

**Were you placed in Administrative Segregation in an Ontario Jail  
between April 20, 2015 and August 18, 2021?**

*You may be able to claim money in a class action lawsuit. Please read this  
legal notice carefully.*

The Court has approved a Settlement Agreement and Protocol for distributing damages to class members in lawsuits about the use of Administrative Segregation in Ontario Jails.<sup>1</sup> The Court has decided that approximately \$32.7 million is available to be shared by eligible Class Members. Some Class Members may be able to make claims for additional money.

**IMPORTANT: If you don't submit a Claim Form before March 1, 2025, you won't be able to receive any money from these lawsuits**

<b>You may be a Class Member if:</b>		
You were placed in Administrative Segregation in an Ontario Correctional Institution <b>AND</b> You did not already opt out of the <i>Francis v Ontario</i> or <i>Chandra v Ontario</i> class action <b>AND</b>		
Your placement was for 15 or more consecutive days <b>("Prolonged Class Member")</b>	<b>OR</b>	Your placement was for any length of time <b>AND</b> You were diagnosed by a medical doctor before or during your incarceration with at least one of the listed <sup>2</sup> mental disorders <b>AND</b> You suffered from your mental disorder in the manner described in Appendix A <sup>3</sup> <b>AND</b> You reported your diagnosis and suffering to Ontario before or during your Administrative Segregation <b>("SMI Class Member")</b>

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<sup>1</sup> In these lawsuits, an "Ontario Jail" is a correctional institution operated by the Government of Ontario, and does not include the St. Lawrence Valley Correctional and Treatment Centre

<sup>2</sup> The complete list of medical disorders is found on Pages [3-4] below.

<sup>3</sup> Appendix A is set out on Page [6] below.

Both voluntary and involuntary placements in Administrative Segregation that meet the conditions listed above count.

If you were placed in Administrative Segregation for 15 or more days between January 1, 2009 and April 19, 2015, or if you had a serious mental illness and spent any time in Administrative Segregation between January 1, 2009 and April 19, 2015, you should contact the Claims Administrator to provide the details of your placement(s), because you may still be entitled to money if you can prove you could not start a lawsuit before April 20, 2015.

### Why is there a notice?

The Court has approved this notice to let you know your rights. There are two lawsuits about Administrative Segregation in Ontario jails that have been authorized by the Court to proceed as class actions:

- *Francis v. Ontario*, Court File No. CV-18-591719-00CP
- *Chandra v. Ontario*, Court File No. CV-18-591719-00CP.

You might have already received notice of certification of these lawsuits. However, this notice is to update you on important developments in these lawsuits and to inform you about who can make a claim for money.

- On April 20, 2020, in the *Francis* case, the Court awarded a judgment of \$30 million<sup>4</sup> in aggregate damages to *Francis* Class Members.
- On March 11, 2022, the Court certified the *Chandra* case as a class action.
- The parties agreed to settle the aggregate damages as part of the *Chandra* action for \$13 million (as set out in a Settlement Agreement), and agreed to a Distribution and Individual Issues Protocol ("**Protocol**") for Class Members to make claims for money in both the *Francis* and *Chandra* cases. On September 22, 2023, the Court approved the Settlement Agreement and Protocol.

Under the Court-approved Protocol, both the *Francis* and *Chandra* aggregate damages amounts will be combined into a single fund of approximately \$32,779,000, to be divided equally amongst all eligible Class Members who file a

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<sup>4</sup> Certain fees and expenses will be deducted from this amount.

claim. Additional compensation may be available to certain Class Members, as described below.

Copies of the complete Settlement Agreement and Protocol can be received from the Claims Administrator.

Class Members who want to claim a share of the aggregate damages, and/or make a claim for additional money under the Protocol, must submit a Claim Form before March 1, 2025.

### What are the lawsuits about?

Both lawsuits say that Ontario improperly subjected inmates to Administrative Segregation. The lawsuits claimed that such Administrative Segregation constituted systemic negligence and a breach of inmates' rights under the *Canadian Charter of Rights and Freedoms*. Ontario denies these claims.

### Who is a member of these class actions?

Francis Class Members are:

All current and former Inmates, who were alive as of **April 20, 2015**:

#### **I. Inmates with a Serious Mental Illness**

a) who were subjected to Administrative Segregation for any length of time at one of the Correctional Institutions between January 1, 2009 and September 18, 2018;

b) who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders (“DSM”):

- (A) Schizophrenia (all sub-types),
- (B) Delusional disorder,
- (C) Schizophreniform disorder,
- (D) Schizoaffective disorder,
- (E) Brief psychotic disorder,

- (F) Substance-induced psychotic disorder (excluding intoxications and withdrawal),
- (G) Psychotic disorder not otherwise specified,
- (H) Major depressive disorders,
- (I) Bipolar disorder I,
- (J) Bipolar disorder II,
- (K) Neurocognitive disorders and/or Delirium, Dementia and Amnesic and Other Cognitive Disorders,
- (L) Post-Traumatic Stress Disorder;
- (M) Obsessive Compulsive Disorder; or
- (N) Borderline Personality Disorder;

and who suffered from their disorder, in a manner described in Appendix “A”, and,

c) who reported such diagnosis and suffering to the Defendant's agents before or during their Administrative Segregation);

**and/or,**

## **II. Inmates in Prolonged Administrative Segregation**

a) who were subjected to Administrative Segregation for 15 or more consecutive days at one of the Correctional Institutions between January 1, 2009 and September 18, 2018.

If you were placed in Administrative Segregation for 15 or more days between January 1, 2009 and April 19, 2015, or if you have a serious mental illness and spent any time in Administrative Segregation between January 1, 2009 and April 19, 2015, you should contact the Claims Administrator to provide the details of your placement(s), because you may still be entitled to money if you can prove you could not start a lawsuit before April 20, 2015.

The **Chandra Class** includes:

All current and former Inmates, who were alive as of **May 14, 2018:**

### **I. Inmates with a Serious Mental Illness**

(a) who were subjected to Administrative Segregation for any length of time

at one of the Correctional Institutions between September 19, 2018 and August 18, 2021,

(b) who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders (“DSM”):

- (A) Schizophrenia (all sub-types),
- (B) Delusional disorder,
- (C) Schizophreniform disorder,
- (D) Schizoaffective disorder,
- (E) Brief psychotic disorder,
- (F) Substance-induced psychotic disorder (excluding intoxications and withdrawal),
- (G) Psychotic disorder not otherwise specified,
- (H) Major depressive disorders,
- (I) Bipolar disorder I,
- (J) Bipolar disorder II,
- (K) Neurocognitive disorders and/or Delirium, Dementia and Amnesic and Other Cognitive Disorders,
- (L) Post-Traumatic Stress Disorder;
- (M) Obsessive Compulsive Disorder; or
- (N) Borderline Personality Disorder;

and who suffered from their disorder, in a manner described in Appendix “A”, and,

(c) who reported such diagnosis and suffering to the Defendant's agents before or during their Administrative Segregation;

**and/or,**

## **II. Inmates in Prolonged Administrative Segregation**

a) who were subjected to Administrative Segregation for 15 or more consecutive days at one of the Correctional Institutions between September 19, 2018 and August 18, 2021.

Certain terms are defined as follows:

**“Correctional Institutions”** are correctional institutions as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22, excluding the St. Lawrence Valley Correctional and Treatment Centre.

**“Inmates”** are inmates as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

**“Administrative Segregation”** refers to segregation as outlined in section 34 of Regulation 778, R.R.O. 1990 under *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

### Appendix “A”

- *Significant impairment in judgment (including all of the following: the inability to make decisions, confusion, and disorientation);*
- *Significant impairment in thinking (including both paranoia and delusions that make the offender a danger to self or others);*
- *Significant impairment in mood (including constant depressed mood plus helplessness and hopelessness; agitation; manic mood that interferes with ability to effectively interact with other offenders or staff);*
- *Significant impairment in communications that interferes with ability to effectively interact with other offenders or staff;*
- *Hallucinations; delusions; or, severe obsessional rituals that interferes with ability to effectively interact with other offenders or staff;*
- *Chronic and severe suicidal ideation resulting in increased risk for suicide attempts; or*
- *Chronic and severe self-injury.*

*Please note: the glossary of the relevant DSM is to be used to interpret the foregoing terms where appropriate.*

### Am I eligible for compensation?

If you are a member of these class actions, you must submit a Claim Form before March 1, 2025, and the Claims Administrator, or a Court-appointed Referee if applicable, will determine if you are eligible to receive compensation.

Class Members who spent 15 or more consecutive days (15 or more days in a row) in Administrative Segregation in an Ontario Jail during the class period will be eligible to receive a share of the aggregate damage awards. Class Members may be

eligible for additional compensation, assessed by a Court-appointed Referee or by the Court itself, discussed below.

**How much money can I claim under the Protocol?**

There are three ways you can claim compensation:

	<b>TRACK 1<sup>5</sup></b>	<b>TRACK 2: Boxes 1, 2 and/or 3</b>	<b>TRACK 3</b>
<b>Amount</b>	<p><b>SHARE OF \$32.7 million</b></p> <p>All eligible Prolonged Class Members who spent <b>15 or more consecutive days</b> in Administrative Segregation will receive a share of the \$32.7 million aggregate damages award.</p> <p>All eligible Prolonged Class Members who spent <b>15 or more consecutive days</b> in Administrative Segregation will be automatically considered for additional money under <b>Track 2 Box 1</b> for each consecutive day, 15 days and over, spent in Administrative Segregation, <b>UP TO \$40,000</b>.</p> <p>(All eligible Prolonged Class Members will receive <b>at least</b> an equal share of the aggregate damages award, credited against any Track 2 award).</p>	<p><b>UP TO \$100,000</b></p> <p>There are 3 types of Track 2 damages that can be claimed, depending on what criteria you meet:</p> <p>Box 1: For Prolonged Class Members who spent <b>15 or more consecutive days</b> in Administrative Segregation, money for each day, 15 days and over, <b>UP TO \$40,000</b></p> <p style="text-align: center;"><i>and/or</i></p> <p>Box 2: Damages for SMI (seriously mentally ill) Class Members based on placement length(s), <b>UP TO \$20,000</b></p> <p style="text-align: center;"><i>and/or</i></p> <p>Box 3: Damages for other <b>mental health conditions</b> (see list below) based on placement length(s), <b>UP TO \$40,000</b></p> <p>(All eligible Prolonged Class Members will receive <b>at least</b> an equal share of the aggregate damages award, credited against any Track 2 award).</p>	<p><b>COURT AWARD</b></p> <p>With no limit to your claim</p> <p>(All eligible Prolonged Class Members will receive <b>at least</b> an equal share of the \$32.7 million, credited against any Track 3 award.)</p>

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<sup>5</sup> Pursuant to the Distribution and Individual Protocol, approved by the Court on September 22, 2023, Track 1 claims (aggregate damages for Class Members who spent 15 or more consecutive days in Administrative Segregation) will be merged with Track 2, Box 1 claims.

	<b>TRACK 1<sup>5</sup></b>	<b>TRACK 2: Boxes 1, 2 and/or 3</b>	<b>TRACK 3</b>
<b>Documents</b>	<p>Claim Form + Track Selection Form</p> <p>(subject to some exceptions if your eligibility is in dispute)</p>	<p>Claim Form + Track Selection Form + Brief written arguments to establish eligibility for certain criteria + Your Affidavit (optional)</p> <p>(subject to some exceptions if your eligibility is in dispute)</p>	<p>Claim Form + Track Selection Form + Statement of Claim and Notice of Motion for Summary Judgment, filed with the Ontario Superior Court of Justice + Brief written arguments to establish eligibility for certain criteria, and evidence demonstrating harm caused by your placement in Administrative Segregation + Affidavits and other evidence (optional)</p>
<b>Process</b>	<p>NO Court hearing.</p> <p>NO assessment by a Referee (subject to some exceptions).</p> <p><b><u>Fastest Process</u></b></p>	<p>The Claims Administrator will review information about your placement length(s) and the Referee will decide any questions about eligibility criteria.</p> <p>Damages will be awarded based on grids up to a maximum of \$100,000. The award must then be approved by the Court.</p>	<p>At a court hearing (called “a motion for summary judgment”) a Judge will review your evidence, any evidence that Ontario presents, and hear legal arguments. The Judge will then determine the amount of your award, if any.</p>
<b>Fees</b>	<p>NO additional legal fee on a Prolonged Class Member’s share of the \$32.7 million.</p> <p>15% of any additional money obtained under Track 2 Box 1, plus disbursements and a levy to any funder.</p>	<p>15% of the additional money obtained, plus disbursements and a levy to any funder</p> <p>(But NO additional legal fee on a Prolonged Class Member’s share of the \$32.7 million)</p>	<p>ANY legal fee agreed to between you and your lawyer on the additional money obtained, plus any disbursements, plus a levy to any funder</p> <p>(But NO additional legal fee on a Prolonged Class Member’s share of the \$32.7 million)</p>

The *Francis* lawsuit has received financial support from the Class Proceedings Fund. If you are a *Francis* Class Member, there will be a levy that reduces the amount of any award that you may receive. This levy is the sum of the amount of any financial support paid from the Fund plus 10 per cent of the amount of the award .

A chart summarizing the amounts available for Track 2 claims are set out below:



<b>BOX 1</b>	<b>AWARD</b>
<b>CRITERIA FOR AWARD</b>	
15-29 consecutive days in Administrative Segregation	Up to \$10,000
30-44 consecutive days in Administrative Segregation	Up to \$15,000
45-80 consecutive days in Administrative Segregation	Up to \$20,000
81-100 consecutive days in Administrative Segregation	Up to \$30,000
More than 100 consecutive days in Administrative Segregation	Up to \$40,000
<b>BOX 2</b>	
<b>Additional damages if SMI:</b>	
Lump Sum (“A”):	\$5,000.00
Amount per separate qualifying placement in Administrative Segregation (“B”):	\$500.00
Amount per qualifying day (“C”):	\$90.00
Maximum A+B+C:	\$20,000.00
<b>BOX 3</b>	
<b>Additional damages for any one or more of: Post-Traumatic Stress Disorder, Severe Clinical Depression, Self-injurious behavior, substantial degradation in Axis I Disorder (excluding substance use disorders), or substantial degradation of Borderline Personality Disorder (“BPD”):</b>	
If Referee determines the Claimant, during the <i>Francis</i> Class Period or the <i>Chandra</i> Class Period,	
<p style="margin-left: 40px;">A) either</p> <p style="margin-left: 80px;">i) has at least one placement in Administrative Segregation of</p>	

<p>ii) fifteen or more consecutive days; or is SMI, and had at least one placement in Administrative Segregation for at least one day; <b>and</b></p> <p>B) within one year prior to, during, or one year after the Claimant’s placement in Administrative Segregation during the <i>Francis</i> Class Period and/or <i>Chandra</i> Class Period, the Claimant: was diagnosed by a Medical Professional with post traumatic stress disorder, an Axis I Disorder (excluding substance use disorders) or BPD; and/or has a written record of conduct consistent with one or more of severe clinical depression, self-injurious behavior, a substantial degradation in Axis I Disorder (excluding substance use disorders), or substantial degradation of BPD.</p>	
1-14 consecutive days in Administrative Segregation	Up to \$5,000
15-29 consecutive days in Administrative Segregation	Up to \$10,000
30-44 consecutive days in Administrative Segregation	Up to \$15,000
45-80 consecutive days in Administrative Segregation	Up to \$20,000
81-100 consecutive days in Administrative Segregation	Up to \$30,000
More than 100 consecutive days in Administrative Segregation	Up to \$40,000

There are several other parts of the Protocol that describe, among other things: **access to records of segregation placements, disclosure of documents, costs, and interest.** If you would like to request a complete copy of the Protocol, please contact the Claims Administrator at 1-833-290-4730, visit [www.OntarioAdministrativeSegregation.ca](http://www.OntarioAdministrativeSegregation.ca), or email [info@OntarioAdministrativeSegregation.ca](mailto:info@OntarioAdministrativeSegregation.ca).

**How do I make a Claim?**

You must submit a fully completed Court-approved Claim Form to the Claims Administrator by March 1, 2025, or else you will not be eligible to receive any money. To get a Claim Form you have the following options:

<b>Incarcerated Claimants</b>	<b>Claim Form Available Online and by Email</b>	<b>Claim Form Available by Phone or Mail</b>	<b>Claim Form Available at Parole Offices</b>
<p>If you are currently incarcerated in an Ontario jail, you can get a Claim Form and pre-paid postage return envelope from the common area(s) in the jail.</p>	<p>Download the Claim Form online or request a copy of the Claim Form by email:</p> <p><b>Website:</b>  <a href="https://www.OntarioAdministrativeSegregation.ca/">https://www.OntarioAdministrativeSegregation.ca/</a></p> <p><b>Email:</b>  <a href="mailto:info@OntarioAdministrativeSegregation.ca">info@OntarioAdministrativeSegregation.ca</a></p>	<p>Write or call the Administrator to request a Claim Form:</p> <p>1-833-290-4730</p> <p>Ontario Administrative Segregation Class Action Administrator</p> <p>c/o Epiq Class Action Services  Canada  PO Box 507 STN B  Ottawa, ON K1P 5P6</p>	<p>Ask for a copy of the Claim Form and pre-paid postage return envelope from your Probation and Parole Office in Ontario.</p>

If a paper Claim Form is used, the postmark (date stamped by Canada Post) on the envelope will be considered as the day the Claim Form was submitted to the Claims Administrator.

**You do *not* need a lawyer in order to submit a Claim Form.**

**What if I do not make a Claim?**

If you do not make a Claim before March 1, 2025, you will not be able to get any money as a result of these class actions, you will lose your right to a share of the money awarded to the Class by the Court, and you will be forever releasing any lawsuits you may have had against Ontario in respect to Administrative Segregation in Ontario jails. You will not be able to sue Ontario independently for your experiences in Administrative Segregation.

**Even if you previously provided information to class counsel, another lawyer, or a support agency, you must still submit a Claim Form specifically for these Class Actions before March 1, 2025, or you will not be eligible to receive money.**

### Do I have a lawyer in the case?

Yes. The Court has appointed the law firm Koskie Minsky LLP to represent you and other Class Members as “Class Counsel.”

You will not be required to pay for these lawyers up front. Class Counsel and/or a lawyer you retain will collect the percentage of the compensation outlined above, or a percentage that you specifically agree to. Your lawyers can collect 15% if you pursue a Track 2 claim and receive damages in addition to your share of the \$32.7 million aggregate damages fund. Your lawyers can collect any percentage that you agree to if you pursue a Track 3 claim.

If you want to be represented by another lawyer, you may hire one at your own expense. You may also choose to make a claim without a lawyer.

You can contact Koskie Minsky LLP by phone at 1-844-819-8527 or by email at [OntarioAdminSegClassAction@kmlaw.ca](mailto:OntarioAdminSegClassAction@kmlaw.ca)

### How do I get more information?

You can get more information at [www.OntarioAdministrativeSegregation.ca](http://www.OntarioAdministrativeSegregation.ca), by calling toll free at 1-833-290-4730, by email to [info@OntarioAdministrativeSegregation.ca](mailto:info@OntarioAdministrativeSegregation.ca), or writing to:

Ontario Segregation Class Action Administrator  
c/o Epiq Class Action Services Canada Inc.  
P.O. Box 507 STN B  
Ottawa ON K1P 5P6