

LONG FORM NOTICE

**Were you incarcerated in a B.C. Correctional Centre  
between April 18, 2005 and December 22, 2020?**

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 B.C. Correctional Institutions.
- ) A Court has approved a lawsuit as a class action for current and former inmates of B.C. Correctional Centres who were involuntarily subjected to **Separate Confinement and/or Segregation**, for either: at least 15 consecutive days, **or** any length of time if B.C. Corrections knew or ought to have known the person suffered from Mental Illness. *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 British Columbia did anything wrong, and there still has to be a court case about whether British Columbia 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	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit 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. But, you give up any rights to sue British Columbia on your own about the same legal claims in this lawsuit.</p>
<b>REMOVE YOURSELF (OPT OUT)</b>	<p><b>Get out of this lawsuit and get no benefits from it. Keep individual rights.</b></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 British Columbia on your own about the same legal claims in this lawsuit, subject to any applicable limitation period.</p>

Lawyers must prove the claims against British Columbia 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 **August 3, 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 British Columbia on your behalf are correct. This notice explains all of these things.

A judge of the Supreme Court of British Columbia is currently overseeing this case. The case is known as *North v. British Columbia*, Court File No. S1812656. The person who sued is called the Plaintiff. British Columbia is the Defendant.

### 2. What is this lawsuit about?

The lawsuit says that British Columbia improperly subjected inmates to separate confinement and/or segregation. The lawsuit says that such separate confinement and/or segregation constitutes breach of fiduciary duty, systemic negligence and breaches of inmates' rights under the *Canadian Charter of Rights and Freedoms*. British Columbia denies these claims. The Court has not decided whether the Plaintiff or British Columbia is right. The lawyers for the Plaintiff will have to prove their claims in Court.

### 3. Why is this a class action?

In a class action, a person called the “Representative Plaintiff” (in this case, Naveah North) 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 those persons who, between April 18, 2005 and December 22, 2020, were involuntarily subjected to either:

1. Separate Confinement and/or Segregation for at least fifteen (15) consecutive days (“**Prolonged Separate Confinement and/or Segregation**”);  
or

2. Separate Confinement and/or Segregation when B.C. Corrections knew or ought to have known the person suffered from Mental Illness (“**Separate Confinement and/or Segregation of Mental Health Disordered Inmates**”);

in a B.C. correctional centre as defined in s. 1 of the *Correction Act*. S.B.C. 2004, c. 46.

“**Separate Confinement and/or Segregation**” means any placement apart from the general population pursuant to ss. 17, 18, 24 or 27(1)(d) of the *Correction Act Regulation*, B.C. Reg. 58/2005;

“**Mental Illness**” means a diagnosed condition comprising one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders:

- 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.

## 5. What is the Plaintiff asking for?

The Plaintiff is asking for money or other benefits for the Class. She 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 British Columbia 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 before a possible trial, and you have to decide this by **August 3, 2021**.

## 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 British Columbia 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 *North v. British Columbia*. Include your name, address, telephone number, and signature.

You can also get an **Opt Out Form** at <https://BCsolitaryconfinementclassaction.ca>. You must mail your Removal Request postmarked on or before **August 3, 2021** to: Epiq Class Action Services Canada Inc., Attention: BC Solitary Confinement Class Action, P.O. Box 507 STN B, Ottawa, ON K1P 5P6, or by email at: [info@BCsolitaryconfinementclassaction.ca](mailto:info@BCsolitaryconfinementclassaction.ca).

Call **833-358-9422** 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, and McEwan Partners LLP from Vancouver, 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 her claims at a trial that will take place in Vancouver. During the trial, a Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or British Columbia 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, <https://BCsolitaryconfinementclassaction.ca>, as it becomes available.

## GETTING MORE INFORMATION

### 13. How do I get more information?

You can get more information at <https://BCsolitaryconfinementclassaction.ca>, by calling toll free at **833-358-9422**, or writing to: Epiq Class Action Services Canada Inc., Attention: BC Solitary Confinement Class Action, P.O. Box 507 STN B, Ottawa, ON K1P 5P6, or by email at: [info@BCsolitaryconfinementclassaction.ca](mailto:info@BCsolitaryconfinementclassaction.ca).