

**Alberta Child Welfare Class Action**  
Update to Notice to the Class  
December 15, 2014

Since publication of the original Notice, several events have taken place that modify or otherwise impact the information provided in that Notice:

1. [McKenzie Lake Lawyers LLP](#) has been appointed as class counsel and all previous class counsel have been removed as counsel of record on this matter.
2. The opt-out period, that being the period of time in which individuals may elect to remove themselves from the class action and take responsibility for protecting their own legal rights, has passed. Class members are no longer able to opt out simply by contacting class counsel.
3. McKenzie Lake Lawyers LLP has taken over responsibility for maintenance of the web page(s) dedicated to this class action. The Alberta Child Welfare Class Action web page is located at:  
  
<http://www.mckenzielake.com/practice-areas/class-actions-law/alberta-child-welfare>
4. In order to avoid confusion, the names and addresses of former class counsel have been removed from the Notice below.
5. Subject to the above, below you will find notice as originally published in this class action:

**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 a 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, Jane Doe 2, and John Doe 1. 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 Child Welfare and whose legal rights were not protected.

**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 February 19, 2008, 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.

**What do I do to participate in the Class Action?**

If 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.

Because this lawsuit is subject to a mandatory publication ban, your identity will be kept confidential if you choose to participate in the class action by making a claim.

**What do I do if I do not want to participate in the Class Action?**

If you **DO NOT** want to participate, you must opt out of this action by sending a letter with your name, address and reason you do not want to participate to McKenzie Lake Lawyers LLP (address below) received or postmarked no later than **May 4, 2012**. If you do not opt out of 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.

**What happens next in the Class Action?**

Class actions proceed in 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 Counsel's website. 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. 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 is 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. There may also be potential third party claims brought at this time against other individuals and organizations, including guardians.

**What does it cost to participate in the Class Action?**

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 agreements include a percentage based recovery of fees of 33 1/3% of any recovery by class members for damages and interest (after deducting disbursements) whether by settlement or judgment plus disbursements, interest on disbursements and taxes. Interest

on disbursements will be calculated at the rate of 10% per annum, not compounded. The lawyers are not entitled to any fees if the class members do not receive compensation for the claim. 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 website and you can contact Class Counsel at the addresses and phone number below:

**Bill Jenkins & Mike Saelhof**  
McKenzie Lake Lawyers LLP  
140 Fullarton Street, Suite 1800,  
London, Ontario N6A 5P2

Telephone: (519) 672-5666  
Facsimile: (519) 672-2674  
Website: [www.mckenzielake.com](http://www.mckenzielake.com)