

ELGIN-MIDDLESEX DETENTION CENTRE (“EMDC”) CLASS ACTION

NOTICE OF CERTIFICATION

To all persons: who were incarcerated at the EMDC between January 1, 2010 and May 18, 2017, including those held pending trial or other court appearance. (“**Class Members**”)

Class Action Lawsuit The Elgin-Middlesex Detention Centre (“EMDC”) is a regional correctional facility located on Exeter Road in London, Ontario. In December 2013, McKenzie Lake Lawyers LLP filed a class proceeding against Her Majesty the Queen in Right of Ontario [“Defendant”] alleging the conditions at EMDC are overcrowded, fraught with violence, and violate sections 7 and 12 of the *Canadian Charter of Rights and Freedoms*. This class action seeks, among other things, damages for individuals who were incarcerated at the EMDC between January 1, 2010 and May 18, 2017, including those held at the EMDC pending trial or other court appearance, relating to the conditions and practices of the government in the care and custody of inmates.

Certification On August 23, 2016, the action was certified by the Honourable Justice Grace of the Ontario Superior Court of Justice on behalf of all individuals who were incarcerated at the EMDC between January 1, 2010 and August 25, 2013. A second class proceeding was commenced extending the applicable class period to May 18, 2017. Those two proceedings have now been consolidated.

The Court may determine a number of issues common to the Class including:

- Whether the Defendant breached a duty of care in how it operated and managed the EMDC; and
- whether the Defendant’s actions violated Sections 7 and 12 of the *Canadian Charter of Rights and Freedoms*.

This notice does not mean that the Court has taken a position as to the likelihood of recovery on the part of any plaintiffs, or as to the merits of the claims or defences asserted by either side. The claims must be proven in Court. The Defendant denies these claims.

Participation in Class Action Class Members who want to participate in the class action are automatically included and need not do anything at this time. *The Class Proceedings Act* provides that no Class Member, other than the representative plaintiffs, will incur liability for legal costs if the action is dismissed.

Each Class Member who does not opt out of the class action will be bound by

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the terms of any judgment or settlement and will not be allowed to pursue or continue an independent action with respect to these issues. If the class action is successful, Class Members may be entitled to share in the amount of any award or settlement recovered.

This action is receiving financial support from the Class Proceedings Fund. There will be a levy that reduces the amount of any award or settlement funds to which Class Members may become entitled of the amount of financial support paid and 10 percent of the amount of the award or settlement funds, if any, to which one or more persons in the Class is entitled.

Opting Out

A Class Member who opts out will not be entitled to participate in the class action. You must opt out of the class action if you wish to pursue or continue to pursue an individual action against the Defendant with respect to this issue. If you would like to opt out of the class action, you must complete and return the opt-out form by June 20, 2018.

A copy of the opt-out form can be obtained at www.mckenzielake.com or by contacting Class Counsel using the telephone number or e-mail address listed below.

No person may opt out a minor (person under 18 years of age) or a mentally incapable Class Member without permission of the Court after notice to The Children’s Lawyer and/or the Public Guardian and Trustee, as appropriate.

A Class Member who opts out will not be entitled to participate in the class action. His or her right to pursue a claim in a separate proceeding will not be affected.

Questions? The court offices will be unable to answer any questions about the matters in this Notice. If you have any questions regarding the certification order or about the class action in general, information is available on Class Counsel's website: www.mckenzielake.com or by contacting Class Counsel directly, as follows:

McKenzie Lake **Toll Free Tel:** 1.844.672.5666

Lawyers LLP **Email:** emdc@mckenzielake.com

This Notice was approved by order of the Ontario Superior Court of Justice.