

**NOTICE (BAND CLASSES)**

***To Any Aboriginal Band in Canada who had Band members attend an Indian Residential School and has or had an Indian Residential School on or proximate to Band lands or property***

---

A Class Action Lawsuit May Affect Your Rights.

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

- You could be affected by a class action lawsuit involving the Kamloops and Sechelt Indian Residential Schools and additional Indian Residential Schools (the "Schools") (see attached Appendix 'A' for the list of eligible schools).
- A Court has approved the lawsuit as a class action that may include anyone who attended at any Indian Residential School, for any times they attended as a "Day Scholar" (i.e. non-resident student) as well as their children and the bands within communities that contained a Residential School. The Plaintiffs in the class action are suing the Government of Canada ("Canada") claiming that it is responsible for damages arising from attendance at the Schools. Attached to this Notice is a copy of the June 18, 2015 Court Order of Justice Harrington. This Order, and all other decisions related to this lawsuit can also be found on the Federal Court website at:  
<http://decisions.fct-cf.gc.ca/fc-cf/en/d/s/index.do?cont=gottfriedson>.
- This claim is different from the Residential Schools Class Action Settlement entered into by Canada. In that settlement, only those who lived at an Indian Residential School were compensated for the fact of having gone to the school. This claim is for compensation relating to time spent attending, but not living in, the Schools.
- The Court has not decided whether Canada did anything unlawful, and the case is currently planned to go to a trial. 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 STAGE	
Opt-in	<b>Join this lawsuit. Await the outcome. Share in possible money and benefits. Give up certain rights.</b> By opting in, your band gains the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue Canada, or any religious organizations, on your own about the same legal claims in this lawsuit.
Do Nothing	<b>Get no money or benefits from the lawsuit. Keep rights.</b> If you do nothing your band will not be included in this lawsuit. This does not affect the rights of individual band members to participate as Survivors or Descendants. If money or benefits are later awarded in this lawsuit, you won't share in that money or benefits. But, you keep any rights to sue Canada, or any religious organization, on your own about the same legal claims in this lawsuit.

- Lawyers must prove the claims against Canada at a trial. If money or benefits are obtained you will be notified about how to ask for a share.
- Your options are explained in this notice. To be included, you must act by **February 29, 2016**

**QUESTIONS? CALL TOLL-FREE 1-844-558-5538 OR VISIT**

**[WWW.JUSTICEFORDAYSCHOLARS.COM](http://WWW.JUSTICEFORDAYSCHOLARS.COM)**

WHAT THIS NOTICE CONTAINS

BACKGROUND INFORMATION ..... 3

    The Purpose of this Notice:..... 3

    The Claims in this Lawsuit ..... 3

    Description of a Class Action ..... 3

    Those Belonging to the Class ..... 4

YOUR OPTIONS ..... 4

    Opt – in ..... 5

    Do Nothing..... 5

THE LAWYERS ACTING FOR THE CLASS ..... 5

A TRIAL ..... 6

    This Lawsuit may go to Trial..... 6

    Money or Benefits for the Class ..... 6

LEARNING MORE..... 6

## **BACKGROUND INFORMATION**

### **The Purpose of this Notice:**

This lawsuit has been “certified” as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included in the Class, you may have legal rights and options before the Court decides whether the claims being made against Canada on your behalf are correct. This notice explains all of these things.

The Honourable Justice Harrington, together with Prothonotary Lafrenière of the Federal Court, is currently overseeing this case. The case is known as *Gottfriedson v. The Attorney General of Canada*, Court File No. T-1542-12. The people who started this lawsuit are the Plaintiffs, and Canada is the Defendant.

### **The Claims in this Lawsuit**

The lawsuit claims that Canada acted unlawfully and harmed those who attended at the Schools, and their children and band communities because the Schools were used to attempt to eliminate aboriginal languages, cultures and traditions. Further, the lawsuit claims that many people who attended the Schools also suffered mental, emotional and spiritual abuse. The Court has not decided this lawsuit and the Plaintiffs’ claims still have to be proven in Court.

### **Relief Sought**

The Plaintiffs are seeking a variety of different forms of relief from the Court. In part, they are asking for Declarations by the court that Canada’s actions in overseeing the Indian Residential School System, and particularly the treatment of Day Scholars, were wrong. In addition, the Plaintiffs are seeking monetary compensation for surviving Day Scholars, their children and Bands that were home to Residential Schools.

### **The Defendant’s Position**

Canada is defending this lawsuit and denies the Plaintiffs’ claims including the Plaintiffs’ allegations of breaches of rights and duties. Canada also states that, with respect to claims being made by class members who are also class members of the Indian Residential School Settlement Agreement (“IRSSA”) and did not opt out of the IRSSA, those claims are barred by the IRSSA. Canada also states that the damages claimed, if they occurred, were caused by the churches and other religious groups and their employees who operated, ran, or otherwise worked at the schools.

### **Description of a Class Action**

In a class action one or more people called “representative plaintiffs” sue on behalf of people who have similar claims. All of these people with similar claims are called the “class” or “class members.” The Court resolves the issues for all class members, except for those who remove themselves from the class.

The Representative Plaintiffs in this action are as follows:

For the Survivor Class:

Violet Catherine Gottfriedson (Tk'emlúps te Secwépemc Indian Band)  
Charlotte Anne Victorine Gilbert (Tk'emlúps te Secwépemc Indian Band)  
Diena Marie Jules (Tk'emlúps te Secwépemc Indian Band)  
Darlene Matilda Bulpit (Sechelt Indian Band)  
Frederick Johnson (Sechelt Indian Band)  
Daphne Paul (Sechelt Indian Band)

For the Descendant Class:

Amanda Deanne Big Sorrel Horse (Tk'emlúps te Secwépemc Indian Band)  
Rita Poulsen (Sechelt Indian Band)

For the Band Class:

Tk'emlúps te Secwépemc Indian Band  
Sechelt Indian Band

### **Those Belonging to the Class**

Bands can join the class by choosing to 'opt in' to the Action. A Band is eligible to opt in if:

- The Band Members include some who are Survivors (defined below); and
- An Indian Residential School, recognized in the Indian Residential School Settlement Agreement and listed in Appendix "A" to this notice is present on, or proximate to, Band lands or property.

Individuals are included in this lawsuit and a member of a Class if they are:

A Survivor: This Class consists of all Aboriginal persons who attended at one of the Schools, but only for periods that were not compensated for through a Common Experience Payment; or

A Descendant of a Survivor: This Class consists of all persons who are the children of Survivor Class Members or were adopted either legally or traditionally by a Survivor or their spouse.

The Band Class currently consists of the Tk'emlúps te Secwépemc Indian Band and the Sechelt Indian Band. Other bands can join by 'opting-in' to the lawsuit.

### **YOUR OPTIONS**

You have to decide whether to opt into the Class before a possible trial, and you have to decide this by **February 29, 2016**.

## **Opt – in**

If you wish to become a member of the Class you will need to “opt-in”. To opt-in complete the Opt In Form included with this notice, or send a letter that says you want to join the Class. Your letter must contain the Band Name, contact name and address, telephone number and a representative’s signature. The Opt In Form or letter must be sent to Peter Grant & Associates at the following address:

900 — 777 Hornby Street,  
Vancouver, British Columbia  
Canada V6Z 1S4  
Email: dayscholar@grantnativelaw.com  
Phone: 604-685-1229  
Fax: 604-685-0244

You can also get the Opt In Form or complete the form online at [www.justicefordayscholars.com](http://www.justicefordayscholars.com).

Your opt in must be received by **February 29, 2016**.

If you are a member of the class you will not be able to pursue your own lawsuit against Canada or any other parties. In a previous ruling in this action, Justice Harrington determined that the Representative Plaintiffs had made a decision not to seek damages from any third parties, which in this lawsuit are the various churches who ran the Residential Schools, and as a member of the class you will be bound by that decision. At the conclusion of this lawsuit you will not be able to sue the churches even if the Court finds that the churches are responsible for any damages you suffered.

This lawsuit is seeking benefits on behalf of the entire class. If any benefit is awarded, you may need to take action in order to receive these benefits.

Call **Karena Williams** at 604-685-1229 or **Patric Senson** at 416-477-6978 if you have any questions about how to opt in to the Class.

**Opting in to this Lawsuit will not impact any benefits or services you may receive from the Government of Canada.**

## **Do Nothing**

If you decide not to participate in the lawsuit, you do not have to take any actions. However, you will not receive any money or benefit that may be obtained as a result of this lawsuit. You will not be bound by any Court orders and you keep your right to sue Canada regarding the issues in this case. You also maintain the right to sue any other parties, i.e. a Church organization that ran the Residential School on or near your Band property. You cannot change your mind later and opt into the class action.

## **THE LAWYERS ACTING FOR THE CLASS**

The Representative Plaintiffs have retained Class Counsel. The Court has approved Class Counsel to act for the Class. The Class Counsel consists of two firms, Peter Grant & Associates,

and Phillips Gill LLP. As a Class member, you will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense. You will not have to pay the costs of Class Counsel.

## **A TRIAL**

### **This Lawsuit may go to Trial**

If the case is not dismissed or settled, the Plaintiffs will have to prove the claims and the claims of the Class at a trial. The trial would be likely be in Vancouver, British Columbia. At trial, the Court hears evidence from witnesses so that a decision can be reached about whether the Plaintiffs are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

### **Money or Benefits for the Class**

The Representative Plaintiffs will be responsible for legal costs on all common issues. The two Band Class Representatives would like to discuss with you whether or not your Nation will be willing to be responsible for a share of legal costs on the common issues. If you opt in and following the common issues trial there are individual cases involving your Band, you will be responsible for the costs of advancing those individual issues.

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, Class members will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the websites of the Bands and the Class Counsel.

## **LEARN MORE**

You can get more information about this case and opting in:

Karena Williams  
900 — 777 Hornby Street,  
Vancouver, British Columbia  
Canada V6Z 1S4  
Phone: 604-685-1229  
Email: [dayscholar@grantnativelaw.com](mailto:dayscholar@grantnativelaw.com)  
Fax: 604-685-0244

Patric Senson  
200 – 33 Jarvis Street  
Toronto, ON  
M5E 1N3  
Phone: (416) 477-6978  
Email: [patric@legaladvocates.com](mailto:patric@legaladvocates.com)

Jo-Anne Gottfriedson  
Tk'emlúps te Secwépemc Day Scholar Co-ordinator  
200-300 Chief Alex Thomas Way  
Kamloops, British Columbia  
Canada V2H1H1  
Phone: 250-828-9788 or 250-318-5628  
Fax: 250-372-8833  
Email: [jo-anne.gottfriedson@kib.ca](mailto:jo-anne.gottfriedson@kib.ca)

Hereditary Chief Garry Feschuk  
Sechelt Nation Counsellor  
5545 Sunshine Coast Highway  
Sechelt, British Columbia  
Canada V0N3A0  
Phone: 604-885-2273 or 604-230-3415  
Fax: 604-885-3490  
Email: [ggeschuk@secheltnation.net](mailto:ggeschuk@secheltnation.net)

Or visit [www.justicefordayscholars.com](http://www.justicefordayscholars.com)

Please Note:

Do not contact the Federal Court or the Federal Government of Canada with questions about this lawsuit. Rather refer all questions to Plaintiffs' counsel or the Bands as listed above. The Federal Court and the Federal Government of Canada, including the Department of Aboriginal Affairs and Northern Development Canada and its employees and lawyers will not respond to questions about this lawsuit.