member and do not take steps to exclude yourself from the class action, **you will automatically be included** in this class action and are not required to take any further steps at this stage. You may contact Class Counsel if you have any further questions. All communications between Class Members and Class Counsel will be confidential.

**IF YOU HAVE RETAINED A LAWYER**, you are directed to contact your lawyer to ensure you understand the steps to be taken if you wish to remain with your current lawyer and pursue individual litigation, rather than participate in the class action. You may also contact your lawyer with questions about this Notice.

## **OPTING OUT**

**IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS ACTION** (“opt out”) you must deliver a written opt-out form specifying your desire to opt out of the class action to the Notice Administrator at:

**Flight PS752 Class Action  
c/o RicePoint Administration Inc.  
P.O. Box 4454, Toronto Station A  
25 The Esplanade  
Toronto, ON M5W 4B1**

Notice of your decision to opt out must be received by the Notice Administrator above by **January 8, 2022**. The opt-out form can be found at: [www.FlightPS752.ca/2020-01-08/Opt-out-Forms](http://www.FlightPS752.ca/2020-01-08/Opt-out-Forms).

**CLASS MEMBERS UNDER THE AGE OF 18** or who are mentally incapable can opt out if their litigation guardian signs and delivers an opt-out form on their behalf. Litigation guardians must have the proper legal authority to act on behalf of the minor or mentally incapable person, such as a parent or guardian.

**PASSENGER CLASS MEMBERS (ESTATES)** who wish to opt out of the class action must deliver an opt out form signed by the legally appointed estate representative, with proof of that appended, OR, if no such representative has yet been determined, a provisional opt out form signed on behalf of the estate, to Class Counsel by the January 8, 2022 opt out deadline.

**ANY OUTCOME OBTAINED ON THE COMMON ISSUES IN THIS ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL OF THE CLASS MEMBERS WHO DO NOT OPT OUT OF THIS PROCEEDING.**

### **FINANCIAL CONSEQUENCES**

Class Counsel and the Representative Plaintiffs have entered into a contingency based Funding Agreement with third party funder Galactic PS752. The Court approved the terms of a Funding Agreement on September 21, 2020 under which Galactic PS752 agreed to pay all of Class Counsel's legal fees, disbursements, and adverse costs awards for all steps in the action, including individual issues such as damages, enforcement, and appeals. The Funding Agreement provides a budgeted amount determined by the Court to be reasonable to prosecute the class action and enforce judgement(s). The combined return shared between Galactic PS752 and Class Counsel for all Class Members' claims against the defendants is subject to Court approval, but should not exceed 24-29% of the total recovery. A copy of the Funding Agreement is available from Class Counsel.

### **MORE INFORMATION**

For more information, to contact Class Counsel through a secure web portal, or to access opt out forms, visit: [www.flightps752.ca](http://www.flightps752.ca)

Contact Class Counsel or the representative plaintiffs at:

**TWA LAW**  
1203-1200 Bay St  
Toronto, ON M5R 2A5  
Tel: (416) 488-2000  
Email: [info@flightps752.ca](mailto:info@flightps752.ca)

**THIS NOTICE HAS BEEN APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.**

**DO NOT CONTACT THE COURT ABOUT THIS NOTICE.**