

APPENDIX 1- LONG FORM AND SHORT FORM NOTICE OF CERTIFICATION

Long Form Notice

Were you enrolled at Vancouver College (1976 – 2013) or St. Thomas More Collegiate (1976 – 1989) and experienced physical, psychological, or sexual abuse by a current or former member of the Christian Brothers?

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS

You might be a member of a class action which could affect your legal rights.

A class action is a lawsuit filed by one person (the representative plaintiff) on behalf of a large group (or class) of people. A class action allows the court to resolve issues that are common to every class member.

This notice explains:

- the lawsuit recently certified as a class action;
- who is included in the lawsuit;
- the legal rights and options of those included in the lawsuit; and
- the deadline to exercise these legal rights and options.

WHAT IS THIS CLASS ACTION ABOUT?

This class action lawsuit was filed in February 2021. It alleges that students at Vancouver College and St. Thomas More Collegiate experienced physical, sexual and psychological abuse. The defendants are:

- *teachers alleged to have abused students*: Edward English, Joseph Burke and Douglas Kenny; and
- *corporations and others alleged to have failed to properly protect students from abuse*: Vancouver College Limited; St. Thomas More Collegiate Ltd.; Gerard Gabriel McHugh; The Roman Catholic Episcopal Corporation of St. John's; and the Roman Catholic Archbishop of Vancouver.

The class action seeks financial compensation for former students of Vancouver College and St. Thomas Collegiate who suffered abuse due to this alleged wrongdoing.

The allegations have not yet been proven in court.

WHO IS IN THE CLASS?

You are a member of the “Class” (and affected by this class action) if:

1. you were enrolled at:
 - **Vancouver College between 1976 and 2013; or**
 - **St. Thomas More Collegiate between 1976 and 1989; and**
2. you claim that you were physically, psychologically or sexually abused by a current or former member of the Christian Brothers.

If you are not sure if you are in the Class, call Class Counsel (the law firm of CFM Lawyers) toll free at 1-800-689-2322

WHAT HAPPENS NEXT?

The class action was certified by the British Columbia Supreme Court on March 8, 2023. The Court decided what factual and legal issues can be resolved in common for all class members in a single lawsuit, appointed Darren Liptrot as the representative plaintiff for the class, and appointed the law firm that brought the case (CFM Lawyers) as counsel for the whole class.

The next step involves gathering evidence. The parties will produce relevant documents and answer questions under oath.

Once that is complete, there will be a trial on the common issues. At the common issues trial, the court will decide whether and what findings may be made on the common issues specified in the order certifying this proceeding as a class action. If judgment is granted against any of the defendants in respect of those common issues, the Court will then decide what procedures are required to determine individual claims.

NO IMMEDIATE ACTION IS REQUIRED

You will have an opportunity to opt out of this class action if you wish, for any reason, including to bring your own individual lawsuit against the defendants.

Class Counsel is working with all parties on a Court-approved process to allow class members who wish to opt out to register their decision while ensuring that their privacy is protected and their identity remains strictly confidential.

Once a confidential opt-out procedure is approved by the Court, a second round of notice to class members will describe how and when you may register your decision to opt out of the class action, if you wish to do so.

For now, the opt-out period has not yet started and there is currently no deadline to make a decision.

If you opt out of the class action:

- You will not receive any financial compensation if the class action is successful.
- You cannot participate in the class action as it proceeds.
- You may bring an individual action against the Defendants regarding the claim at issue here.
- You will not be bound by the Court's findings on the common issues in the class action, whether those findings hurt or help your individual case.

If you remain part of the class action:

- You may receive financial compensation if the class action is successful.
- You can participate in the class action as it proceeds.
- You will be bound by the Court's findings on the common issues for all class members, whether they are favourable (i.e., make it easier for each individual to complete their claim and receive compensation) or not.

NO ACTION IS REQUIRED TO REMAIN PART OF THE CLASS ACTION

You do not need to do anything to remain part of the class action. However, you may wish to speak with Class Counsel so they can answer any questions you have. You can also sign up to receive updates about the progress of the class action at www.cfmlawyers.ca

If you have any documents or information about the abuse you suffered, keep those documents in a safe place. You should also keep all receipts or other records of expenses related to the abuse, such as money you paid for counselling, prescription medications, or other such expenses.

WHO ARE THE LAWYERS AND HOW ARE THEY PAID?

The lawyers who brought the case for the class members ("Class Counsel") are:

Camp Fiorante Matthews Mogerman LLP (or "CFM Lawyers")

Telephone: 1-800-689-2322 or 604-689-7555

Email: info@cfmlawyers.ca

Mail: Suite 400, 856 Homer Street, Vancouver, BC, V6B 2W5

Class Counsel are the lawyers for every member of the class. Anything you share with them is protected by solicitor-client privilege.

At the start of the case, an agreement was made between the representative plaintiff and Class Counsel about legal fees and the expenses of running the lawsuit. Some key features are:

- **You do not have to pay upfront for lawyers' fees or the costs of the lawsuit.**
- **The lawyers only get paid if the case is successful.** If money is recovered from the defendants (e.g., through a court-approved settlement, or a judgement from the court) the lawyers will receive a percentage of that amount, plus taxes and disbursements. Lawyers' fees must be reviewed and approved by the Court and are then deducted from the money recovered from the defendants before it is distributed to class members
- **If the class action is not successful, the lawyers will not be paid and they will not be reimbursed for the costs of bringing the lawsuit.**

The Court must review and approve any legal fees before they can be paid to Class Counsel.

NEED MORE INFORMATION?

Please contact Class Counsel:

- Website: www.cfmlawyers.ca
- Phone: 604-689-7555 or toll-free at 1-800-689-2322;
- Email: info@cfmlawyers.ca
- Mail: Suite 400 – 856 Homer Street, Vancouver, BC, V6B 2W5
Attention: Laura Jones or Andrew Johnson

**THIS NOTICE WAS AUTHORIZED BY THE
SUPREME COURT OF BRITISH COLUMBIA**