

Long Form Notice

NOTICE OF CLASS ACTION

WHERE YOU IN A GIRLS' HOME, BOYS' HOME OR YOUTH DETENTION CENTRE IN NEWFOUNDLAND FROM

MAY 1, 1973 TO JUNE 28, 1989?

IF YES, A Class Action May Affect Your Rights.

You could be affected by a class action against the Government of Newfoundland and Labrador (the “**Province**”).

A lawsuit has been certified as a Class Action against the Province. The Statement of Claim alleges that the Province is responsible for sexual abuse inflicted on children and youth who were forced to live in training schools and youth centres in Newfoundland. Sexual abuse may include sexual assault by staff, volunteers, other residents and includes beatings where the young person was naked or partially naked and detention while naked.

The Representative Plaintiffs are Jane Doe (#7), John Doe (#10), and John Doe (#11) who lived in Pleasantville Girls' Home and the Whitbourne Boys' Home. Jane Doe (#7) lives in Ontario and both John Does live in Newfoundland.

BASIC INFORMATION

1. **Why is there a notice?** This lawsuit has been “certified” as a class action. This means that the lawsuit meets the requirements for a class action and may proceed to trial. If you are included in the class, you may have legal rights and options before the Court decides whether the claims being made against the Province on your behalf are correct. This notice explains all of these things. A judge of the Newfoundland and Labrador Supreme Court General Division is currently overseeing this case. The case is known as *Jane Doe (#7) et al v. Her Majesty in right of Newfoundland and Labrador* (Court File No. 2017 01G 2568). The people who sued are called the Plaintiffs. The Province of Newfoundland and Labrador is the Defendant.

2. **What is this lawsuit about?** The lawsuit says that the Province failed to protect children and youth who resided in Training Schools, Youth Detention Centres, Boys' Homes and Girls Homes from sexual abuse between May 1, 1973 and June 28, 1989. The Court has not decided whether the Plaintiffs or the Province is right. The lawyers for the Plaintiffs will have to prove their claims in Court. If you are having a difficult time dealing with these issues you can call **1-866-329-7153** for assistance.

3. **Why is this a class action?** In a class action, people called the “Representative Plaintiffs” (in this case, Jane Doe (#7), John Doe (#10) and John Doe (#11) sued on behalf of other people who have similar claims. All of these people are a “Class” or “Class Members.” The court resolves the issues for all Class Members in one case, except for residents of the Province who remove themselves from the Class or non-residents who do not opt in to the Class.

4. Who is a member of the Class? The Class includes:

All former residents, save Excluded Persons, who suffered sexual battery and/or other sexual misconduct by a Delegate, or a fellow resident of the Institutions, while residing at any of the Institutions.

Delegates are defined as the servants, contractors, agents, officers, volunteers and employees of the Defendant and the operators, managers, administrators, teachers, and staff of the Institutions;

Excluded Persons are defined as:

- all persons who, as of the date of this Order, have executed a release to the benefit of the Defendant for the claims asserted in this class proceeding;
- all persons who, as of the date of this Order, do not make their primary residence in the Province of Newfoundland and Labrador, and who do not opt into this class proceeding in the manner specified in this Order; and
- all persons who died prior to the date of any judgment or settlement approval in this action;

Institutions are defined as the following facilities, which housed minors and were operated by the Defendant in the Province of Newfoundland and Labrador during some or all of the Class Period:

- 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 Newfoundland and Labrador;
- 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
- 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.

5. What are the Plaintiffs asking for? The Plaintiffs are asking for money or other benefits for the Class. They are also asking for lawyers' fees and costs.

6. Is there any money available now? No money or benefits are available now because the Court has not yet decided whether the Province of Newfoundland and Labrador did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for your share.

YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself, and you have to decide this by **DECEMBER 30, 2019 (90 days from date of the Certification Order)**. What you are required to do depends on whether or not you are currently a resident of the Province of Newfoundland and Labrador.

If you are currently a resident of Newfoundland and Labrador:

To stay in the Class, you do not have to do anything.

If you do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders in this case, good or bad, and the Representative Plaintiffs will have authority to resolve your claim. If money or benefits are obtained, you will be notified about how to ask for a share.

Residents who do not want to be a part of the class must opt out by sending a written notice on or before **DECEMBER 30, 2019 (90 days from date of the Certification Order)** to the Class Administrator. Otherwise, you will be bound by the Court's judgment whether favourable or not.

7. By opting out, will my name be made public? No.

If you are NOT currently a resident of Newfoundland and Labrador:

To be in the Class, you need to take action.

Non-residents who want to be a part of the Class are required to opt in to the Class by sending a written notice on or before **DECEMBER 30, 2019 (90 days from date of the Certification Order)** to Newfoundland and Labrador Sex Abuse Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0. Include your name, address, telephone number, and signature. You can also get an Opt Out Form from www.NFLDsexabuseclassaction.ca You must mail your or Opt Out Form postmarked by **DECEMBER 30, 2019 (90 days from date of the Certification Order)**.

If you qualify for the Class, you will be bound by all Court orders in this case, good or bad, and the Representative Plaintiffs will be authorized to resolve your claim. If money or benefits are obtained, you will be notified about how to ask for a share.

Non-residents who do not want to be a part of the class should take no action.

8. By opting out, will my name be made public? No.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case? Yes. The Court has appointed Morris Martin Moore to represent you and other Class members as "Class Counsel." If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

10. How will the lawyers be paid? Class Counsel will only be paid if they win a trial or if there is a settlement. The Court has to also approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the defendant.

A TRIAL

11. **How and when will the Court decide who is right?** If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial that will take place in the Province of Newfoundland and Labrador. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Province is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

12. **Will I get money after the trial?** If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the website.

GETTING MORE INFORMATION

12. How do I get more information? You can get more information at www.NFLDsexabuseclassaction.ca, by emailing inquiry@NFLDsexabuseclassaction.com, by calling toll free at **1-866-329-7153** or by writing to Newfoundland and Labrador Sex Abuse Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0.