

## **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**

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*A court authorized this notice. You are not being sued.*

- The Court has now approved the settlement in the class action on behalf of students of:
  - the Ernest C. Drury School for the Deaf (“Drury”);
  - the Sir James Whitney School for the Deaf (“Whitney”); and
  - the Robarts School for the Deaf (“Robarts”).
- You are included in the case if you attended
  - Drury at any time between September 1, 1963 and August 23, 2016 and who have not otherwise released their claims;
  - Whitney between September 1, 1938 and August 23, 2016 and who have not otherwise released their claims; or
  - Robarts between September 1, 1973 and August 23, 2016 and who have not otherwise released their claims.
- If you are an estate trustee for a person who was a student at one of the Schools during the time periods described above and that person was living on or after August 10, 2013 and has not otherwise released his or her claim, then you are included in the case.
- If you know a former student please share this information with them.
- The Court has now approved a \$15 million settlement. Legal fees, disbursements and applicable taxes will be deducted from the settlement amount.
- If you are included in the case, you can now make a claim for compensation if you were hurt at one of the Schools.
- You have to complete a claim form and submit it by **October 24, 2018**.
- A claim form should be included with this notice. If you need another claim form, or have questions, you can contact the claims office at:

### **Schools for the Deaf Settlement**

3-505, 133 Weber Street North

Waterloo, Ontario, N2J 3G9

E-mail: [Schoolabuseclassaction@crowco.ca](mailto:Schoolabuseclassaction@crowco.ca)

Phone: 1-855-823-0656 (TTY: 1-877-627-7027)

- The lawyers acting for the class are Koskie Minsky LLP. You may also contact Koskie Minsky LLP at 1-877-309-9111, or by email at [SchoolAbuse@kmlaw.ca](mailto:SchoolAbuse@kmlaw.ca)

**WHAT THIS NOTICE CONTAINS**

**BASIC INFORMATION.....Page 3**

1. Why did I get this notice?
2. What is this lawsuit about?
3. Why is this a class action?
4. Who is included in the settlement?

**THE LAWYERS REPRESENTING YOU.....Page 4**

5. Who are the lawyers for the Plaintiffs?

**THE SETTLEMENT BENEFITS.....Page 5**

6. What does the settlement provide?
7. How much will my payment be?
8. What is a Serious Sexual Assault?
9. What is a Serious Physical Injury?
10. The Claim Form says I need to swear an oath. What does that mean?
11. Will I lose government services or social assistance if I get settlement money?
12. How do I show this money in my income tax? Do I pay tax on it?
13. Can I get out of the settlement now?

**HOW TO ASK FOR MONEY.....Page 8**

14. How can I receive a payment?
15. Should I send anything else with the Claim Form?
16. How will payments be calculated?
17. What if my claim is denied entirely?
18. What if I disagree with my payment amount?
19. Can I get help with my Claim Form?

**GETTING MORE INFORMATION .....Page 10**

20. How do I get more information?

## BASIC INFORMATION

### 1. Why did I get this notice?

You received this notice because you may have attended Drury at any time between September 1, 1963 and August 23, 2016, Whitney between September 1, 1938 and August 23, 2016, or Robarts between September 1, 1973 and August 23, 2016 (collectively the "Schools").

A judge of the Ontario Superior Court of Justice has approved a settlement for the students of the Schools. The settlement is in a case known as *Welsh v Her Majesty the Queen in right of Ontario*, Court File No. CV-15-53404200CP.

If you were a student at one or more of the Schools during the time period mentioned above who have not otherwise released your claim, if you have not opted out of this class proceeding, and if you were harmed at the Schools, you may now make a claim in the settlement for money. You must make a claim by **October 24, 2018**. If you do not make a claim by that date, you will forfeit any potential compensation.

### 2. What is this lawsuit about?

The lawsuit says the Province of Ontario failed to properly care for and protect people who attended and resided at the Schools. The lawsuit says that the students were emotionally, physically, and psychologically traumatized by their experiences at the Schools. The Province of Ontario denies these claims.

**If you are having a difficult time dealing with these issues, you can call 1-855-823-0656 (TTY: 1-877-627-7027) for assistance.**

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

In a class action, one person called the “representative plaintiff” 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 already removed themselves from the class, or who have received compensation and signed a separate release in a separate legal proceeding.

The representative plaintiff in this case is Christopher Welsh. Mr. Welsh attended Drury from 1964 until 1971 and Robarts from 1972 to 1976.

#### 4. Who is included in the Settlement?

You are included in the Class if:

- you attended or resided at Drury or its predecessor as a student from September 1, 1963 to August 23, 2016 and you have not otherwise released your claims;
- you attended or resided at Whitney or its predecessor as a student from September 1, 1938 to August 23, 2016 and you have not otherwise released your claims;
- you attended or resided at Robarts or its predecessor as a student from September 1, 1973 to August 23, 2016 and you have not otherwise released you claims; or
- you are an estate trustee for a person who was a student at one of the Schools during the time periods described above and that person was living on or after August 10, 2013 and has not otherwise released his or her claim.

The settlement includes people who are in the Class.

There is no compensation available for such spouses, children, grandchildren, parents, grandparents or siblings in the settlement.

If you are not sure whether you are included in the Settlement, you may call 1-855-823-0656 (TTY: 1-877-627-7027) with questions or visit [www.Schoolsforthedeafclassaction.ca](http://www.Schoolsforthedeafclassaction.ca). You may also write with questions to Schools for the Deaf Settlement, 3-505, 133 Weber Street North, Waterloo, Ontario, N2J 3G9 or by email at [Schoolabuseclassaction@crawco.ca](mailto:Schoolabuseclassaction@crawco.ca).

#### THE LAWYERS REPRESENTING YOU

#### 5. Who are the lawyers for the Plaintiffs?

The Court has appointed Koskie Minsky LLP from Toronto to represent you and other Class Members as “Class Counsel.” The lawyer’s fees have been approved by the Court and have been paid from the \$15 million settlement. You do not have to pay the lawyers any more fees.

## THE SETTLEMENT BENEFITS

### 6. What does the settlement provide?

The settlement provides a pot of money that former students can make a claim against. The amount of money you can get depends on how many people make a claim and how badly you were harmed at the Schools. People who submit claims and were hurt more will get more money.

The most any one person can get is \$37,500, and if funds are left over the maximum amount will be increased to \$45,000.

The claim you submit will be confidential and you do not have to attend in court. You must tell the truth when you complete your claim form.

More details are in a document called the Settlement Agreement, which is available at [www.Schoolsforthedeafclassaction.ca](http://www.Schoolsforthedeafclassaction.ca).

### 7. How much will my payment be?

The most any one person can get is \$37,500, and if funds are left over the maximum amount will be increased to \$45,000.

The Claims Administrator will determine the amount of compensation provided to claimants based on categories of harm set out in the Settlement Agreement. The claims process is confidential and no claimant will have to testify in court or be cross-examined.

The settlement will compensate people for sexual and physical abuse. The chart below outlines the categories of harm that will be compensated in the Settlement starting with the most serious level of harm.

CATEGORY OF ABUSE	DESCRIPTION OF ABUSE
Level 3 sexual assault	One or more incidents of Serious Sexual Assault.
Level 2 sexual assault	Repeated non-consensual sexual touching or other non-consensual sexual behavior that is not a Serious Sexual Assault.

Level 1 sexual assault	Any non-consensual sexual touching or other non-consensual behavior that is not a Serious Sexual Assault.
Level 3 physical assault	One or more physical assaults causing a Serious Physical Injury.
Level 2 physical assault	One or more physical assaults not causing a Serious Physical Injury, but resulting in an observable injury such as a black eye, bruise, or laceration.
Level 1 physical assault or other wrongful acts	One or more physical assaults not causing a Serious Physical Injury and not resulting in an observable injury.  Repeated, persistent, and excessive wrongful acts constituting demeaning behaviour, humiliation, or excessive physical punishment.

If you provide a description of harm for more than one level within a category, the Claims Administrator will select the most serious level for which you are qualified.

### 8. What is a Serious Sexual Assault?

A Serious Sexual Assault is non-consensual oral, vaginal, or anal penetration or attempted non-consensual oral, vaginal or anal penetration.

You should write about any sexual abuse that happened to you. The Claims Administrator decides the level for each kind you write about. If the Claims Administrator decides there is more than one level in your form, then only the highest will count. You may get more money for the higher levels of sexual abuse.

### 9. What is a Serious Physical Injury?

A Serious Physical Injury is a physical injury that led to (or should have led to):

- Hospitalization or serious medical treatment by a physician;
- Permanent or demonstrated long-term physical injury, impairment or disfigurement;
- Loss of consciousness;
- Broken bones; or
- A serious but temporary incapacitation such that bed rest or infirmary care for several days duration was required.

You should write about any physical or other abuse that happened to you. The Claims Administrator will decide the level for each kind that you write about. If the Claims Administrator decides there is more than one level in your form, then only the highest will count. You may get more money for the higher levels of abuse.

#### **10. The Claim Form says I need to swear an oath. What does that mean?**

You must tell the truth when completing your claim form. To finalize your form you must swear to the truth of your claim in front of a commissioner of oaths. A commissioner of oaths can be a lawyer or other official who can administer the oath.

You can get help finding a commissioner by calling the claims office at:

- Phone: 1-855-823-0656
- TTY: 1-877-627-7027
- Email: [Schoolabuseclassaction@crowco.ca](mailto:Schoolabuseclassaction@crowco.ca)

#### **11. Will I lose government services or social assistance if I get settlement money?**

No. This settlement is separate from Ontario government services in the community, group homes, or in your own home and it does not affect social assistance from the Ontario government. Social assistance can be Ontario Disability Support Program money. This is the same as ODSP. There are also other kinds of social assistance. Settlement money will not change the kind of Ontario social assistance you get, how much you get, or how long you get it.

#### **12. How do I show this money in my income tax? Do I pay tax on it?**

You are getting the money because you were harmed or hurt at the Schools. There is no tax on money for pain and suffering.

#### **13. Can I get out of the settlement now?**

No. It is too late to get out of the settlement. The deadline has already passed.

If you got out before the deadline, then you cannot ask for money from the settlement.

## HOW TO ASK FOR MONEY

### 14. How can I receive a payment?

You must fill in a Claim Form and send it to the Claims Administrator. You can get the form at [www.SchoolsfortheDeafClassAction.ca](http://www.SchoolsfortheDeafClassAction.ca). You can also call 1-855-823-0656 to ask for the form. TTY users can call 1-877-627-7027.

The form gives instructions. Please read them carefully. Ask for help if you do not understand. Then fill in the form, and send it to the claims office.

You can submit an electronic copy of your claim form, but you still must swear the oath and include in your submission. You can send an electronic copy of you claim to [Schoolabuseclassaction@Crawco.ca](mailto:Schoolabuseclassaction@Crawco.ca)

You must mail it by **October 24, 2018**.

Send the form to:

Schools for the Deaf Settlement  
3-505, 133 Weber Street North  
Waterloo, Ontario, N2J 3G9  
E-mail: [Schoolabuseclassaction@Crawco.ca](mailto:Schoolabuseclassaction@Crawco.ca)  
Phone: 1-855-823-0656 (TTY: 1-877-627-7027)

If a Class Member lacks capacity to complete a claim form then it may be completed by the Class Member's parent or litigation guardian or the Public Guardian and Trustee.

### 15. Should I send anything else with the Claim Form?

If you have supporting documents you can include these. If you are claiming a serious physical injury or sexual assault, you need to submit any supporting documents that you have. If you have no other documents you do not need to submit anything more with your claim form.

### 16. How will payments be calculated?

The Claims Administrator will review your claim form and determine if you qualify for a payment. If you do, then the Claims Administrator will determine your payment amount based on the level of harm you suffered.

The maximum level of compensation for the most serious harm is \$37,500, and if funds are left over the maximum amount will be increased to \$45,000. The Claims Administrator will review the information provided by the Class Member in accordance with the chart set out above in Question 7.

The actual amount available for each eligible Class Member will not be determined until after all Claims Forms have been received.

If there is any money left over, the remaining money will be returned to Ontario.

The Settlement Agreement has more detail about how payments will be determined.

**Any claims of harm that happened before September 1, 1963 will be given half the weight than if the harm occurred after September 1, 1963.** This as a result of a compromise between the Plaintiff and the Province for claims that occurred before the passing of the *Proceedings Against the Crown Act*, on September 1, 1963. Before the passing of the *Proceedings Against the Crown Act*, certain types of claims could not be made against the Crown.

#### 17. What if my claim is denied entirely?

If your claim is denied in its entirety, the Claims Administrator will mail or email you a letter. You can ask the Claims Administrator to reconsider its decision, within 21 days of the Claims Administrator's letter denying the claim in its entirety.

#### 18. What if I disagree with my payment amount?

Payment amounts will be determined by the Claims Administrator. Class Members cannot dispute the payment amounts or categories once their claims have been submitted.

#### 19. Can I get help with my Claim Form?

Yes. You can contact the administrator or lawyers with the information below:

- Phone 1-855-823-0656;
- TTY: 1-877-627-7027;
- E-Mail: [Schoolabuseclassaction@crowco.ca](mailto:Schoolabuseclassaction@crowco.ca); or
- you can visit the webpage at: [www.Schoolsforthedeafclassaction.ca](http://www.Schoolsforthedeafclassaction.ca).

The lawyers acting for the class are Koskie Minsky LLP. You may also contact Koskie Minsky LLP at 1-877-309-9111 (to access the Bell Relay Service, please dial 711 and type in Koskie Minsky LLP's toll-free number), or by email at SchoolAbuse@kmlaw.ca

## GETTING MORE INFORMATION

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

This notice summarizes the settlement and claims process. More details are in the Settlement Agreement.

You can get a copy of the Settlement Agreement at [www.SchoolsfortheDeafClassAction.ca](http://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@crawco.ca.

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