

LONG FORM NOTICE

**Was your application for membership to the Qalipu Mi'kmaq Band rejected?**

**If YES, A Class Action May Affect Your Rights. Read This Notice Carefully.**

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

- You could be affected by a class action lawsuit against Attorney General of Canada and the Federation of Newfoundland Indians. The lawsuit challenges the *Supplemental Agreement for the Recognition of the Qalipu Mi'kmaq Band* (the "2013 Supplemental Agreement"), and also seeks money for those impacted.
- A Court has approved the lawsuit as a class action for all individuals whose applications for Qalipu Mi'kmaq Band membership were rejected in accordance with the 2013 Supplemental Agreement ("Class" or "Class Members").
- If you know an individual whose application for Qalipu Mi'kmaq Band membership was rejected by the 2013 Supplemental Agreement and who cannot read this notice, please share this information with them.
- The Court has not decided whether the Attorney General of Canada and the Federation of Newfoundland Indians did anything wrong, and there still has to be a Court case about whether they did. 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.

**QUESTIONS? CALL TOLL-FREE 1-800-315-5570, EMAIL [qalipuclassaction@kmlaw.ca](mailto:qalipuclassaction@kmlaw.ca), OR VISIT <https://kmlaw.ca/cases/qalipu-mikmaq-first-nation-band-class-action>**

<b>YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE</b>	
<b>Do Nothing</b>	<p><b>Stay in this class action and wait for the outcome. Share in possible benefits from the outcome but give up certain individual rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement from this class action. But, you give up any rights to sue the Attorney General of Canada and the Federation of Newfoundland Indians on your own about the same legal claims in this lawsuit.</p> <p>For the small number of people who have already started a legal</p>

	proceeding that raises the same issues as in the class action, doing nothing will automatically result in them being <b>excluded</b> from this class action.
<b>Remove Yourself (Opt Out)</b>	<p><b>Get out of this lawsuit and get no benefits from it. Keep rights.</b></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 Attorney General of Canada and the Federation of Newfoundland Indians on your own about the same legal claims in this lawsuit.</p> <p>For the small number of people who have already started a legal proceeding that raises the same issues as in the class action, they will have to discontinue their legal proceeding by <b>January 14, 2021</b> to remain part of the class action, otherwise they will automatically be <b>excluded</b> from this class action.</p>

- Lawyers must prove the claims against the Attorney General of Canada and the Federation of Newfoundland Indians at a trial or a settlement must be agreed upon. 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 14, 2021**.

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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 the Attorney General of Canada ("Canada") and the Federation of Newfoundland Indians ("FNI") on your behalf are correct. This notice explains all of these things.

A judge of the Federal Court of Canada is currently overseeing this case. The case is known as *Collins v. Canada (Attorney General)*, Court File No. T-2044-19. The person who sued is called the Plaintiff. The Attorney General of Canada and the Federation of Newfoundland Indians are the Defendants.

### 2. What is this lawsuit about?

The lawsuit says that Canada and the FNI inappropriately altered the requirements of the *Agreement for the Recognition of the Qalipu Mi'kmaq Band* (the "2008 Agreement") to inappropriately exclude Class Members for membership by entering into the 2013 Supplemental Agreement.

The lawsuit says that the 2013 Supplemental agreement is invalid. Canada and the FNI have denied these claims.

The Court has not decided whether the Plaintiff or the Defendants are right. The lawyers for the Plaintiff will have to prove their claims in Court.

### 3. What is a class action?

In a class action one person called the "representative plaintiff" (in this case, Gregory Collins) sues on behalf of a group of people who have similar claims. All of these people are a "Class" and are "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 the Plaintiff?

The Federal Court has appointed Gregory Collins of Rockland, Ontario, as the representative Plaintiff in this matter. Mr. Collins may be contacted at: c/o Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, ON, M5H 3R3, 1-800-315-5570 or email us at [qalipuclassaction@kmlaw.ca](mailto:qalipuclassaction@kmlaw.ca).

### 5. Who is a member of the Class?

The Class includes:

All individuals whose applications for Qalipu Mi'kmaq Band membership were rejected in accordance with the 2013 Supplemental Agreement.

**6. What is the Plaintiff asking for?**

The Plaintiff is asking that the Court set aside all rejections of applications for Qalipu Mi'kmaq Band membership made under the 2013 Supplemental Agreement, and grant membership to or establish a process to assess membership of all Class Members pursuant to the 2008 Agreement.

The Plaintiff is also asking for money for Class Members from the Attorney General of Canada only, and lawyers' 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 Canada and/or the FNI did anything wrong. There is no guarantee that money will ever be obtained. If it is, you will be notified about how to ask for your share.

**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 14, 2021**.

**8. 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.

For those who have already started a legal proceeding that raises the same issues as in the class action, you will have to discontinue your legal proceeding by **January 14, 2021** to remain in this class action, otherwise you will automatically be excluded.

**9. 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 called "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 Canada and the FNI as an individual regarding the issues in this case.

To remove yourself, send an Opt Out Form (available at [QalipuMikmaqClassAction.ca](http://QalipuMikmaqClassAction.ca)) or a legible written request to opt out of the class action *Collins v. Canada (Attorney General)*, Court File No. T-2044-19 to RicePoint Administration Inc. via email at [info@qalipumikmaqclassaction.com](mailto:info@qalipumikmaqclassaction.com), by mail to c/o RicePoint Administration Inc. P.O. Box 4454, Toronto Station A, 25 The Esplanade, Toronto, ON M5W 4B1 or facsimile at [TBC]. Include your name, address, telephone number, and signature.

You may want independent legal advice to decide whether to stay in the class action or to opt out.

Call Class Counsel at 1-800-315-5570, email [qalipuclassaction@kmlaw.ca](mailto:qalipuclassaction@kmlaw.ca), or visit <https://kmlaw.ca/cases/qalipu-mikmaq-first-nation-band-class-action> if you have any questions about how to get out of the Class.

For those who have already started a legal proceeding that raises the same issues as in the class action, you do not need to do anything to remove yourself from this class action as you will automatically be excluded if you don't discontinue your legal proceeding by **January 14, 2021**.

## **THE LAWYERS REPRESENTING YOU**

### **10. Do I have a lawyer in the case?**

Yes. The Court has appointed Koskie Minsky LLP from Toronto to represent the Class Members as "Class Counsel" with respect to the Common Issues in this class action. You will not be charged for these lawyers now. They may only be paid if the class action is successful. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

### **11. How will the lawyers be paid?**

Legal fees are typically deducted from any compensation that the Class ultimately receives as a result of a successful judgment or settlement. The lawyers for the Class are seeking 33% of any recovery received by Class Members that is a result of this case. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the Attorney General of Canada and/or the FNI.

The Federal Court will decide the amount of fees and disbursements to award. Class Counsel will not be paid until the Federal Court declares that the proposed legal fees are fair and reasonable.

## **A TRIAL**

### **12. 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 in Court. A Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or Canada and the FNI are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win.

### **13. What will I get if the Plaintiff wins?**

The Plaintiff is asking to have all rejections pursuant to the 2013 Supplemental Agreement set aside and to have all Class Members reassessed for membership under the 2008 Agreement.

The Plaintiff is also asking for money (from the Attorney General of Canada only) as compensation of the violation of the Class Members' rights and the delay in gaining membership to the Qalipu Mi'kmaq Band.

If the Plaintiff is successful and if there is to be a reassessment of applications or money available to the Class as a result of this case, Class Members will be notified about how to participate and 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 <https://kmlaw.ca/cases/qalipu-mikmaq-first-nation-band-class-action/#developments> as it becomes available.

## **GETTING MORE INFORMATION**

### **14. How do I get more information?**

You can get more information from Class Counsel at 1-800-315-5570, by email at [qalipuclassaction@kmlaw.ca](mailto:qalipuclassaction@kmlaw.ca), by mail at Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, ON, M5H 3R3, or by visiting the Class Counsel's website at <https://kmlaw.ca/cases/qalipu-mikmaq-first-nation-band-class-action/>.

### **0. Can I get independent legal advice?**

You can get independent legal advice about whether to stay in the class action.

You can also contact Class Counsel to discuss the class action and your rights, and to provide your information so we can stay in touch about developments in the lawsuit. You can contact Class Counsel by calling toll free at 1-800-315-5570, by email at [qalipuclassaction@kmlaw.ca](mailto:qalipuclassaction@kmlaw.ca), by mail at Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, ON, M5H 3R3, or by visiting the Class Counsel's website at <https://kmlaw.ca/cases/qalipu-mikmaq-first-nation-band-class-action/>.

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