

## Long Form Notice of Settlement Approval Hearing

### Did you attend a Youth Secure Custody Institution or a Training School between May 1, 1973 to June 28, 1989?

**A proposed settlement may affect you. Please read this notice carefully.**

**Pour lire cet avis en français:** [www.NFLDsexabuseclassaction.ca](http://www.NFLDsexabuseclassaction.ca)

The Supreme Court of Newfoundland and Labrador (the “**Court**”) approved this notice. This is not a solicitation from a lawyer.

A lawsuit was certified as a class action on behalf of people who were subjected to sexual abuse while residing at, or attending, a Newfoundland and Labrador youth secure custody institution or training school between May 1, 1973 to June 28, 1989. The institutions included in this class action are:

- the Whitbourne Training School, also known as the Whitbourne Youth Center, the Boys’ Home, the Boys’ Home and Training School, and the Whitbourne School for Boys, at different times, located in Whitbourne;
- the Pleasantville Training School, also known as the Girl’s Home, the Girls’ Home and Training School, and the Pleasantville School for Girls at different times, located in Torbay and St. John’s; and
- the St. John’s Youth Centre.

The Court certified the class action, appointed Jane Doe (#7), John Doe (#10) and John Doe (#11) as Representative Plaintiffs and appointed the law firm of Morris Martin Moore of Mount Pearl as Class Counsel.

**The Representative Plaintiffs and the Province have agreed to settle this class action.** If the Court approves the settlement, the Province will pay \$12,500,000.00 to establish a settlement fund to compensate class members, pay class counsel’s legal fees and disbursements, and pay for the administration of the settlement. Class counsel are asking the Court to approve fees of \$3,125,000.00, plus tax, and disbursements to date of \$58,899.89, plus tax.

The settlement funds will be divided between class members on the basis of their injuries, subject to a \$500,000.00 cap on any class member’s claim. Additionally, the Province will pay up to \$250,000.00 to provide notice of the settlement and up to \$25,000.00 in honoraria for each of the representative plaintiffs.

If the settlement is approved by the Court, class members will give up their rights to sue the Province for sexual abuse they experienced while attending a training school.

The Court must approve the proposed settlement before there is any money or any other benefit available.

If you are eligible for compensation, your legal rights will be affected even if you do nothing.

#### **You have three options:**

1. **Object in writing:** Write to the Claims Administrator at the address below if you do not like the proposed settlement or the lawyers’ fees and disbursements and you do not want them to be approved by the Court. The Claims Administrator must receive your written objection no later than June 8, 2022.
2. **Object in writing and in person:** You do not need to attend Court. However, your written objection may indicate that you would like to address the Court at the hearing of the application to approve the settlement. The hearing will take place on June 15 and 16, 2022 at the Supreme Court of Newfoundland and Labrador in St. John’s.

This is the hearing date and you will be required to provide any evidence, and make your arguments and submissions on those days.

**3. Do Nothing:** Give up any right you have to object to the proposed settlement.

If the settlement agreement is approved, you will have to comply with its terms to claim compensation. If the settlement agreement is not approved, no one will get any benefits under the settlement.

**This notice explains your rights and options and how to exercise them.**

### **BASIC INFORMATION**

#### **Why did I get notice of this proposed settlement?**

The Court approved this notice to let you know about the proposed settlement and your options before the Court decides whether to approve the settlement.

#### **What is a class action?**

In a class action, one or more people called “Plaintiffs” or “Representative Plaintiffs” sue on behalf of people who have similar claims. All of those people are called a “Class” or “Class Members”. The courts resolve the issues for everyone affected.

The Representative Plaintiffs in this case are Jane Doe (#7), John Doe (#10) and John Doe (#11). The lawyers for the Class (“**Class Counsel**”) are Morris Martin Moore of Mount Pearl. The Representative Plaintiffs are identified by pseudonyms, but you can contact them by writing to the Claims Administrator at the address below.

The Province of Newfoundland and Labrador is the Defendant in the class action.

#### **What is the class action about?**

The Representative Plaintiffs allege that the Province was responsible for sexual abuse at the hands of staff, volunteers, or other residents at the Institutions. Sexual abuse may include:

- sexual assault by staff, volunteers, and other residents;
- beatings where the young person was naked or partially naked;
- detention while naked or partially naked; and
- sexually derogatory language.

#### **Why is there a proposed settlement?**

The Representative Plaintiffs and the Province have agreed to a proposed settlement. By agreeing to a proposed settlement, the parties avoid the costs and uncertainties of a trial and delays in obtaining judgment and Class members receive the benefits described in this notice (if the Court approves the proposed settlement).

The Representative Plaintiffs and their lawyers believe that the proposed settlement is in the best interests of all Class Members.

### **WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?**

#### **Which individuals are included?**

Individuals are included in the Class if:

1. they attended or resided at a youth secure custody institution, listed above, between May 1, 1973 to June 28, 1989;
2. they experienced sexual abuse while attending or residing at the youth secure custody institution;
3. they did not die before March 10, 2022;
4. they have not already sued and received compensation;
5. for residents of Newfoundland and Labrador, they have not opted out of the class action; and
6. for non-residents of Newfoundland and Labrador, they opted into the class action.

**Please contact the Claims Administrator, Trilogy Class Action Services, with any questions, or to register an objection:**

Newfoundland and Labrador Sex Abuse Class Action Class Administrators  
 117 Queen St., P.O. Box 1000  
 Niagara-on-the-Lake, Ontario, L0S 1J0  
 Tel (toll-free): 1-877-400-1211  
 Fax: 416-342-1761  
[inquiry@trilogyclassactions.ca](mailto:inquiry@trilogyclassactions.ca)  
[www.NFLDsexabuseclassaction.ca](http://www.NFLDsexabuseclassaction.ca)

### **WHAT ARE THE BENEFITS OF THE SETTLEMENT?**

**What compensation will be paid under the proposed settlement if the Court approves it?**

If the Settlement is approved, the Province will pay \$12,500,000.00 to establish a settlement fund to compensate Class Members, pay class counsel's legal fees and disbursements, and pay for the administration of the settlement. Additionally, the Province will pay up to \$250,000.00 to provide notice of the settlement and up to \$75,000.00 in honoraria for the Representative Plaintiffs.

The net settlement funds will be divided between Class Members on the strength of their case and the magnitude of their damages, subject to a \$500,000.00 cap on any Class Member's claim.

**When will individuals receive compensation?**

Nothing will be paid unless the Court approves the proposed settlement. Payment will be made to individuals one year after the settlement approval order becomes final.

**How will individuals receive compensation?**

Individuals eligible for compensation must submit their claims to the Claims Administrator to receive payment. No claims forms will be available until the Court approves the proposed settlement.

Individuals do not need to testify in front of a court to receive compensation. Individuals will have to attest, under penalty of perjury, that they were subjected to sexual misconduct during the class period. To be eligible for more money, individuals will have to describe in writing the sexual abuse they were subjected to and the effect it had on them. For the most serious sexual abuse, individuals may be interviewed about their experiences.

**How will the lawyers be paid?**

The lawyers for the Class will be paid out of the settlement fund. The lawyers will not be paid until the Court decides that the fees requested are fair and reasonable. The Court will decide how much the lawyers should be paid.

**What am I giving up in the proposed settlement?**

If the Court approves the settlement, you will give up your right to sue the Province for the claims resolved by the proposed settlement.

**Can I remove myself from the proposed settlement?**

No. If you do not like the settlement, you must object before it is approved. If it is approved, you will not be able to remove yourself from the settlement even if you do not like it.

**WHO REPRESENTS ME?**

**Who are the lawyers representing me?**

Class Counsel are Morris Martin Moore of Mount Pearl. You can contact them at:

Morris Martin Moore  
184 Park Avenue  
Mount Pearl, NL A1N 1K8  
Tel: 709-747-0077  
Fax: 709-747-0104  
www.mmmlawyers.com

**Do I have to pay class counsel?**

Not directly. Class counsel will ask the Court to approve their fees. Class Counsel's fees will be paid out of the settlement funds.

**What if I want my own lawyer?**

If you want to hire your own lawyer, you may do so at your own expense.

**HOW DO I OBJECT TO THE PROPOSED SETTLEMENT?**

**How do I tell the Court that I do not like the proposed settlement or the amounts paid to Class Counsel?**

If you do not like some part of the proposed settlement, or you do not like Class Counsel's fees and disbursements, or you do not like the honoraria for the Representative Plaintiffs, you may object. The Court will consider your views. To object, you must send the following information to the Claims Administrator at the address below:

1. your name, address, phone number, and email address;
2. a statement saying you object to the proposed settlement;
3. the reasons you object to the proposed settlement; and
4. your signature.

The Claims Administrator must receive notice of your objection by June 8, 2022 to:

Newfoundland and Labrador Sex Abuse Class Action Class Administrators  
117 Queen St., P.O. Box 1000

Niagara-on-the-Lake, Ontario, L0S 1J0  
Tel (toll-free): 1-877-400-1211  
Fax: 416-342-1761  
[inquiry@trilogyclassactions.ca](mailto:inquiry@trilogyclassactions.ca)  
[www.NFLDsexabuseclassaction.ca](http://www.NFLDsexabuseclassaction.ca)

**When and where will the Court decide whether to approve the proposed settlement?**

The court will hold a hearing on June 15 and 16, 2022. You may attend in person at the Supreme Court of Newfoundland and Labrador in St. John's.

**Do I have to attend court to object?**

No. If you send an objection to the Claims Administrator you do not have to talk about it in court. The Court will consider objections received in time even if you do not attend the hearing. You or your lawyer may attend in person at the hearing of the settlement approval application.

**May I speak at the hearing?**

You may ask the Court for permission to speak at the hearing of the settlement approval application. To do so, you must give the Claims Administrator notice of your objection and indicate you wish to speak to the Court. The application to approve the settlement agreement will be heard on June 15 and 16, 2022.

**What if I do nothing?**

Individuals who are eligible to participate in the proposed settlement who do nothing will be bound by the settlement if the Court approves it. Those individuals will be eligible for compensation but they will give up their right to object to the settlement.

**WHAT IF I NEED MORE INFORMATION?**

Who do I contact for more information?

You may contact the Claims Administrator at:

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117 Queen St., P.O. Box 1000  
Niagara-on-the-Lake, Ontario, L0S 1J0  
Tel (toll-free): 1-877-400-1211  
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You may contact Class Counsel at:

Morris Martin Moore  
184 Park Avenue  
Mount Pearl, NL A1N 1K8  
Tel: 709-747-0077  
Fax: 709-747-0104  
[www.mmmlawyers.com](http://www.mmmlawyers.com)

