

If You Lived at Southwestern Regional Centre or are the Family Member of Someone Who Did

A Class Action Lawsuit May Affect Your Rights.

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

- i You could be affected by a class action lawsuit involving Southwestern Regional Centre (“Southwestern”). Southwestern was a residential facility that provided treatment to mentally challenged and disabled people from 1961 to 2008. The Province of Ontario operated Southwestern.
- i A Court has approved the lawsuit as a class action that includes both former residents of Southwestern and certain family members. **If you know a former resident of Southwestern who cannot read this notice please share this information with them.**
- i The Court has not decided whether the Province of Ontario did anything wrong, and the case is currently scheduled to go to trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

| YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE | |
|---|---|
| DO NOTHING | <p>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue the Province of Ontario on your own about the same legal claims in this lawsuit.</p> |
| REMOVE YOURSELF (OPT OUT) | <p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue the Province of Ontario on your own about the same legal claims in this lawsuit.</p> |

- i Lawyers must prove the claims against the Province of Ontario at a trial. If money or benefits are obtained you will be notified about how to ask for a share.
- i Your options are explained in this notice. To ask to be removed, you must act by **June 19, 2012**.

**QUESTIONS? CALL TOLL-FREE 1-877-797-6678 (TTY: 1-877-627-7027) OR VISIT
WWW.SOUTHWESTERNCLASSACTION.CA**

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BASIC INFORMATION

1. Why was this notice issued?

This lawsuit has been “certified” as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included, you may have legal rights and options before the Court decides whether the claims being made against the Province of Ontario on your behalf are correct. This notice explains all of these things.

The Honourable Madame Justice Horkins, of the Ontario Superior Court of Justice, is currently overseeing this case. The case is known as *Bechard v Ontario*, Court File No. CV-10-417343-00CP. The people who sued are called the Plaintiffs. The Province of Ontario is the Defendant.

2. What is this lawsuit about?

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

If you are having a difficult time dealing with these issues you can call 1-877-797-6678 (TTY: 1-877-627-7027) for assistance.

3. What is the history of Southwestern?

Southwestern Regional Centre was founded in 1961 and was located in Blenheim, Ontario. Individuals were placed in Southwestern either voluntarily by caregivers or by becoming wards of the Crown. Southwestern was intended to provide a residential program of hospital care, activity, educational program and adult training to individuals of all ages labeled mildly, moderately, severely and profoundly disabled. Southwestern closed down in October 2008.

Over the years society’s views on the mentally challenged and disabled has changed and that is reflected in Southwestern’s previous names: Ontario Hospital School for Retarded Children at Cedar Springs and Southwestern Regional Centre.

4. Why is this a class action?

In a class action one or more people called “representative plaintiffs” (in this case Mary Ellen Fox) sue on behalf of people who have similar claims. All of these people are a “class” or “class members.” The court resolves the issues for all class members, except for those who remove themselves from the class.

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5. Who is a member of the Class?

The Class includes:

- i Anyone who lived at Southwestern at any time between September 1, 1963 and October 31, 2008, and who were alive as of December 29, 2008; or
- i Parents, spouses, children or siblings of someone who lived at Southwestern between March 31, 1978 and October 31, 2008, and who were alive as of December 29, 2008; or
- i An estate trustee of someone who lived at Southwestern between September 1, 1963 and October 31, 2008 who died after December 29, 2008

6. What are the Plaintiffs asking for?

The Plaintiff is asking for money or other benefits for the Class. They are also asking for attorneys' fees and costs, plus interest.

7. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether the Province of Ontario did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by **June 19, 2012**.

8. What happens if I do nothing?

If you do nothing you will automatically remain in the Class. You will be bound by all Court orders, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

9. What if I don't want to be in the Class?

If you decide not to participate in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained as a result of this lawsuit. You will not be bound by any Court orders and you keep your right to sue the Province of Ontario regarding the issues in this case.

To remove yourself, send a letter that says you want to be removed from the Southwestern Class. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at

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www.southwesternclassaction.ca. You must mail your Removal Request postmarked by **June 19, 2012**, to: Southwestern Class Action Administrator, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9, or by email at: southwestern@crawco.ca.

Call **1-877-797-6678 (TTY: 1-877-627-7027)** if you have any questions about how to get out of the Class.

10. If a former resident remains in the Class will that impact their current placement?

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

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky, LLP, of Toronto, Ontario to represent you and other Class Members as “Class Counsel.” You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

12. How will the lawyers be paid?

You will not have to pay any of these fees and expenses of Class Counsel. If the Court grants their request, the fees and expenses would be deducted from any money obtained for the Class, or paid separately by the Province of Ontario.

A TRIAL

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

If the case is not dismissed or settled, the Plaintiff will have to prove their claims at a trial that will take place in Toronto. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or the Province of Ontario are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

14. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the website, www.southwesternclassaction.ca, as it becomes available.

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GETTING MORE INFORMATION

15. How do I get more information?

You can get more information at www.southwesternclassaction.ca, by calling toll free at **1-877-797-6678** (TTY: **1-877-627-7027**), or writing to: Southwestern Class Action Administrator, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9, or by email at: southwestern@crowco.ca.

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