

Federal Court



Cour fédérale

Date: 20260106

Docket: T-2169-16

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F I L E D	FEDERAL COURT COUR FÉDÉRALE January 06, 2026 06 janvier 2026 Jacob Legault		D É P O S É
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Ottawa, Ontario, January 6, 2026

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**GARRY LESLIE MCLEAN, ROGER AUGUSTINE,
CLAUDETTE COMMANDA, ANGELA ELIZABETH SIMONE SAMPSON,
MARGARET ANNE SWAN AND MARIETTE LUCILLE BUCKSHOT**

Plaintiffs

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA
As represented by THE ATTORNEY GENERAL OF CANADA**

Defendant

AMENDED ORDER

WHEREAS this Court has exclusive and continuing jurisdiction over the implementation, enforcement, and administration of the Settlement Agreement, as outlined in s. 9 of the Settlement Approval Order dated August 19, 2019 (*McLean et al v Canada*, 2019 FC 1074);

WHEREAS by Order dated February 7, 2024, the Court approved Amending Agreement #2, which extended the provision for no charge legal services to individual class members until July 13, 2025;

WHEREAS by Order dated September 26, 2024, the Court approved the Missing Information Protocol, set the Missing Information Deadline as June 27, 2025, and ordered that the parties return to seek approval of an order establishing a protocol for claims that are only missing address information within 30 days of the Missing Information Deadline;

AND UPON READING the motion record of the Plaintiffs seeking approval of the Second Missing Information Protocol, the Communications Plan, the Amended Second Missing Information Protocol, and Amending Agreement #3, which motion was brought on consent and in writing;

THIS COURT ORDERS that:

1. The Amended Second Missing Information Protocol, agreed to by the parties and attached as Appendix A to this Order, is approved.
2. The Sixty Day Deadline, as identified in the Amended Second Missing Information Protocol, is set as March 9, 2026.
3. The Communications Plan, attached as Appendix B to this Order, with any necessary amendments to reflect the Sixty Day Deadline, is approved.
4. June 27, 2027 is set as the deadline by which missing address information must be received by the Claims Administrator in accordance with the Second Missing Information Protocol (“**Missing Address Information Deadline**”).
5. Amending Agreement #3 is approved.

"Sébastien Grammond"

Judge

APPENDIX A – AMENDED Second Missing Information Protocol

This Second Missing Information Protocol (“**Second Protocol**”) is a directive to the Claims Administrator, made pursuant to section 10.01(h) of the Indian Day Schools Settlement Agreement (“**IDSSA**”).

To the extent this Second Protocol directs the Defendant and/or the Plaintiffs, it is a direction made pursuant to the Court’s supervisory jurisdiction over the IDSSA.

Except where otherwise specified, this Second Protocol adopts the definitions provided in section 1.01 of the IDSSA and the definitions provided in the Missing Information Protocol, being Appendix A to the Order of Grammond, J., dated September 26, 2024 (“**First Protocol**”).

This Second Protocol directs the manner by which the Claims Administrator shall process certain Claims or Representative Claims received before January 13, 2023.

For greater certainty, except where otherwise provided in this Second Protocol, the Claims Administrator shall continue to follow the Claims Process (being Schedule B to the IDSSA) and the First Protocol, both of which remain in effect.

Also for greater certainty, and except where otherwise provided in this Second Protocol, references to a Claimant, where relevant, include a Claimant’s Personal Representative, as identified in Part 7 of the Claim Form.

1. Recent Representative Claims

A) Deadline for Identifying and Validating Personal Representative per First Protocol Remains Unchanged

Section 3 of the First Protocol provides that Claimants or potential Personal Representatives have until the later of the following two dates to provide the Claims Administrator sufficient information to identify and validate a Personal Representative:

- (i) Two years after the date of the Claimant’s death or incapacity, only where the Claimant’s date of death or incapacity is on or prior to the Missing Information Deadline, OR
- (ii) The Missing Information Deadline.

While the First Protocol refers to modified deadlines for missing information related to identifying and validating a Claimant’s Personal Representative, it did not contemplate other missing information for the Claim. This created an unintended gap, as potential Personal Representatives are not able to receive requests for missing information from the Claims Administrator until their authority has been validated and as such, are unable to submit any missing information until this has occurred.

This Second Protocol seeks to fill this gap by providing for a process by which recently appointed Representatives can provide any other missing information to the Claims Administrator.

B) Defining Recent Representative Claims and Extended Missing Information Filing Deadline

“**Recent Representative Claims**” are:

1. Claims that:

- (i) were not originally submitted as Representative Claims;
- (ii) involve a Claimant who died or became incapacitated between January 1, 2025 and June 27, 2025 (inclusive); and
- (iii) are missing sufficient information to identify the Representative and/or other required information on the Claim Form;

OR

2. Claims in which an individual sought to be recognized as a Personal Representative (regardless of the Claimant's date of death) by taking one of the following actions on or before June 27, 2025, to the satisfaction of the Claims Administrator, in its sole and unfettered discretion:

- (i) an Application for Administration was received by Indigenous Services Canada;
- (ii) an application to be appointed as a Personal Representative was filed in a court of competent jurisdiction; or
- (iii) in the case of Quebec-resident Claimants, the Certificate of Will Search by the Chamber of Notaries and the Certificate of Will Search by the Québec Law Society were sought.

Provided all criteria in either of 1 or 2 above are met, missing information required to complete the Claim Form may be submitted to the Claims Administrator for up to two years following the date of death or incapacity of the Claimant or sixty (60) days from the date of the Federal Court Order approving the Second Protocol ("Sixty Day Deadline"), January 13, 2026, whichever is later.

C) Notice of Death or Incapacity for Recent Representative Claims

In order for additional missing information to be filed by a Recent Representative Claim to be processed in accordance with this Second Protocol, the Claims Administrator must receive notice that either:

- (i) a Claimant died or became incapacitated between January 1, 2025 and June 27, 2025; OR
- (ii) the person(s) who intends to act as the Personal Representative satisfies the Claims Administrator that they, on or before June 27, 2025: (a) filed an application with Indigenous Services Canada; (b) filed an application in a court to be appointed as the Personal Representative (including, for clarity, probate matters), or, in Quebec, was appointed as liquidator by the heirs to be appointed a Personal Representative

(collectively, "**Notice**").

Such Notice may include, but is not limited to, the Claims Administrator receiving written communication (e.g., email, fax, etc.) confirming death or incapacity of the Claimant. Notice can be provided by any person, even if they are not, at that time, the Claimant's legal Personal Representative.

If Notice has already been received by the Claims Administrator prior to June 27, 2025, it does not need to be provided again.

If Notice (and missing information, where applicable) is not received by the Claims Administrator on or before the Sixty Day Deadline, January 13, 2026, then the Claims Administrator will process the Claim only on the basis of the information in its possession on the Sixty Day Deadline, January 13, 2026.

D) Extended Filing Window where Notice of Death or Incapacity for Recent Representative Claims

From the date of a Claimant's death or incapacity, a Personal Representative for a Recent Representative Claim shall have two years to submit all missing information required to complete the Claim Form or the Sixty Day Deadline January 13, 2026, whichever is later.

*E) Processing of Recent Representative Claims**(i) Voiding of Interim Denials*

Where Notice of a Recent Representative Claim is received by the Claims Administrator on or before the Sixty Day Deadline January 13, 2026, and no valid Representative was on record as of the Missing Information Deadline (June 27, 2025), then any Claims Administrator decision issued between January 1, 2025 and the Sixty Day Deadline January 13, 2026 based on any missing information (including missing Personal Representative) is null and void, except where the Claim Form was otherwise fully complete (including Part 7). Consequently, the Claims Administrator shall re-open and reprocess such Claims and notify the Personal Representative of any new decisions or further missing information requests.

(ii) Reprocessing Upon Timely Filing

Where Notice is received by the Claims Administrator on or before the Sixty Day Deadline January 13, 2026 and where all required missing information (including a validated Personal Representative) is received by the Claims Administrator within the applicable period (two years from date of death or incapacity or by the Sixty Day Deadline January 13, 2026, whichever is later), then the Claims Administrator shall process the Claim under the IDSSA Claims Process and, where applicable, the First Protocol.

(iii) Treatment of Claims Where Notice Received But Missing Information Not Received by Deadline

Where Notice is received by the Claims Administrator on or before the Sixty Day Deadline January 13, 2026 but the Personal Representative or any other required missing information is not received by two years from the date of the Claimant's death or incapacity or by the Sixty Day Deadline January 13, 2026, whichever is later, then the Claims Administrator shall treat the Claim as a Representative Claim with missing information under the First Protocol and process it in accordance with the IDSSA and First Protocol.

2. Missing Address Deadline*A) Missing Address Deadline is set as June 27, 2027*

For Claims submitted on or before January 13, 2023, but where the Claim does not have a valid mailing address, missing address information must be received by the Claims Administrator on or before June 27, 2027 ("**Missing Address Deadline**").

B) Processing Claims after the Missing Address Deadline

Where the Claims Administrator receives mailing address information before the Missing Address Deadline, the Claims Administrator shall process the Claim in accordance with the IDSSA and the First Protocol.

Where the Claims Administrator does not receive the missing mailing address information by the Missing Address Deadline, the Claims Administrator shall process the Claim in accordance with the IDSSA and the First Protocol, with additional directions as set out below.

C) Reconsiderations and Appeals

Where the Claims Administrator levels down a Claim, the Claims Process continues to apply, with the following additional directions:

- (i) The Claims Administrator shall prepare and issue the Claimant's notice of the downward classification ("**Level Down Notice**") and right to request reconsideration or appeal to the Third Party Assessor, as may be applicable, to the Claimant's last known mailing address, but, in the event of a lack of address information, the Claims Administrator may not send a Level Down Notice.
- (ii) Where no last known mailing address can be reasonably discerned, the Claims Administrator may deem the Claimant to have received the Level Down Notice on the date of its issuance since the Level Down Notice cannot be physically delivered.
- (iii) If the Claimant contacts the Claims Administrator within a period of 120 days in the case of a reconsideration, or 90 days in the case of an appeal, from the issuance of the Level Down Notice, the Claims Administrator will accept the Claimant's missing address information, plus any other information relevant to the reconsideration or appeal. For clarity, the applicable 120-day reconsideration and 90-day appeal deadlines will not be extended.
- (iv) If the Claimant does not contact the Claims Administrator within the applicable 120-day reconsideration period, or 90-day appeal period, referred to in (iii) above, the Claimant will be deemed to have waived their rights to reconsideration and/or appeal to the Third Party Assessor and to have accepted the downward assessment.

D) Level Up Decisions and Missing Information

In the event that the Claims Administrator initially deems a Claim as being at a Level above which the Claimant has self-identified and additional information is consequently required to process the Claim in accordance with the IDSSA and First Protocol to qualify for that higher Level, the Claims Administrator shall carry out the following process:

- (i) The Claims Administrator shall prepare and issue the Claimant's notice of the upward classification ("**Level Up Notice**") to the Claimant's last known mailing address, but, in the event of a lack of address information, the Claims Administrator may not send Level Up Notice.
- (ii) Where no last known mailing address can be reasonable discerned, the Claims Administrator may deem the Claimant to have received the Level Up Notice on the date of its issuance. Regardless of deemed delivery or receipt of the Level Up Notice the Claimant shall be provided a period of 120 days from the issuance of the Level Up Notice to submit any information relevant to the Level above which the Claimant self-identified.
- (iii) Where no valid address can be reasonable discerned, the Claims Administrator may deem the Claimant to have received the Level Up Notice on the date of its issuance since the Level Up Notice cannot be physically delivered.

- (iv) If the Claimant contacts the Claims Administrator within a period of 120 days from the issuance of the Level Up Notice, the Claims Administrator will accept the Claimant's missing address information, plus any other information relevant to the Level up decision. For clarity, the 120-day deadline, applicable to the Level Up Notice, will not be extended.
- (v) If the Claimant does not contact the Claims Administrator within the 120-day period referred to in (iii) above, the Claimant will be deemed to have waived their rights to submit additional information related to the Level up assessment and the Claim shall be processed based on the information received by the Claims Administrator. In other words, a decision of a lower Level may be assessed if missing information required for a higher level claim is not submitted within the 120-day period.

3. Ineligibility Decisions

Ineligibility decisions by the Claims Administrator are final. However, if a Claimant has evidence (e.g., school records) establishing that they are, in fact, eligible, the Claimant may challenge the decision by submitting such evidence within 120 days of the date the ineligibility decision is issued by the Claims Administrator, or by June 27, 2027, whichever is later. Canada shall review the evidence, and if it agrees that the Claimant is eligible, the Claims Administrator shall reprocess the original Claim.

4. Extensions Due to Force Majeure

If a Claimant cannot meet a deadline under this Second Protocol because of a force majeure event, the Claims Administrator may extend the deadline, but only on consent of the Parties. Any extension must be reasonable and limited to the time needed to address the impact of the event. The Parties will report any such extensions to the Court.

As an example, the Parties have agreed that where a Claimant has filed a claim:

- (i) using an address within the Province of Manitoba; and
- (ii) was prevented from filing missing information with the Claims Administrator by the June 27, 2025 deadline as a result of an evacuation order due to a wildfire, the Claimant shall have until the Sixty Day Deadline January 13, 2026 to submit all missing information.

5. Future Matters

The Parties shall return to the Court, no later than June 27, 2027, to seek approval of an order establishing a protocol for the administration of compensation that remains outstanding due to the Claimant either not having received the payment or not having cashed it.

6. Summary Chart

For ease of convenience, the effect of this Second Protocol is set out in the attached Schedule A – Summary Chart. In the event of ambiguity or conflict between the Second Protocol and the Summary Chart, then language in the Second Protocol shall govern.

Schedule A – AMENDED Summary Chart (Second Missing Information Protocol)

	Category	Trigger/Definition	Action Required	Deadline	Outcome/Notes
1	Recent Representative Claim	Claimant died or became incapacitated between January 1, 2025 and June 27, 2025, OR person took steps to be recognized as a Personal Representative (probate, ISC, will search) by June 27, 2025.	Representative submits missing info (Rep docs, other missing information)	Later of: two years from death or incapacity or the Sixty Day Deadline	Claim processed under IDSSA & First Protocol
2	Notice of Death or Incapacity	Claimant death/incapacity OR potential Representative took formal steps to be recognized as a Personal Representative (probate, ISC, will search)	Claims Administrator is notified in writing of the Claimant's death or incapacity of the Claimant. (any person can give Notice)	Sixty Day Deadline	Places temporary hold on Recent Representative Claim processing
3	Voiding Interim Denials	Notice of a Recent Representative Claim received between June 27, 2025 and Sixty Day Deadline, where Representative not validated by June 27, 2025	Claims Administrator void prior denials between June 28 – Sixty Day Deadline	—	Claims previously denied are reopened and reprocessed
4	Missing Representative Information Not Filed	Notice received, but missing info not filed by Sixty Day Deadline	Claims Administrator processes claims based on information in its possession on Jan 13, 2026	—	Follows First Protocol
5	Missing Address Claims	Claims before Jan 13, 2023 with no valid address	Claimants submit missing address information	June 27, 2027	Processed under IDSSA & First Protocol; if address not received, see no. 6
6	Reconsideration / Appeal (No Address provided by June 27, 2027)	Claims Administrator issues Level Down decision, does not send letter	Claimant to contact Claims Administrator within 120 days (reconsideration) or 90 days (appeal)	90 or 120 days from issuance of Level Down Notice	If Claimant contacts Claims Administrator within relevant period, the reconsideration or appeal is processed If Claimant does not contact Claims Administrator within relevant period, Claim

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					processed based on information in Claims' Administrators possession
7	Level Up (No Address Provided by June 27, 2027)	Claims Administrator issues Level Up Notice, sends to last known address (if known) or does not send letter	Claimant contacts Claims Administrator and submits address and supporting info	Within 120 days of Level Up Notice	Claims Administrator processes Claim based on information in its possession 120 days after the Level Up Notice is issued.
8	Ineligibility Decisions	Claim deemed ineligible by Claims Administrator	Claimants submits evidence showing error in decision (e.g. school records)	Later of 120 days from date of ineligibility decision or June 27, 2027.	Pending Canada's review and approval, the Claim is reprocessed by the Claims Administrator
9	Manitoba Wildfire Claims	Claims filed with a Manitoba address and missing information delayed due to wildfire evacuation order	Claimant submits missing info	Sixty Day Deadline	Impacted Claims on hold pending receipt of missing information or after Jan 13, 2026.
10	Outstanding Compensation	Compensation not received or cheque cashed by Claimant	Protocol to be developed	June 27, 2027	Court to approve protocol developed by the parties

APPENDIX B

Federal Indian Day Schools Class Action

Missing Information Communications Approach Summary

1. Overview

- a. This document summarizes the communications approach undertaken to inform and support Class Members affected by the Second Missing Information Protocol (“Second Protocol”) under the Federal Indian Day Schools Settlement Agreement (the Settlement).
- b. The communications approach has been developed and will be implemented by Castlemain, in collaboration with Class Counsel, Canada and the Claims Administrator.
- c. The approach seeks to ensure every reasonable effort has been made to reach to impacted Claimants, including deceased or incapacitated Claimants’ Representatives and those affected by wildfires in Manitoba disasters or missing address information, in ways that are trauma-informed, culturally grounded, and accessible in both official languages.

2. Strategic Approach

- a. The communications approach supports notice and outreach for Claimants impacted by the Second Protocol. Its primary aim is to ensure that all impacted Claimants are aware of the new provisions, understand their options, and are supported in providing missing information required to finalize their claims.
- b. The approach is structured in two phases:
 - i. Phase 1 (Court approval to January 13, 2026): Focused on Recent Representative Claims (where the original Claimant died or became incapacitated between January 1 and June 27, 2025) and Manitoba wildfire-impacted Claimants. Communications emphasize the significance of the January 13, 2026 date for these groups.
 - ii. Phase 2 (Court approval to June 27, 2027): Focused on Claimants with missing addresses. This phase begin following Court approval and will be further refined in consultation with Class Counsel, Canada and the Claims Administrator to provide appropriate communications following the January 13, 2026 campaign through to June 27, 2027.
- c. The approach ensures compliance with the Settlement Agreement, and the First and Second Missing Information Protocols.

3. Guiding principles and considerations

- a. The communications approach is guided by four central principles:
 - i. Trauma-informed practice: Recognizes the emotional impact engaging with the Settlement may have on many Class Members. All messaging avoids legal jargon, emphasizes support, and uses trauma-informed, clear direct language.
 - ii. Cultural and linguistic safety: Content is offered in both English and French, with awareness of regional and cultural diversity across Indigenous communities.
 - iii. Accessibility and inclusivity: The plan uses multiple channels, including radio, digital, organic social media, and direct outreach, to reach individuals in diverse communities.
 - iv. Transparency and fairness: Messaging is factual and process-based, avoiding promotional or persuasive tone, ensuring clarity about what steps are required and how to seek help.
- b. These considerations align with the Settlement Agreement's intent that communications be expeditious, cost-effective, user-friendly, and culturally sensitive.

4. Implementation

- a. The communications approach combines national reach with local relevance based on the areas with highest instances of missing information and includes:
- b. Phase 1 (October 2025–January 13, 2026):
 - i. Digital media: Facebook and YouTube advertising, with pre-roll and display ads targeted to regions with higher instances of missing information.
 - ii. Radio: Short-format radio ads in English and French, placed in key markets.
 - iii. Earned media: Press release and targeted pitching to CBC Indigenous, APTN, Windspeaker, and other outlets.
 - iv. Website: Dedicated campaign page on IndianDaySchools.com, consolidating all Second Protocol information, resources, and FAQs.
 - v. Organic social media: 2–3 weekly posts with boosted visibility in key regions.
 - vi. Community outreach: Email-based digital toolkits for Indigenous leadership and other partner organizations.

c. Phase 2 (2026–2027):

- i. Pending approval, a separate communications approach will focus on Claimants missing address information based on information from the Claims Administrator.

5. Evaluation and Reporting

- a. Evaluation will include both quantitative metrics (website traffic, ad reach, social engagement) and qualitative analysis (community sentiment, inquiries received, regional response patterns).
- b. Regular monitoring reports on social and traditional media.
- c. Campaign summary report post-January 2026.
- d. Continued reporting through 2027 as new communications phases are developed.
- e. These reports support transparency to the Court and demonstrate compliance with the Settlement's intent that communications be accessible, fair, and evidence-based.

6. Conclusion

- a. This communications approach takes all reasonable efforts to ensure impacted Claimants are provided effective notice of their rights and obligations under the Second Missing Information Protocol.

APPENDIX C:

Federal Indian Day Schools Settlement Third Amending Agreement (“Amending Agreement No. 3”)

WHEREAS:

A. On March 12, 2019, Canada and the Representative Plaintiffs entered formal terms of settlement in Federal Court File No. T-2169-16, as amended on May 13, 2019 (collectively, “**Settlement Agreement**”).

B. On August 19, 2019, in *McLean v Canada*, 2019 FC 1074, Justice Phelan approved the Settlement Agreement. On January 7, 2020, Justice Phelan set the Implementation Date as January 13, 2020.

C. The Parties acknowledge that all funds held in trust pursuant to Sections 13.02 and 13.03 of the Settlement Agreement were effectively exhausted by the fourth quarter of 2023. Notwithstanding such exhaustion, Class Counsel continued to provide free legal services to Survivor Class Members as required by the Settlement Agreement.

D. On February 7, 2024, Justice Grammond approved a second amendment to the Settlement Agreement, whereby Canada agreed to provide additional funding to Class Counsel for the continued provision of free legal services to Survivor Class Members until July 13, 2025 (“**Amending Agreement No. 2**”, together with the Settlement Agreement, the “**Amended Settlement Agreement**”).

E. On September 26, 2024, Justice Grammond set June 27, 2025 as the deadline by which certain information must be received in accordance with the Missing Information Protocol (“**Missing Information Deadline**”). Accordingly, Representative Claimants have two (2) years from the date of a Claimant’s death or deemed incapacity to provide such missing information, where such death or deemed incapacity occurred on or before the Missing Information Deadline.

F. The Parties acknowledge that there are several outstanding matters that need be addressed before the Claims Process can be concluded. These matters include, but are not limited to, the administration of Claims for which no mailing address has been provided, and that Personal Representatives for recently deceased or incapacitated Claimants require more time to provide the Claims Administrator with missing information and documents. As such, the Parties acknowledge that the administration and conclusion of the Claims Process will not be completed within the period contemplated in Amended Settlement Agreement.

G. As of July 1, 2025, the Claims Administrator reported that it had received a total of 188,874 Claims and of that total amount, approximately 16,330 Claims remained at various stages of review (“**Outstanding Claims**”).

H. The Parties desire to continue to make free legal services available to Survivor Class Members after July 13, 2025.

I. Canada is willing to provide funding to Class Counsel in the manner and upon the terms and conditions set out in this Amending Agreement No. 3 and the Amended Settlement Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Term. Upon Court approval, this Amending Agreement No. 3 shall be effective as of July 13, 2025 (“**Effective Date**”) and continue until July 13, 2027 (“**Term**”).
2. Scope. During the Term, and subject to judicial intervention, Class Counsel shall continue to provide legal services related to the implementation of the Amended Settlement Agreement concerning the Outstanding Claims (collectively, the “**Services**”).
3. Funding. In consideration of the provision of the Services during the Term, Canada shall transfer to Class Counsel an additional amount of Three Million Dollars (\$3,000,000), plus applicable taxes (“**Funds**”).
4. Payment of the Funds. On or before the later of thirty (30) days after the Court’s approval of this Amending Agreement No. 3 or July 13, 2025, Canada shall transfer the Funds to Class Counsel, in trust, for the legal fees, applicable taxes and disbursements to be rendered by Class Counsel in connection with the provision of the Services. Fees and disbursements of Class Counsel incurred after the Effective Date shall continue to be approved by the Court on a quarterly basis. The Parties acknowledge and agree that the legal fees rendered by Class Counsel in connection with the provision of the Services shall be at Class Counsel’s then-current national standard rates, without any premium billing.
5. Remaining Funds. Any Funds remaining in trust, including interest, after all Services have been completed and all fees and disbursements approved, shall be transferred by Class Counsel to the McLean Day Schools Settlement Corporation, to be used for Legacy Projects.
6. Commitment to Negotiate. In the event the need for Services extends beyond the current Term, both Parties agree to initiate good faith negotiations for a Services extension at least 120 days prior to the end of the Term. Such negotiations may include alternative dispute resolution, if the Parties agree to proceeding in such a manner.
7. Applicable Law. This Amending Agreement No. 3 will be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
8. Interpretation. Capitalized terms used but not otherwise defined in this Amending Agreement No. 3 shall have the meanings set out in the Amended Settlement Agreement. With the exception of the terms contained herein, all other terms and conditions of the

Amended Settlement Agreement will continue to govern the roles and responsibilities of the Parties. In the event of any inconsistency or conflict between the provisions of this Amending Agreement No. 3 and the provisions of the Amended Settlement Agreement, the provisions of this Amending Agreement No. 3 shall take precedence.

9. Amendment. Except as expressly set out herein, no amendment may be made to this Amending Agreement No. 3 unless agreed to in writing by the Parties and approved by the Court.
10. Counterparts. This Amending Agreement No. 3 may be executed and delivered in any number of counterparts, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amending Agreement No. 3 as of the Effective Date.

(s) Cam Cameron

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