2007 01T4955CP

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)

THE HONOURABLE JUSTICE	) TUESDAY, THE 27TH
	)
GILLIAN BUTLER	) DAY OF MARCH, 2012

B E T W E E N:

CAROL ANDERSON, ALLEN WEBBER and JOYCE WEBBER

PLAINTIFFS

AND:

THE ATTORNEY GENERAL OF CANADA

DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*, S.N.L. 2001, C. C-18.1
BEFORE THE HONOURABLE JUSTICE GILLIAN BUTLER,
CASE-MANAGEMENT JUDGE

O R D E R

THIS APPLICATION, brought by the Plaintiffs for an order the setting the timeline for the implementation of the Notice Plan, as approved by the Honourable Justice Fowler by order dated October 1, 2010, setting the Opt-out/Opt-in deadline and other ancillary orders, was heard March 27, 2012, via teleconference.

ON HEARING the submissions of counsel for the parties,

1. **THIS COURT ORDERS** that the Notice Plan, attached as Schedule "A" to this order, commence implementation by May 30, 2012 and shall follow the proposed schedule attached as Schedule "B" to this order.

2. **THIS COURT ORDERS** that the Defendant shall pay the invoiced cost of the implementation of the Notice Plan in accordance with the estimate attached as Schedule "C" to

Filed 18 April 2012 mw

this order, with payment to be made in accordance with the Defendant's internal processes and policies.

3. **THIS COURT ORDERS** that a class member who is a resident of the Province of Newfoundland and Labrador may opt out of the class proceeding by delivering a signed opt-out coupon, the form of which will be agreed upon by the parties prior to the implementation of the Notice Plan, or some other legible signed request to opt out, by November 30, 2012 ("Opt-out/Opt-in Deadline"), sent to Plaintiffs' counsel, Koskie Minsky LLP, at the following address:

Newfoundland Residential Schools Class Actions
Koskie Minsky LLP
20 Queen Street West, Suite 900
Toronto, Ontario
M5H 3R3

4. **THIS COURT ORDERS** that a class member who is not a resident of the Province of Newfoundland and Labrador may opt in to the class proceeding by delivering a signed opt-in coupon, the form of which will be agreed upon by the parties prior to the implementation of the Notice Plan, or some other legible signed request to opt in, by the Opt-out/Opt-in Deadline, sent to Plaintiffs' counsel, Koskie Minsky LLP, at the following address:

Newfoundland Residential Schools Class Actions
Koskie Minsky LLP
20 Queen Street West, Suite 900
Toronto, Ontario
M5H 3R3

5. **THIS COURT ORDERS** that no class member may opt out or opt in to the class proceeding after the Opt-out/Opt-in Deadline, except with leave of the Court.

6. **THIS COURT ORDERS** that Plaintiffs' counsel shall serve on the Defendant and file with the court, within sixty (60) days after the expiry of the Opt-out/Opt-in Deadline, an affidavit listing all persons who have opted out and opted in to the class proceeding, if any.

Schedule "A"

ANALYTICS INCORPORATED
A BMC GROUP COMPANY

Legal Notice Division

Certification Notice Plan

Anderson v. The Attorney General of Canada

Case No. 2008NLTD166

Supreme Court of Newfoundland and Labrador

Prepared: July 29, 2010

Table of Contents

Legal Notice Division

Analytics Inc. Legal Notice Division ("Analytics") specializes in the design and implementation of class action notice programs devised to reach class members with clear, concise, plain language notices. With over a decade of legal notice consulting experience, our experts have been directly responsible for more than 100 effective and efficient notice programs, including some of the largest and most complex in history, reaching class members or claimants around the globe and providing notice in over 35 languages. Judges, including in published decisions, have recognized the reach calculation methodology and notice design strategies we use. More information about our division and experts can be found in our c.v., which is attached as **Schedule A**.

Our Experts' Relevant Case Experience[1]

Gina Intrepido-Bowden, Vice President of Legal Notice, and Carla Peak, Director of Legal Notice, have personally designed the "Notice Plan" (or "Plan") that follows, and will design the notice documents (the "Notice" or "Notices") and directly oversee the entire implementation of the notice program.

Gina and Carla have designed and implemented numerous notice programs targeting Canadian Class members:

Canadian Case Experience

- *In re Residential Schools Litig.*, No. 00-CV-192059 (Ont. S.C.J.)
- *Donnelly v. United Technologies Corp.*, No. 06-CV320045 (Ont. S.C.J.)
- *Wener v. United Technologies Corp.*, No. 500-06-000425-088 (QC Ct.)

U.S. cases requiring Notice in Canada

- *In re TJX Companies, Inc., Customer Data Security Breach Litig.*, MDL No. 1838 (D. Mass.)
- *In re Royal Ahold Securities and "ERISA" Litig.*, No. 03md1539 (D. Md.)
- *Thompson v. Metropolitan Life Ins. Co.*, No 00cv5071 (S.D.N.Y.)
- *In re Babcock and Wilcox Co.*, No. 00-0558 (E.D. La.)

[1] Includes the work of our legal notice experts while employed elsewhere.

Expert Services

Extensive Research

- The current location of potential class members is considered to define the program's geographic area
- Demographic and product usage data is analyzed, with consideration for the class period, to define a target audience that best represents the class
- Media usage and audience data among the defined target is analyzed to determine the optimal media selection

Optimal Notice Programs

- Plan options are created and the reach and frequency of the effort is calculated to determine the optimal program in terms of cost and effectiveness
- Media rates are negotiated to optimize the program's efficiencies
- When possible, paid media is supplemented with print and audio news releases, as well as other non-paid media outreach efforts, to further extend reach

Plain Language Notice

- Notice documents are written and designed in plain language

Meticulous Implementation

- Notice programs are implemented in-house, allowing complete control over the notification process, as well as the ability to negotiate favorable cost discounts and placements within the media
- Notices are appropriately placed so that class members have adequate time to react and respond before relevant deadlines and court dates
- All notice documents are professionally produced for release to the media production departments
- Work is coordinated with the class action administrator, as well as the various media, to ensure that every element of the notification program is successfully implemented
- Activity is timely and accurately tracked to verify the full adequacy of the placements

Media Terms

The following provides the meaning of media terms highlighted throughout the Notice Plan:

Audience: Net number of persons or different persons exposed to a media vehicle. It is larger than a publication's circulation because it includes pass-along readers who may obtain the publication second hand (e.g., from a reception room, neighbor, friend).

Circulation: Total number of publication copies sold through all channels of distribution (e.g. subscriptions, newsstand, bulk).

Frequency: Estimated average number of times a population group is exposed to a media vehicle or combination of media vehicles containing a notice within a given period of time.

Gross Rating Points ("GRPs"): The sum of all the individual ratings in a media schedule. It may include the same person reached more than once. GRPs can exceed 100.

Impressions or Exposures: Total number of opportunities to be exposed to a media vehicle or combination of media vehicles containing a notice. It is a gross or cumulative number that may include the same person more than once. Impressions can exceed the population size.

Rating point (broadcast measurement of Reach or Coverage): Net percentage of a target demographic exposed to a single broadcast. One Rating Point = 1% of target population.

Reach or Coverage: Net percentage of a specific population group exposed to a media vehicle or a combination of media vehicles containing a notice at least once within a given period of time. Reach factors out duplication, representing the total different/net persons.

Media Resources

The resources we use to quantify our plan approach include the same resources used by media professionals to guide the billions of dollars of advertising we see today:

Audit Bureau of Circulations ("ABC")

Maintains the world's foremost electronic database of audited-circulation information and an array of verified readership, subscriber demographics and online activity data. Established in 1914, ABC is a forum of the world's leading magazine and newspaper publishers, advertisers and advertising agencies boasting more than 4,000 members in North America.

Newspaper Audience Databank (NADbank)

NADbank is the principal research arm of the Canadian daily newspaper industry. It designs and conducts research in Canadian urban markets to provide cost effective and accurate in-depth marketing information to assist in the buying and selling of daily newspaper advertising in Canada. NADbank is a tri-partite organization comprised of newspapers, advertising agencies, media buying companies and advertiser members.

Print Measurement Bureau ("PMB")

PMB is Canada's leading syndicated study for single-source data on print readership, non-print media exposure, product usage and lifestyles. It has been providing in-depth measurements of Canadian consumer behavior for over 35 years. PMB is a non-profit organization, representing the interests of Canadian publishers, advertising agencies, advertisers and other companies.

Mediamark Research, Inc. ("MRI")

MRI is an accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media. Established in 1979, MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with the readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure.

BBM Canada

BBM is a not for profit, member-owned tripartite industry organization, which has been operating since 1944. They provide broadcast measurement and consumer behavior data, as well as industry-leading intelligence to broadcasters, advertisers and agencies. They gather relevant information on audience behaviors during and after broadcasts, in order to gain insights on the impact of broadcast content and consumer behaviors. This information enables broadcasters and advertisers to deliver high quality and relevant programming that meets the clearly defined needs and wants of Canadians.

Telmar

The world-leading supplier of computer based advertising media information services. Its software provides for survey analysis, data integration, media planning and optimization. With over 5,000 users in 85 countries, Telmar's clients include many of the world's leading advertising agencies, publishers, broadcasters and advertisers.

Program Overview

Class Definition

There are two "Classes" (or two groups of "Class members") in this case; the "Survivor Class" and the "Family Class."

- The Survivor Class consists of all persons who attended the:
  - Lockwood School, located in Cartwright, Labrador, between March 31, 1949 and the date of closure of the Lockwood School;
  - Nain Boarding School, located in Nain, Newfoundland and Labrador, between March 31, 1949 and the date of closure of the Nain Boarding School;
  - St. Anthony Orphanage and Boarding School, located in St. Anthony, Newfoundland and Labrador, between March 31, 1949 and the date of closure of the St. Anthony Orphanage and Boarding School;
  - Makkovik Boarding School, located in Makkovik, Newfoundland and Labrador, between March 31, 1949 and the date of closure of the Makkovik Boarding School; and/or
  - Yale School, located in Northwest River, Newfoundland, between March 31, 1949 and the date of closure of the Yale School.
- The Family Class includes: the spouse, child, grandchild, parent, grandparent or sibling of a Survivor Class member; a former spouse of a Survivor Class member; a child or other lineal descendant of a grandchild of a Survivor Class member; a person of the same or opposite sex to a Survivor Class member who cohabitated for a period of at least one year with that Survivor Class member immediately before his or her death; a person of the same or opposite sex to a Survivor Class member who was cohabitating with that Survivor Class member at the date of his or her death and to whom that Survivor Class member was providing support or was under a legal obligation to provide support on the date of his or her death; or, any other person to whom a Survivor Class member was providing support for a period of at least three years immediately prior to his or her death.

Situation Analysis

The Plaintiffs claim that from March 31, 1949 to December 31, 1996 (the "Class period") children were forcibly confined to the schools, deprived of the essential components of a healthy childhood, and were subjected to physical, emotional, psychological, cultural, spiritual and sexual abuse by the people who were responsible for their well-being.

The Plaintiffs are asking for money to be paid to Class members for the damages they suffered by attending the schools.

The following known factors were considered when designing the notice program:

1. There are an estimated 1,214 former residential school students alive and living in the Atlantic region (Newfoundland and Labrador, New Brunswick, Nova Scotia, and Prince Edward Island) in 2006, all of who are Aboriginal.[2]
2. Class members include people from the Métis and Inuit Aboriginal groups, and may also include people from the First Nations Aboriginal group.
3. Class members are located in Newfoundland and Labrador, including on reserves and within other Aboriginal communities/settlements, as well as throughout Canada and within the general population.
4. Class members residing outside Aboriginal communities are likely located in both large cities and small towns.
5. The Defendant is expected to have addresses for a portion of the Class from information collected in *In re Residential Schools Litig.*, No. 00-CV-192059 (Ont. S.C.J.) ("RSA Settlement").

Objective

To reach both Survivor and Family Class members with notice communicated in clear, concise, plain language so that their rights and options may be fully understood.

Target Audience

Using available research data, we have calculated reach among a broad population base of Aboriginal people 25 years of age and older (Aboriginals 25+), because we believe the demographic profile and media usage of this target closely represents that of potential survivor Class members, as well as Family Class members. Recognizing

[2] Based on Siggner & Associates, Inc. Estimating the Residential School Attendee Population - For the Years 2001, 2005 and 2006, Indian Residential Schools Resolution Canada, 2005.

that many former students are now older (e.g., 50 years of age or older), we will also select media that will ensure an adequate reach among the older segment of the Class.

Strategies

Direct mail notice will be sent to all potential Class members residing anywhere in Canada who can be identified from the RSA settlement and from the Defendant Canada's existing lists and records. In addition, paid media efforts will include notice placements in national and local Aboriginal media, including publications, radio, and television, as well as national and local mainstream newspapers, and local mainstream television. Coverage will be further enhanced by an organizational outreach effort, a national informational news release, and a case website.

Plan Delivery

The mainstream newspaper and television effort alone will reach approximately 76.7% of Aboriginals 25+, and therefore likely Class members, on average 4.4 times each. Although not measurable, coverage will be further enhanced by the individual mailings, the Aboriginal television, radio, and publication efforts, as well as the organizational outreach effort, national informational news release, and case website.

Notice Design

The Notices will provide a clear, concise, plain language statement of Class members' legal rights and options. A toll-free number and website address will be provided in the notice documents. The ad units selected are sized to attract attention to the Notices:

- Full page units in tabloid publications
- Approximate quarter page units in broadsheet newspapers
- 60-second units in radio
- 30-second English and 60-second Inuktitut and Innu units in television

Notice Schedule

Below is a notice schedule that could be implemented approximately 30 days after preliminary approval. An opt out date and opt in date (for Class members who are not residents of the Providence of Newfoundland and Labrador) could be scheduled approximately 60 days after the last notice appearance.

Notice Tactic	Issued	Week 1	Week 2	Week 3	Week 4	Week 5
Issue Informational Release		■				
Individual Mailings		■	■			
Organizational Outreach		■	■			
First Nations Drum	Monthly				■	
Mi'kmaq Maliseet Nations News	Monthly					■
Native Journal	Monthly					■
Turtle Island News	Weekly			■		
Windspeaker	Weekly					■
Aboriginal Radio				■	■	■
Aboriginal Television				■	■	■
Mainstream Newspapers			■	■		
Mainstream Television				■	■	■
Case Website	Constant	■	■	■	■	■

Blocks show when readers first receive publications (the on-sale date, not the issue/cover date). All media is subject to change based on availability at the time of placement.

Target Analysis

Knowing the characteristics, interests, and habits of a target group aids in the media selection process. The data below is based on Canada's 2006 Census.

Population/Size

- 2.0% (23,450) of Canada's Aboriginal population (1,172,790) is located in Newfoundland and Labrador.
- 4.7% (23,450) of Newfoundland and Labrador's total population (500,610) is Aboriginal by identity.
- 33.1% of Newfoundland and Labrador's Aboriginal population is North American Indian, 27.6% is Métis, and 20.1% is Inuit.

Geographic Location

- 55.8% of Newfoundland and Labrador's Aboriginal population live in rural areas, 38.0% live in urban areas, and 6.1% live on reserve.
- Following are the top cities in Newfoundland and Labrador in terms of Aboriginal population. Combined these cities represent 50.6% of Newfoundland and Labrador's Aboriginal population.

City	Aboriginal Population	% Aboriginal Population
Newfoundland and Labrador	**23,455**	
Happy Valley-Goose Bay	2,720	11.6%
St. John's	1,110	4.7%
Division No. 10, Subd. C	1,040	4.4%
Corner Brook, CY	1,025	4.4%
Nain	950	4.1%
Stephenville	935	4.0%
Samiajj Miawpukek	775	3.3%
Division No. 4, Subd. E	700	3.0%
Natuashish	660	2.8%
St. George's	500	2.1%
Stephenville Crossing	495	2.1%
Cartwright	485	2.1%

Hopedale	475	2.0%
Total	**11,870**	**50.60%**

- Following are the top cities in Newfoundland and Labrador in terms of Métis or Inuit population. Combined these cities represent 69.2% of Newfoundland and Labrador's Métis or Inuit population.

City	Métis or Inuit population	% Métis or Inuit population
Newfoundland and Labrador	**11,185**	
Happy Valley-Goose Bay	2,595	23.2%
Nain	945	8.4%
St. John's	510	4.6%
Cartwright	485	4.3%
Hopedale	475	4.2%
Port Hope Simpson	430	3.8%
Division No. 10, Subd. B	335	3.0%
Makkovik	325	2.9%
North West River	320	2.9%
Charlottetown	310	2.8%
Labrador City	280	2.5%
Rigolet	250	2.2%
Mary's Harbour	250	2.2%
Corner Brook	230	2.1%
Total	**7,740**	**69.10%**

- The following cities in Newfoundland and Labrador have the highest concentration of Aboriginals. More than half of their population is Aboriginal.

City	Total population	Aboriginal population	% of Population Aboriginal
Rigolet	265	255	96.2%
Division No. 10, Subd. C,	1,100	1,040	94.5%
Natuashish	705	660	93.6%
Nain	1,030	950	92.2%
Makkovik	360	325	90.3%

Hopedale	530	475	89.6%
Samiajij Miawpukek	870	775	89.1%
Postville	220	195	88.6%
Cartwright	555	485	87.4%
Port Hope Simpson	525	455	86.7%
Charlottetown	370	310	83.8%
St. Lewis	250	180	72.0%
Division No. 10, Subd. B	475	335	70.5%
North West River	495	340	68.7%
Mary's Harbour	410	245	59.8%

- The following cities in Newfoundland and Labrador have the highest concentration of Métis or Inuit people. More than half of their population is Métis or Inuit.

City	Total Population	Métis or Inuit Population	% of Population Métis or Inuit
Rigolet	265	250	94.3%
Nain	1,030	945	91.7%
Makkovik	360	325	90.3%
Hopedale	530	475	89.6%
Postville	220	195	88.6%
Cartwright	555	485	87.4%
Charlottetown	370	310	83.8%
Port Hope Simpson	525	430	81.9%
Division No. 10, Subd. B	475	335	70.5%
St. Lewis	250	175	70.0%
North West River	495	320	64.6%
Mary's Harbour	410	250	61.0%

Language

The majority of Newfoundland and Labrador's Aboriginal population speak English, followed by Montagnais-Naskapi (Innu-aimun), Inuktitut, French, and Cree.

Mother Tongue	Total %	On Reserve %	Rural %	Urban %
English	89.8%	58.0%	87.5%	98.1%
Montagnais-Naskapi	6.7%	41.6%	7.2%	0.2%

Inuktitut	2.6%	0.0%	4.0%	0.8%
French	0.9%	0.0%	1.1%	0.7%
Cree	0.1%	0.0%	0.1%	0.0%

Language spoken most often at home	Total %	On Reserve %	Rural %	Urban %
English	92.9%	58.2%	91.9%	99.8%
Montagnais-Naskapi	6.4%	41.8%	6.9%	0.0%
Inuktitut	0.6%	0.0%	1.0%	0.8%
French	0.1%	0.0%	0.1%	0.0%

Mobility

- 87.2% of Newfoundland and Labrador's Aboriginal ancestry population lived at the same address one year ago.
- 66.1% of Newfoundland and Labrador's Aboriginal ancestry population lived at the same address five years ago.
- Only 2.3% of Newfoundland and Labrador's Aboriginal ancestry population lived in a different province/territory or country one year ago.
- Only 6.2% of Newfoundland and Labrador's Aboriginal ancestry population lived in a different province/territory or country five years ago.

Media Selection

To create the most optimal plan, we evaluated the strengths and weaknesses of the various media, as well as their reach and frequency potential, composition, format/content, and efficiencies. Our recommended media mix provides:

- Focused efforts in Newfoundland and Labrador with some extended coverage nationally, to reach those Class members who may have relocated to a different province/territory during the class period;
- Documented audience data guaranteeing reach among Aboriginals in Newfoundland and Labrador;
- Repeat notice exposures as a result of the overlapping media audiences;
- Notice placements in Aboriginal publications with distribution in Newfoundland and Labrador, as well as extended coverage nationally;
- Notice airings on Aboriginal radio reaching Class members located in remote Aboriginal communities in Newfoundland and Labrador;
- Highly targeted Aboriginal television with national distribution, as well as focused programming targeting remote Aboriginal communities in Newfoundland and Labrador;
- Intrusive mainstream television airings with a quick call-for-action focusing on the Newfoundland and Labrador television market;
- Notice placements in mainstream daily and weekly newspapers with distribution in key cities throughout Newfoundland and Labrador;
- A written summary of key information that may be easily referred to or passed on to others as a result of placements in Aboriginal publications and mainstream

newspapers;

- Reminders to act before deadlines through frequent radio and television airings; and
- Access to the notice documents (including in other languages) through an established case website.

Individual Mailings

Direct mail notice will be sent to all potential Class members residing anywhere in Canada who can be identified from the RSA settlement and from the Defendant Canada's existing lists and records.

Prior to mailing, addresses will be:

- Checked against the National Change of Address ("NCOA") database maintained by the Canada Post[3]
- Certified via the Address Improvement Program ("AIP")[4]
- Certified via the Address Management System ("AMS")[5]

Notices returned as undeliverable will be re-mailed to any address available through any other available source.

[3] The National Change of Address (NCOA) Service is the most accurate and up-to-date mover information available in Canada. Each year approximately 1.2 million households file a Change of Address Notification (COAN) form with Canada Post when they move. This information is captured electronically and made available, for those customers who have provided their consent, to licensees of Canada Post's National Change of Address Data.

[4] The Address Improvement Program (AIP) remodeled the processes that Canada Post uses to create and maintain addressing and delivery information. As part of this effort, the Address Improvement team has created a new single database housed within the Address Management System (AMS) to replace the Postal Code Support System (PCSS).

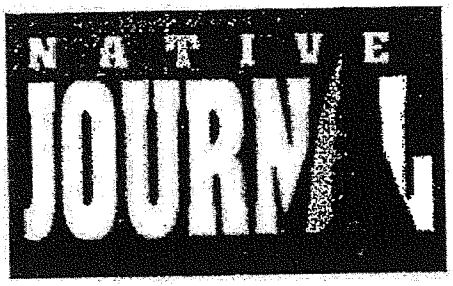
[5] The AIP initiative also collected and updated street names (example Street to Road), rural delivery addresses, civic addresses for rural routes (where they exist and are used by customers), and P.O. Box addresses that are used as a primary mailing address.

Aboriginal Publications

Publication	Coverage	Issuance	# of Insertions
Native Journal	National	Monthly	1
Windspeaker	National	Monthly	1
Turtle Island News	National	Weekly	1
First Nations Drum	Regional; Eastern Canada	Monthly	1
Mi'kmaq Maliseet Nations News	Regional: Nova Scotia, New Brunswick, PEI, Newfoundland, NE Québec	Monthly	1
TOTAL			5

- Includes one insertion in each publication, for a total of five insertions
- Utilizes full page ad units to attract attention and enhance readership with adequately sized text
- Provides relevant news on Aboriginal issues, people, and events
- Builds reach in Newfoundland and Labrador while extending coverage nationally
- All placements will be tracked to ensure that they appear exactly as planned, as well as meet our high standards in terms of quality and positioning

The following provides details for each of the recommended Aboriginal publications:



- Monthly tabloid newspaper
- Coverage: National (including select areas in the United States)
- Total audience: 70,000
- Newfoundland and Labrador audience: 1,275
- Distributed to 17 centers in Newfoundland and Labrador
- Distributed to all First Nations and their affiliates, tribal councils, and Métis settlements
- Distributed to Aboriginal businesses, Native Bands, Friendship Centres, government agencies, schools, colleges, universities, correctional facilities, private institutions, and families
- Provides a variety of editorial subjects including: news; sports; education; environmental issues; health and healing; entertainment, art and culture; book, music and video reviews; and reading for kids

- Monthly tabloid newspaper
- Coverage: National
- 3% of distribution is within the Maritime area of Canada, including Newfoundland and Labrador

- Total Monthly Circulation: 24,000+
- Total audience: 140,000
- 80% paid circulation
- Distributed to more than 2,500 Aboriginal Organizations, over 620 First Nation and Métis settlements, and more than 250 educational institutions
- Provides a variety of editorial subjects including Aboriginal news, information and entertainment

Turtle Island News

- Weekly tabloid newspaper
- Coverage: National
- Total Circulation: 20,000
- Distributed to all reserves
- Editorial focuses on news and features about First Nations people and the issues that affect them
- Largest weekly First Nations newspaper in Canada

- Monthly tabloid newspaper
- Coverage: Regional; Eastern Canada; Newfoundland, Nova Scotia, New Brunswick, Ontario, Manitoba, and Québec
- Total Circulation: 35,000
- Total audience: 70,000
- Newfoundland/Labrador audience: 3,000

- Distributed to 1,500 Mi'kmaq First Nations
- Distributed to all native bands, schools, organizations, colleges and universities
- Provides editorial with a special interest in promoting native culture and tradition. Features include information on writers, musicians, sculptors and designers designed to help native artists gain recognition.

Mi'kmaq Maliseet Nations News

- Monthly tabloid newspaper
- Coverage: Regional; Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Northeast Québec
- Total Circulation: 3,000
- Newfoundland and Labrador circulation: 300
- Distributed to 13 First Nations bands

Aboriginal Radio

Station	Language	# of Spots per Week	# of Weeks	Total # of Spots
CKOK/CKHV	English	18	3	54
CKOK/CKHV	Inuktitut/Inuttut	18	3	54
CJIK	Innu	25	3	75
CJMI	Innu	25	3	75
TOTAL		**86**	**3**	**258**

- According to PMB data, Aboriginals 25+ are 12% more likely to be heavy radio listeners, as compared to the general adult Canadian population
- Includes 54-75 spots per station over a three week period
- Utilizes 60-second spots in English, Inuktitut/Inuttut, and Innu/Montagnaise-Naskan, as appropriate to the station
- Extends coverage into remote areas of Newfoundland and Labrador
- Provides relevant news on Aboriginal issues, people, and events
- All spots will be tracked to ensure that they broadcast exactly as planned

OKalaKatigeit Society (CKOK and CKHV Radio)

- Coverage area includes Nain, Hopedale, Makkovik, Rigolet, Postsville, North West River, Mudlake, and Happy Valley-Goose Bay
- Broadcasts in both English and Inuktitut (English and Inuktitut spots will air back-to-back)
- Programming includes news, stories from elders, children's programmes, music, church services, public service announcements, etc.
- Promotes Inuit culture 20 hours per week; Monday through Friday 1:00pm-4:00pm and Sunday 10:00am-12:00pm and 1:00pm-4:00pm
- Typically accepts two 60-seconds spots per day, but has agreed to allow three per day for this particular message

Societé de Communications AtikamekwMontagnais (SOCAM) Network

CJIK Radio

- Reaches Sheshatshit Innu community
- Broadcasts in both English and Innu, but Innu is the preferred language
- Programming airs Monday through Friday 9:00am–1:00pm and 4:00pm–5:00pm

CJMI Radio

- Reaches Natuashish Innu community
- Broadcasts in both English and Innu, but Innu is the preferred language
- Programming airs Monday through Friday 9:00am–1:00pm and 4:00pm–5:00pm

Aboriginal Television

Aboriginal Peoples Television Network (APTN) is the first national Aboriginal television network in the world.

- Dedicated to APTN programming with documentaries, news, dramas, entertainment specials, children series, cooking and educational shows
- 84% of programming originates in Canada
- Over half of the programming is exclusive
- Broadcasts in English (56% of programs), French (16%), and a variety of Aboriginal languages, including Inuktitut

APTN Sample Programming	Language	# of Spots per Week	# of Weeks	Total # of Spots
News, Movies, Programs targeted to Newfoundland and Labrador region	English, Inuktitut and Innu	60	3	180

- Includes approximately 60 spots per week over three weeks, for a total of 180 spots
- Utilizes 30-second English and 60-second Inuktitut and Innu units
- Builds reach in Newfoundland and Labrador while extending coverage nationally
- Incorporates a variety of dayparts and programs including news, movies, and programs targeted to the Newfoundland and Labrador region of the country
- All spots will be tracked to ensure that they broadcast exactly as planned

Mainstream Daily Newspapers

City/Newspaper	Coverage	# of Insertions	Best Day Circulation	Best Day Newfoundland and Labrador Circulation
Globe & Mail	National	2	380,971	4,263
National Post	National	2	166,284	0
St. John Telegram	Regional	2	51,542	51,542
Cornerbrook Western Star	Regional	2	8,000	8,000
TOTAL		8	**606,797**	**63,805**

Source: ABC Report

- Includes two placements in each of the four newspapers' best circulation day, for a total of eight insertions
- Includes Canada's two leading national newspapers to extend coverage to Class members who may have relocated outside of Newfoundland and Labrador
- Includes Newfoundland and Labrador's two daily newspapers
- Offers a combined best day Canadian circulation of 606,797
- Offers a combined best day Newfoundland and Labrador circulation of 63,805
- Schedule (based on two insertions) offers 3,131,546 Canadian adult notice exposures
- Schedule offers 234,146 Newfoundland and Labrador adult notice exposures
- Utilizes approximate quarter page units to attract attention and enhance readability with adequately sized text
- Positioning will be sought far forward within news editorial to maximize visibility and readership
- All placements will be tracked to ensure that they appear exactly as planned as well as meet our high standards in terms of quality and positioning

Mainstream Weekly Newspapers

City	Newspaper	# of Insertions	Weekly Circulation
Grand Falls-Windsor	*Advertiser*	2	2,870
Labrador City	*Aurora*	2	1,541
Gander	*Beacon*	2	4,087
Harbour Breton	*Coaster*	2	1,562
Stephenville	*Georgian*	2	1,602
Happy Valley/Goose Bay	*Labradorian*	2	1,929
St. Anthony	*Northern Pen*	2	4,881
Springdale	*Nor'Wester*	2	2,821
Clarenville	*Packet*	2	4,087
Lewisporte	*Pilot*	2	3,194
Marystown	*Southern Gazette*	2	3,522
Placentia	*Charter*	2	892
Carbonear	*Compass*	2	4,019
Port Aux Basques	*Gulf News*	2	2,667
Grand Falls-Windsor	*Advertiser-Monday*	2	2,425
TOTAL		**30**	**42,099**

- Includes two insertions in each of the 15 paid weekly newspapers in the Newfoundland and Labrador province, for a total of 30 insertions
- Offers a combined circulation of 42,099
- Offers 78,304 adult notice exposures (based on two insertions)
- Extends coverage into rural areas of Newfoundland and Labrador
- Utilizes approximate quarter page units to attract attention and enhance readability with adequately sized text
- Positioning will be sought far forward within news editorial to maximize visibility and readership
- All placements will be tracked to ensure that they appear exactly as planned as well as meet our high standards in terms of quality and positioning

Mainstream Television

Compared to the general adult population, Aboriginals 25+ are 45% more likely to be heavy users of television.[6]

Two St. John stations cover the Newfoundland and Labrador television market:

- CBNT-TV (CBC)
- CJON-TV (CTV)

Daypart	Adult 25+ GRPs	Adult 25+ GRP Allocation
Morning	15	5%
Daytime	75	25%
Early Fringe	15	5%
Evening News	75	25%
Prime Access	30	10%
Prime	75	25%
Weekend Sports	15	5%
TOTAL	**300**	**100.00%**

- Delivers approximately 300 Adult 25+ GRPs over a period of three weeks[7]
- 30-second units are distributed among a variety of dayparts to reach persons with different viewing habits[8]
- Broadens reach throughout Newfoundland and Labrador
- Utilizes informative news programming ideal for a notification message
- Includes dayparts heavily watched by Aboriginals 25+
  - Compared to the general population, Aboriginals 25+ are 22% more likely to

[6] PMB 2010 Spring 2-year Readership and Product Database

[7] Because of their heavy television viewership, GRPS, and therefore reach, will likely be greater among Aboriginals 25+

[8] Daypart mixes and programming selections may change at the time the buy is authorized, based on negotiations, availabilities, and market conditions.

watch TV between 6am and 5pm
    - Compared to the general population, Aboriginals 25+ are 14% more likely to watch TV between 5pm and 7pm
- Program selection will focus on shows that skew slightly older
- If planned spots are pre-empted (do not run), replacements will be sought in acceptable programs
- A post buy analysis will ensure that planned GRP levels are achieved

Organizational Outreach

A Summary Notice and cover letter will be mailed, faxed, and/or emailed to First Nation, Métis, and Inuit offices, organizations, and associations requesting their assistance in distributing notice information to Class members.

Informational Release

Although not guaranteed, earned media allows additional notice exposure opportunities beyond that which is provided by the paid media.

Informational Release

- Issued to approximately 660 press outlets throughout Canada
- Will include the toll-free number and website address
- Issued in English and/or French, as appropriate

Case Website

According to PMB data, 51.79% of Aboriginals 25+ accessed the Internet in the past seven days, and 43.57% accessed the Internet yesterday.

A party neutral case website will be established that will allow Class members to:

- Obtain additional information and documents including the Detailed Notice (in English, French, Inuktitut, and Innu), Class Action Complaints, Class Certification Orders, Opt-In Form, Opt-Out Form, List of Schools, and any other information the Court may require
- Register to receive a Notice by mail if a judgment is made or settlement is reached
- Submit questions or comments to the administrator

The case website will also allow communities and organizations to request notice materials for distribution to their members.

The case website will be prominently displayed in notice documents and key words will be registered with hundreds of search engines, (e.g., Yahoo!, WebCrawler, AltaVista) to help the site appear at or near the top of search lists.

Toll-free Telephone

A toll-free number will be established that will allow Class members to:

- Obtain additional information
- Learn more about the case in the form of frequently asked questions and answers
- Request to have more information mailed directly to them

The toll-free number will be prominently displayed in notice documents.

Notice Design Strategies

The design and content of all of the notice materials will be similar to those that were utilized in the RSA settlement. For example:

Summary Notice Design Features

- Bold headline to capture attention and speak directly to Class members
- Prominent ad size to promote attention, readership, and comprehension
- Legal significance highlighted so that it is not confused with a commercial solicitation
- Concise plain language without "legalese" to enhance comprehension
- Inclusion of all critical information in simple format
- Inclusion of a toll-free number and case website address for easy response
- French, Inuktitut, and Innu tag lines directly under the headline to direct Class members less familiar with the English language to call the toll-free number or go to the website to receive a Notice in their native language

Detailed Notice Design Features

- Prominent "Your Rights and Options" table on first page to immediately inform Class members of their rights and options in the case
- Table of Contents and question and answer format to assist Class members in locating information
- Bold headline to capture attention and speak directly to Class members
- Concise plain language without "legalese" to enhance comprehension
- More detailed information than the Summary Notice
- Inclusion of all critical information in simple format
- Inclusion of a toll-free number and case website address for easy response
- French, Inuktitut, and Innu tag lines directly under the headline to direct Class members less familiar with the English language to call the toll-free number or go to the website to receive a Notice in their native language

Radio Notice Design Features

- Legal significance highlighted so that the spot is not confused with a commercial solicitation

- Inclusion of a toll-free number and case website address for easy response
- Voice selection that depicts likely Class members in an effort to help them identify with and relate to the message
- Brief message to capture Class members' attention and provides them with response mechanisms to easily obtain more information

Television Notice Design Features

- Legal significance highlighted so that the spot is not confused with a commercial solicitation
- Key words and concepts depicted on screen to aid comprehension
- Demonstrative and compelling images to draw attention and aid comprehension
- Inclusion of a toll-free number and case website address for easy response
- Inclusion of case website and toll-free number both spoken and on screen long enough to allow Class members to write them down and/or remember them
- Voice selection that depicts likely Class members in an effort to help them identify with and relate to the message
- Brief message to capture Class members' attention and provides them with response mechanisms to easily obtain more information

Schedule A

RMF

ANALYTICS INCORPORATED
A BMC GROUP COMPANY

LEGAL NOTICE DIVISION

Analytics, Inc. Legal Notice Division provides expert legal notice services in class action, mass tort and bankruptcy settings. We specialize in the design and implementation of notice programs with plain language notices; expert opinions and testimony on the adequacy of notice; and critiques of other notice programs and notices. With over a decade of experience, our legal noticing team has been directly responsible for more than a hundred effective and efficient notice programs reaching class members and claimants in almost every country, dependency and territory in the world, and providing notice in over 35 languages. Our programs satisfy due process requirements, as well as all applicable state and federal laws. Some landmark case examples our experts have been involved with include:

- ***In re Trans Union Corp. Privacy Litigation***, MDL No. 1350 (N.D. Ill.) The largest discretionary class action notice campaign involving virtually every adult in the United States and informing them about their rights in the $75 million data breach settlement.
- ***In re TJX Companies, Inc., Customer Data Security Breach Litigation***, MDL No. 1838 (D. Mass.) The largest U.S. and Canadian retail consumer security breach notice program.
- ***Lockwood v. Certegy Check Services, Inc.***, No. 8:07-CV-1434-T-23TGW (M.D. Fla.) A complex national data theft class action settlement involving millions of class members.
- ***In re Residential Schools Litigation***, No. 00-CV-192059 (Ont. S.C.J.) The largest and most complex class action in Canadian history incorporating a groundbreaking notice program to disparate, remote aboriginal persons qualified to receive benefits in the multi-billion dollar settlement.
- ***Thompson v. Metropolitan Life Ins. Co.***, No. 216 F.R.D. 55, 62-68 (S.D. N.Y. 2003) The largest race-based pricing case with national settlement notice to 25 million policyholders.
- ***Scott v. Blockbuster***, No. D 162-535 (Tex., 136th Jud. Dist.) The national settlement notice to 40 million class members, which withstood collateral review, *Peters v. Blockbuster*, 65 S.W.3d 295, 307 (Tex. App.-Beaumont 2001).
- ***Williams v. Weyerhaeuser Co.***, No. 995787 (Cal. Super. Ct.) The national hardboard siding settlement notice, in which notice withstood appellate challenge, 2002 WL 373578, at 10 (Cal. App. 1 Dist.).

OUR EXPERTS

Gina M. Intrepido-Bowden is the Vice President of Legal Notice of Analytics' Legal Notice Division. She is a leading expert on the design of evidence based legal notice campaigns, scientifically calculating reach among targeted groups and providing courts with the evidence they need to determine the adequacy of notice. Her vast experience includes meticulous analyses and validation of effective reach among demographically diverse groups, such as displaced Hurricane Katrina and Rita victims, crawfish farmers, aboriginals, as well as large consumer classes of credit card holders, computer purchasers, prescription drug users, and automobile owners. Her intense negotiating skills allow her to design media programs that outperform and cost less than typical plans. In addition, she successfully critiques other notice programs allowing

courts to order changes that result in programs that better meet due process obligations. Gina is a frequent author and speaker on class notice issues including effective reach, notice dissemination, and CAFA concerns. With over 15 years of media research, planning, and buying experience, she began her career at one of New York City's elite advertising agency media departments. She holds a B.A. in Advertising from Pennsylvania State University, graduating Summa Cum Laude. Gina can be reached at gintrepido@analytics-inc.com.

Carla A. Peak is the Director of Legal Notice of Analytics' Legal Notice Division. She is an expert on the design of plain language legal notice documents, effectively tackling the challenges of communicating complex legal information to class members in a manner that they can understand, while satisfying all federal and state requirements. Her experience includes the design and production of published, individual, broadcast and internet notices, as well as fulfilling the notification requirements of the Class Action Fairness Act (CAFA). Carla focuses on delivering the highest quality standards of notice production, as well as research into the effectiveness of notification efforts, and ensuring that expert reports are fully and accurately documented. With over a decade of production experience, she has successfully implemented notice in both national and international markets, including notice in more than 35 languages, placements in thousands of media, and mailings to millions of class members. Carla has also co-authored an article on effective class action settlements. She holds a B.A. in Sociology from Temple University, graduating Cum Laude. Carla can be reached at cpeak@analytics-inc.com.

JUDICIAL RECOGNITION OF OUR EXPERTS' WORK

Judge James Robertson, ***In re Department of Veterans Affairs (VA) Data Theft Litig.,*** (February 11, 2009) MDL No 1796 (D.C.):

> *The Court approves the proposed method of dissemination of notice set forth in the Notice Plan, Exhibit 1 to the Settlement Agreement. The Notice Plan meets the requirements of due process and is the best notice practicable under the circumstances. This method of Class Action Settlement notice dissemination is hereby approved by the Court.*

Judge Louis J. Farina, ***Soders v. General Motors Corp.,*** (December 19, 2008) No. CI-00-04255 (C.P. Pa.):

> *The Court has considered the proposed forms of Notice to Class members of the settlement and the plan for disseminating Notice, and finds that the form and manner of notice proposed by the parties and approved herein meet the requirements of due process, are the best notice practicable under the circumstances, and constitute sufficient notice to all persons entitled to notice.*

Judge Robert W. Gettleman, ***In Re Trans Union Corp.,*** (September 17, 2008) MDL No. 1350 (N.D. Ill.):

> *The Court finds that the dissemination of the Class Notice under the terms and in the format provided for in its Preliminary Approval Order constitutes the best notice practicable under the circumstances, is due and sufficient notice for all purposes to all persons entitled to such notice, and fully satisfies the requirements of the Federal Rules of Civil Procedure, the requirements of due process under the Constitution of the United States, and any other applicable law...Accordingly, all objections are hereby OVERRULED.*

Steven D. Merryday, ***Lockwood v. Certegy Check Services, Inc.,*** (September 3, 2008) No. 8:07-cv-1434-T-23TGW (M.D. Fla.):

The form, content, and method of dissemination of the notice given to the Settlement Class were adequate and reasonable and constituted the best notice practicable in the circumstances. The notice as given provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions of the Settlement Agreement, and these proceedings to all persons entitled to such notice, and the notice satisfied the requirements of Rule 23, Federal Rules of Civil Procedure, and due process... the notice to the Settlement class directed by the order of preliminary approval and the governmental notice required by the Class Action Fairness Act, Pub. L. 109-2, 119 Stat. 4 (2005), 28 U.S.C. § 1715, have been approved.

Judge William G. Young, ***In re TJX Companies,*** (September 2, 2008) MDL No. 1838 (D. Mass.):

...as attested in the Affidavit of Gina M. Intrepido...The form, content, and method of dissemination of notice provided to the Settlement Class were adequate and reasonable, and constituted the best notice practicable under the circumstances. The Notice, as given, provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings to all Persons entitled to such notice, and said Notice fully satisfied the requirements of Fed. R. Civ. P. 23 and due process.

Judge Philip S. Gutierrez, ***Shaffer v. Continental Casualty Co.,*** (June 11, 2008) SACV-06-2235-PSG (C.D. Cal.):

...was reasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice; and met all applicable requirements of the Federal Rules of Civil Procedure, the Class Action Fairness Act, the United States Constitution (including the Due Process Clauses), the Rules of the Court, and any other applicable law.

Judge David De Alba, ***Ford Explorer Cases,*** (May 29, 2008) JCCP Nos. 4226 & 4270 (Cal. Super. Ct.):

[T]he Court is satisfied that the notice plan, design, implementation, costs, reach, were all reasonable, and has no reservations about the notice to those in this state and those in other states as well, including Texas, Connecticut, and Illinois; that the plan that was approved — submitted and approved, comports with the fundamentals of due process as described in the case law that was offered by counsel.

Judge Robert L. Wyatt, ***Gunderson v. AIG Claim Services, Inc.,*** (May 29, 2008) No. 2004-002417 (14th Jud. D. Ct. La.):

Notices given to Settlement Class members...were reasonably calculated under all the circumstances and have been sufficient, as to form, content, and manner of dissemination...Such notices complied with all requirements of the federal and state constitutions, including the due process clause, and applicable articles of the Louisiana Code of Civil Procedure, and constituted the best notice practicable under the circumstances and constituted due and sufficient notice to all potential members of the Settlement Class.

Judge Mary Anne Mason, ***Palace v. DaimlerChrysler Corp.,*** (May 29, 2008) No. 01-CH-13168 (Cir. Ct. Ill.):

The form, content, and method of dissemination of the notice given to the Illinois class and to the Illinois Settlement Class were adequate and reasonable, and constituted the best notice practicable under the circumstances. The notice, as

given, provided valid, due, and sufficient notice of the proposed Settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings, to all Persons entitled to such notice, and said notice fully satisfied the requirements of due process and complied with 735 ILCS §§5/2-803 and 5/2-806.

Judge Ronald. B. Leighton, *Grays Harbor Adventist Christian School v. Carrier Corp.*, (April 22, 2008) No. 05-05437 (W.D. Wash.):

The Court finds and concludes that the Notice Program as a whole provided the best practicable notice to the members of the Class under the circumstances, and satisfies the requirements prescribed by the United States Supreme Court ... The Court finds that this notice was the best notice practicable under the circumstances, that it provided due and adequate notice of the proceedings and of the matters set forth therein, and that it fully satisfied all applicable requirements of law and due process.

Judge Kirk D. Johnson, *Webb v. Liberty Mutual Insurance Co.*, (March 3, 2008) No. CV-2007-418-3 (Cir. Ct. Ark.):

The Court finds that there was minimal opposition to the settlement. After undertaking an extensive notice campaign to Class members of approximately 10,707 persons, mailed notice reached 92.5% of potential Class members.

Judge Carol Crafton Anthony, *Johnson v. Progressive Casualty Ins. Co.*, (December 6, 2007) No. CV-2003-513 (Cir. Ct. Ark.):

Notice was direct mailed to all Class members whose current whereabouts could be identified by reasonable effort. Notice reached a large majority of the Class members. The Court finds that such notice constitutes the best notice practicable ... The forms of Notice and Notice Plan satisfy all of the requirements of Arkansas law and due process.

Judge Kirk D. Johnson, *Sweeten v. American Empire Insurance Co.*, (August 20, 2007) No. CV-2007-154-3 (Cir. Ct. Ark.):

The Court does find that all notices required by the Court to be given to class members was done within the time allowed and the manner best calculated to give notice and apprise all the interested parties of the litigation. It was done through individual notice, first class mail, through internet website and the toll-free telephone call center.

Judge Kirk D. Johnson, *Hunsucker v. American Standard Ins. Co. of Wisconsin*, (August 10, 2007) No. CV-2007-155-3 (Cir. Ct. Ark.):

Having admitted and reviewed the Affidavits of Carla Peak and Christine Danielson concerning the success of the notice campaign, including the fact that written notice reached approximately 86% of the potential Class Members, the Court finds that it is unnecessary to afford a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but failed to do so. Specifically, the Court received and admitted affidavits from Carla Peak and Christine Danielson, setting forth the scope and results of the notice campaign. Based on the Court's review of the evidence admitted and argument of counsel, the Court finds and concludes that the Class Notice and settlement website as disseminated to members of the Settlement Class in accordance with provisions of the Preliminarily Approval Order was the best notice practicable under the circumstances to all members of the Settlement Class.

Judge Lewis A. Kaplan, *In re Parmalat Securities Litig.*, (July 19, 2007) MDL No. 1653-LAK (S.D. N.Y.):

> *The Court finds that the distribution of the Notice, the publication of the Publication Notice, and the notice methodology ...met all applicable requirements of the Federal Rules of Civil Procedure, the United States Constitution, (including the Due Process clause), the Private Securities Litigation Reform Act of 1995 (15 U.S.C. 78u-4, et seq.) (the "PSLRA"), the Rules of the Court, and any other applicable law.*

Judge Robert Wyatt, *Gunderson v. F.A. Richard & Associates, Inc.*, (July 19, 2007) No. 2004-2417-D (14th Jud. D. Ct. La.):

> *Okay. Let me sign this one. This is the final Order and Judgment regarding the fairness, reasonableness and adequacy. And I am satisfied in all respects regarding the presentation that's been made to the Court this morning in the Class memberships, the representation, the notice, and all other aspects and I'm signing that Order at this time. Congratulations, gentlemen.*

Judge Ronald B. Leighton, *Grays Harbor Adventist Christian School v. Carrier Corporation*, (May 29, 2007) No. 05-05437 (W.D. Wash.):

> *Based on the foregoing, the Court finds Plaintiffs' Motion for Approval of Proposed Form of Notice and Notice Plan is appropriate and should be granted.*

Judge John D. Allen, *Carter v. North Central Life Insurance Co.*, (April 24, 2007) No. SU-2006-CV-3764-6 (Ga. Super. Ct.):

> *The Notices prepared in this matter were couched in plain, easily understood language and were written and designed to the highest communication standards. The Notice Plan effectively reached a substantial percentage of Class Members and delivered noticeable Notices deigned to capture Class Members attention.*

Judge John D. Allen, *Desportes v. American General Assurance Co.*, (April 24, 2007) No. SU-04-CV-3637 (Ga. Super. Ct.):

> *[T]he Court finds that [the notice] ...fully satisfied the requirements of the Georgia Rules of Civil Procedure (including Ga. Code Ann. § 9-11-23(c)(2) and (e)), the Georgia and United States Constitutions (including the Due Process Clause), the Rules of the Court, and any other applicable law.*

Judge Joe Griffin, *Beasley v. The Reliable Life Insurance Co.*, (March 29, 2007) No. CV-2005-58-1 (Cir. Ct. Ark.):

> *[T]he Court has, pursuant to the testimony regarding the notification requirements, that were specified and adopted by this Court, has been satisfied and that they meet the requirements of due process. They are fair, reasonable, and adequate. I think the method of notification certainly meets the requirements of due process.*

Judge Lewis A. Kaplan, *In re Parmalat Securities Litig.*, (March 1, 2007) MDL 1653 (S.D.N.Y.):

> *The court approves, as to the form and content, the Notice and the Publication Notice, attached hereto as Exhibits 1 and 2, respectively, and finds that the mailing and distribution of the Notice and the publication of the Publication Notice in the manner and form set forth in Paragraph 6 of this Order ...meet the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Securities Exchange Act of 1934, as amended by Section 21D(a)(7) of the Private*

Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(7), and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons and entities entitled thereto

Judge Anna J. Brown, *Reynolds v. The Hartford Financial Services Group, Inc.* (February 27, 2007) No. CV-01-1529-BR (D. Ore):

[T]he court finds that the Notice Program fairly, fully, accurately, and adequately advised members of the Settlement Class and each Settlement Subclass of all relevant and material information concerning the proposed settlement of this action, their rights under Rule 23 of the Federal Rules of Civil Procedure, and related matters, and afforded the Settlement Class with adequate time and an opportunity to file objections to the Settlement or request exclusion from the Settlement Class. The court finds that the Notice Program constituted the best notice practicable under the circumstances and fully satisfied the requirements of Rule 23 and due process.

Judge Kirk D. Johnson, *Zarebski v. Hartford Insurance Company of the Midwest*, (February 13, 2007) No. CV-2006-409-3 (Cir. Ct. Ark.):

Accordingly, the Class Notice and Claim Form as disseminated are finally approved as fair, reasonable, and adequate notice under the circumstances. The Court finds and concludes that due and adequate notice of the pendancy of this Action, the Stipulation, and the Final Settlement Hearing has been provided to members of the Settlement Class, and the Court further finds and concludes that the notice campaign described in the Preliminary Approval Order and completed by the parties complied fully with the requirements of Arkansas Rule of Civil Procedure 23 and the requirements of due process under the Arkansas and United States Constitutions. Based on the Court's review of the evidence admitted and argument of counsel, the Court finds and concludes that the Class Notice, as disseminated to members of the Settlement Class in accordance with provisions of the Preliminary Approval Order, was the best notice practicable under the circumstances to all members of the Settlement Class.

Judge Richard J. Holwell, *In re Vivendi Universal, S.A. Securities Litig.*, 2007 WL 1490466, at *34 (S.D.N.Y.):

In response to defendants' manageability concerns, plaintiffs have filed a comprehensive affidavit outlining the effectiveness of its proposed method of providing notice in foreign countries. According to this, the Court is satisfied that plaintiffs intend to provide individual notice to those class members whose names and addresses are ascertainable, and that plaintiffs' proposed form of publication notice, while complex, will prove both manageable and the best means practicable of providing notice.

Judge Eldon E. Fallon, *Turner v. Murphy, USA, Inc.*, 2007 WL 283431, at *5 (E.D. La.):

Most of the putative class members were displaced following hurricane Katrina. With this challenge in mind, the parties prepared a notice plan designed to reach the class members wherever they might reside, to ensure that adequate notice was given to class members in light of the unique challenges presented in this case.

Judge Sarah S. Vance, *In re Educational Testing Services PLT 7-12 Test Scoring Litig.*, 47 F.Supp.2d. 617 (E.D. La. 2006):

The Court is satisfied that notice to the class fully complied with the requirements of Rule 23.

Judge Samuel Conti, *Ciabattari v. Toyota Motor Sales, U.S.A., Inc.* (November 17, 2006) No. C-05-04289-SC (N.D. Cal.):

> *After reviewing the evidence and arguments presented by the parties...the Court finds as follows...The class members were given the best notice practicable under the circumstances, and that such notice meets the requirements of the Due Process Clause of the U.S. Constitution, and all applicable statutes and rules of court.*

Judge Ivan L.R. Lemelle, *In re High Sulfur Content Gasoline Prods. Liability Litig.*, (November 8, 2006) MDL No. 1632 (E.D. La.):

> *This Court approved a carefully-worded Notice Plan...The Notice Plan for this Class Settlement was consistent with the best practices developed for modern-style "plain English" class notices; the Court and Settling Parties invested substantial effort to ensure notice to persons displaced by the Hurricanes of 2005; and as this Court has already determined, the Notice Plan met the requirements of Rule 23 and constitutional due process.*

Judge Catherine C. Blake, *In re Royal Ahold Securities and "ERISA" Litig.*, (November 2, 2006) MDL No.1539 (D. Md.):

> *The global aspect of the case raised additional practical and legal complexities, as did the parallel criminal proceedings in another district. The settlement obtained is among the largest cash settlements ever in a securities class action case and represents an estimated 40% recovery of possible provable damages. The notice process appears to have been very successful not only in reaching but also in eliciting claims from a substantial percentage of those eligible for recovery.*

Judge Elaine E. Bucklo, *Carnegie v. Household International*, (August 28, 2006) No. 98 C 2178 (N.D. Ill.):

> *[T]he Notice was disseminated pursuant to a plan consisting of first class mail and publication developed by Plaintiff's notice consultant...who the Court recognized as experts in the design of notice plans in class actions. The Notice by first-class mail and publication was provided in an adequate and sufficient manner; constitutes the best notice practicable under the circumstances; and satisfies all requirements of Rule 23(e) and due process.*

Judge William A. Mayhew, *Nature Guard Cement Roofing Shingles Cases*, (June 29, 2006) J.C.C.P. No 4215 (Cal. Sup. Ct.):

> *The method for dissemination of notice...constitute the fairest and best notice practicable under the circumstances of this case, comply with the applicable California Rules of Court, and satisfy due process.*

Judge Catherine C. Blake, *In re Royal Ahold Securities & "ERISA" Litig.*, (June 16, 2006) MDL 1539 (D. Md.):

> *In that regard, I would also comment on the notice. The form and scope of the notice in this case, and I'm repeating a little bit what already appeared to me to be evident at the preliminary stage, but the form and scope of the notice has been remarkable...The use of sort of plain language, the targeting of publications and media, the website with the translation into multiple languages, the mailings that have been done, I think you all are to be congratulated...*

Judge Joe E. Griffin, *Beasley v. Hartford Insurance Company of the Midwest*, (June 13, 2006) No. CV-2005-58-1 (Cir. Ct. Ark.):

Based on the Court's review of the evidence admitted and argument of counsel, the Court finds and concludes that the Individual Notice and the Publication Notice, as disseminated to members of the Settlement Class in accordance with provisions of the Preliminarily Approval Order, was the best notice practicable under the circumstances...and the requirements of due process under the Arkansas and United States Constitutions.

Judge Joe E. Griffin, *Beasley v. Hartford Insurance Company of the Midwest*, (June 13, 2006) No. CV-2005-58-1 (Cir. Ct. Ark.):

Although the Notice Campaign was highly successful and resulted in actual mailed notice being received by over 400,000 Class Members, only one Class Member attempted to file a purported objection to either the Stipulation or Class Counsels' Application for Fees. The Court finds it significant that out of over 400,000 Class Members who received mailed Notice, there was no opposition to the proposed Settlement or Class Counsels' Application for Fees, other than a single void objection. The lack of opposition by a well-noticed Class strongly supports the fairness, reasonableness and adequacy of the Stipulation and Class Counsels' Application for Fees ...

Judge Norma L. Shapiro, *First State Orthopaedics, et al., v. Concentra, Inc.*, (May 1, 2006) No. 2:05-CV-04951-NS (E.D. Pa.):

The Court finds that dissemination of the Mailed Notice, Published Notice and Full Notice in the manner set forth here and in the Settlement Agreement meets the requirements of due process and Pennsylvania law.

Judge Thomas M. Hart, *Froeber v. Liberty Mutual Fire Ins. Co.*, (April 19, 2006) No. 00C15234 (Cir. Ct. Ore.):

The court has found and now reaffirms that dissemination and publication of the Class Notice in accordance with the terms of the Third Amended Order constitutes the best notice practicable under the circumstances.

Senior Justice Winkler, *Baxter v. Canada (Attorney General)*, (March 10, 2006) No. 00-CV-192059-CPA (Ont. Super. Ct.):

...the English versions of the Notices provided to the court on this motion are themselves plainly worded and appear to be both informative and designed to be readily understood. It is contemplated that the form of notice will be published in English, French and Aboriginal languages, as appropriate for each media vehicle.

Judge Catherine C. Blake, *In re Royal Ahold Securities & "ERISA" Litig.*, (January 6, 2006) MDL No. 1539 (D. Md.):

I think it's remarkable, as I indicated briefly before, given the breadth and scope of the proposed Class, the global nature of the Class, frankly, that again, at least on a preliminary basis, and I will be getting a final report on this, that the Notice Plan that has been proposed seems very well, very well suited, both in terms of its plain language and in terms of its international reach, to do what I hope will be very thorough and broad-ranging job of reaching as many of the shareholders, whether individual or institutional, as possible can be done to participate in what I also preliminarily believe to be a fair, adequate and reasonable settlement.

Judge Catherine C. Blake, *In re Royal Ahold Securities & "ERISA" Litig.*, 2006 WL 132080, at *4 (D. Md.):

The Court finds that the form of Notice, the form of Summary Notice, and the Notice Plan satisfy the requirements of Fed.R.Civ.P. 23, due process, constitute the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all members of the Class.

Judge Robert H. Wyatt, Jr., *Gray v. New Hampshire Indemnity Co., Inc.*, (December 19, 2005) No. CV-2002-952-2-3 (Cir. Ct. Ark.):

Notice of the Settlement Class was constitutionally adequate, both in terms of its substance and the manner in which it was disseminated. Notice was direct mailed to all Class members whose current whereabouts could be identified by reasonable effort. Notice was also effected by publication in many newspapers and magazines throughout the nation, reaching a large majority of the Class members multiple times. The Court finds that such notice constitutes the best notice practicable.

Judge Michael J. O'Malley, *Defrates v. Hollywood Entm't Corp.*, (June 24, 2005) No. 02 L 707 (Cir. Ct. Ill.):

[T]his Court hereby finds that the notice program described in the Preliminary Approval Order and completed by HEC complied fully with the requirements of due process, the Federal Rules of Civil Procedure and all other applicable laws.

Judge Wilford D. Carter, *Thibodeaux v. Conoco Phillips Co.*, (May 26, 2005) No. 2003-481 F (14th J.D. Ct. La.):

Such notices complied with all requirements of the federal and state constitutions, including the due process clause, and applicable articles of the Louisiana Code of Civil Procedure, and constituted the best notice practicable under the circumstances and constituted due process and sufficient notice to all potential members of the Class as Defined.

Judge Michael Canaday, *Morrow v. Conoco Inc.*, (May 25, 2005) No. 2002-3860 G (14th J.D. Ct. La.):

The objections, if any, made to due process, constitutionality, procedures, and compliance with law, including, but not limited to, the adequacy of notice and the fairness of the proposed Settlement Agreement, lack merit and are hereby overruled.

Judge John R. Padova, *Nichols v. SmithKline Beecham Corp.*, (April 22, 2005) No. 00-6222 (E.D. Pa.):

After reviewing the individual mailed Notice, the publication Notices, the PSAs and the informational release, the Court concludes that the substance of the Notice provided to members of the End-Payor Class in this case was adequate to satisfy the concerns of due process and the Federal Rules.

Judge John R. Padova, *Nichols v. SmithKline Beecham Corp.*, (April 22, 2005) No. 00-6222 (E.D Pa.):

...End-Payor Plaintiffs used published Summary Notice to reach consumer members of the End-Payor Class, not individual mailed Notice ...that Notice has reached 81.9% of all Paxil users...Such notice to class members of the Class is hereby determined to be fully in compliance with requirements of Fed. R. Civ. P. 23(e) and due process and is found to be the best notice practicable under the circumstances and to constitute due and sufficient notice to all entities entitled thereto.

Judge Douglas L. Combs, ***Morris v. Liberty Mutual Fire Ins. Co.***, (February 22, 2005) No. CJ-03-714 (D. Okla.):

> *I am very impressed that the notice was able to reach—be delivered to 97 ½ percent members of the class. That, to me, is admirable. And I'm also—at the time that this was initially entered, I was concerned about the ability of notice to be understood by common, nonlawyer person, when we talk about legalese in a court setting. In this particular notice, not only the summary notice but even the long form of the notice were easily understandable, for someone who could read the English language, to tell them whether or not they had the opportunity to file a claim.*

Judge Joseph R. Goodwin, ***In re Serzone Products Liability Litig.***, 231 F.R.D. 221, 236 (S.D. W Va. 2005):

> *Not one of the objectors support challenges to the adequacy of notice with any kind of evidence; rather, these objections consist of mere arguments and speculation. I have, nevertheless, addressed the main arguments herein, and I have considered all arguments when evaluating the notice in this manner. Accordingly, after considering the full record of evidence and filings before the court, I FIND that notice in this matter comports with the requirements of Due Process under the Fifth Amendment and Federal Rules of Civil Procedure 23(c)(2) and 23(e).*

Judge Richard G. Stearns, ***In re Lupron® Marketing and Sales Practice Litig.***, (November 24, 2004) MDL No. 1430 (D. Mass.):

> *After review of the proposed Notice Plan, is hereby found to be the best practicable notice under the circumstances and, when completed, shall constitute due and sufficient notice of the Settlement and the Fairness Hearing to all persons and entities affected by and/or entitled to participate in the Settlement, in full compliance with the notice requirements of Rule 23 the Federal Rules of Civil Procedure and due process.*

Judge Richard G. Stearns, ***In re Lupron® Marketing and Sales Practice Litig.***, (November 23, 2004) MDL No. 1430 (D. Mass.):

> *I actually find the [notice] plan as proposed to be comprehensive and extremely sophisticated and very likely be as comprehensive as any plan of its kind could be in reaching those most directly affected.*

Judge Paul H. Alvarado, ***Microsoft I-V Cases***, (July 6, 2004) J.C.C.P. No. 4106 (Cal. Super. Ct.):

> *[T]he Court finds the notice program of the proposed Settlement was extensive and appropriate. It complied with all requirements of California law and due process...The Settlement notice plan was ultimately more successful than anticipated and it now appears that over 80% of the class was notified of the Settlement.*

Judge Robert E. Payne, ***Fisher v. Virginia Electric & Power Co.***, (July 1, 2004) No. 3:02CV431 (E.D. Va.):

> *The success rate in notifying the class is, I believe, at least in my experience, I share Ms. Kauffman's experience, it is as great as I have ever seen in practicing or serving in this job...So I don't believe we could have had any more effective notice...The record here shows that the class members have been fully and fairly notified of the existence of the class action, of the issues in it, of the approaches taken by each side in it in such a way as to inform meaningfully those whose*

rights are affected and to thereby enable them to exercise their rights intelligently.

Judge John Kraetzer, ***Biaz v. Mountain View Cemetery***, (April 14, 2004) No. 809869-2 (Cal. Super. Ct.):

> *The notice program was timely completed, complied with California Government Code section 6064, and provided the best practicable notice to all members of the Settlement Class under the circumstances.*

Judge Joseph R. Goodwin, ***In re Serzone Prods. Liability Litig.***, 2004 U.S. Dist. LEXIS 28297, at *10 (S.D. W. Va.):

> *The Court has considered the Notice Plan and proposed forms of Notice and Summary Notice submitted with the Memorandum for Preliminary Approval and finds that the forms and manner of notice proposed by Plaintiffs and approved herein meet the requirements of due process and Fed.R.Civ.P. 23(c) and (e), are the best notice practicable under the circumstances, constitute sufficient notice to all persons entitled to notice, and satisfy the Constitutional requirements of notice.*

Judge Carter Holly, ***Richison v. Am. Cemwood Corp.***, (November 18, 2003) No. 005532 (Cal. Sup. Ct.):

> *The notice was reasonable and the best notice practicable under the circumstances, was due, adequate, and sufficient notice to all Class members, and complied fully with the laws of the State of California, the Code of Civil Procedure, due process, and California Rules of Court 1859 and 1860. Not a single Class member—out of an estimated 30,000—objected to the terms of the Phase 2 Settlement Agreement, notwithstanding a comprehensive national Notice campaign, via direct mail and publication Notice.*

Judge Louis J. Farina, ***Soders v. General Motors Corp.***, (October 31, 2003) No. CI-00-04255 (C.P. Ct. Pa.):

> *After balancing the factors laid out in Rule 1712(a), I find that Plaintiff's publication method is the method most reasonably calculated to inform the class members of the pending action...their plan will reach 84.8% of the class members. Defendant provided the Court with no information regarding the potential reach of their proposed plan...There is no doubt that some class members will remain unaware of the litigation, however, on balance, the Plaintiff's plan is likely to reach as many class members as the Defendant's plan at less than half the cost. As such, I approve the Plaintiff's publication based plan.*

Judge Thomas A. Higgins, ***In re Columbia/HCA Healthcare Corp.***, (June 13, 2003) MDL No. 1227 (M.D. Tenn.):

> *Notice of the settlement has been given in an adequate and sufficient manner. The notice provided by mailing the settlement notice to certain class members and publishing notice in the manner described in the settlement was the best practicable notice, complying in all respects with the requirements of due process.*

Judge Harold Baer, Jr., ***Thompson v. Metropolitan Life Ins. Co.***, 216 F.R.D. 55, 62 (S.D. N.Y. 2003):

> *In view of the extensive notice campaign waged by the defendant, the extremely small number of class members objecting or requesting exclusion from the*

settlement is a clear sign of strong support for the settlement...The notice campaign that defendant agreed to undertake was extensive...I am satisfied, having reviewed the contents of the notice package, and the extensive steps taken to disseminate notice of the settlement, that the class notice complies with the requirements of Rule 23 (c)(2) and 23(e). In summary, I have reviewed all of the objections, and none persuade me to conclude that the proposed settlement is unfair, inadequate or unreasonable.

Judge Edgar E. Bayley, *Dimitrios v. CVS, Inc.*, No. 99-6209; ***Walker v. Rite Aid Corp.***, No. 99-6210; and ***Myers v. Rite Aid Corp.***, No. 01-2771 (November 27, 2002) (Pa. Ct. C.P.):

The Court specifically finds that: fair and adequate notice has been given to the class, which comports with due process of law.

Judge Dewey C. Whitenton, *Ervin v. Movie Gallery, Inc.*, (November 22, 2002) No. 13007 (Tenn. Ch.):

[T]he in-store notice alone accounted for an approximate 34% of all MGA class members and the combined efforts of the in-store notice and the other notice mechanisms reached at least 84.5% of the entire MGA settlement class. the effectiveness of the notice campaign and the very high level of penetration to the settlement class were truly remarkable...The notice campaign was highly successful and effective, and it more that satisfied the due process and state law requirements for class notice.

Judge James R. Williamson, *Kline v. The Progressive Corp.*, (November 14, 2002) No. 01-L-6 (Cir. Ct. Ill.):

Notice to the Settlement Class was constitutionally adequate, both in terms of its substance and the manner in which it was disseminated.

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (September 13, 2002) No. L-008830.00 (N.J. Super. Ct.):

Here, the comprehensive bilingual, English and Spanish, court-approved Notice Plan provided by the terms of the settlement meets due process requirements. The Notice Plan used a variety of methods to reach potential class members. For example, short form notices for print media were placed...throughout the United States and in major national consumer publications which include the most widely read publications among Cooper Tire owner demographic groups.

Judge Harold Baer, Jr., *Thompson v. Metropolitan Life Ins. Co.*, (September 3, 2002) No. 00-CV-5071 (S.D.N.Y.):

In sum, the Court finds that the proposed notice texts and methodology are reasonable, that they constitute due, adequate and sufficient notice to all persons entitled to be provided with notice, and that they meet the requirements of the Federal Rules of civil Procedure (including Fed. R. Civ. P. 23(c)(2) and (e)), the United States Constitution (including the Due Process Clause, the Rules of the Court, and any other applicable law.

Judge Milton Gunn Shuffield, *Scott v. Blockbuster Inc.*, (January 22, 2002) No. D 162-535 (Tex. Jud. Dist. Ct. Jefferson Co.) Ultimately withstood challenge to Court of Appeals of Texas. *Peters v. Blockbuster* 65 S.W.3d 295, 307 (Tex. App.-Beaumont, 2001):

This Court concludes that the notice campaign was the best practicable, reasonably calculated, under all the circumstances, to apprise interested parties of the settlement and afford them an opportunity to present their objections...The notice campaign was highly successful and effective, and it more than satisfied

the due process and state law requirements for class notice.

Williams v. Weyerhaeuser Co., 2002 WL 373576, at *10 (Cal. App. 1 Dist.):

> *The hybrid notice given here–a combination of individual notice and notice by publication–was, as the trial court found, the best practicable method under the circumstances. The mass media campaign in this case appears to have been far more extensive than that approved in Dunk, supra, 48 Cal.App.4th at pp. 1800, 1805, 56 Cal.Rptr.2d 483. Objectors' own experience indicates the campaign was effective. Three of them received individual notices, two learned of the settlement through advertisements, and the others apparently learned of the settlement when one of them went around the neighborhood and told his neighbors about the settlement.*

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (October 30, 2001) No. MID-L-8839-00-MT (N.J. Super. Ct.):

> *The parties have crafted a notice program which satisfies due process requirements without reliance on an unreasonably burdensome direct notification process:..The notice program is specifically designed to reach a substantial percentage of the putative settlement class members...the proposed notice plan is designed to effectively reach 83.2% of owner's of defendant's tires as well as the broader target of adults 35+, and 82.9% of key groups that account for the largest share of tire purchasers such as men 35+*

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (October 29, 2001) No. L-8830-00-MT (N.J. Super. Ct.):

> *I saw the various bar graphs for the different publications and the different media dissemination, and I think that was actually the clearest bar graph I've ever seen in my life...it was very clear of the time periods that you were doing as to each publication and which media you were doing over what market time, so I think that was very clear.*

Judge Stuart R. Pollak, *Microsoft I-V Cases*, (April 1, 2001) J.C.C.P. No. 4106 (Cal. Super. Ct.):

> *[C]oncerning dissemination of class notice; and I have reviewed the materials that have been submitted on that subject and basically I'm satisfied. I think it's amazing if you're really getting 80 percent coverage. That's very reassuring. And the papers that you submitted responded to a couple of things that had been mentioned before and I am satisfied with all that.*

Judge Stuart R. Pollak, *Microsoft I-V Cases*, (March 30, 2001) J.C.C.P. No. 4106 (Cal. Super. Ct.):

> *Plaintiffs and Defendant Microsoft Corporation have submitted a joint statement in support of their request that the Court approve the plan for dissemination of class action notice and proposed forms of notice, and amend the class definition...The Court further finds that the methods for dissemination of the notice are the fairest and best practicable under the circumstances, and comport with due process requirements.*

Judge Alfred G. Chiantelli, *Williams v. Weyerhaeuser Co.*, (December 22, 2000) No. 995787 (Cal. Super. Ct.):

> *The Class Notice complied with this Court's Order, was the best practicable notice, and comports with due process...Based upon the uncontroverted proof Class Counsel have submitted to the Court, the Court finds that the settling*

parties undertook an extensive notice campaign...

Judge Sarah S. Vance, *In re Babcok & Wilcox Co.*, (August 25, 2000) No. 00-0558 (E.D. La.):

> *[t]he (debtor's notice) plan's reach and frequency methodology is consistent with other asbestos-related notice programs, mass tort bankruptcies, and other significant notice programs...After reviewing debtor's Notice Plan, and the objections raised to it, the Court finds that the plan is reasonably calculated to appraise unknown claimants of their rights and meets the due process requirements set forth in Mullane...Accordingly, the Notice Plan is approved.*

PUBLICATIONS AND PRESENTATIONS

Presentation: Elizabeth Grande, Gina Intrepido-Bowden, and Carla Peak, *Legal Notice Ethics*, CLE Program. Accreditation received in California, Colorado, Illinois, New York, Minnesota, Pennsylvania, and Texas. Presented at law firms in New York and Chicago (May 2010).

Presentation: Brian Christensen, Gina Intrepido, and Richard Simmons, *Class Actions 101: Best Practices and Potential Pitfalls in Providing Class Notice*, Kansas Bar Association CLE Program (2009).

John B. Isbister, Todd B. Hilsee, & Carla A. Peak, *Seven Steps to a Successful Class Action Settlement*, AMERICAN BAR ASSOCIATION, SECTION OF LITIGATION, CLASS ACTIONS TODAY 16 (2008).

Todd B. Hilsee, Gina M. Intrepido, & Shannon R. Wheatman, *Hurricanes, Mobility and Due Process: The "Desire-to-Inform" Requirement for Effective Class Action Notice Is Highlighted by Katrina*, 80 TULANE LAW REV. 1771 (2006); reprinted in course materials for: AMERICAN BAR ASSOCIATION, 10th Annual National Institute on Class Actions (2006); NATIONAL BUSINESS INSTITUTE, Class Action Update: Today's Trends & Strategies for Success (2006); CENTER FOR LEGAL EDUCATION INTERNATIONAL, Class Actions: Prosecuting and Defending Complex Litigation (2007).

Gina M. Intrepido, *Notice Experts May Help Resolve CAFA Removal Issues, Notification to Officials*, 6 CLASS ACTION LITIG. REP. 759 (2005).

Todd B. Hilsee, Shannon R. Wheatman, & Gina M. Intrepido, *Do You Really Want Me to Know My Rights? The Ethics Behind Due Process in Class Action Notice Is More Than Just Plain Language: A Desire to Actually Inform*, 18 GEORGETOWN JOURNAL LEGAL ETHICS 1359 (2005).

LEGAL NOTICE CASES

Our experts have been directly involved in the design and/or implementation of legal and voluntary notice programs for the following:

Naef v. Masonite Corp (Hardboard Siding)	Cir. Ct. Ala., CV-94-4033
Williams v. Weyerhaeuser Co. (Hardboard Siding)	Cal. Super. Ct., CV-995787
In re Babcock and Wilcox Co. (Asbestos Related Bankruptcy)	E.D. La., 00-10992
Brown v. Am. Tobacco	Cal. Super. Ct., J.C.C.P. 4042 No. 711400
Microsoft I-V Cases (Antitrust Litig. Mirroring Justice Dept.)	Cal. Super. Ct., J.C.C.P. No. 4106
Scott v. Blockbuster, Inc. (Extended Viewing Fees)	136th Tex. Jud. Dist., No. D 162-535

Talalai v. Cooper Tire & Rubber Co. (Tire Layer Adhesion)	N.J. Super. Ct., No. MID-L-8839-00 MT
Bryant v. Wyndham Int'l., Inc. (Energy Surcharge)	Cal. Super. Ct., Nos. GIC 765441, GIC 777547 (Consolidated)
Thompson v. Metropolitan Life Ins. Co. (Race Related Sales Practices)	S.D. N.Y., No. 00-CIV-5071 HB
Ervin v. Movie Gallery Inc. (Extended Viewing Fees)	Tenn. Ch., Fayette Co., No. CV-13007
Walker v. Rite Aid of PA, Inc. (PA Act 6)	C.P. Pa., No. 99-6210
Myers v. Rite Aid of PA, Inc. (PA Act 6)	C.P. Pa., No. 01-2771
Kline v. The Progressive Corp.	Cir. Ct. Ill., Johnson Co., No. 01-L-6
Baker v. Jewel Food Stores, Inc. & Dominick's Finer Foods, Inc. (Milk Price Fixing)	Cir. Ct. Ill. Cook Co., No. 00-L-9664
In re Columbia/HCA Healthcare Corp. (Billing Practices)	M.D. Tenn., MDL No. 1227
Soders v. General Motors Corp. (Marketing Initiative)	C.P. Pa., No. CI-00-04255
Nature Guard Cement Roofing Shingles Cases	Cal. Super. Ct., J.C.C.P. No. 4215
Defrates v. Hollywood Entertainment Corp.	Cir. Ct. Ill., St. Clair Co., No. 02L707
West v. G&H Seed Co. (Crawfish Farmers)	27th Jud. D. Ct. La., No. 99-C-4984-A
McManus v. Fleetwood Enter., Inc. (RV Braking System)	D. Tex., No. SA-99-CA-464-FB
Baiz v. Mountain View Cemetery (Burial Practices)	Cal. Super. Ct., No. 809869-2
Richison v. American Cemwood Corp. (Roofing Durability)	Cal. Super. Ct., No. 005532
In re Pittsburgh Corning Corp. (Asbestos Related Bankruptcy)	Bankr. W.D. Pa., No. 00-22876-JKF
Mostajo v. Coast National Insurance Co.	Cal. Super. Ct., No. 00 CC 15165
Friedman v. Microsoft Corp. (Antitrust)	Ariz. Super. Ct., No. CV 2000-000722
Davis v. Am. Home Prods. Corp. (Norplant Contraceptive)	Civ. D. Ct. La., Div. K, No. 94-11684
Gordon v. Microsoft Corp. (Antitrust)	D. Minn., No. 00-5994
Fisher v. Virginia Electric & Power Co.	E.D. Va., No 3:02-CV-431
Mantzouris v. Scarritt Motor Group, Inc.	M.D. Fla., No. 8:03-CV-0015-T-30-MSS
Bardessono v. Ford Motor Co. (15 Passenger Vans Outreach)	Wash. Super. Ct., No 32494
Gardner v. Stimson Lumber Co. (Forestex Siding)	Wash. Super. Ct., No. 00-2-17633-3SEA
Nichols v. SmithKline Beecham Corp. (Paxil)	E.D. Pa., No. 00-6222
In re Educ. Testing Serv. PLT 7-12 Test Scoring	E.D. La., MDL-1643
Barnett v. Wal-Mart Stores, Inc.	Wash. Super. Ct., No. 01-2-24553-8 SEA
In re Serzone Products Liability	S.D. W. Va., MDL No. 1477
Ford Explorer Cases	Cal. Super. Ct., JCCP Nos. 4226 & 4270
In re Lupron Marketing & Sales Practices	D. Mass., MDL No. 1430
Morris v. Liberty Mutual Fire Ins. Co.	D. Okla., No. CJ-03-714
Thibodeaux v. Conoco Philips Co.	D. La., No. 2003-481
Morrow v. Conoco Inc.	D. La., No. 2002-3860
Tobacco Farmer Transition Program	U.S. Dept. of Agric.

Froeber v. Liberty Mutual Fire Ins. Co.	Cir. Ct. Ore., No. 00C15234
Gray v. New Hampshire Indemnity Co., Inc.	Cir. Ct. Ark., No. CV-2002-952-2-3
Carnegie v. Household Int'l, Inc.	N. D. Ill., No. 98-C-2178
In re Royal Ahold Securities and "ERISA"	D. Md., MDL 1539
Meckstroth v. Toyota Motor Sales, U.S.A., Inc.	24th Jud. D. Ct. La., No. 583-318
First State Orthopaedics et al. v. Concentra, Inc.	E.D. Pa. No. 2:05-CV-04951-AB
In re High Sulfur Content Gasoline Products Liability	E.D. La., MDL No. 1632
Desportes v. American General Assurance Co.	Ga. Super. Ct., No. SU-04-CV-3637
In re Residential Schools Litigation	Ont. Super. Ct., 00-CV-192059 CPA
Turner v. Murphy Oil USA, Inc.	E.D. La., No. 2:05-CV-04206-EEF-JCW
Carter v. North Central Life Ins. Co.	Ga. Super. Ct., No. SU-2006-CV-3764-6
Beasley v. Hartford Insurance Co. of the Midwest	Cir. Ct. Ark., No. CV-2005-58-1
Spence v. Microsoft Corp. (Antitrust Litig.)	Cir. Ct. Wis., No. 00-CV-003042
Ciabattari v. Toyota Motor Sales, U.S.A., Inc.	N.D. Cal., No. C-05-04289-BZ
Hensley v. Computer Sciences Corp.	Cir. Ct. Ark., No. CV-2005-59-3
Peek v. Microsoft Corporation	Cir. Ct. Ark., No. CV-2006-2612
Reynolds v. The Hartford Financial Services Group, Inc.	D. Ore., No. CV-01-1529 BR
Zarebski v. Hartford Insurance Co. of the Midwest	Cir. Ct. Ark., No. CV-2006-409-3
In re Parmalat Securities.	S.D. N.Y., MDL No. 1653 (LAK)
Beasley v. The Reliable Life Insurance Co.	Cir. Ct. Ark., No. CV-2005-58-1
Sweeten v. American Empire Insurance Company	Cir. Ct. Ark., No. 2007-154-3
Gunderson v. F.A. Richard & Associates, Inc. (FARA)	14th Jud. D. Ct. La., No. 2004-2417-D
Gunderson v. F.A. Richard & Associates, Inc. (Focus)	14th Jud. D. Ct. La., No. 2004-2417-D
Hunsucker v. American Standard Ins. Co. of Wisconsin	Cir. Ct. Ark., No. CV-2007-155-3
Burgess v. Farmers Insurance Co., Inc.	D. Okla., No. CJ-2001-292
Grays Harbor v. Carrier Corporation	W.D. Wash., No. 05-05437-RBL
Donnelly v. United Technologies Corp.	Ont. S.C.J., 06-CV-320045CP
Wener v. United Technologies Corp.	Québec Super Ct., 500-06-000425-088
Brookshire Bros. v. Chiquita (Antitrust)	S.D. Fla., No. 05-CIV-21962
Johnson v. Progressive	Cir. Ct. Ark., No. CV-2003-513
Bond v. American Family Insurance Co.	D. Ariz., CV06-01249-PXH-DGC
Angel v. U.S. Tire Recovery (Tire Fire)	Cir. Ct. W. Va., No. 06-C-855
In re TJX Companies Retail Security Breach	D. Mass., MDL No. 1838
Webb v. Liberty Mutual Insurance Co.	Cir. Ct. Ark., No. CV-2007-418-3
Shaffer v. Continental Casualty Co. (Long Term Care Insurance)	C.D. Cal., SACV06-2235-PSG (PJWx)
Palace v. DaimlerChrysler (Neon Head Gaskets)	Cir. Ct. Ill., Cook Co., No. 01-CH-13168

Beringer v. Certegy Check Services, Inc. (Data Breach)	M.D. Fla., No. 8:07-cv-1657-T-23TGW
Lockwood v. Certegy Check Services, Inc. (Data Breach)	M.D. Fla., No. 2:07-CV-587-FtM-29-DNF
Sherrill v. Progressive Northwestern Ins. Co.	18th D. Ct. Mont., No. DV-03-220
Gunderson v. F.A. Richard & Associates, Inc. (AIG)	14th Jud. D. Ct. La., No. 2004-2417-D
Jones v. Dominion Transmission, Inc.	S.D. W. Va., No. 2:06-cv-00671
Gunderson v. F.A. Richard & Associates, Inc. (Walmart)	14th Jud. D. Ct. La., No. 2004-2417-D
In re Trans Union Corp. Privacy (Data Breach)	N.D. Ill., MDL No. 1350
Gunderson v. F.A. Richard & Associates., Inc. (Amerisafe)	14th Jud. D. Ct. La., No. 2004-002417
In Re: Katrina Canal Breaches Consolidated Litigation	E.D. La., No. 05-4182
Griffin v. Dell Canada Inc.	Ont. Super. Ct., No. 07-CV-325223D2
Plubell v. Merck & Co., Inc.	Cir. Ct. Mo., No. 04CV235817-01
Billieson v. City of New Orleans	Civ. D. Ct. La., No. 94-19231
Anderson v. Canada	Sup. Ct. Newfoundland and Labrador, No. 2008NLTD166

Our experts provided critiques, analyses, or consultation for the following:

Barbanti v. W.R. Grace and Co. (Zonolite/Asbestos Litig.)	Wash. Super. Ct., 00201756-6
In re W.R. Grace Co. (Asbestos Related Bankruptcy)	Bankr. D. Del., No. 01-3293-JCS
In re USG Corp. (Asbestos Related Bankruptcy)	Bankr. D. Del., No. 01-02094-RJN
Johnson v. Ethicon, Inc. (Product Liability Litigation)	Cir. Ct. W. Va., Nos. 01-C-1530, 1531, 1533, 01-C-2491 to 2500
Parsons/Currie v. McDonalds	Ont. S.C.J. d2004
Chambers v. DaimlerChrysler Corp. (Neon Head Gaskets)	N.C. Super. Ct., No. 01:CVS-1555
West v. Carfax, Inc.	Ohio C.P., No. 04-CV-1898 (ADL)
Perrine v. E.I. Du Pont De Nemours & Co.	Cir. Ct. W. Va., No. 04-C-296-2
Santos v. Government of Guam (Earned Income Tax Credit)	D. Guam, No. 04-00049
Clark v. Pfizer, Inc. (Neurontin)	C.P. Pa. Phila. Co., No. 9709-3162
Cazenave v. Sheriff Charles C. Foti (Strip Search)	E.D. La., No. 00-CV-1246
National Assoc. of Police Orgs., Inc. v. Second Chance Body Armor, Inc. (Bullet Proof Vest)	Cir. Ct. Mich., 04-8018-NP
Yacout v. Federal Pacific Electric Co. (Circuit Breaker)	N.J. Super. Ct., No. MID-L-2904-97
Bibb v. Monsanto Co.	Cir. Ct. W.Va., No. 041465
Carter v. Monsanto Co.	Cir. Ct. W.Va., No. 00-C 300
Rosenberg v. Academy Collection Service, Inc.	E.D. Pa., No. 04-CV-5585
Harper v. Equifax	E.D. Pa., No. 2:04-CV-03584-TON
In re U.S. Department of Veterans Affairs (VA) Data Breach	D. D.C., MDL 1796
In re Countrywide Financial Corp. Customer Data Security Breach	W.D. Ky., MDL No. 1998
Dolen v. ABN AMRO Bank N.V. (Callable CDs)	Nos. 01-L-454 & 01-L-493

Sutton v. FCA Restaurant Company, LLC	D. Minn., No. 08-CV-5122
Cuesta v. Ford Motor Company	D. Okla., No. CJ-2004-511
Wylde v. Pavilck Holding Company	D. Minn., No. 09-CV-1935
McGruder v. DPC	Ariz. Super. Ct., No. 2003-022677

CAROL ANDERSON et al
Plaintiff

and

THE ATTORNEY GENERAL OF CANADA
Defendant

Court File No: 2007 01T4955CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at the City of St. John's

ORDER

Koskie Minsky LLP
20 Queen Street West, Suite 900, Box 52
Toronto, Ontario
M5H 3R3

Celeste Poltak LSUC#: 46207A
Tel: 416-595-2701
Fax: 416-204-2909

Lawyers for the Plaintiff

Served on Fax: «Other party's fax, if known.»

SCHEDULE "B"

Notice Schedule

Below is a notice schedule that could be implemented based on media funding and ad approval by May 30 2012 and an opt out date and opt in date (for Class members who are not residents of the Providence of Newfoundland and Labrador) of November 30, 2012.

Notice Tactic	Issued	Week of 6/18/12	Week of 6/25/12	Week of 7/2/12	Week of 7/9/12	Week of 7/16/12	Week of 7/23/12	Week of 7/30/12
Issue Informational Release		■						
Individual Mailings		■	■					
Organizational Outreach		■	■					
First Nations Drum	Monthly				■			
Mi'kmaq Maliseet Nations News	Monthly			■				
Native Journal	Monthly		■					
Turtle Island News	Weekly			■				
Windspeaker	Monthly		■					
Aboriginal Radio					■	■	■	
Aboriginal Television					■	■	■	
Mainstream Newspapers			■	■				
Mainstream Television					■	■	■	
Case Website	Constant	■	■	■	■	■	■	■

Blocks show when readers first receive publications (the on-sale date, not the issue/cover date). All media is subject to change based on availability at the time of placement.

SCHEDULE "C"

bmcgroup
Class Action Services

Confidential

Schedule A

Projected Settlement Administration Fees and Expenses
Anderson v. Canada Settlement
20 March 2012

Activity	Estimated Volume	Hours or Units	Rate	Estimated Total (CAD)
Legal Notice Consulting:				
Preparation of Detailed Notice Plan for the Court: Includes Media Research, Analysis, Planning and Negotiating	40	Hours	$275	$11,000.00
Drafting and Designing Adequate Forms of Notice	40	Hours	$325	$13,000.00
Preparation of Pre- and Post-Implementation Expert Affidavits Regarding Notice Program and Notice Adequacy	40	Hours	$325	$13,000.00
Total Projected Fees - Legal Notice Consulting:				**$37,000.00**
Media Campaign:				
Aboriginal Publications			$10,427.20	
Aboriginal Radio			$11,117.65	
Aboriginal Television			$29,471.00	
Mainstream Newspapers			$57,763.31	
Mainstream Television			$19,182.07	
Weekly Newspapers			$17,853.53	
Press Release			$760.00	
Total Projected Fees - Media Campaign:				**$146,574.76**
Out-of-Pocket Expenses:				
Production of Notice Materials				$11,900.00
Total Projected Out-of-Pocket Expenses:				**$11,900.00**
Mailing of Notice:				
Project Management: Initial Project Design, Implementation, and Supervision of Initial Class Mailing	15	Hours	$125	$1,875.00
Information Systems: Receive, Load, and Process Database of Class Members. Initial Application Customization to Address Specifics of Settlement.	10	Hours	$115	$1,150.00
Print and Mail Class Notice				
Print, Personalize and Mail 4 Page Class Notice and 2 Page Claim Form Inserted Into No. 10 Window Envelope.	1,250	Notices	$3.00	$3,750.00
First Class Postage (Presorted to Lowest Possible Cost)	1,250	Notices	$0.85	$1,062.50
Note: includes standardizing addresses and updating mailing list with the National Change of Address database.				
Translation of notices to French, Inuktitut, Innu	400	Words	$1.20	$480.00
Organizational Outreach includes research, contact and support	10	Hours	$125	$1,250.00
Projected Results of Class Mailing:				
Class Notices Returned As Undeliverable	*10%*	*125*		
Class Notices Returned With Address Corrections	*2%*	*25*		
Receive and Log In Mail Returned as Undeliverable Mail and Address Corrections	2	Hours	$45	$90.00
Process and Remail Address Corrections Provided by the Canada Post	2	Hours	$45	$90.00
Class Member Location Services				
Research New Addresses for Class Members Whose Notices are Returned as Undeliverable	6	Hours	$45	$281.25
Research Fees	125	Searches	$0.25	$31.25
Remail Notices To Updated Addresses (Assumes an 80% Hit Rate from Skip Trace)	100	Mailers	$1.25	$125.00
Total Projected Fees - Mailing of Class Notice				**$10,185.00**

Schedule A

Projected Settlement Administration Fees and Expenses
Anderson v. Canada Settlement
20 March 2012

Activity		Estimated Volume	Hours or Units	Rate	Estimated Total (CAD)
[redacted]					
Initial Configuration of Call Center		10	Hours	$115.00	$1,150.00
Automated Phone Support (Per minute, includes toll free charges)					
Number of Calls	10%	125	Calls		
Average Call Length (Minutes)		3	Minutes		
Total Minutes		375	Minutes	$0.35	$131.25
Call Center Supervision		5	Hours	$125	$625.00
Call Center Training of Agents on Specifics of Litigation		5	Hours	$45	$225.00
French speaking agent support			Flat		$500.00
Total Projected Fees - Toll Free Phone Support					**$2,631.25**
[redacted]					
Website Design and Implementation in English, French and Innuktitut (Includes Domain Registration and Assumes Use of Analytics' Template)		15	Hours	$115	$1,725.00
Website Hosting at Tier IV Data Center		12	Months	$100	$1,200.00
Translation of Website to French, Inuktitut and Innu		1,500	Words	$1.20	$1,800.00
Total Projected Fees - Internet Support					**$2,925.00**
Total Projected Fees and Expenses, All Phases					**$211,216.01**

Note: Miscellaneous expenses such as postage, FedEx, travel, copy, fax, and financial institution charges will be itemized and incorporated into our regular bills.