

GRATL & COMPANY

BARRISTERS AND SOLICITORS

NOTICE OF CERTIFICATION AND PROPOSED SETTLEMENT IN **RILEY SAUNDERS CLASS ACTION**

If you were a child in care of the British Columbia Ministry of Children and Family Development and after April 1, 2001 your care was assigned to Robert Riley Saunders for a period of 90 consecutive days or more, you should read this notice carefully.

A class has been certified and a proposed settlement has been reached, subject to Court approval. This class certification and proposed settlement agreement may affect your legal rights.

A. WHAT IS A CLASS ACTION?

A class action is a lawsuit filed by one person on behalf of a large group of people.

B. WHAT IS THIS CLASS ACTION ABOUT?

This class action claims that Robert Riley Saunders, a social worker employed by the Ministry of Children and Family Development (“MCFD”) by the Province of British Columbia, neglected and/or deliberately caused harm to children in the care of the Province.

The purpose of this class action is to require the Province to pay compensation to class members. The representative plaintiff is a minor known as T.L. The Public Guardian and Trustee is the litigation guardian responsible for making legal decisions about this class action on behalf of T.L.

For more information about this Saunders Class Action, see the class action cases webpage online at www.gratlandcompany.com/cases.

C. WHO IS AFFECTED BY THE CLASS ACTION?

You are affected by this class action if you were subject to a continuing custody order, a temporary custody order, an agreement with a youth, a voluntary care agreement or a special needs agreement under the *Child, Family and Community Service Act* (“CFCSA”) and, on or after April 1, 2001, were assigned to the caseload of Robert Riley Saunders for at least 90 consecutive days while under the age of 19.

If you were a child in care of the Province and are unsure whether you are a Class Member, please contact Class Counsel by email at saundersclassaction@gratlandcompany.com or by telephone at 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

This class action is certified as a class proceeding as against the Province for the purpose of implementing the settlement agreement.

D. WHAT PROPOSED SETTLEMENT HAS BEEN REACHED?

A proposed settlement agreement has been reached with the Province, subject to Court Approval.

Under the proposed settlement agreement, Class Members will be eligible for the following Basic Payments, without proof of harm:

\$25,000 is payable to all Class Members

\$44,000 is payable in addition to the \$25,000 for all Class Members who were Indigenous Children as that term is defined in the CFCSA (for a total payment of \$69,000)

In addition to the basic payments, Class Members may apply for elevated damages using a simplified procedure designed to be as non-adversarial, expeditious and fair as reasonably possible. Adjudication will be made by an independent and impartial Adjudicator, with the assistance of a psychologist where necessary.

Elevated damages are payable in the following categories, provided the acts or omissions of Saunders caused or contributed to the harm:

Homelessness: \$25,000 is payable to any Class Member who experienced homelessness, which includes:

- **sleeping outdoors for more than 7 days, cumulatively**
- **sleeping at an emergency shelter or transition house for more than 21 days, cumulatively**
- **sleeping at a non-authorized resource (eg. friend or relative) for more than 90 days, cumulatively, or**
- **any equivalent combination of the above.**

Psychological Harm: \$45,000 is payable for any class member who suffered serious symptoms of self-harm, substance use disorder, psychological trauma or analogous symptoms. A clinical diagnosis is not required but symptoms must include a substantial effect on the well-being or social functioning of the Class Member.

Sexual Exploitation: \$75,000 is payable to any Class Member who experienced sexual assault and/or engaged in sex work, including exchange of sexual activity for food, clothing, shelter, funds or other comparable exchange.

Educational Delay: \$20,000 is payable to any Class Member whose education was delayed for 1-3 years. \$50,000 is payable to any Class Member whose education was delayed for more than 3 years.

Bodily Harm: \$15,000 is payable to any Class Member who was physically injured or hurt.

The maximum amount in total for Elevated Damages for an individual is \$181,000.

The maximum combined total award for Basic Payments and Elevated Damages for an individual is \$250,000.

If you are a member of the certified class or believe you may be a member of the certified class and you wish to make submissions to the Court on the amount of or terms of the proposed settlement you can forward written submissions online at www.gratlandcompany.com or you can send written submissions to legal counsel by email at saundersclassaction@gratlandcompany.com or you can call 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

Submissions to the Court should state the nature of any comments or objections and whether you intend to appear at the settlement approval hearing. You may (but do not need to) attend the hearing to approve the settlement agreement. If you wish to attend the hearings, please contact class counsel for additional details.

A settlement is when a defendant agrees to pay money to the members of the class action in exchange for being released from the case. A settlement is not an admission of liability.

E. WHEN AND HOW WOULD I RECEIVE PAYMENT UNDER THE PROPOSED SETTLEMENT AGREEMENT?

Payments under the settlement agreement would commence only after the Court approves the settlement agreement. A hearing for the Court to consider approving the settlement agreement and legal fees is set for October 23, 2020, in Vancouver.

Under the proposed settlement agreement, Basic Payments will be made by the Province within 30 days of Court approval of the settlement agreement, directly to the trust account of Gratl & Company, who are Class Counsel in this action. Class Counsel

will be responsible for distributing Basic Payments directly to Class Members, after deduction of legal fees and GST and PST on legal fees.

Elevated Damages must first be assessed before any payment can be made. Class Members who wish to apply for Elevated Damages will contact Class Counsel and will submit an application form through Class Counsel to the Province. Then the Province will decide whether to contest eligibility for any categories of Elevated Damages. Payment for all categories of Elevated Damages that are not contested by the Province will be made directly to Class Counsel within 90 days of submitting the application form.

Contested Categories of Elevated Damages will be decided by an independent decision-maker, and payment by the Province to Class Counsel will follow within 90 days of the decision. Class Counsel will be responsible for distributing Elevated Damages payments to Class Members after deduction of legal fees and GST and PST on legal fees.

You can register online at www.gratlandcompany.com if you have internet and email, or you can contact class counsel by calling 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) or by attending in person at the office of class counsel at 511-55 East Cordova Street in Vancouver or by emailing saundersclassaction@gratlandcompany.com.

F. HOW DO I FIND OUT IF I AM ELIGIBLE FOR PAYMENTS?

The Province will prepare a list of Class Members who are eligible for Basic Payments. To find out whether you are on the list, you may email your request to saundersclassaction@gratlandcompany.com, register online at www.gratlandcompany.com or contact Class Counsel by telephone at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to receive personal notice of whether the Court approves the settlement.

If you believe that you should be eligible for Basic Payment but you are not on the list, Class Counsel will assist you to apply for eligibility. If the Province contests your eligibility, an independent Adjudicator will determine whether you are eligible.

G. WHAT DO I NEED TO DO RIGHT NOW?

If you want to receive payment as part of this class action, you do not need to do anything right now. The proposed settlement agreement must be approved by the Court before you can receive any payments. You may register your address online at www.gratlandcompany.com or by telephone at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to receive personal notice of whether the Court approves the settlement.

If you do not want to be a member of this class action and do not wish to receive payment under the proposed settlement agreement, you can opt out any time within 24

months after settlement approval by submitting an Opt Out Form to Class Counsel or to the Province. If you accept payment by cashing or depositing a cheque for a Basic Payment or by submitting an application form for Elevated Damages, you can no longer opt out. You may obtain an Opt Out Form at www.gratlandcompany.com or by calling Class Counsel at 604-694-1919/1-866-230-2752 or by emailing saundersclassaction@gratlandcompany.com.

If you are a Class Member or believe that you may be a Class Member and want to tell the Court what you think about the terms of the proposed settlement, you can do so by:

- sending submissions to Class Counsel online at www.gratlandcompany.com;
- sending written submissions to Class Counsel by email at saundersclassaction@gratlandcompany.com; or
- calling 604-694-1919/1-866-230-2752 to speak to legal counsel or an administrator.

Submissions to the Court must state the nature of any comments or objections and whether you intend to appear at the settlement approval hearing. If you wish, Class Counsel can assist you in preparing submissions for the Court.

You may (but do not need to) attend the hearing to approve the settlement agreement. If you wish to attend the hearings, please contact class counsel for additional details.

H. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTION?

If you are a Class Member who would otherwise be eligible for payment and you do not wish to be a member of the class or participate in the settlement, you can opt-out by filling out the online Opt Out Form at www.gratlandcompany.com or by delivering a completed Opt Out Form to the Province or to Class Counsel within 24 months of settlement approval. For assistance with opting out, please contact Class Counsel at 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific time) or by email at saundersclassaction@gratlandcompany.com.

Opt Out Forms must be delivered to the Province or to Class Counsel within 24 months of settlement approval. The settlement has not yet been approved by the Court. The earliest possible date for settlement approval by the Court is September 28, 2020.

If you opt out of the class action and settlement agreement, you may be able to start or continue your own case against the Province for compensation for harms caused by Robert Riley Saunders but:

- you will not be eligible to participate in the ongoing class action, and
- you will not receive any money under the settlement agreement.

The Class Action and Settlement Agreement do not prevent you from commencing or continuing an action against the Province or the Ministry of Children and Family Development for harm other than those caused by or contributed to by Robert Riley

Saunders. Legal rules or doctrines preventing double recovery for the same injuries or harms may apply.

I. WHO ARE THE LAWYERS WORKING ON THIS CLASS ACTIONS AND HOW ARE THEY PAID?

The law firm of Gratl & Company are working on this class action. Jason Gratl is the lead counsel. The law firm can be contacted at:

Gratl & Company
Class Action Administration
Suite 511
55 East Cordova Street
Vancouver, BC V6A 0A5
604-694-1919 or 1-866-230-2752
Email: saundersclassaction@gratlandcompany.com

The Court must approve any fees to be paid to lawyers working on this class action.

The lawyers will be asking the Court to approve legal fees of 12.5% of any payments made under the settlement agreement, plus applicable GST and PST. Legal fees will be deducted from Basic Payments and Elevated Damages payments to Class Members.

J. WILL FINANCIAL SERVICES BE AVAILABLE TO CLASS MEMBERS?

The proposed settlement agreement provides that financial literacy services and workshops will be made available to Class Members by the Aboriginal Financial Officers Association of British Columbia.

Any fees for administration of funds by the Public Guardian and Trustee will be paid directly by the Province at no further cost to Class Members.

K. WHAT WILL HAPPEN TO RILEY SAUNDERS?

This class action and settlement agreement does not require Riley Saunders to pay anything personally. However, the settlement agreement allows the Province the option to pursue Riley Saunders to recover funds paid. The settlement agreement also allows persons harmed by Riley Saunders to sue him for punitive damages. The settlement agreement does not restrict any prosecution of Riley Saunders under the *Criminal Code of Canada*.

L. WHERE CAN I ASK MORE QUESTIONS?

For more information, please visit www.gratlandcompany.com. If you have questions that are not answered online, please contact class counsel by email at

saundersclassaction@gratlandcompany.com or at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

To receive future notices and updates regarding this class action and confirmation of whether the Court has approved the settlement agreement, register online at www.gratlandcompany.com.

M. INTERPRETATION

This notice contains a summary of the key terms of the settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail.

This notice has been approved by the Supreme Court of British Columbia.