

NOTICE OF SETTLEMENT APPROVAL

FEDERAL INDIAN DAY SCHOOL CLASS ACTION

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

The Federal Court authorized this Notice. This is not a solicitation from a lawyer.

On August 19, 2019, the Federal Court approved a Canada-wide out-of-court settlement between the Government of Canada (“**Canada**”) and Class Members in relation to Canada’s funding, control, and management of Federal Indian Day Schools and Federal Day Schools (“**Day Schools**”). As part of the settlement, Canada will provide compensation to eligible Members of the Survivor Class.

The legal action, *McLean v Canada* (Court File No. T-2169-16), sought damages from Canada for harms suffered by students who attended a Day School. The legal action was certified as a class proceeding by the Federal Court on June 21, 2018. The Settlement Approval Hearing took place on May 13th, 14th, & 15th, 2019 at the Federal Court in Winnipeg, MB.

The case was started by Garry McLean, who passed away before the 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 for 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 a Day School. Compensation ranges from \$10,000 (CDN) for harms associated with attendance at a 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 a Day School, regardless 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 can be found in the Settlement Agreement. You can obtain a copy of the Settlement Agreement and its Schedules on the Day School Website: www.indiandayschools.com.

WHO IS INCLUDED?

To be eligible for individual compensation as a Survivor Class Member, you must have attended one of the identified Day Schools during the time it was operated and/or controlled by Canada and you must have suffered harm as a result of your attendance at that Day School. The identified Day Schools are listed on Schedule K to the Settlement Agreement, available on the Day School Website.

Survivor Class Members who passed away on or after July 31, 2007 may also be eligible to receive compensation. All payments will be made to the Estate Executor. To obtain more information, please refer to the Long Form Notice regarding Estate Services.

HOW DO I RECEIVE COMPENSATION?

If you are an eligible Class Member, you can make a claim for compensation for harms suffered by you. You must fill in a Claims Form and send it to the Claims Administrator by the Claims Deadline, defined as two and a half (2.5) years after the Implementation Date. Claims Forms will be available on the Class Action Website or by contacting Class Counsel.

Eligible Class Members will have two and a half years to complete the Claims Form. If you require more time to fill out a Claims Form, you can complete a Request for Deadline Extension Form **prior to the Claims Deadline**, defined as two and a half (2.5) years after the Implementation Date. These forms are available on the Class Action Website or by contacting Class Counsel.

An Estate Executor is responsible for submitting a Claims Form for a deceased Class Member who passed away before they submitted a Claims Form on their own behalf.

Class Counsel will be available to assist you in the completion of Claims Forms at no cost.

CAN I OPT OUT OF THE SETTLEMENT?

If you do not wish to participate in the Day School Class Action and the approved Settlement Agreement, you must submit an **Opt Out Form** by November 18, 2019. Opting out will preserve your rights to independently sue Canada

for harms suffered while you were a student at a Day School.

Opt Out Forms are available on the Class Action Website or through Class Counsel directly.

If you have previously commenced a legal proceeding against Canada relating to its funding, control, and management of a Federal Indian Day School **and you do not discontinue your individual claim on or before November 18, 2019**, you will be deemed to have opted out of the settlement.

Objecting to the Settlement Agreement is not the same as Opting Out. If you objected to the Settlement Agreement but do not wish to opt out, you may still fill out a Claims Form prior to the deadline.

If you do not opt out by November 18, 2019, you will be bound by the terms of the Settlement Agreement.

FINANCIAL CONSEQUENCES OF SETTLEMENT APPROVAL

The Court has approved Class Counsel fees and disbursements in the amount of \$55,000,000 (CDN) plus applicable taxes. Canada has agreed to pay Class Counsel Fees. **No portion of Class Counsel Fees will come from the compensation paid to Survivor Class Members or to the Legacy Fund.** All further legal fees and disbursements including those of Class Counsel are subject to Court approval.

MORE INFORMATION

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

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

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