

Did You Live at Any of the Following Institutions
or Know Someone Who Did?

St. Lawrence Regional Centre - Brockville

between April 1, 1975 and June 30, 1983

D'Arcy Place - Cobourg

between September 1, 1963 and December 31, 1996

Adult Occupational Centre - Edgar

between January 1, 1966 and March 31, 1999

Pine Ridge - Aurora

between September 1, 1963 and August 31, 1984

Muskoka Centre - Gravenhurst

between August 28, 1973 and June 30, 1993

Oxford Regional Centre - Woodstock

between April 1, 1974 and March 31, 1996 or in the "Mental
Retardation Unit" or "MR Unit" of the Oxford Mental Health Centre
between January 1, 1969 and March 31, 1974

Midwestern Regional Centre - Palmerston

between September 1, 1963 and March 31, 1998

QUESTIONS? CALL TOLL-FREE 1-866-442-4465 (TTY: 1-877-627-7027)
OR VISIT WWW.SCHEDULE1FACILITIES.CA

ONTARIO SUPERIOR COURT OF JUSTICE

L.S. Penrose Centre - Kingston

between April 1, 1974 and March 31, 1977

Bluewater Centre - Goderich

between April 1, 1976 and December 20, 1983

**Durham Centre for Developmentally Handicapped -
Whitby**

between April 1, 1974 and September 28, 1986

Prince Edward Heights - Picton

between January 1, 1971 and December 31, 1999

Northwestern Regional Centre - Thunder Bay

between April 1, 1974 and March 31, 1994

If YES, A Class Action May Affect Your Rights.

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

- You could be affected by a class action involving these Institutions and a proposed settlement to end the class action. These Institutions were residential facilities operated by the Province of Ontario.
- A Court has approved a lawsuit as a class action for former residents of these Institutions. **If you know a former resident of these Institutions who cannot read this notice please share this information with them.**
- There will be a court hearing on **April 25, 2016** at the Superior Court in Toronto to decide whether a settlement of the lawsuit and lawyer's fees should be approved.

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ONTARIO SUPERIOR COURT OF JUSTICE

- There is no money available now. If the court decides after April 25 that the settlement should be approved and you are part of the lawsuit, you can then make a claim.
- You have a choice to make now. This notice is to help you make that choice.

YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
DO NOTHING	<p>Automatically stay in this lawsuit and wait for the outcome of the hearing on April 25. Share in possible benefits from the proposed settlement but give up certain individual rights.</p> <p>By doing nothing, you keep the possibility of getting money from the settlement if it is approved. But, you give up any rights to sue the Province of Ontario on your own about the same legal claims in this lawsuit.</p>
REMOVE YOURSELF (OPT OUT)	<p>Get out of this lawsuit and get no benefits from the proposed settlement. Keep your ability to sue individually.</p> <p>If you ask to be removed (opt out) you will not be able to share in any money from the proposed settlement. But, you keep any rights to sue the Province of Ontario on your own about the same legal claims in this lawsuit.</p>
OBJECT TO THE SETTLEMENT	<p>If you want to stay in the lawsuit but you don't want the settlement approved, you can object to the settlement.</p> <p>If you want to object to the settlement, you have to write to the Court and tell them why. You should send your written objection to the Class Action Administrator. You can ask to talk at the court hearing on April 25.</p>

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- The Court in charge of this case still has to decide whether to approve the Settlement. The Court will hear this matter on **April 25, 2016 at the Superior Court of Justice in Toronto, Ontario**. Payments will only be made if the Court approves the Settlement and after any appeals are resolved.
- Your options are explained in this notice. To be removed from the lawsuit, you must ask to be removed by **April 15, 2016**.
- To object to the Settlement, you have to send your written objection by **April 4, 2016**.

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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. There is also a proposed settlement to end the lawsuit and potentially provide compensation (the "Settlement").

The Ontario Superior Court of Justice (the “Court”) authorized this notice because you have a right to know about the lawsuit, the proposed Settlement and about all of your options before the Court decides whether to give final approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

A judge of the Ontario Superior Court of Justice, is currently overseeing this case. The case is known as *Clegg v. Ontario*, Court File No. CV-14-50642300CP. The person who sued is called the Plaintiff. The Province of Ontario is the Defendant.

2. What is this lawsuit about?

The lawsuit says the Province of Ontario failed to properly care for and protect people who lived at the Institutions listed above. The lawsuit says residents of the Institutions were emotionally, physically, and psychologically traumatized by their experiences at the Institutions. The Province of Ontario denies these claims. The Court has not decided whether the Plaintiff or the Province of Ontario is right.

If you are having a difficult time dealing with these issues you can call 1-866-442-4465 (TTY: 1-877-627-7027) for assistance.

3. Why is this a class action?

In a class action one person called the “representative plaintiff” (in this case, Marlene McIntyre) sued 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 in one case, except for those who remove themselves from the class.

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4. Who is included in the lawsuit and settlement

The Class includes:

- Anyone who lived at the Institutions listed above at any time between the dates listed above and who were also alive as of June 16, 2012. These people are the “Class Members”; and
- An estate trustee of a Class Member who passed away after June 16, 2012.

The Settlement includes people who are in the Class.

If you are not sure whether you are included in the Settlement, you may call 1-800-1-866-442-4465 (TTY: 1-877-627-7027) with questions or visit www.schedule1facilities.ca. You may also write with questions to Schedule 1 Settlement, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9 or by email at schedule1facilities@crowco.ca.

5. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether the Settlement should be approved. If the Settlement is approved, you will be notified about how to make a claim.

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YOUR RIGHTS AND OPTIONS

6. What happens if I do nothing at all?

If you do nothing you will automatically remain in the lawsuit. You will be bound by all Court orders and the Settlement, if it is approved. If the Settlement is approved you will be able to make a claim.

7. What if I don't want to be in the Lawsuit?

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit from the proposed settlement. You will not be bound by any Court orders and you keep your right to sue the Province of Ontario as an individual regarding the issues in this case.

To remove yourself, send a letter that says you want to be removed from the Class in *Clegg v. Province of Ontario*. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at www.schedule1facilities.ca. You must mail your Removal Request postmarked by **April 15, 2016**, to: Schedule 1 Class Action Administrator, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9, or by email at: schedule1facilities@crawco.ca, or by fax at 1-888-842-1332.

Call **1-866-442-4465 (TTY: 1-877-627-7027)** if you have any questions about how to get out of the Class.

8. What if I don't like the Settlement?

If you do not like the settlement, but you want to stay in the lawsuit, you can object to the settlement being approved. If you do not remove yourself and the settlement is still approved, you will be bound by the approval.

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If you want to object to the settlement, you have to write to the Court and tell them why. You must send your written objection to the Class Action Administrator by **April 4, 2016**.

If you wish to object, please contact the Claims Administrator, toll-free, at 1-866-442-4465 or TTY: 1-877-627-7027, write to Schedule 1 Class Action Administrator, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9, or by email at: schedule1facilities@crawco.ca

You can attend and ask to talk at the court hearing on April 25.

9. If a former resident remains in the Class will this impact their current care placement?

No. Staying in this Class will not impact the current placement for any members who are under supervised care.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP from Toronto 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?

Koskie Minsky LLP agreed that it would only be paid if there was a settlement or a successful judgment. Koskie Minsky LLP will seek the court’s approval of its legal fees of \$3.7 million plus \$481,000 for taxes.

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All payments to the class members will come from the settlement, after payment of the legal fees, tax and a mandatory payment to the Class Proceedings Fund of \$2.9 million.

The Court will decide the amount of payment to be paid out of the settlement funds.

THE SETTLEMENT BENEFITS

12. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide benefits to eligible class members. The Province has agreed to pay approximately \$35.9 million to a Settlement Fund to make payments to eligible class members, as well as to pay for legal fees and expenses. The Province has also agreed to pay costs associated with administering the Settlement and of providing notice of the Settlement to the class.

Only if there is money not claimed after paying legal fees, costs and all payments to class members, will any money go back to the Province.

More details are in a document called the Settlement Agreement, which is available at www.schedule1facilities.ca.

13. How much will my payment be?

The amount of your payment will depend on the level of harm you suffered.

Class Members who file a valid claim that states in the claim form that they were harmed while living at one or more of the Institutions between the time periods in this lawsuit, but do not provide further details of the harm they suffered, should receive up to \$2,000 for each Institution at which they suffered harm, depending on the number of people who submit claims on the same basis. Anybody may assist a class member in completing their claim.

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Claims that provide more information about the harm suffered will be entitled to more compensation depending on the type of harm. Such claimants can receive up to a maximum of \$42,000 depending on the number of people who submit claims and the harm they suffered. The Claims Administrator will determine the amount of compensation provided to claimants based on categories of harm set out in the Settlement Agreement.

The chart below outlines the categories of harm that will be compensated in the Settlement starting with the most serious level of harm.

CATEGORY OF ABUSE	DESCRIPTION OF ABUSE
Level 3 sexual assault	<ul style="list-style-type: none"> • One or more incidents of Serious Sexual Assault
Level 2 sexual assault	<ul style="list-style-type: none"> • Repeated non-consensual sexual touching of a resident or other non-consensual sexual behavior that is not a Serious Sexual Assault
Level 1 sexual assault	<ul style="list-style-type: none"> • Any non-consensual sexual touching of a resident or other non-consensual behavior that is not a Serious Sexual Assault
Level 3 physical assault	<ul style="list-style-type: none"> • One or more physical assaults causing a Serious Physical Injury
Level 2 physical assault	<ul style="list-style-type: none"> • One or more physical assaults not causing a Serious Physical Injury, but resulting in an observable injury such as a black eye, bruise, or laceration
Level 1 physical assault or other wrongful acts	<ul style="list-style-type: none"> • One or more physical assaults not causing a Serious Physical Injury and not resulting in an observable injury • Repeated, persistent, and excessive wrongful acts constituting demeaning behavior, humiliation, or excessive physical punishment that in the opinion of the Claims Administrator warrants compensation above \$2,000.

A class member will only be eligible for one level of harm out of each of the sexual assault or physical assault categories/other wrongful acts of abuse. If

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the class member's claim provides a description of harm for more than one level within a category, the claims administrator will automatically select the most serious level for which the class member is qualified.

Claims of Level 3 sexual or physical assault will require a sworn affidavit from you along with any available medical or treatment records.

A class member can submit separate claims for each institution they went to.

14. What is a Serious Sexual Assault?

A Serious Sexual Assault is non-consensual oral, vaginal, or anal penetration or attempted non-consensual oral, vaginal or anal penetration.

15. What is a Serious Physical Injury?

A Serious Physical Injury is a physical injury that led to (or should have led to):

- Hospitalization or serious medical treatment by a physician;
- Permanent or demonstrated long-term physical injury;
- Impairment or disfigurement;
- Loss of consciousness;
- Broken bones; or
- A serious but temporary incapacitation where bed rest or infirmary care for several days was required.

16. When will I receive my payment?

Class Members who are entitled to payments will receive their payments after all claims are assessed. Before anyone can apply or be assessed the Court must decide whether to grant approval of the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time.

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17. What am I giving up in the Settlement?

If the Settlement becomes final, you will give up your right to sue the Province for the claims being resolved by the Settlement. You will be “releasing” the Province and all related people as described in the Settlement Agreement.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. The Settlement Agreement is available at www.schedule1facilities.ca. If you have any questions you can talk to Koskie Minsky LLP or you can, of course, talk to your own lawyer if you have questions about what this means.

18. Can I remove myself from the Settlement and this Lawsuit?

If you do not want to be part of this lawsuit and the proposed settlement, you need to remove yourself from the lawsuit. This is called "opting out". If you opt out, you will not be able to receive any compensation from the proposed settlement if it is approved.

19. Does the Settlement impact my current placement or my eligibility for social assistance programs?

No. The Settlement does not impact the current placement for any members who receive community or residential developmental services funded by the Province. Any payment you may receive will not affect your eligibility for (or the amount, nature, and/or duration of) social assistance programs administered by the Province. This includes, but is not limited to, the Ontario Disability Support Program.

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HOW TO RECEIVE A PAYMENT

20. How can I receive a payment?

To receive a payment from the Settlement you must make a claim. You can only make a claim under the Settlement if the Settlement is approved by the Court. If the Settlement is approved, to ask for a payment, simply complete and submit the required claim form. Any claims will be assessed by the Claims Administrator. Class Members will not need to testify in Court.

If the Settlement is approved after April 25, 2016, Claim forms will be available at www.schedule1facilities.ca or by calling 1-866-442-4465 (TTY: 1-877-627-7027).

If a Class Member is unable to complete a claim form then it may be completed by the Class Member's personal representative or a member of the Class Member's family.

21. How will payments be calculated?

The Claims Administrator will review your claim form and determine if you qualify for a payment. If you do then the Claims Administrator will determine your payment amount based on the level of harm you suffered.

To receive some compensation under the Settlement, Class Members must state in the required claim form that they were harmed. Those Class Members who state in the required claim form that they were harmed, but provide no further information on the harm suffered, will be eligible to receive up to \$2,000.

Class Members who are able to provide further information on the harm they suffered may be eligible to receive up to \$42,000. The Claims Administrator will review the information provided by the Class Member and assign points by the level of harm suffered in accordance with the chart set out above in Question 13.

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Payment amounts may be adjusted to ensure that all eligible Class Members receive a payment, as follows:

- If the total value of all approved claims is **greater** than the amount of money available to pay claims (after costs and fees have been deducted), eligible Class Members' payments will be reduced proportionally.

The actual amount available for each eligible Class Member will not be determined until after all Claims Forms have been received.

If there is any money left over the remaining money will be returned to Ontario.

The Settlement Agreements have more detail about how payments will be determined.

22. What if my claim is denied entirely?

If your claim is denied in its entirety, the Claims Administrator will mail or email you a letter. You can ask the Claims Administrator to reconsider its decision, within 21 days of the Claims Administrator's letter denying the claim in its entirety.

23. What if I disagree with my payment amount?

Payment amounts will be determined by the Claims Administrator. Class Members cannot dispute the payment amounts or categories once their claims have been submitted. **Therefore, it is recommended that you are as detailed as possible when you initially submit your Claim Form.**

THE LAWYERS REPRESENTING YOU

24. Who are the lawyers for the Plaintiffs?

The Court appointed Koskie Minsky, LLP, of Toronto, Ontario, to represent the Class Members as “Class Counsel.” If you want to be represented by or receive advice from another lawyer, you may hire one to appear in Court for you at your own expense.

OBJECTING TO THE SETTLEMENT

25. How do I tell the Court if I do not like the Settlement?

You can object to the Settlement if you don’t like some part of it. The Court will consider your views. To object, you must submit a letter that includes the following:

- Your name, address, and telephone number;
- A statement saying that you object to the Schedule 1 Class Action Settlement, Court File No. CV-14-50642300CP;
- The reasons you object to the settlement, along with any supporting materials; and
- Your signature.

You must mail your objection, postmarked by April 4, 2016, to:

Schedule 1 Settlement
3-505, 133 Weber Street North
Waterloo, Ontario, N2J 3G9

THE APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses. You may attend and you may ask to speak, but you do not have to.

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26. When and where will the Court decide whether to approve the Settlement?

The Court will hold an Approval Hearing at 10:00 a.m. on **April 25, 2016 at the Superior Court of Justice in Toronto, Ontario**. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.schedule1facilities.ca, or by calling 1-866-442-4465 (TTY: 1-877-627-7027) in advance if you are planning to attend.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and in the best interests of the classes. If there are objections, the Court will consider them and may listen to class members who have asked to speak at the hearing. The Court will also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. It is not known how long these decisions will take.

27. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have. However, you or your own lawyer are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also have your own lawyer attend, but it is not necessary.

28. May I speak at the hearing?

You may ask the Court for permission to speak at the Approval Hearing.

GETTING MORE INFORMATION

29. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.schedule1facilities.ca.

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