

## **Did you live in Manitoba Developmental Centre, or know someone who did?**

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 lawsuit involving the Manitoba Developmental Centre (“MDC”) in Portage la Prairie.
- A Court has decided that a class action lawsuit will go forward on behalf of people who lived at the MDC between July 1, 1951 and May 29, 2020. **If you know a former resident of MDC who cannot read this notice please share this information with them.**
- The Court has not decided whether the Government of Manitoba did anything wrong, and there still has to be a court case about that.
- 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.
- Lawyers must still prove the claims against the Government of Manitoba 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 **January 12, 2022**.

### **QUESTIONS?**

Visit: <https://kmlaw.ca/cases/manitoba-development-centre-class-action/>

Call toll-free: 1-800-286-2266

Email: [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca)

<b>Your Legal Rights and Options AT THIS STAGE</b>	
<b>Do Nothing</b>	<p><b>Stay in this lawsuit and wait for the outcome.</b></p> <p>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 in this class action. But, you give up any rights to sue the Government of Manitoba 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.</b></p> <p>Keep your rights to sue.</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 Government of Manitoba on your own about the same legal claims in this lawsuit.</p>

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## BASIC INFORMATION

### 1. Why is there a notice?

This lawsuit has been “certified” to go ahead as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial on behalf of the whole Class.

If you are included in the Class, you have legal rights and options before the Court decides whether the claims being made against the Government of Manitoba on your behalf are correct.

This notice explains all of these things.

A judge of the Manitoba Queen’s Bench, is currently overseeing this case. The case is known as *Weremy v. The Government of Manitoba*, Court File No. CI 18-01-17220. The person who sued is called the Plaintiff. The Government of Manitoba is the Defendant.

### 2. What is this lawsuit about?

This lawsuit says that the Province of Manitoba failed to properly protect the people who lived at MDC from the harm they suffered while residing there. The lawsuit says that MDC residents were physically, sexually and psychologically harmed by staff and other residents.

The Government of Manitoba denies these claims. The Court has not decided which side is right. The lawyers for the Class 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, David Weremy) sues 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 here?

The Class includes anyone who:

**lived at Manitoba Developmental Centre between July 1, 1951 and May 29, 2020,  
and was alive as of October 31, 2016.**

If you are an estate trustee of someone who meets the above definition but died *after* October 31, 2016, you may represent the Class member's estate in this class action.

### 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 the Government of Manitoba did anything wrong. 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.

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## 7. Where is the lawsuit at now?

On May 29, 2020, the Manitoba Queen's Bench certified this proceeding as a class action. The parties are currently giving each other and reviewing many documents that are relevant to this case. The parties may then ask questions of each other and ask for more documents to prepare for the trial. A trial will not take place until at least after 2021.

## YOUR RIGHTS AND OPTIONS

You must decide whether to stay in the Class or whether to remove yourself. You have to decide this by **January 12, 2022**.

## 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. The judgment on the common issues, whether the Class wins or loses, will apply to all Class Members who do not opt out of the lawsuit.

If any benefit is awarded, you may need to take action in order to receive any benefits.

## 9. What if I do NOT 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 the Government of Manitoba 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 of *Weremy v. The Government of Manitoba*. Include your name, address, telephone number, and signature. Or, you can also fill out an Opt-Out Form from <https://MDCclassaction.ca>.

You must mail in your request to remove yourself or Opt Out Form postmarked by **January 12, 2022**, to:

Epiq Class Action Services Canada Inc.  
Attention: Manitoba Developmental Centre Class Action  
134 – 1364 McPhillips Street,  
Winnipeg, MB  
R2X 2M4

Or send it by email at: [info@mdcclassaction.ca](mailto:info@mdcclassaction.ca).

Call **1-800-286-2266** or email [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca) if you have any questions about how to get out of the Class.

## 10. If a former MDC resident remains in the Class, will this impact the supports or services they receive from the Government of Manitoba?

No. Staying in this Class will not impact the current supports or services received by members from the Government of Manitoba.

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## THE LAWYERS REPRESENTING YOU

### 11. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP from Toronto to represent you and all other Class Members as “Class Counsel”. The address of the law firm is:

Koskie Minsky LLP  
20 Queen Street West  
Suite 900, Box 52  
Toronto, Ontario  
M5H 3R3  
Email: [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca)  
Phone: 1-800-286-2266

If you want to be represented by another lawyer, you may hire one at your own expense.

### 12. How will the lawyers be paid?

Class Counsel will only be paid if they win a trial or if there is a settlement.

The fees and expenses that Class Counsel incurred could be deducted from any money obtained for the Class, or paid separately by the Government of Manitoba.

The Court must approve the fees to be paid to Class Counsel.

## A TRIAL

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

If the lawsuit is not dismissed or settled, the Plaintiff will have to prove the claims at a trial that will take place in Winnipeg.

During the trial, a court will hear all of the evidence, so that it may decide which side is right about the claims in the lawsuit.

There is no guarantee that the Plaintiff will win any money or benefits for the Class.

### 14. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, Class Members 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://kmlaw.ca/cases/manitoba-development-centre-class-action/>, as it becomes available.

## GETTING MORE INFORMATION

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

You can get more information by going to <https://kmlaw.ca/cases/manitoba-development-centre-class-action/>, calling toll-free 1-800-286-2266, or by email at: [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca).

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