

PROPOSED SETTLEMENT OF SIXTIES SCOOP CLASS ACTION

Are you a Sixties Scoop survivor?

A proposed settlement may affect you.
Please read this notice carefully.

The Ontario Superior Court and the Federal Court authorized this notice. This is not a solicitation from a lawyer.

- Survivors of the Sixties Scoop sued the Federal Government of Canada ("**Canada**").
- The representative survivors and Canada have now reached a proposed settlement that provides compensation for certain survivors of the Sixties Scoop.
- The proposed settlement must be approved by the courts before there is any money or other benefits available.

Your legal rights are affected even if you do nothing. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT

OBJECT: Write to the court if you do not like the proposed settlement.

GO TO A HEARING: Ask to speak in court about the proposed settlement on May 10, 2018 at 10:00 a.m. in Saskatoon, Saskatchewan or May 29, 2018 at 10:00 a.m. Toronto, Ontario, or via videoconferencing at select locations of the Federal Court.

DO NOTHING: Give up any right you might have to object to the proposed settlement.

- These rights and options and the deadlines to exercise them are explained in this notice.
- The courts in charge of this case still have to decide whether to approve the proposed settlement. The courts will hear submissions about the approval of the proposed settlement in Saskatoon Saskatchewan on May 10 and 11, 2018 at 10:00 a.m. and in Toronto, Ontario on May 29 and 30, 2018 at 10:00 a.m. Money and other benefits will only be made available if the courts approve the proposed settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I get this notice?

The Ontario Superior Court and the Federal Court authorized this notice to let you know about a proposed settlement and about all of your options before the courts decide whether to give final approval to the proposed settlement. This notice explains the lawsuit, the proposed settlement, and your legal rights.

2. What was the Sixties Scoop?

Between 1951 and 1991, Indian and Inuit children were taken into care and placed with non-Indigenous parents where they were not raised in accordance with their cultural traditions nor taught their traditional languages (the "**Sixties Scoop**").

3. What is a class action?

In a class action, one or more people called "**Plaintiffs**" sue on behalf of people who have similar claims. All of these people are called a "**Class**" or "**Class Members**." The courts resolve the issues for everyone affected, except for those who exclude themselves from the lawsuits.

The survivors of the Sixties Scoop that commenced the lawsuits are called the "**Representative Plaintiffs**." The Federal Government of Canada is called "**Canada**".

4. What do the lawsuits complain about?

This lawsuits claim that Indian children who were victims of the Sixties Scoop lost their cultural identity and suffered psychologically, emotionally, spiritually and physically. They were also deprived of their status, their aboriginal and treaty rights and monetary benefits to which they were entitled pursuant to the *Indian Act*, RSC 1985, c I-5 and related legislation and policies.

5. Why is there a proposed settlement?

The Representative Plaintiffs and Canada have agreed to a proposed settlement. By agreeing to the proposed settlement, the parties avoid the costs and uncertainty of a trial and delays in obtaining judgment, and Class Members receive the benefits described in this notice. In this case, it also means that the Class Members will not need to testify in court. By settling this class action, the Representative Plaintiffs and Canada have also been able to create a Foundation to enable change and reconciliation. The Representative Plaintiffs and their lawyers think the proposed settlement is in the best interests of all Class Members.

WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

6. Who is Included in the proposed Settlement?

The proposed settlement includes all registered Indians (as defined in the *Indian Act*) and Inuit persons or people eligible to be registered Indians or Inuit who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and placed in the care of non-Indigenous foster or adoptive parents (the "**Class Members**"). All Class Members except those who validly opt out will be bound by the proposed settlement if it is approved and will be covered by the releases in the proposed settlement

7. What if I am not sure whether I am included in the proposed settlement?

If you are not sure whether you are included in the proposed settlement, you may call 1-(844)-287-4270 with questions or visit sixtiesscoopsettlement.info or sixtiesscoop@collectiva.ca.

PROPOSED SETTLEMENT BENEFITS

8. What does the proposed settlement provide?

If the proposed settlement is approved and becomes final, it will provide compensation to all Class Members who were adopted or made permanent wards and who were alive on February 20, 2009 (the "**Eligible Class Members**").

The proposed settlement will also establish a foundation (the "**Foundation**") to enable change and reconciliation and, in particular, access to education, healing/wellness and commemoration activities for communities and individuals. The Foundation is intended to bridge the generations and give meaning to suffering as well as to provide healing and reconciliation for the whole of Canada, now and for the future. Benefits from the Foundation are not restricted to Class Members.

Canada has agreed to fund the Foundation in the amount of at least \$50 million to enable change and reconciliation and, in particular, access to education, healing/wellness and commemoration activities for communities and individuals.

Canada has also agreed to make payments to Eligible Class Members as follows:

- If fewer than 20,000 Eligible Class Members submit claims, each Eligible Class Member will receive an amount equal to \$500 million divided by the number of Eligible Class Members who submit claims, to a maximum for \$50,000 per person.
- If between 20,000 and 30,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$25,000.
- If more than 30,000 Eligible Class Members submit claims, each Eligible Class Member will receive an amount equal to \$750 million divided by the number of Eligible Class Members who submit claims.

For example:

- if 5,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$50,000;
- if 10,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$50,000;
- if 15,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$33,333.33;
- if 20,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$25,000;

- if 25,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$25,000;
- if 35,000 Eligible Class Members submit claims, each Eligible Class Member will receive \$21,428.57;

If there are fewer than 20,000 claims by Eligible Class Members and the total amount paid to Eligible Class Members is less than \$500 million, the difference between the total amount paid to Eligible Class Members and \$500 million shall be paid to the Foundation.

More details are in a document called the proposed Settlement Agreement, which is available at sixtiesscoopsettlement.info

9. How will the lawyers be paid?

Class Counsel will not be paid until the courts declare that the fees being paid are fair and reasonable.

Class Counsel will ask for approval of fees in the amount of \$75 million plus applicable tax, or 10% of the total possible compensation fund. The courts will decide the amount of fees and disbursements to award.

10. When will I receive my payment?

Eligible Class Members whose claims are approved will receive their payments after their claims are assessed.

Before anyone can file a Claim Form or be assessed, the courts must decide whether to grant final approval of the proposed settlement and any appeals must be resolved (see “**The Approval Hearing**” below). If there are appeals, resolving them can take time. Please be patient.

If the proposed settlement is approved, Eligible Class Members that file a Claim Form which is approved will be paid after all claims have been assessed and the payment amounts are determined.

11. What am I giving up in the proposed settlement?

Once the proposed settlement becomes final, you will give up your right to sue Canada for the claims being resolved by this proposed settlement. You will be “releasing” Canada as described in the proposed Settlement Agreement, which means you cannot sue Canada for anything at all related to the Sixties Scoop. The proposed Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to the law firms listed in Question 16 or you can, of course, talk to your own lawyer if you have questions about what this means.

12. Can I remove myself from the proposed settlement?

You can only remove yourself from the proposed settlement if you belong to the following group:

All Indian (as defined in the *Indian Act*) and Inuit persons who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and placed in the care of non-Indigenous foster or adoptive parents, other than Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984 and were placed in the care of non-aboriginal foster or adoptive parents who did not raise the children in accordance with the aboriginal person's customs, traditions and practices.

If the proposed settlement is approved, individuals who fall within this group will have an opportunity to exclude yourself by filling out and submitting an opt out form. More information about excluding yourself from the proposed settlement will be available if the proposed settlement is approved.

Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984 and were placed in the care of non-aboriginal foster or adoptive parents who did not raise the children in accordance with the aboriginal person's customs, traditions and practices have already had an opportunity to remove themselves from the class action.

HOW TO RECEIVE A PAYMENT

13. How can I receive a payment?

You can only make a claim under the proposed settlement if the proposed settlement is approved by the courts. If the proposed settlement is approved, to ask for a payment, complete and submit the required Claim Form. All claims will be assessed by the Claims Administrator. Eligible Class Members will not need to testify in court.

Claim forms will be available at sixtiesscoopsettlement.info or by calling 1-(844)-287-4270 after the proposed settlement is approved by the courts.

14. How will payments be calculated?

The Claims Administrator will review your Claim Form and determine if you qualify for a payment. If you do, the Claims Administrator will determine the amount of your payment based on the total number of approved Claim Forms.

15. What if my claim is denied?

If your claim is denied, you will receive notice and may request a reconsideration of your claim before the Reconsideration Officer. The Reconsideration Officer's decision is final.

THE LAWYERS REPRESENTING YOU

16. Who are the lawyers for the Plaintiffs?

The lawyers for the Plaintiffs are:

- Wilson Christen LLP and Morris Cooper of Toronto, Ontario;
- Koskie Minsky LLP of Toronto, Ontario;

- Merchant Law Group of Regina, Saskatchewan; and
- Klein Lawyers of Vancouver, British Columbia.

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 PROPOSED SETTLEMENT

17. How do I tell the court if I do not like the proposed settlement?

You can object to the proposed settlement if you do not like some part of it. The courts will consider your views. To object, you must submit an Objection Form that includes the following:

- Your name, address, and telephone number;
- A statement saying that you object to the Sixties Scoop proposed settlement;
- The reasons you object to the proposed settlement, along with any supporting materials;
- The location where you were taken from your home; and
- Your signature.

You must mail or email your objection, postmarked by April 30, 2018 to:

Sixties Scoop Class Action

Collectiva Class Action Services Inc.

1176 Bishop Street, suite 208

Montreal, Quebec, H3G 2E3

Email: sixtiesscoop@collectiva.ca

THE APPROVAL HEARING

The Ontario Superior Court and the Federal Court will hold hearings in May 2018 to decide whether to approve the proposed settlement and the request for fees and taxes. You may attend and you may ask to speak, but you do not have to.

18. When and where will the court decide whether to approve the proposed settlement?

The Federal Court will hold an approval hearing in Saskatoon, Saskatchewan on May 10 and 11, 2018 at 10:00 a.m.

The Ontario Superior Court will hold an approval hearing in Toronto, Ontario on May 29 and 30, 2018 at 10:00 a.m.

The hearings may be moved to different dates or times without additional notice, so it is a good idea to check sixtiesscoopsettlement.info or call 1-(844)-287-4270 in advance if you are planning to attend.

At these hearings, the courts will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class. If there are objections, the courts will

consider them and will listen to people who have asked to speak at the hearing. The courts may also decide how much to pay Class Counsel. After the hearing, the courts will decide whether to approve the proposed settlement. It is not known how long these decisions will take.

19. Do I have to attend the hearing?

No. Class Counsel will answer questions the courts may have. However, you or your own lawyer are welcome to attend at your own expense or videoconference into the hearings to voice your concerns. If you send an objection, you do not have to come to the courts to talk about it. As long as you mailed your written objection on time, the courts will consider it. You may also have your own lawyer attend, but it is not necessary. The Court will consider making special arrangements to permit an objector who wishes to appear in person to appear at select locations of the Federal Court via videoconferencing. More information about videoconferencing is available at sixtiesscoopsettlement.info.

20. May I speak at the hearing?

Yes, you may ask the courts for permission to speak at the approval hearings. To do so you must file a Notice of Objection and indicate that you wish to speak at an approval hearing.

21. What if I do nothing?

If you do nothing, you are choosing not to object to the proposed settlement. The approval hearings will proceed and the courts will consider whether the proposed settlement is fair, reasonable, and in the best interests of the Class without your views on the matter.

GETTING MORE INFORMATION

22. How do I get more information?

This notice summarizes the proposed settlement. More details are in the proposed Settlement Agreement. You can get a copy of the proposed Settlement Agreement at sixtiesscoopsettlement.info. You can send your questions to **Sixties Scoop Class Action**, c/o Collectiva Class Action Services Inc., 1176 Bishop Street, suite 208, Montreal, Quebec, H3G 2E3 or by email at sixtiesscoop@collectiva.ca. You may also call the toll free number 1-(844)-287-4270.