

LONG-FORM NOTICE

Are you an Indigenous person who survived the Sixties Scoop but who was not included in the previous class action and settlement?

If YES, a class action may affect your rights.

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

The Federal Court has certified a class action on behalf of all Indigenous persons, excluding Indian persons (as defined in the *Indian Act*) and Inuit persons, who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and who were placed in the care of non-Indigenous foster or adoptive parents (the “Class”).

If you know a person who meets this definition but who cannot read this notice, please share this information with them.

The Court has not decided whether Canada did anything wrong. There still has to be a court case about whether Canada did anything wrong. There is no money available now for compensation and there is no guarantee there will ever be any money for compensation.

However, your rights are affected by this lawsuit, 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 Canada 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 your individual rights.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you will <i>not</i> share in those. But, you keep any rights to sue Canada on your own about the same legal claims in this lawsuit, subject to any applicable limitation period.</p>

Lawyers must prove the claims against Canada at a trial, or a settlement must be agreed to. 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 November 3, 2021.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION..... Page 2

- 1. Why is there a notice?
- 2. What is this lawsuit about?
- 3. What is a class action?
- 4. Who is a member of the Class?
- 5. What are the Plaintiffs asking for?
- 6. Is there any money available now?

YOUR RIGHTS AND OPTIONS..... Page 3

- 7. What happens if I do nothing?
- 8. What if I don't want to be in the lawsuit?

THE LAWYERS REPRESENTING YOU Page 4

- 9. Do I have a lawyer in the case?
- 10. How will the lawyers be paid?

NEXT STEPS OF THE CLASS ACTION Page 4

- 11. How and when will the Court decide who is right?
- 12. Will I get money after the trial?

GETTING MORE INFORMATION..... Page 4

- 13. How do I get more information?

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 Canada on your behalf are correct. This notice explains all of these things.

A judge of the Federal Court of Canada is overseeing this case. The case is known as *Varley and Lukowich v. Canada*, Court File No. T-2166-18. The people who sued are called the Plaintiffs. Canada is the Defendant.

2. What is this lawsuit about?

The lawsuit says that Canada failed to prevent the loss of identity among Indigenous children who were placed in the care of non-Indigenous foster or adoptive parents. The lawsuit says that Canada’s actions breached the legal duties it owes to the Class Members. Specifically, the lawsuit says that Canada’s actions were negligent and breached a fiduciary duty.

Canada denies these claims. The Court has not decided whether the Plaintiffs are right or Canada is right. The lawyers for the Plaintiffs will have to prove their claims in Court.

3. What is a class action?

In a class action, a person or people called the “Representative Plaintiff” or “Representative Plaintiffs” (in this case, Shannon Varley and Sandra Lukowich) 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 in one case, except for those who remove themselves from the class by opting out.

4. Who is a member of the Class?

The Class includes all Indigenous persons, excluding Indian persons (as defined in the *Indian Act*) and Inuit persons, who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and who were placed in the care of non-Indigenous foster or adoptive parents.

5. What are the Plaintiffs asking for?

The Plaintiffs are asking for money and/or other benefits for the Class. They are 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 Canada 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.

YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself from the Class by opting out. You have to decide this by November 3, 2021.

7. What happens if I do nothing?

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 Canada 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 *Varley and Lukowich v. Canada*. Include your name, address, telephone number, and signature.

You can also get an **Opt Out Form** at <https://kmlaw.ca/cases/sixties-scoop-metis-non-status-indian-class-action/>.

You must mail your Opt Out Form postmarked by November 3, 2021 to:

Koskie Minsky LLP
20 Queen Street West
Suite 900
Toronto, ON M5H 3R3

You can also opt out by sending your Opt Out Form to:
metisnonstatus60sscoopclassaction@kmlaw.ca

You can call 1-866-778-7986 if you have any questions about your rights or how to opt 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 Paliare Roland Rosenberg Rothstein LLP from Toronto, Ontario, to represent you and other Class Members as “**Class Counsel.**” You will not be personally charged for these lawyers.

10. How will the lawyers be paid?

Class Counsel will only be paid if the Plaintiffs win a trial or if there is a settlement. The Court has to also approve Class Counsel’s request to be paid. The Court will only approve an amount that is fair and reasonable. The fees and expenses could be deducted from any money obtained for the Class, or could be paid separately by the Defendant.

NEXT STEPS OF THE CLASS ACTION

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

If the lawsuit is not settled, the Plaintiffs will have to prove their claims at a trial that will take place in Toronto, Ontario. During the trial, a Court will hear all of the evidence and decide whether the Plaintiffs or Canada is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

12. Will I get money after the trial?

If the Plaintiffs obtain 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 for this case as it becomes available. You can visit the website for this case at: <https://kmlaw.ca/cases/sixties-scoop-metis-non-status-indian-class-action/>.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at <https://kmlaw.ca/cases/sixties-scoop-metis-non-status-indian-class-action/>.

If you have questions, you can call 1-866-778-7986, send an email to metisnonstatus60sscoopclassaction@kmlaw.ca, or write to:

Koskie Minsky LLP
20 Queen Street West, Suite 900
Toronto, ON M5H 3R3