

ATTENTION ALL PERSONS WHO WERE IN FOSTER CARE IN SASKATCHEWAN: YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT!

The Saskatchewan Court of Queen's Bench has authorized this notice.

- Your rights could be affected by a class action lawsuit against the Government of Saskatchewan and the Public Guardian and Trustee of Saskatchewan (the “**Government**” or the “**Defendants**”).
- The Court has certified a class action that includes all persons:
 - a) Who between January 1, 1959 and November 14, 2017 were in the custody and guardianship of the Minister pursuant to *The Child Welfare Act*, *The Family Services Act*, or *The Child and Family Services Act*;
 - b) Who, while in the custody and guardianship of the Minister, suffered personal injury as a result of a crime or tort committed by a third party; and,
 - c) For whom the Defendants did not make a claim under *The Criminal Injuries Compensation Act*, *The Victims of Crime Act*, or *The Victims of Crime Act, 1995*, or commence a civil action to obtain compensation on their behalf, or hire a lawyer to represent their interests.

(the “**Class**” and the “**Class Members**”)

- Class Members, as defined above, include those persons who were on apprehended status, were temporary wards, were long term wards, or were permanent wards.
- The Court has not yet decided whether the Government did anything wrong. The Defendants deny that the Plaintiffs’ claims have merit. The claims against the Defendants have not been proven. If money or benefits are obtained you will be notified about how to ask for a share. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR OPTIONS AT THIS TIME

DO NOTHING	<p>Remain a part of this class action and await the outcome of the case. Share in the possible money and benefits, if they are achieved.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, in doing so, you give up any rights you might personally have to sue about the same legal claims in this lawsuit.</p>
REMOVE YOURSELF ("OPT OUT")	<p>Remove yourself from this action. Do not get any money or benefits from it, if any are achieved, but retain your right to pursue an individual claim.</p> <p>If you remove yourself from the lawsuit, and money or benefits are awarded, you won't have a share in that money or those benefits. If you want, you could sue on your own behalf about the same issues which are raised in this lawsuit.</p>

- Your options are explained more fully in this notice. To be removed, you must act by **October 13, 2019**.

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1. BACKGROUND INFORMATION

The Honourable Mr. Justice R.K. Ottenbreit, the Honourable Mr. Justice N.W. Caldwell, and the Honourable Madam Justice J.A. Ryan-Froslic of the Saskatchewan Court of Appeal certified the class action initiated by Cori Pederson and Bernice Rita McInnes. The Honourable Mr. Justice T.J. Keene is responsible for overseeing this case, known as *Pederson v. Saskatchewan (Minister of Social Services)*, Regina Q.B. No. 884 of 2012. The persons who started this lawsuit – Cori Pederson and Bernice Rita McInnes – are known as the Representative Plaintiffs (they are acting on behalf of themselves and everyone else who has been included in the lawsuit). The Government of Saskatchewan and the Public Guardian and Trustee of Saskatchewan are the Defendants.

(A) What is this lawsuit about?

The lawsuit says that the Government of Saskatchewan and the Public Guardian and Trustee of Saskatchewan owed fiduciary and other duties to Class Members to protect their legal rights by taking steps to obtain compensation for Class Members who suffered personal injury as a result of a crime or tort committed by a third party while in the care of the Defendants.

The lawsuit further says that the Government of Saskatchewan and the Public Guardian and Trustee of Saskatchewan failed to protect the aforesaid legal rights of Class Members and must be held responsible for failing to seek redress on behalf of those who did not themselves have the capacity to do so.

No counterclaims or third-party claims have been asserted in this action, and none will be considered as a part of the common issues trial. At the second stage, when individual claims are being evaluated, there is the potential for third party claims to be brought against other individuals and organizations, including guardians.

(B) Why is this notice being issued?

This lawsuit has been "certified" as a class action. If you are included in the class action, you may have certain legal rights and options before the Court decides whether the claims being made against the Government of Saskatchewan and the Public Guardian and Trustee of Saskatchewan on your behalf are valid. This notice explains all of these things, and what you need to do to exercise your rights going forward.

(C) What is a class action?

In a class action, one or more people called "representative plaintiffs" launch a claim on behalf of themselves and others who have similar legal claims. Those with similar claims are referred to as the "class" or as "class members". The Court attempts to resolve as

many issues as possible in one “common issues” trial for all of the class members. (There may be some issues which remain to be decided on an individual basis after the conclusion of the common issues trial.) Those who have similar claims and do not remove themselves from the class are bound by the decisions of the court in this case.

The representative plaintiffs in this case are Cori Pederson and Bernice Rita McInnes.

(D) How do I know if I a member of the class?

You may be included in this lawsuit if all of the following are true:

- Between January 1, 1959 and November 14, 2017 you were in the custody and guardianship the Minister responsible for *The Child Welfare Act*, *The Family Services Act*, or *The Child and Family Services Act*; and,
- While in the custody and guardianship of the Minister, you suffered personal injury as a result of a crime or tort committed by a third party; and,
- The Defendants did not make a claim for you under *The Criminal Injuries Compensation Act*, *The Victims of Crime Act*, or *The Victims of Crime Act, 1995*, or commence a civil action on your behalf to obtain compensation on their behalf, or hire a lawyer to represent your interests.

(E) What are the Representative Plaintiffs seeking in this action?

The claim seeks damages that include the following injuries: the loss of legal rights due to missed limitation periods; denial of compensation under *The Criminal Injuries Compensation Act*, *The Victims of Crime Act*, or *The Victims of Crime Act, 1995*; legal expenses to prosecute their claims that should have been paid by the Defendants; increased legal fees to prosecute their claims due to the passage of time; delay in receiving compensation and loss of income on the compensation that could and should have been recovered; delay and lost opportunity to enjoy the use of the compensation; delay and lost opportunity to receive treatment for injuries; lost interest or income; pain and suffering of living without the compensation; psychological injuries for having their trust violated; and legal fees, costs and applicable interest for prosecuting this class action.

(F) Is money available to me now?

No. The Court has not yet decided whether the Government of Saskatchewan or the Public Guardian and Trustee of Saskatchewan did anything wrong, and no settlement has been entered into by the parties. The Defendants deny the allegations of the Representative Plaintiffs. There is no guarantee that money or benefits will ever be available to you. If they become available, however, you will be notified and advised of how you can ask for a share of those benefits.

2. YOUR OPTIONS

At this point, you must decide whether to stay in the Class or remove yourself before the matter proceeds to a trial.

If you do nothing at all, and you fit the definition of the Class, you will automatically be included in the lawsuit. You will be bound by all of the decisions of the Court, whether they are favourable to you and the Class or not. If any benefits are awarded, you will have to take certain actions in order to claim your benefits.

If you wish to remove yourself, you must do so on or **before October 13, 2019**. You will not be bound by the decisions of the Court in this action, but you also will not share in any money or benefits that are recovered as a result of this action. You retain your right to sue the Government of Saskatchewan or the Public Guardian and Trustee of Saskatchewan individually about these matters, if you so choose. **Be aware that you cannot change your mind later and “opt in” to the class action once you have opted out.**

To remove yourself, complete the Opt Out Form included with this notice or send a letter that says you want to be removed from the Saskatchewan Foster Care Class Action. Your letter must include your name, address, date of birth, telephone number, e-mail address (if available) and signature. The Opt Out Form or letter must be sent to:

Saskatchewan Foster Care Class Action
c/o Merchant Law Group LLP
2401 Saskatchewan Drive
Regina, Saskatchewan S4P 4H8
Fax: (306) 522-3299
Email: skfoster@merchantlaw.com

Your Opt Out Form must be sent/postmarked on or before **October 13, 2019**.

3. THE LAWYERS

(A) Who represents me in this case?

Cori Pederson and Bernice Rita McInnes, the Representative Plaintiffs, are represented by Merchant Law Group LLP in this litigation. Merchant Law Group LLP therefore represents their interests and the interests of Class Members, including you.

(B) Can I hire my own lawyer?

If you want to be represented by another lawyer, you may hire one at your own expense. With respect to the common issues trial, your lawyer would need to obtain permission from the Court to participate in the class action.

If the common questions are resolved in favour of the Class after the common issues trial, the case will move to a second stage. At the second stage, if it becomes necessary to prove your individual claim, then you will be responsible for the costs of doing so. At that time, you may opt to retain Merchant Law Group LLP to assist, or you may hire another lawyer of your own choosing. See section '4. NEXT STEPS' below.

(C) How will the lawyers be paid?

You are not personally responsible to pay for Cori Pederson and Bernice Rita McInnes lawyers' work on this class action. Cori Pederson and Bernice Rita McInnes have entered into a contingency fee agreement whereby their lawyers will receive not more than 40% of the monetary recovery achieved for the Class, plus disbursements, applicable costs awards, and applicable taxes. If no money is recovered, then the lawyers will not be paid anything at all. Moreover, any payments made to the lawyers will be subject to the approval of the Court.

If you hire your own lawyer, you are responsible for paying any fees or charges levied by your lawyer.

4. NEXT STEPS

(A) The Common Issues Trial

If the case is not settled or otherwise dismissed by the Court, the Plaintiffs will have to prove their claims and the claims of the Class at a trial. The trial would be held in Regina, Saskatchewan. During the trial, the Court would hear all of the evidence and make a decision about whether the Plaintiffs or the Defendants should prevail.

(B) The Common Questions

Following are the questions that are to be answered through the common issues trial:

- (1) Did the Defendants, since 1959, owe a duty to Class Members, of a fiduciary or other nature, to protect their legal rights by taking steps to obtain compensation on their behalf, and if so, what was the nature of that duty?
- (2) What policies, practices, and systems did the defendants have in place since 1959 for the prosecution of civil claims on behalf of children in care? Was the operational implementation of these policies, practices, and systems sufficient to discharge the duty that the Defendants owed to the Plaintiffs?
- (3) Was the existence of, absence of, or content of the policies of the Defendants relating to the protection of the civil rights of children in care at any time since 1959 so egregious or highhanded as to justify an award of punitive damages?
- (4) If the answer to question (3) is affirmative, what quantum of punitive damages should be paid, and to whom?

(C) Will I receive money after the common issues 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.

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

If the common questions are resolved in favour of the Class after the common issues trial, the case will move to a second stage. No third party claims will be addressed at the common issues trial.

At the second stage, the Court would deal with issues that are individual to each class member. At this second stage, the Court would determine any further steps that class

members need to take to prove they are entitled to compensation and in what amounts. At this second stage, there may also be potential third party claims brought against other individuals and organizations, including guardians. You will be required to prove your individual claim, and may be responsible for the costs of doing so. At that time, you may opt to retain Merchant Law Group LLP to assist, or you may hire another lawyer of your own choosing.

(D) How will I know what is happening?

Lawyers for the Representative Plaintiffs may occasionally transmit court-approved notices to Class Members on the status of the action.

If you would like to receive these notices, please call Merchant Law Group LLP at (306) 359-7777 or visit <http://www.FosterCareClassAction.com> to sign up for the notification list.

5. FOR MORE INFORMATION

To view related court documents and information, visit:

<http://www.FosterCareClassAction.com>

You can get more information about this case and opting out by contacting:

Merchant Law Group LLP
2401 Saskatchewan Drive
Regina, Saskatchewan S4P 4H8
Tel: (306) 359-7777, Toll Free: 1-888-567-7777
Fax: (306) 522-3299
Email: skfoster@merchantlaw.com

OPT-OUT FORM

Complete this opt-out form **ONLY** if you are a member of the Saskatchewan Foster Care Class Action (as described in the Notice of Certification) **AND** you wish to be excluded or removed from participating in the class action *Pederson v. Saskatchewan (Minister of Social Services*, Regina Q.B. No. 884 of 2012 (“**Saskatchewan Foster Care Class Action**”).

This form must be received by Merchant Law Group LLP (“**MLG**”) via mail, courier, fax, or email on or before **October 13, 2019** at the following coordinates:

Saskatchewan Foster Care Class Action c/o Merchant Law Group LLP
2401 Saskatchewan Drive
Regina, Saskatchewan S4P 4H8
Fax: (306) 522-3299
Email: skfoster@merchantlaw.com

Your Name: _____

Your Mailing Address: _____

Date of birth: _____
(Month) (Day) (Year)

Telephone Number: _____

Email Address: _____

By signing below, I certify that I do not wish to participate in the Saskatchewan Foster Care Class Action and I understand that, by opting out, I will not receive any part of the money or benefits that may be obtained on behalf of Class Members by the Representative Plaintiffs. Furthermore, I acknowledge and agree that MLG may disclose all information relating to this opt-out to the Court and to the lawyers for the Defendants.

Signature

Date