

Notice of Brown Class Action in Ontario Also known as the “Sixties’ Scoop” claim

ARE YOU AN INDIAN CHILD TAKEN FROM YOUR HOME ON A RESERVE IN ONTARIO BETWEEN DECEMBER 1, 1965 AND DECEMBER 31, 1984, PLACED IN THE CARE OF NON-ABORIGINAL FOSTER OR ADOPTIVE PARENTS AND NOT RAISED IN ACCORDANCE WITH YOUR ABORIGINAL CUSTOMS, TRADITIONS AND PRACTICES?

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 between Marcia Brown as representative plaintiff on behalf of the Class, and the Government of Canada represented by The Attorney General of Canada.
- A Court has approved the lawsuit as a class action on behalf of Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984 and were placed in the care of non-aboriginal foster or adoptive parents who did not raise the children in accordance with the aboriginal person’s customs, traditions and practices. **If you know someone who may fit this class definition and who cannot read this notice, please share this information with them.**
- The Court has not decided whether Canada did anything wrong, and the case is currently scheduled to go to trial. There is no money available now and no guarantee there will be. However, if you fit the definition for the class, your rights are affected, and you have a choice to make now.

YOUR OPTIONS AT THIS STAGE	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Share in possible money and benefits. Give up certain rights.</p> <p>Class members are automatically included in the class action and need not do anything. By doing nothing, you keep 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 on your own about the same legal claims in this lawsuit. You will also be bound by the judgment in this class action, whether good or bad.</p>
REMOVE YOURSELF (OPT OUT)	<p>Get out of this lawsuit. Get no money or benefits from it. May be able to keep certain rights.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you won’t share in that money or benefits. But you may be eligible to sue Canada on your own about the same legal claims in this lawsuit.</p>

- 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 removed, you must act by **April 22, 2016**.

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BASIC INFORMATION

1. Why was this notice issued?

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, 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 Belobaba, of the Ontario Superior Court of Justice, is currently overseeing this case. The case is known as *Marcia Brown v. The Attorney General of Canada*, Court File No. CV-09-372025-00CP. The person who started this lawsuit is called the plaintiff. The Government of Canada is the defendant, represented in this proceeding by The Attorney General of Canada.

2. What is this lawsuit about?

The lawsuit says that the Class represented by the plaintiff consists of “Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984, and were placed in the care of non-Aboriginal foster or adoptive parents who did not raise the children in accordance with the Aboriginal person’s customs, traditions and practices.” The claim alleges that Canada has breached a fiduciary duty it owed to the members of the proposed Class, and breached a duty of care in negligence. Canada denies these claims and denies the allegations and defends all of the claims. The Court has not decided whether the plaintiff or Canada is right. The lawyers for the plaintiff will have to prove the claims in Court.

3. What is 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 plaintiff in this case is Marcia Brown.

4. Who is a member of the Class?

You are included in this lawsuit if:

- You were an Indian child taken from your home on a reserve in Ontario between December 1, 1965 and December 31, 1984, and placed in the care of non-aboriginal foster or adoptive parents who did not raise you in accordance with your aboriginal customs, traditions, and practices.

5. What is the Plaintiff asking for?

The Plaintiff is asking for money or other benefits for the Class. She is also asking for attorneys’ costs, plus interest.

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Canada did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

YOUR OPTIONS

You have to decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by **April 22, 2016**.

7. What happens if I do nothing at all?

If you do nothing you will automatically remain in the Class. You will be bound by all Court orders, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

8. What if I don't want to be in the Class?

If you decide not to participate in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, 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 cannot change your mind later and opt back into the class action.

To remove yourself, complete the Opt Out Form included with this notice or send a letter that says you want to be removed from the Class. Your letter must include your name, address, telephone number, and signature. The Opt Out Form or letter must be sent to:

Wilson Christen LLP
137 Church Street
Toronto, Ontario. M5B 1Y4
Attention: Natalia Graham

You can also get the Opt Out Form or complete the form online at www.sixtiesscoopclaim.com.

Your Opt Out Form must be received by **April 22, 2016**.

Call 1-866-360-5952 if you have any questions about how to get out of the Class.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed Jeffery Wilson and Morris Cooper, of Toronto, Ontario, to represent you and other Class Members as “Class Counsel.” 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.

10. How will the lawyers be paid?

You will not have to pay any of these fees and expenses of Class Counsel. If the Court grants their request, the fees and expenses would be deducted from any money obtained for the Class.

A TRIAL

11. How and when will the Court decide who is right?

If the case is not dismissed or settled, the Plaintiff will have to prove her claims and the claims of the class at a trial. The trial would be in Toronto, Ontario. During the trial, a Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiff or Canada are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win any money or benefits for the Class.

12. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of a trial or settlement, you 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 website for the lawyers, www.sixtiesscoopclaim.com, as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information about this case and opting out by contacting:

Wilson Christen LLP (lawyers for the plaintiff and the class)

137 Church Street

Toronto, Ontario M5B 1Y4

Tel: 1.866.360.5952

Email: thesixtiesscoopclaim@gmail.com

www.sixtiesscoopclaim.com

Attention: Natalia Graham (416) 956-5625

Any questions about this Notice should not be directed to the Court as its administrative structure is not designed to address this type of inquiry.

OPT OUT FORM

This is **NOT** a claim form. Completing this OPT OUT FORM will exclude you from receiving any compensation arising out of any settlement or judgment in the class proceeding:

To: **Wilson Christen LLP**
137 Church Street
Toronto, Ontario. M5B 1Y4
Attention: Natalia Graham

I understand that by opting out, I am confirming that I do not wish to participate in the *Marcia Brown v. Canada* class proceeding relating to the Sixties Scoop.

I understand that any individual action must be commenced within a specified limitation period or it will be legally barred.

I understand that the certification of this class proceeding suspended the running of the limitation period from the time the class proceeding was filed. The limitation period will resume running against me if I opt out of this class proceeding.

I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation period and for taking all necessary legal steps to protect any claim I may have.

Date _____

Signature of Witness
Name:

Signature of Class Member Opting Out
Name:

Print Name

Print Name

Telephone: _____

Note: To opt out, this coupon must be properly completed and received at the above-address no later than April 22, 2016.