



Court of Queen's Bench of Alberta

Citation: T.L. v. Alberta (Child, Youth and Family Enhancement Act, Director), 2009 ABQB 96

Date:
Docket: 0403 12898
Registry: Edmonton

Between:

T.L.

- and -

Plaintiff

**Her Majesty the Queen in Right of Alberta as represented by
The Director of Child Welfare**

Defendant

<p>Restriction on Publication: No one may publish any information serving to identify a child or guardian of a child who has come to a Minister's or a director's attention under the <i>Child, Youth and Family Enhancement Act</i>. See the <i>Child, Youth and Family Enhancement Act</i>, s. 126.2.</p>
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**Memorandum of Decision
of the
Honourable Mr. Justice D.R.G. Thomas**

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I. Introduction

[1] This decision arises out of a case management hearing held on January 8, 2009, to deal with the following matters:

- (a) amending the Statement of Claim;
- (b) setting a date for delivery of the Defendants' Statements of Defence;
- (c) appointing representative plaintiffs for the non-resident subclass; and
- (d) approving the wording of the Notice of Certification.

[2] The Defendants take no position with respect to the proposed amendments to the Statement of Claim. Accordingly, I grant the Plaintiffs leave to file a Second Amended Statement of Claim.

[3] The parties have agreed that all Statements of Defence will be delivered by January 30, 2009 and I so direct.

[4] My decision in *T.L. v. Alberta (Director of Child Welfare)*, 2008 ABQB 114, 436 A.R. 217 ["*T.L. #2*"], in which I certified this Action as a class proceeding, is currently under appeal. I understand that the appeal was heard on February 5, 2009 and judgment was reserved. Bearing in mind the outstanding decision on the appeal, I note that the parties have also agreed to the following timelines:

- (a) all Affidavit of Records will be filed within 90 days following the decision of the Court of Appeal;
- (b) any third party notices will be filed within 60 days following the decision of the Court of Appeal; and
- (c) any amendments to the Statements of Defence will be made within 60 days following the decision of the Court of Appeal.

II. The Present Application

[5] In the result there are only two issues outstanding for me to determine, namely:

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- A whether to appoint the existing representative plaintiffs to also represent the non-resident subclass?
- B whether to approve the draft Notice of Certification ("the Notice") which is attached as Appendix 1?

A. Appointing the Representative Plaintiffs for the non-resident subclass

[6] In *T.L. #2*, I allowed Ms. T.L., Mr. J.S. and Ms. R.M. to be appointed as the representative plaintiffs for the class. All of these representative plaintiffs currently reside in Alberta. Although the Plaintiffs had earlier proposed adding an additional representative plaintiff not resident in Alberta, I had rejected the addition of that individual to the Action based on other considerations: see *T.L. #2* at paras. 44-45. I made the following comments about the non-resident representative plaintiff at paras. 54-55 and 57:

However, I note that s. 17(1)(b) of the *C.P.A.* is subject to s. 17(1)(d):

a person who is a prospective subclass member may not opt into a class proceeding under clause (b) unless a representative plaintiff who satisfies the requirements of section 7 has been or will have been appointed for the subclass in which the person is to become a subclass member at the time that the person becomes a class member.

I have rejected the Plaintiff's application to add Ms. F.M., currently resident in British Columbia, as a representative plaintiff. Although I have discretion under s. 7(4) to certify a person who is not a member of a subclass as the representative plaintiff for the subclass, I can only do so if I am of the opinion that it would avoid a substantial injustice to the subclass. In the absence of evidence to that effect, I refrain from making such an order. If the Plaintiff wishes to include non-residents in the class action proceeding, she will be required to add a non-resident representative plaintiff for that subclass, unless she is able to demonstrate substantial injustice.

...

As the creation of a non-resident subclass is required by statute, I direct that such a subclass be included in any certification order that may issue from these reasons. I also direct that the Representative Plaintiffs further amend their litigation plan to make specific reference to the non-resident subclass and the notification process application to same. I note, however, that any non-resident person that otherwise meets the class definition will not be able to opt-in to the class proceedings in the absence of a non-resident representative plaintiff.

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[7] The Plaintiffs state that they have searched for a non-resident representative plaintiff but cannot find anyone suitable at this point in time. They now seek to have Ms. T.L., Mr. J.S. and Ms. R.M. appointed as the representative plaintiffs for the non-resident subclass until a suitable member of that subclass can be identified and appointed by the Court. The Plaintiffs argue that their search for a suitable non-resident representative plaintiff would be greatly assisted by the issuance of the Notice of Certification so that the existence of this class action will come to the attention of additional non-resident class members. According to the Plaintiffs, issuing the Notice in Alberta and elsewhere, and allowing non-resident class members to opt into the Action, will likely bring to the Plaintiffs' attention many more individuals who may be suitable to take on the role of a non-resident representative plaintiff. The Plaintiffs argue that this is the most cost-effective strategy; if the Notice is published for resident class members only, it will have to be published a second time after a non-resident representative plaintiff is appointed. The Plaintiffs further submit that if their application to have the existing representative plaintiffs appointed to represent the non-resident subclass is rejected, the result would be a significant increase in the litigation timeline to the detriment of both the resident and non-resident class members.

[8] The Defendants argue that if the Court had determined that it was appropriate to appoint the existing Alberta resident plaintiffs as non-resident representatives, it could have done so at the time of the certification decision but it did not. The Defendants further argue that there is no evidence of a "substantial injustice" requiring appointment of the existing Alberta resident plaintiffs as non-representative plaintiffs at this time. The Defendants submit that there are two elements for this Court to consider on the issue of substantial injustice: timing and necessity. In terms of timing, the Defendants argue that this debate is premature and should be postponed until after the Notice of Certification is issued, as the Notice could result in additional non-residents coming forward who could fulfil the role of a representative plaintiff. Regarding necessity, the Defendants argue that the Plaintiffs have not yet taken reasonable measures to locate an adequate non-resident subclass representative, as the Plaintiffs have not done a complete review of their own database to locate possible candidates, nor have they completed their due diligence in relation to those non-residents whom they did identify.

[9] The Plaintiffs have filed an affidavit sworn by Nicola Hartigan on November 21, 2008. Ms. Hartigan is an associate at the law firm of Klein Lyons, class counsel in this proceeding. In her affidavit, Ms. Hartigan states the following:

Class counsel have been contacted by a number of individuals who are not resident in Alberta and who appear to meet the class definition. To date, I have interviewed five non-residents to determine whether any of them are suitable candidates to put forward as a non-resident representative plaintiff. Based on my interviews, none of these individuals are suitable for the role.

[10] Ms. Hartigan was cross-examined on her affidavit on December 22, 2008. I have reviewed this transcript and note the following:

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- (a) none of the three firms involved as class counsel seem to be maintaining a global database of all potential class members who have contacted them at this stage;
- (b) any calls that come into Klein Lyons from potential class members are referred to Alberta class counsel (Mark Freeman of Docken & Company, and Robert Lee);
- (c) Ms. Hartigan asked Alberta class counsel to provide her with some names of non-resident class members for her to call; however, she did not ask them to provide her with the names of all non-resident class members who had contacted them;
- (d) as a result of this inquiry, Alberta class counsel provided Ms. Hartigan with three names of non-resident class members;
- (e) Ms. Hartigan was also contacted directly by two non-residents who had become aware of the class Action through family members living in Alberta;
- (f) Ms. Hartigan spoke to all five non-resident class members and for various reasons, deemed them unsuitable to be representative plaintiffs for the non-resident subclass; and
- (g) since her initial inquiry, Ms. Hartigan has not asked Alberta class counsel to provide her with the names of all non-resident class members who had contacted them.

[11] Of the five non-resident class members interviewed by Ms. Hartigan, only two were actually asked whether they would be prepared to serve as a representative plaintiff for the non-resident subclass. Both individuals indicated their willingness to do so, however they were rejected by Ms. Hartigan based on what are essentially documentary reasons: in one case, the individual's Child Welfare file had been heavily redacted and Ms. Hartigan was concerned about putting forward that individual as a representative plaintiff in the absence of a full record; and in the second case, the individual's Child Welfare records had not yet been received and Ms. Hartigan wished to review these records before putting this individual forward. In terms of the three individuals who were interviewed, Ms. Hartigan stated that she did not ask them to serve as representative plaintiffs for the non-resident class because she was unable to get back into contact with one of them, and the other two were "very angry" and "very involved" in their own personal situations such that she viewed them as unsuitable to represent the class.

[12] The relevant sections of the *Class Proceedings Act*, R.S.A. 2000, c. C-16.5 ("*CPA*") are as follows:

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7(1) Notwithstanding section 5, if a class includes a subclass whose members have claims that raise common issues not shared by all the class members so that, in the opinion of the Court, the protection of the interests of the prospective subclass members requires that they be represented separately, the Court may, in addition to appointing the representative plaintiff for the class, appoint from among the prospective subclass members a representative plaintiff for the subclass who, in the opinion of the Court,

- (a) will fairly and adequately represent the interests of the subclass,
- (b) has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the subclass and of notifying subclass members of the proceeding, and
- (c) does not have, in respect of the common issues for the subclass, an interest that is in conflict with the interests of other prospective subclass members.

...

7(3) If a class is made up of persons who are residents of Alberta and persons who are not residents of Alberta, that class is to be divided into resident and non resident subclasses.

(4) Notwithstanding subsection (1), the Court may certify a person who is not a member of the subclass as the representative plaintiff for the subclass in the class proceeding but may do so only if, in the opinion of the Court, to do so will avoid a substantial injustice to the subclass.

[13] Section 7(1) has been interpreted as permissive and that it is not always necessary to appoint a representative for a subclass, even where a subclass is created: *T.L. v. Alberta (Director of Child Welfare)*, 2006 ABQB 104, 58 Alta. L.R. (4th) 23 [“*T.L. #1*”], at para. 84. In that decision, Slatter J. (as he then was) did not find a need to have a separate representative plaintiff for the non-resident subclass *at that time: T.L. #1*, at para. 85. Now that this Action has been certified as a class proceeding and the parties are in the process of preparing the Notice of Certification, I am mindful of s. 17(1)(d) of the *CPA*, which provides that non-resident class members may not opt into a class proceeding until a representative plaintiff has been appointed for the non-resident subclass.

[14] While I recognize that it is not necessary for a representative plaintiff to have a personal cause of action against each defendant, s. 7(3) of the *CPA* does make the creation of a non-resident subclass mandatory. Although the common issues in this case would be identical

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whether a class member is a resident or non-resident, the legislation makes it clear that a distinction is to be drawn between the two. In these circumstances, and given the present stage of the litigation, it is necessary for the non-resident subclass to have its own representative plaintiff, preferably drawn from their own ranks.

[15] In this case, the Plaintiffs have not established to my satisfaction that a substantial injustice to the subclass would be caused if the existing representative plaintiffs are not appointed to represent the non-resident subclass. I note that the class definition spans over 40 years (from July 1, 1966 until the date of certification) and yet only five individuals were considered to represent the non-resident subclass. There is no evidence to suggest that these five individuals were the only names available to class counsel. I am not convinced that class counsel has made an exhaustive search of its records in order to identify an appropriate representative plaintiff for the non-resident subclass. In my opinion, this application is premature; class counsel should conduct a full review of its existing records to identify all non-resident class members who may be appropriate representative plaintiffs. Moreover, having regard to Ms. Hartigan's evidence, there are still two individuals who could potentially serve as representative plaintiffs for the non-resident subclass, and who have indicated their willingness to do so.

[16] It would be preferable for the non-resident subclass to be represented by a member of that class. In the absence of compelling evidence demonstrating 'substantial injustice', it is not appropriate to appoint the Plaintiffs to represent the non-resident class at this time. While the Plaintiffs are understandably concerned about the effect of my decision on the timeliness of the litigation, delay does not in and of itself constitute sufficient prejudice in this case. This Action is under case management to ensure that it continues moving forward in a timely fashion. No other evidence of prejudice is before me. Accordingly, I defer any decision on this issue until such time as the Notice of Certification is ready to be issued or the Plaintiffs come before me with evidence of 'substantial injustice' on this point.

B. Notice of Certification

[17] The Plaintiffs have presented me with the draft Notice for approval. The Notice will only be issued after the Court of Appeal renders its decision on the appeal referred to above.

[18] The Defendants argue that it is premature to settle on the content of the Notice, given that the scope, nature and necessity of notice may change depending on the results of the pending appeal. In particular, the Defendants note that the plan for notice, including such details as where the Notice will be published and who will be responsible for paying it, has yet to be determined.

[19] The Plaintiffs argue that except for the class definition, which may be modified on appeal, there are no other aspects of the Notice dependant on the outcome of the appeal. The Plaintiffs submit that now that the Defendants have had the opportunity to review the Notice, this is an appropriate time to address any concerns that might arise. The Plaintiffs would like to have

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the wording of the Notice approved so that they can move forward to have the Notice published soon after the appeal has been determined.

[20] Given that this issue has been brought before the Court, I am prepared to deal with the wording of the Notice now, mindful of the fact that the wording I approve may be subject to some minor modifications depending on the outcome of the appeal.

[21] The mandatory contents of a notice of certification are set out in s. 20(6) of the *CFA*. While I will not set out that section in its entirety, the following provisions are relevant to this application:

20(6) Unless the Court orders otherwise, notice given under this section must

- (a) describe the proceeding, including the names and addresses of the representative plaintiffs and the relief sought,
- ...
- (d) describe any counterclaim or third party proceeding being asserted in the proceeding, including the relief sought,
- (e) summarize any agreements respecting fees and disbursements
 - (i) between the representative plaintiff and the representative plaintiff's lawyers, and
 - (ii) if the recipient of the notice is a subclass member, between the representative plaintiff for the subclass and that representative plaintiff's lawyers,
- (f) describe the possible financial consequences of the proceedings to class members and subclass members,
- ...
- (k) give any other information the Court considers appropriate.

[22] The Plaintiffs seek to amend the draft Notice to remove the full names of the Representative Plaintiffs. The Plaintiffs note that the original draft of the Notice did not take into account the mandatory publication ban set out in s. 126.2 of the *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12 ("*CYFEA*"), which provides as follows:

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126.2(1) No person shall publish any information serving to identify a child who has come to the Minister's or a director's attention under this Act or any information serving to identify the guardian of the child.

(2) Despite subsection (1),

...

(b) a child who has attained the age of 18 years may publish or consent to the publication of information that identifies that person as having come to the Minister's or a director's attention under this Act;

(c) a Court

...

(ii) may on an application of a child or of the guardian of a child, if the child or guardian has notified a director, grant permission to the child or to the child's guardian to publish or to consent to the publication of information that identifies the child as having come to the Minister's or a director's attention under this Act and any other related information that the Court permits if the Court is satisfied the publication is in the child's best interest or the public interest.

[23] As minors subject to temporary and permanent guardianship orders, the identities of the Representative Plaintiffs are protected from publication under s. 126.2(1) of the *CYFEA*. Although they are all now adults, the publication ban continues to apply unless they consent to being identified. There is no evidence that any of the Representative Plaintiffs have given their consent pursuant to s. 126.2(2)(b), and it cannot be said that such consent can be implied by virtue of agreeing to act as Representative Plaintiffs in this Action which is a class proceeding.

[24] In *T.L. #1*, the Plaintiff T.L. brought an application before Slatter J. to pursue this Action using a pseudonym, and for an order preventing the publication of information that would disclose her identity: see paras. 31-34. In dismissing the application, Slatter J. noted the following at para. 34:

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When considering a publication ban, there are special considerations that apply to a class action. When a person comes forward and purports to be a representative plaintiff, there is much to be said for the argument that the other members of the class are entitled to know who it is that purports to represent them: see *B.B. v. Quebec (Procurer General)*, [1998] R.J.Q. 317. Section 20 of the Act requires that notice of certification be given to the class. Section 20(6)(a) requires that the name and address of the representative plaintiff be disclosed. It would be somewhat artificial to provide for a publication ban, or the use of a pseudonym, when the name and address of the representative plaintiff must be publicized to the class. In all of the circumstances, it is inappropriate to allow the representative Plaintiff to sue by use of a pseudonym, and the application is accordingly dismissed.

[25] In his reasons, Slatter J. did not mention s. 126.2 of the *CYFEA*. I am advised by class counsel that this provision was not brought to Slatter J.'s attention. Class counsel further advises that there are no plans to bring an application to lift the publication ban pursuant to s. 126.2(2)(c)(ii) of the *CFYEA*.

[26] I note that the Court retains its discretion under s. 20(6)(a) of the *CPA* to order that the names and addresses of the Representative Plaintiffs not be included in the Notice of Certification. The Defendants do not object to such an order issuing. As such, I allow the Plaintiffs to amend the Notice to remove the names of the Representative Plaintiffs and substitute Jane Doe 1 and 2 and John Doe 1. The full names of the Plaintiffs shall also be removed from the Opt In and Opt Out Forms.

[27] The Defendants also raise the following concerns about the draft Notice:

- (a) It should include the following information: "Third party claims may be brought against other guardians. The deadline for this to occur has not yet passed.": see s. 20(6)(b) of the *CPA*;
- (b) There should be a summary of the terms of the fee agreement with class counsel, as this may inform the decision as to whether or not to opt out of the action: see s. 20(6)(c); and
- (c) There should be an additional sentence in the "Costs" section stating that "Class members may be liable for the costs of the defendants in their individual proceedings if those individual claims are not successful.": see s. 20(6)(f).

[28] Firstly, in respect to the issue of the potential third party claims, the Defendants argue that the Notice should include specific references to the possibility of third party claims. The Plaintiffs note that no third party claims are currently being asserted before the Court and as such, the current Notice is compliant with s. 20(6)(b) of the *CPA*. In response, the Defendants refer to

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s. 20(6)(k), which sets out the residual power of the Court to require the addition of any further information it considers appropriate to the Notice.

[29] I am satisfied that the proposed Notice should include a reference to potential third party claims. I direct that the Notice be revised to state that third party claims may be brought against other individuals or organizations, including guardians.

[30] Secondly, in respect to the issue of the fee arrangement, the Defendants argue that the legislative intent behind s. 20(6)(e) is to provide a summary of the terms of the fee arrangement and that it is not sufficient for the Plaintiffs to merely set out the fact that a fee arrangement exists. Specifically, the Defendants seek to have the specific percentages set out in the fee arrangement included in the Notice.

[31] The Plaintiffs argue that the Notice meets the requirements of s. 20(6)(e) because the wording makes it clear that there are contingency agreements between class counsel and the Representative Plaintiffs and that these agreements are subject to review by the Court. The Plaintiffs note that even if the Notice included the specific percentage, this would not necessarily be useful information to potential class members as the percentage would still be subject to Court approval depending on the ultimate outcome of the class proceeding.

[32] While I do not believe that s. 20(6)(e) requires a detailed summary of the terms of the fee arrangements, I am satisfied that it is appropriate to include in the Notice the specific percentages set out in the contingency agreements. Counsel shall prepare draft wording on this point for my approval.

[33] Thirdly, in respect to the issue of costs, the Defendants are concerned that the Notice does not mention that the class members may be responsible for costs if they lose at the second stage of the class proceeding dealing with the individual issues. In response, the Plaintiffs point out that s. 21 of the *CPA* requires that a second notice be sent out to the class members after the determination of the common issues and before proceeding to the trials on the individual issues. The Plaintiffs argue that this second notice is the proper place and time to inform class members that they might be liable for costs if they lose at the individual issues stage.

[34] I agree with the Plaintiffs' position in this regard and find that it is not necessary for the Notice to mention that a class member may be responsible for costs should he or she lose at the trial of the individual issues. This information more properly belongs in a second notice made pursuant to s. 21 of the *CPA*.

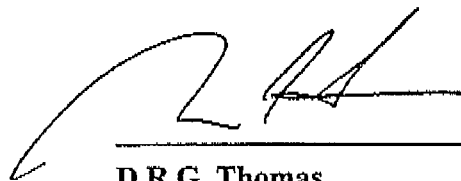
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III. Conclusion

[35] Costs shall be in the cause.

Heard on the 8th day of January, 2009.

Dated at the City of Edmonton, Alberta this 26th day of February, 2009.



D.R.G. Thomas
J.C.Q.B.A.

Appearances:

David A. Klein and
Nicola Hartigan
(Klein Lyons),

Clint G. Docken, Q.C.
(Docken and Company), and

Robert P. Lee
(Strathcona Law Offices)
for the Plaintiff

Ward Branch
(Branch MacMaster)
for the Defendant Child Welfare

G. Alan Meikle, Q.C. and
Susan Bercov
(Alberta Justice, Legal Services)
for the Defendant Child Welfare

W. Scott Schlosser, Q.C.
(Schlosser Cook)
for the Public Trustee

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APPENDIX 1
DRAFT NOTICE OF CERTIFICATION OF A CLASS ACTION LAWSUIT
This notice may affect your rights. Please read it carefully

What is the Class Action about?

A lawsuit has been certified as a class action against the child welfare branch of the Alberta Government and the Alberta Public Trustee. The lawsuit alleges that the Defendants had the responsibility to pursue criminal injuries compensation and personal injury claims for children under their care but that they failed to do so. The representative plaintiffs are Jane Doe 1, John Doe 1 and Jane Doe 2. In this lawsuit, they are seeking damages on their own behalf and on behalf of a class of persons who are or were in the custody of

How Do I know if I am a member of the Class?

The Representative Plaintiffs represent a certified class which is defined as:

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 the certification date, were in the actual custody of the 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, R.S.A. 1980, c. C-33 or the Victims of Crime Act, R.S.A. 2000, c. V-3, or commence a civil action to obtain compensation on their behalf

I am an Alberta Resident - What Do I do to Participate in the Class Action?

If you resided in Alberta on February 19, 2008 and you meet the criteria in the Class definition set out above, you are automatically included and do not need to do anything. However, it is recommended that you contact Class Counsel so that you can be put on the mailing list for periodic updates on the status of the lawsuit.

I am an Alberta Resident – I do not want to Participate in the Class Action. What do I do?

If you DO NOT want to participate, you must opt out of this action by signing and mailing the Opt Out Form to _____ postmarked no later than 30 days before the common issues trial. The Opt-Out form is available on Class Counsels' websites or by contacting Class Counsel. If you do not opt out of

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the class action, you will be bound by the judgment of the Court on the common issues. If you opt out you will take full responsibility for initiating your own lawsuit against the defendants and for taking all legal steps necessary to protect your claim.

I am not an Alberta Resident – What Do I do to Participate in the Class Action?

If you were not residing in Alberta on February 19, 2008 you must **OPT IN** to the class action if you wish to join the class action and be a class member. You may opt in to the class action by signing and mailing the Opt In Form to _____ postmarked no later than 30 days before the common issues trial. The form is available on Class Counsels' websites or by contacting Class Counsel. If you do not opt in by delivering the Opt In Form, you will not be bound by the judgment nor will you be entitled to share in the benefits of the class action. By not opting in to the class action, you will take full responsibility for initiating your own lawsuit against the defendants or for taking all legal steps necessary to protect your claim.

What happens next in the Class Action?

Class actions proceed two stages. The first stage is the trial of the common issues. Common issues are questions that apply to each Class member's case and must be answered to show whether the Defendants should be held liable to the Class. There are 5 common issues in this case and they are posted on Class Counsels' websites. The Court will set a date for the trial of the common issues. The judgment on the common issues whether favourable or not, will affect all members of the class who do not opt out will affect all those who have opted in.

The representative plaintiffs will give instructions to Class Counsel during the first stage of the class action. If a class member wishes to participate in this stage of the class action, the class member may ask the Court for permission to participate. Each class member has the right to be separately represented by a lawyer of his or her own choice.

If these common issues are resolved in favour of the Class, the case will move to the second stage. At the second stage, the Court deals with the issues that are individual to each class member. The Court will determine what further steps class members need to take to prove they are entitled to compensation and in what amount. This stage will require individual class members to prove that the individual is a member of the Class and to prove the amount of damages claimed.

What Does it Cost to Participate in the Class Action?

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As a member of the Class, you will not pay legal fees at the common issues stage of the class action. Class Counsel has entered into agreements with the representative plaintiffs with respect to legal fees and disbursements for the resolution of the common issues. The Court will review and must approve these agreements before the lawyers are paid. Class Counsel will not receive payment for their work on the common issues unless and until the class action is successful or costs are recovered from the Defendants. If the Class loses the case on the common issues, no Class member, other than the representative plaintiffs will be liable for costs.

If the Class is successful at trial in proving the common issues, further proceedings may be necessary for individual class members to prove their own personal damage claims. Class members may be responsible for the costs of proving their own individual claims, and may hire a lawyer of their choice to assist them.

Who are the Lawyers for the Class and how do I find out more information?

The lawyers for the class are called Class Counsel. Information about the class action is available on their websites and you can contact Class Counsel at the addresses and phone numbers below:

Robert Lee
Old Strathcona
7904 -103 Street
Edmonton, Alberta T6E 6C3
Telephone: (780) 438-4972
Facsimile: (780) 436-7771

Docken & Company
900, 800-6th Ave. SW
Calgary, Alberta T2P 3G3
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Facsimile: (403) 269-8246
Website: www.docken.com

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1100 - 1333 West Broadway
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Facsimile: (604) 874-7180
Website: www.kleinlyons.com