

Were You Incarcerated in an Ontario Correctional Institution Between January 1, 2009 and September 18, 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 Ontario correctional institutions.
- A Court has approved a lawsuit as a class action for current and former inmates of Ontario correctional institutions who were subjected to prolonged administrative segregation (15 or more consecutive days) or who were subjected to administrative segregation for any length of time and were diagnosed with a serious mental illness (with some exclusions). **If you know a current or former inmate 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 now and no guarantee there will ever be any money. However, 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 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 **January 10, 2019**.

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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 included, 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 *Francis v. Ontario*, Court File No. CV-18-591719-00CP. The person who sued is called the Plaintiff. Ontario is the Defendant.

2. What is this lawsuit about?

The lawsuit says that Ontario improperly subjected inmates to administrative segregation. The lawsuit says that such administrative segregation constitutes systemic negligence 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 1-833-430-7537 (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, Conrey Francis) sued 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 in one case, except for those who remove themselves from the class.

4. Who is a member of the Class?

The Class includes:

All current and former Inmates, who were alive as of April 20, 2015:

I. Inmates with a Serious Mental Illness

a) who were subjected to Administrative Segregation for any length of time at one of the Correctional Institutions between January 1, 2009 and the date of certification;

b) who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders (“DSM”):

- (A) Schizophrenia (all sub-types),
- (B) Delusional disorder,
- (C) Schizophreniform disorder,
- (D) Schizoaffective disorder,
- (E) Brief psychotic disorder,
- (F) Substance-induced psychotic disorder (excluding intoxications and withdrawal),
- (G) Psychotic disorder not otherwise specified,
- (H) Major depressive disorders,
- (I) Bipolar disorder I,
- (J) Bipolar disorder II,
- (K) Neurocognitive disorders and/or Delirium, Dementia and Amnestic and Other Cognitive Disorders,
- (L) Post-Traumatic Stress Disorder;
- (M) Obsessive Compulsive Disorder; or
- (N) Borderline Personality Disorder;

and who suffered from their disorder, in a manner described in Appendix “A”, and,

c) who reported such diagnosis and suffering to the Defendant's agents before or during their Administrative Segregation (the “**SMI Inmates**”);

or,

II. Inmates in Prolonged Administrative Segregation

a) who were subjected to Administrative Segregation for 15 or more consecutive days (“**Prolonged Administrative Segregation**”) at one of the Correctional

Institutions between January 1, 2009 and the date of certification (the “**Prolonged Inmates**”)

“**Correctional Institutions**” are correctional institutions as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22, excluding the St. Lawrence Valley Correctional and Treatment Centre.

“**Inmates**” are inmates as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

“**Administrative Segregation**” refers to segregation as outlined in section 34 of Regulation 778, R.R.O. 1990 under *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

Appendix “A”

- *Significant impairment in judgment (including all of the following: the inability to make decisions, confusion, and disorientation);*
- *Significant impairment in thinking (including both paranoia and delusions that make the offender a danger to self or others);*
- *Significant impairment in mood (including constant depressed mood plus helplessness and hopelessness; agitation; manic mood that interferes with ability to effectively interact with other offenders or staff);*
- *Significant impairment in communications that interferes with ability to effectively interact with other offenders or staff;*
- *Hallucinations; delusions; or, severe obsessional rituals that interferes with ability to effectively interact with other offenders or staff;*
- *Chronic and severe suicidal ideation resulting in increased risk for suicide attempts; or*
- *Chronic and severe self-injury.*

Please note: the glossary of the relevant DSM is to be used to interpret the foregoing terms where appropriate.

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, you will be notified about how to ask for your share.

The 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 **January 10, 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, 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 and you keep your right to sue Ontario 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 *Francis v Ontario*. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at www.ontarioadministrativesegregation.ca. You must mail your Removal Request postmarked by **January 10, 2019** to: Ontario Administrative Segregation Administrator, 3-505, 133 Weber St N, Waterloo, ON, N2J 3G9, or by email at: ontarioadministrativesegregation@crowco.ca.

Call **1-833-430-7537 (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 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 also 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, 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.ontarioadministrativesegregation.ca, as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at www.ontarioadministrativesegregation.ca, by calling toll free at **1-833-430-7537 (TTY: 1-877-627-7027)**, or writing to: Ontario Administrative Segregation Administrator, 3-505, 133 Weber St N, Waterloo, ON, N2J 3G9, or by email at: ontarioadministrativesegregation@crowco.ca