

Were You Incarcerated in an Ontario Youth Justice Facility Between April 1, 2004 and December 17, 2018?

If YES, A Class Action May Affect Your Rights.

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

- You could be affected by a class action involving Youth Justice Facilities.
- You are a member of the Class if all of the items on the following list apply to you:
 - You were placed alone in a designated room or area at any one of more of the following facilities: Bluewater Youth Centre; Brookside Youth Centre; Cecil Facer Youth Centre; Donald Doucet Youth Centre; Invictus Youth Centre; Justice Ronald Lester Youth Centre; Roy McMurtry Youth Centre; Sprucedale Youth Centre; Toronto Youth Assessment Centre;
 - Your placement alone in the designated room or area lasted at least 6 consecutive hours;
 - You had no meaningful human contact during your placement alone in the designated room or area;
 - Your placement alone in the designated room or area took place when you were 17 years old or younger; and
 - Your placement alone in the designated room or area took place at any time between April 1, 2004 and December 17, 2018.
- Please note that the following types of placement alone in a designated room or area do not count towards the class definition and do not make you a Class member:

- segregation by reason of a lock-down at a Youth Justice Facility; and
- routine locking in your room overnight at a Youth Justice Facility.
- **If you know someone who you believe is a Class member who cannot read this notice please share this information with them.**
- The Court has not decided whether Ontario did anything wrong, and there still has to be a court case about whether Ontario did anything wrong. There is no money available to Class members now and no guarantee there will ever be any money awarded. However, if you are a Class member your rights are affected, and you have a choice to make now. This notice is to help you make that choice.

YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
DO NOTHING	<p>Stay in this lawsuit and wait for the outcome. Share in possible benefits from the outcome but give up certain individual 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 Ontario on your own about the same legal claims in this lawsuit.</p>
REMOVE YOURSELF (OPT OUT)	<p>Get out of this lawsuit and get no benefits from 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 Ontario on your own about the same legal claims in this lawsuit, subject to any applicable limitation period.</p>

- Lawyers must prove the claims against Ontario at a trial or a settlement must be agreed. If money or benefits are obtained you will be notified about how to ask for your share.
- Your options are explained in this notice. To be removed from the lawsuit, you must ask to be removed by **Tuesday, April 9, 2019.**

WHAT THIS NOTICE CONTAINS

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BASIC INFORMATION

1. Why is there a notice?

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

A judge of the Ontario Superior Court of Justice is currently overseeing this case. The case is known as *C.S. v. Ontario*, Court File No. CV-16-543895A1CP. The person who sued is called the Plaintiff. Ontario is the Defendant.

2. What is this lawsuit about?

In the lawsuit, the plaintiff says that Ontario improperly subjected inmates to youth segregation. The plaintiff says that such youth segregation constitutes systemic negligence, breaches of fiduciary duty, and breaches inmates' rights under the *Canadian Charter of Rights and Freedoms*. Ontario denies these claims. The Court has not decided whether the Plaintiff or 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 1-833-430-7538 (TTY: 1-877-627-7027) for assistance.

3. Why is this a class action?

In a class action, a person called the “Representative Plaintiff” (in this case, C.S.) sues on behalf of people who have similar claims. This group of people is called a “Class” or “Class Members.” The court resolves the issues for all class members in one case, except for those who remove themselves from the class.

4. Who is a member of the Class?

The Class includes:

all persons who, while under the age of 18, were, between April 1, 2004 and December 17, 2018, placed in Youth Segregation at Youth Justice Facilities that were directly operated only by the Ministry of Children and Youth Services, which are listed at Appendix “A” hereto (the “Youth Justice Facilities”).

“**Youth Segregation**” means the segregation at a Youth Justice Facility of a person under the age of 18 alone in a designated room or area for more than 6 consecutive hours without any meaningful human contact.

“**Youth Segregation**” does not include:

- (a) segregation by reason of a lock-down at a Youth Justice Facility; and

- (b) the routine locking of youth in their rooms overnight at Youth Justice Facilities, as authorized by statute.

Appendix "A"

- Bluewater Youth Centre
- Brookside Youth Centre
- Cecil Facer Youth Centre
- Donald Doucet Youth Centre
- Invictus Youth Centre
- Justice Ronald Lester Youth Centre
- Roy McMurtry Youth Centre
- Sprucedale Youth Centre
- Toronto Youth Assessment Centre

5. What is the Plaintiff asking for?

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

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether 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, there will be another notice about how Class members can ask for a share.

The class action has received financial support from the Class Proceedings Fund. There will be a levy that reduces the amount of any award or settlement funds to which Class Members may become entitled that is the sum of the amount of any financial support paid from the Fund and 10 per cent of the amount of the award or settlement funds payable to Class Members, if any.

YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by **Tuesday, April 9, 2019**.

7. What happens if I do nothing at all?

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

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

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders or judgements in the class action and you keep your right to sue Ontario separately as an individual regarding the issues in this case.

To remove yourself, send a letter that says you want to be removed from the Class in *C.S. v. Ontario*. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at www.youthsegregationclassaction.ca. Whether you use a letter or an Opt Out Form, you must mail your request to be removed from the class action, which must be postmarked by no later than **Tuesday, April 9, 2019** to: Ontario Youth Segregation Class Action Administrator c/o Crawford Class Action Services, 3-505, 133 Weber St. N, Waterloo, ON N2J 3G9, or by email at: youthsegregation@crowco.ca.

Call **1-833-430-7538 (TTY:1-877-627-7027)** if you have any questions about how to get out of the Class.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP and Strosberg, Sasso, Sutts LLP from Toronto to represent you and other Class Members as “Class Counsel.” You will not be personally 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.

10. How will the lawyers be paid?

Class Counsel will only be paid if they win a trial or if there is a settlement. The Court has to approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the Defendant.

A TRIAL

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

If the lawsuit is not dismissed or settled, the Plaintiff will have to prove his 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 Ontario is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

12. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, there will be another notice 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.youthsegregationclassaction.ca, as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at www.youthsegregationclassaction.ca, by calling toll free at **1-833-430-7538 (TTY: 1-877-627-7027)**, or writing to: Ontario Youth Segregation Class Action Administrator c/o Crawford Class Action Services, 3-505, 133 Weber St. N, Waterloo, ON N2J 3G9, or by email at: youthsegregation@crowco.ca.