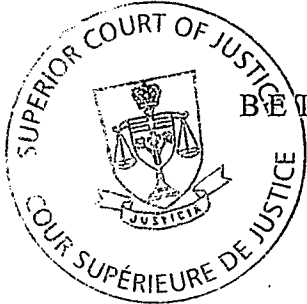


**ONTARIO
SUPERIOR COURT OF JUSTICE**

BL
FRIDAY
TUESDAY, THE 29TH

THE HONOURABLE)
)
MR. JUSTICE GLUSTEIN)
)

DAY OF MARCH, 2019



BETWEEN:

CHRISTOPHER WELSH

Plaintiff

- and -

**HER MAJESTY THE QUEEN
IN RIGHT OF THE PROVINCE OF ONTARIO**

Defendant

Proceeding under the *Class Proceedings Act, 1992*

ORDER

WHEREAS the return of Class Counsels' fee approval motion was scheduled for April 4, 2019 following the Court of Appeal for Ontario's decision in this matter of January 24, 2019 ("**Fee Approval Hearing**").

AND WHEREAS the settlement dated November 20, 2017 (the "**Settlement**") was approved by the Court by order of May 24, 2018, and the Settlement provides for an all-inclusive settlement fund of \$15,000,000 (the "**Settlement Fund**");

AND WHEREAS on March 28, 2019 the Honourable Mr. Justice Glustein adjourned the April 4, 2019 Fee Approval Hearing to June 11, 2019

1. **THIS COURT ORDERS** that the Fee Approval Hearing be hereby adjourned to June 11, 2019.

2. **THIS COURT ORDERS** that notice of the adjournment of the Fee Approval Hearing is approved substantially in the form attached hereto as **Schedule "A"** (the "**Adjournment Notice**").

3. **THIS COURT ORDERS** that an updated notice of the adjourned Fee Approval Hearing is approved substantially in the form attached hereto as **Schedule "B"** (the "**Fee Approval Hearing Notice**").

4. **THIS COURT ORDERS** that the notice of the Fee Approval Motion shall be disseminated as follows in accordance with the methods described in Paragraph 1 of Schedule "D" of Justice Perell's Order of January 16, 2019, except subparagraph 1(f), with necessary modifications:

- (a) The Adjournment Notice will be sent by email or direct mail by Crawford Class Action Services ("Crawford") to any person who has whose contact information has been provided to, or is otherwise known to, Crawford and/or Class Counsel or who have contacted Crawford and/or Class Counsel;
- (b) Crawford and Class Counsel will:
 - (i) on their websites, post the Adjournment Notice and the Fee Approval Hearing Notice and a video captioning of the content of such notices in American Sign Language (the "ASL Notice");
 - (ii) forward the Adjournment Notice, Fee Approval Hearing Notice and link to the ASL Notice to any Class Member who requests same; and
 - (iii) distribute the Adjournment Notice, Fee Approval Hearing Notice and the link to the ASL Notice as an automated response to any person sending an email to SchoolAbuse@kmlaw.ca or to the Crawford email for this action;

- (c) The Adjournment Notice and Fee Approval Hearing Notice will be sent by email or by regular mail by Crawford to the persons and/or entities on the list of community agencies funded by the defendant to provide services to members of the Student Class, previously provided by the defendant;
- (d) Crawford will make best efforts to distribute the Adjournment Notice, Fee Approval Hearing Notice and link to the ASL Notice to any website, listserv, or email list where they believe the notice will come to the attention of the class members;
- (e) Crawford will provide the Adjournment Notice, Fee Approval Hearing Notice and a link to the ASL Notice to the following organizations:
 - (i) Canadian Hearing Society;
 - (ii) the Canadian Association of the Deaf;
 - (iii) the Ontario Association of the Deaf;
 - (iv) the Toronto Association for the Deaf;
 - (v) the Western Institute for the Deaf and Hard of Hearing;
 - (vi) Deaf BC;
 - (vii) Greater Vancouver Association of the Deaf;
 - (viii) Society of Deaf and Hard of Hearing Nova Scotians;
 - (ix) Saskatchewan Deaf and Hard of Hearing Services;
 - (x) Alberta Association of the Deaf;
 - (xi) Calgary Association of the Deaf;
 - (xii) Deaf Centre Manitoba Inc.;
 - (xiii) Edmonton Association of the Deaf;
 - (xiv) Saint John Deaf and Hard of Hearing services Inc.; and,

(xv) Newfoundland & Labrador Association of the Deaf;

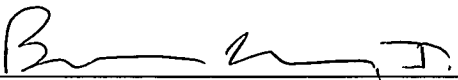
and request that they post the notice on their websites, distribute it on any listservs they maintain, and otherwise distribute it in a manner that will likely come to the attention of class members, such as via a text message blast;

5. **THIS COURT ORDERS** that the expenses of distributing the Adjournment Notice and Fee Approval Hearing Notice and the Administrator's responsibilities herein shall be paid from the Settlement Fund.

6. **THIS COURT ORDERS** that a class member who wishes to make an objection to Class Counsel's fee request may now do so by May 15, 2019, by delivering an objection to the administrator by email or by using the contact information in the Adjournment Notice, Fee Approval Hearing Notice or ASL Notice, or by delivering an objection by mail to the following address:

CRAWFORD & COMPANY
3-505, 133 Weber St. North
Waterloo ON N2J 3G9
Attention: School Abuse Class Action Administrator

7. **THIS COURT ORDERS** that the Administrator shall serve on the parties and file with the court seven (7) days before the Fee Approval Motion, an affidavit including copies of all objections received up until the date of the affidavit.



ENTERED AT / INSCRIPT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAR 29 2019

PER/PAR



SCHEDULE "A"

To Anyone Who Attended the Ernest C. Drury School for the Deaf, the Sir James Whitney School for the Deaf, and the Robarts School for the Deaf

This notice was approved by the Ontario Superior Court of Justice

- If you attended the Ernest C. Drury School for the Deaf ("Drury") at any time between September 1, 1963 and August 23, 2016, Sir James Whitney School for the Deaf ("Whitney") between September 1, 1938 and August 23, 2016, or Robarts School for the Deaf ("Robarts") between September 1, 1973 and August 23, 2016, please read this notice. **If you know a former student please share this information with them.**
- A court hearing was scheduled for April 4, 2019 at the Superior Court in Toronto to decide whether the lawyer's fees should be approved. The hearing date has been changed. **That hearing will now take place on June 11, 2019.**
- If you want to object to the fees sought by Class Counsel you must now send your objection to the Claims Administrator by **May 15, 2019** or attend at the hearing.
- A detailed notice of this hearing and the lawyer's request for fee's was already distributed. An updated notice of the hearing and the new hearing date can be found on the Claims Administrator's website or can be obtained by contacting the Claims Administrator.
- An ASL video of that updated notice will be posted on the Claims Administrator's website shortly.
- To submit an objection, obtain a copy of the updated notice of the hearing, or obtain a link to the ASL video of the updated notice please use the Claims Administrator's website, email address, mailing address or contact information for this settlement:

CRAWFORD & COMPANY
3-505, 133 Weber St. North
Waterloo ON N2J 3G9
Attention: School Abuse Class Action Administrator

<http://www.schoolsforthe deafclassaction.ca/>
Schoolabuseclassaction@crawco.ca
Toll Free: 1-855-823-0656
TTY: 1-877-627-7027

To Anyone Who Attended the Ernest C. Drury School for the Deaf, the Sir James Whitney School for the Deaf, and the Robarts School for the Deaf

This notice was approved by the Ontario Superior Court of Justice

- If you attended the Ernest C. Drury School for the Deaf (“Drury”) at any time between September 1, 1963 and August 23, 2016, Sir James Whitney School for the Deaf (“Whitney”) between September 1, 1938 and August 23, 2016, or Robarts School for the Deaf (“Robarts”) between September 1, 1973 and August 23, 2016, please read this notice. **If you know a former student please share this information with them.**
- The Province of Ontario and the Plaintiff agreed to settle the class action lawsuit brought on behalf of former students of Drury, Whitney and Robarts Schools for a \$15 million settlement fund. The settlement includes legal fees, disbursements and applicable taxes, which will be deducted from the total settlement amount.
- The settlement was approved on May 24, 2018. The deadline to submit claims has passed.
- Those class members who submitted claims will have those claims assessed and paid in accordance with the settlement agreement.
- Class Counsel is asking to have its fees paid from the settlement fund. Class Counsel is asking for fees in the amount of 25% of the settlement fund (\$3,750,000).
- A court hearing was scheduled for April 4, 2019 at the Superior Court in Toronto to decide whether the lawyer’s fees should be approved. That hearing will now take place on **June 11, 2019**.
- The court will determine whether the fees requested are fair and reasonable and will consider, among other things, the risks taken on by Class Counsel and the success achieved in the settlement.
- If you want to object to the fees sought by Class Counsel you must now send your objection by **May 15, 2019** or attend at the hearing.

WHAT THIS NOTICE CONTAINS

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1. Why is there a notice?

The Ontario Superior Court of Justice (the "Court") authorized this notice because you have a right to know about the legal fees being sought by the Plaintiff's lawyers as part of the Settlement. This notice explains the request and your legal rights.

A judge of the Ontario Superior Court of Justice is currently overseeing this case. The case is known as *Welsh v Her Majesty the Queen in the Right of Ontario*, Court File No. CV-15-53404200CP. The Plaintiff is Mr. Welsh.

The Settlement in this class action was approved by the Court on May 24, 2018. The Settlement provided for a \$15 million settlement fund. In addition to compensation to class members, the settlement includes legal fees, disbursements and applicable taxes, which will be deducted from the total settlement amount. The Court must approve the legal fees, disbursements and applicable taxes.

The Court will hold a hearing to determine whether the fees requested by the Plaintiff's lawyers are fair and reasonable.

2. Who are the lawyers for the Plaintiff?

The Court has appointed Koskie Minsky LLP from Toronto to represent you and other Class Members as "Class Counsel" in this lawsuit.

When they took on this class action, Class Counsel agreed to only be paid in the event of a settlement or judgment in favour of the class. Now that a settlement has been achieved, Class Counsel is asking the Court to approve payment for their work on this case.

3. How much are the lawyers for the Plaintiff asking for?

Class Counsel will ask for fees of no more than 25% of the settlement amount (\$3,750,000), plus \$487,500 for applicable taxes and \$168,975.12 for disbursements.

Class members will not personally have to pay for the legal fees. Any legal fees will be paid out of the settlement fund.

The Court will decide the amount of payment to be paid out of the settlement funds at a hearing. The Court will consider whether the fees requested are fair and reasonable and will consider, among other things, the risks taken on by Class Counsel and the success achieved in the settlement.

4. Does this impact the Settlement?

No. The Settlement was approved by the Court on May 24, 2018.

The claims process for the Settlement is ongoing. The deadline to submit a claim in the settlement has passed. If you submitted a claim in the settlement, it will be still be assessed by the claims administrator.

5. How do I tell the Court if I do not like what the lawyers are asking for?

You can object to Class Counsel's request for payment of fees if you don't like it. The Court will consider your views. To object in advance of the hearing, you must submit an objection that includes the following:

- your name, address, and telephone number;
- a statement saying that you object to Class Counsel's request for payment of fees in *Welsh v Her Majesty the Queen in the Right of Ontario*, Court File No. CV-15-53404200CP; and
- The reasons you object to the fees, along with any supporting materials.

You can submit an objection by mail, E-mail or by phone. You must now submit your objection by **May 15, 2019** or attend the hearing.

You must submit your objection, to:

CRAWFORD & COMPANY
3-505, 133 Weber St. North
Waterloo ON N2J 3G9
Attention: School Abuse Class Action Administrator

Schoolabuseclassaction@crawco.ca
Toll Free: 1-855-823-0656
TTY: 1-877-627-7027

6. When and where will the Court decide the legal fees?

The Court will hold a hearing at 10:00 a.m. on **June 11, 2019 at the Superior Court of Justice in Toronto, Ontario**. You may attend and you may ask to speak, but you do not have to.

The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.schoolsforthedeafclassaction.ca or by calling 1-855-823-0656 (TTY: 1-877-627-7027) in advance if you are planning to attend.

At the hearing, the Court will consider whether the fees requested are fair and reasonable and will consider, among other things, the risks taken on by Class Counsel and the success achieved in the settlement. If there are objections, the Court will consider them and may listen to class members who have asked to address the Court at the hearing.

7. Do I have to attend the hearing?

No. However, you or your own lawyer are welcome to attend at your own expense. American Sign Language interpreters will be in the courtroom to assist.

If you send an objection, you do not have to come to Court to talk about it. As long as you sent your written objection on time, the Court will consider it.

8. May I speak at the hearing?

You may ask the Court for permission to address it at the hearing. American Sign Language interpreters will be in the courtroom to assist.

9. How do I get more information?

More information on this notice or the Settlement can be found at www.schoolsforthedeafclassaction.ca.

You can also send your questions to Schools for the Deaf Settlement, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9 or by email at: Schoolabuseclassaction@crowco.ca.

You may also call toll-free 1-855-823-0656 (TTY: 1-877-627-7027).

CHRISTOPHER WELSH
Plaintiff

and
HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF ONTARIO
Defendant

Court File No.: CV-15-53404200CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

ORDER

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