

Were you affected by the LGBT Purge in the Canadian Armed Forces, RCMP or Federal Public Service?

A settlement may affect you. Please read this notice carefully.

The Federal Court authorized this notice. This is not a solicitation from a lawyer.

- Three former members of the Canadian Armed Forces (the “**Representative Plaintiffs**”) who were affected by the Canadian Armed Forces Policy barring homosexuals from serving in the military, sued the Federal Government of Canada (“**Canada**”).
- The court has now approved a settlement between the Representative Plaintiffs and Canada that provides various benefits and compensation to certain individuals who were directly affected by the official policies of the Canadian Armed Forces, the Royal Canadian Mounted Police, and the Federal Public Service which led to the investigation, sanction, and in some cases, discharge or termination on the basis that one was unsuitable for service or employment due to one’s sexual orientation, gender identity or gender expression.
- Your legal rights may be affected even if you do nothing. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

MAKE A CLAIM: You may make a claim for money and/or for individual reconciliation and recognition measures. To do so, you must complete a Claim Form and send it to the Claims Administrator during the Claims Period. The Claims Period will commence on October 25, 2018 and will end on April 25, 2019. A copy of the Claim Form will be available prior to the commencement of the Claims Period at www.lgbtpurgesettlement.com. If there is an appeal of the settlement approval order, the claims period may be extended or postponed.

OPT OUT: If you do not want to be bound by the settlement, you must opt out of the class action by September 20, 2018. If you opt out, you will not be entitled to any benefits or compensation from the settlement and your claim against Canada in respect of the LGBT Purge will not be released. To opt out of the settlement, you must submit an Opt Out Form to the Claims Administrator. A copy of the Opt Out Form is available at www.lgbtpurgesettlement.com.

If you have commenced a legal proceeding against Canada relating to the LGBT Purge and you do not discontinue it on or before September 20, 2018 you will be deemed to have opted out of the settlement.

- These rights and options and the deadlines to exercise them are explained in this notice.

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BASIC INFORMATION

1. Why did I get this notice?

The Federal Court authorized this notice to let you know about a settlement and about all of your options. This notice explains the lawsuit, the settlement, and your legal rights.

2. What was the LGBT Purge?

Canada took action against members of the Canadian Armed Forces (the “**CAF**”), members of the Royal Canadian Mounted Police (the “**RCMP**”) and employees of the Federal Public Service (the “**FPS**”) as defined in this Final Settlement Agreement (“**FSA**”), pursuant to various written policies commencing in or around 1956 in the military and in or around 1955 in the public service, which actions included identifying, investigating, sanctioning, and in some cases, discharging lesbian, gay, bisexual and transgender members of the CAF or the RCMP from the military or police service, or terminating the employment of lesbian, gay, bisexual and transgender employees of the FPS, on the grounds that they were unsuitable for service or employment because of their sexual orientation, gender identity or gender expression (the “**LGBT Purge**”).

FPS means the departments, agencies, or organizations whose security screening investigations were conducted pursuant to Cabinet Directives 29 and 35. To view a list of these departments, agencies, and organizations, visit www.lgbtpurgesettlement.com.

3. What is a class action?

In a class action, one or more people called “**Plaintiffs**” sue on behalf of people who have similar claims. All of these people are called a “**Class**” or “**Class Members**.” The court resolves the issues for everyone affected, except for those who exclude themselves from the lawsuits.

The three former members of the military who were affected by the LGBT Purge and who commenced the lawsuits are called the “**Representative Plaintiffs**.” In this case, the Representative Plaintiffs are Todd Ross, Martine Roy, and Alida Satalic. The Federal Government of Canada is called “**Canada**”. The Representative Plaintiffs may be contacted through counsel for the Class: www.lgbtpurgesettlement.com.

4. What do the lawsuits complain about?

The lawsuits claim that current and former members of the CAF, RCMP and current and former employees of the FPS were investigated, sanctioned, and in some cases, terminated from employment or discharged from service because of their sexual orientation, gender identity and gender expression.

5. Why is there a settlement?

On June 22, 2018, the Court approved a settlement between the Representative Plaintiffs and Canada. By agreeing to the settlement, the parties avoid the costs and uncertainty of a trial and delays in obtaining judgment, and Class Members receive the benefits described in this notice and in the agreement. In this case, it also means that the Class Members will not need to testify in court. By settling this class action, the Representative Plaintiffs and Canada have also been able to create broad based reconciliation and memorialization initiatives and provide individual reconciliation and recognition measures to enable change and reconciliation. The Court found that the settlement is fair and reasonable and in the best interests of all Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

6. Who is included in the settlement?

The settlement includes:

All current or former members of the CAF, current or former members of the RCMP, and current or former Employees of the FPS, who were alive as of October 31, 2016 and who faced threat of sanction, were investigated, were sanctioned, or who were discharged or released from the CAF or RCMP or terminated from the FPS, or who resigned from the FPS, in connection with the LGBT Purge, by reason of their sexual orientation, gender identity, or gender expression between December 1, 1955 and June 20, 1996;

The proposed settlement also provides for consideration of applications by those who would otherwise have been Class Members except where the person (a) was investigated, sanctioned or terminated prior to December 1, 1955; (b) was investigated, sanctioned or terminated under the policies notwithstanding that they were not lesbian, gay, bisexual or transgender; (c) was investigated or sanctioned under the policies prior to June 20, 1996, but who resigned or were discharged after June 20, 1996 because of investigation or sanctions which occurred prior to June 20, 1996; or (d) worked for a federal department or agency that is not recognized in the agreement as forming part of the Federal Public Service. Review the settlement agreement or contact the administrator to learn more about these exceptions.

Family members of individuals who are deceased, but who would otherwise fall within one of the above classes, are not Class Members and are not eligible for compensation. They may however, apply for and may be found to be eligible to receive individual recognition measures.

All Class Members, except those who validly opt out of the settlement or are deemed to have opted out, will be bound by the settlement and will be covered by the releases in the settlement.

7. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are included in the settlement, you may call 1-833-346-6178 with questions or visit www.lgbtpurgesettlement.com or email lgbtpurge@deloitte.ca.

SETTLEMENT BENEFITS

8. What does the settlement provide?

The settlement provides:

- (a) Broad based reconciliation and memorialization measures to be funded by Canada in an amount not less than \$15 million;
- (b) Individual reconciliation and recognition measures consisting of (i) an award to be created and called the Canada Pride Citation; and (ii) a personal letter of apology; and
- (c) Individual compensation for those who were directly affected by the official policies.

All Class Members are eligible for individual reconciliation and recognition measures.

Only those Class Members who establish that they were investigated, sanctioned, discharged or terminated, are eligible to claim Individual Compensation. The range of Individual Compensation for most class members will be between \$5,000 and \$50,000. Class Members who experienced exceptional harm such as PTSD or who were sexually assaulted may be eligible for additional amounts.

Canada has agreed to pay to the settlement administrator (the “**Administrator**”) a minimum of **\$50 million** (the “**Designated Amount**”) to make payments to those Class Members who are eligible for compensation, as follows:

	Level	Compensation Amount
1	Investigation and / or sanction – Level 1; or	\$5,000
2	Investigation and / or sanction – Level 2; or	\$20,000
3	Discharge or termination	\$50,000

Plus, if applicable, one of:

4A.	Exceptional psychological harm; or	Up to \$50,000
4B.	Exceptional harm, including from physical and / or sexual assault	Up to \$100,000

If there is any money remaining from the Designated Amount after the Compensation Amounts are paid, up to \$10 million shall be distributed from the Designated Amount to fund additional Reconciliation and Memorialization Measures (the “**Additional Reconciliation and Memorialization Measures Payment**”).

Any further money remaining from the Designated Amount after the Compensation Amounts and the Additional Reconciliation and Memorialization Measures Payment are made will be distributed on a *pro rata* (proportionate) basis to Eligible Class Members to a maximum total payment to all Class Members who are eligible for Individual Compensation Levels 1, 2 and 4 only, (the “**Augmented Compensation Amounts**”) as follows:

	Level	Compensation Amount
1	Investigation and / or sanction – Level 1; or	Up to \$7,500 (up to additional \$2,500)
2	Investigation and / or sanction – Level 2; or	Up to \$25,000 (up to additional \$5,000)
3	Discharge or termination	Up to \$50,000 (no augmented amount)

Plus, if applicable, one of:

4A.	Exceptional harm; or	Up to \$60,000 (up to additional \$10,000)
4B.	Exceptional harm, including from physical and / or sexual assault	Up to \$125,000 (up to additional \$25,000)

After payment of the Augmented Compensation Amounts, any further residue from the Designated Amount will be applied to additional Reconciliation and Memorialization Measures.

If the Designated Amount is insufficient to pay the Compensation Amounts to Class Members, then the Defendant will pay an amount sufficient to pay the base compensation amounts to each Class Member who is found to be eligible for individual compensation (the “**Enhanced Amount**”), up to an additional **\$60 million**.

If the Enhanced Amount is not sufficient to pay the Compensation Amounts to each eligible class member, then all amounts owing to Class Members, including the Initial Payment, may be divided on a *pro rata* (proportionate) basis among these Class Members so that the total payments do not exceed **\$110 million**.

More details are in a document called the Settlement Agreement, which is available at www.lgbtpurgesettlement.com.

9. How will the lawyers be paid?

The court approved a payment to Class Counsel in the amount of \$15 million inclusive, plus applicable tax. You do not need to pay Class Counsel any money.

10. When will I receive my payment?

All Class Members who are found to be eligible for Individual Compensation will receive \$5,000 (the “**Initial Payment**”) as soon as reasonably possible following verification that they will qualify for compensation in one of Levels 1, 2 or 3 in the grid above. Should the Administrator find that a class member is eligible for compensation pursuant to Levels 1 (if applicable), 2, 3 or 4, the amount already paid by way of the \$5,000 initial payment will be deducted from the total amounts assessed as payable to that eligible Class Member, resulting in the additional payment to be paid through a final distribution.

If at any time after the claims period begins, it appears that the total amounts assessed for initial payments will exceed \$110 million, the Administrator will suspend these payments until the claims period ends. If at the end of the claims period, the total amounts assessed for initial payments exceed \$110 million, the initial payments that have not yet been paid will be prorated and no additional payments will be paid to Eligible Class Members.

11. What am I giving up in the settlement?

If you do not opt out of the settlement, you will give up your right to sue Canada for the claims being resolved by this settlement. You will be “releasing” Canada, which means you cannot sue Canada for anything at all related to the LGBT Purge. The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to the law firms listed in Question 16.

12. Can I remove myself from the settlement?

Yes. If you do not wish to be a part of the class action you must “opt out” by September 20, 2018. Opting out means you will not be bound by any order made in this class action and will not be eligible for compensation. You will be able to hire and pay for your own lawyer and commence your own lawsuit. If you want to commence your own lawsuit, you must opt out. If you opt out, you must abide by all applicable limitation periods and should consult a lawyer.

If you have commenced a legal proceeding against Canada relating to the LGBT purge, and you do not discontinue it on or before September 20, 2018, you will be deemed to have opted out of the settlement.

To opt out of the settlement, you must submit an Opt Out Form to the Claims Administrator. A copy of the Opt Out Form is available at www.lgbtpurgesettlement.com.

HOW TO RECEIVE A PAYMENT

13. How can I receive a payment?

To ask for a payment you will need to complete and submit a Claim Form. All Claim Forms will be assessed by the Claims Administrator and, for level 4 claims, a Claims Assessor. Eligible Class Members will not need to testify in court. The Claims Period will commence on October 25, 2018 and will end on April 25, 2019. A copy of the Claim Form will be available prior to the commencement of the Claims Period at www.lgbtpurgesettlement.com or by calling 1-833-346-6178.

14. How will payments be calculated?

The Claims Administrator will review your Claim Form and determine if you qualify for a payment. If you do, the Claims Administrator will determine the amount of your payment based on the process described in Question 8.

15. What if my claim is denied?

If your claim is denied, you will receive a notice of the decision. In certain circumstances, you may request a reconsideration of your claim.

THE LAWYERS REPRESENTING YOU

16. Who are the lawyers for the Plaintiffs?

The lawyers for the Plaintiffs are:

- Cambridge LLP of Toronto, Ontario;
- IMK LLP of Montreal, Quebec;
- Koskie Minsky LLP of Toronto, Ontario; and
- McKiggan Hebert LLP of Halifax, Nova Scotia.

These lawyers will help you prepare your Claim Form at no cost to you.

GETTING MORE INFORMATION

17. How do I get more information?

This notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.lgbtpurgesettlement.com. You can send your questions to **LGBT Class Action**, c/o Deloitte, Bay Adelaide East, 8 Adelaide Street West, Suite 200, Toronto ON, M5H 0A9 or by email at lgbtpurge@deloitte.ca. You may also call the toll free number 1-833-346-6178.