

**Jane Doe (#7), John Doe (#10) and John Doe (#11) v. Her Majesty in Right of  
Newfoundland and Labrador**

**SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**

**GENERAL DIVISION File No. 2017 01G 2568 CP**

Proceeding Under *The Class Actions Act*, S.N.L. 2001, c. C-18.1

**AMENDING AGREEMENT**

Made as of March 28, 2022

Between

**JANE DOE (#7),**

**JOHN DOE (#10) AND JOHN DOE (#11)**

(herein the "**Plaintiffs**")

and

**Her Majesty in Right of Newfoundland and Labrador**

(herein the "**Defendant**")

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**WHEREAS** the Parties entered into a settlement agreement dated March 10, 2022 and subsequently entered into a further settlement agreement dated March 22, 2022 (the “Settlement Agreement”), which superseded and replaced the settlement agreement dated March 10, 2022;

**AND WHEREAS** the Parties hereto have agreed to amend the Settlement Agreement pursuant to the terms of this Amending Agreement;

**NOW THEREFORE** the Parties covenant and agree as follows:

## **SECTION 1 – AMENDMENT**

### **1.1 Amendment**

- (1) “Schedule “B” – Notice Plan” to the Settlement Agreement is hereby replaced in its entirety by the revised “Schedule “B” – Notice Plan” appended hereto as Appendix “1”.

## **SECTION 2 – MISCELLANEOUS**

### **2.1 Definitions**


- (1) Defined terms used herein shall have the meanings ascribed thereto in the Settlement Agreement.

### **2.2 Governing Law**


- (2) This Amending Agreement shall be governed and construed and interpreted in accordance with the laws of Newfoundland and Labrador and the laws of Canada applicable therein.

**IN WITNESS OF WHICH** the Parties and Class Counsel have executed this Amending Agreement this 28th day of March, 2022.

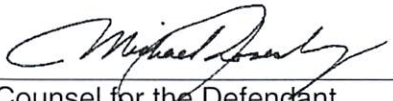
**The Plaintiffs on their own behalf and on behalf of the Class, by their counsel**

Name of Authorized Signatory: Andrew J. Martin  
Signature of Authorized Signatory:   
Class Counsel on behalf of the Plaintiffs

**Class Counsel**

Name of Authorized Signatory: Andrew J. Martin  
Signature of Authorized Signatory:   
Class Counsel

**The Defendant, by its counsel**

Name of Authorized Signatory Michael Rosenberg  
Signature of Authorized Signatory   
Counsel for the Defendant

# APPENDIX “1”

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## SCHEDULE “B”– NOTICE PLAN

The Claims Administrator will disseminate the Notice of Settlement Hearing (the “First Settlement Notice” or “First Notice”) and the Notice of Settlement Approval Notice Plan (the “Second Settlement Notice” or “Second Notice”, and together with the First Settlement Notice, the “Notices”), based on a modified version of the Certification Notice Plan. The Parties will agree on the content of the Notices, which will include short form and long form versions, and failing agreement, the Court will determine the content of the Notices.

The Claims Administrator will not disseminate the First Settlement Notice or the Second Settlement Notice outside Newfoundland and Labrador except by Direct Notice to the sixteen (16) Class Members who opted into the Class as part of the Non-Resident Subclass as defined in paragraph 3 of the Certification Order.

### ***Claims Administration Infrastructure***

- 1) The Claims Administrator established the designated website, <https://www.nfldsexabuseclassaction.ca>. The designated claims administration website shall provide relevant Court Orders and documents, Settlement Agreement, Distribution Protocol, claims deadlines, Claim Forms and link to the online claims administration portal, Notices, Definitions, frequently asked questions, and contact information for the Claims Administrator, Class Counsel and Abuse Claims Reviewer;
- 2) The Claims Administrator has established a toll-free telephone number at 1-877-400-1211;
- 3) The Claims Administrator will continue to maintain the post office box for any Class Member who wishes to continue to communicate or send documentation regarding this class action; Newfoundland and Labrador Sex Abuse Class Action address located at: 117 Queen Street, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0;
- 4) The Claims Administrator will continue to maintain designated fax service at 416-342-1761;

### ***Translation***

- 5) The Notices, as well as the Press Release, will be translated into French, Innu-aimun, and Inukitut.

6) The Notices shall be provided to the Innu Nation, the Nunatukavut Government, and the Nunatsiavut Government.

***Press Release***

7) Claims Administrator shall format and issue a press release based on the Long-Form Notice through Businesswire to news media and online audiences throughout Canada in English, French, Innu-aimun, and Inuktitut. The press release will be issued broadly to over 1,000 media outlets, including newspapers, magazines, television, radio and online media across Canada.

***Search Engine Optimization (SEO) Website***

8) The Claims Administrator will utilize sponsored programmatic advertising tools to serve advertisements relating to the Notice of Settlement Hearing and the Notice of Settlement Approval to residents of Newfoundland and Labrador and former residents of Newfoundland and Labrador who may “cluster” in other parts of Canada;

9) When Class Members are active on search engine platforms such as Google, (including mobile, tablet and desktop devices) common words and terms related to “training schools, “Newfoundland and Labrador”, “sex abuse” and/or “sexual abuse”, “Morris Martin Moore”, “Pleasantville”, “Whitbourne”, “Waterford Bridge Road”, “boys home”, “girls home”, etc., will trigger a sponsored programmatic advert and link directing users to the designated [www.NFLDsexabuseclassaction.ca](http://www.NFLDsexabuseclassaction.ca) website;

10) The Claims Administrator’s highly targeted and tiered “new media” program monitors and quantifies reach and penetration in each component of the Notice Plan during the Claims Period based on performance data. Claims Administrator’s digital partners and managers closely monitor impressions and click-through rates to quantify reach and to adjust the implementation and strategy to enhance take-up rates;

11) The Claims Administrator has the ability to quantify how many people click onto the Notice, the average time Class Members visit the designated website, how many pages Class Members viewed, which pages they viewed and if they filed a Claim Form. The Claims Administrator will adjust the format or key messaging, if necessary, to retarget the sponsored programmatic advertising to increase efficiency and effectiveness of the Notice Plan. Based on the information received, the Claims Administrator will change either: graphics, (pictures, content, colour, font, etc.) and/or key words (headline, content);

***Digital Online Banner Display Advertisements***

12) The Claims Administrator will design, publish and monitor digital banner adverts with a click-through function directly to the designated website [www.NFLDsexabuseclassaction.ca/notice](http://www.NFLDsexabuseclassaction.ca/notice) of the Notice of Settlement Hearing and the Notice of Settlement Approval on the following news websites in Newfoundland and Labrador:

- i. VOCM.com
- ii. Thetelegram.com (St. John's)
- iii. Thewesternstar.com (Corner Brook)
- iv. Cbncompass.ca (Avalon Peninsula)
- v. Thepacket.ca (Clareville)
- vi. Gazette.mun.ca (Memorial University)
- vii. Thecentralvoice.ca (Gander)
- viii. K-ROCK radio station website
- ix. HOT 99.1 St.John's - radio station website
- x. Big Land-Labrador - radio station website
- xi. New Country NL - radio station website

A combined total number of impressions targeted within Newfoundland and Labrador are to be allocated in proportion to the First Settlement Notice and the Second Settlement Notice budgets;

***Radio Advertising in Newfoundland and Labrador***

13) The Claims Administrator shall have produced radio advertisements, the content to be approved by the Court and recorded by Lynn Moore, Class Counsel at Morris Martin Moore. These radio advertisements shall air on the VOCM Network across Newfoundland and Labrador during the Claims Period:

**VOCM Network (7 stations)**

VOCM-St. John's and area

VOCM-Marystown

VOCM-Clareville

VOCM-Gander

VOCM-Grand Falls-Windsor

VOCM-Corner Brook

VOCM-Stephenville

**K-ROCK Network (4 stations)**

K-ROCK-St. John's/Clareville and area

K-ROCK- Gander

K-ROCK- Grand Falls-Windsor

K-ROCK-Corner Brook/Stephenville

**HOT 99.1** (1 station with a larger female demographic) St. John's and area

**New Country Network (3 stations)**

New Country- St. John's

New Country-Carbonear

New Country- Clareville

**Big Land Labrador (FM)**

14) The radio advertisements for the First Settlement Notice shall be produced to include 200 30-second commercials and recorded by Lynn Moore, Class Counsel at Morris Martin Moore, and played on the VOCM Network during the period between shortly after the publication of the First Settlement Notice and shortly before the publication of the Second Settlement Notice;

15) The Claims Administrator, for the First Settlement Notice, shall implement a broad rotator sequence (also referred to as ¼ reach) because it is the most common airtime chosen for cost effectiveness and efficiency. The First Notice commercials are to be played or rotated during the four key time blocks of the programming day - morning drive (6am), midday, afternoon drive and evening. The Claims Administrator shall place extra radio commercials on Fridays which is the busiest day of the week for listening. No radio spots will be aired after midnight to 6 am. There will be no commercials on Sunday;

16) The radio advertisements for the Second Notice shall be produced to include three (3) different recordings for the three (3) phases of the twelve (12) month Claims Period. The Claims Administrator shall implement one-third of the radio commercials per each phase of the Claims Period:

- i) the initial announcement of the settlement approval – four (4) months;
- ii) advertisements during the middle time frame of the Claims Period – four (4) months;
- iii) reminder announcements of the pending claims deadline – four (4) months;

17) The Claims Administrator, for the Second Settlement Notice, shall implement a broad rotator sequence (also referred to as ¼ reach, which is the most common airtime chosen for cost effectiveness and efficiency). The Second Notice commercials are to be played or rotated during the four key time blocks of the programming day - Morning drive 6am, midday, afternoon drive and evening. Claims Administrator shall place extra radio commercials on Fridays There will be no commercials on Sundays;

***Social Media – Facebook (Meta)***

18) The Claims Administrator shall design banner advertisements and post them on the Claims Administrator’s Facebook business page at [www.facebook.com/TrilogyClassActionServices](http://www.facebook.com/TrilogyClassActionServices) for distribution through social media to increase the dissemination of the Notice. The Facebook page shall allow clicked-throughs to the designated link to the Notice page on the designated website [www.NFLDsexabuseclassaction.ca/notice](http://www.NFLDsexabuseclassaction.ca/notice);

19) Similar to the strategy with regards to the radio advertisements, there will be three phases for the dissemination of the Notice.

20) A combined total number of paid banner advertisements targeted within Newfoundland and Labrador are to be allocated in proportion to the First Settlement Notice and the Second Settlement Notice budgets;

***Social Media – Twitter***

21) The Claims Administrator shall design, publish and monitor digital banner adverts with a click-through function directly to the Notice page on the designated website. Similar to the



strategies implement for Facebook, there will be three phases for the dissemination of the Notice.

22) The Claims Administrator will adjust the format or key messaging, if necessary, to retarget the sponsored programmatic advertising to increase efficiency and effectiveness of the notice program. Based on the information received, Claims Administrator will change either: graphics, (pictures, content, colour, font, etc.); key words (headline, content); or location. The Claims Administrator shall evolve the notice program as required based on the success rate of conversions from quantified data provided by the multiple platforms.

23) A combined total number of paid banner advertisements targeted within Newfoundland and Labrador are to be allocated in proportion to the First Settlement Notice and the Second Settlement Notice budgets.

***Newspapers – Newfoundland and Labrador***

24) The Claims Administrator shall publish the Short-Form Notice in ¼ page black and white advertisement format in the following print newspapers in the corresponding Saturday weekend editions and designated weekly publications;

- i. The Telegram (Saturday)
- ii. Western Star (Saturday)
- iii. Compass (Wednesday)
- iv. Southern Gazette (Tuesday)
- v. Packet (Thursday)
- vi. Central Voice (Wednesday)
- vii. Gulf News (Monday)
- viii. Northern Pen (Wednesday)
- ix. Labradorian (Monday)
- x. Aurora (Monday)

***Direct Notice***

25) The Claims Administrator, appointed by the Court to implement the Certification Notice Plan to disseminate the Notice to putative Class Members in this litigation and to administer the Opt Out and Opt In Forms from Class Members, built a database of all who registered for future communication. The Claims Administrator kept this database for the dissemination of the Notice of Settlement and Notice of Settlement Approval, if approved.

26) For the First Settlement Notice Plan, the Claims Administrator shall send the Long-Form Notice of Settlement Hearing or First Settlement Notice to inform the sixteen (16) Class Members who opted into the class action by direct email and/or courier if address available and/or with a follow-up phone call;

27) For the Second Settlement Notice Plan, the Claims Administrator shall send the Long-Form Notice of Settlement Approval or Second Settlement Notice to inform the sixteen (16) Class Members who opted into the class action by direct email and/or courier if address available and/or with a follow-up phone call;

28) For the Second Settlement Notice Plan, the Claims Administrator shall send the Long-Form Notice of Settlement Approval Notice or the Second Settlement Notice to any Class Member who inquired with Claims Administrator as a result of the First Settlement Notice Plan;

***Indirect Notice***

29) The Claims Administrator shall send the Long-Form Notice of Settlement Hearing or First Settlement Notice and the Long-Form Notice of Settlement Approval or Second Settlement Notice and the press release to the following list of sexual abuse support agencies and organizations for circulation to their members, clients and affiliates in the Province of Newfoundland and Labrador and other organizations outside the province;

- i. Ending Violence Association of Canada
- ii. Pathways Foundation
- iii. Newfoundland and Labrador Association of Social Workers
- iv. Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (NLSACPC)
- v. Rape, Abuse and Incest National Network (RAINN)
- vi. Status of Women Centres
- vii. Association of Psychology Newfoundland and Labrador and
- viii. Newfoundland and Labrador Medical Association.

***Objectors***

30) Any Class Member wishing to object to the Settlement Agreement, Class Counsel Fees, Class Counsel Disbursements, or the Honoraria, will be directed to advise the Claims Administrator in writing of the nature of the objection and whether they wish to be heard at the settlement approval hearing. Notices of objection must be received no later than 7 days before the hearing of the Settlement Approval Application. The Claims Administrator will communicate any notices of objection to counsel for the Parties and the Court, together with contact information for any objector.

***First Notice Timeframe***

31) Dissemination of the First Settlement Notice will begin at least 60 clear days before the Settlement Approval Hearing.