

## **NOTICE OF PROPOSED SETTLEMENT IN THE ONTARIO CROWN WARD CLASS ACTION (LONG FORM)**

To all persons who were alive as of January 22, 2012, who were Crown Wards in Ontario at any time from the period on or after January 1, 1966 until March 30, 2017 and suffered physical or sexual assault before or while a Crown Ward.

Please read this notice carefully.

### **The Court authorized this notice. This is not a solicitation from a lawyer.**

While not admitting liability, the Government of Ontario ("Ontario") has agreed to a proposed settlement regarding certain benefits available to eligible persons who were alive as of January 22, 2012, who were Crown Wards in Ontario at any time from the period on or after January 1, 1966 until March 30, 2017 ("Class Members") and suffered physical or sexual assault before or while a Crown Ward. This settlement is conditional on the approval of the Court. This case is about allegations that the Province owed Class Members a duty to consider and, where appropriate, advance certain legal claims on their behalf, primarily applications to the Criminal Injuries Compensation Board ("CICB"), and did not do so. It is not about seeking money for any abuse which you suffered. If you were abused, you may still be able to sue the abuser to get additional money for the abuse you suffered.

A hearing to determine if the proposed settlement is fair, reasonable and in the best interests of the Class Members is scheduled to take place on May 12, 2021. The hearing will be held virtually.

### **What does the proposed settlement provide?**

If approved, the settlement provides financial compensation for eligible Class Members.

If the Court approves the proposed settlement, you may make a claim for financial compensation. To do so, you will have to complete an Individual Application/Claim Form and send it to the claims administrator during a time period set by the Court. More information on how to make a claim will be available if the proposed settlement is approved.

## What are your legal rights and options?

1. Do nothing	If you support the settlement agreement, you do not have to do anything right now.
2. Object to the proposed settlement	If you do not wish to attend the hearing, but you would like to object to the settlement, you can also complete an Objection Form. This form will include your name, address, and the reasons why you do not support the settlement. The Form can be found at <a href="https://OntarioCrownWardClassAction.ca">https://OntarioCrownWardClassAction.ca</a> . You must mail this Form to Epiq Class Action Services Canada Inc., Attention: Ontario Crown Ward Class Action Settlement, PO Box 507 STN B, Ottawa, ON K1P 5P6, or email it to <a href="mailto:info@ontariocrownwardclassaction.ca">info@ontariocrownwardclassaction.ca</a> and it must be received or postmarked no later than April 1, 2021.
3. Participate at the settlement hearing	You can attend the approval hearing on May 12, 2021 to participate in the proceeding and voice your objection to the proposed settlement. The hearing will proceed virtually. The Court will decide if you will be permitted to make oral submissions at the time of the hearing. However, in order to be eligible to participate, you must have completed and submitted the Objection Form setting out your reasons for objecting to the proposed settlement.

## What kind of compensation am I eligible for?

The settlement provides a fund of money that Class Members can make a claim against. The amount of money you can get depends on how many people make a claim. If the settlement is approved, each successful claimant may receive \$3,000, subject to increase (up to a maximum total of \$3,600) or decrease depending on how many people submit eligible claims.

This lawsuit is not about abuse anyone suffered. It is not a lawsuit against individual abusers. The lawsuit is only about the government's alleged failure to apply for specific benefits available to victims of crime. The lawsuit, and this settlement, do not impact your ability to sue someone who abused you.

More details are in a document called the Settlement Agreement, which is available at <https://OntarioCrownWardClassAction.ca>.

## WHAT THIS NOTICE CONTAINS

### Basic information

1. What is a class action?
2. What is this class action about?
3. Why is there a proposed settlement?

### Who is included in the lawsuit and proposed settlement?

4. Who is included in the proposed settlement?

### **Proposed settlement benefits?**

5. What does the proposed settlement provide?
6. How will the lawyers be paid?

### **Who are the lawyers representing you?**

7. Who are the lawyers for the Plaintiffs?

### **What are my legal options?**

8. How do I tell the court if I like or dislike the proposed settlement?

### **What are the details of the approval hearing?**

9. When and where will the court decide whether to approve the proposed settlement?
10. Do I have to attend the hearing?
11. May I speak at the hearing?
12. What if I do nothing?

### **Getting more information**

13. How do I get more information?

## **Basic information**

### **1. What is a class action?**

In a class action, one or more people called “Representative Plaintiffs” sue on behalf of people who have similar claims. All of the people who have similar claims are called a “Class” or “Class Members.” The court resolves the issues for everyone affected, except for those who excluded themselves from the lawsuits by Opting Out. In this case, the opt out period expired on March 11, 2018.

### **2. What is this class action about?**

This class action relates to allegations that Ontario owed a duty to consider and, where appropriate, advance certain legal claims on behalf of Crown Wards, primarily applications to the Criminal Injuries Compensation Board (“CICB”), and did not do so. This lawsuit does not seek damages for any abuse you suffered. It is not a lawsuit against individual abusers. The lawsuit, and this settlement, do not impact your ability to sue someone who abused you. While Ontario has not admitted liability, it has agreed to a settlement.

### **3. Why is there a proposed settlement?**

The Representative Plaintiffs and Ontario have agreed to a proposed settlement. By agreeing to the proposed settlement, the parties avoid the costs and uncertainty of a trial and delays in obtaining a judgment, and Class Members receive financial compensation. In this case, it also means that the Class Members will not need to testify in court. The Representative Plaintiffs and their lawyers believe that the proposed settlement is in the best interests of all Class Members.

### **Who is included in the law suit and proposed settlement?**

#### **4. Who is included in the Proposed Settlement?**

The proposed settlement includes persons who were alive as of January 22, 2012, who were Crown Wards in Ontario at any time from the period on or after January 1, 1966 until March 30, 2017 and suffered physical or sexual assault before or while a Crown Ward. However, it does not include individuals who are Crown Wards or in extended society care as of May 11, 2021 (“Current Crown Wards”). The rights of Current Crown Wards will not be impacted or prejudiced by the proposed settlement.

### **Proposed settlement benefits**

#### **5. What does the proposed settlement provide?**

If approved, the settlement provides financial compensation for eligible Class Members.

The settlement provides a fund of money that Class Members can make a claim against. The amount of money you can get depends on how many people make a claim. If the settlement is approved, each successful claimant may receive \$3,000, subject to increase (up to a maximum total of \$3,600) or decrease depending on how many people submit eligible claims.

More details are in a document called the proposed settlement agreement, which is available at <https://OntarioCrownWardClassAction.ca>.

#### **6. How will the lawyers be paid?**

Class Counsel will not be paid until the Court declares that the proposed legal fees are fair and reasonable.

Class Counsel will ask for approval of fees in the amount of \$2 million, plus repayment of reasonable disbursements and applicable tax. The Court will decide the value of fees and disbursements to award. These amounts will be paid directly from the Settlement Fund and will not be deducted from any amounts that eligible Class Members may receive.

## Who are the lawyers representing you?

### 7. Who are the lawyers for the Plaintiffs?

The lawyers for the Plaintiffs are Koskie Minsky LLP of Toronto, Ontario;

If you want to be represented by or receive advice from another lawyer, you may hire one at your own expense to appear in court for you.

### What are my legal options?

### 8. How do I tell the court if I object to the proposed settlement?

There are two ways to voice your opinion about the proposed settlement:

<p>1. Object to the proposed settlement</p>	<p>If you do not wish to attend the hearing, but you would like to object to the settlement, you can also complete an Objection Form. This form will include:</p> <ul style="list-style-type: none"><li>) Your name, address, and telephone number;</li><li>) A statement saying that you object to the proposed settlement;</li><li>) The reasons you object to the proposed settlement, along with any supporting materials; and</li><li>) Your signature.</li></ul> <p>The Objection Form can be found at <a href="https://OntarioCrownWardClassAction.ca">https://OntarioCrownWardClassAction.ca</a>. You must mail this Form to Epiq Class Action Services Canada Inc., Attention: Ontario Crown Ward Class Action Settlement, PO Box 507 STN B, Ottawa, ON K1P 5P6, or email it to <a href="mailto:info@ontariocrownwardclassaction.ca">info@ontariocrownwardclassaction.ca</a> and it must be received or postmarked no later than April 1, 2021.</p>
<p>2. Participate at the settlement hearing</p>	<p>You can attend the approval hearing on May 12, 2021 to participate in the proceeding and voice your objection to the proposed settlement. The Court will decide if you will be permitted to make oral submissions at the time of the hearing. However, in order to be eligible to participate, you must have completed and submitted the Objection Form setting out your reasons for objecting to the proposed settlement.</p>

## What are the details of the approval hearing?

The Court will hold a hearing to decide whether to approve the proposed settlement and the request for Plaintiffs' counsel's legal fees, disbursements and taxes (the "Approval Hearing").

## **9. When and where will the court decide whether to approve the proposed settlement?**

The Approval Hearing will take place virtually on May 12, 2021. Information about attending the hearing may be found at <https://OntarioCrownWardClassAction.ca>.

The hearing date may be moved to different dates or times without additional notice. Please check <https://OntarioCrownWardClassAction.ca> or call 1-877-739-8936 in advance if you are planning to attend.

At the hearing, the Court will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class. If there are objections, the Court will consider them.

After the hearing, the Court will decide whether to approve the proposed settlement and Class Counsel's legal fees. We do not know how long these decisions will take.

## **10. Do I have to attend the Approval Hearing?**

No. Class Counsel will answer questions from the Court. However, you or your own lawyer are welcome to participate at your own expense – either to show your support for or to object to the proposed settlement. If you send an objection form, you do not have to come to the Court to talk about it. If you emailed or mailed your written objection form on time, the Court will consider it.

## **11. May I speak at the Approval Hearing?**

You may ask the Court for permission to speak at the Approval Hearing if you wish to object to the proposed settlement. If you'd like to participate, you must submit an Objection Form, indicating that you wish to speak. The Objection Form can be found at <https://OntarioCrownWardClassAction.ca>.

## **12. What if I do nothing?**

If you do nothing, the Approval Hearing will proceed, and the Court will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class

## **GETTING MORE INFORMATION**

## **13. How do I get more information?**

This notice summarizes the proposed settlement. More details are in the settlement agreement. You can get a copy of the agreement at <https://OntarioCrownWardClassAction.ca>. You can send your questions to Epiq Class Action Services Canada Inc., Attention: Ontario Crown Ward Class Action Settlement, PO Box 507 STN B, Ottawa, ON K1P 5P6, or by email at [info@ontariocrownwardclassaction.ca](mailto:info@ontariocrownwardclassaction.ca). You may also call the toll-free number 1-877-739-8936.

***This notice was approved by the Ontario Superior Court of Justice.***