

If you or a family member attended the Lockwood, Yale, Makkovik, Nain or St. Anthony school, class action lawsuits may affect your rights.

Pour obtenir un avis en français, veuillez appeler au numéro sans frais ou visiter le site Web. Ui katshitinameku mashinaikanuian e innushtet, tshe aimiek^u anite etashtet atshitashun eka ka tshishikashunanut kie ma nete tshetapishimitishuiek^u atusseu-katshitapatakanit. Kaujigiangagumaguvit Inuktitut phonesunguvutit akiKangitumut numaramut uvalo Kagitaujami KimmiKugulugu.

*The Supreme Court of Newfoundland and Labrador authorized this notice.
This is not a solicitation from a lawyer.*

- Former students and their families have sued the Federal Government of Canada about the management and operation of the Lockwood, Yale, Makkovik, Nain and St. Anthony schools and the harms and abuses committed against the children who attended them.
- You may be part of these class action lawsuits if you or a family member attended one of these schools.
- The Court has not decided whether the Federal Government of Canada did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

RESIDENTS OF NEWFOUNDLAND & LABRADOR LEGAL RIGHTS AND OPTIONS IN THESE LAWSUITS	
DO NOTHING	Stay in the lawsuits. Await the outcome. Share in possible money or benefits. Give up certain rights. By doing nothing, you are choosing to stay in the lawsuits. You will keep your right to share in possible money or other benefits that may come from the trials or possible settlements. But, you are giving up the right to sue the Federal Government of Canada on your own about what happened to you or your family member at these schools.
ASK TO BE EXCLUDED	Get out of these lawsuits. Get no money or benefits. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won't share in those. But, you will keep the right to sue the Federal Government of Canada on your own about what happened to you or your family member at these schools.
NON RESIDENTS OF NEWFOUNDLAND & LABRADOR LEGAL RIGHTS AND OPTIONS IN THESE LAWSUITS	
DO NOTHING	Get no money or benefits. Keep rights. If money or benefits are later awarded, you won't share in those. But, you will keep the right to sue the Federal Government of Canada on your own about what happened to you or your family member at these schools.
OPT-IN	Join the lawsuits. Await the outcome. Share in possible money or benefits. Give up certain rights. By opting-in to the lawsuits you will get the right to share in possible money or other benefits that may come from the trials or possible settlements. But, you are giving up the right to sue the Federal Government of Canada on your own about what happened to you or your family member at these schools.

- Your rights and options are explained in this notice. To ask to be excluded, you must act by **November 30, 2012**.
- Lawyers must prove the claims against the Federal Government of Canada at trials which are scheduled to begin in **September 2013**. If money or benefits are awarded or obtained, you will be notified about how to ask for a share.

QUESTIONS? CALL TOLL-FREE 1-866-386-9295, EMAIL NFLDRESIDENTIALSCHOOLS@KMLAW.CA
OR VISIT WWW.NEWFOUNDLANDRSCASES.CA

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BASIC INFORMATION

1. Why did I get this notice?

The Supreme Court of Newfoundland and Labrador authorized this notice to let you know that it has allowed, or “certified,” class action lawsuits that may affect your rights. You have legal rights and options that you can act on before the Court holds trials. The trials are to decide whether the claims being made against the Federal Government of Canada, on your behalf, are correct.

Honourable Justice Robert Fowler and Honourable Justice Jillian Butler are overseeing these class actions. The lawsuits are known as: *Anderson v. Attorney General of Canada* (Lockwood School), No. 2007 01T4955CP; *Obed v. Attorney General of Canada* (Yale School), No. 20075423CP; *Lucy v. Attorney General of Canada* (Makkovik Boarding School), No. 2008 01T0846CP; *Asivak v. Attorney General of Canada* (Nain Boarding School), No. 2008 01T0845CP; and *Boasa v. Attorney General of Canada* (St. Anthony Orphanage and Boarding School), No. 2008 01T0844CP.

Former Lockwood, Yale, Makkovik, Nain and St. Anthony residential school students and their families are called the “Plaintiffs.” The Federal Government of Canada is called the “Defendant” or the “Government.”

2. What are the Lockwood, Yale, Makkovik, Nain and St. Anthony Schools?

The Lockwood, Yale, Makkovik, Nain and St. Anthony schools were residential boarding schools for the education of Aboriginal children. The Lockwood School was located in Cartwright, Labrador. The Yale School was located in Northwest River, Newfoundland. The Makkovik Boarding School was located in Makkovik, Newfoundland. The Nain Boarding School was located in Nain, Newfoundland. St. Anthony’s Orphanage and Boarding School was located in St. Anthony, Newfoundland. All of these schools received funding from the Government.

3. Weren’t these schools included in the 2006 settlement with the Government of Canada?

No. The application to have these schools added to the 2006 settlement of the *In re Residential Schools Class Action Litigation* was denied. These schools are not eligible Indian Residential Schools, and former students are not able to get a Common Experience Payment or pursue abuse claims as part of the Individual Assessment Process in that settlement.

4. What is a class action?

In a class action, one or more people called “Class Representatives” (in these cases Carol Anderson, Allen & Joyce Webber, Toby Obed, William Adams, Martha Blake, Sarah & James Asivak, Selma Boasa, Rex Holwell, Edgar Lucy and Dominic Dickman) sue on behalf of people who have similar claims. All of these people are called a “Class” or “Class Members.” One Court resolves the issues for everyone affected, except for those who exclude themselves from the lawsuits.

5. Why are these lawsuits class actions?

The Court decided that these cases could proceed to trial as class actions because they meet the requirements of the *Class Actions Act*, S.N.L. 2001, c. C18.1 and Rule 7A of the *Rules of the Supreme Court*, 1986, S.N.L. 1986, c 42, SCH. D. For example, the court found that, in each case, the statement of claims disclose a cause of action, contain an identifiable Class that consists of two or more persons, show that the claims of the Class Members raise a common issue, illustrate that a class action is the preferred procedure to resolve the common issues, and supply a person who is able to fairly and adequately represent the issues of each Class without conflict. More information about why these cases are class actions can be found in the Court’s June 7, 2010 Certification Decision and Reasons for Judgment, and the Court of Appeal’s Decision and Reasons of December 21, 2011, which are available at www.NewfoundlandRScases.ca and www.kmlaw.ca.

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THE CLAIMS IN THE LAWSUITS

6. What do the lawsuits complain about?

The lawsuits claim that the Government exposed former students to child abuse, neglect, and physical, emotional, psychological and sexual abuse. The Plaintiffs claim that the Government did not protect students' physical and mental well-being even though it was its duty to do so. More information on the lawsuits' complaints can be found in the Statement of Claim for each school, which are available at www.NewfoundlandRScases.ca and www.kmlaw.ca.

7. How does the Federal Government of Canada answer?

The Government denies that it had a responsibility to protect the children who attended these schools. It claims that all it did was provide money to the Province of Newfoundland and Labrador to be used for the educational needs of Aboriginal persons. It further states that the Province of Newfoundland was responsible for the protection of students. More information about the Government's answer to the claims can be found in the Defendant's Defense to the Statement of Claims for each school, which are available at www.NewfoundlandRScases.ca and www.kmlaw.ca.

8. Has the Court decided who is right?

No decision about whether the Plaintiffs or the Government is right has been made. The lawyers for the Plaintiffs will present their claims and the lawyers for the Government will argue their defenses at trials which are scheduled to begin in September 2013 (see "The Trials" below on page 6).

9. What are the Plaintiffs asking for?

The Plaintiffs are asking that money be paid to former students and family members who were injured as a result of the time students spent at these Newfoundland residential schools. More information on the specific injuries and damages can be found in the Statement of Claims for each school, which are available at www.NewfoundlandRScases.ca and www.kmlaw.ca.

10. Is there any money available now?

No. There is no money available now because the Court has not yet decided whether the Government did anything wrong. There is no guarantee that money or benefits will ever be obtained; however, if they are you will be notified about how to ask for a share.

WHO IS INCLUDED IN THE LAWSUITS

11. How do I know if I am part of these class actions?

The lawsuits include two groups of people called a "Survivor Class" and "Family Class."

You are part of the **Survivor Class** if you attended the Lockwood School, the Yale School, the Nain Boarding School, the Makkovik Boarding School, or St. Anthony's Orphanage anytime after March 31, 1949.

You are part of the **Family Class** if you are (a) the spouse, child, grandchild, parent, grandparent or sibling of a Survivor Class Member; (b) the spouse of a child, grandchild, parent, grandparent or sibling of a Survivor Class Member; (c) a former spouse of a Survivor Class Member; (d) a child or other ancestor of a grandchild of a Survivor Class Member; (e) someone who cohabitated with a Survivor Class Member for at least one year before they died; (f) someone who supported or was legally required to support a Survivor Class Member until they died; or (g) someone who was supported by a Survivor Class Member for at least three years prior to their death.

12. Are there exceptions to being included?

Yes. If you attended a residential school that was included in the 2006 settlement with the Government of Canada, or you were able to receive a Common Experience Payment or file a claim through the Individual Assessment Process as part of that settlement, you are not included in, or affected by, these lawsuits.

13. I'm still not sure if I am included.

If you are still not sure whether you are included, you may call 1-866-386-9295 or email nfldresidentschools@kmlaw.ca with questions.

RIGHTS AND OPTIONS FOR RESIDENTS OF NEWFOUNDLAND & LABRADOR

You have a choice about whether to stay in the lawsuits or ask to be excluded before the trials.

14. What happens if I do nothing at all?

If you do nothing, you are choosing to stay in the lawsuits. This means that if the Plaintiffs win or lose at the trials, you will be legally bound by all orders and judgments of the Court. You will not be able to start or continue with a lawsuit against the Government about the same legal claims that are included in these lawsuits. However, if the Plaintiffs get money or benefits from the Government at the trials or as the result of settlements, you will be able to share in them.

15. What happens if I exclude myself?

If you exclude yourself, you will not be able to get any money or benefits from these lawsuits if any are received as a result of the trials or any settlements. But, you may sue the Government on your own in the future. You will not be bound by anything that happens in these lawsuits.

16. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself you give up the right to sue the Government for the legal claims in these lawsuits. You must exclude yourself from *these* cases to start your own lawsuit. Remember, the exclusion deadline is **November 30, 2012**.

17. How do I ask to be excluded?

To exclude yourself, you must send in an Exclusion Request Form. You can use the Exclusion Request Form on page 8 or you can get one at www.NewfoundlandRScases.ca. You must mail your Exclusion Request Form, postmarked by **November 30, 2012**, to: Newfoundland Residential Schools Class Actions, Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, Ontario M5H 3R3.

RIGHTS AND OPTIONS FOR NON RESIDENTS OF NEWFOUNDLAND & LABRADOR

You have a choice about whether to join the lawsuits or not.

18. What happens if I do nothing at all?

If you do nothing, you will not be affected by the outcome of these lawsuits. If money or benefits are awarded or obtained, you won't be able to share in those. But, you will keep the right to sue the Federal Government of Canada on your own about what happened to you or your family member at these schools.

19. What happens if I opt-in to the lawsuits?

If you opt-in to the lawsuits, you are choosing to await the outcome of the trials. This means that if the Plaintiffs win or lose at the trials, you will be legally bound by all orders and judgments of the Court. You will not be able to start or continue with a lawsuit against the Government about the same legal claims that are included in these

lawsuits. However, if the Plaintiffs get money or benefits from the Government at the trials or as the result of settlements, you will be able to share in them.

20. If I opt-in, can I sue later?

No. If you opt-in to the lawsuits you give up the right to sue the Government for the legal claims in these lawsuits. Remember, the opt-in deadline is **November 30, 2012**.

21. How do I opt-in to the lawsuits?

To opt-in, you must send in an Opt-In Request Form. You can use the Opt-In Request Form on page 9 or you can get one at www.NewfoundlandRScases.ca. You must mail your Opt-In Request Form, postmarked by **November 30, 2012**, to: Newfoundland Residential Schools Class Actions, Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, Ontario M5H 3R3.

THE LAWYERS

22. Do I have a lawyer in these cases?

The Court decided that the law firms of Koskie Minsky LLP of Toronto, Ontario, Ches Crosbie Barristers of St. John's, Newfoundland and Ahlstrom Wright Oliver & Cooper LLP of Sherwood Park, Alberta, are qualified to represent you and all Survivor and Family Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases. More information about these law firms, their practices, and their lawyers' experience is available at www.kmlaw.ca and www.awoc.ca. You may also email Koskie Minsky LLP at nfldresidentschools@kmlaw.ca.

23. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is representing you and all the other Class Members. You can hire your own lawyer, who may ask to appear in Court for you in these cases if you want someone other than Class Counsel to speak for you, but you will have to pay that lawyer.

24. How will the lawyers be paid?

If Class Counsel gets money for the Classes, they will ask the Court for fees and expenses. If the Court grants their request, the fees and expenses will either be deducted from any money obtained for the Classes or paid separately by the Government. You will not personally have to pay any of these fees and expenses.

THE TRIALS

25. How and when will the Court decide who is right?

Unless the cases are resolved by settlements, Class Counsel will have to prove their claims at trials. The trials are set to start in September 2013, in the Supreme Court of Newfoundland and Labrador, Trial Division, 309 Duckworth Street, St. John's, Newfoundland A1C 5M3. During the trials, a Judge will hear all of the evidence against each school to help them reach a decision about whether the Plaintiffs or Government are right about the claims in each of the lawsuits.

26. Do I have to come to the trials?

No. You do not need to attend the trials. Class Counsel will present the cases for the Plaintiffs, and the Government will present its defenses. You or your lawyer are welcome to come at your own expense, but you don't have to.

27. Will I get money after the trials?

If the Plaintiffs get money or benefits as a result of the trials or settlements, you will be notified about how to ask for a share.

GETTING MORE INFORMATION

28. How do I get more information about the lawsuits?

This notice summarizes the lawsuits. More details are in the Statement of Claims for each case. You can get a copy of the Statement of Claims for each school at www.NewfoundlandRScases.ca or by calling 1-866-386-9295. You may also write with questions to Newfoundland Residential Schools Cases, P.O. Box 2011, Chanhassen, MN 55317-2011, or email your questions to nfldresidentialschools@kmlaw.ca.

DATE: March 27, 2012

EXCLUSION REQUEST FORM

I am a resident of the Province of Newfoundland and Labrador and I want to be excluded from the Newfoundland Residential Schools class action lawsuits (*Anderson v. Attorney General of Canada*, *Obed v. Attorney General of Canada*, *Boasa v. Attorney General of Canada*, *Asivak v. Attorney General of Canada*, and *Lucy v. Attorney General of Canada*). I understand that if I exclude myself, I will not be able to get any money or benefits from these cases if any are awarded or obtained. However, I will not be bound by any Court orders and I will keep any rights I may have to sue the Government about the claims in these cases, as part of any other lawsuit.

Name

Name of former student (if different than above)

Relationship to former student

School(s) attended

Address

City

Province

Postal Code

Telephone Number

Signature

Date

If you want to be excluded, mail this form, postmarked by **November 30, 2012**, to:

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

DON'T MAIL THIS FORM IF YOU WANT TO STAY IN THE LAWSUITS

QUESTIONS? CALL TOLL-FREE 1-866-386-9295, EMAIL NFLDRESIDENTIALSCHOOLS@KMLAW.CA
OR VISIT WWW.NEWFOUNDLANDRSCASES.CA

OPT-IN REQUEST FORM

I am not a resident of the Province of Newfoundland and Labrador, but I want to be included in the Newfoundland Residential Schools class action lawsuits (*Anderson v. Attorney General of Canada*, *Obed v. Attorney General of Canada*, *Boasa v. Attorney General of Canada*, *Asivak v. Attorney General of Canada*, and *Lucy v. Attorney General of Canada*). I understand that that if the Plaintiffs win or lose at the trials, I will be legally bound by all orders and judgments of the Court and I will not be able to start or continue with a lawsuit against the Government about the same legal claims that are included in these lawsuits. However, if the Plaintiffs get money or benefits from the Government at the trials or as the result of settlements, I will be able to share in them.

Name

Name of former student (if different than above)

Relationship to former student

School(s) attended

Address

City

Province

Postal Code

Telephone Number

Signature

Date

If you want to be included in the lawsuits mail this form, postmarked by **November 30, 2012**, to:

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

MAIL THIS FORM IF YOU ARE NOT A RESIDENT OF NEWFOUNDLAND AND LABRADOR AND YOU WANT TO BE INCLUDED IN THE LAWSUITS

QUESTIONS? CALL TOLL-FREE 1-866-386-9295, EMAIL NFLDRESIDENTIALSCHOOLS@KMLAW.CA
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