

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE MR. )  
JUSTICE PERELL )**

**TUE, the 16<sup>th</sup>  
DAY OF Sept, 2014**

**BETWEEN:**

**LISA CAVANAUGH, ANDREW HALE-BYRNE, RICHARD VAN DUSEN, MARGARET  
GRANGER and TIM BLACKLOCK**

**Plaintiffs**

**- and -**



**GRENVILLE CHRISTIAN COLLEGE, THE INCORPORATED SYNOD OF THE  
DIOCESE OF ONTARIO, CHARLES FARNSWORTH, BETTY FARNSWORTH,  
JUDY HAY THE EXECUTRIX FOR THE ESTATE OF J. ALASTAIR HAIG  
and MARY HAIG**

**Defendants**

*Proceeding under the Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION**, made by the Plaintiffs for an Order approving the notice of certification in this action was brought this day in writing and on consent of counsel for all parties.

1. **THIS COURT ORDERS** that within 45 days of the date of this Order, the defendants shall make their best efforts to send to class counsel a list of all known members of the class and their parents, including their last known addresses and contact information.

2. **THIS COURT ORDERS** that class members shall be notified that this proceeding has been certified as a class proceeding in the following manner:

- (a) by placing within twenty (20) days after the date of this Order, a notice, in substantially the same form as the notice attached hereto as Schedule “A” (the “Short Form Notice”), one insertion in a Saturday edition of *The Toronto Star* at a 1/8 of a page size;
- (b) by delivering the notice, in substantially the same form as the notice attached hereto as Schedule “B” (the “ Long Form Notice”) within thirty (30) days after the defendants have complied with paragraph 1 to the individuals whose contact information has been provided to class counsel, or who have otherwise contacted class counsel;
- (c) by posting the Long Form Notice on class counsel’s websites;
- (d) by posting the Short Form Notice on the Grenville Christian College facebook group website  
<<https://www.facebook.com/groups/2212017612/>>;
- (e) by forwarding the Long Form Notice to any class member who requests it;  
and
- (f) through a toll-free line set up by class counsel.

3. **THIS COURT ORDERS** that a Class Member may opt out of the class proceeding by delivering a signed opt-out coupon substantially in the form attached as Schedule “C” to this Order or some other legible signed request to opt out within thirty (30) days from the date of the delivery of the Long Form Notice in accordance with paragraph 2(b) (the “Opt Out Deadline”), sent to Class Counsel, at the following address:

**Schedule "A"**

**DID YOU ATTEND GRENVILLE CHRISTIAN  
COLLEGE BETWEEN SEPTEMBER 1973 AND  
JULY 1997?**

The Ontario Court has certified a class action which permits a defined group of people to pursue claims against Grenville Christian College, Charles Farnsworth, and Judy Hay the executrix for the estate of J. Alastair Haig, arising out of claims for physical and psychological abuse.

You must opt out by \* if you do not want to be bound by or receive any benefits from the class action.

To understand your legal rights to remain in the class action or to opt out:

- Scan this QR code
- Visit [www.website.com]
- Call toll free [phone number]



**KOSKIE MINSKY LLP**  
Suite 900, 20 Queen Street West  
Toronto, ON M5H 3R3  
**Attention: Grenville Christian College Class Action**

4. **THIS COURT ORDERS** that Class Members may not opt out after the expiry of the Opt Out Deadline in paragraph 3 above unless they obtain leave of the court.
  
5. **THIS COURT ORDERS** that no person may opt out a minor or a person who is mentally incapable without leave of the court after notice has been given to the Children's Lawyer or the Public Trustee, as may be appropriate.
  
6. **THIS COURT ORDERS** that the Plaintiff shall serve on the Defendants and file with the court, within sixty (60) days after the expiry of the Opt Out Deadline, an affidavit listing all persons who have opted out of the class proceeding, if any.
  
7. **THIS COURT ORDERS** that the costs of this notice shall be borne by the Plaintiffs.

*Perell, J.*

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ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

SEP 16 2014

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:

*[Signature]*

Schedule "B"

# DID YOU ATTEND GRENVILLE CHRISTIAN COLLEGE BETWEEN SEPTEMBER 1973 AND JULY 1997?

## A Class Action Lawsuit May Affect Your Rights.

*A court authorized this notice. You are not being sued.*

- You could be affected by a class action lawsuit involving Grenville Christian College ("Grenville"), Charles Farnsworth, and Judy Hay the executrix for the estate of J. Alastair Haig (the "Defendants").
- A Court has approved the lawsuit as a class action that includes former students of Grenville. **If you know a former student of Grenville, please share this information with them.**
- The Court has not decided whether the Defendants did anything wrong, and the case is currently scheduled to go to trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement, including the benefit of any order or judgments in favour of the class. But, you give up any rights to sue the Defendants on your own about the same legal claims in this lawsuit.
<b>REMOVE YOURSELF (OPT OUT)</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be removed (opt out) and money or benefits are later awarded, you won't share in those. You will also lose the right to the benefit of any order or judgement in favour of the class. But, you keep any rights to sue the Defendants on your own about the

same legal claims in this lawsuit.

- Absent any settlement, lawyers must prove the claims against the defendants at a trial. The claims of Class Members as a whole will be addressed at a trial of the issues common to all Class Members including such issues as “Did the defendants breach their duty of care to the Class Members?”
- Upon resolution of the common issues by the Court, you may be called upon to prove the damages you claim to have sustained and the cause of those damages in your own individual trial. Your options are explained in this notice. To ask to be removed, you must act by \*.

**WHAT THIS NOTICE CONTAINS**

**BASIC INFORMATION.....Page 3**

1. Why was this notice issued?
2. What is this lawsuit about?
3. Why is this a class action?
4. Who is a member of the Class?
5. What are the Plaintiffs asking for?
6. Is there any money available now?

**YOUR RIGHTS AND OPTIONS .....Page 4**

7. What happens if I do nothing?
8. What if I don't want to be in the Class?
9. If a former resident remains in the Class will that impact their current placement?

**THE LAWYERS REPRESENTING YOU .....Page 5**

10. Do I have a lawyer in the case?
11. How will the lawyers be paid?

**A TRIAL.....Page 5**

13. How and when will the Court decide who is right?
14. Will I get money after the trial?

GETTING MORE INFORMATION .....Page 5

15. How do I get more information?

## 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 class actions and may proceed to trial. If you are included, you may have legal rights and options before the Court decides whether the claims being made against Grenville, Charles Farnsworth, and Judy Hay the executrix for the estate of J. Alastair Haig (the “Defendants”) on your behalf are correct. This notice explains all of these things.

The case is known as *Cavanaugh v. Grenville Christian College*, Court File No. 08-CV-347100CP. The people who sued are called the Plaintiffs.

### 2. What is this lawsuit about?

The lawsuit says the Plaintiffs were subjected to systemic and pervasive physical and psychological abuse at the hands of Grenville staff, including Mr. Farnsworth and Mr. Haig. The Defendants deny these claims. The Court has not decided whether the Plaintiffs or the Defendants are 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 [phone number] for assistance.**

### 3. Why is this a class action?

In a class action one or more people called “representative plaintiffs” (in this case, Lisa Cavanaugh, Andrew Hale-Byrne, Richard Van Dusen, Margaret Granger and Tim Backlock) sue on behalf of people who have similar claims. All of these people are a “class” or “class members.” The court resolves the issues for all class members, except for those who remove themselves from the class.

### 4. Who is a member of the Class?

The Class includes students who attended and resided at Grenville Christian College between September 1973 and July 1997, excepting the children and grandchildren of the individual Defendants.

### **5. What are the Plaintiffs asking for?**

Plaintiffs are asking for money or other benefits for the Class. They are also asking for lawyers' fees and costs, plus interest.

### **6. Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether the Defendants 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 make a claim, including the possibility that you may have to individually prove part of your claim.

## **YOUR RIGHTS AND OPTIONS**

You have to decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this \*.

### **7. What happens if I do nothing at all?**

If you do nothing you will automatically remain in the Class. You will be bound by all Court orders, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

### **8. What if I don't want to be in the Class?**

If you decide not to participate in the lawsuit or if you claim not to have sustained any damages at Grenville, you must remove yourself – this is sometimes referred to as “opting out”. If you remove yourself, you will not receive any benefit that may be obtained as a result of this lawsuit. You will not be bound by any Court orders and you keep your right to sue Defendants regarding the issues in this case.

To remove yourself, you must send in the Opt Out Form and return it to the Grenville Class Action Administrator. You must mail your Opt Out Form postmarked by \*, to: Grenville Class Action Administrator [address], or by email at: [email].

## **THE LAWYERS REPRESENTING YOU**

### **10. Do I have a lawyer in the case?**

Yes. The Court has appointed Koskie Minsky LLP, Torkin Manes LLP, McKenzie Lake Lawyers LLP, and Haber & Associates to represent you and other Class Members as “Class

Counsel.” You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

### **11. How will the lawyers be paid?**

The lawyers’ fees and expenses would be deducted from any money obtained for the Class, or paid separately by the Defendants. Class members will not be liable for any fees and expenses of class counsel over and above that.

## **A TRIAL**

### **12. How and when will the Court decide who is right?**

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial that will take place in Toronto. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class. The trial may decide all or part of your claim. You may need to prove part of your claim individually. These things are not known right now.

### **13. 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 make a claim, including the possibility that you may have to individually prove part of your claim. These things are not known right now. Important information about the case will be posted on the website, [website], as it becomes available.

Schedule "C"

**OPT OUT COUPON**

To: **Grenville Class Action**  
**c/o Koskie Minsky LLP**  
Barristers & Solicitors  
20 Queen Street West  
Suite 900, Box 52  
Toronto, ON M5H 3R3

This is NOT a claim form. Completing this OPT OUT COUPON will remove you from the class proceeding and you will not receive any compensation arising out of any settlement or judgment in the class proceeding named below:

Court File No. 08-CV-347100CP

**LISA CAVANAUGH, ANDREW HALE-BYRNE, RICHARD VAN DUSEN, MARGARET GRANGER and TIM BLACKLOCK**

Plaintiffs

- and -

**GRENVILLE CHRISTIAN COLLEGE, THE INCORPORATED SYNOD OF THE DIOCESE OF ONTARIO, CHARLES FARNSWORTH, BETTY FARNSWORTH, JUDY HAY THE EXECUTRIX FOR THE ESTATE OF J. ALASTAIR HAIG and MARY HAIG**

Defendants

**I understand that by opting out of this class proceeding, I am confirming that I do not wish to participate in this class proceeding.**

I understand that any individual action must be commenced within a specified limitation period or it will be legally barred.

I understand that the certification of this class proceeding suspended the running of the limitation period from the time the class was filed. The limitation period will resume running against me if I opt out of this class proceeding.

I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation period and taking all necessary legal steps to protect any claim I may have.

Date \_\_\_\_\_ Print Name \_\_\_\_\_ Phone Number \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Class Member Opting Out

**Lisa Cavanaugh et al.**  
Plaintiffs **and**  
**Grenville Christian College et al.**  
Defendants

Court File No: CV-09-37955000CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

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