

**Claim Form (Track 1 and Track 2) Instructions and Claim Form Package
Complete, Sign and Submit by the Claims Bar Deadline of Monday, October 9, 2023.**

2017 01G 2568 CP

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR - GENERAL DIVISION
BETWEEN:**

**JANE DOE (#7), ~~JOHN DOE (#9)~~, (Discontinued)
JOHN DOE (#10) AND JOHN DOE (#11)**

PLAINTIFFS

AND:

HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR

DEFENDANT

Brought under the Class Actions Act, S.N.L. 2001, c. C-18.1

**Institutional Class Action - Whitbourne, Pleasantville Training Schools &
St. John's Youth Centre Sexual Abuse Class Action Settlement**

Dear Class Member,

Please find enclosed the Claim Form package for the above reference class action settlement. You are receiving these instructions and Claim Form(s) as you have been identified as a potential Class Member and may be eligible for compensation. We have been provided your name and contact information from either Class Counsel (the lawyers representing Class Members); directly from you to Trilogy Class Action Service; and/or you opted into the class action.

Please find enclosed the following:

- **Long-Form Notice of Settlement Approval**
- **Track 1 Claim Form (Attestation)**
- **Track 2 Claim Form**
- **Purolator Courier label and envelope**

The staff at Trilogy Class Action Services and the Abuse Claims Reviewer ("ACR") understand that the Claims process may be extremely overwhelming and stressful. We are here to help.

If you require assistance to complete the Claim Form, please call Sarah Lockie at Trilogy Class Action Services. You may call Trilogy Class Action Services (Sarah Lockie) or the Abuse Claims Reviewer (Rhonda Fiander) at 1-877-400-1211.

**Complete, Sign and Submit both Track 1 and Track 2 Claim Forms by the
Claims Bar Deadline of Monday, October 9, 2023. 11:59 PM EST**

Track 1 and Track 2 Claim Forms may be submitted by one of the following methods:

- Email at: Claims@Trilogyclassactions.ca;
- Fax at: 416-342-1761
- Purolator Courier (Prepaid):
- Mail: (not the most secure nor confidential – please take advantage of the prepaid Purolator courier)

**Trilogy Class Action Services
117 Queen St, P.O. Box 1000,
Niagara-on-the-Lake, ON,
L0S 1J0**

KEY DEFINITIONS FOR TRACK 1 and TRACK 2 CLAIM FORMS

“**Abuse Claim**” means a completed Claim Form.

“**Abuse Claimant**” means a person who submits a Claim Form to the Claims Administrator during the Claims Period. (Claims Bar Deadline is Monday, October 9, 2023)

“**Claim Form**” means either a Track 1 Claim Form or a Track 2 Claim Form.

“**Class**” and “**Class Members**” means all persons, except Excluded Persons, who were subjected to misconduct of a sexual nature by a Delegate or a fellow resident of the Institutions while the Class Member was resident at, or attended for any period of time, one or more of the Institutions during the Class Period. The Class includes the Plaintiffs;

“**Class Period**” means May 1, 1973 to June 28, 1989;

“**Excluded Persons**” means:

- (a) all persons who have executed a release to the benefit of the Defendant for any of the claims asserted in the Action;
- (b) all persons who, as of the date of the Certification Order, did not make their primary residence in the Province of Newfoundland and Labrador, and who did not opt into the Action in accordance with the Certification Order;
- (c) all persons who opted out of the Action in accordance with the Certification Order; and
- (d) all persons who died before March 10, 2022.

“**Institutions**” means the following facilities, which housed minors and were operated by the Defendant in the Province of Newfoundland and Labrador during part or all of the Class Period:

- (a) the facility known as the “**Whitbourne Training School**” and also known as, *inter alia*, the “Whitbourne Youth Center,” “the Boys’ Home,” “the Boys’ Home and Training School,” and “the Whitbourne School for Boys” and which was, at different times, located at the Town of Whitbourne, in the Province of Newfoundland and Labrador;
- (b) the facility known as “**the Pleasantville Training School,**” and also known as, *inter alia*, “the Girl’s Home,” “the Girls’ Home and Training School,” and “the Pleasantville School for Girls” and which was, at different times located at the Town of Torbay and the City of St. John’s, in the Province of Newfoundland and Labrador; and
- (c) the facility known as the “**St. John’s Youth Centre,**” which was located in the City of St. John’s, in the Province of Newfoundland and Labrador.

“**Sexual Abuse**” means non-consensual conduct of a sexual nature perpetrated by a Delegate or another resident of an Institution, which occurred while the Abuse Claimant was resident at, or attended for any period of time, one or more of the Institutions, and which violated the sexual integrity of the Abuse Claimant, including sexual battery and sexual assault. Sexual Abuse excludes conduct that was merely physical or psychological in nature, but not sexual.

CONFIDENTIALITY

We want to reassure you that the information you provide will be kept confidential and may be viewed by those individuals part of the adjudication process – the Court appointed Claims Administrator (Trilogy Class Action Services); Abuse Claims Reviewer (Rhonda Fiander); Class Counsel (Morris Martin Moore) and/or the Defendant to verify your attendance at one of the Institutions.

KEY SUMMARY FOR TRACK 1 CLAIMS

Track 1 Claims require the Claimant to attest that they were subjected to Sexual Abuse at an Institution during the Class Period.

Each Track 1 Claim will be allotted 10 points, with a value of \$50,000, subject to a *pro rata* reduction, as necessary, in the event the Settlement Funds are insufficient to pay \$5,000 per point.

If the Claims Administrator concludes that the Abuse Claimant is not a Class Member, no points shall be allotted to the Abuse Claim and the Abuse Claimant shall receive no portion of the Net Settlement Funds.

There shall be no reconsideration of the points allotted to a Track 1 Abuse Claim.

If the Claims Administrator or the ACR believes that the Abuse Claim is fraudulent or contains intentional errors that would materially overstate the value of the Abuse Claim, then the Claims Administrator or the ACR has the discretion to dismiss the Abuse Claim or reduce the Abuse Claim to cure the defect.

If the Claims Administrator determines that an Abuse Claimant is not eligible for inclusion in the Class, the Claims Administrator shall provide notice to the Abuse Claimant within 45 days.

Any Abuse Claimant who wishes to supplement the information provided in the Claim Form shall do so within 60 days of the date upon which the Abuse Claim was submitted. Thereafter, the Claims Administrator and the ACR shall not consider any further information supplied by the Abuse Claimant unless the Claims Administrator or the ACR, in their discretion, grants an extension of time on a showing of good cause by the Abuse Claimant.

DETERMINATION OF NATURE OF ABUSE CLAIMS - Track 1 Claims

A Track 1 Claim Form (Claimant) will attest, under penalty of perjury, that the Abuse Claimant was subjected to Sexual Abuse during the Class Period. If the Administrator is satisfied that the Abuse Claimant is eligible for inclusion in the Class and the Administrator has no credible and reliable evidence to refute the attestation in the Track 1 Claim Form, the Claims Administrator will allot 10 points to the Track 1 Abuse Claim.

More information and Court Documentation is available in your preferred language at the following website: <http://www.NFLDsexabuseclassaction.ca>

KEY SUMMARY FOR TRACK 2 CLAIMS

“Track 2 Claim Form” means Statutory Declaration, which describes Sexual Abuse that an Abuse Claimant suffered during the Class Period while resident at an Institution.

Track 2 Claims will be scored on the 100-point scale based on nature and impact of Sexual Abuse as set out in the Distribution Protocol Sections 5, 6 and 7.

Track 2 Claims will be assigned a point value that determines the amount of money to be paid. The maximum number of points that can be assigned to a claim is 100 points for a maximum value of \$500,000.

The value of a point is \$5,000, subject to a pro rata reduction in the event that the Settlement Funds are insufficient to pay \$5,000 per point.

Track 2 Claims will be assessed by the Abuse Claims Reviewer ("ACR"). The Court appointed Rhonda Fiander, MSW, RSW as the ACR.

The ACR shall evaluate each Track 2 Claim Form and assign it to either Track 2A or Track 2B.

Track 2 Claims will be separated into 2A and 2B, with the latter encompassing those claims that allege oral, vaginal or anal penetration, as well as those claims that merit an interview.

Abuse Claims alleging Sexual Abuse that includes oral, vaginal or anal penetration will be assigned to Track 2B, as will those Abuse Claims which, in the discretion of the ACR, warrant an interview.

The ACR will assess all Track 2A Abuse Claims on the information provided in the Track 2 Claim Form and any accompanying documents. The ACR will consider the written Claim and any appended materials to score Track the 2A Claim.

The ACR will assess all Track 2B Abuse Claims on the information provided in the Track 2 Claim Form, any accompanying documents, and a mandatory interview with the Abuse Claimant. Should an Abuse Claimant refuse an interview or decline to participate, their Abuse Claim will be reassigned to Track 2A.

If the ACR concludes that the Abuse Claimant is not a Class Member, no points shall be allotted to the Abuse Claim and the Abuse Claimant shall receive no portion of the Net Settlement Funds.

A dissatisfied Track 2 Claimant can ask the ACR to reconsider a score. There will be no further review of that reconsideration.

The points allotted to a Track 2 Abuse Claim in the Claim Determination Notice from the Claims Administrator (ACR) shall be final 30 days after receipt of the Claim Determination Notice unless the Abuse Claimant writes to the Claims Administrator (ACR) to request reconsideration.

If the Claims Administrator or the ACR believes that the Abuse Claim is fraudulent or contains intentional errors that would materially overstate the value of the Abuse Claim, then the Claims Administrator or the ACR has the discretion to dismiss the Abuse Claim or reduce the Abuse Claim to cure the defect.

If the Claims Administrator determines that an Abuse Claimant is not eligible for inclusion in the Class, the Claims Administrator shall provide notice to the Abuse Claimant within 45 days.

Any Abuse Claimant who wishes to supplement the information provided in the Claim Form shall do so within 60 days of the date upon which the Abuse Claim was submitted. Thereafter, the Claims Administrator and the ACR shall not consider any further information supplied by the Abuse Claimant unless the Claims Administrator or the ACR, in their discretion, grants an extension of time on a showing of good cause by the Abuse Claimant.

DETERMINATION OF NATURE OF ABUSE CLAIMS Track 2A and Track 2B Claims

The ACR shall evaluate each Track 2 Claim Form and assign it to either Track 2A or Track 2B. Abuse Claims alleging Sexual Abuse that includes oral, vaginal or anal penetration will be assigned to Track 2B, as will those Abuse Claims which, in the discretion of the ACR, warrant an interview.

The ACR will assess all Track 2A Abuse Claims on the information provided in the Track 2 Claim Form and any accompanying documents.

The ACR will assess all Track 2B Abuse Claims on the information provided in the Track 2 Claim Form, any accompanying documents, and a mandatory interview with the Abuse Claimant. Should an Abuse Claimant refuse an interview or decline to participate, their Abuse Claim will be reassigned to Track 2A.

Before allotting points to an Abuse Claim, the ACR shall consider the degree to which the Abuse Claimant has established that the Sexual Abuse occurred. The ACR should consider the coherence, credibility and consistency of the Abuse Claimant's accounts of the abuse and should consider any and all evidence that may enhance or diminish the overall reliability of such claims. If the ACR considers that the Abuse Claimant likely did not suffer Sexual Abuse they may allot no points to an Abuse Claim.

More information and Court Documentation and is available in your preferred language at the following website: <http://www.NFLDsexabuseclassaction.ca>

CLAIMANT REQUIREMENT CHECKLIST

We have created this easy-to-use checklist to help you record when things are completed, as well as keep track of any requirements that may be expected of you in the future. CHECK THE BOX WHEN COMPLETE.

TASK	DATE COMPLETED
<input type="checkbox"/> REVIEW BOTH TRACK 1 AND TRACK 2 CLAIM FORMS. <ul style="list-style-type: none"> If you would like assistance, Sarah will be happy to go through the Claim package with you. Please call 1-877-400-1211 Monday – Friday, 9:00am – 5:00pm EST to speak with her. 	_____
<input type="checkbox"/> COMPLETE TRACK 1 – ATTESTATION – AND SIGN BOTTOM	_____
<input type="checkbox"/> COMPLETE TRACK 2 – CLAIM FORM – AND SIGN BOTTOM	_____
<input type="checkbox"/> PLACE BOTH TRACK 1 AND TRACK 2 CLAIM FORMS IN THE RETURN ADDRESSED ENVELOPE PROVIDED.	_____
<input type="checkbox"/> CALL PUROLATOR AT 1-888-744-7123 TO ARRANGE A PICKUP <ul style="list-style-type: none"> Purolator will need your street address to pick up the package. If you live close enough to a drop off center, you can bring the envelope there instead of having Purolator go to your home. 	_____
<input type="checkbox"/> RECORD THE DATE THE ENVELOPE WAS PICKED UP OR DROPPED OFF TO PUROLATOR.	_____
<input type="checkbox"/> CALL TRILOGY CLASS ACTION SERVICES TO LET THEM KNOW YOU’VE GIVEN THE ENVELOPE TO PUROLATOR – 1-877-400-1211.	_____
<input type="checkbox"/> RECEIVED CALL/EMAIL FROM TRILOGY CLASS ACTION SERVICES CONFIRMING MY CLAIM WAS SUCCESSFULLY RECEIVED.	_____

TRILOGY WILL CONTACT YOU AFTER YOUR CLAIM HAS BEEN REVIEWED TO LET YOU KNOW IF YOU WILL REQUIRE AN INTERVIEW WITH RHONDA (ACR), OR IF YOU NEED TO SUBMIT ANY DOCUMENTATION. If you are scheduled for an interview, or if you’ve been requested to provide any documentation, please list the date and time of your interview, and any document names below to help you stay organized and prepared for your interview.

DATE AND TIME OF INTERVIEW: _____

LIST ANY REQUESTED DOCUMENTS BELOW

Once the interview process is complete, you will have finished all required steps. Trilogy will need to complete all requirements with each Claimant before we can determine how much your Distribution amount will be. Please continue to be patient while we complete these steps with everyone. Anticipated Distribution date will be in early 2024.