



FEDERAL INDIAN DAY SCHOOL CLASS ACTION

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING (Short Form)

INDIAN DAY SCHOOL LITIGATION

If you attended an Indian Day School, this notice may affect your legal rights. Please read it carefully.

A Canada-wide Settlement has been reached in the Indian Day School Class Action. The Government of Canada (“Canada”) has agreed to an out-of-court Settlement with Class Members in relation to its establishing and funding of Federal Indian Day Schools (“Indian Day Schools”) and its subsequent control and management of the schools. As part of the Settlement, Canada will provide compensation to eligible Class Members.

The legal action, *McLean v Canada* (Court File No. T-2169-16), sought damages from Canada for harms suffered by students who attended an Indian Day School. The legal action was certified on June 21, 2018, on consent, as a class proceeding in the Federal Court.

The case was started by Garry McLean, who passed away before a Settlement was reached. The Court has appointed Roger Augustine and Claudette Commanda as Representative Plaintiffs for the Survivor Class and Mariette Buckshot as representative plaintiff of the Family Class. They may be contacted through Class Counsel at the address below.

WHAT DOES THE SETTLEMENT PROVIDE?

Canada has agreed to pay compensation to eligible Class Members in accordance with the severity of harms they suffered while attending an Indian Day School. Compensation ranges from \$10,000 (CDN) for harms associated with attendance at an Indian Day School to \$200,000 (CDN) for repeated incidents of sexual abuse and/or physical assault causing long-term injury. Eligible Class Members will receive a single payment reflecting the most severe harms they suffered while attending an Indian Day School, irrespective of the number of schools attended.

The settlement also includes a Legacy Fund that will provide \$200,000,000 (CDN) to support commemoration projects, health and wellness projects, and language and culture initiatives.

More information on compensation levels and the claims process can be found in the Settlement Agreement. You can obtain a copy of the Settlement Agreement and its Schedules on the Indian Day School Website: www.indiandayschools.com

WHO IS INCLUDED?

To be eligible for individual compensation, you must have attended one of the identified Indian Day Schools when it was operated and/or controlled by Canada and you must have suffered harm as a consequence of your Indian Day School attendance. The identified Indian Day Schools are listed on

Schedule K to the Settlement Agreement that is available on the Indian Day School Website.

HOW DO I RECEIVE COMPENSATION?

If Settlement of the *McLean* Class Action is approved by the Court and if you are an eligible Class Member, you can make a claim for compensation. You must fill in an application form and sent it to the Claims Administrator. Each eligible Class Member will be required to provide supporting material for his or her claim. More information on how to make a claim will be made available if the settlement is approved.

SETTLEMENT APPROVAL HEARING

A motion to approve the Settlement is scheduled to be heard on **May 13, 14 and 15, 2019** at the **Federal Court, 363 Broadway, Winnipeg, MB R3C 3N9**. Class Counsel will also ask the Court to approve fees and disbursements for their work in achieving the settlement.

If you agree with the proposed Settlement, you do not have to do anything at this time although you can choose to file a Statement of Support with Class Counsel, who will provide it to the Court. Do not send your Statement of Support directly to the Court.

You may also speak at the Approval Hearing. Please indicate that you would like to do so in your Statement of Support.

WHAT IF I DON'T AGREE WITH THE SETTLEMENT?

If you disagree with the proposed settlement, you have the right to object. You can object by delivering an **Objection Form** to Class Counsel at the address below **by May 3, 2019**. Class Counsel will file your Objection Form with the Court in advance of the Settlement Approval Hearing. **Do not send your Objection Form directly to the Court.**

You may also speak at the Approval Hearing. Please indicate that you would like to do so in your Objection Form.

Although Class Members may make objection to the proposed Settlement, the Final Decision on Approval of the Settlement is made by the Judge alone.

WHAT IF I CANNOT ATTEND THE APPROVAL HEARING?

If you are **unable to attend** the Approval Hearing in Winnipeg on May 13, 14 or 15, 2019 but wish to address the Court, live video conferencing may be arranged at other Federal Court

locations in Canada. If you wish to address the Court by video conference, you must contact Class Counsel at the contact information below no later than May 3, 2019. The addresses of Federal Court locations with video conferencing will be posted at www.indiandayschools.com by May 6, 2019. If you are unable to appear either in person or by video conference but still want your views on the settlement heard, you can put them in writing as described above.

CAN I OPT OUT OF THE SETTLEMENT?

The order of the Court, whether favourable or not, will bind all of the Class Members who do not opt out of the proceeding (*Federal Courts Rules*, Rule 334.32(5)(f)).

Opting out will preserve your rights to independently sue Canada for harms suffered while you were a student at an Indian Day School.

Class members will have the opportunity to opt out of the Settlement after May 2019 and approval by the Federal Court. More information on when and how to opt out will be posted on the Class Action Website if the Settlement is

approved. **If you do not opt out of the action prior to the opt out deadline, you will be bound by the terms of the Settlement Agreement.**

Objecting to the Settlement Agreement is not the same as Opting Out. If you object to the Settlement Agreement, you should do so at the Settlement Approval Hearing.

IMPORTANT: Nothing in this Settlement interferes with a Class Member's ability to pursue legal proceedings against a province, territory or religious order for alleged harms suffered at a day school run by any of those entities.

APPROVAL SOUGHT FOR LEGAL FEES

Canada has agreed to pay Class Counsel \$55,000,000 (CDN) plus applicable taxes for legal fees and disbursements. **No portion of Class Counsel Fees will come from the compensation paid to Survivor Class Members or to the Legacy Fund.** Class Counsel fees and disbursements are subject to Court approval at the Settlement Approval Hearing.

FOR MORE INFORMATION

For more information about the settlement, please visit the Indian Day School Website at www.indiandayschools.com.

You may also contact Class Counsel at address below. **There is no cost for speaking with Class Counsel.**

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Please share this information with other Day School Survivors