

ELGIN-MIDDLESEX DETENTION CENTRE (“EMDC”) CLASS ACTIONS: NOTICE OF SETTLEMENT APPROVAL

Please read this Notice carefully. Your rights may be affected regardless of whether or not you act.

What is this Notice about?

This Notice is for all persons who were incarcerated at the EMDC between January 1, 2010 and November 10, 2021, including those held pending trial or other court appearance (“Class Members”).

The Ontario Superior Court of Justice has approved a Settlement of two class actions: *Johnson et al v Ontario* (the “Johnson/Hayne Action”), and *Sabourin v Ontario* (the “Sabourin Action”). The class actions allege that Ontario’s operation of the EMDC was negligent and violated Class Members’ rights under the *Canadian Charter of Rights and Freedoms*. The Defendant has not been found liable for any of the claims advanced in these lawsuits. The Parties have instead decided to settle the lawsuits.

That Settlement was approved by the Court on September 14, 2023.

Who can claim in the Settlement?

You are eligible to submit a Claim in this Settlement if you suffered harm while incarcerated at the EMDC between **October 10, 2011 and November 10, 2021**, and did not previously opt out of the class actions. You may also be able to submit a Claim if you suffered harm while incarcerated at the EMDC between January 1, 2010 and October 9, 2011 if you meet certain criteria.

What money is available under the Settlement?

Under the Settlement, the Defendant will pay **\$32,795,400.00** for eligible Class Member Claims and other fees in the class action lawsuits. Class Members may be eligible for compensation under **one** of the following compensation levels:

	Description	Claim Award
Level 1 Claim	A Level 1 Claim may be brought by Class Members who were incarcerated at the EMDC <u>for at least 24 hours</u> and can establish that they suffered some detrimental impact from their incarceration at the EMDC, as evidenced by occasional short-term episodes of anxiety, depression, loss of sleep, nightmares and/or panic states.	\$1,500
Level 2 Claim	A Level 2 Claim may be brought by Class Members who can establish that they suffered modest or continued detrimental impacts from their incarceration at the EMDC, as evidenced by several episodes of anxiety or depression; serious physical injury requiring medical attention; diagnosed Post Traumatic Stress Disorder; anxiety or depression requiring medical intervention or medication and/or significant resulting substance abuse.	Up to \$12,500

Level 3 Claim	A Level 3 Claim may be brought by Class Members or the estates of Class Members. The Class Members or their estates must establish that the Class Member has suffered an ongoing or fatal impact from incarceration at the EMDC, resulting in a serious dysfunction, impairment, or death, as evidenced by severe anxiety and/or depression requiring ongoing mental health treatment, including medication, or serious physical injury requiring admission to a hospital and ongoing physical therapy and rehabilitation.	Up to \$35,000
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Class Members may only claim for one compensation level in their Claim Form (i.e. you cannot make both a Level 1 and a Level 3 Claim). If you were incarcerated for fewer than 24 hours, you cannot make a Level 1 Claim, but you can make a Level 2 or Level 3 Claim with the required supporting documentation.

How do I make a Claim for compensation?

The period for submitting a Claim runs until October 16, 2024.

You may make a Claim by completing all of the following steps:

- (1) fill out the Claim Form (on paper or online at <https://www.emdcclassaction.ca>);
- (2) include the supporting evidence and documentation specified on the Claim Form; and,
- (3) submit the Claim Form and supporting evidence and documentation to the Claims Administrator online, by mail (at the address listed on the Claim Form), or by email (at the email address listed on the Claim Form) on or before **October 16, 2024**.

If you fail to submit a Claim Form and supporting evidence and documentation on or before **October 16, 2024**, you will not be eligible for any compensation whatsoever (i.e. you will not get paid). Sending in a Claim Form late will be the same as doing nothing.

Where can I get additional information?

The court offices will be unable to answer any questions about the matters contained in this Notice. If you have any questions regarding the Settlement Agreement or about the class action lawsuits in general, information is available on Class Counsel's website (<https://www.mckenzielake.com/the-emdc-class-proceeding/>) or by contacting Class Counsel directly. You can also request more information from the Claims Administrator and Class Counsel at the addresses below:

The Claims Administrator	Class Counsel
EMDC Class Actions Claims Administrator c/o Epiq Class Action Services Canada Inc P.O. Box 507 STN B Ottawa, ON K1P 5P6 Toll-Free Telephone: 1-888-595-6828 Email: info@emdcclassaction.ca Website: https://www.emdcclassaction.ca/	McKenzie Lake Lawyers LLP 140 Fullarton Street, Suite 1800 London, ON N6A 5P2 Toll-Free Telephone: 1-855-772-3556 Email: emdc@mckenzielake.com Website: https://www.mckenzielake.com/the-emdc-class-proceeding/