

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE)
JUSTICE BELOBABA)
)
)

MARCH 19, 2021

B E T W E E N :

JAMES YEO

Plaintiff

- and -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO

Defendant

Proceeding under the *Class Proceedings Act*, 1992

NOTICE APPROVAL ORDER

THIS MOTION, made by the Plaintiff to set the date and manner of the virtual settlement approval hearing was heard in writing.

ON READING the motion record of the Plaintiff,

ON BEING ADVISED that the Defendant consents to the form of this Order,

ON BEING ADVISED by the Plaintiff that the Public Guardian and Trustee has been given a copy of the proposed settlement agreement which is subject to the approval of this Court.

AND WHEREAS this action was certified as a class proceeding by way of an Order dated December 22, 2016, and the parties have now reached a proposed settlement which provides for a settlement fund and claims process,

1. THIS COURT ORDERS that Epiq Global be and hereby is appointed as the Notice Provider for Phase I Notice and that Epiq Global shall disseminate the Notice in the manner set out in the Notice Plan Agreement attached as Schedule "A" (the "Phase I Notice Plan").

2. THIS COURT ORDERS that short-form and long-form notice of the settlement approval hearing substantially in the forms attached as Schedules A and B to the Phase I Notice Plan, respectively, be and hereby are approved, subject to the right of the parties, on consent, to make non-material amendments as may be necessary or desirable.

3. THIS COURT FURTHER ORDERS that

(a) within seven (7) days of the date of this Order, the Defendant shall make best efforts to send to Epiq Global the “Class List” which is the list produced by the Defendant pursuant to paragraph 7(a) of this Court's Certification Order dated December 22, 2016 and the Court Order dated March 27, 2018 and include any additional information noted to the date of this Notice Approval Order. Any reference to the “Ministry of Children and Youth Services” in those Orders should be understood to currently mean the “Ministry of Children, Community and Social Services” due to government reorganization; and

(b) within seven (7) days of the date of this Order, Class Counsel shall make best efforts to send to Epiq Global all mailing addresses and email addresses of Class Members or relating to Class Members in the possession of Class Counsel.

4. THIS COURT FURTHER ORDERS that the Notice Provider will disseminate notice as prescribed under the Notice Plan to all mailing addresses and email addresses collected pursuant to paragraph 3(a) and (b) above. To be clear, where there are multiple mailing addresses or email addresses identified for any Class Member on the Class List, notice shall be disseminated to each of the mailing addresses or email addresses.

5. THIS COURT FURTHER ORDERS that any persons wishing to submit an Objection Form shall deliver the Objection Form in the form attached as Schedule E to the Phase I Notice Plan, to be emailed or postmarked by no later than May 26, 2021 to the contact information indicated on the Objection Form.

6. THIS COURT FURTHER ORDERS that any Objection Forms received after the deadline set out in paragraph 5 shall not be filed with the Court or considered at the hearing to approve the Settlement Agreement without leave of the Court.

7. THIS COURT FURTHER ORDERS that the expenses of distributing the notice in accordance with the Phase I Notice Plan and the Notice Provider's responsibilities herein, as approved, shall be paid by the Defendant and shall not be refundable in the event that this settlement is not finally approved. If the settlement is finally approved, all of these expenses previously incurred by the Defendant are to be deducted from the Settlement Fund. The Notice Provider, should it be appointed Claims Administrator under the settlement agreement, is responsible for ensuring that these amounts paid are deducted from the Settlement Fund.

8. THIS COURT FURTHER ORDERS that Epiq Global shall also be responsible for the receipt of Class Members' Objection Forms and shall serve on the parties and file with the Court, seven days prior to the settlement approval hearing, an affidavit including copies of all Objection Forms it has received as of the date of the affidavit. Epiq Global shall also provide the parties copies of all Objection Forms it receives on a weekly basis beginning on the date of this Notice Approval Order to the date of the Settlement Approval Hearing.

9. THIS COURT FURTHER ORDERS that Epiq Global shall be appointed as the Administrator to perform pre-claims administration duties, which shall include establishing and maintaining a website and call centre.

10. THIS COURT FURTHER ORDERS that the Settlement Approval Hearing during which the motion for settlement approval will be heard is scheduled for June 23, 2021.

Signed: *Justice Edward P. Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective from the date it is made, and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal Judgment [Order] need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party to this Judgment [Order] may nonetheless submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.

James Yeo HMQ
Plaintiff and Defendant

Court File No.: CV-16-547155-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(NOTICE APPROVAL)

KOSKIE MINSKY LLP

20 Queen Street West, Suite 900, Box 52
Toronto, ON M5H 3R3

David Rosenfeld LSO# 51143A
Tel: 416-595-2700/Fax: 416-204-2894

Adam Tanel LSO#: 61715D
Tel: 416-595-2072/Fax: 416-204-4922

Lawyers for the Plaintiff