

NOTICE OF PROPOSED SETTLEMENT OF ALBERTA CHILD WELFARE CLASS ACTION

To: Persons who suffered injuries while they were subject to a permanent wardship order or permanent guardianship order by Alberta Child Welfare between July 1, 1966 and February 19, 2008, or a temporary guardianship order by Alberta Child Welfare between July 1, 1985 and February 19, 2008.

NOTICE OF PROPOSED SETTLEMENT

This Notice advises Class Members of a proposed settlement of a class action lawsuit regarding alleged breach of duty by the Director of Child Welfare and others to make claims under crimes compensation legislation or to file lawsuits on behalf of Class Members who suffered injuries while they were in the care of Alberta Child Welfare.

This action is referred to as *T.L., R.M., and J.S. v. Her Majesty the Queen in Right of Alberta as Represented by the Director of Child Welfare and the Public Trustee*, Action No. 0403-12989 in the Court of Queen's Bench of Alberta. The claim has already been certified as a class action and the period to opt out of the action has passed.

A proposed settlement has been reached with the Province of Alberta, the Director of Child Welfare and the Public Trustee.

WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

The following group is covered by the proposed settlement:

All Persons who, while resident in Alberta, suffered personal injury while a minor as a result of a tort by a third party, and between July 1, 1966 and February 19, 2008, were in the actual custody of Child Welfare: (i) as a permanent ward, (ii) under a Permanent or Temporary Guardianship Order, or (iii) under a Permanent Guardianship Agreement, and for whom the Defendants did not make a claim under the *Criminal Injuries Compensation Act*, RSA 1980, c C-33 or the *Victims of Crime Act*, RSA 2000, c V-3, or commence a civil action to obtain compensation on their behalf, and who did not validly opt out of the Proceeding.

WHAT ARE THE TERMS OF THE SETTLEMENT?

The Defendants have agreed to pay:

- up to \$6,500,000 towards claims made by Class Members who were subject to a permanent guardianship order, a permanent wardship order or a permanent guardianship agreement; and

- up to \$1,000,000 towards claims made by Class Members who were subject to a temporary guardianship order.

Class Members will first have to file a Victims of Crime claim in order to qualify for benefits. If the Victims of Crime claim is rejected on the basis that it is too late, Class Members will be allowed to apply to be paid from the funds under the settlement instead. Claims will be considered by a neutral adjudicator. The amount each Class Member will receive will depend upon the details of their claim and the number of claims made. However, the amount payable will generally be the amount that would have been paid under the Victims of Crimes regulations if the claim had not been denied as out of time.

This Notice is just a summary. To review the full settlement agreement, visit www.mckenzielake.com.

HOW IS THE SETTLEMENT APPROVED?

In order for the settlement to become effective, it must be approved by the court. The court must be satisfied that the settlement is fair, reasonable and in the best interests of the Class Members. The date and location for the settlement approval hearing is as follows:

- November 13, 2015 at 2:00 p.m. at the Alberta Court of Queen's Bench in Edmonton

LEGAL FEES

If the settlement is approved, Class Members will not be required to pay any amounts out of pocket in order to make a claim. Rather the fees will be paid out of the costs award paid by the defendants, and as a percentage of any award issued by Victims of Crime or the adjudicator. At the approval hearing, Class Counsel will request that the court approve payment of the costs award paid by the defendants, as well 10% of any Victims of Crimes payments to Class Members, and 33.33% of any payments made by the adjudicator to Class Members. Class Counsel is prepared to assist Class Members in making any claims at no additional fee. If Class Members hire their own lawyer, they may be responsible for an additional fee beyond the amounts sought above.

WHAT OPTIONS DO CLASS MEMBERS HAVE AT THIS TIME?

- **Object to the Settlement** – if you wish to appear at the approval hearing or object to this proposed settlement or the fee request, you should submit a written objection to Class Counsel at the address below by no later than November 10, 2015. Class Counsel will file copies of all objections with the court.

- **Do Nothing**– if you agree with the settlement, there is nothing you need to do at this time. There will be another notice telling people how to make a claim if the settlement is approved. However, you can contact Class Counsel now if you want to make sure that you receive notice if the settlement is approved. Refer to www.mckenzielake.com for updates.

WHERE CAN I GET MORE INFORMATION?

For more information, visit www.mckenzielake.com or contact Class Counsel:

McKENZIE LAKE LAWYERS LLP
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THIS NOTICE HAS BEEN APPROVED BY THE ALBERTA COURT OF QUEEN'S BENCH