

## Legal Notice

### **Were you placed in Administrative Segregation in an Ontario Jail between January 1, 2009 and August 18, 2021?**

*A Lawsuit May Affect You. Please Read this Carefully*

You could be affected by one of two class action lawsuits. The Ontario Superior Court of Justice decided that two class actions on behalf of a class of people, that could include you, can go forward. The Court will soon determine a process through which money will be available to eligible class members. This notice summarizes your rights and options.

#### **What are these cases about?**

The lawsuits say that Ontario improperly subjected people to administrative segregation in Ontario jails, causing them emotional, physical, and psychological harm. Ontario denies these claims. However, the Court has already decided that Ontario should pay aggregate damages in one lawsuit, and Ontario has agreed to settle aggregate damages in the second lawsuit. The parties have proposed a plan, called the "Protocol", for distributing the aggregate damages and allowing class members to make claims for additional damages.

The Court must now decide whether to approve a proposed Settlement in the second lawsuit and whether to approve the proposed Protocol for claiming money in both lawsuits. The Court will decide these issues at a hearing on August 11, 2022. If you want to participate in the hearing, please contact the Administrator at [info@ontarioadministrativesegregation.ca](mailto:info@ontarioadministrativesegregation.ca) or 1-833-290-4730 by **July 25, 2022**.

#### **Who represents the class?**

The Court has appointed Koskie Minsky LLP to represent the class as "Class Counsel". You don't have to pay Class Counsel. Instead, if you make a claim for money under the proposed Protocol, they may ask for lawyers' fees to be deducted from any money that you obtain. You may also hire your own lawyer instead, but you may have to pay that lawyer.

#### **Who is included in the class?**

There are two classes that may be able to benefit from these lawsuits. The Pre-2018 Class includes current and former inmates who were subjected to Administrative Segregation between January 1, 2009 and September 18, 2018, were alive as of April 20, 2020, and fall into either Category 1 or Category 2 set out below. The time for excluding yourself from the Pre-2018 Class has expired.

The Post-2018 Class includes current and former inmates who were subjected to Administrative Segregation between September 18, 2018 and August 18, 2021, were alive as of May 14, 2018, and fall into either Category 1 or Category 2 set out below. If you belong to the Post-2018 Class, you have a choice of staying in the class, or leaving the class by opting out.

#### **Category 1: Inmates with a Serious Mental Illness:**

- (a)** who were subjected to Administrative Segregation for any length of time at one of the Correctional Institutions;
- (b)** who were diagnosed by a medical doctor before or during their incarceration with a listed disorder, and who suffered from their disorder, in a manner described, and,
- (c)** who reported such diagnosis and suffering to Ontario's agents before or during their Administrative Segregation;

*If you have questions concerning this notice you can call 1-833-290-4730 for assistance.*

OR

**Category 2: Inmates in Prolonged Administrative Segregation** who were placed in Administrative Segregation for 15 or more consecutive days at one of the Correctional Institutions.

For more information about the proposed settlement, and a complete definition of the terms used in these categories, please review the documents which are available on the internet at: [www.ontarioadministrativesegregation.ca](http://www.ontarioadministrativesegregation.ca) or contact the Administrator at 1-833-290-4370 or [info@ontarioadministrativesegregation.ca](mailto:info@ontarioadministrativesegregation.ca).

### What money is available to the class?

A Court awarded **\$30 million** in aggregate damages to be distributed to eligible members of the Pre-2018 Class, less fees and deductions. Ontario has also agreed to a Settlement that provides **\$13 million** in aggregate damages to eligible members of the Post-2018 Class, without deductions. The Court must approve this proposed Settlement, and it will decide whether to approve it at the hearing on **August 11, 2022**.

Eligible members of the classes may be entitled to additional damages. The Protocol explains who is eligible and how class members can make their claims for damages. Under the Protocol, there are three separate “Tracks” for making claims. Each Track has different requirements, advantages, and disadvantages. You can read more about the Tracks at [www.ontarioadministrativesegregation.ca](http://www.ontarioadministrativesegregation.ca) and in the Protocol. The Court must approve the proposed Protocol, and it will decide whether to approve it at the hearing on **August 11, 2022**.

### What are my options as a class member?

Your options will depend on what class you are in.

If you were placed in Administrative Segregation anytime <b>between Jan. 1, 2009 and Sept. 18, 2018, your options are:</b>	
Do nothing	If the Court approves the Protocol, you will be able to make a claim for damages at a later date.
Object to proposed Protocol	Complete an Objection Form and mail it to Class Counsel at Koskie Minsky LLP, 20 Queen St. West, Suite 900, Box 52, Toronto, ON M5H 3R3, or email it to <a href="mailto:ontarioadminsegclassaction@kmlaw.ca">ontarioadminsegclassaction@kmlaw.ca</a> , no later than <b>July 25, 2022</b> .

If you were placed in Administrative Segregation <b>between Sep. 18, 2018 and Aug. 18, 2021, your options are:</b>	
Do nothing	If the Court approves the Settlement and the Protocol, you will be able to make a claim for damages at a later date.
Opt Out	Exclude yourself from the class, and get no money from the lawsuit, but keep your right to sue Ontario. <b>If you want to opt out, you must submit an Opt Out Form by July 25, 2022.</b>
Object to proposed Settlement and/or Protocol	Complete an Objection Form and mail it to Class Counsel at Koskie Minsky LLP, 20 Queen St. West, Suite 900, Box 52, Toronto, ON M5H 3R3, or email it to <a href="mailto:ontarioadminsegclassaction@kmlaw.ca">ontarioadminsegclassaction@kmlaw.ca</a> , no later than July 25, 2022.

### Where can I get more information?

To get a copy of the proposed Settlement, the proposed Protocol, the Objection Form, the Opt Out Form, or any other information, please contact the Administrator at: 1-833-290-4730 or [info@ontarioadministrativesegregation.ca](mailto:info@ontarioadministrativesegregation.ca), or by mail at: Ontario Segregation Class Action, c/o Epiq Class Action Services Canada Inc., P.O. Box 507 STN B, Ottawa ON K1P 5P6.

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