

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) WEDNESDAY, THE 25<sup>TH</sup> DAY  
JUSTICE PERELL ) OF AUGUST, 2021

B E T W E E N:

C.S.

Plaintiff

- and -

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

Defendant

Proceeding under the *Class Proceedings Act, 1992*

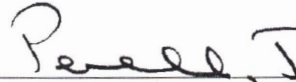
**ORDER**

**THIS MOTION**, made by the plaintiff, in writing, for approval of notice to class members of proposed settlement, was read on Wednesday, August 25, 2021.

**ON READING** the motion record of the plaintiff, including the affidavit of Catherine MacDonald, sworn August 23, 2021,

1. **THIS COURT ORDERS** that the short and long form notices attached at Schedules "A" and "C" to this Order are approved;

2. **THIS COURT ORDERS** that the notice plan by which notice of proposed settlement will be disseminated to class members, attached as Schedule "B" to this Order, is approved.

A handwritten signature in cursive script, appearing to read 'Perell J', is written above a horizontal line.

Justice Perell

## SCHEDULE "A"

### SHORT FORM NOTICE

*Were You Incarcerated in an Ontario Youth Justice Facility Between April 1, 2004 and December 17, 2018?*

*Were You Placed In Secure Isolation?*

#### **You may be entitled to Money in a Class Action Settlement**

You are entitled to make a claim for damages if all of the items on the following list apply to you:

1. You were placed alone in a designated room or area at any one of more of the following Youth Justice Facilities: Bluewater Youth Centre; Brookside Youth Centre; Cecil Facer Youth Centre; Donald Doucet Youth Centre; Invictus Youth Centre; Justice Ronald Lester Youth Centre; Roy McMurtry Youth Centre; Sprucedale Youth Centre; Toronto Youth Assessment Centre;
2. Your placement alone in the designated room or area lasted at least 6 consecutive hours;
3. You were not released at the earliest possible time;
4. Your placement alone in the designated room or area took place when you were 17 years old or younger; and
5. Your placement alone in the designated room or area took place sometime between April 1, 2004 and December 17, 2018.

You could be entitled to between \$1000 and \$40,000 per placement, depending on the length of time and the circumstances surrounding your placement.

Please note that the following placement or placements alone in a designated room or area do not count towards the class definition and do not make you a Class Member:

1. Segregation by reason of a lock-down at a Youth Justice Facility; and
2. The routine locking in your room overnight at a Youth Justice Facility.

The Ontario Superior Court of Justice will decide whether to approve the settlement on October 14, 2021. It will be heard on Zoom. The link for the hearing will be posted on [website] when available. You may file an objection or a statement in support of the settlement.

To learn more about the settlement and how to make a statement in support or an objection, go to [website], call toll-free [number] (TTY: [number]) or write to [address], or by email at: [email].

**SCHEDULE “B”**  
**NOTICE PLAN**

| <b>Publication</b>                   | <b>Unit Type/Size</b> |
|--------------------------------------|-----------------------|
| Globe & Mail                         | ¼ Page                |
| National Post                        | ¼ Page                |
| Toronto Star                         | ¼ Page                |
| Ottawa Citizen                       | ¼ Page                |
| The Windsor Star                     | ¼ Page                |
| The Hamilton Spectator               | ¼ Page                |
| London Free Press                    | ¼ Page                |
| Kingston Whig-Standard               | ¼ Page                |
| The Chronicle-Journal                | ¼ Page                |
| Belleville Intelligencer             | ¼ Page                |
| Kingston Heritage                    | ¼ Page                |
| Napanee Guide                        | ¼ Page                |
| Northumberland Today.com-TH          | ¼ Page                |
| Quinte Community Newspaper Group     | ¼ Page                |
| Brampton Guardian-TH                 | ¼ Page                |
| Burlington Post/Flamborough Review   | ¼ Page                |
| Caledon Citizen                      | ¼ Page                |
| Cambridge Times-TH                   | ¼ Page                |
| Georgetown/Acton Ind. Free Press     | ¼ Page                |
| Glanbrook Gazette                    | ¼ Page                |
| Grimsby/Lincoln/West Lincoln NewsNow | ¼ Page                |
| Guelph Tribune-TH                    | ¼ Page                |



|   |        |
|---|--------|
| Hamilton Community News                 | ¼ Page |
| King Weekly Sentinel                    | ¼ Page |
| Kitchener Post                          | ¼ Page |
| Markham Economist & Sun                 | ¼ Page |
| Milton Canadian Champion                | ¼ Page |
| Mississauga News-TH                     | ¼ Page |
| Oakville Beaver-TH                      | ¼ Page |
| Richmond Hill/Thornhill Liberal         | ¼ Page |
| Toronto, All Metroland Publications     | ¼ Page |
| Vaughan Citizen                         | ¼ Page |
| Alexandria Glengarry News               | ¼ Page |
| Armprior Chronicle-Guide                | ¼ Page |
| Carleton Place/Almonte Canadian Gazette | ¼ Page |
| Chesterville Record                     | ¼ Page |
| Kanata Kourier-Standard                 | ¼ Page |
| Kemptville Advance                      | ¼ Page |
| Manotick News                           | ¼ Page |
| Nepean/Barrhaven News                   | ¼ Page |
| Orleans News                            | ¼ Page |
| Ottawa East News                        | ¼ Page |
| Ottawa South News                       | ¼ Page |
| Ottawa West News                        | ¼ Page |
| QC Aylmer Bulletin d'Aylmer             | ¼ Page |
| QC Chelsea/Buckingham                   | ¼ Page |
| West Quebec Post                        | ¼ Page |
| Smith Falls Record News                 | ¼ Page |

|  |        |
|--|--------|
| Stittsville News                                 | ¼ Page |
| West Carleton Review                             | ¼ Page |
| Winchester Press                                 | ¼ Page |
| Ayr News   | ¼ Page |
| Brantford  | ¼ Page |
| Brant News                                       | ¼ Page |
| Exeter Times-Advocate Weekender                  | ¼ Page |
| Forest/Watford Standard Guide-Advocate           | ¼ Page |
| Ingersoll Times                                  | ¼ Page |
| London, the Londoner                             | ¼ Page |
| Norwich Gazette                                  | ¼ Page |
| Parkhill/Glencoe Gazette Transcript & Free Press | ¼ Page |
| St Mary's Journal Argus Weekender                | ¼ Page |
| St. Thomas/Elgin Weekly News                     | ¼ Page |
| Strathroy Age Dispatch                           | ¼ Page |
| Tavistock Gazette                                | ¼ Page |
| Tillsonburg Independent News                     | ¼ Page |
| West Lorne West Elgin Chronicle                  | ¼ Page |

### **Press Release**

North American distribution of an English and French press release via the CNW Newswire. 400 words in English and in French

### **Stakeholders**

Provision of the Short Form and Long Form Notice to John Howard Society, Elizabeth Fry Society, and Office of the Public Guardian and Trustee.

## SCHEDULE "C"

### LONG FORM NOTICE

A SETTLEMENT HAS BEEN REACHED THAT WILL BENEFIT THOSE WHO WERE HELD IN  
SECURE ISOLATION IN MANY ONTARIO YOUTH JUSTICE FACILITIES

**FOR MORE INFORMATION, VISIT [www.TBD.ca](http://www.TBD.ca)**

**YOU MAY ALSO CONTACT LAWYERS AT: 1-800-XXX-XXXX**

A settlement been reached with the Province of Ontario. This Settlement was reached following negotiations between the Province of Ontario and class action lawyers for the Class.

The Settlement must be approved by the Court to become effective.

If approved, the Province has agreed to offer money to compensate you if you were held in Youth Segregation for more than 6 consecutive hours. The amount of compensation you could receive will depend on how long you spent in Youth Segregation and the circumstances surrounding your placement.

Your rights and options—**and the deadlines to exercise them**—are explained in this Notice. Additional information is available at [www.TBD.ca](http://www.TBD.ca)

**PLEASE READ THIS NOTICE CAREFULLY.**

**YOUR RIGHTS UNDER THE SETTLEMENT ARE AFFECTED EVEN IF YOU DO NOTHING.**

# Ontario Youth Segregation Class Action

OFFICIAL COURT COMMUNICATION

## WHAT THIS NOTICE CONTAINS

### CLASS ACTION QUESTIONS .....

|   |  |   |
|---|--|---|
| A | What are my options in the Settlement? ..... | 1 |
| B | What are the Class Actions about? .....      | 1 |
| C | Why am I receiving this Notice? .....        | 1 |

### CLASS MEMBERSHIP QUESTIONS .....

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| D | Am I included in the Settlement? .....                          | 2 |
| E | What benefits can I receive? .....                              | 2 |
| F | How much money can I get? .....                                 | 3 |
| G | How can I make a claim in the Settlement? .....                 | 3 |
| H | What supporting documents will be needed to make a claim? ..... | 4 |

### SETTLEMENT PROCESS QUESTIONS .....

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| I | If I am a Class Member, what rights am I giving up? .....          | 4 |
| J | How can I express support for, or object to, the Settlement? ..... | 5 |
| K | Can I attend the Settlement approval hearing? .....                | 6 |
| L | Who is my lawyer / Class Counsel? .....                            | 6 |
| M | How will Class Counsel be paid? .....                              | 6 |
| N | How do I get more information? .....                               | 7 |



# Ontario Youth Segregation Class Action

OFFICIAL COURT COMMUNICATION

## CLASS ACTION QUESTIONS

### A. WHAT ARE MY OPTIONS IN THE SETTLEMENT?

If you think you are included in the Settlement, you have the following options:

|  |  |
|--|--|
| <b>LEARN MORE ABOUT THE SETTLEMENT AND WHETHER YOU MAY BE ELIGIBLE</b> | <p><b>STEP 1:</b> Visit <a href="http://www.TBD.ca">www.TBD.ca</a>.</p> <p><b>STEP 2:</b> Determine whether you are included in the Settlement by contacting 1-800-xxx-xxxx.</p> <p><b>STEP 3:</b> Determine whether you may be eligible under the Settlement, and learn more about the estimated benefits that you may be eligible for by reviewing this notice and/or calling Class Counsel.</p> |
| <b>COURT APPROVAL OF THE SETTLEMENT</b>                                | <p>The Settlement is subject to approval by the Ontario Superior Court of Justice. The approval hearing has been scheduled for <b>October 14, 2021</b> before the Court. It will be heard on Zoom. The link for the hearing will be posted on [website] when available. These hearings are public and you are welcome to attend at your own cost.</p>  |
| <b>OBJECT TO THE SETTLEMENT BEFORE IT IS APPROVED</b>                  | <p>If you support the Settlement, you may provide your views in writing so they are received by the Notice Administrator by <b>October 7, 2021</b>. If you do not like the Settlement, you can deliver your objection in writing by the same date. Your support or objection will be delivered to the Court and considered at the approval hearing for the Settlement.</p>                         |
| <b>PARTICIPATE IN THE SETTLEMENT</b>                                   | <p>If you wish to make a claim for benefits, you do not need to take any action at this time. The period to submit a claim will not begin until after the Settlement is approved by the Court. If approved, additional details will be provided regarding when and how claims can be submitted.</p>  |

### B. WHAT IS THE CLASS ACTION ABOUT?

The class action seeks damages and other relief on behalf of those who, while under the age of 18, were held in a Youth Justice Facility and were isolated for longer than 6 consecutive hours.

This class action is known as: *C.S. v. Ontario* before the Ontario Superior Court of Justice.

### C. WHY AM I RECEIVING THIS NOTICE?

This Notice summarizes the Settlement, which affects your legal rights if you are a Class Member. Receipt of this Notice does not mean that you are a Class Member.

If you are a Class Member, this Notice informs you of your legal rights and options. These options include participating in the Settlement and, if you wish, supporting or objecting to the Settlement. You can also attend the upcoming public hearing before the Court, which will determine whether the Settlement should be approved.



# Ontario Youth Segregation Class Action

OFFICIAL COURT COMMUNICATION

## CLASS MEMBERSHIP QUESTIONS

### D. AM I INCLUDED IN THE SETTLEMENT?

You may be included in the Settlement if you were segregated at a Youth Justice Facility while under the age of 18, alone in a designated room or area, for more than 6 consecutive hours ("Youth Segregation").

You are not included if you experienced:

- (a) segregation by reason of a lock-down at a Youth Justice Facility; and
- (b) the routine locking down of youth in their rooms overnight at a Youth Justice Facility, as authorized by statute.

The Youth Justice Facilities included in the Settlement are:

Bluewater Youth Centre  
Brookside Youth Centre  
Cecil Facer Youth Centre  
Donald Doucet Youth Centre  
Invictus Youth Centre  
Justice Ronald Lester Youth Centre  
Roy McMurtry Youth Centre  
Sprucedale Youth Centre  
Toronto Youth Assessment Centre

The period of time covered by this class action and the Settlement is April 1, 2004 to December 17, 2018.

You may only make a claim for compensation if you were isolated or segregated at one of the above facilities during the relevant time period.

### E. WHAT BENEFITS CAN I RECEIVE?

If approved by the Court, the Settlement will provide Class Members with **money for time spent in Youth Segregation**.

You will need to make a claim after the Settlement is approved. You can make more than one claim if you were placed in Youth Segregation more than once.

# Ontario Youth Segregation Class Action

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There are four categories of benefits:

“Category 1 Claim” applies when a Class Member alleges that he or she was placed in Youth Segregation for between 6 and up to 72 consecutive hours;

“Category 2 Claim” means an Eligible Claim in which the Claimant alleges that he or she was placed in Youth Segregation for between 72 hours and 5 consecutive days;

“Category 3 Claim” means an Eligible Claim in which the Claimant alleges that he or she was placed in Youth Segregation for between 6 and 14 consecutive days;

“Category 4 Claim” means an Eligible Claim in which the Claimant alleges that he or she was placed in Youth Segregation for 15 or more consecutive days;

### **F. HOW MUCH MONEY CAN I GET?**

- 1) Category 1 Claimants are entitled to \$1000 per placement in Youth Segregation of between 6 and up to 72 hours.
- 2) Successful Category 2 Claims are entitled to \$5000 per placement in Youth Segregation between 72 hours and 5 consecutive days.
- 3) Successful Category 3 Claims are entitled to \$12,000 per placement in Youth Segregation between 6 and 14 consecutive days.
- 4) Successful Category 4 Claims are entitled to a minimum of \$35,000 and a maximum of \$40,000, for each placement of 15 consecutive days or more in Youth Segregation. The exact figure will depend on the number of claimants who make a claim.

### **G. HOW CAN I MAKE A CLAIM IN THE SETTLEMENT?**

If you wish to make a claim for benefits under the Settlement, you do not need to take any action at this time. The period to submit a claim will not begin until after the Settlement is approved by the Court on October 14, 2021. If the Settlement is approved, notice and additional details will be provided regarding when claims can begin to be submitted and the steps you will need to take to make a claim. After the Settlement is approved, you will have 9 months to submit a claim.

If the Settlement is approved, the process for Class Members receiving their benefit(s) involves four steps:

# Ontario Youth Segregation Class Action

## OFFICIAL COURT COMMUNICATION

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- 1) Class Members will obtain information about the options available to them through a website and through further notices and the Claim Form;
- 2) Once a Class Member is ready to submit a Claim, the Class Member will, by the claims submission deadline, submit a Claim Form to the Claims Administrator that contains certain information about the Class Member's time in Youth Segregation. The Claim Form shall require a Claimant to sign and declare that information submitted is true and correct based on knowledge and belief. A Consent included with the Claim Form will also need to be signed to allow for the Class Member's relevant Youth Records to be obtained.
- 3) The parties will obtain the Class Member's Youth Records that are relevant to their time spent in Youth Segregation. Permission must be provided to obtain a Court Order from a judge of the Youth Justice Court to retrieve the Youth Records.
- 4) The Class Member's eligibility or ineligibility to participate in the claims process will be determined by the Claims Administrator.
- 5) For Category 1 Claims, the Administrator will determine whether the Class Member was in Youth Segregation for more than 6 and up to 72 consecutive hours. If they satisfy this criteria, the Administrator will issue a damages payment to the Class Member.
- 6) For Category 2, Category 3 and Category 4 Claims, the Administrator will transfer the Class Member's Youth Records to a retired Superior Court of Justice judge, Mr. Casey Hill. Mr. Hill will review the events described in the Claimant's Claim Form and will also review the available Youth Records. Mr. Hill will determine whether the Class Member was appropriately placed in Youth Segregation due to immediate likelihood to cause serious property damage or to cause another person serious bodily harm, whether the Class Member was "overheld", or whether the Youth Records are inadequate to justify placement.

### **H. WHAT SUPPORTING DOCUMENTS WILL BE NEEDED TO MAKE A CLAIM?**

To submit a claim for benefits under the Settlement (if approved by the Court), you will need to provide the following information and supporting documents:

- Identity Document – Valid driver's license or other government-issued photo identification;
- Claim Form – You will need to provide a written statement that describes the events surrounding your placement in Youth Segregation and the justification for your placement, as described to you at the time. You will also have to describe how long you were kept in Youth Segregation and how many times you were placed in Youth Segregation.
- Consent – You will need to read and sign the Consent included with the Claim Form to give permission for your relevant Youth Records to be obtained in relation to your Claim Form.



## SETTLEMENT PROCESS QUESTIONS

### **I. IF I AM A CLASS MEMBER, WHAT RIGHTS AM I GIVING UP?**

A settlement is an agreement to resolve legal claims, and usually involves compromises by both sides. Settlements end all or part of a lawsuit while allowing the parties to avoid the costs and risks of a trial. A settlement also allows the parties to avoid the very significant time delays of further litigation.

If the Settlement is approved by the Court, you will release the Province of Ontario from the Class Action claims. Releasing someone from a claim means giving up the right to sue them.

All Class Members are bound by a general release that will take effect whether they claim benefits or not. Class Members who wish to participate in the settlement program must make their claim before the claims submission deadline. After the Settlement is approved, you will have 9 months to submit a claim.

The above is only a summary of the general release and individual release. The Settlement Agreement sets out and describes these releases, so read them carefully. If you have any questions, you can talk to Class Counsel for free. You can also talk to your own lawyer, at your own expense, if you have questions about what this means. The Settlement Agreement is available at [www.TBD.ca](http://www.TBD.ca).

### **J. HOW CAN I EXPRESS SUPPORT FOR, OR OBJECT TO, THE SETTLEMENT?**

You may also file a statement of support in favour of the Settlement if you wish to tell the Court that you support the terms of Settlement.

Before objecting, it is recommended that you visit [www.TBD.ca](http://www.TBD.ca) to get more information about the Settlement or talk to Class Counsel for free. You can also talk to your own lawyer at your own expense.

If you are a Class Member and have comments about, or disagree with, any aspect of the Settlement that applies to you, you may express your views to the Court by submitting a personally signed written document as provided below.

Your statement of support or objection should include:

- Your name, mailing address, telephone number and e-mail address (if applicable);
- Details about your placement in Youth Segregation, including when and in what institution this took place;
- A statement that you support or object to the Settlement;
- The reasons you support or object to the Settlement, along with any supporting materials;

## Ontario Youth Segregation Class Action

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- Whether you intend to appear in person or through a lawyer at a Settlement approval hearing, and if appearing through a lawyer, the name, address, telephone number and e-mail address of your lawyer; and
- Your signature.

Your expression of support or objection must be received by no later than \_\_\_\_\_ at:

|   |                  |
|---|------------------|
| Mail or Courier to:   xxx                           | E-Mail to:   xxx |
| <b>DO NOT SEND OBJECTIONS DIRECTLY TO THE COURT</b> |                  |

**Note: Objecting to the Settlement simply means telling the Court that you do not like something about the Settlement. Objecting does not disqualify you from making a claim nor does it make you ineligible to receive benefits under the Settlement.**

If you deliver a statement of support or objection to the Settlement, you do not have to come to Court to talk about it. As long as you submit your written statement of support or objection on time, the Court will receive it. Should you wish to speak at a hearing, you must indicate your wish to do so in your written objection. You can hire a lawyer to appear on your behalf at your own expense. As the Settlement is an agreement between the Plaintiff and the Province of Ontario, Class Counsel will not be advocating on behalf of objectors at the hearings.

#### **K. CAN I ATTEND THE SETTLEMENT APPROVAL HEARINGS?**

Yes. Before determining whether to approve the Settlement, the Court will hold the following hearing:

- The Ontario Superior Court of Justice will hold a Settlement approval hearing on October 14, 2019 at 10:00 AM. The hearing will take place virtually, over Zoom. The link for the hearing will be posted on [website] when available.

The hearings may move to a different date or time. Visit [www.TBD.ca](http://www.TBD.ca) or call Class Counsel for current information.

At these hearings, the Court will consider whether the Settlement is fair, reasonable and in the best interests of the Class. Class Counsel will answer any questions the Court may have about the Settlement. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

You are welcome to attend the hearings at your own expense, but you are not required to attend.



# Ontario Youth Segregation Class Action

## OFFICIAL COURT COMMUNICATION

### **L. WHO IS MY LAWYER / CLASS COUNSEL?**

The law firms representing all Class Members are listed below:

**Koskie Minsky LLP**

20 Queen St. West, Suite 900 Box 52  
Toronto, ON M5H 3R3

**Strosberg Sasso Sutts**

1561 Ouellette Avenue  
Windsor, Ontario N8X 1K5

You will not be charged for contacting these lawyers. Class Counsel can be reached by telephone at:

- Canadian residents except for Québec: 1-800-XXX-XXXX or 1-800-XXX-XXXX; and
- Québec residents and French inquiries: 1-800-XXX-XXXX

### **M. HOW WILL CLASS COUNSEL BE PAID?**

C.S. and Class Counsel entered into a retainer agreement at the commencement of this litigation. As is the ordinary practice in Ontario class proceedings, Class Counsel is entitled to be paid a percentage of the settlement funds. No Class Member has to pay any money directly to Class Counsel in order to take part in the claims process.

The amount of money payable to Class Counsel will be the subject of a separate hearing and the Honourable Justice Perell will be required to approve Class Counsel's fee request.

### **N. HOW DO I GET MORE INFORMATION?**

This Notice is only a summary of some of the terms of the Settlement. If there is a conflict between this Notice and the Settlement, the Settlement applies.

For more information about your legal rights under the Settlement, you may also consult Class Counsel at no charge by calling:

- 1-800-XXX-XXXX or 1-800-XXX-XXXX; and

In addition, information about the options Class Members may have, is available at [www.TBD.ca](http://www.TBD.ca).

C.S. Her Majesty the Queen in Right of Ontario  
Plaintiff and Defendant

543895  
Court File No.: CV-16-~~584895~~-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

**ORDER**

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