

JOINT MOTION RECORD VOLUME VI

Court File No. 00-CV-192059CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

CHARLES BAXTER, SR. AND ELIJAH BAXTER

Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA

Defendant

- and -

THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE ANGLICAN CHURCH OF CANADA, THE SYNOD OF THE DIOCESE OF ALGOMA, THE SYNOD OF THE DIOCESE OF ATHABASCA, THE SYNOD OF THE DIOCESE OF BRANDON, THE SYNOD OF THE DIOCESE OF BRITISH COLUMBIA, THE SYNOD OF THE DIOCESE OF CALGARY, THE SYNOD OF THE DIOCESE OF CARIBOO, THE INCORPORATED SYNOD OF THE DIOCESE OF HURON, THE SYNOD OF THE DIOCESE OF KEEWATIN, THE DIOCESE OF MOOSONEE, THE SYNOD OF THE DIOCESE OF WESTMINSTER, THE SYNOD OF THE DIOCESE OF QU'APPELLE, THE DIOCESE OF SASKATCHEWAN, THE SYNOD OF THE DIOCESE OF YUKON, THE COMPANY FOR THE PROPAGATION OF THE GOSPEL IN NEW ENGLAND (also known as THE NEW ENGLAND COMPANY), THE PRESBYTERIAN CHURCH IN CANADA, THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, THE FOREIGN MISSION OF THE PRESBYTERIAN CHURCH IN CANADA, BOARD OF HOME MISSIONS AND SOCIAL SERVICES OF THE PRESBYTERIAN CHURCH IN CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE PRESBYTERIAN CHURCH IN CANADA, THE UNITED CHURCH OF CANADA, THE BOARD OF HOME MISSIONS OF THE UNITED CHURCH OF CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE UNITED CHURCH OF CANADA, THE METHODIST CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE METHODIST CHURCH OF CANADA (also known as THE METHODIST MISSIONARY SOCIETY OF CANADA), THE CANADIAN CONFERENCE OF CATHOLIC BISHOPS, THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF CALGARY, THE ROMAN CATHOLIC BISHOP OF KAMLOOPS, THE ROMAN

CATHOLIC BISHOP OF THUNDER BAY, THE ROMAN CATHOLIC ARCHBISHOP OF VANCOUVER, THE ROMAN CATHOLIC BISHOP OF VICTORIA, THE ROMAN CATHOLIC BISHOP OF NELSON, THE CATHOLIC EPISCOPAL CORPORATION OF WHITEHORSE, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE GROUARD – McLENNAN, THE CATHOLIC ARCHDIOCESE OF EDMONTON, LA DIOCESE DE SAINT-PAUL, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF MACKENZIE, THE ARCHIEPISCOPAL CORPORATION OF REGINA, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF KEEWATIN, THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG, LA CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE SAINT-BONIFACE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE OF SAULT STE. MARIE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF JAMES BAY, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HUDSON'S BAY, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE PRINCE ALBERT, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF PRINCE RUPERT, THE ORDER OF THE OBLATES OF MARY IMMACULATE IN THE PROVINCE OF BRITISH COLUMBIA, THE MISSIONARY OBLATES OF MARY IMMACULATE – GRANDIN PROVINCELES PERES MONTFORTAINS (also known as THE COMPANY OF MARY), JESUIT FATHERS OF UPPER CANADA, THE MISSIONARY OBLATES OF MARY IMMACULATE – PROVINCE OF ST. JOSEPH, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (also known as LES REVERENDS PERES OBLATS DE L'IMMACULEE CONCEPTION DE MARIE), THE OBLATES OF MARY IMMACULATE, ST. PETER'S PROVINCE, LES REVERENDS PERES OBLATS DE MARIE IMMACULEE DES TERRITOIRES DU NORD OUEST, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (PROVINCE U CANADA – EST), THE SISTERS OF SAINT ANNE, THE SISTERS OF INSTRUCTION OF THE CHILD JESUS (also known as THE SISTERS OF THE CHILD JESUS), THE SISTERS OF CHARITY OF PROVIDENCE OF WESTERN CANADA, THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERT (also known as THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERTA), THE SISTERS OF CHARITY (GREY NUNS) OF THE NORTHWEST TERRITORIES, THE SISTERS OF CHARITY (GREY NUNS) OF MONTREAL (also known as LES SOEURS DE LA CHARITÉ (SOEURS GRISES) DE L'HÔPITAL GÉNÉRAL DE MONTREAL), THE GREY SISTERS NICOLET, THE GREY NUNS OF MANITOBA INC. (also known as LES SOEURS GRISES DU MANITOBA INC.), THE SISTERS OF ST. JOSEPH OF SAULT STE. MARIE, LES SOEURS DE SAINT-JOSEPH DE ST-HYACINTHE and INSTITUT DES SOEURS DE SAINT-JOSEPH DE SAINT-HYACINTHE LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE (also known as LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE) DE NICOLET AND THE SISTERS OF ASSUMPTION, LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE DE L'ALBERTA, THE DAUGHTERS OF THE HEART OF MARY (also known as LA SOCIETE DES FILLES DU COEUR DE MARIE and THE DAUGHTERS OF THE IMMACULATE HEART OF MARY), MISSIONARY OBLATE SISTERS OF SAINT-BONIFACE (also known as

MISSIONARY OBLATES OF THE SACRED HEART AND MARY IMMACULATE, or LES MISSIONAIRES OBLATS DE SAINT-BONIFACE), LES SOEURS DE LA CHARITE D'OTTAWA (SOEURS GRISES DE LA CROIX) (also known as SISTERS OF CHARITY OF OTTAWA - GREY NUNS OF THE CROSS), SISTERS OF THE HOLY NAMES OF JESUS AND MARY (also known as THE RELIGIOUS ORDER OF JESUS AND MARY and LES SOEURS DE JESUS-MARIE), THE SISTERS OF CHARITY OF ST. VINCENT DE PAUL OF HALIFAX (also known as THE SISTERS OF CHARITY OF HALIFAX), LES SOEURS DE NOTRE DAME AUXILIATRICE, LES SOEURS DE ST. FRANCOIS D'ASSISE, SISTERS OF THE PRESENTATION OF MARY (SOEURS DE LA PRESENTATION DE MARIE), THE BENEDICTINE SISTERS, INSTITUT DES SOEURS DU BON CONSEIL, IMPACT NORTH MINISTRIES, THE BAPTIST CHURCH IN CANADA

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

JOINT MOTION RECORD
(Certification, Settlement Approval and Approval of Legal Fees)

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other Religious Entity Defendants.

ABBREVIATED INDEX

TAB NO.

DOCUMENT DESCRIPTION

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VOLUME II***

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2. Residential Schools Settlement Agreement, dated May 10, 2006

VOLUME III

3. Notice of Motion for Settlement Approval, returnable August 29-31, 2006
 - A. Schedule “A” to the Notice of Motion [Amended Statement of Claim]
 - B. Schedule “B” to the Notice of Motion [Draft Order Amending the Title of Proceedings]
 - C. Schedule “C” to the Notice of Motion [Draft Order Approving the Settlement]
 - D. Schedule “D” to the Notice of Motion [Draft Order Approving Fees]
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5. Affidavit of the Honourable Frank Iacobucci, Q.C.
6. Affidavit of Chief Larry Phillip Fontaine

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9. Affidavit of Len Marchand

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11. Affidavit of Donald Belcourt
12. Affidavit Nora Bernard

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14.	Affidavit of Bonnie Reid
15.	Affidavit of Doug Keshen
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17.	Affidavit of Todd Hilsee (June 29, 2006)
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25.	Affidavit of Father Jacques Gagné (Catholic)
26.	Affidavit of Archbishop Joseph Edmond Emilius Goulet (Catholic)
27.	Affidavit of Sister Gloria Keylor s.p. (Catholic)
28.	Affidavit of Father Jacques L'Heureux (Catholic)
29.	Affidavit of Father Camille Piche (Catholic)
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31.	Affidavit of Father Cécil Fortier (Catholic)
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<u>TAB NO.</u>	<u>DOCUMENT DESCRIPTION</u>
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37.	Affidavit of Sister Pearl Goudreau (Catholic)
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TAB NO.

DOCUMENT DESCRIPTION

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 - A. Schedule "A" to the Agreement in Principle, dated November 20, 2005 [List of Catholic Entities]
 - B. Schedule "B" to the Agreement in Principle, dated November 20, 2005 [Independent Assessment Process (IAP) for Continuing Indian Residential Schools Abuse Claims]
 - C. Schedule "C" to the Agreement in Principle, dated November 20, 2005 [List of Residential Schools]
 - D. Schedule "D" to the Agreement in Principle, dated November 20, 2005 [List of Additional Residential Schools]
 - E. Schedule "E" to the Agreement in Principle, dated November 20, 2005 [Truth and Reconciliation Principles]
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 - G. Schedule "G" to the Agreement in Principle, dated November 20, 2005 [AIP Implementation]
 - H. Schedule "H" to the Agreement in Principle, dated November 20, 2005 [Letter to Former Students of Indian Residential Schools and their Legal Counsel from Mario Dion, Deputy Minister, Indian Residential Schools Resolution Canada, July 2005]
2. **Residential Schools Settlement Agreement, dated May 10, 2006**
 - A. Schedule "A" to Residential Schools Settlement Agreement, dated May 10, 2006 [Application for Common Experiences Payment for Former Students Who Resided at Indian Residential Schools]
 - B. Schedule "B" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Anglican Defendants]
 - C. Schedule "C" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Corporate Catholic Defendants]

<u>TAB NO.</u>	<u>DOCUMENT DESCRIPTION</u>
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E.	Schedule "E" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Residential Schools]
F.	Schedule "F" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Additional Residential Schools]
G.	Schedule "G" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Anglican Defendants]
H.	Schedule "H" to Residential Schools Settlement Agreement, dated May 10, 2006 [List of Other Catholic Entities]
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J.	Schedule "J" to Residential Schools Settlement Agreement, dated May 10, 2006 [Commemoration Policy Directive]
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L.	Schedule "L" to Residential Schools Settlement Agreement, dated May 10, 2006 [Common Experience Payment Process Flowchart and Memorandum]
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TAB NO.

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- A. Schedule A to Schedule O-1 Second Amending Agreement [The Presbyterian Fund for Healing and Reconciliation]
- B. Schedule B to Schedule O-1 Second Amending Agreement [Full and Final Release in Claims by Persons who Opt Out of the IRSSA]
- 2. Schedule "O" to Residential Schools Settlement Agreement, dated May 10, 2006 [Schedule O-2 Amending Agreement]
 - A. Schedule A to Schedule O-2 Second Amending Agreement [The Anglican Entities]
 - B. Schedule B to Schedule O-2 Second Amending Agreement [The Anglican Fund for Healing and Reconciliation ("AFHR")]
 - C. Schedule C to Schedule O-2 Second Amending Agreement [Full and Final Release in Claims by Persons Who Opt Out of the IRSSA]
 - D. Schedule D to Schedule O-2 Second Amending Agreement [Process for Providing Documents to the Truth and Reconciliation Commission]
 - E. Schedule E to Schedule O-2 Second Amending Agreement [Sections of IRSSA Incorporated by Reference]
 - F. Schedule F to Schedule O-2 Second Amending Agreement [Notice Information for Anglican Entities]
- 3. Schedule "O" to Residential Schools Settlement Agreement, dated May 10, 2006 [Schedule O-3 Settlement Agreement]
 - A. Schedule A to Schedule O-3 Settlement Agreement [List of the Catholic Entities]
 - B. Schedule B to Schedule O-3 Settlement Agreement [The Catholic Healing, reconciliation and Service Evaluation Committee]
 - C. Schedule C to Schedule O-3 Settlement Agreement [Conditions Under Which Payments are Made from the Corporation to the Aboriginal Healing Foundation]
 - D. Schedule D to Schedule O-3 Settlement Agreement [Full and Final Release in Claims by Persons who Opt Out of the IRSSA]
 - E. Schedule E to Schedule O-3 Settlement Agreement [Process for Providing Documents to the Truth and Reconciliation Commission]

TAB NO.

DOCUMENT DESCRIPTION

- F. Schedule F to Schedule O-3 Settlement Agreement [Sections of IRSSA Incorporated by Reference]
- G. Schedule G to Schedule O-3 Settlement Agreement [Names and Addresses of the Catholic Entities for Giving Notice]
- 4. Schedule "O" to Residential Schools Settlement Agreement, dated May 10, 2006 [Schedule O-4 Settlement Agreement]
 - A. Schedule A to Schedule O-4 Settlement Agreement [Indian Residential Schools Related to the United Church]
 - B. Schedule B to Schedule O-4 Settlement Agreement [Healing and Reconciliation and In-Kind Services Criteria]
 - C. Schedule C to Schedule O-4 Settlement Agreement [Full and Final Release in Claims by Persons Who Opt Out of the IRSSA]
- P. Schedule "P" to Residential Schools Settlement Agreement, dated May 10, 2006 [Full and Final Release]
- Q. Schedule "Q" to Residential Schools Settlement Agreement, dated May 10, 2006 [Treasury Board of Canada Secretariat Travel Directive]
- R. Schedule "R" to Residential Schools Settlement Agreement, dated May 10, 2006 [July 2005 Open Letter to Former Students of Indian Residential Schools and their Legal Counsel from Mario Dion, Deputy Minister, Indian Residential Schools Resolution Canada]
- S. Schedule "S" to Residential Schools Settlement Agreement, dated May 10, 2006 [National Certification Committee Members]
- T. Schedule "T" to Residential Schools Settlement Agreement, dated May 10, 2006 [ADR Pilot Projects]
- U. Schedule "U" to Residential Schools Settlement Agreement, dated May 10, 2006 [IAP Working Group Members]
- V. Schedule "V" to Residential Schools Settlement Agreement, dated May 10, 2006 [Agreement Between the Government of Canada and the Merchant Law Group Respecting the Verification of Legal Fees]

VOLUME III

3. **Notice of Motion for Settlement Approval, returnable August 29-31, 2006**
 - E. Schedule "A" to the Notice of Motion [Amended Statement of Claim]
 - F. Schedule "B" to the Notice of Motion [Draft Order Amending the Title of Proceedings]
 - G. Schedule "C" to the Notice of Motion [Draft Order Approving the Settlement]
 - H. Schedule "D" to the Notice of Motion [Draft Order Approving Fees]
4. **Affidavit of Jonathan Ptak**
5. **Affidavit of the Honourable Frank Iacobucci, Q.C.**
 - A. Exhibit "A" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Political Agreement]
 - B. Exhibit "B" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Letter from the Honourable Frank Iacobucci to Interested Parties, dated June 1, 2005]
 - C. Exhibit "C" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Letter from the Honourable Frank Iacobucci to Interested Parties, dated July 4, 2005]
 - D. Exhibit "D" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Letter from the Honourable Frank Iacobucci to Interested Parties, dated July 15, 2005]
 - E. Exhibit "E" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Chart describing meetings and telephone conversations]
 - F. Exhibit "F" to the Affidavit of the Honourable Frank Iacobucci, Q.C. [Agreement in Principle]
6. **Affidavit of Chief Larry Phillip Fontaine**
 - A. Exhibit "A" to the Affidavit of Chief Larry Phillip Fontaine [Chapter 10, *Report of the Royal Commission on Aboriginal Peoples*]

- B. Exhibit "B" to the Affidavit of Chief Larry Phillip Fontaine [Statement of Reconciliation]
- C. Exhibit "C" to the Affidavit of Chief Larry Phillip Fontaine [*Guiding Principles for Working Together to Build Restoration and Reconciliation*]
- D. Exhibit "D" to the Affidavit of Chief Larry Phillip Fontaine [*The Assembly of First Nations Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools*]
- E. Exhibit "E" to the Affidavit of Chief Larry Phillip Fontaine [Political Agreement dated May 30, 2005]
- F. Exhibit "F" to the Affidavit of Chief Larry Phillip Fontaine [Assembly of First Nations' Resolutions]
- G. Exhibit "G" to the Affidavit of Chief Larry Phillip Fontaine [Final Conference Report of the Assembly of First Nations' Residential Schools July 2005 Conference]
- H. Exhibit "H" to the Affidavit of Chief Larry Phillip Fontaine [List of Residential Schools conferences of meetings attended by the Assembly of First Nations Indian Residential Schools Unit]

VOLUME IV – National Background

- 7. **Affidavit of Robert Robson**
 - A. Exhibit 1 to the Affidavit of Rob Robson [Affidavit of Rob Robson Previously Sworn on July 25, 2003]
- 8. **Affidavit of David Russell**
- 9. **Affidavit of Len Marchand**

VOLUME V – Regional Histories

- 10. **Affidavit of Richard Courtis**
 - A. Exhibit "A" to the Affidavit of Richard Courtis [Statement of Reconciliation issued January 7, 1998]
 - B. Exhibit "B" to the Affidavit of Richard Courtis [List of Members of the National Consortium]
 - C. Exhibit "C" to the Affidavit of Richard Courtis [Amended Fresh as Amended Statement of Claim]

- D. Exhibit "D" to the Affidavit of Richard Courtis [Order Amending Statement of Defence, dated February 16, 2005]
- E. Exhibit "E" to the Affidavit of Richard Courtis [Order Amending Third Party Claim, dated February 16, 2005]
- F. Exhibit "F" to the Affidavit of Richard Courtis [Minutes of Case Conferences]
- G. Exhibit "G" to the Affidavit of Richard Courtis [Minutes of December 14, 2004 Case Conference]
- H. Exhibit "H" to the Affidavit of Richard Courtis [Reasons of Justice Winkler dated May 30, 2005]
- I. Exhibit "I" to the Affidavit of Richard Courtis [Proposed Amended Statement of Claim]
- J. Exhibit "J" to the Affidavit of Richard Courtis [Proposed Application Form to be Completed by Eligible CEP Recipients]
- K. Exhibit "K" to the Affidavit of Richard Courtis [Letter from Ms. Coughlan to Mr. Faulds, dated May 23, 2006]
- L. Exhibit "L" to the Affidavit of Richard Courtis [Expert Opinion from Lalive, Attorneys-at-Law, dated November 2, 2005]
- M. Exhibit "M" to the Affidavit of Richard Courtis [December 2005 Report of Siggner & Associates]
- N. Exhibit "N" to the Affidavit of Richard Courtis [Plaintiff's Litigation Plan in *Baxter*]

11. **Affidavit of Donald Belcourt**

- A. Exhibit "A" to the Affidavit of Donald Belcourt [Case Management Order of the Honourable Mr. Justice T.F. McMahon, dated January 8, 2000]
- B. Exhibit "B" to the Affidavit of Donald Belcourt [Alberta Law Reform Institute Class Actions Final Report No. 85, December 2000]
- C. Exhibit "C" to the Affidavit of Donald Belcourt [Proposal of the Plaintiffs for the Conduct of Residential School Litigation]
- D. Exhibit "D" to the Affidavit of Donald Belcourt [Reasons for Decision of the Honourable Mr. Justice T.F. McMahon, dated April 26, 2000]

E. Exhibit "E" to the Affidavit of Donald Belcourt [Reasons for Decision of the Honourable Mr. Justice T.F. McMahon, dated May 20, 2003]

12. **Affidavit Nora Bernard**

13. **Affidavit of Brian O'Reilly**

14. **Affidavit of Bonnie Reid**

15. **Affidavit of Doug Keshen**

VOLUME VI – Notice Program

16. **Affidavit of Todd Hilsee (May 17, 2006)**

Exhibit "A" to the Affidavit of Todd Hilsee (May 17, 2006) [Notice Plan]

17. **Affidavit of Todd Hilsee (June 29, 2006)**

18. **Affidavit of Todd Hilsee (July 26, 2006)**

19. **Affidavit of Kerry Eaton**

A. Attachment "A" to the Affidavit of Kerry Eaton [Weekly Report No. 01-06]

B. Attachment "B" to the Affidavit of Kerry Eaton [Weekly Report No. 02-06]

C. Attachment "C" to the Affidavit of Kerry Eaton [Weekly Report No. 03-06]

20. **Order of the Honourable Mr. Justice Warren K. Winkler, dated May 24, 2006**

VOLUME VII – The Church Defendants

21. **Affidavit of James Bruce Boyles [Anglican Church]**

A. Exhibit "A" to the Affidavit of James Bruce Boyles (Anglican Entities) [Indian Residential Schools Related to Anglican Entities]

B. Exhibit "B" to the Affidavit of James Bruce Boyles (Anglican Entities) [Settlement Agreement dated March 11, 2003]

22. **Affidavit of James Vincent Scott (United Church Entities)**

- A. Exhibit "A" to the Affidavit of James Vincent Scott (United Church Entities) [Indian Residential Schools Related to the United Church]
- 23. **Affidavit of Stephen Kendall (Presbyterian Entities)**
- A. Exhibit "A" to the Affidavit of Stephen Kendall (Presbyterian Entities) [Indian Residential Schools Related to the Church]
- B. Exhibit "B" to the Affidavit of Stephen Kendall (Presbyterian Entities) [Settlement Agreement dated February 13, 2003]
- 78. **Affidavit of Sister Bernadette Poirer s.g.m. (Catholic)**
- 79. **Affidavit of Father Jacques Gagné (Catholic)**
- 80. **Affidavit of Archbishop Joseph Edmond Emilius Goulet (Catholic)**
- 81. **Affidavit of Sister Gloria Keylor s.p. (Catholic)**
- 82. **Affidavit of Father Jacques L'Heureux (Catholic)**
- 83. **Affidavit of Father Camille Piche (Catholic)**
- 84. **Affidavit of Father Bernard Pinet (Catholic)**
- 85. **Affidavit of Father Cécil Fortier (Catholic)**
- 86. **Affidavit of Bishop Gary Gordon (Catholic)**
- 87. **Affidavit of Sister Dorothy Jean Beyer (Catholic)**
- 88. **Affidavit of Sister Pauline Phaneuf (Catholic)**
- 89. **Affidavit of Sister Suzanne Tremblay (Catholic)**
- 90. **Affidavit of Sister Robéa Duguay (Catholic)**
- 91. **Affidavit of Sister Pearl Goudreau (Catholic)**
- 92. **Affidavit of Sister Denise Brochu (Catholic)**
- 93. **Affidavit of Sister Suzanne Bridet (Catholic)**
- 94. **Affidavit of Sister Diane Beaudoin (Catholic)**
- 95. **Affidavit of Sister Gloria Paradis (Catholic)**

VOLUME VIII – Legal Fees

96. **Affidavit of Darcy Merkur**
- A. Exhibit “A” to the Affidavit of Darcy Merkur [Class Action Retainer Agreement]
- B. Exhibit “B” to the Affidavit of Darcy Merkur [Verification Agreement]

97. **Affidavit of Sandra Staats**

98. **Affidavit of Laura Cabott**

VOLUME IX – Individual Representative Plaintiffs

99. **Affidavit of Percy Archie**

100. **Affidavit of Charles Baxter**

101. **Affidavit of Elijah Baxter**

102. **Affidavit of Evelyn Baxter**

103. **Affidavit of Janet Brewster**

104. **Affidavit of John Bosum**

105. **Affidavit of Brenda Cyr**

106. **Affidavit of Malcolm Dawson**

107. **Affidavit of Vincent Bradley Fontaine**

108. **Affidavit of Elizabeth Kusiak**

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111. **Statutory Declaration of Michelline Ammaq**

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119. **Statutory Declaration of Jane McCallum**
120. **Statutory Declaration of Cornelius McComber**
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124. **Statutory Declaration of Camble Quatell**
125. **Statutory Declaration of Alvin Saulteaux**
126. **Statutory Declaration of Christine Semple**
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128. **Statutory Declaration of Kenneth Sparvier**
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130. **Statutory Declaration of Helen Wildeman**
131. **Statutory Declaration of Adrian Yellowknee**

IN RE RESIDENTIAL SCHOOLS CLASS ACTION LITIGATION

AFFIDAVIT OF TODD HILSEE

I, **TODD HILSEE**, of the Borough of Souderton, in the State of Pennsylvania, one of the United States of America, **MAKE OATH AND SAY:**

1. I have personal knowledge of the matters to which I depose to below, except where the facts are based on information and belief, in which case I have stated the source of the information and I believe such facts to be true.
2. I am the President of Hilsoft Notifications, a firm which serves courts in the U.S. and Canada in an expert capacity exclusively to design, analyze, and implement legal notification programmes.
3. Based on discussions with counsel for the parties, input from numerous Aboriginal people and groups and the Government of Canada, and my extensive experience with class actions and other complex litigation, Hilsoft Notifications has been asked to design, and implement when court-approved, a notice plan (the "Notice Plan") that will adequately reach and inform class members affected by the proposed settlement of this case. This affidavit will briefly describe the experience that allows us to undertake this assignment and for me render expert opinions, and provides an overview of the Notice Plan which is detailed in the attached **Exhibit A**.
4. My partners and I have developed and provided notice to class members in almost 200 class action and bankruptcy cases, giving notice in more than 53 countries and in 36 languages.

5. Our experience has included the most complex litigation cases that have proceeded anywhere in the world, including serving as the notice expert to design, implement, and analyze the effectiveness of notices to Holocaust survivors in remote parts of the world in the settlement with Swiss Banks, *In re Holocaust Victims Assets Litigation*, No. CV-96-4849, (E.D.N.Y.), and other “slave labourer” settlement notice programmes for the Austrian and German Governments and the International Organization for Migration.

6. I have been qualified as a notice expert by Canadian courts in class action cases, as also detailed in our firms curriculum vitae which is attached as Schedule 1 to the Notice Plan, including Canada’s landmark “Fen/Phen” litigation where Mr. Justice Cumming noted in *Wilson v. Servier*, (Sept. 13, 2000) No. 98-CV-158832, (Ont. S.C.J):

[R]etained a class-notification expert, Mr. Todd Hilsee, to provide advice and to design an appropriate class action notice plan for this proceeding. Mr. Hilsee’s credentials and expertise are impressive. The defendants accepted him as an expert witness. Mr. Hilsee provided evidence through an extensive report by way of affidavit, upon which he had been cross-examined. His report meets the criteria for admissibility as expert evidence. R. v. Lavallee, [1990] 1 S.C.R. 852.

7. We have provided notice in Canada for numerous significant cases affecting Canadians of all walks of life including: the global bankruptcy affecting Canadian women with breast implant claims in *In re Dow Corning Corp.*, No. 95-20512-11-AJS (E.D. Mich.); the bankruptcy claims process affecting older Canadian boiler workers in *In re Babcock and Wilcox Co.*, No. 00-0558 (E.D. La.); the insurance claims of black Canadians stemming from the class action settlement of *Thompson v. Metropolitan Life Ins. Co.*, No. 00 Civ. 5071 (HB) (S.D.N.Y.) over sales practices to lower income persons in the early 1900’s; and, currently, the *In re Royal Ahold Securities and “ERISA” Litigation*, No. 03-

MD-1539-CCB (D. Md.), involving the first globally certified securities class action for settlement purposes, wherein we must notify shareholders around the world, many of whom are in Canada, about a USD 1.1 billion settlement.

8. I have been qualified as a notice expert and recognized by judges in the United States including the many situations identified on our c.v. These have included recognition of our work to develop the now standard approach to analyzing notice plan effectiveness, which involves studying and quantifying for courts the “reach” of notice efforts,¹ as well as our work to bring modern communication techniques to class actions through “noticeable” notices, written in plain, easily understandable language—both of which are vital in order to adequately inform class members in class actions.

9. Judge Marvin Shoob stated in his decision in *In Re Domestic Air Transp. Antitrust Litig.*, 141 F.R.D. 534, 548 (N.D. Ga. 1992):

The Court finds Mr. Hilsee's testimony to be credible. Mr. Hilsee's experience is in the advertising industry. It is his job to determine the best way to reach the most people. Mr. Hilsee answered all questions in a forthright and clear manner. Mr. Hilsee performed additional research prior to the evidentiary hearing in response to certain questions that were put to him by defendants at his deposition. . . The Court believes that Mr. Hilsee further enhanced his credibility when he deferred responding to the defendant's deposition questions at a time when he did not have the responsive data available and instead utilized the research facilities normally used in his industry to provide the requested information.

¹ The “reach” of notice is the number of people or a percentage of a given target audience who will be exposed, i.e., open or read a “vehicle” containing a notice placement, e.g., see an ad, receive a mailing, be handed a notice, etc. The analysis involves calculations based on statistical information available to communications and advertising professionals to remove the duplication from multiple exposures to different sources, to yield a “net” audience.

10. When the U.S. federal court class action rule, Fed. R. Civ. P. 23, was being revised to require plain language notices, Judge Lee Rosenthal stated to me upon my Jan. 22, 2002 testimony before the Advisory Committee on Civil Rules of the Judicial Conference of the United States:

*I want to tell you how much we collectively appreciate your working with the Federal Judicial Center to improve the quality of the model notices that they're developing. That's a tremendous contribution and we appreciate that very much. . . You raised three points that are criteria for good noticing, and I was interested in your thoughts on how the rule itself that we've proposed could better support the creation of those or the insistence on those kinds of notices . . .*²

11. Canadian courts have recognized my expertise as well, specifically recognizing the importance of the reach standards and careful analyses we apply. Mr. Justice Cullity, *Parsons/Currie v. McDonald's Rests. of Can.*, (Jan. 13, 2004) 2004 Carswell Ont. 76, 45 C.P.C. (5th) 304, [2004] O.J. No.83 stated:

I found Mr. Hilsee's criticisms of the notice plan in Boland to be far more convincing than Mr. Pines' attempts during cross-examination and in his affidavit to justify his failure to conduct a reach and frequency analysis of McDonald's Canadian customers. I find it impossible to avoid a conclusion that, to the extent that the notice plan he provided related to Canadian customers, it had not received more than a perfunctory attention from him. The fact that the information provided to the court was inaccurate and misleading and that no attempt was made to advise the court after the circulation error had been discovered might possibly be disregarded if the dissemination of the notice fell within an acceptable range of reasonableness. On the basis of Mr. Hilsee's evidence, as well as

² I served as the only notice expert invited to testify. The model notices I collaborated to create for the FJC are displayed, with attribution, at www.fjc.gov.

*the standards applied in class proceedings in this court, I am not able to accept that it did.*³

12. In the *In re Residential Schools Class Action Litigation*, the Notice Plan we have designed will provide fair, comprehensive and effective notice to the class. The Notice Plan calls for:

- (a) Two phases of notice—one allowing any objections to be raised before the settlement is granted approval by the courts, and one allowing exclusions and claims submissions if and after the courts have approved the settlement.
- (b) Notices designed to be “noticed” and well received by class members for their sensitivity to the difficult topic these class members must again be faced with.
- (c) Notices drafted to be understood by class members by conforming to today’s highest standards for clear and concise plain language.
- (d) Notices produced in English, French, and Aboriginal languages, as appropriate for each media vehicle.
- (e) A neutral informational release issued to media outlets all over Canada announcing the launch of the notification programme.
- (f) Individual notice mailed to class members, both on and off reserve, whose addresses are known to either the attorneys, or on lists of survivors as held by the Assembly of First Nations and other Aboriginal groups.
- (g) Published notice in daily mainstream newspapers in each of the leading population centres where off-reserve Aboriginal people reside.
- (h) Published notice in highly targeted Aboriginal publications.

³ Upheld on appeal in *Currie v. McDonald's Rests. of Canada Ltd.*, 2005 CanLII 3360 (ON C.A.): “The respondents rely upon the evidence of Todd Hilsee, an individual with experience in developing notice programs for class actions. In Hilsee’s opinion, the notice to Canadian members of the plaintiff class in Boland was inadequate . . . I am satisfied that it would be substantially unjust to find that the Canadian members of the putative class in Boland had received adequate notice of the proceedings and of their right to opt out . . . I am not persuaded that we should interfere with the motion judge’s findings . . . The right to opt out must be made clear and plain to the non-resident class members and I see no basis upon which to disagree with the motion judge’s assessment of the notice. Nor would I interfere with the motion judge’s finding that the mode of the notice was inadequate.”

- (i) Fax distribution, mailings, and email distribution to band offices and various Aboriginal organizations, encouraging further individualized distribution of notices to survivors, posting of notices in public places frequented by survivors, and voluntary publication of notice in newsletters and on websites.
- (j) Broadcast notice on Aboriginal radio networks and stations.
- (k) Broadcast notice on the Aboriginal Peoples Television Network, which has station affiliates throughout Canada.
- (l) Broadcast notice on mainstream network and regional television stations during Phase II, in addition to all of the above efforts for Phase I notice.
- (m) Further outreach during Phase II, as may be agreed to by the parties, in order to utilize on-the-ground, grass-roots efforts to get notice of the claims process and exclusion rights to class members as broadly and deeply into the communities as possible.
- (n) A website where the notices, the settlement agreement, list of schools and other materials will be available to class members.
- (o) A multi-lingual (English, French, and numerous Aboriginal languages) toll free call centre where survivors may call with questions, request a detailed notice be sent by mail, and express any objection they may have for transcription and transmittal to the courts.
- (p) Careful and thorough calculations and analyses of the overall effectiveness of the Notice Plan upon completion, which I report to the Court in a detailed final report.

13. When we have fully executed the Notice Plan, my staff and I have determined that the measurable activities in the Notice Plan will reach at least 91.1% of the class an average of 6.3 times each, based on detailed documentation in the Notice Plan. Additional modes of notice dissemination described in the Notice Plan which can not be accurately quantified—but are important for a case of this type nonetheless—will surely enhance notice exposure beyond these levels.

14. The forms of Phase I notice have been drafted by me and my staff of experts, in consultation with counsel for the former students, and are attached as Schedule 2 to the Notice Plan. In my opinion, they conform to the highest standards for effective notices, and will best allow class members to understand and act upon their rights, if they so choose.

15. A partial list of media outlets that will receive the informational release is attached as Schedule 3 to the Notice Plan.

16. The programme as designed and drafted, which will allow approximately 60 days from the first appearance of notice until objections are due, will allow adequate time for those affected to receive notice and exercise their right to be heard before the settlement is finally approved.

17. In my opinion the Notice Plan will provide reasonable, fair, comprehensive and effective notice to the class under all of the circumstances of this litigation and settlement.

18. Once Phase I notice is underway, and in connection with further motion papers to be submitted to the courts seeking approval of the settlement, my staff and I will draft Phase II notices for court approval. Those notices will be designed to properly inform class members of their exclusion, i.e., "opt-out" rights, as well as their claims-filing rights, after court approval of the settlement.

19. I make this affidavit in support of a motion for directions with respect to the notice to be given to class members in this matter and for no other or improper purpose.

SWORN before me at the Borough of Souderton,)
in the State of Pennsylvania, U.S.A.,)
this 17 day of May, 2006.)

Todd B. Hilsee
Todd B. Hilsee

JoAnn King
NOTARY PUBLIC

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
JoAnn King, Notary Public
Souderton Boro, Montgomery County
My Commission Expires Apr. 4, 2010
Member, Pennsylvania Association of Notaries

Exhibit A



*In re Residential Schools Class Action
Litigation*

Settlement Notice Plan

Phase I – Hearing Notice

Phase II – Claims/Opt-Out Notice

*Prepared by Hilsoft Notifications
May 17, 2006*

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1. Introduction

The “Notice Plan” (or the “Plan”) that follows outlines the dissemination efforts that will be undertaken to provide adequate notice to those affected in connection with the *In re Residential Schools Class Action Litigation*, including notification of the Hearings (Phase I) and notification of the Claims/Opt-Out process (Phase II). The Plan is based on meeting key objectives, utilizes extensive and appropriate prior class action notice experience, and is substantiated by industry standard research tools and data. It has been developed with valuable input from Aboriginal people and groups, counsel for the parties, and the Government.

Hilsoft Notifications has designed and will implement this Notice Plan. Hilsoft Notifications’ President, Todd B. Hilsee, has been recognized as a class action notice expert by Canadian judges, and has specific experience designing and implementing large-scale consumer class action notice plans. Hilsee, together with key Hilsoft Notifications’ principals, Barbara A. Coyle, Executive Vice President, Gina M. Intrepido, V.P./Media Director, and Shannon R. Wheatman, Ph. D., V.P./Notice Director, have designed the Plan and notices, and will personally oversee implementation through successful completion.

Hilsoft Notifications has disseminated class action notices in almost 200 cases, in more than 53 countries and 36 languages. Judges, including in published decisions, and including in Canada, have recognized the importance of the reach calculation methodology Hilsoft Notifications brought from the advertising industry. Courts, including Canadian courts, have previously approved this type of plan, the notice techniques it employs, and the delivery it achieves in terms of the high percentage of class members reached. Hilsoft Notifications’ plans have always withstood collateral reviews and appellate challenges.

Hilsoft Notifications wrote and designed all of the notice documents (the “Notice” or “Notices”). These Notices follow the highest modern principles in the illustrative notices that Hilsoft wrote and designed for the US Federal Judicial Center (“FJC”), now at www.fjc.gov, at the request of the Advisory Committee on Civil Rules of the Judicial Conference of the United States. Canadian courts have recognized the same communications principles which apply in any locale. Hilsoft Notifications’ curriculum vitae, including judicial comments recognizing notice expertise, is attached as **Schedule 1**.

2. *Background/Overview*

- ***Aboriginal Groups.*** Aboriginal people of Canada is the term used to refer to the First Nations, Inuit, and Métis collectively. First Nations is a term of ethnicity used in Canada that has widely replaced the use of the word “Indian.” It refers to Indigenous peoples of North America located in what is now Canada, and their descendants, who are not Inuit or Métis. Both the Canadian Census and Siggner & Associates research and data refer to the term “Native American Indian” or “NAI”; however, for the purpose of this Notice Plan, the term First Nations will be used in its place.
- ***Residential Schools.*** The federal government began to play a role in the development and administration of the residential school system for Aboriginal children as early as 1874. The Government of Canada operated nearly every school as a “joint venture” with various religious organizations until 1969, when the federal government assumed total responsibility for the schools. In many instances, church organizations remained actively involved.

The schools were located in every province and territory, except Newfoundland, New Brunswick, and Prince Edward Island, although the highest concentration of schools was in British Columbia, the Prairies, and the North. Most of the federally run residential schools closed by the mid-1970's, with a small number remaining open through the 1980's. The last federally run residential school in Canada closed in 1996.

Aboriginal children were often separated from their families and communities to attend these schools. While not all children had negative experiences at these schools, incidents of physical and sexual abuse have been cited by many former students. Legal claims also allege breach of treaty, loss of education opportunity, forcible confinement and poor conditions at the schools. In addition, because a key objective of the residential school system was the assimilation of Aboriginal children, legal claims allege that the system contributed to a loss of language and culture among Aboriginal people.

As a result, the proposed settlement has been reached.

Note: Among various groups involved in the settlement there are differing views on use of the term “Indian” in connection with the schools. While this

term does not apply to Métis and Inuit, the government refers to the schools as “Indian” residential schools, and it is also preferred by First Nations. The settlement agreement is styled the Indian residential schools settlement. The case, on the other hand is named “In re Residential Schools Class Action Litigation.” Accordingly, the Notice Plan and Notices employ the word Indian when referring to the settlement itself, with some practical exceptions (short word length and broad understanding necessary in headlines), but elsewhere use the simpler and still recognizable term understood by all, by referring to the schools as simply “residential schools.”

- **Notice Programme.** There will be two phases of notice in connection with the Indian Residential Schools Settlement: *Phase I* publicizes the “Hearing Notice” while *Phase II* disseminates the “Claims/Opt-Out Notice.”

Phase I - “Hearing Notice”

- Provides effective notice coverage to affected people, residing both on reserve or within another Aboriginal community or settlement, as well as within the general population.
- Notice message announces the proposed settlement, hearing dates and locations, how to obtain additional information, and how to object, if desired.

Phase II - “Claims/Opt Out Notice”

- Consists of more extensive notice coverage than Phase I, to ensure the most effective reach practicable among those affected prior to the final opt-out deadlines and in conjunction with the launch of the claims process.
- Notice message announces the settlement approval and outlines: the settlement and its benefits, the ability to exercise legal rights including opt-out procedures and deadlines for opting out; and how to register for the claims process and obtain additional information necessary to make a claim.

In both Phase I and Phase II, communications will be produced in languages appropriate to each media vehicle. Multiple languages will be used in some vehicles.

3. Plan Summary

- **Objective.** Notify the greatest practicable number of former residential school students and their family members, and provide them with opportunities to see, read, or hear notice and understand their rights, and respond if they choose.
- **Situation Analysis.** The following factors helped us determine the dissemination methods needed to achieve an effective notice effort:
 1. There are an estimated 78,994 residential school former students alive in 2006,¹ all of whom are Aboriginal.
 2. People affected include all three Aboriginal groups: First Nations, Métis and Inuit.
 3. People affected are located throughout Canada, including on reserve and within other Aboriginal communities/settlements, as well as within the general population.
 4. Those residing outside of an Aboriginal community are located in both rural and urban areas.
 5. A small percentage of affected people are in correctional institutions or reside outside of Canada.
 6. A partial list of people known to be affected is available (reaching approximately 25% of former students).
 7. Notice materials must be provided in languages appropriate for communicating with those affected (i.e., English, French, and various key Aboriginal languages).
- **Target Audience.** The Notice Plan must reach former students of the residential school system and family members who have rights under the settlement. This includes people from First Nations, Inuit, Inuvialuit, and Métis communities, or any other former student.

Recognizing that many former students are now older (e.g., 45+), using available research data we have calculated the reach among the broader population of potential class members, Aboriginal people 25 years of age and older (25+), because their demographic profile and media usage closely

¹ Siggner & Associates Inc. 10/24/05 report: "Estimating the Residential School Attendee Population for the Years 2001, 2005 and 2006."

represent those of all potential class members and it ensures the greatest certainty of a broad reach of all groups included in the settlement, including family members, and those former students who were young when the last schools closed. At the same time, our media programme selection will ensure that the older segments are reached, as well as the overall 25+ Aboriginal population.

- **Strategies.** The notice effort consists of a combination of mailings and paid media placements in Aboriginal media, including television, radio, and publications. To build reach, media placements will appear in mainstream newspapers within the top Aboriginal population Census Metropolitan Areas (“CMAs”) and Census Agglomerations (“CAs”), and, in Phase II only, on mainstream television. Coverage will be further enhanced by organizational outreach efforts, a neutral informational news release, and a website where Notices may be accessed and individuals can register to receive future documents related to the settlement.
- **Delivery.** Combined, the notice efforts will reach approximately 91.1% of Aboriginal people 25+, and therefore a similar percentage of both former students and family members, an average of 6.3 times throughout the Phase I and Phase II programmes. Phase I activity alone will reach approximately 65.7% of Aboriginal people aged 25+ an average of 1.8 times and Phase II 90.8% an average of 5.1 times.² Aboriginal television, Aboriginal radio, organizational outreach, the informational news release, and website efforts will further increase the reach and exposure among those affected. This reach is consistent with other effective notice programmes, is the best notice practicable, and meets due process requirements.

Although incalculable, the programme takes into account the older skew of former students, and by the nature of our media selection and programming choices, the reach among the former student class members is expected to be consistent with, if not greater than, the reach among the broader group of the 25+ population that includes them and all family members.

- **Notice Tactics.** The following notice tactics have been selected to best reach

² Reach calculations do not include unmeasured Aboriginal radio and Aboriginal viewers of Aboriginal TV and radio, and do not include individual notice that may be achieved by organizations delivering to populations, or grass-roots outreach efforts. All of these efforts will be closely monitored and, if possible, calculated and reported to the Courts with a final report affidavit, providing the best and most conservative calculation of the total reach of the notice programmes.

those included in the settlement:

1. **Individual Mailings.** A personal letter to known class members, along with the appropriate Summary Notice and Detailed Notice (Phase I or Phase II), will be mailed to numerous lists from the AFN, Inuit, lawyer, and government databases of class members. The Phase II mailing will also include those who have come forward and provided their contact information during Phase 1.

The appropriate Summary Notice (Phase I or Phase II) will also be mailed to former residential school students in federal and penal institutions to lists known to be held by the AFN.

2. **Organizational Outreach.** First Nation Offices and other community organizations such as Friendship Centres and Aboriginal agencies and organizations, will be contacted and asked for voluntary assistance to make notices available to class members, by distributing them, or posting them for public viewing, publishing the Notice in any newsletters they have, or including a link on their websites, if any.
3. **Aboriginal Television:** 30-second units in English and 60-second units (longer length to accommodate translations) in French and Aboriginal languages will appear on the national Aboriginal television network — Aboriginal Peoples Television Network (“APTN”).
 - Phase I: Approximately 100 spots will air, over two weeks.
 - Phase II: Approximately 180 spots will air, over three weeks.
4. **Aboriginal Radio.** 60-second units will be placed on approximately 90 Aboriginal stations. Aboriginal and French language stations will air the Notice in the language(s) appropriate for their station.
 - Phase I: Approximately 40 spots per station will air, over two weeks.
 - Phase II: Approximately 60 spots per station will air, over three weeks.
5. **Aboriginal Publications.** A full page Summary Notice will appear in up to 36 Aboriginal publications for both Phase I and Phase II. In bilingual publications, Notice will appear in both English (and French) and the appropriate Native language(s). The actual number of publications used for each Phase will depend upon approval dates in relation to publication issuance dates and advertising deadlines.

6. **Mainstream Newspapers.** To extend reach, particularly among affected people living outside of an Aboriginal community, both the Phase I and Phase II Summary Notice will appear two times in 31 daily mainstream newspapers. These papers circulate in the top 19 Aboriginal population CMAs/CAs, plus the Québec CMA. Four local newspapers with distribution in areas with a high concentration of Aboriginal people and former students will also carry both Notices two times. A 1/3 page Summary Notice will be placed in the broadsheet newspapers and a 3/4 page in the tabloid papers. A French version of the Notice will appear in the French language newspapers.
7. **Mainstream Television (Phase II ONLY).** 30-second units in English and 60-second units (longer length to accommodate translations) in French will appear on national and regional television networks.³ A variety of programmes and dayparts will be used. Programme selection will emphasize the need to reach older former students.
- Approximately 100 Adult 25+ GRPs (gross rating points)⁴ will be sought per week over three weeks on the English networks.
 - Approximately 50 Adult 25+ GRPs will be sought per week over three weeks on the French networks.
8. **Informational News Release.** A party-neutral, Court-approved informational news release will be issued to the press (e.g., newspapers, news magazines), as well as Aboriginal organizations, agencies, and the AFN, for publication in its newsletter.
9. **Internet Activities.** For those who have access to the Internet, a neutral and informational website with an easy to remember domain name www.residentialschoolsettlement.ca will be available where affected people can obtain notice documents, ask questions, and interact and correspond with administrators. Notice documents will be available in English and French.
10. **Response Handling.** A response handling administrator will oversee a toll-free call center where callers can get questions answered, request more information, and keep databases of responses, as well as track, record,

³ Television network and programme selections will be made at the discretion of the media planner.

⁴ One rating point equals one percentage of the target population. GRPS are a sum of all rating points and may include the same person reached more than once, so GRPs can and do exceed 100.

transcribe and channel objections to the parties and the Courts. Callers will have access to English, French and Aboriginal language speakers as needed. The phone line will also link to the Government's residential schools emotional crisis hotline. The administrator will also dovetail with our website activities by administering interactive response-handling aspects of the website.

- ***Message Content.*** The proposed Notices have been designed to provide a clear, concise, plain language statement of affected people's legal rights and options. A Summary Notice will be mailed to known class members and published in Aboriginal publications and mainstream newspapers. Broadcast Notices will air on television and radio stations, highlighting key dates and contact information. A Detailed Notice will be mailed to known class members and made available at the website. The Informational News Release will highlight key information through multiple channels of distribution. Drafts of all the Notices are entirely consistent with the "noticeable" plain language models we created for the US FJC and are attached as **Schedule 2**.
- ***Language.*** Summary Notices for mainstream publications will be in English and French. Aboriginal publications and Broadcast Notices for Aboriginal television and radio will be produced in English, French and the Native language(s) appropriate to each media vehicle (if the publication is available at time of placement). These languages include:

Publications:

- English
- French
- Inuktitut
- Innuinaqtun
- Siglit
- Oji-Cree

Radio:

- English
- French
- Inuktitut
- Cree
- Déné (various dialects, such as Gwich'in and Dogrib)
- Ojibway

- Innu
- Atikamekw

Television:

- English, French and Native languages appropriate to selected Native language programs, including Inuktitut, Innu, and Cree.

The Detailed Notice will be produced in English, French and Inuktitut. The Informational News Release will be issued in English and French potentially other Aboriginal languages if necessary. Callers to the 800 number will be able to speak with operators in English, French and various Aboriginal languages. The website will appear in English and French.

4. Notice Schedule Flow Chart – Phase I

Significant communication events within the overall notice programme.

The flow chart below shows a hypothetical schedule for Phase I of the Indian residential schools settlement notice programme. The actual schedule will allow approximately 60 days from the first notice appearance. The appearances of the individual notices and media placements may vary within the notice period. The notice appearances may extend beyond week 6, leading up to the objection date.

<i>Notice Tactic</i>	<i>Week 1</i>	<i>Week 2</i>	<i>Week of 3</i>	<i>Week of 4</i>	<i>Week of 5</i>	<i>Week of 6</i>
<i>Fax Informational Release to First Nations, Inuit & Métis Community Offices</i>						
<i>Issue Informational Release over Newswire</i>						
<i>Individual Mailings</i>						
<i>Organizational Outreach</i>						
<i>Aboriginal Publications</i>						
<i>Aboriginal Television</i>						
<i>Aboriginal Radio</i>						
<i>Mainstream Newspapers</i>						
<i>Website</i>						

All blocks show when readers receive notice (the “on-sale” date). Monthly, bimonthly and quarterly publications, and some weeklies, have a longer “shelf life” or readership period. All actual publication and insertion dates may vary within the notice period subject to availabilities at the time of placement.

5. Notice Schedule Flow Chart – Phase II

Significant communication events within the overall notice programme.

The flow chart below shows a preliminary schedule for Phase II of the Indian residential school settlement notice programme. Notice activity would begin to appear in media vehicles as early as possible after approval of the settlement and notice documents. Week 1 on the chart below begins approximately 4-6 weeks after Court approval to proceed with Phase II, and after notice documents are finalized.

<i>Notice Tactic</i>	<i>Week 1</i>	<i>Week 2</i>	<i>Week 3</i>	<i>Week 4</i>	<i>Week 5</i>	<i>Week 6</i>
<i>Fax Informational Release to First Nations, Inuit & Métis Community Offices</i>						
<i>Issue Informational Release over Newswire</i>						
<i>Individual Mailings</i>						
<i>Organizational Outreach</i>						
<i>Aboriginal Publications</i>						
<i>Aboriginal Television</i>						
<i>Aboriginal Radio</i>						
<i>Mainstream Newspapers</i>						
<i>Mainstream Television</i>						
<i>Website</i>						

All blocks show when readers receive publications (the “on-sale” date). Monthly, bimonthly and quarterly publications, and some weeklies, have a longer “shelf life” or readership period. All actual publication and insertion dates may vary within the notice period subject to availabilities at the time of placement.

6. Methodology

def: Tools and data trusted by the communications industry and courts.

In developing the Notice Plan, we used tools and data sources that are commonly employed by experts in the communications field. These include Print Measurement Bureau (“PMB”)⁵ and Mediamark Research, Inc. (“MRI”)⁶ data, which provide statistically significant readership, demographic and product usage data; Audit Bureau of Circulation (“ABC”)⁷ statements, which certify publication circulation numbers; and BBM⁸ research, which measures television audiences.

These tools, along with demographic breakdowns indicating how many people use each media vehicle, as well as computer software and our industry-standard calculations that take the underlying data and factor out the duplication among audiences of various media vehicles, allow us to determine the net (unduplicated) reach of a particular media schedule. We combine the results of this analysis with our experience and the well-recognized standards of media planning, in order to help determine notice plan sufficiency and effectiveness.

Virtually all of North America’s largest advertising agency media departments utilize, scrutinize, and rely upon such independent, time-tested data and tools, including net reach, de-duplication analysis methodologies, and average frequency of exposure, to guide the billions of dollars of advertising placements that we see today, providing assurance that these figures are not overstated.⁹ These analyses and similar planning tools have become standard analytical tools for evaluations of notice programmes, and have been regularly accepted by courts.

⁵ PMB is Canada’s leading media research study, conducted annually on behalf of advertisers, agencies and media.

⁶ MRI is the leading source of publication readership and product usage data for the communications industry in the US. MRI offers comprehensive demographic, lifestyle, product usage and exposure to all forms of advertising media collected from a single sample.

⁷ Established in 1914, ABC is a non-profit cooperative formed by media, advertisers, and advertising agencies to audit the paid circulation statements of magazines and newspapers. It is the industry’s leading, neutral source for documentation on the actual distribution of newspapers printed and bought by readers in N. America. Widely accepted throughout the industry, it certifies over 3,000 publications, categorized by metro areas, region, and other geographical divisions. Its publication audits are conducted in accordance with rules established by its Board of Directors. These rules govern not only how audits are conducted, but also how publishers report their circulation figures. ABC’s Board of Directors is comprised of representatives from the publishing and advertising communities.

⁸ BBM Canada is a not-for-profit, broadcast research company that was jointly established in 1944 as a tripartite cooperative by the Canadian Association of Broadcasters and the Association of Canadian Advertisers. BBM is the leading supplier of radio and television audience ratings services to the Canadian broadcast advertising industry.

⁹ Net Reach is defined as the percentage of a class who was exposed to a notice, net of any duplication among people who may have been exposed more than once. Average Frequency is the average number of times each different person reached will have the opportunity to view a vehicle containing a notice placement.

7. Target Audience

def: The demographics of the people included in the settlement, including but not limited to, the persons most likely to be affected.

An effective notice plan must be guided by a careful and thorough study of demographics, as this more than anything guides necessary media selection and usage in notice campaigns. Based on the research outlined below, the following characteristics best describe those included in the settlement:

- Reside throughout Canada, but with a likely concentration in the west.
- Age 25+, with an emphasis on 45+.
- Almost an equal distribution between those living within reserves or Aboriginal communities/settlements as those living outside of them.
- Affected people living outside of a reserve or Aboriginal community/settlement are more likely to live in urban locations (72%) vs. rural areas (28%).
- More than 90% of the entire Aboriginal population speaks English; approximately 5% speak French; and about 7% speak in their Native language only. Certainly, class members who are older than the Aboriginal population as a whole rely more on Aboriginal languages, at least in spoken form.
- Likely mirror the overall Aboriginal population on other measures, i.e., tend to be less educated, have lower income and higher unemployment levels, and are more mobile than Canada's general population.
- **Population/Size of former student group.** Based on the 2001 Canadian Census, there were 976,305 people in Canada who identify themselves as Aboriginal, including 608,850 people of First Nations, 292,310 Métis, and 45,070 Inuit.¹⁰ Canada's Aboriginal Identity population comprises 3.3% of Canada's total population of 29,639,030.

Research prepared by Siggner & Associates Inc.¹¹ estimated the 2001 Aboriginal former residential school attendee ("RSA") population aged 15 and over to be 83,695. Due to mortality of the already-born and aging population,

¹⁰ There are many ways of defining the Aboriginal population. The 2001 Census provides data that are based on the definitions of ethnic origin (ancestry), Aboriginal Identity, Registered Indian, and Band membership. References in the Notice Plan refer to Aboriginal Identity, which refers to persons who reported identifying with at least one Aboriginal group, i.e. North American Indian, Métis, or Inuit. Also included are individuals who did not report an Aboriginal identity, but did report themselves as a Registered or Treaty Indian, and/or Band or First Nation membership.

¹¹ The 1991 and 2001 Aboriginal Peoples Surveys, 2001 Census data, and other data sources were used in preparing the research.

the number was estimated to be 78,994 in 2006. The majority of former students are First Nation members.

<i>RSA Groups</i>	<i>2001</i>		<i>2006</i>	
<i>First Nations</i>	67,915	81.1%	64,111	81.2%
<i>Métis</i>	6,879	8.2%	6,464	8.2%
<i>Inuit</i>	3,619	4.3%	3,448	4.4%
<i>Aboriginal Origins Only</i>	3,346	4.0%	3,144	4.0%
<i>Inmates</i>	877	1.0%	855	1.1%
<i>Outside Canada</i>	1,059	1.3%	973	1.2%
Total	83,695	100.0%	78,994	100.0%

- Former students' residence on reserve and within other Aboriginal communities/settlements.** Based on Siggner data, the largest percentage of RSA's is comprised of on reserve First Nation members (52.7%). In fact, there are approximately 630 First Nations in Canada. However, more than 40% of the remaining RSA's reside outside of a reserve or Aboriginal community/settlement, including 22,470 off reserve First Nation members (or 28.4% of former students) and nearly all of the Métis and "Aboriginal Origins Only" former students.
- Age of former students.** Most of the federally run residential schools closed by the mid-1970's, with a small number remaining open through the 1980's. The last federally run residential school in Canada closed in 1996. Based on this, the vast majority of former students are 25+, with an emphasis among 35+ years of age. According to the Siggner report, approximately 17% of RSA's are older than 65.
- Geographic location of former students.** Because the residential schools were located in nearly every province and territory of Canada and former students are not necessarily living in the same area where they attended a residential school, former students can be residing throughout Canada.

The following provides demographic trends among the Aboriginal population regarding employment, education, income, language, geography, and mobility, based on 2001 Census data:

- Employment.** Unemployment was higher among the Aboriginal population — the unemployment rate for the Aboriginal population was 19.1%, compared to 7.1% for the non-Aboriginal population. The unemployment rate was highest

for First Nations and Inuit, both at 22.2%, while the unemployment rate for Métis was 14%.

- **Education.** While nearly 16% of non-Aboriginal Canadians were university graduates, only 4.4% of Aboriginal people had a university degree. Nearly one half (48%) of the Aboriginal population did not graduate high school, compared to only 30.8% of the non-Aboriginal population. Education levels were much lower among Aboriginal people 65 years of age or older, 78.9% of whom did not graduate high school.
- **Income.** The average income level among Aboriginal people was 36% lower than that of the non-Aboriginal population. Additionally, the incidence of low income in 2000 was substantially higher among the Aboriginal population compared to the non-Aboriginal population: 31.2% of the Aboriginal “family” population and 55.9% of “unattached” Aboriginal people, versus 12.4% and 37.6% of non-Aboriginal people, respectively.
- **Language.** A total of 235,075 individuals, or 24% of the Aboriginal Identity population, reported that they had enough knowledge of an Aboriginal language to carry on a conversation. The strongest enclaves of Aboriginal language speakers are in the North and living on reserve or within an Aboriginal community/settlement. English is spoken by more than 90% of the Aboriginal population, while French is spoken by approximately 5%. Approximately 7% of the Aboriginal population speaks only their Native language.

There are between 53 and 70 Aboriginal languages in Canada, with Cree, Inuktitut, and Ojibway being the three strongest. Many other languages are in a critical state.

<i>Aboriginal Language</i>	<i>Population with Knowledge of Aboriginal Language</i>	<i>Population with Aboriginal Language as Mother Tongue</i>
<i>Cree</i>	<i>92,630</i>	<i>77,285</i>
<i>Inuktitut</i>	<i>31,945</i>	<i>29,695</i>
<i>Ojibway</i>	<i>27,955</i>	<i>21,980</i>
<i>Déné</i>	<i>10,500</i>	<i>9,565</i>
<i>Montagnais-Naskapi</i>	<i>10,285</i>	<i>9,790</i>
<i>Micmac</i>	<i>8,625</i>	<i>7,405</i>
<i>Oji-Cree</i>	<i>5,610</i>	<i>5,185</i>
<i>Attikamekw</i>	<i>4,935</i>	<i>4,710</i>

<i>Dakota/Sioux</i>	4,875	4,280
<i>Blackfoot</i>	4,415	3,020
<i>Salish languages not included elsewhere</i>	2,675	1,730
<i>Algonquin</i>	2,340	1,840
<i>Dogrib</i>	2,265	1,920
<i>Carrier</i>	2,000	1,425

- **Geography.** According to the 2001 Census, Canada's most populous province, Ontario, had 188,315 Aboriginal people, the highest absolute number, followed by British Columbia with 170,025. There are currently over 600 First Nations in Canada, of which nearly half are located in the provinces of Ontario or British Columbia.

The highest concentration of Aboriginal population was in the North and on the Prairies. The 22,720 Aboriginal people in Nunavut represent 85.2% of the territory's total population, the highest concentration in the country. Aboriginal people represented more than half (50.5%) of the population in the Northwest Territories, and almost one quarter (22.9%) of the population in the Yukon.

<i>Region</i>	<i>Aboriginal population</i>	<i>% of Aboriginal Population</i>	<i>% of Province/Territory Total Population</i>
<i>Ontario</i>	188,315	19.3%	1.7%
<i>British Columbia</i>	170,025	17.4%	4.4%
<i>Alberta</i>	156,220	16.0%	5.3%
<i>Manitoba</i>	150,040	15.4%	13.5%
<i>Saskatchewan</i>	130,190	13.3%	13.6%
<i>Québec</i>	79,400	8.1%	1.1%
<i>Nunavut</i>	22,720	2.3%	85.2%
<i>Newfoundland and Labrador</i>	18,780	1.9%	3.7%
<i>Northwest Territories</i>	18,725	1.9%	50.5%
<i>Nova Scotia</i>	17,015	1.7%	1.9%
<i>New Brunswick</i>	16,990	1.7%	2.4%
<i>Yukon Territory</i>	6,540	0.7%	22.9%
<i>Prince Edward Island</i>	1,345	0.1%	1.0%
<i>Canada</i>	976,310	100.0%	3.3%

Census data also shows slow, but steady growth among Aboriginal people residing in the nation's cities. In 2001, almost half of the population who identified themselves as Aboriginal (49.1%) lived in urban areas, up from 47%

in 1996. At the same time, the proportion of Aboriginal people who lived on reserve and within an Aboriginal community/settlement declined from 32.7% to 31.4%.

One quarter of the Aboriginal population lived in ten metropolitan areas. In fact, in 2001, a total of 245,000 or 25.1% of Aboriginal people lived in ten of the nation's 27 CMAs. Winnipeg had the greatest number, followed by Edmonton, Vancouver, Calgary, Toronto, Saskatoon, Regina, Ottawa-Hull (now known as Ottawa-Gatineau), Montreal, and Victoria. The highest concentration was in the CMA of Prince Albert, whose 11,640 Aboriginal people accounted for 29.2% of its population.

<i>CMA/CA</i>	<i>Aboriginal population</i>	<i>Percentage of CMA/CA Total Population</i>
<i>Winnipeg</i>	<i>55,755</i>	<i>8.4%</i>
<i>Edmonton</i>	<i>40,930</i>	<i>4.4%</i>
<i>Vancouver</i>	<i>36,860</i>	<i>1.9%</i>
<i>Calgary</i>	<i>21,915</i>	<i>2.3%</i>
<i>Toronto</i>	<i>20,300</i>	<i>0.4%</i>
<i>Saskatoon</i>	<i>20,275</i>	<i>9.1%</i>
<i>Regina</i>	<i>15,685</i>	<i>8.3%</i>
<i>Ottawa-Gatineau</i>	<i>13,485</i>	<i>1.3%</i>
<i>Prince Albert</i>	<i>11,640</i>	<i>29.2%</i>
<i>Montreal</i>	<i>11,085</i>	<i>0.3%</i>
<i>Victoria</i>	<i>8,695</i>	<i>2.8%</i>
<i>Thunder Bay</i>	<i>8,200</i>	<i>6.8%</i>
<i>Prince George</i>	<i>7,980</i>	<i>9.4%</i>
<i>Greater Sudbury</i>	<i>7,385</i>	<i>4.8%</i>
<i>Hamilton</i>	<i>7,270</i>	<i>1.1%</i>
<i>Wood Buffalo</i>	<i>6,220</i>	<i>14.6%</i>
<i>London</i>	<i>5,640</i>	<i>1.3%</i>
<i>Sault Ste. Marie</i>	<i>5,610</i>	<i>7.2%</i>
<i>Kamloops</i>	<i>5,470</i>	<i>6.4%</i>
<i>TOTAL</i>	<i>310,400</i>	

The following provides additional information and geographic details for each of the three Aboriginal Identity populations:

First Nations:

- Total population was 608,805 or 62% of the Aboriginal Identity population.
- 22% reported residing in Ontario, 19% in British Columbia, and 43% in the three Prairie Provinces of Manitoba (15%), Alberta (14%), and Saskatchewan (14%).
- Of the 53% living off reserve, 78% lived in urban centres and 22% lived in rural locations.
- Winnipeg had the largest population (22,955), followed by Vancouver (22,700), Edmonton (18,260), Toronto (13,785), and Saskatoon (11,290).

Métis:

- Total population was 292,310 or 30% of the Aboriginal Identity population, an increase of 43% from five years earlier, making it the largest population gain of the three Aboriginal groups.
- Largest reported population lived in Alberta (66,055 or 23%), followed by Manitoba (56,795 or 19%), Ontario (48,345 or almost 17%), British Columbia (44,265 or 15%), and Saskatchewan (43,695 or 15%).
- Of the 97% who lived outside of an Aboriginal community/settlement, 70% lived in urban centres and 30% lived in rural areas.
- The five CMAS with the largest population were: Winnipeg (31,395), Edmonton (21,065), Vancouver (12,505), Calgary (10,575), and Saskatoon (8,305), for a combined total of 29% of the Métis population.

Inuit:

- Total population was 45,070 or 5% of the Aboriginal Identity population.
- Half of the population lived in Nunavut (22,560 or 50%), with Québec at a distant second (9,535 or 21.2%), followed by Newfoundland and Labrador (4,555 or 10.1%), and Northwest Territories (3,905 or 8.7%).
- Inuit represented 85% of Nunavut's total population.
- The five communities with the largest population were: Iqaluit (3,010), Arviat (1,785), Rankin Inlet (1,680), Kuujjuaq (1,540), and Baker Lake (1,405).
- Inuit represented 94.2% of Arviat's total population, 93.0% of Baker Lake's, 80.2% of Kuujjuaq's, 77.6% of Rankin Inlet's, and 57.9% of Iqaluit's.
- Inuktitut language remains strong — 70.7% reported an ability to carry on a conversation in Inuktitut and 65.0% reported speaking it at least regularly in their home.

- **Mobility.** Aboriginal people are more mobile than other Canadians. Overall, in the 12 months before the May 15, 2001 Census, 22% of Aboriginal people moved compared with only 14% of their non-Aboriginal counterparts. About two thirds of those who moved did so within the same community, while about one third of movers changed communities.

Net migration among Aboriginal people was greatest for the rural non-reserve parts of the nation as compared with net movements for the reserves/communities/settlements or urban areas. During this period, the rural (non-reserve) areas of Canada incurred a net loss of 1.8% due to migration, while there was a net gain of 1.1% to the reserves/communities/settlements and 0.4% to the CMAs. This pattern of small net increases in movement to the reserves/communities/settlements and larger urban centres has been an observed trend since 1981.

8. *Media Selection*

def: The media vehicles that will best reach affected people in this particular notice programme.

In addition to individual mailings and organizational outreach, a combination of paid notice placements in Aboriginal television, radio, and publications, mainstream newspapers and, in Phase II only, mainstream television, has been selected to deliver the message to affected people. We have reviewed the merits of all forms of media for this case by comparing alternate schedules.

Based on our analysis, our selection of media allows:

- Documented audience data guaranteeing reach among Aboriginal people.
- Multiple opportunities for Aboriginal people to see the messages.
- The airing of an attention-getting and impactful television spot that will present information to Aboriginal people in their number one source of information.
- Ability to reach Aboriginal people through notice airings on targeted Aboriginal television.
- Notice placements in Aboriginal publications, whose distribution includes approximately 630 First Nations, Métis settlements, Inuit communities, Friendships Centres, and various Aboriginal organizations.
- Notice placements in mainstream newspapers in areas with high Aboriginal populations, to extend reach particularly among those living outside of reserves and Aboriginal communities/settlements.
- Affected people to have a written record and the ability to refer back to the Notice, pass it on to others without distortion, and easily respond via the website or 800 number, which offers a connection to the government emotional support line.
- Notice placements on Aboriginal radio, whose reach includes remote Aboriginal communities.

- Broad reach through mainstream television (Phase II only), including both English and French language networks/stations.
- An effective mix of media and frequency of notice providing affected people various opportunities throughout the notice period to see and react to the message.
- A “noticeable” Notice with arresting graphics and a bold headline to attract the attention of affected people.
- The broadest, most inclusive *geographic* coverage, ensuring that affected people are not excluded based on where they choose to live, i.e., whether they live within Aboriginal communities or not, in rural or urban areas.
- The most inclusive *demographic* coverage, ensuring that the broad target of Aboriginal people is effectively reached.

9. Plan Delivery Summary

<i>Activity</i>	<i>Phase 1</i>	<i>Phase 2</i>	<i>Total</i>
<i>Estimated NET Mailings to known class members:</i>	20,000	20,000+	20,000+
<i>Number of Aboriginal Publications:</i>	Up to 36	Up to 36	Up to 36
<i>Insertions in Aboriginal Publications:</i>	Up to 41	Up to 41	Up to 82
<i>Number of Mainstream & Local Newspapers:</i>	35	35	35
<i>Insertions in Mainstream & Local Newspapers:</i>	70	70	140
<i>Total Number of Aboriginal Television Spots:</i>	100	180	280
<i>Total Number of Aboriginal Radio Spots, per station:</i>	40	60	100
<i>Aboriginal Publication Circulation:</i>	402,697	402,697	402,697
<i>Mainstream Newspaper Circulation:</i>	4,494,727	4,494,727	4,494,727
<i>Total Adult Exposures via Aboriginal Publications: *</i>	200,000	200,000	400,000
<i>Total Adult Exposures via Mainstream Newspapers:</i>	20,000,000	20,000,000	40,000,000
<i>Net % Reach among Aboriginal People 25+:¹²</i>	65.7%	90.8%	91.1%

¹² Reach calculations do not include unmeasured Aboriginal radio and Aboriginal viewers of Aboriginal TV, and do

<i>Average frequency of exposure among Aboriginal People 25+:</i>	1.8	5.1	6.3
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* Because much of the Aboriginal publication circulation is non-paid and/or not independently audited, we conservatively determined the total impressions for audience calculation purposes to be approximately 50% of the total circulation, and did not include possible pass-along readers.

This Plan achieves an effective reach among affected people as well as an opportunity for multiple exposures to notice. Although not quantifiable, impressions achieved from the Aboriginal television and radio schedules, organizational outreach, informational news release, and website efforts will further add to the reach and frequency of exposure among those affected.

not include individual notice that may be achieved by organizations delivering to populations, or grass-roots outreach efforts. All of these efforts will be closely monitored and, if possible, calculated and reported to the Courts with a final report affidavit, providing the best and most conservative calculation of the total reach of the notice programmes.

10. Net Reach

def: Total different persons who are exposed to a media vehicle containing a notice stated as a percentage of the total.

We employ industry standard methodologies to factor out the duplicate persons reached by the different and overlapping audiences on a media schedule to yield total net persons reached. The results of the proposed notice programme are as follows:

<i>Media</i>	<i>Phase I % of Aboriginal People 25+ Reached</i>	<i>Phase II % of Aboriginal People 25+ Reached</i>	<i>COMBINED % of Aboriginal People 25+ Reached</i>
<i>Mailings¹³</i>	25.3%	25.3%	25.3%
<i>Aboriginal Publications</i>	38.5%	38.5%	38.5%
<i>Mainstream Newspapers</i>	25.5%	25.5%	27.6%
<i>Mainstream Television</i>	<i>n/a</i>	73.1%	73.1%
<i>COMBINED¹⁴</i>	65.7%	90.8%	91.1%

The reach percentage provided by the measured paid media alone indicates that the notice programme will be extensive, and highly appropriate for the circumstances of this case. Reach will be further enhanced by Aboriginal television, Aboriginal radio, organizational outreach, the informational news release, and website efforts. Reach estimates for the Aboriginal radio and Aboriginal television (among Aboriginal viewers) are not calculable due to the absence of measured audience data. Reach estimates for older former students (i.e., 45 years and older) was also incalculable as a result of low sample sizes for media research data on that more

¹³ Does not include the additional Individual Notices that will be distributed to affected people by First Nations and other Aboriginal community/settlement offices and organizations, or through grass roots efforts. Phase II mailing reach does not include additional reach that will be achieved by mailing to all those who come forward during Phase I.

¹⁴ Reach calculations do not include unmeasured Aboriginal radio and Aboriginal viewers of Aboriginal TV, and do not include individual notice that may be achieved by organizations delivering to populations, or grass-roots outreach efforts. All of these efforts will be closely monitored and, if possible, calculated and reported to the Courts with a final report affidavit, providing the best and most conservative calculation of the total reach of the notice programmes.

narrow age group, however, an emphasis has been placed on selecting media that targets older people included in the settlement. By the nature of our media selection and programming choices, the reach among the older former student class members is expected to be consistent with, if not greater than, the reach among the broader group of the 25+ population that includes them and other family members. The number of exposures resulting from the organizational outreach, the informational news release, and the website can be estimated at the time of our final report.

The audience data used to determine the results in the table above are the same data used by media professionals to guide the billions of dollars of advertising we see today. The statistics and sources we cite are uniformly relied upon in our field: ABC data has been relied on since 1914; 90-100% of media directors use reach and frequency planning¹⁵; all of the leading advertising and communications textbooks cite the need to use reach and frequency planning¹⁶; and a leading treatise says it *must* be used¹⁷: “In order to obtain this essential information, we must use the statistics known as reach and frequency.” Around the world, audience data has been used for years.¹⁸

Courts have recognized the merits of this quantification methodology, even when challenged, and leading notice professionals have adopted this model since our introduction of it to the class action notice field more than 15 years ago. Numerous Canadian courts have previously approved the delivery this Plan achieves in terms of the number of affected people reached for a class action lawsuit.

¹⁵ See generally Peter B. Turk, *Effective Frequency Report: Its Use And Evaluation By Major Agency Media Department Executives*, 28 J. ADVERTISING RES. 56 (1988); Peggy J. Kreshel et al., *How Leading Advertising Agencies Perceive Effective Reach and Frequency*, 14 J. ADVERTISING 32 (1985).

¹⁶ Textbook sources that have identified the need for reach and frequency for years include: JACK S. SISSORS & JIM SURMANEK, *ADVERTISING MEDIA PLANNING*, 57-72 (2d ed. 1982); KENT M. LANCASTER & HELEN E. KATZ, *STRATEGIC MEDIA PLANNING* 120-156 (1989); DONALD W. JUGENHEIMER & PETER B. TURK, *ADVERTISING MEDIA* 123-126 (1980); JACK Z. SISSORS & LINCOLN BUMBA, *ADVERTISING MEDIA PLANNING* 93-122 (4th ed. 1993); JIM SURMANEK, *INTRODUCTION TO ADVERTISING MEDIA: RESEARCH, PLANNING, AND BUYING* 106-187 (1993).

¹⁷ AMERICAN ADVERTISING AGENCY ASSOCIATION, *GUIDE TO MEDIA RESEARCH* 25 (1987), revised 1993.

¹⁸ Like PMB data for publications and demographics and BBM audience figures for television and radio in Canada, there are many other audience data tools specific to many countries including: MRI, Nielsen Media Research, and Arbitron in the U.S; Roy Morgan; MA; MMP CIM; Estudos Marplan; NADbank; Media Project; Index Danmark/Gallup; Kansallinen Mediatutkimus; IPSOS – Press Quotidienne; AEPM; AWA; MA; Bari/NSR; Media Analysis, Szonda IPSOS; AUDIPRESS; SUMMOSCANNER; AC Nielsen Media Readership Survey; ForBruker & Media; Norsk Medieindeks; Media Study Polonia; MediaUse; AMPS; Orvesto Consumer; MACH; Ukraine Print Survey; NRS; Simmons (SMRB), Scarborough.

11. Average Frequency of Exposure

def: The exposures that will produce a positive change in awareness, attitude or action among those reached by a media schedule.

def: Average Frequency – average number of times that each different person reached will have the opportunity to view a vehicle containing a notice placement.

The Notice Plan is intended to provide affected people with the best practicable opportunity to see, read, and understand the Notice and their rights, so that they may respond if they so choose.

While this Notice Plan must rely upon modern-style, and audience-documented media coverage as reported herein, this Notice Plan provides a higher frequency of exposure than would a direct mail notice programme that sends one notice, one time, to a class member.¹⁹ Each Aboriginal person 25+ reached will have an average of 1.8 exposure opportunities to the Notice during Phase I, 5.1 during Phase II, and 6.3 overall (Phase I and Phase II combined).²⁰

The frequency of exposure will be further enhanced by Aboriginal television, Aboriginal radio, organizational outreach, the informational news release, and website efforts.

While extra exposures are important for settlement messages, during Phase I there is no settlement or claims filing message and affected people are not required to take action to remain in the class. The important message comes from the Court and is designed to provide the Notice in an informative and understandable manner. Accordingly, the benefit of excessive message exposure frequency to the same person is virtually eliminated during Phase I.

On the other hand, claims filing opportunities, as in the Phase II programme, demand additional frequency of notice exposure so that focused reminders to take the simple action needed to get the benefits being offered under a settlement can be obtained. Well-established communications principles and methods support this. Therefore, the benefit of extra message exposure to the same person that results from the overlapping coverage provided by notice placements is very helpful during Phase II.

¹⁹ The reach achievable through direct mail notice programmes varies widely depending on the accuracy and comprehensiveness of class member lists. A complete and accurate list is not available here.

²⁰ In standard media terminology, “exposures” is defined as opened or read a publication containing a notice placement.

12. Geographic Coverage

def: Ensuring that affected people are not excluded simply because of where they live.

This notification effort takes steps to ensure fair and wide geographic coverage:

- Mailings will go to addresses of known class members no matter where they may now reside.
- Aboriginal television (APTN) is available in nearly 100% of on reserve Aboriginal households and 85% of households in the far North.
- Aboriginal radio, including broadcasts via satellite systems, extends reach and builds frequency to Aboriginal people throughout Canada, including those in remote areas.
- Aboriginal publications will provide coverage in all 13 provinces/territories.
- Mainstream newspapers include leading papers in the top 19 Aboriginal CMAs/CAs.
- Mainstream television will increase reach throughout Canada.
- The informational news release extends coverage throughout Canada.
- The Internet allows access to the Notice regardless of geography.

Accordingly, the Notice Plan focuses on reaching affected people regardless of where they choose to live.

13. Individual Mailings

def: Reaches affected people directly with notice by mail when current, accurate, and usable addresses are available from defendants or commercially available lists.

A personal letter identifying the known class member along with a Summary Notice and Detailed Notice will be mailed to class members on lists held by, for example, the Assembly of First Nations, the National Consortium, the Merchant Law Group, any other lawyers with class member names and addresses, the Makivik Corporation, Inuvialuit Regional Corporation, Nunavut Tunngavik Incorporated, and Labrador Inuit Association databases of former residential school students, any other lawyers on the National Certification Committee, and to a government list of those participating in government lawsuits seeking IAP benefits.

Mailings are expected to be sent to approximately 15,000 names on the AFN database and approximately 15,000 names on the attorney databases. Conservatively based calculations estimate at least 20,000 net names and addresses will result from the combined AFN and lawyer lists alone. It is quite probable that the net amount of addresses from all of the combined lists will be greater, increasing the overall reach achieved by individual mailings even further.

The appropriate Summary Notice and Detailed Notice will also be mailed during Phase I and Phase II to federal and penal institutions where former residential school students are located, on lists reportedly held by the AFN.

Phase II mailings will include all those who come forward and identify themselves to the response-handling administrator during Phase I.

Information will be mailed in English and French. Addresses from the Inuit lists will also receive notice materials in Inuktitut.

14. Organizational Outreach

def: Reaching out to affected people through organizations with which they are affiliated.

The Notice Plan seeks to provide Aboriginal agencies and organizations that are in contact with affected people with information to pass on to those affected as they are able. The organizations will be asked to provide voluntary assistance in the distribution of Notices to potentially affected people they may regularly interface with in a variety of ways.

A Notice will be faxed to First Nation offices alerting them to the settlement and attaching a Summary Notice for distribution, as they are able, or public posting for those who visit the office or other public spot on reserve.

A basic notice package will be mailed to First Nation offices and other community/settlement offices, Friendship Centres, treatment and healing centers, IRS Survivors' Society/Branches, Métis organizations, and Inuit associations. The notice package will contain a letter from the Administrator, with a Summary and Detailed Notice. The letter will request voluntary assistance by distributing the Notices to class members, posting the Notice in a public place where class members may view it, publishing the Notice in any newsletters they may publish, or posting a link to the Court website on any website the organization may host.

Email messages will be sent to addresses of Aboriginal organizations with active websites, asking for assistance by posting a link to the settlement website at their site.

Hilsoft Notifications will coordinate with any grass roots organizational outreach efforts that are established for the purpose of getting Notices directly into the hands of community members.

15. Aboriginal Television - APTN

def: The targeted television network in which notices will air.

Television is rated the number one source of information by 36% of Aboriginal people, higher than any other medium. APTN is the only national, Pan-Aboriginal media in Canada. According to APTN, it is available in nearly 100% of Aboriginal households on reserve, and 85% of Aboriginal households in the far North. Over half (56%) of APTN's programming is exclusive and cannot be seen on any other network.

Programming on APTN is available in a variety of languages:

- 60% English
- 15% French
- 25% in a variety of Aboriginal languages

The Notice will be produced as a 30-second unit for English and a 60-second unit for both French and Aboriginal languages in order to accommodate the language translations. The Notices will be developed using images along with a voice-over.

The schedule will include several dayparts to increase the Plan's ability to reach persons with different viewing habits. Programme selection will focus on the most popular programmes (News and Movies) and programmes targeting older segments of affected people, as well as Native Programmes which air in three different blocks each day. Sample programmes include:

<i>Sample Aboriginal Programmes:</i>	<i>Day/Time</i>	<i>Language</i>
<i>Movies</i>	<i>M-W-F-Sun, 9-11:00pm</i>	<i>English</i>
<i>Movies</i>	<i>M-W-F-Sun, 12-2:00am</i>	<i>English</i>
<i>APTN National News</i>	<i>M-F 1-1:30pm</i>	<i>English</i>
<i>APTN National News</i>	<i>M-F 7-7:30pm</i>	<i>English</i>
<i>APTN National News: Contact</i>	<i>Fri 7:30-8:30pm</i>	<i>English</i>
<i>APTN Late News</i>	<i>M-F 2:30-3:00am</i>	<i>English</i>
<i>Qaggiq VII</i>	<i>TBD</i>	<i>Inuktitut</i>
<i>Nunavut Elders</i>	<i>TBD</i>	<i>Inuktitut</i>
<i>Our Déné Elders</i>	<i>TBD</i>	<i>Déné</i>
<i>Maamuitaaw</i>	<i>TBD</i>	<i>Cree</i>
<i>Nunavimiut</i>	<i>TBD</i>	<i>Inuktitut</i>
<i>Haa Shagoon</i>	<i>TBD</i>	<i>various</i>

- ***Phase I:***
 - Two-week schedule
 - Approximately 50 spots will air per week
 - Approximately 100 total spots
 - Spots will air in multiple languages: approximately 33x in French and Native languages.

- ***Phase II:***
 - Three-week schedule
 - Approximately 60 spots will air per week
 - Approximately 180 total spots
 - Spots will air in multiple languages: approximately 58x in French and Native languages.

16. Aboriginal Radio

def: The targeted radio stations/networks in which notices will air.

Radio is also a medium that is heavily used by Aboriginal people. In fact, according to PMB data, Aboriginal people 25+ are 39% more likely to be heavy radio listeners, as compared to the general Canadian adult 25+ population.

Aboriginal radio will air throughout Canada with the purchase of 60- second units on approximately 90 Aboriginal stations, as listed below.

The schedules will include English, French and Native language Notices, as appropriate to each station or network.

- Phase I: Two-week schedule, with approximately 20 spots per station per week; approximately 40 spots total.
- Phase II: Three-week schedule, with approximately 20 spots per station per week; approximately 60 spots total.

Aboriginal Multimedia Society of Alberta ("AMMSA") - CFWE-FM.

- Covers entire province of Alberta, except Edmonton & Calgary; heaviest coverage is in rural areas.
- Broadcasts to approximately 150 communities throughout Canada via Anik E2 satellite.
- Format is Aboriginal and Country music.
- All programming is in English.

James Bay Cree Communications Society ("JBCCS") Network.

- Broadcasts to approximately nine communities in Northern Québec, primarily in Cree.
- Nine stations are included in the network.

Missinipi Broadcasting Corporation ("MBC") Network.

- Offers the largest adult listening audience of any radio station covering Northern Saskatchewan and an increasing number of communities in Southern Saskatchewan.
- Approximately 63 stations are included in the network.
- Has a potential audience of 47,000+ people in Prince Albert-Meadow Lake-La Ronge areas, and a known regular daily/weekly audience of 32,000+ across the rest of Northern Saskatchewan.

- Broadcasts to more than 70 communities in Saskatchewan, including major urban centres.
- Listeners are multilingual — 64% speak Cree and English, 22% speak Déné and English, and 98% of all listeners speak English.
- Provides a minimum of ten hours of Cree programming and ten hours of Déné programming per week, and strives to integrate the languages into everything from special programmes, remote event coverage, contests, commercial content, and more.
- Programming includes news and community events, often in three languages.

Native Communications Inc. (“NCI”) Network.

- Covers 98% of Manitoba Province, reaching more than 70 communities.
- Approximately 57 stations are included in the network.
- Programming includes Hot Country during day and prime hours and Classic Country, Hip Hop, etc. on weekends.
- Programming is primarily in English; ad materials are accepted in English, Ojibwe (the number one Native language in Manitoba) and Cree.

Native Communications Society of the Western Northwest Territories (CKLB-FM):

- Broadcasts to 28 communities in the Northwest Territories.
- Format is Country and Aboriginal music.
- Programming includes regional news, community events, and special features, often in three languages (English and various Déné dialects).

Northern Native Broadcasting - Terrace (CFNR-FM):

- Broadcasts to 55 communities, of which approximately 35 are First Nations, in central and northern British Columbia, as well as parts of Yukon.
- Three stations are in the network.
- Format is Classic Rock and Sports, including Native basketball, Vancouver Canucks, and BC Lions; in English.

Northern Native Broadcasting - Yukon (CHON-FM):

- Broadcasts to 25 communities in the Yukon, western Northwest Territories, and a small portion of northern British Columbia.
- Format is primarily Country with programmes that include other types of music, news, weather, and sports, as well as some Native language programmes, including Gwich'in.
- Almost all listeners speak English.

OKalaKatiget Society (CKOK Radio).

- Broadcasts to seven communities on the north coast and the Lake Melville area of Labrador.
- Offers various programming, including news, stories from the elders, children's programmes, Inuktitut and English music, PSAs, church services, etc., in both English and Inuktitut.
- Promotes Inuit culture 20 hours per week.

Société de Communications AtikamekwMontagnais ("SOCAM") Network.

- Broadcasts to 14 communities, of which 11 are Innu and three are Atikamekw, in central and northern Québec, as well as Labrador.
- Approximately 15 stations are included in the network.
- 85% of programming is in Native languages (primarily Innu and Atikamekw); 2nd language in Québec listening area is French, and in Labrador is English.

Taqramiut Nipingat Ltd. ("TNI").

- Broadcasts to all 14 Nunavik communities.
- Programming includes news, modern and traditional music, gospel and spiritual music, family issues, etc.
- Must provide Notice in English or French and Inuktitut.

Wawatay Native Communications Society Radio Network ("WRN").

- Broadcasts to 40 communities in Ontario.
- Provides various programming promoting Native culture and language.
- Almost all programming is in Oji-Cree and Coastal Cree, with a small amount in English.

17. Aboriginal Publications

def: The targeted publications in which notices will appear.

The Aboriginal publications included in the Notice Plan are particularly geared to those affected. They provide local and regional news, including Aboriginal issues, people, and events. Aboriginal people 25+ are 8% more likely to have read a community newspaper in the past seven days, as compared to the general Canadian 25+ population.

Coverage is throughout Canada and includes more than 630 First Nations; Métis settlements; Inuit communities; Friendship Centres; Aboriginal businesses, schools and organizations; as well as various government and health agencies.

Both the Phase I and Phase II Plans include a full page unit in up to 36 publications. In bilingual publications, multiple Notices will appear, once in English or French and again in the primary Native language(s) used by the publication:

<i>Publication</i>	<i>Coverage</i>	<i>Province/ Territory</i>	<i>Issuance</i>	<i>Freq.</i>	<i>Ad Language</i>
<i>Aboriginal Times</i>	<i>National</i>		<i>bimonthly</i>	<i>1</i>	<i>English</i>
<i>First Nation Voices</i>	<i>National</i>		<i>2x/year</i>	<i>1</i>	<i>English</i>
<i>First Perspective</i>	<i>National</i>		<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Windspeaker</i>	<i>National</i>		<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Windspeaker Business Quarterly</i>	<i>National</i>		<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Native Journal</i>	<i>National</i>		<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Alberta Native News</i>	<i>Regional</i>	<i>Alberta</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Alberta Sweetgrass</i>	<i>Regional</i>	<i>Alberta</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Ha-Shilth-Sa</i>	<i>Regional</i>	<i>British Columbia</i>	<i>25x/year</i>	<i>1</i>	<i>English</i>
<i>Kahtou News</i>	<i>Regional</i>	<i>British Columbia</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Secwepemc News</i>	<i>Regional</i>	<i>British Columbia</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Western Native News</i>	<i>Regional</i>	<i>British Columbia, Yukon</i>	<i>monthly</i>	<i>1</i>	<i>English</i>

<i>First Nations Drum</i>	<i>Regional</i>	<i>Eastern Canada</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Natotawin</i>	<i>Regional</i>	<i>Manitoba</i>	<i>weekly</i>	<i>1</i>	<i>English</i>
<i>The Drum</i>	<i>Regional</i>	<i>Manitoba</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Whispering Pines</i>	<i>Regional</i>	<i>Manitoba</i>	<i>Quarterly</i>	<i>1</i>	<i>English</i>
<i>Deh Cho Drum</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>weekly (Thur)</i>	<i>1</i>	<i>English</i>
<i>Inuvik Drum</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>weekly (Thurs)</i>	<i>1</i>	<i>English</i>
<i>L'Aquilon</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>weekly (Fri)</i>	<i>1</i>	<i>French</i>
<i>Nunatsiaq News</i>	<i>Regional</i>	<i>Northwest Territories, Nunavut, Québec</i>	<i>weekly (Fri)</i>	<i>2</i>	<i>English, Inuktitut, Innuinaqtun</i>
<i>NWT News/North</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>weekly (Mon)</i>	<i>1</i>	<i>English</i>
<i>The Hay River Hub</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>weekly (Wed)</i>	<i>1</i>	<i>English</i>
<i>Tusaayaksat</i>	<i>Regional</i>	<i>Northwest Territories</i>	<i>bimonthly</i>	<i>2</i>	<i>English & Siglit</i>
<i>The Slave River Journal</i>	<i>Regional</i>	<i>Northwest Territories, Alberta</i>	<i>weekly (Wed)</i>	<i>1</i>	<i>English</i>
<i>Mi'kmaq-Maliseet Nations News</i>	<i>Regional</i>	<i>Nova Scotia, New Brunswick, PEI, Newfoundland, NE Québec</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Kivalliq News</i>	<i>Regional</i>	<i>Nunavut</i>	<i>weekly (Wed)</i>	<i>2</i>	<i>English & Inuktitut</i>
<i>Nunavut News/North</i>	<i>Regional</i>	<i>Nunavut</i>	<i>weekly (Mon)</i>	<i>2</i>	<i>English, Inuktitut & Innuinaqtun</i>
<i>Turtle Island News</i>	<i>National</i>	<i>Ontario</i>	<i>weekly (Wed)</i>	<i>1</i>	<i>English</i>
<i>Anishinabek News</i>	<i>Regional</i>	<i>Ontario</i>	<i>1x/year</i>	<i>1</i>	<i>English</i>
<i>Tansi News</i>	<i>Regional</i>	<i>Ontario</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Tekawennake</i>	<i>Regional</i>	<i>Ontario</i>	<i>weekly (Wed)</i>	<i>1</i>	<i>English</i>
<i>Wawatay News</i>	<i>Regional</i>	<i>Ontario</i>	<i>biweekly</i>	<i>2</i>	<i>English & Oji-Cree</i>
<i>Eastern Door</i>	<i>Regional</i>	<i>Québec</i>	<i>weekly (Fri)</i>	<i>1</i>	<i>English</i>
<i>The Nation</i>	<i>Regional</i>	<i>Québec/Ontari</i>	<i>bimonthly</i>	<i>1</i>	<i>English</i>

		<i>o</i>			
<i>Saskatchewan Sage</i>	<i>Regional</i>	<i>Saskatchewan</i>	<i>monthly</i>	<i>1</i>	<i>English</i>
<i>Opportunity North</i>	<i>Regional</i>	<i>Saskatchewan</i>	<i>bimonthly</i>	<i>1</i>	<i>English</i>
<i>TOTAL</i>				<i>41</i>	

Note: Actual publications are subject to change depending upon availability at the time of placement.

18. Aboriginal Publications Circulation Data

def: Total number of copies distributed through all channels (subscription, newsstand, bulk).

The total circulation of the Aboriginal publications is estimated to be more than 400,000:

<i>Publication</i>	<i>Total Circulation</i>
<i>Aboriginal Times</i>	<i>100,000</i>
<i>First Nations Drum</i>	<i>35,000</i>
<i>Windspeaker Business Quarterly</i>	<i>30,000</i>
<i>Windspeaker</i>	<i>25,000</i>
<i>Native Journal</i>	<i>15,000</i>
<i>The Drum</i>	<i>15,000</i>
<i>Turtle Island News</i>	<i>15,000</i>
<i>Alberta Native News</i>	<i>14,000</i>
<i>Kahtou News</i>	<i>12,041</i>
<i>First Perspective</i>	<i>10,000</i>
<i>Opportunity North</i>	<i>10,000</i>
<i>Western Native News</i>	<i>10,000</i>
<i>Anishinabek News</i>	<i>10,000</i>
<i>Tansi News</i>	<i>10,000</i>
<i>NWT News/North</i>	<i>9,672</i>
<i>Wawatay News</i>	<i>9,300</i>
<i>Alberta Sweetgrass</i>	<i>7,000</i>
<i>The Nation</i>	<i>7,000</i>
<i>Saskatchewan Sage</i>	<i>7,000</i>
<i>Secwepemc News</i>	<i>6,500</i>
<i>Nunavut News/North</i>	<i>6,213</i>
<i>Nunatsiq News</i>	<i>6,000</i>
<i>First Nation Voices</i>	<i>5,000</i>
<i>Mi'kmaq-Maliseet Nations News</i>	<i>5,000</i>

<i>Ha-Shilth-Sa</i>	3,200
<i>The Hay River Hub</i>	2,542
<i>Whispering Pines</i>	2,500
<i>Tekawennake</i>	2,500
<i>Eastern Door</i>	2,500
<i>Tusaayaksat</i>	1,700
<i>Kivalliq News</i>	1,643
<i>Deh Cho Drum</i>	1,532
<i>Inuvik Drum</i>	1,470
<i>The Slave River Journal</i>	1,384
<i>Natotawin</i>	1,000
<i>L'Aquilon</i>	1,000
TOTAL	402,697

More readers than just those who purchase or otherwise receive circulated issues actually open and read a publication. Many secondary readers see the Notice away from home, for example: at a friend's house; at a doctor's office or health organization; at a Friendship Centre or other agency; passed around by co-workers at the place of employment; etc. Exposure in a different environment can increase attentiveness and response potential. It is also beneficial that readership tends to build over a period of time following the publication date. This is evidence that issues can be referred to at any time, thereby, providing readers with a longer, sustained opportunity to learn about the Notice.

Factoring in these additional readers, we estimate the total adult audience exposures to the Notices in these publications could be as much as 800,000 or more. However, because most of the circulation figures cited above are not independently audited and much of it is not "paid" circulation, we did not factor in pass-along readers or the full circulation figures in our reach calculations.

19. Mainstream Newspapers

def: The mainstream newspapers in which notices will appear.

The mainstream newspapers included in the Phase I and Phase II Notice Plans will increase reach particularly among affected people who do not reside on reserves or within other Aboriginal communities/settlements.

The Phase I and Phase II Plan includes two insertions in 31 daily mainstream newspapers, as well as two insertions in four community newspapers with distribution in heavily concentrated Aboriginal areas, for a total of 70 insertions. The daily newspapers selected circulate in the top 19 Aboriginal population CMAs/CAs, where approximately 45% of Canada's Aboriginal population residing outside of a reserve or Aboriginal community/settlement is located, plus two Québec CMA papers. An approximate 1/3 page Summary Notice will be placed in the broadsheet newspapers and a 3/4 page in the tabloid newspapers.

<i>Newspaper</i>	<i>City/Area</i>	<i>Province</i>	<i>Freq.</i>
<i>Calgary Herald</i>	<i>Calgary</i>	<i>Alberta</i>	<i>2</i>
<i>Calgary Sun</i>	<i>Calgary</i>	<i>Alberta</i>	<i>2</i>
<i>Edmonton Journal</i>	<i>Edmonton</i>	<i>Alberta</i>	<i>2</i>
<i>Edmonton Sun</i>	<i>Edmonton</i>	<i>Alberta</i>	<i>2</i>
<i>Kamloops Daily News</i>	<i>Kamloops</i>	<i>British Columbia</i>	<i>2</i>
<i>Prince George Citizen</i>	<i>Prince George</i>	<i>British Columbia</i>	<i>2</i>
<i>Vancouver Province</i>	<i>Vancouver</i>	<i>British Columbia</i>	<i>2</i>
<i>Vancouver Sun</i>	<i>Vancouver</i>	<i>British Columbia</i>	<i>2</i>
<i>Victoria Times Colonist</i>	<i>Victoria</i>	<i>British Columbia</i>	<i>2</i>
<i>Winnipeg Free Press</i>	<i>Winnipeg</i>	<i>Manitoba</i>	<i>2</i>
<i>Winnipeg Sun</i>	<i>Winnipeg</i>	<i>Manitoba</i>	<i>2</i>
<i>Ottawa Le Droit</i>	<i>Ottawa</i>	<i>Ontario</i>	<i>2</i>
<i>Sudbury Star</i>	<i>Greater Sudbury</i>	<i>Ontario</i>	<i>2</i>
<i>Hamilton Spectator</i>	<i>Hamilton</i>	<i>Ontario</i>	<i>2</i>
<i>London Free Press</i>	<i>London</i>	<i>Ontario</i>	<i>2</i>
<i>Ottawa Citizen</i>	<i>Ottawa</i>	<i>Ontario</i>	<i>2</i>
<i>Ottawa Sun</i>	<i>Ottawa</i>	<i>Ontario</i>	<i>2</i>
<i>Sault Ste Marie Star</i>	<i>Sault Ste. Marie</i>	<i>Ontario</i>	<i>2</i>
<i>Thunder Bay Chronicle-Journal</i>	<i>Thunder Bay</i>	<i>Ontario</i>	<i>2</i>
<i>The Globe and Mail</i>	<i>Toronto</i>	<i>Ontario</i>	<i>2</i>
<i>The National Post</i>	<i>Toronto</i>	<i>Ontario</i>	<i>2</i>
<i>Toronto Star</i>	<i>Toronto</i>	<i>Ontario</i>	<i>2</i>

<i>Toronto Sun</i>	<i>Toronto</i>	<i>Ontario</i>	2
<i>La Presse</i>	<i>Montreal</i>	<i>Québec</i>	2
<i>Le Journal de Montreal</i>	<i>Montreal</i>	<i>Québec</i>	2
<i>The Montreal Gazette</i>	<i>Montreal</i>	<i>Québec</i>	2
<i>Le Journal de Québec</i>	<i>Québec</i>	<i>Québec</i>	2
<i>Le Soleil</i>	<i>Québec</i>	<i>Québec</i>	2
<i>Prince Albert Daily Herald</i>	<i>Prince Albert</i>	<i>Saskatchewan</i>	2
<i>Regina Leader-Post</i>	<i>Regina</i>	<i>Saskatchewan</i>	2
<i>Saskatoon Star Phoenix</i>	<i>Saskatoon</i>	<i>Saskatchewan</i>	2
<i>Klondike Sun</i>	<i>Dawson City</i>	<i>Yukon</i>	2
<i>L'Aurore Boreale</i>	<i>Whitehorse</i>	<i>Yukon</i>	2
<i>Whitehorse Star</i>	<i>Whitehorse</i>	<i>Yukon</i>	2
<i>Yukon News</i>	<i>Whitehorse</i>	<i>Yukon</i>	2
TOTAL			70

20. Mainstream Newspapers Circulation Data

def: Total number of copies sold through all channels (subscription, newsstand, bulk).

The total circulation of the mainstream newspapers is more than four million. Factoring in the additional readers per copy as measured by PMB, we have determined the total adult exposures could be as much as 20 million or more.

<i>Newspaper</i>	<i>Circulation</i>
<i>Toronto Star</i>	<i>644,280</i>
<i>The Globe and Mail</i>	<i>395,516</i>
<i>Toronto Sun</i>	<i>341,626</i>
<i>Le Journal de Montreal</i>	<i>319,201</i>
<i>La Presse (Montreal)</i>	<i>268,651</i>
<i>The National Post</i>	<i>268,739</i>
<i>Vancouver Sun</i>	<i>218,880</i>
<i>Vancouver Province</i>	<i>181,304</i>
<i>Winnipeg Free Press</i>	<i>164,106</i>
<i>Ottawa Citizen</i>	<i>156,657</i>
<i>The Montreal Gazette</i>	<i>153,016</i>
<i>Edmonton Journal</i>	<i>143,312</i>
<i>Calgary Herald</i>	<i>140,728</i>
<i>Le Journal de Québec</i>	<i>122,109</i>
<i>Hamilton Spectator</i>	<i>115,302</i>
<i>Le Soleil (Québec)</i>	<i>113,400</i>
<i>London Free Press</i>	<i>104,285</i>
<i>Edmonton Sun</i>	<i>95,826</i>
<i>Calgary Sun</i>	<i>91,219</i>
<i>Victoria Times Colonist</i>	<i>78,451</i>
<i>Saskatoon Star Phoenix</i>	<i>60,499</i>
<i>Regina Leader-Post</i>	<i>55,218</i>
<i>Ottawa Sun</i>	<i>52,544</i>
<i>Winnipeg Sun</i>	<i>52,197</i>

<i>Ottawa Le Droit</i>	39,100
<i>Thunder Bay Chronicle-Journal</i>	31,224
<i>Sault Ste Marie Star</i>	18,957
<i>Sudbury Star</i>	18,710
<i>Prince George Citizen</i>	15,489
<i>Kamloops Daily News</i>	12,651
<i>Yukon News</i>	8,100
<i>Prince Albert Daily Herald</i>	7,377
<i>Whitehorse Star</i>	4,303
<i>L'Aurore Boreale</i>	1,000
<i>Klondike Sun</i>	750
TOTAL	4,494,727

21. Notice Positioning

def: Inserting notices in spots within the media that will help gain affected people's attention.

All placements are not equal. Extra care can and will be taken to place the Notice in certain locations within each publication that give the best opportunity for high readership.

Positioning notice placements in the main news section will help ensure that over the course of the media schedule the greatest practicable number of affected people will see the Notice.

Regardless of positioning, the Notices are designed to be highly visible and noticeable. In Aboriginal publications, the Notices will appear as full page units. In mainstream newspapers, the Notices will appear as a 3/4 page unit in tabloids and 1/3 page units in broadsheet newspapers. Such page dominant units will enhance reader attention and comprehension.

22. Mainstream Television – Phase II

def: The television networks in which notices will air.

Mainstream television is a high reach medium providing exposure to affected people regardless of where they reside (i.e, within an Aboriginal community, a rural area, or an urban area). According to PMB data, Aboriginal people 25+ are 66% more likely to be heavy television viewers, as compared to the general Canadian 25+ population.

Networks considered include:

- CBC (English)
- CTV (English)
- Global Television (English)
- Radio-Canada (French CBC)
- TVA (French)
- Cable networks with high reach among Aboriginal people (e.g. Discovery Channel)

30-second units in English and 60-second units (longer length to accommodate translations) in French will appear on a variety of programmes and dayparts, with an emphasis placed on programmes targeting older former students.

Approximately 100 Adult 25+ GRPs (gross rating points) will be sought per week over three weeks on the English networks and 50 Adult 25+ GRPs will be sought per week over three weeks on the French networks.

The following provides an example of a television daypart mix:

<i>Daypart</i>	<i>English A25+ GRPs</i>	<i>English GRP Allocation</i>	<i>French A25+ GRPs</i>	<i>French GRP Allocation</i>
<i>Day</i>	60	20%	30	20%
<i>Early News</i>	60	20%	30	20%
<i>Prime</i>	120	40%	60	40%
<i>Late Fringe</i>	30	10%	15	10%
<i>Cable</i>	30	10%	15	10%
<i>3-Week Total</i>	300	100%	150	100%

23. Informational News Release

def: Seeking non-paid (and other) exposure of court-approved notice information mainly by way of news articles.

Earned media activities (i.e., efforts to present a fair and neutral statement of the notice effort via an informational press release, not via paid advertising) will provide an important role and help get the word out through credible news sources about these important matters (the hearings schedule and, later, the claims/opt-out process and time frame). Earned media efforts may also generate electronic media coverage.

A party-neutral, Court-approved informational news release will be issued to over 390 press outlets throughout Canada. A news release serves a potentially valuable role, providing additional notice exposure beyond that which will be provided through paid media. There is no guarantee that any news stories will result, but if they do, affected people will have additional opportunities to learn that their rights are at stake in credible news media, adding to their understanding.

A partial listing of the press outlets that will receive the informational news release is attached in **Schedule 3**.

24. Internet Activities

def: Delivery of notice via Internet and on-line services.

The use of the Internet is increasing among Aboriginal people and access to the Internet is increasing in Aboriginal communities that were previously unable to connect. According to PMB, Aboriginal people 12 years of age and older (“12+”) are 7% more likely to be heavy Internet users, as compared to the general Canadian 12+ population. Additionally, over half (53.8%) of Aboriginal people 12+ accessed the Internet/World Wide Web in the past month.²¹ We recognize the fact that the older segment of the Aboriginal population is likely not using the Internet as much as the younger segment. However, heavy Internet usage among the Aboriginal population is likely due to the fact that the Aboriginal population is younger in comparison to the general Canadian population and Internet usage is impacted by age. Regardless, it would be impracticable not to include an informational website in the programme.

On-Line media tactics include:

- A neutral and informational website with an easy to remember domain name, where affected people can obtain additional information about the proposed settlement, key dates, key documents, and frequently asked questions (FAQs). The website will appear in English and French.
- The ability for affected people to register to receive a Notice and/or future documents related to the proposed settlement deemed necessary by the Court.
- A “Contact Us” page allowing questions or comments from affected people to the administrator and allowing organizations to request notice materials for distribution to members of their communities.
- A website address prominently displayed in all notice materials.
- An easy to remember domain, such as www.residentialschoolsettlement.ca. The same name with an “s” on schools has been acquired and pointed to this site as added protection, and the .com versions have also been pointed to the site

²¹ PMB Internet usage data for Aboriginal people 25+ was not utilized because data was projected relatively unstable due to a small base.

for further assurance that people will not miss the site if they don't write it down correctly.

- Registering keywords with major search engines, e.g., Yahoo!, WebCrawler, AltaVista, in order to help the site appear at or near the top of search lists for many key words.
- Links will be sought on key websites, including Aboriginal organization sites, appropriate government sites, etc.

25. Notice Design Strategy

The Notices will be written and designed in such a manner as to motivate affected people to read and understand the message. The Notices carry a clear message outlining affected people's rights, in clear, concise plain language.

The design and content features are consistent with notices that have been approved by numerous courts, including Canadian courts.

The content and design features are consistent with the highest standards for the communication of legal rights to class members around the world. They are consistent with the standards embodied in the illustrative "model" notices we wrote and designed for the US FJC, at the request of the Advisory Committee on Civil Rules of the Judicial Conference of the United States, and which are posted at www.fjc.gov. Mr. Hilsee has testified to these standards as applicable across national boundaries and including in Canadian Courts. Indeed, Canadian Courts have recognized the importance of simple and clear communications and well designed communications via notices.

- ***Bold headline captures attention.*** The Notice headlines immediately alert even casual readers who may be included in the settlement that they should read the Notice and why it is important. The residential schools will be a recognizable reference to affected people, and the healing message will help readers engage with the Notices, and allows the Courts to communicate with affected people with a sensitive and respectful approach.
- ***Notice Size.*** The Notices will appear as full pages in Aboriginal publications, 1/3 pages in mainstream broadsheet newspapers, and 3/4 pages in tabloid sized mainstream newspapers. These page dominant sizes will allow the importance of the message to be obvious, and will ensure the Notices are noticed by casual readers.
- ***Visual Approach TV and Print media.*** The Eagle feather graphic, a symbol for healing, serves as interesting graphic for pure advertising utility, helping set the Notices apart from other ads, but, even more importantly, setting a respectful and sensitive tone for readers to approach Notices dealing with a difficult topic.

- ***Plain Language.*** Each of the Notices concisely and clearly state the information in plain, easily understandable language so that affected people can comprehend the Notices effectively.
- ***Notice design alerts readers as to legal significance, lending credibility.*** The Notice design ensures that readers know that the communication carries legitimate, important information about what action or steps they can take, and that it is not commercial advertising attempting to sell them something.
- ***Comprehensive.*** The comprehensive Summary Notice explains all critical information about affected people's rights. No key information is omitted. Those who choose to read only the Summary Notice will have done so with substantial knowledge about their rights and options. The Detailed Notice, easily available to those who request it, will provide more information, but remains concise and clear, and thereby easy to interact with and read. The use of the Summary Notice for mailing is based on the readership advantages known to be derived from providing simple, clear and concise notices, consistent with the highest modern standards for notices, together with communications experience identifying that such messages are better read and attended to.
- ***Prominent website and 800 number.*** The Notice invites response by providing simple, convenient mechanisms for affected people to obtain additional information, if desired. The 800 number offers a connection to a government emotional support line.
- ***French/Aboriginal Translation.*** Notice materials will be translated to appropriate languages for placement in media, carrying plain language goals through these other languages as well.

26. Draft Forms of Notice – Phase I

Schedule 2 of this Notice Plan contains draft forms of all Phase I Notices:

- Letters that will be sent to individuals known to be affected, and their lawyers, together with attached Notices, as well as to organizations asking for their assistance in distributing the Notices.
- The Outside Mailing Envelope showing how design and content will carefully ensure that recipients understand its relevance and importance.
- The Summary Notice as it will appear in mainstream newspapers and Aboriginal publications, and mailed to individuals known to be affected.
- The Detailed Notice that will appear on the website and be mailed to individuals known to be affected as well as those who request it pursuant to viewing a Summary Notice.
- The 30-second English television script that will be produced and distributed to APTN. (It will be produced as a 60-second unit in French and Aboriginal languages owing to expansion of length when translating to these languages.)
- The 30 and 60-second radio scripts that will be produced and distributed to Aboriginal radio stations and networks.
- The neutral Informational News Release that will be issued to news outlets throughout Canada, and to organizations and other third parties.
- A draft of the content of the main website page where affected people can obtain additional information and documents about the settlement, including the settlement agreement, answers to common questions, a claim form and exclusion request forms when available, a Detailed Notice, and other information.

02055

Schedule 1

Hilsoft Notifications

Philadelphia Area Office: 123 East Broad Street, Souderton, PA 18964, (215) 721-2120, (215) 721-6886 fax

Nation's leading expert firm for large-scale, unbiased, full service class action and bankruptcy bar date notice plan design, implementation, and analysis ❖ Unique recognition by Federal and State Courts ❖ Innovated standards now followed for method and form of notice ❖ Only notice expert invited to testify before the Advisory Committee on Civil Rules on 2001 amendments to Fed. R. Civ. Proc. 23 ❖ Asked by Federal Judicial Center to write and design the 'model' plain language notices now at www.fjc.gov ❖ First notice expert recognized in Canada under the Ontario Class Proceedings Act of 1992 ❖ Notice for largest claims process in U.S. history ❖ Cited in the first significant reported decision on use of media audience data to establish the "net reach" of unknown class members – now a cornerstone of methodology for adequacy of notice ❖ More than 175 cases, placing media notices in 53 countries and 36 languages ❖ Court-approved notice plans have withstood challenge to U.S. Supreme Court ❖ First intelligent website Q&A engine ❖ More than 15 MDL cases ❖ More than 60 favorable judicial comments — 0 unfavorable ❖ More than 25 article publications ❖ Frequent notice/due process speaker ❖ Team has worked as neutral experts for both defendants and plaintiffs ❖ Case examples include:

- National settlement notice to 25 million policyholders in the largest race-based pricing case, **Thompson v. Metropolitan Life Ins. Co.**, 216 F.R.D. 55, 62-68 (S.D. N.Y. 2003).
- Worldwide notice in the \$1.25 billion settlement **In re Holocaust Victims Assets, "Swiss Banks,"** No. CV-96-4849 (E.D.N.Y.). Designed & implemented all U.S. and international media notice in 500+ publications in 40 countries and 27 languages. Called the most complex notice program in history.
- Designed/implemented multi-media notice campaign for largest ever U.S. claims process: the \$10 billion tobacco buyout for **U.S. Dept. of Agriculture/Wachovia**.
- National settlement notice to 40 million people in **Scott v. Blockbuster**, No. D 162-535 (Tex., 136th Jud. Dist.) withstood collateral review, *Peters v. Blockbuster* 65 S.W.3d 295, 307 (Tex. App.-Beaumont, 2001).
- Multi-national claims bar date notice **In re The Babcock & Wilcox Co.**, No. 00-10992 (E.D. La.) to asbestos personal injury claimants. Set standards for asbestos-related bankruptcies, i.e., W.R. Grace & USG.
- National notice in **Avery v. State Farm**, No. 97-L-114 (Cir. Ct. Ill.), withstood challenges to Illinois Supreme Court and U.S. Supreme Court, and re-affirmed in *Avery v. State Farm*, 321 Ill. App. 3d 269 (5th Dist. 2001).
- National settlement notice **In re Synthroid Marketing Litig.**, MDL 1182 (N.D. Ill.). Notice withstood appellate challenge, 264 F.3d 712, 716 (C.A.7 (Ill.), 2001).
- Scrutinized opposing notice expert opinion in **Parsons/Currie v. McDonalds** resulting in widely reported published decision, 2004 WL 40841 para. 49-58 (Ont. S.C.J. 2004) upheld on appeal **Currie v. McDonald's Rests. of Canada Ltd.**, 2005 CanLII 3360 (ON C.A.).
- Written and live testimony on notice in **Spitzfaden v. Dow Corning**, No. 92-2589, (La. Civ. Dist. Ct.), the first breast implant class action to go to trial. Notice withstood challenge to Louisiana Supreme Court.
- **In re Dow Corning Corp.**, No. 95-20512-11-AJS (Bankr. E.D. Mich.). Designed global breast implant U.S. and foreign media plans, ensuring that millions of additional women received effective notice of the bar date.
- Our notice expertise cited in **Cox v. Shell Oil**, "Polybutylene Pipe," 1995 WL 775363, 6 (Tenn. Ch. 1995). Our notice evidence cited when collateral attack rejected. *Hospitality Mgmt. Assoc., Inc. v. Shell Oil Co.* 356 S.C. 644, 663, 591 S.E.2d 611, 621 (S.C., 2004)
- National settlement notice, **Williams v. Weyerhaeuser Co.**, No. 995787, "Hardboard Siding Litigation" (Cal. Super. Ct.). Notice withstood appellate challenge, 2002 WL 373578, at 10 (Cal. App. 1 Dist.).
- Other significant notice cases: **Ting v. AT&T**, **Talalai v. Cooper Tire**, **In re Bridgestone/Firestone Prods. Liab.**, **Microsoft I-V Cases**, **Wilson v. Servier (Canadian Nat'l Fen/Phen)**, **In re Pittsburgh Corning (Asbestos)**, **In re Factor Concentrate Blood Prods. (Nat'l Hemophilic HIV)**, **In re Serzone Prods. Liab.**, and many others.

EXPERTS ON STAFF

Todd B. Hilsee, President ~ Mr. Hilsee is the leading expert in class action notice planning, implementation, and analysis. He has been uniquely recognized by Federal and State Courts as an expert on notice, including the first significant reported decision, **In re Domestic Air Transp. Antitrust Litig.**, 141 F.R.D. 534 (N.D. Ga. 1992), on the use of media audience data to quantify the "net reach" of unknown class members – now a cornerstone of the methodology to determine the adequacy of notice. In Jan. 2002, he was the only notice expert invited to testify

before the Advisory Committee on Civil Rules of the Judicial Conference of the United States about the proposed "plain language" amendment to Rule 23, and subsequently was asked to write and design the illustrative 'model' plain language notices in collaboration with the Federal Judicial Center, which are now posted at www.fjc.gov. Todd has published numerous articles on notice and due process and he was the first notice expert recognized in Canada under the Ontario Class Proceedings Act of 1992. As a communications professional, Hilsee spent the majority of his advertising career with Foote, Cone & Belding, the largest U.S. domestic advertising firm, where he was awarded the American Marketing Association's award for effectiveness. ❖ He received his B.S. in Marketing from the Pennsylvania State University. Todd can be reached at hilsee@hilsoft.com

Barbara A. Coyle, Executive Vice President ~ Ms. Coyle provides over 21 years of professional experience in the field of advertising media planning, negotiating, placement and analysis. She has handled millions of dollars of media assignments in international media vehicles. ❖ Her consumer notification experience includes: the multinational Dow Corning Bankruptcy, State Farm Auto Parts Litigation, Swiss Banks Settlement, the International Commission on Holocaust Era Insurance Claims, the German Slave and Forced Labour Fund, the Austria National Fund, the International Organization for Migration, the Synthroid Marketing Litigation, the multinational Babcock & Wilcox Asbestos-related bankruptcy, the 900 Number Litigation as to MCI, and many others. Her focus has been on extending the value of media budgets through skillful negotiating. ❖ Barbara is a Cum Laude graduate of Temple University in Philadelphia, with a B.A. in Journalism, where she also received the Carlisle Award for Journalism. Barb can be reached at bcogle@hilsoft.com.

Gina M. Intrepido, Vice President, Media Director ~ Ms. Intrepido has over 13 years of media planning and buying experience. She began her career in New York at one of Madison Avenue's leading firms, BBDO Worldwide, preparing the sophisticated media planning studies for major national consumer advertising accounts and brands such as Gillette, GE Appliances, Lever Brothers, HBO and others. ❖ Gina has planned numerous judicially approved notice plans including the Blockbuster EVF Settlement, Cooper Tire Settlement, the Microsoft I-V Cases antitrust litigation for California (mirroring the U.S. Justice Department's case), and many others including the Weyerhaeuser Hardboard Siding claims campaign which involved a creative and efficient use of radio selected through a detailed claims/population cross tabulation analysis. ❖ Gina earned a B.A. in Advertising from the Pennsylvania State University, graduating with the highest honors. Gina can be reached at gintrepido@hilsoft.com.

Shannon R. Wheatman Ph.D., Notice Director ~ Dr. Wheatman joined Hilsoft Notifications after serving in the Research Division of the Federal Judicial Center in Washington, DC. While at the FJC she worked with the Civil Rules Advisory Committee on the effects of *Amchem/Ortiz* on the filing rates of Federal class actions and conducted a survey of over 700 class action attorneys on the impact of those two cases on choice of federal or state forum in class action litigation. Shannon also played an integral part in the development of model notices at the behest of the Committee to satisfy the plain language notice amendment to Rule 23. Shannon has researched issues for the Bankruptcy Committee on reappointments and the administration of bankruptcy court caseloads. ❖ Shannon has a Ph.D. in Social Psychology from the University of Georgia and a Masters in Legal Studies from the University of Nebraska-Lincoln. Shannon has studied legal research and writing, torts, mass communication law, evidence, constitutional law, civil procedure, and law and medicine. In 2000, she received first place in a professional research writing competition from the American Society for Trial Consultants for her research on comprehension of jury instructions in an insanity defense trial. Shannon can be reached at swheatman@hilsoft.com.

JUDICIAL COMMENTS

Judge Lee Rosenthal, Advisory Committee on Civil Rules of the Judicial Conference of the United States (Jan. 22, 2002), addressing Mr. Hilsee in a public hearing on proposed changes to Rule 23:

I want to tell you how much we collectively appreciate your working with the Federal Judicial Center to improve the quality of the model notices that they're developing. That's a tremendous contribution and we appreciate that very much... You raised three points that are criteria for good noticing, and I was interested in your thoughts on how the rule itself that we've proposed could better support the creation of those or the insistence on those kinds of notices . . .

Judge Marvin Shoob, *In re Domestic Air Transp. Antitrust Litig.*, 141 F.R.D. 534, 548 (N.D. Ga. 1992):

The Court finds Mr. Hilsee's testimony to be credible. Mr. Hilsee's experience is in the advertising industry. It is his job to determine the best way to reach the most people. Mr. Hilsee

answered all questions in a forthright and clear manner. Mr. Hilsee performed additional research prior to the evidentiary hearing in response to certain questions that were put to him by defendants at his deposition . . . The Court believes that Mr. Hilsee further enhanced his credibility when he deferred responding to the defendant's deposition questions at a time when he did not have the responsive data available and instead utilized the research facilities normally used in his industry to provide the requested information.

Mr. Justice Cumming, *Wilson v. Servier*, (Sept. 13, 2000) No. 98-CV-158832, "National Fen/Phen Litigation" (Ont. S.C.J.):

[A] class-notification expert, Mr. Todd Hilsee, to provide advice and to design an appropriate class action notice plan for this proceeding. Mr. Hilsee's credentials and expertise are impressive. The defendants accepted him as an expert witness. Mr. Hilsee provided evidence through an extensive report by way of affidavit, upon which he had been cross-examined. His report meets the criteria for admissibility as expert evidence. R. v. Lavallee, [1990] 1 S.C.R. 852.

Judge John R. Padova, *Rosenberg v. Academy Collection Service, Inc.* (December 19, 2005) No. 04-CV-5585 (E.D. Pa.):

. . . upon consideration of the Memorandum of Law in Support of Plaintiff's Proposed Class Questionnaire and Certification of Todd Hilsee, it is hereby ORDERED that Plaintiff's form of class letter and questionnaire in the form appended hereto is APPROVED. F.R.Civ.P. 23(c).

Judge Douglas L. Combs, *Morris v. Liberty Mutual Fire Ins. Co.*, (Feb. 22, 2005), No. CJ-03-714 (D. Okla.):

I want the record also to demonstrate that with regard to notice, although my experience – this Court's experience in class actions is much less than the experience of not only counsel for the plaintiffs, counsel for the defendant, but also the expert witness, Mr. Hilsee, I am very impressed that the notice was able to reach – be delivered to 97 ½ percent members of the class. That, to me, is admirable. And I'm also – at the time that this was initially entered, I was concerned about the ability of notice to be understood by a common, nonlawyer person, when we talk about legalese in a court setting. In this particular notice, not only the summary notice but even the long form of the notice were easily understandable, for somebody who could read the English language, to tell them whether or not they had the opportunity to file a claim.

Judge Catherine C. Blake, *In re Royal Ahold Securities and 'ERISA' Litig.*, (January 6, 2006) No. 03-MD-1539 (D. Md.):

I think it's remarkable, as I indicated briefly before, given the breadth and scope of the proposed Class, the global nature of the Class, frankly, that again, at least on a preliminary basis, and I will be getting a final report on this, that the Notice Plan that has been proposed seems very well, very well suited, both in terms of its plain language and in terms of its international reach, to do what I hope will be a very thorough and broad-ranging job of reaching as many of the shareholders, whether individual or institutional, as possibly can be done to participate in what I also preliminarily believe to be a fair, adequate and reasonable settlement.

Judge John Speroni, *Avery v. State Farm*, (Feb. 25, 1998) No. 97-L-114, "Auto Parts Litigation" (Ill. Cir. Ct. Williamson Co.) (Withstood challenge to Illinois Supreme Court, and the United States Supreme Court denied certiorari on issues including the notice issues):

[T]his Court having carefully considered all of the submissions, and reviewed their basis, finds Mr. Hilsee's testimony to be credible. Mr. Hilsee carefully and conservatively testified to the reach of the Plaintiffs' proposed Notice Plan, supporting the reach numbers with verifiable data on publication readership, demographics and the effect that overlap of published notice would have on the reach figure . . . This Court's opinion as to Mr. Hilsee's credibility, and the scientific basis of his opinions is bolstered by the findings of other judges that Mr. Hilsee's testimony is credible.

Judge Joseph R. Goodwin, *In re Serzone Products Liability Litig.*, (Sept. 2, 2005) MDL 1477, (S.D. W. Va.):

"The Notice Plan was drafted by Hilsoft Notifications, a Pennsylvania firm specializing in designing, developing, analyzing and implementing large-scale, unbiased legal notification plans. Hilsoft has disseminated class action notices in more than 150 cases, and it designed the model notices currently displayed on the Federal Judicial Center's website as a template for others to follow...To enhance consumer exposure, Hilsoft studied the demographics and readership of publications among adults who used a prescription drug for depression in the last twelve months. Consequently, Hilsoft chose to utilize media particularly targeting women due to their greater incidence of depression and heavy usage of the medication."

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (Oct. 29, 2001) No. L-8830-00 MT (N.J. Super. Ct. Middlesex Co.):

I saw the various bar graphs for the different publications and the different media dissemination, and I think that was actually the clearest bar graph I've ever seen in my life . . . it was very clear of the time periods that you were doing as to each publication and which media you were doing over what market time, so I think that was very clear.

Judge Richard G. Stearns, *In re Lupron® Marketing and Sales Practice Litig.*, (Nov. 23, 2004) MDL 1430, No. 01-CV-10861-RGS (D. Mass.):

I actually find the [notice] plan as proposed to be comprehensive and extremely sophisticated and very likely be as comprehensive as any plan of its kind could be In reaching those most directly affected.

Judge Michael Maloan, *Cox v. Shell Oil*, (Nov. 17, 1995) No. WL 775363, "Polybutylene Pipe Litigation" (Tenn. Ch. Ct.):

Cox Class Counsel and the notice providers worked with Todd B. Hilsee, an experienced class action notice consultant, to design a class notice program of unprecedented reach, scope, and effectiveness. Mr. Hilsee was accepted by the Court as a qualified class notice expert . . . He testified at the Fairness Hearing, and his affidavit was also considered by the Court, as to the operation and outcome of this program.

In re Synthroid Marketing Litig., 264 F.3d 712, 716 (C.A.7 (Ill.), 2001):

Although officially in the game, the objectors have not presented any objection to the settlement that was not convincingly addressed by the district court. The objectors contend that the settlement should have been larger, that the notice was not sufficient, and that the release of liabilities is too broad.

Judge Michael Canaday, *Morrow v. Conoco Inc.*, (May 25, 2005) No. 2002-3860 G (14th J.D. Ct. La.):

The objections, if any, made to due process, constitutionality, procedures, and compliance with law, including, but not limited to, the adequacy of notice and the fairness of the proposed Settlement Agreement, lack merit and are hereby overruled.

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (Oct. 30, 2001) No. MID-L-8839-00 MT (N.J. Super. Ct. Middlesex Co.):

The parties have crafted a notice program which satisfies due process requirements without reliance on an unreasonably burdensome direct notification process. The parties have retained Todd Hilsee, president of Hilsoft Notification, who has extensive experience designing similar notice programs...The form of the notice is reasonably calculated to apprise class members of their rights. The notice program is specifically designed to reach a substantial percentage of the putative settlement class members.

Judge David De Alba, *Ford Explorer Cases*, (August 19, 2005) JCCP Nos. 4226 & 4270 (Cal. Super. Ct., Sac. Co.):

It is ordered that the Notice of Class Action is approved. It is further ordered that the method of notification proposed by Todd B. Hilsee is approved.

Currie v. McDonald's Rests. of Canada Ltd., 2005 CanLII 3360 (ON C.A.):

The respondents rely upon the evidence of Todd Hilsee, an individual with experience in developing notice programs for class actions. In Hilsee's opinion, the notice to Canadian members of the plaintiff class in Boland was inadequate . . . In response to Hilsee's evidence, the appellants filed the affidavit of Wayne Pines, who prepared the Boland notice plan . . . I am satisfied that it would be substantially unjust to find that the Canadian members of the putative class in Boland had received adequate notice of the proceedings and of their right to opt out . . . I am not persuaded that we should interfere with the motion judge's findings . . . The right to opt out must be made clear and plain to the non-resident class members and I see no basis upon which to disagree with the motion judge's assessment of the notice. Nor would I interfere with the motion judge's finding that the mode of the notice was inadequate.

Judge Stuart R. Pollak, Microsoft I-V Cases, (Apr. 1, 2001) J.C.C.P. No. CJC-00-004106 (Cal. Super. Ct. San Francisco Co.):

[C]oncerning dissemination of class notice; and I have reviewed the materials that have been submitted on that subject and basically I'm satisfied. I think it's amazing if you're really getting 80 percent coverage. That's very reassuring. And the papers that you submitted responded to a couple things that had been mentioned before and I am satisfied with all that.

Judge Richard G. Stearns, In re Lupron Marketing and Sales Practice Litig., (May 12, 2005) MDL 1430, No. 01-CV-10861-RGS (D. Mass.):

With respect to the effectiveness of notice, in the absence of any evidence to the contrary, I accept the testimony of Todd Hilsee that the plan he designed achieved its objective of exposing 80 percent of the members of the consumer class...

Williams v. Weyerhaeuser Co., No. 995787, 2002 WL 373578, at 10 (Cal. App. 1 Dist.):

The hybrid notice given here--a combination of individual notice and notice by publication--was, as the trial court found, the best practicable method under the circumstances. The mass media campaign in this case appears to have been far more extensive than that approved in Dunk, supra, 48 Cal.App.4th at pp. 1800, 1805, 56 Cal.Rptr.2d 483. Objectors' own experience indicates the campaign was effective. Three of them received individual notices, two learned of the settlement through advertisements, and the others apparently learned of the settlement when one of them went around the neighborhood and told his neighbors about the settlement.

Judge Michael J. O'Malley, Defrates v. Hollywood Entertainment Corp., (June 24, 2005) No. 02 L 707 (Ill. Cir. Ct. St. Clair Co.):

The Court hereby finds that the Notice Plan constituted the best notice practicable under the circumstances, and constituted valid, due and sufficient notice to members of the Settlement Class.

Judge Yada T. Magee, Spitzfaden v. Dow Corning, (Mar. 17, 1997) No. 92-2589, "Breast Implant Litigation" (La. Civ. Dist. Ct. Orleans Parish) (The Louisiana Supreme Court upheld the ruling, finding no error):

Given the definition of this class and the potential size, the efforts taken to notify potential class members was more than sweeping...Accordingly the Court finds that the notice was adequate.

Judge Marvin Shoob, In re Domestic Air Transp. Antitrust Litig., 141 F.R.D. 534, 555 (N.D. Ga. 1992):

The Court is convinced that the innovative notice program designed by plaintiffs not only comports with due process and is sensitive to defendants' res judicata rights, but it is the only notice program suitable for this unique and massive consumer class action.

Judge Robert H. Wyatt, Jr., *Gray v. New Hampshire Indemnity Co., Inc.*, (December 19, 2005) No. CV-2002-952-2-3 (Cir. Ct. Ark.):

Notice was direct mailed to all Class members whose current whereabouts could be identified by reasonable effort. Notice was also effected by publication in many newspapers and magazines throughout the nation, reaching a large majority of the Class members multiple times. The Court finds that such notice constitutes the best notice practicable.

Judge Wilford D. Carter, *Thibodeaux v. Conoco Phillips Co.*, (May 26, 2005) No. 2003-481 F (14th J.D. Ct. La.):

Notice given to Class Members...were reasonably calculated under all the circumstances and have been sufficient, both as to the form and content...

Judge James R. Williamson, *Kline v. The Progressive Corp.*, (November 14, 2002) No. 01-L-6 (Cir. Ct. Ill. Johnson Co.):

Notice to the Settlement Class was constitutionally adequate, both in terms of its substance and the manner in which it was disseminated. The notice contained the essential elements necessary to satisfy due process . . .

Judge Richard G. Stearns, *In re Lupron® Marketing and Sales Practice Litig.*, (Nov. 24, 2004) MDL 1430, No. 01-CV-10861-RGS (D. Mass.):

After review of the proposed Notice Plan designed by Hilsoft Notifications...is hereby found to be the best practicable notice under the circumstances and, when completed, shall constitute due and sufficient notice of the Settlement and the Fairness Hearing to all persons and entities affected by and/or entitled to participate in the Settlement, in full compliance with the notice requirements of Rule 23 the Federal Rules of Civil Procedure and due process.

Judge Carter Holly, *Richison v. Am. Cemwood Corp.*, (Nov. 18, 2003) No. 005532 (Cal. Super. Ct. San Joaquin Co.):

The parties undertook an extensive notice campaign designed by a nationally recognized class action notice expert. See generally, Affidavit of Todd B. Hilsee on Completion of Additional Settlement Notice Plan.

Hospitality Mgmt. Assoc., Inc. v. Shell Oil Co., 356 S.C. 644, 663, 591 S.E.2d 611, 621 (Sup.Ct.S.C. 2004):

Clearly, the Cox court designed and utilized various procedural safeguards to guarantee sufficient notice under the circumstances. Pursuant to a limited scope of review, we need go no further in deciding the Cox court's findings that notice met due process are entitled to deference.

Judge Dudley Bowen, *Andrews/Harper v. MCI*, (Aug. 18, 1995) No. CV 191-185, "900 Number Class Action" (S.D. Ga.):

Upon consideration of the submissions of counsel and the testimony adduced at the hearing, and upon the findings, observations and conclusions expressed from the bench into the record at the conclusion of the hearing, it is hereby ordered that the aforementioned proposed media plan is approved.

Judge Salvatore F. Cozza, *Delay v. Hurd Millwork Co.*, (Sept. 11, 1998) No. 97-2-07371-0 (Wash. Super. Ct. Spokane Co.):

I'm very impressed by the notice plan which has been put together here. It seems to be very much a state of the art proposal in terms of notifying class members. It appears to clearly be a very good alternative for notification. The target audience seems to be identified very well, and the Court is very satisfied with the choice of media which has been selected to accomplish this.

Judge James S. Moody, Jr., *Mantzouris v. Scarritt Motor Group Inc.*, (Aug. 10, 2004) No. 8:03 CV 0015-T-30 MSS (M.D. Fla.):

Due and adequate notice of the proceedings having been given and a full opportunity having been offered to the members of the Class to participate in the Settlement Hearing, or object to the certification of the Class and the Agreement, it is hereby determined that all members of the Class, except for Ms. Gwendolyn Thompson, who was the sole person opting out of the Settlement Agreement, are bound by this Order and Final Judgment entered herein.

Judge Richard J. Shroeder, *St. John v. Am. Home Prods. Corp.*, (Aug. 2, 1999) No. 97-2-06368-4 (Wash. Super. Ct. Spokane Co.):

[T]he Court considered the oral argument of counsel together with the documents filed herein, including the Affidavit of Todd B. Hilsee on Notice Plan...The Court finds that plaintiffs' proposed Notice Plan is appropriate and is the best notice practicable under the circumstances by which to apprise absent class members of the pendency of the above-captioned Class Action and their rights respecting that action.

Judge Michael J. O'Malley, *Defrates v. Hollywood Entertainment Corp.*, (June 24, 2005) No. 02 L 707 (Ill. Cir. Ct. St. Clair Co.):

... this Court hereby finds that the notice program described in the Preliminary Approval Order and completed by HEC complied fully with the requirements of due process, the Federal Rules of Civil Procedure and all other applicable laws.

Judge Robert H. Wyatt, Jr., *Gray v. New Hampshire Indemnity Co., Inc.*, (December 19, 2005) No. CV-2002-952-2-3 (Cir. Ct. Ark.):

Notice of the Settlement Class was constitutionally adequate, both in terms of its substance and the manner in which it was disseminated. The Notice contained the essential elements necessary to satisfy due process, including the Settlement Class definition, the identities of the Parties and of their counsel, a summary of the terms of the proposed settlement, Class Counsel's intent to apply for fees, information regarding the manner in which objections could be submitted, and requests for exclusions could be filed.

Judge Carter Holly, *Richison v. Am. Cemwood Corp.*, (Nov. 18, 2003) No. 005532 (Cal. Super. Ct. San Joaquin Co.):

As to the forms of Notice, the Court finds and concludes that they fully apprised the Class members of the pendency of the litigation, the terms of the Phase 2 Settlement, and Class members' rights and options.

Judge David Flinn, *Westman v. Rogers Family Funeral Home*, (Mar. 5, 2001) No. C 98-03165 (Cal. Super. Ct. Contra Costa Co.):

The Court has determined that the Notice given to potential members of the Settlement Class fully and accurately informed potential Members of the Settlement Class of all material elements of the proposed settlement and constituted valid, due and sufficient notice to all potential members of the Settlement Class, and that it constituted the best practicable notice under the circumstances.

Judge Stuart R. Pollak, *Microsoft I-V Cases*, (Mar. 30, 2001) J.C.C.P. No. 4106 (Cal. Super. Ct. San Francisco Co.):

Plaintiffs and Defendant Microsoft Corporation have submitted a joint statement in support of their request that the Court approve the plan for dissemination of class action notice and proposed forms of notice, and amend the class definition. The Court finds that the forms of notice to Class members attached hereto as Exhibits A and B fairly and adequately inform the Class members of

their rights concerning this litigation. The Court further finds that the methods for dissemination of notice are the fairest and best practicable under the circumstances, and comport with due process requirements.

Mr. Justice Cullity, *Parsons/Currie v. McDonald's Rests. of Can.*, (Jan. 13, 2004) 2004 Carswell Ont. 76, 45 C.P.C. (5th) 304, [2004] O.J. No.83:

I found Mr. Hilsee's criticisms of the notice plan in Boland to be far more convincing than Mr. Pines' attempts during cross-examination and in his affidavit to justify his failure to conduct a reach and frequency analysis of McDonald's Canadian customers. I find it impossible to avoid a conclusion that, to the extent that the notice plan he provided related to Canadian customers, it had not received more than a perfunctory attention from him. The fact that the information provided to the court was inaccurate and misleading and that no attempt was made to advise the court after the circulation error had been discovered might possibly be disregarded if the dissemination of the notice fell within an acceptable range of reasonableness. On the basis of Mr. Hilsee's evidence, as well as the standards applied in class proceedings in this court, I am not able to accept that it did.

Judge Bernard Zimmerman, *Ting v. AT&T*, (Jan. 15, 2002) 182 F. Supp. 2d 902, 912-913 (N.D. Cal. 2002) "Arbitration Litigation" (Hilsee had testified on the importance of wording and notice design features):

The phrase 'Important Information' is increasingly associated with junk mail or solicitations . . . From the perspective of affecting a person's legal rights, the most effective communication is generally one that is direct and specific.

Judge Robert E. Payne, *Fisher v. Virginia Electric & Power Co.*, (July 1, 2004) No. 3:02CV431 (E.D. Va.):

The record here shows that the class members have been fully and fairly notified of the existence of the class action, of the issues in it, of the approaches taken by each side in it in such a way as to inform meaningfully those whose rights are affected and to thereby enable them to exercise their rights intelligently.

Judge Jerome E. Lebarre, *Harp v. Qwest Communications*, (June 21, 2002) No. 0110-10986, "Arbitration Litigation" (Ore. Cir. Ct. Multnomah Co.):

So, this agreement is not calculated to communicate to plaintiffs any offer. And in this regard I accept the expert testimony conclusions of Mr. Todd Hilsee. Plaintiffs submitted an expert affidavit of Mr. Hilsee dated May 23 of this year, and Mr. Hilsee opines that the User Guide was deceptive and that there were many alternatives available to clearly communicate these matters....

Judge Carter Holly, *Richison v. Am. Cemwood Corp.*, (Nov. 18, 2003) No. 005532 (Cal. Super. Ct. San Joaquin Co.):

The notice was reasonable and the best notice practicable under the circumstances, was due, adequate, and sufficient notice to all Class members, and complied fully with the laws of the State of California, the Code of Civil Procedure, due process, and California Rules of Court 1859 and 1860.

Judge Marina Corodemus, *Talalai v. Cooper Tire & Rubber Co.*, (Sept. 13, 2002) No. L-008830.00 (N.J. Super. Ct. Middlesex Co.):

Here, the comprehensive bilingual, English and Spanish, court-approved Notice Plan provided by the terms of the settlement meets due process requirements. The Notice Plan used a variety of methods to reach potential class members. For example, short form notices for print media were placed...throughout the United States and in major national consumer publications which include the most widely read publications among Cooper Tire owner demographic groups . . . Mr. Hilsee designed the notification plan for the proposed settlement in accordance with this court's Nov. 1, 2001 Order. Mr. Hilsee is the president of Hilsoft Notifications and is well versed in implementing and analyzing the effectiveness of settlement notice plans.

Judge Harold Baer, Jr., *Thompson v. Metropolitan Life Ins. Co.*, (Sept. 3, 2002) No. 00 Civ. 5071 (HB) (S.D. N.Y.):

The Court further finds that the Class Notice and Publication Notice provided in the Settlement Agreement are written in plain English and are readily understandable by Class Members. In sum, the Court finds that the proposed notice texts and methodology are reasonable, that they constitute due, adequate and sufficient notice to all persons entitled to be provided with notice, and that they meet the requirements of the Federal Rules of Civil Procedure (including Fed. R. Civ. P. 23(c)(2) and (e)), the United States Constitution (including the Due Process Clause), the Rules of the Court, and any other applicable law.

Judge Dewey C. Whitenton, *Ervin v. Movie Gallery, Inc.*, (Nov. 22, 2002) No. 13007 (Tenn. Ch.):

The content of the class notice also satisfied all due process standards and state law requirements . . . The content of the notice was more than adequate to enable class members to make an informed and intelligent choice about remaining in the class or opting out of the class.

Judge Edgar E. Bayley, *Dimitrios v. CVS, Inc.*, No. 99-6209; *Walker v. Rite Aid Corp.*, No. 99-6210; and *Myers v. Rite Aid Corp.*, No. 01-2771, (Nov. 27, 2002) (Pa. Ct. C.P. Cumberland Co.):

The Court specifically finds that: fair and adequate notice has been given to the class, which comports with due process of law.

Judge Robert E. Payne, *Fisher v. Virginia Electric and Power Co.*, (July 1, 2004) No. 3:02CV431 (E.D. Va.):

The success rate in notifying the class is, I believe, at least in my experience, I share Ms. Kauffman's experience, it is as great as I have ever seen in practicing or serving in this job . . . So I don't believe we could have had any more effective notice.

Judge James D. Arnold, *Cotten v. Ferman Mgmt. Servs. Corp.*, (Nov. 26, 2003) No. 02-08115 (Fla. Cir. Ct. Hillsborough Co.):

Due and adequate notice of the proceedings having been given and a full opportunity having been offered to the member of the Class to participate in the Settlement Hearing, or object to the certification of the Class and the Agreement . . .

Judge Judith K. Fitzgerald, *In re Pittsburgh Corning Corp.*, (Nov. 26, 2003) No. 00-22876-JKF (Bankr. W.D. Pa.):

The procedures and form of notice for notifying the holders of Asbestos PI Trust Claims, as described in the Motion, adequately protect the interests of the holders of Asbestos PI Trust Claims in a manner consistent with the principles of due process, and satisfy the applicable requirements of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

Judge Wilford D. Carter, *Thibodeaux v. Conoco Phillips Co.*, (May 26, 2005) No. 2003-481 F (14th J.D. Ct. La.):

Such notices complied with all requirements of the federal and state constitutions, including the due process clause, and applicable articles of the Louisiana Code of Civil Procedure, and constituted the best notice practicable under the circumstances and constituted due process and sufficient notice to all potential members of the Class as Defined.

Judge Richard G. Stearns, *In re Lupron[®] Marketing and Sales Practice Litig.*, (May 12, 2005) MDL 1430, No. 01-CV-10861-RGS (D. Mass.):

I have examined the materials that were used to publicize the settlement, and I agree with Hilsee's opinion that they complied in all respects with the "plain, easily understood language"

requirement of Rule 23(c). In sum, I find that the notice given meets the requirements of due process.

Judge Harold Baer, Jr., *Thompson v. Metropolitan Life Ins. Co.*, 216 F.R.D. 55, 68 (S.D.N.Y. 2003):

The notice provides, in language easily understandable to a lay person, the essential terms of the settlement, including the claims asserted . . . who would be covered by the settlement . . .

Judge Thomas A. Higgins, *In re Columbia/HCA Healthcare Corp.*, (June 13, 2003) No. 3-98-MDL-1227 (M.D. Tenn.):

Notice of the settlement has been given in an adequate and sufficient manner. The notice provided by mailing the settlement notice to certain class members and publishing notice in the manner described in the settlement was the best practicable notice, complying in all respects with the requirements of due process.

Judge Louis J. Farina, *Soders v. General Motors Corp.* (Oct. 31, 2003) No. CI-00-04255, (Pa. C.P. Lancaster Co.):

In this instance, Plaintiff has solicited the opinion of a notice expert who has provided the Court with extensive information explaining and supporting the Plaintiff's notice plan. . . . After balancing the factors laid out in Rule 1712(a), I find that Plaintiff's publication method is the method most reasonably calculated to inform the class members of the pending action.

Judge Dewey C. Whitenton, *Ervin v. Movie Gallery, Inc.*, (Nov. 22, 2002) No. 13007 (Tenn. Ch.):

Based on the evidence submitted and based on the opinions of Todd Hilsee, a well-recognized expert on the distribution of class notices . . . MGA and class counsel have taken substantial and extraordinary efforts to ensure that as many class members as practicable received notice about the settlement. As demonstrated by the affidavit of Todd Hilsee, the effectiveness of the notice campaign and the very high level of penetration to the settlement class were truly remarkable . . . The notice campaign was highly successful and effective, and it more than satisfied the due process and state law requirements for class notice.

Judge Louis J. Farina, *Soders v. General Motors Corp.*, (Oct. 31, 2003) No. CI-00-04255, (Pa. C.P. Lancaster Co.):

Plaintiff provided extensive information regarding the reach of their proposed plan. Their notice expert, Todd Hilsee, opined that their plan will reach 84.8% of the class members. Defendant provided the Court with no information regarding the potential reach of their proposed plan . . . There is no doubt that some class members will remain unaware of the litigation, however, on balance, the Plaintiff's plan is likely to reach as many class members as the Defendant's plan at less than half the cost. As such, I approve the Plaintiff's publication based plan.

Judge Harold Baer, Jr., *Thompson v. Metropolitan Life Ins. Co.* 216 F.R.D. 55, 68 (S.D. N.Y. 2003):

[T]he notice campaign that defendant agreed to undertake was extensive . . . I am satisfied, having reviewed the contents of the notice package, and the extensive steps taken to disseminate notice of the settlement, that the class notice complies with the requirements of Rule 23 (c)(2) and 23(e). In summary, I have reviewed all of the objections, and none persuade me to conclude that the proposed settlement is unfair, inadequate or unreasonable.

Judge John Kraetzer, *Baiz v. Mountain View Cemetery*, (Apr. 14, 2004) No. 809869-2, (Cal. Super. Ct. Alameda Co.):

The notice program was timely completed, complied with California Government Code section 6064, and provided the best practicable notice to all members of the Settlement Class under the circumstances. The Court finds that the notice program provided class members with adequate instructions and a variety of means to obtain information pertaining to their rights and obligations

under the settlement so that a full opportunity has been afforded to class members and all other persons wishing to be heard.

Judge Fred Biery, *McManus v. Fleetwood Enter., Inc.*, (Sept. 30, 2003) No. SA-99-CA-464-FB, (W.D. Tex.):

Based upon the uncontroverted showing Class Counsel have submitted to the Court, the Court finds that the settling parties undertook a thorough notice campaign designed by Todd Hilsee of Hilsoft Notifications, a nationally-recognized expert in this specialized field . . . The Court finds and concludes that the Notice Program as designed and implemented provided the best practicable notice to the members of the Class, and satisfied the requirements of due process.

Judge Harold Baer, Jr., *Thompson v. Metropolitan Life Ins. Co.*, 216 F.R.D. 55, 62 (S.D. N.Y. 2003):

In view of the extensive notice campaign waged by the defendant, the extremely small number of class members objecting or requesting exclusion from the settlement is a clear sign of strong support for the settlement.

Judge John R. Padova, *Nichols v. SmithKline Beecham Corp.*, (Apr. 22, 2005) No. 00-6222 (E.D. Pa.):

After reviewing the individual mailed Notice, the publication Notices, the PSAs and the informational release, the Court concludes that the substance of the Notice provided to members of the End-Payor Class in this case was adequate to satisfy the concerns of due process and the Federal Rules.

Judge John Kraetzer, *Baiz v. Mountain View Cemetery*, (Apr. 14, 2004) No. 809869-2, (Cal. Super. Ct. Alameda Co.):

The Court has determined that the Notice given to potential members of the Settlement Class fully and accurately informed potential Members of the Settlement Class of all material elements of the proposed settlement and constituted valid, due, and sufficient notice to all potential members of the Settlement Class, and that it constituted the best practicable notice under the circumstances.

Judge Carter Holly, *Richison v. Am. Cemwood Corp.*, (Nov. 18, 2003) No. 005532 (Cal. Super. Ct. San Joaquin Co.):

Not a single Class member—out of an estimated 30,000—objected to the terms of the Phase 2 Settlement Agreement, notwithstanding a comprehensive national Notice campaign, via direct mail and publication Notice.

Judge James T. Genovese, *West v. G&H Seed Co.*, (May 27, 2003) No. 99-C-4984-A, (La. Jud. Dist. Ct. St. Landry Parish):

The court finds that, considering the testimony of Mr. Hilsee, the nature of this particular case, and the certifications that this court rendered in its original judgment which have been affirmed by the – for the most part, affirmed by the appellate courts, the court finds Mr. Hilsee to be quite knowledgeable in his field and certainly familiar with these types of cases...the notice has to be one that is practicable under the circumstances. The notice provided and prepared by Mr. Hilsee accomplishes that purpose . . .

Judge Milton Gunn Shuffield, *Scott v. Blockbuster Inc.*, (Jan. 22, 2002) No. D 162-535 (Tex. Jud. Dist. Ct. Jefferson Co.) (Ultimately withstood challenge to Court of Appeals of Texas. *Peters v. Blockbuster* 65 S.W.3d 295, 307 (Tex. App.-Beaumont, 2001):

In order to maximize the efficiency of the notice, a professional concern, Hilsoft Notifications, was retained. Todd Hilsee of that firm prepared and oversaw the notification plan. The record reflects that Mr. Hilsee is very experienced in the area of notification in class action settlements...This Court concludes that the notice campaign was the best practicable, reasonably calculated, under all the circumstances, to apprise interested parties of the settlement and afford them an

opportunity to present their objections . . . The notice campaign was highly successful and effective, and it more than satisfied the due process and state law requirements for class notice.

Judge Elaine Bucklo, *In re Synthroid Marketing Litig.*, (Aug. 14, 1998) No. 97-C-6017 MDL 1182 (N.D. Ill.) (Ultimately withstood challenge to 7th Circuit Court of Appeals):

[T]he parties undertook an elaborate notice program...in numerous publications in the United States and abroad which those persons most likely to be class members would read . . . In fact from the affidavits filed, it would appear that notice was designed to reach most of the affected reading public.

Judge Joseph R. Goodwin, *In re Serzone Prods. Liability Litig.* (Nov. 18, 2004) MDL No. 1477 (S.D. W. Va.):

*The Court has considered the Notice Plan and proposed [*11] forms of Notice and Summary Notice submitted with the Memorandum for Preliminary Approval and finds that the forms and manner of notice proposed by Plaintiffs and approved herein meet the requirements of due process and Fed.R.Civ.P. 23(c) and (e), are the best notice practicable under the circumstances, constitute sufficient notice to all persons entitled to notice, and satisfy the Constitutional requirements of notice.*

Judge Robert E. Payne, *Fisher v. Virginia Electric and Power Co.*, (Feb. 12, 2004) No. 3:02cv431 (E.D. Va.):

The expert, Todd B. Hilsee, is found to be reliable and credible.

Judge John R. Padova, *Nichols v. SmithKline Beecham Corp.*, (Apr. 22, 2005) No. 00-CV-6222 (E.D. Pa.):

As required by this Court in its Preliminary Approval Order and as described in extensive detail in the Affidavit of Todd B. Hilsee on Design Implementation and Analysis of Settlement Notice Program...Such notice to members of the Class is hereby determined to be fully in compliance with requirements of Fed. R. Civ. P. 23(e) and due process and is found to be the best notice practicable under the circumstances and to constitute due and sufficient notice to all entities entitled thereto.

Judge Sarah S. Vance, *In re The Babcock & Wilcox Co.*, (Aug. 25, 2000) No. 00-0558 (E.D. La.):

Furthermore, the Committee has not rebutted the affidavit of Todd Hilsee, President of Hilsoft Notifications, that the (debtor's notice) plan's reach and frequency methodology is consistent with other asbestos-related notice programs, mass tort bankruptcies, and other significant notice programs...After reviewing debtor's Notice Plan, and the objections raised to it, the Court finds that the plan is reasonably calculated to apprise unknown claimants of their rights and meets the due process requirements set forth in Mullane . . . Accordingly, the Notice Plan is approved.

Judge James R. Williamson, *Kline v. The Progressive Corp.*, (November 14, 2002) No. 01-L-6 (Cir. Ct. Ill. Johnson Co.):

The Court has reviewed the Affidavit of Todd B. Hilsee, one of the Court-appointed notice administrators, and finds that it is based on sound analysis. Mr. Hilsee has substantial experience designing and evaluating the effectiveness of notice programs.

Judge Joseph R. Goodwin, *In re Serzone Products Liability Litig.*, (Sept. 2, 2005) MDL 1477, (S.D. W. Va.):

"As Mr. Hilsee explained in his supplemental affidavit, the adequacy of notice is measured by whether notice reached Class Members and gave them an opportunity to participate, not by actual participation. (Hilsee Supp. Aff. ¶ 6(c)(v), June 8, 2005)...Not one of the objectors support challenges to the adequacy of notice with any kind of evidence; rather, these objections consist of mere arguments and speculation. I have, nevertheless, addressed the main arguments herein, and I have considered all arguments when evaluating the notice in this matter. Accordingly, after

considering the full record of evidence and filings before the court, I FIND that notice in this matter comports with the requirements of Due Process under the Fifth Amendment and Federal Rules of Civil Procedure 23(c)(2) and 23(e)."

Judge Alfred G. Chiantelli, *Williams v. Weyerhaeuser Co.*, (Dec. 22, 2000) No. 995787, "Hardboard Siding Litigation" (Cal. Super. Ct. San Francisco Co.):

The Class Notice complied with this Court's Order, was the best practicable notice, and comports with due process . . . Based upon the uncontroverted proof Class Counsel have submitted to the Court, the Court finds that the settling parties undertook an extensive notice campaign designed by Todd Hilsee of Hilsoft Notifications, a nationally recognized expert in this specialized field.

Judge John R. Padova, *Nichols v. SmithKline Beecham Corp.*, (Apr. 22, 2005) No. 00-6222 (E.D. Pa.):

Pursuant to the Order dated October 18, 2004, End-Payor Plaintiffs employed Hilsoft Notifications to design and oversee Notice to the End-Payor Class. Hilsoft Notifications has extensive experience in class action notice situations relating to prescription drugs and cases in which unknown class members need to receive notice.

Judge Catherine C. Blake, *In re Royal Ahold Securities and 'ERISA' Litig.*, (January 6, 2006) No. 03-MD-1539 (D. Md.):

I do, at least preliminarily, certainly think this is a very extensive and excellent notice program that has been proposed.

Judge Susan Illston (N.D. Cal.), on Hilsoft Notifications presentation at the ABA's 7th Annual National Institute on Class Actions, Oct. 24, 2003, San Francisco, Cal.:

The notice program that was proposed here today, I mean, it's breathtaking. That someone should have thought that clearly about how an effective notice would get out. I've never seen anything like that proposed in practice . . . I thought the program was excellent. The techniques available for giving a notification is something that everyone should know about.

OTHER COMMENTS

Geoffrey P. Miller, Max Greenberg Professor at Law, NYU, testified at the *Scott v. Blockbuster* Fairness Hearing on Dec. 10-11, 2001, before Judge Milton Shuffield:

I really have never seen in the many years I've been looking at class actions, a notice campaign in a consumer case that was done with this much care and this much real forethought and imagination. It's very difficult to reach 40 million people, and I can't imagine doing a better job than as what was done in this case.

Arthur R. Miller, Bruce Bromley Professor of Law, Harvard Law School, in a letter addressed to Mr. Hilsee dated June 2, 2004:

I read your piece on Mullane with great interest and am delighted to learn the details. Indeed, I will probably incorporate some of it in my teaching next fall. I think your analysis is rock solid.

PUBLICATIONS

Thomas E. Willging & Shannon R. Wheatman, *Attorney Choice of Forum in Class Action Litigation: What Difference Does it Make?* 81 NOTRE DAME LAW REV. 101-161 (forthcoming Jan. 2006).

Gina M. Intrepido, *Notice experts may help resolve CAFA removal issues, Notification to Officials*, 6 CLASS ACTION LITIG. REP. 759-765 (2005).

Todd B. Hilsee, Shannon R. Wheatman & Gina M. Intrepido, *Do You Really Want Me to Know My Rights? The Ethics Behind Due Process in Class Action Notice Is More Than Just Plain Language: A Desire to Actually Inform*, 18 GEO. J. LEGAL ETHICS 1359-1382 (Fall 2005).

Thomas E. Wilging & Shannon R. Wheatman, *An Empirical Examination of Attorneys' Choice of Forum in Class Action Litigation*, FEDERAL JUDICIAL CENTER (2005).

Robert T. Reagan, Shannon R. Wheatman, Marie Leary, Natascha Blain, George Cort, & Dean N. Miletich, *Sealed Settlement Agreements in Federal District Courts*. FEDERAL JUDICIAL CENTER (2005).

Todd B. Hilsee, *Notice Provisions in S. 1751 Raise Significant Communications Problems*, 5 CLASS ACTION LITIG. REP. 30 (2004).

Todd B. Hilsee, *Plain Language is Not Enough*, Federal Trade Commission, Protecting Consumer Interests in Class Actions (2004).

Todd B. Hilsee & Terri R. LeClercq, *The Federal Judicial Center's Model Plain Language Class Action Notices: A New Tool for Practitioners and the Judiciary*, 5 CLASS ACTION LITIG. REP. 182-186 (2003).

Todd B. Hilsee, *So you think your notice program is acceptable? Beware: it may be rejected*, in CLASS ACTIONS (American Bar Association, 2003).

Todd B. Hilsee, *Class Action Notice*, in CALIFORNIA CLASS ACTIONS PRACTICE AND PROCEDURE, 8-1 (Elizabeth Cabraser ed., 2003).

Todd B. Hilsee & Terri R. LeClercq, *Creating the Federal Judicial Center's New Illustrative "Model" Plain Language Class Action Notices*, 13 CLASS ACTIONS & DERIVATIVE SUITS 10-13 (Spring 2003).

David Romine & Todd Hilsee, *"It Ain't Over 'Til It's Over" – Class Actions Against Microsoft*, 12 CLASS ACTIONS & DERIVATIVE SUITS 2-8 (Winter 2002).

Todd B. Hilsee, *The "Notice" Issue; How, Why, When and Quantifying Notice Results*, 3rd Annual Class Action/Mass Tort Symposium (2002).

Todd B. Hilsee, *A Communications Analysis of the Third Circuit Ruling in MDL 1014: Guidance on the Adequacy of Notice*, 2 CLASS ACTION LITIG. REP. 712-716 (2001).

Shannon R. Wheatman & David R. Shaffer, *On finding for defendants who plead insanity: The crucial impact of dispositional instructions and opportunity to deliberate*, 25 LAW AND HUMAN BEHAVIOR, 165-181 (2001).

Shannon Wheatman, *The Effects of Plain Language Drafting on Layperson's Comprehension of Class Action Notices* (2001) (unpublished Ph.D. dissertation, University of Georgia, on file with the University of Georgia Library).

David R. Shaffer & Shannon R. Wheatman, *Does personality influence the effectiveness of judicial instructions?* 6 PSYCH. PUB. POL'Y & LAW, 655-676 (2000).

Todd B. Hilsee, *Off of the Back Pages*, Mealey's Judges & Lawyers in Complex Litigation Conference (1999).

Todd B. Hilsee, *Class Action Notice to Diet-Drug Takers: A Scientific Approach*, FEN-PHEN LITIG. STRATEGIST (1999).

Sidney Rosen & Shannon Wheatman, *Reactions to the fate of one's brain-child after its disclosure*. 17 CURRENT PSYCH., 135-151 (1997).

Todd B. Hilsee, *Class Action: The Role of the Media Expert*, ASBESTOS LITIG. REP. 33279-33282 (1995).

PANELS AND SPEAKING

"Do You Really Want Me to Know My Rights? The 'Ethics' Behind Due Process in Class Action Notice Is More Than Just Plain Language: A Desire to Actually Inform", NATIONAL ASSOCIATION OF SHAREHOLDER AND CONSUMER ATTORNEYS (NASCAT), Spring Meeting, 2005 (speaker: Todd B. Hilsee).

"Will the Settlement Survive Notice and Associated Due Process Concerns?" LOUISIANA BAR ASSOCIATION, 5th Annual Class Action / Mass Tort Symposium, 2004 (speaker: Todd B. Hilsee).

"Let's Talk – The Ethical and Practical Issues of Communicating with Members of a Class", AMERICAN BAR ASSOCIATION, 8th Annual National Institute on Class Actions, 2004 (speaker: Todd B Hilsee).

"Clear Notices, Claims Administration and Market Makers," FEDERAL TRADE COMMISSION, Protecting Consumer interests in Class Action Workshop, 2004 (speaker: Todd B. Hilsee).

"I've Noticed You've Settled – Or Have You," AMERICAN BAR ASSOCIATION, 7th Annual National Institute on Class Actions, 2003 (speaker: Todd B. Hilsee).

"Class Action Notice – How, Why, When And Where the Due Process Rubber Meets The Road," LOUISIANA BAR ASSOCIATION, 3rd Annual Class Action / Mass Tort Symposium, 2002 (speaker: Todd B. Hilsee).

"Plain English Notices called for in Aug., 2001 proposed amendments to Rule 23," ADVISORY COMMITTEE ON CIVIL RULES OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, Hearing on Rule 23, 2002 (witness: Todd B. Hilsee).

"Generation X on Trial," AMERICAN BAR ASSOCIATION, Section of Litigation Annual Meeting, 2001 (speaker: Todd B. Hilsee).

"Tires, Technology and Telecommunications," Class Action and Derivative Suits Committee, AMERICAN BAR ASSOCIATION, Section of Litigation Annual Meeting, 2001 (speaker: Todd B. Hilsee).

"Class Actions," MEALEY'S Judges and Lawyers in Complex Litigation Conference, 1999 (speaker: Todd B. Hilsee).

LEGAL NOTICE CASES

Todd B. Hilsee and Hilsoft Notifications have served as notice experts for planning, implementation and/or analysis in the following partial listing of cases:

<i>In re Domestic Air Transp. Antitrust Litig.</i>	N.D. Ga., MDL No. 861
<i>In re Bolar Pharm. Generic Drugs Consumer Litig.</i>	E.D. Pa., MDL No. 849
<i>In re Steel Drums Antitrust Litig.</i>	S.D. Ohio, C-1-91-208
<i>In re Steel Pails Antitrust Litig.</i>	S.D. Ohio, C-1-91-213
<i>In re GM Truck Fuel Tank Prods. Liability Litig.</i>	E.D. Pa., MDL No. 1112
<i>In re Estate of Ferdinand Marcos (Human Rights Litig.)</i>	D. Hawaii, MDL No. 840
<i>Andrews v. MCI (900 Number Litig.)</i>	S.D. Ga., CV 191-175
<i>Harper v. MCI (900 Number Litig.)</i>	S.D. Ga., CV 192-134
<i>Kellerman v. MCI Telecomms. Corp (Long Distance Telephone Litig.)</i>	Cir. Ct. Ill., 82 CH 11065
<i>In re Bausch & Lomb Contact Lens Litig.</i>	N.D. Ala., 94-C-1144-WWW
<i>In re Ford Motor Co. Vehicle Paint Litig.</i>	E.D. La., 95-0485, MDL No. 1063
<i>Castano v. Am. Tobacco</i>	E.D. La., CV 94-1044
<i>Cox v. Shell Oil (Polybutylene Pipe Litig.)</i>	Tenn. Ch., 18,844
<i>Fry v. Hoercst Celanese (Polybutylene Pipe Litig.)</i>	Cir. Ct. Fla., 95-6414 CA11

<i>Meers v. Shell Oil (Polybutylene Pipe Litig.)</i>	Cal. Super. Ct., M30590
<i>In re Amino Acid Lysine Antitrust Litig.</i>	N.D. Ill., MDL No. 1083
<i>In re Dow Corning Corp. (Breast Implant Bankruptcy)</i>	E.D. Mich., 95-20512-11-AJS
<i>Kunhel v. CNA Ins. Companies</i>	N.J. Super. Ct., ATL-C-0184-94
<i>In re Factor Concentrate Blood Prods. Litig. (Hemophilic HIV)</i>	N.D. Ill., MDL No. 986
<i>In re Ford Ignition Switch Prods. Liability Litig.</i>	D. N.J., 96-CV-3125
<i>Jordan v. A.A. Friedman (Non-Filing Ins. Litig.)</i>	M.D. Ga., 95-52-COL
<i>Kalhammer v. First USA (Credit Card Litig.)</i>	Cir. Ct. Cal., C96-45632010-CAL
<i>Navarro-Rice v. First USA (Credit Card Litig.)</i>	Cir. Ct. Ore., 9709-06901
<i>Spitzfaden v. Dow Corning (Breast Implant Litig.)</i>	La. Civ. Dist. Ct., 92-2589
<i>Robinson v. Marine Midland (Finance Charge Litig.)</i>	N.D. Ill., 95 C 5635
<i>McCurdy v. Norwest Fin. Alabama</i>	Cir. Ct. Ala., CV-95-2601
<i>Johnson v. Norwest Fin. Alabama</i>	Cir. Ct. Ala., CV-93-PT-962-S
<i>In re Residential Doors Antitrust Litig.</i>	E.D. Pa., MDL No. 1039
<i>Barnes v. Am. Tobacco Co. Inc.</i>	E.D. Pa., 96-5903
<i>Small v. Lorillard Tobacco Co. Inc.</i>	N.Y. Super. Ct., 110949/96
<i>Naef v. Masonite Corp (Hardboard Siding Litig.)</i>	Cir. Ct. Ala., CV-94-4033
<i>In re Synthroid Mktg. Litig.</i>	N.D. Ill., MDL No. 1182
<i>Chisolm v. Transouth Fin.</i>	4 th Cir., 97-1970
<i>Raysick v. Quaker State Slick 50 Inc.</i>	Dist. Tex., 96-12610
<i>Castillo v. Mike Tyson (Tyson v. Holyfield Bout)</i>	N.Y. Super. Ct., 114044/97
<i>Avery v. State Farm Auto. Ins. (Non-OEM Auto Parts Litig.)</i>	Cir. Ct. Ill., 97-L-114
<i>Walls v. The Am. Tobacco Co. Inc.</i>	N.D. Okla., 97-CV-218-H
<i>Tempest v. Rainforest Café (Securities Litig.)</i>	D. Minn., 98-CV-608
<i>Stewart v. Avon Prods. (Securities Litig.)</i>	E.D. Pa., 98-CV-4135
<i>Goldenberg v. Marriott PLC Corp (Securities Litig.)</i>	D. Md., PJM 95-3461
<i>Delay v. Hurd Millwork (Building Products Litig.)</i>	Wash. Super. Ct., 97-2-07371-0
<i>Gutterman v. Am. Airlines (Frequent Flyer Litig.)</i>	Cir. Ct. Ill., 95CH982
<i>Hoefner v. The Estate of Alan Kenneth Vieira (Un-scattered Cremated Remains Litig.)</i>	Cal. Super. Ct., 97-AS 02993
<i>In re Graphite Electrodes Antitrust Litig.</i>	E.D. Pa., 97-CV-4182, MDL No. 1244
<i>In re Silicone Gel Breast Implant Prods. Liability Litig., Altrichter v. INAMED</i>	N.D. Ala., MDL No. 926
<i>St. John v. Am. Home Prods. Corp. (Fen/Phen Litig.)</i>	Wash. Super. Ct., 97-2-06368
<i>Crane v. Hackett Assocs. (Securities Litig.)</i>	E.D. Pa., 98-5504
<i>In re Holocaust Victims Assets Litig. (Swiss Banks Litig.)</i>	E.D.N.Y., CV-96-4849

<i>McCall v. John Hancock (Settlement Death Benefits)</i>	Cir. Ct. N.M., No. CV-2000-2818
<i>Williams v. Weyerhaeuser Co. (Hardboard Siding Litig.)</i>	Cal. Super. Ct., CV-995787
<i>Kapustin v. YBM Magnex Int'l Inc. (Securities Litig.)</i>	E.D. Pa., 98-CV-6599
<i>Leff v. YBM Magnex Int'l Inc. (Securities Litig.)</i>	E.D. Pa., 95-CV-89
<i>Crawley v. Chrysler Corp. (Airbag Litig.)</i>	Pa. C.P., CV-4900
<i>In re PRK/LASIK Consumer Litig.</i>	Cal. Super. Ct., CV-772894
<i>Hill v. Galaxy Cablevision</i>	N.D. Miss., 1:98CV51-D-D
<i>Scott v. Am. Tobacco Co. Inc.</i>	La. Civ. Dist. Ct., 96-8461
<i>Jacobs v. Winthrop Fin. Assocs. (Securities Litig.)</i>	D. Mass., 99-CV-11363
<i>Int'l Comm'n on Holocaust Era Ins. Claims – Worldwide Outreach Program</i>	Former Secretary of State Lawrence Eagleburger Commission
<i>Bownes v. First USA Bank (Credit Card Litig.)</i>	Cir. Ct. Ala., CV-99-2479-PR
<i>Whetman v. IKON (ERISA Litig.)</i>	E.D. Pa., Civil No. 00-87
<i>Mangone v. First USA Bank (Credit Card Litig.)</i>	Cir. Ct. Ill., 99AR672a
<i>In re Babcock and Wilcox Co. (Asbestos Related Bankruptcy)</i>	E.D. La., 00-10992
<i>Barbanti v. W.R. Grace and Co. (Zonolite / Asbestos Litig.)</i>	Wash. Super. Ct., 00201756-6
<i>Brown v. Am. Tobacco</i>	Cal. Super. Ct., J.C.C.P. 4042 No. 711400
<i>Wilson v. Servier Canada Inc. (Canadian Fen/Phen Litig.)</i>	Ont. Super. Ct., 98-CV-158832
<i>Paul and Strode v. Country Mutual Ins. Co. (Non-OEM Auto Parts Litig.)</i>	Cir. Ct. Ill., 99-L-995
<i>In re Texaco Inc. (Bankruptcy)</i>	S.D. N.Y. Nos. 87 B 20142, 87 B 20143, 87 B 20144.
<i>Olinde v. Texaco (Bankruptcy, Oil Lease Litig.)</i>	M.D. La., No. 96-390
<i>Gustafson v. Bridgestone/Firestone, Inc. (Recall Related Litig.)</i>	S.D. Ill., Civil No. 00-612-DRH
<i>In re Bridgestone/Firestone Tires Prods. Liability Litig.</i>	S.D. Ind., MDL No. 1373
<i>Gaynoe v. First Union Corp. (Credit Card Litig.)</i>	N.C. Super. Ct., No. 97-CVS-16536
<i>Carson v. Daimler Chrysler Corp. (Fuel O-Rings Litig.)</i>	W.D. Tenn., No. 99-2896 TU A
<i>Providian Credit Card Cases</i>	Cal. Super. Ct., J.C.C.P. No. 4085
<i>Fields v. Great Spring Waters of Am., Inc. (Bottled Water Litig.)</i>	Cal. Super. Ct., No. 302774
<i>Sanders v. Great Spring Waters of Am., Inc. (Bottled Water Litig.)</i>	Cal. Super. Ct., No. 303549
<i>Sims v. Allstate Ins. Co. (Diminished Auto Value Litig.)</i>	Cir. Ct. Ill., No. 99-L-393A
<i>Peterson v. State Farm Mutual Auto. Ins. Co. (Diminished Auto Value Litig.)</i>	Cir. Ct. Ill., No. 99-L-394A
<i>Microsoft I-V Cases (Antitrust Litig. Mirroring Justice Dept.)</i>	Cal. Super. Ct., J.C.C.P. No. 4106
<i>Westman v. Rogers Family Funeral Home, Inc. (Remains Handling Litig.)</i>	Cal. Super. Ct., No. C-98-03165
<i>Rogers v. Clark Equipment Co.</i>	Cir. Ct. Ill., No. 97-L-20

<i>Garrett v. Hurley State Bank (Credit Card Litig.)</i>	Cir. Ct. Miss., No. 99-0337
<i>Ragoonanan v. Imperial Tobacco Ltd. (Firesafe Cigarette Litig.)</i>	Ont. Sup. Ct., No. 00-CV-183165 CP
<i>Dietschi v. Am. Home Prods. Corp. (PPA Litig.)</i>	W.D. Wash., No. C01-0306L
<i>Dimitrios v. CVS, Inc. (PA Act 6 Litig.)</i>	Pa. C.P., No. 99-6209
<i>Jones v. Hewlett-Packard Co. (Inkjet Cartridge Litig.)</i>	Cal. Super. Ct., No. 302887
<i>In re Tobacco Cases II (California Tobacco Litig.)</i>	Cal. Super. Ct., J.C.C.P. No. 4042
<i>Scott v. Blockbuster, Inc (Extended Viewing Fees Litig.)</i>	136 th Tex. Jud. Dist. Jefferson Co., No. D 162-535
<i>Anesthesia Care Assocs. v. Blue Cross of Cal.</i>	Cal. Super. Ct., No. 986677
<i>Ting v. AT&T (Mandatory Arbitration Litig.)</i>	N.D. Cal., No. C-01-2969-BZ
<i>In re W.R. Grace & Co. (Asbestos Related Bankruptcy)</i>	D. Del., No. 01-01139 (JJF)
<i>Talalai v. Cooper Tire & Rubber Co. (Tire Layer Adhesion Litig.)</i>	N.J. Super. Ct., Middlesex County, No. MID-L-8839-00 MT
<i>Kent v. Daimler Chrysler Corp. (Jeep Grand Cherokee Park-to-Reverse Litig.)</i>	N.D. Cal., No. C01-3293-JCS
<i>Int'l Org. of Migration – German Forced Labour Compensation Programme</i>	Geneva, Switzerland
<i>Madsen v. Prudential Federal Savings & Loan (Homeowner's Loan Account Litig.)</i>	3 rd Jud. Dist. Ct. Utah, No. C79-8404
<i>Bryant v. Wyndham Int'l., Inc. (Energy Surcharge Litig.)</i>	Cal. Super. Ct., Nos. GIC 765441, GIC 777547 (Consolidated)
<i>In re USG Corp. (Asbestos Related Bankruptcy)</i>	D. Del., No. 01-02094 (RJN)
<i>Thompson v. Metropolitan Life Ins. Co. (Race Related Sales Practices Litig.)</i>	S.D. N.Y., No. 00-CIV-5071 HB
<i>Ervin v. Movie Gallery Inc. (Extended Viewing Fees)</i>	Tenn. Ch. Fayette Co., No. CV-13007
<i>Peters v. First Union Direct Bank (Credit Card Litig.)</i>	M.D. Fla., No. 8:01-CV-958-T-26 TBM
<i>National Socialist Era Compensation Fund</i>	Republic of Austria
<i>In re Baycol Litig.</i>	D. Minn., MDL No. 1431
<i>Claims Conference–Jewish Slave Labour Outreach Program</i>	German Government Initiative
<i>Wells v. Chevy Chase Bank (Credit Card Litig.)</i>	Cir. Ct. Md. Balt. City, No. C-99-000202
<i>Walker v. Rite Aid of PA, Inc. (PA Act 6 Litig.)</i>	C.P. Pa., No. 99-6210
<i>Myers v. Rite Aid of PA, Inc. (PA Act 6 Litig.)</i>	C.P. Pa., No. 01-2771
<i>In re PA Diet Drugs Litig.</i>	C.P. Pa. Phila. Co., No. 9709-3162
<i>Harp v. Qwest Communications (Mandatory Arbitration Litig.)</i>	Circ. Ct. Ore., No. 0110-10986
<i>Tuck v. Whirlpool Corp. & Sears, Roebuck & Co. (Microwave Recall Litig.)</i>	Cir. Ct. Ind. Marion Co., No. 49C01-0111-CP-002701
<i>Allison v. AT&T Corp. (Mandatory Arbitration Litig.)</i>	1 st Jud. D.C. N.M., No. D-0101-CV-20020041
<i>Kline v. The Progressive Corp.</i>	Cir. Ct. Ill. Johnson Co., No. 01-L-6
<i>Baker v. Jewel Food Stores, Inc. & Dominick's Finer Foods, Inc. (Milk Price Fixing)</i>	Cir. Ct. Ill. Cook Co., No. 00-L-9664

<i>In re Columbia/HCA Healthcare Corp. (Billing Practices Litig.)</i>	M.D. Tenn., MDL No. 1227
<i>Foultz v. Erie Ins. Exchange (Auto Parts Litig.)</i>	C.P. Pa., No. 000203053
<i>Soders v. General Motors Corp. (Marketing Initiative Litigation)</i>	C.P. Pa., No. CI-00-04255
<i>Nature Guard Cement Roofing Shingles Cases</i>	Cal. Super. Ct., J.C.C.P. No. 4215
<i>Curtis v. Hollywood Entm't Corp. (Additional Rental Charges)</i>	Wash. Super. Ct., No. 01-2-36007-8 SEA
<i>Defrates v. Hollywood Entm't Corp.</i>	Cir. Ct. Ill. St. Clair. Co., No. 02L707
<i>Pease v. Jasper Wyman & Son, Merrill Blueberry Farms Inc., Allen's Blueberry Freezer Inc. & Cherryfield Foods Inc.</i>	Me. Super. Ct., No. CV-00-015
<i>West v. G&H Seed Co. (Crawfish Farmers Litig.)</i>	27 th Jud. D. Ct. La., No. 99-C-4984-A
<i>Linn v. Roto-Rooter Inc. (Miscellaneous Supplies Charge)</i>	C.P. Ohio, No. CV-467403
<i>McManus v. Fleetwood Enter., Inc. (RV Brake Litigation)</i>	D. Ct. Tex., No. SA-99-CA-464-FB
<i>Baiz v. Mountain View Cemetery (Burial Practices)</i>	Cal. Super. Ct., No. 809869-2
<i>Stetser v. TAP Pharm. Prods, Inc. & Abbott Laboratories (Lupron Price Litigation)</i>	N.C. Super. Ct., No. 01-CVS-5268
<i>Richison v. Am. Cemwood Corp. (Roofing Durability Settlement)</i>	Cal. Super. Ct., No. 005532
<i>Cotten v. Ferman Mgmt. Servs. Corp.</i>	13 th Jud. Cir. Fla., No. 02-08115
<i>In re Pittsburgh Corning Corp. (Asbestos Related Bankruptcy)</i>	W.D. Pa., No. 00-22876-JKF
<i>Mostajo v. Coast Nat'l Ins. Co.</i>	Cal. Super. Ct., No. 00 CC 15165
<i>Friedman v. Microsoft Corp. (Antitrust Litigation)</i>	Ariz. Super. Ct., No. CV 2000-000722
<i>Multinational Outreach - East Germany Property Claims</i>	Claims Conference
<i>Davis v. Am. Home Prods. Corp. (Norplant Contraceptive Litigation)</i>	Civ. D. Ct. La., Div. K, No. 94-11684
<i>Walker v. Tap Pharmaceutical Prods., Inc. (Lupron Price Litigation)</i>	N.J. Super. Ct., No. CV CPM-L-682-01
<i>Munsey v. Cox Communications (Late Fee Litigation)</i>	D. Ct., La., Div. E, Sec. 9, No. 97 19571
<i>Gordon v. Microsoft Corp. (Antitrust Litigation)</i>	4th Jud. D. Ct. Minn., No. 00-5994
<i>Clark v. Tap Pharmaceutical Prods., Inc.</i>	5 th Dist. App. Ct. Ill., No. 5-02-0316
<i>Fisher v. Virginia Electric & Power Co.</i>	E.D. Va., No 3:02-CV-431
<i>Mantzouris v. Scarritt Motor Group, Inc.</i>	M.D. Fla., No. 8:03-CV-0015-T-30-MSS
<i>Johnson v. Ethicon, Inc. (Product Liability Litigation)</i>	Cir. Ct. W. Va. Kanawha Co., Nos. 01-C-1530, 1531, 1533, 01-C-2491 to 2500
<i>Schlink v. Edina Realty Title</i>	4 th Jud. D. Ct. Minn., No. 02-018380
<i>Tawney v. Columbia Natural Res. (Oil & Gas Lease Litigation)</i>	Cir. Ct. W. Va. Roane Co., No. 03-C-10E
<i>White v. Washington Mutual, Inc. (Pre-Payment Penalty Litigation)</i>	4 th Jud. D. Ct. Minn., No. CT 03-1282
<i>Acacia Media Techs. Corp. v. Cybernet Ventures Inc, (Patent Infringement Litigation)</i>	C.D. Cal., SACV03-1803 GLT (Anx)
<i>Bardessono v. Ford Motor Co. (15 Passenger Vans)</i>	Wash. Super. Ct., No. 32494

<i>Gardner v. Stimson Lumber Co. (Forestex Siding Litigation)</i>	Wash. Super. Ct., No. 00-2-17633-3SEA
<i>Poor v. Sprint Corp. (Fiber Optic Cable Litigation)</i>	Cir. Ct. Ill. Madison Co., 99-L-421
<i>Thibodeau v. Comcast Corp.</i>	E.D. Pa., No. 04-CV-1777
<i>Cazenave v. Sheriff Charles C. Foti (Strip Search Litigation)</i>	E.D. La., No. 00-CV-1246
<i>National Assoc. of Police Orgs., Inc. v. Second Chance Body Armor, Inc. (Bullet Proof Vest Litigation)</i>	Cir. Ct. Mich. Antrim Co., 04-8018-NP
<i>Nichols v. SmithKline Beecham Corp. (Paxil)</i>	E.D. Pa., No. 00-6222
<i>Yacout v. Federal Pacific Electric Co. (Circuit Breaker)</i>	N.J. Super. Ct., No. MID-L-2904-97
<i>Lewis v. Bayer AG (Baycol)</i>	1 st Jud. Dist. Ct. Pa., No. 002353
<i>In re Educ. Testing Serv. PLT 7-12 Test Scoring Litig.</i>	E.D. La., MDL-1643
<i>Stefanyshyn v. Consol. Indus. Corp. (heat exchanger)</i>	Ind. Super. Ct., No. 79 D 01-9712-CT-59
<i>Barnett v. Wal-Mart Stores, Inc.</i>	Wash. Super. Ct., No. 01-2-24553-8 SEA
<i>In re Serzone Prods. Liability Litig.</i>	S.D. W. Va., MDL No. 1477
<i>Ford Explorer Cases</i>	Cal. Super. Ct., JCCP Nos. 4226 & 4270
<i>In re Solutia Inc. (Bankruptcy)</i>	S.D. N.Y., No. 03-17949 (PCB)
<i>In re Lupron Marketing & Sales Practices Litig.</i>	D. Mass., No. MDL-1430
<i>Morris v. Liberty Mutual Fire Ins. Co.</i>	D. Okla., No. CJ-03-714
<i>Bowling, et al. v. Pfizer Inc. (Bjork-Shiley Convexo-Concave Heart Valve)</i>	S.D. Ohio, No. C-1-91-256
<i>Thibodeaux v. Conoco Philips Co.</i>	D. La., No. 2003-481
<i>Morrow v. Conoco Inc.</i>	D. La., No. 2002-3860
<i>Tobacco Farmer Transition Program</i>	U.S. Dept. of Agric.
<i>Perry v. Mastercard Int'l Inc.</i>	Ariz. Super. Ct., No. CV2003-007154
<i>Brown v. Credit Suisse First Boston Corp.</i>	C.D. La., No. 02-13738
<i>In re Unum Provident Corp.</i>	D. Tenn. No. 1:03-CV-1000
<i>In re Ephedra Prods. Liability Litig.</i>	D. N.Y., MDL-1598
<i>Chesnut v. Progressive Casualty Ins. Co.</i>	Ohio C.P., No. 460971
<i>Froeber v. Liberty Mutual Fire Ins. Co.</i>	Cir. Ct. Ore., No. 00C15234
<i>Luikart v. Wyeth Am. Home Prods. (Hormone Replacment)</i>	Cir. Ct. W. Va., No. 04-C-127
<i>Salkin v. MasterCard Int'l Inc. (Pennsylvania)</i>	Pa. C.P., No. 2648
<i>Rolnik v. AT&T Wireless Servs., Inc.</i>	N.J. Super. Ct., No. L-180-04
<i>Singleton v. Hornell Brewing Co. Inc.</i>	No. BC 288 754
<i>Becherer v. Qwest Comm.'s Int'l, Inc.</i>	Cir. Ct. Ill. Clair Co., No. 02-L140
<i>Clearview Imaging v. Progressive Consumers Ins. Co.</i>	Cir. Ct. Fla. Hillsborough Co., No. 03-4174
<i>Mehl v. Canadian Pacific Railway, Ltd</i>	D. N.D., No. A4-02-009
<i>Murray v. IndyMac Bank. F.S.B</i>	N.D. Ill., No. 04 C 7669
<i>Gray v. New Hampshire Indemnity Co., Inc.</i>	Cir. Ct. Ark., No. CV-2002-952-2-3
<i>George v. Ford Motor Co.</i>	M.D. Tenn., No. 3:04-0783

<i>Allen v. Monsanto Co.</i>	Cir. Ct. W.Va., No 041465
<i>Carnegie v. Household Int'l, Inc.</i>	N. D. Ill., No. 98-C-2178
<i>Daniel v. AON Corp.</i>	Cir. Ct. Ill., No. 99 CH 11893
<i>In re Royal Ahold Securities and "ERISA" Litig.</i>	D. Md., No. 03-MD-1539-CCB
<i>In re Pharmaceutical Industry Average Wholesale Price Litig.</i>	D. Mass., MDL 1456
<i>Meckstroth v. Toyota Motor Sales, U.S.A, Inc.</i>	24 th J.D.C. No. 583-318, Division O
<i>Walton v. Ford Motor Co.</i>	Cal. Super. Ct., No. SCVSS 126737
<i>Hill v. State Farm Mutual Auto Ins. Co.</i>	Cal. Super. Ct., No. BC 194491
<i>First State Orthopaedics v. Concentra, Inc.</i>	E.D. Pa. No. 2:05-CV-04951-AB
<i>Sauro v. Murphy Oil USA, Inc.</i>	E.D. La., No. 05-4427
<i>In re High Sulfur Content Gasoline Prods. Liability Litig.</i>	E.D. La., MDL No. 1632
<i>Homeless Shelter Compensation Program</i>	City of New York
<i>Rosenberg v. Academy Collection Service, Inc.</i>	E.D. Pa., No. 04-CV-5585
<i>Chapman v. Butler & Hosch, P.A.</i>	2nd Jud. Cir. Fla., No. 2000-2879
<i>In re Vivendi Universal, S.A. Securities Litig.</i>	S.D. N.Y., No. 02-CIV-5571 RJH
<i>Desportes v. American General Assurance Co.</i>	Ga. Sup. Ct., No. SU-04-CV-3637
<i>In re: Propulsid Products Liability Litig.</i>	E.D. La., MDL No. 1355
<i>Baxter v. The Attorney General of Canada (Residential Schools)</i>	Ont. Super. Ct., 00-CV-192059CPA
<i>McNall v. Mastercard Int'l, Inc.</i>	13 th Tenn. Jud. Dist. Ct. Memphis
<i>Lee v. Allstate</i>	Cir. Ct. Ill. Kane Co., No. 03 LK 127
<i>Turner v. Murphy Oil USA, Inc.</i>	E.D. La., No. 2:05-CV-04206-EEF-JCW
<i>Carter v. North Central Life Insurance Co.</i>	Dist. Ct. of N.H., No. 1:05-CV-00399-JD
<i>Harper v. Equifax</i>	E.D. Pa., No. 2:04-CV-03584-TON

Schedule 2

02078

Schedule 2

Detailed Notice for mailings and website

The residential schools settlement process has begun. The healing continues.

This is a court authorized notice. This is not a solicitation from a lawyer.

The Indian residential schools settlement process has started. First, Courts across Canada will hold public hearings to consider whether the settlement is fair, reasonable, and adequate. Former students and their families may object to the settlement and ask to speak at one of the hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed to explain how to get a payment from the settlement or be excluded from it. The settlement provides:

- At least \$1.9 billion dollars available for “common experience” payments for former students who lived at the schools;
- A process to allow those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to get between \$5,000 and \$275,000 each, or more money for those who also show a loss of income;
- \$125 million to the Aboriginal Healing Foundation for healing programmes, \$60 million for truth and reconciliation to document and preserve the experiences of survivors, and \$20 million for national and community commemorative projects;
- Up to about \$100 million for the lawyers who represent former students across Canada; and
- Other things detailed in a full settlement agreement available by calling or going to the website below.

YOUR LEGAL RIGHTS AND OPTIONS:	
GO TO A HEARING	Ask to speak in Court about the settlement.
OBJECT	Tell a Court why you are against the settlement.
DO NOTHING	Await the outcome of the hearings.
FUTURE RIGHTS	If all the Courts approve the settlement, another notice will explain how you may request a payment or ask to be excluded from the settlement.

These rights and options—and the important dates—are explained in this notice.

WHAT THIS NOTICE CONTAINS

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QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

BASIC INFORMATION

1. Why was this notice issued?

Courts authorized this notice because you have a right to know about a proposed settlement of the class action lawsuits and about your options, before the Courts decide whether to approve the settlement. This notice explains the lawsuits, the settlement, and your legal rights. At this time you have the right to object to the settlement and speak at a hearing.

Multiple Courts in Canada, including the Québec Superior Court, the Superior Court of Justice for Ontario, the Manitoba Court of Queen's Bench, the Saskatchewan Court of Queen's Bench, the Alberta Court of Queen's Bench, the Supreme Court of British Columbia, the Supreme Court of the Yukon Territory, The Nunavut Court of Justice, and the Supreme Court of the Northwest Territories, ("Courts") are overseeing all of the various lawsuits and class action lawsuits. The cases together are known as *In re Residential Schools Class Action Litigation*.

The former residential school students and their families are called the "Plaintiffs," and the entities they sued are called the "Defendants." The Defendants include the Government of Canada ("Government") and various church and church-related entities including The General Synod of the Anglican Church of Canada, The Dioceses of the Anglican Church of Canada, The Presbyterian Church in Canada, The United Church of Canada, The Methodist Church of Canada, and various Catholic entities (together called the "Churches").

2. What is the lawsuit about?

Residential schools were boarding schools for Aboriginal children that operated throughout Canada for over a century. Canada and religious organizations operated the schools. Harms and abuses were committed against the children. Various lawsuits were started against the Government, the Churches, and others, based on the operation and management of residential schools in Canada.

3. Why is this a class action?

In a class action one or more people called "class representatives" sue on behalf of people who have similar claims. All of these people are a "Class." The courts resolve the issues for everyone affected, except for those who exclude themselves from the Class.

4. Why is there a settlement?

Both sides agreed to a settlement to avoid the delays, costs, and risks of trials. The class representatives and the lawyers representing them think the settlement is best for former students.

WHO IS COVERED BY THE SETTLEMENT?

It has been estimated that approximately 80,000 living Aboriginal people are former students of the residential school system. To see if you are eligible for a payment, you first have to determine whether you are included.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

5. How do I know if I am part of the settlement?

The settlement includes former students and family members of recognized residential schools in Canada. This includes Aboriginal people from First Nations, Inuit, Inuvialuit, Métis, or former students from any other community. Those who lived at the schools, those who attended during the day, and family members of former students are all affected by the settlement, but may be eligible for different benefits, so read carefully because your legal rights may be affected.

6. Which schools are included?

The list of recognized residential schools and hostels is available at www.residentialschoolsettlement.ca or by calling toll-free 1-866-879-4913. If you attended a residential school that is not on the list, you may request that an institution be added to the list of recognized schools. Submit the name of the school you think should be added and any relevant information about it at the website or by writing to: Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario, N2J 3G9. The Government will research the proposed institution and determine whether it should be added to the list of recognized residential schools. If a school you suggest is not added, you may appeal that decision.

7. What if I have my own lawsuit against the Government and/or Churches?

Except for people with current residential school lawsuits in Québec, you are included even if you have a separate lawsuit. Read this notice carefully and talk to your lawyer as soon as possible to see how it will affect your rights to continue with that lawsuit. See more about Québec lawsuits in Question 35.

8. I'm still not sure if I'm included in the settlement.

If you are not sure whether you are included, you may call 1-866-879-4913 with questions.

THE SETTLEMENT BENEFITS—WHAT YOU GET

9. What does the settlement provide?

The settlement provides:

- **Common Experience Payment ("CEP") Fund** – At least \$1.9 billion, plus interest, will be made available for lump sum payments to former students who lived at one of the residential schools. Payments will be \$10,000 for the first school year (or part of a school year) plus \$3,000 for each school year (or part of a school year) after that. If there is not enough money in the fund to pay all valid claims, the Government will add money to the fund. However, if there is any money remaining in the CEP fund after all valid claims are paid: (1) if the amount is less than \$40,000,000, all of the remaining money will be given to the National Indian Brotherhood Trust Fund and to the Inuvialuit Education Foundation for educational programs for all First Nations, Inuit, Inuvialuit, and Métis people; (2) if the amount is greater than \$40,000,000, former students who submit valid claim forms will get an equal share of "Personal Credits," not cash, up to a maximum of \$3,000. These credits can be used for personal, family, or group education services. Any balance remaining in the CEP fund after paying the Personal Credits will be paid to the National Indian Brotherhood Trust Fund and to the Inuvialuit Education Foundation for educational programs for all First Nations, Inuit, Inuvialuit and Métis people.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

- **Individual Assessment Process ("IAP")** – A new individual assessment process (replacing the alternative dispute resolution process which will end if the settlement is approved) allows those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to qualify for between \$5,000 and \$275,000 each. More, up to a maximum of \$430,000 total, may be awarded if you also show a loss of income. There is a point system based on different abuses and resulting harms. The more points the greater the payment. There is a review process if you don't agree with the amount granted to you. An amount for future care and a contribution of 15% of the total award to help with legal costs is also available.
- **Healing Fund** – \$125 million will be given to the Aboriginal Healing Foundation for a five year period to fund healing programmes for former students and their families. This is in addition to the \$390 million that the Government has previously funded to establish the Aboriginal Healing Foundation for the benefit of both living former students and the families of deceased students.
- **Truth and Reconciliation Fund** – \$60 million to research, document, and preserve the experiences of the survivors and their families for future generations.
- **Commemoration Fund** – \$20 million for national and community commemorative projects.

More details are in a document called the Settlement Agreement which is available at www.residentialschoolsettlement.ca or by calling 1-866-879-4913.

10. Who can get a common experience payment (CEP)?

Any former student who was alive on May 30, 2005, and who lived at a residential school before December 31, 1997 is eligible for a lump sum payment from the CEP fund. You don't have to prove you were abused to get a CEP.

11. What about former students who have passed away and their families?

Claims on behalf of former students who died recently will be allowed. Specifically, all former students who were alive on May 30, 2005 are eligible for a CEP. Also, any former student who attended the Mohawk Institute Residential Boarding School in Brantford, Ontario between 1922 and 1969 and was alive on October 5, 1996, is also eligible for a CEP. Family members of any residential school student, whenever they died, will be able to take advantage of the healing programmes funded by the settlement.

12. Can I get a payment if I previously brought an abuse claim?

Yes, even if you already won, lost, or settled an abuse claim, either in court, by negotiation, or under the Government's alternative dispute resolution ("ADR") process you are still eligible for a CEP, and it's possible that you may qualify for additional money under the new IAP.

13. What about my abuse claim in the current ADR process?

Until the Courts approve the settlement, the current ADR process will continue to receive applications, hear claims, and award payments to former students for sexual, physical, or other abuse covered under that programme. If the settlement is approved by all the Courts, applications to the current ADR process will end. Many claimants who applied to the ADR process before the ADR process ends will have a choice to continue in the ADR process or move to the IAP once the settlement becomes final. More detailed information on the IAP is in Schedule D of the Settlement Agreement which is available at www.residentialschoolsettlement.ca or by calling toll-free 1-866-879-4913.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

14. Who is eligible for the individual assessment process (IAP)?

If you suffered sexual or serious physical abuse, or other abuses that caused serious psychological effects, you may be eligible if: a) you are a former student who attended and lived at a residential school, or b) you were invited to take part in an authorized school activity (while under the age of 21) even if you did not live at a school.

15. Can I get a CEP if I also have an IAP claim?

Yes.

16. Will my social assistance benefits be affected if I take the CEP?

The Government is working with provincial and territorial governments, and all federal departments to try to ensure that any payment you receive will not affect the amount, nature, or duration of any social benefits or social assistance benefits received by former students.

17. Will the CEP be taxable?

No. The Government has determined that CEP payments will not be taxable.

18. Will mental health and emotional support services continue?

Yes, the Government will continue to provide existing mental health and emotional support services and agrees to make those services available to CEP recipients and those former students resolving abuse claims through the IAP, as well as those participating in truth and reconciliation, or commemorative projects.

19. What am I giving up in exchange for the settlement benefits?

If the settlement becomes final, former students and family members will be releasing the Defendants and all related people and entities from all legal claims pertaining to their attendance at residential schools. All the "released" claims are described and identified in Article 11 of the Settlement Agreement available at www.residentialschoolsettlement.ca or by calling 1-866-879-4913. The Settlement Agreement describes the released claims with specific descriptions, in necessarily accurate legal terminology, so read it carefully, and talk to a lawyer if you have questions about the released claims or what they mean. The lawyers involved in the settlement are listed at www.residentialschoolsettlement.ca.

HOW TO GET A PAYMENT**20. How can I get a payment?**

The claims process has not yet started. If, and after, the Courts approve the settlement you will be able to apply for payments. A follow-up notice will explain how you can do this.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

21. When will I get a payment?

If the Courts approve the settlement (see "The Court Hearings to Approve the Settlement" below), there will be a period of several months to allow people to exclude themselves from the settlement. Then people may apply for payments, and payments will be made if the Courts approve the settlement and after any appeals are resolved. Please be patient.

22. What about advance payments for the elderly?

Any eligible former residential school student, 65 years of age and older as of May 30, 2005 may apply until December 31, 2006 for an advance payment of \$8,000. The advance payment application form is available by calling 1-800-816-7293, or by visiting www.irsr-rqpi.gc.ca.

THE LAWYERS**23. Do I have a lawyer in the case?**

If you don't already have your own lawyer, the website lists the law firms that signed onto the settlement, and they represent former students and family members. If you want to, you can contact one of the lawyers on the list for advice, or you may hire a different lawyer.

24. Will I have to pay a lawyer to get a CEP?

You don't have to hire and pay a lawyer to submit a claim to get a common experience payment. However, if you do hire a lawyer, or if you have already hired a lawyer, you should ask him or her if they will assist you in getting a CEP without charging for that work.

25. How will the lawyers be paid?

The Government will pay all of the lawyers listed at the website a total of up to approximately \$100 million in fees, plus costs and taxes, for their work to represent former students, including their work on the lawsuits and negotiations for the settlement. The fees, costs, and taxes that the Courts award will not reduce the money available for former students.

26. Will I have to pay a lawyer to get an IAP payment?

You may hire a lawyer to represent you with a serious abuse claim. The IAP is necessarily complex and it is advisable to have a lawyer working on your behalf to help you get the payment you may be eligible for. The lawyers, which may include the same lawyers listed at the website, will charge you additional fees for any IAP payments they get for you. If you are represented by a lawyer, the IAP payments will be adjusted by the Government to provide an extra 15% towards any fee a lawyer may charge you, but you must pay anything beyond that.

OBJECTING TO THE SETTLEMENT

You can tell the Courts if you don't agree with the settlement or some part of it.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

27. How do I tell the Court if I am against the settlement?

You can object to the settlement if you don't like some part of it. If you have an objection, you must by **Month 00, 2006**, write to Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario N2J 3G9, call toll free 1-866-879-4913, or send an email to objections@residentialschoolsettlement.ca. Be sure to explain why you are against the settlement, and include your name, the school(s) you attended, your address, and telephone number. Tell us if you have a lawyer, who it is, and if you plan to come and speak at the hearing affecting you.

28. Do I need a lawyer to object?

You can object without paying a lawyer. If you want to be represented by your own lawyer, you may hire one at your own expense.

29. If I object can I still get a payment later?

Yes. If you object, but the settlement is approved, you will still be able to apply for a payment, as long as you don't exclude yourself (see "Excluding Yourself from the Settlement" below).

THE COURT HEARINGS TO APPROVE THE SETTLEMENT

The Courts will hold hearings to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

30. How will the Courts decide whether to approve the settlement?

Nine different Courts will hold hearings based on the schedule below, to consider whether to approve the settlement. At the hearings, the Courts will consider whether the settlement is fair, reasonable, and adequate. If there are objections the Courts will consider them at the hearings. All of the Courts must decide to approve the settlement, before the settlement becomes final. We do not know how long these decisions will take.

HEARING	LOCATION	HEARING DATE	TIME
Ontario	Ontario Superior Court of Justice Court House 361 University Avenue Toronto, ON M5G 1T3	Month 00-00, 2006	00 a.m.
Saskatchewan	Court of Queen's Bench Court House 2425 Victoria Avenue Regina, SK S4P 3V7	Month 00-00, 2006	00 a.m.
Northwest Territories	Court House 4903 - 49th Street Yellowknife, Northwest Territories X1A 2N4	Month 00-00, 2006	00 a.m.
Alberta	Court of Queen's Bench Court House 611 - 4 St. S.W. Calgary, AB T2P 1T5	Month 00-00, 2006	00 a.m.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

Yukon	Supreme Court of the Yukon Territory 2134 Second Avenue Fourth Floor Judges' Chambers Whitehorse, Yukon Y1A 5H6	Month 00-00, 2006	00 a.m.
Nunavut	Nunavut Court of Justice Amakallak Building (Building #224) Iqaluit, Nunavut X0A 0H0	Month 00-00, 2006	00 a.m.
Manitoba	Court of Queen's Bench Law Courts Building 408 York Avenue Winnipeg, MB R3C 0P9	Month 00-00, 2006	00 a.m.
British Columbia	The Supreme Court of British Columbia The Law Courts 800 Smithe Street Vancouver, B.C. V6Z 2E1	Month 00-00, 2006	00 a.m.
Québec	Superior Court of Québec Palais de justice 1 Notre-Dame Street East Montreal, QC H2Y 1B6	Month 00-00, 2006	00 a.m.

31. Which hearing affects me?

The Court hearing affecting you is based on where you now live, not where you went to school, with one exception: If you attended the Mohawk Institute Residential Boarding School in Brantford, Ontario, the Ontario hearing affects you no matter where you now live. Also, to reduce the number of hearings, the Court in Ontario will oversee the claims from people living in some other places as well:

WHERE YOU LIVE	COURT HEARING AFFECTING YOU
Labrador	Ontario
New Brunswick	Ontario
Newfoundland	Ontario
Nova Scotia	Ontario
Ontario	Ontario
Outside Canada	Ontario
Prince Edward Island	Ontario
Québec	Québec
Northwest Territories	Northwest Territories
Nunavut	Nunavut
Yukon	Yukon
Alberta	Alberta
Manitoba	Manitoba
Saskatchewan	Saskatchewan
British Columbia	British Columbia

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

32. Do I have to come to a hearing?

No. The lawyers will answer any questions the judges may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to a Court hearing to talk about it. As long as you submit an objection by **Month 00, 2006**, it will be considered at the hearing affecting you.

33. Which hearing may I attend?

You may attend any of the hearings. However, if you want to speak you must attend the hearing held at the Court that is in charge of your claims, described in question 31 above.

34. May I speak at a hearing?

You are welcome to go to the hearing affecting you and ask the Court for permission to speak. You may also pay a lawyer to attend and speak for you, but it's not required.

EXCLUDING YOURSELF FROM THE SETTLEMENT**35. How do I get out of the settlement?**

Even if the settlement is approved, after the hearings and after considering any objections, you will have an opportunity to exclude yourself and keep any rights you may have to sue over these claims. If the settlement is approved, a follow-up notice will explain how you can do this. If you don't exclude yourself at that point, you will be giving up all legal claims against the Defendants and related people and entities, pertaining to attendance at residential schools (see Question 19 above).

Please note that in Québec the law is different: if you have a current lawsuit for residential school abuse in the Province of Québec, it will have to be discontinued in order to get any payment or benefit from this settlement. Talk to your lawyer as soon as possible. Other people without individual lawsuits pending in Québec will have the same exclusion rights as others in Canada.

GETTING MORE INFORMATION**36. How do I get more information?**

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.residentialschoolsettlement.ca or by calling 1-866-879-4913. You may also write with questions to Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario, N2J 3G9.

QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT WWW.RESIDENTIALSCHOOLSETTLEMENT.CA

02089

Schedule 2

**Summary Notice for mailings and mainstream
newspapers**

Official Court Notice



The residential schools settlement process has begun. The healing continues.

The Indian residential schools settlement process has started. First, through these initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed to explain how to get a payment from the settlement or be excluded from it.

Considering the 80,000 living Aboriginal people who are former students of the residential school system, the settlement provides:

1) At least \$1.9 billion available for "common experience" payments to former students who lived at one of the schools. Payments will be \$10,000 for the first school year (or part of a school year) plus \$3,000 for each school year (or part of a school year) after that.

2) A process to allow those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to get between \$5,000 and \$275,000 each. You could get more money if you also show a loss of income.

3) Money for programmes for former students and their families for healing, truth, reconciliation, and commemoration of the residential schools and the abuses suffered: \$125 million for healing, \$60 million to research, document, and preserve the experiences of the survivors, and \$20 million for national and community commemorative projects.

You don't have to show you were abused to get a common experience payment, and you can get one even if you had an abuse lawsuit, and even if you settled it.

You can object to the settlement if you don't like some part of it. If you have an objection, you must by **Month 00, 2006**, send an email to objections@residentialschoolsettlement.ca, write to Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario N2J 3G9, or call toll free 1-866-879-4913. Be sure to explain why you are against the settlement, and include your name, the school(s) you attended, your address, and telephone number.

If you object, it will be considered at a settlement approval hearing. You may ask to speak at the hearing in the Court overseeing your claim. The hearing that affects you is generally based on where you now live (see the centre box).

As part of the settlement, the government will pay lawyers representing former students up to approximately \$100 million in fees, plus costs and taxes. You don't have to hire a lawyer to object, and you don't have to hire and pay a lawyer to get a common experience payment once the claims process begins. Of course,

you may hire your own lawyer and pay that lawyer to object, speak for you at a hearing, or represent you with an abuse claim.

Call 1-866-879-4913 with questions about the settlement, or go to www.residentialschoolsettlement.ca to read a more detailed notice or the settlement agreement.

The Court Hearings

Court	Date
Ontario	Month 00-00
Northwest Terr.	Month 00-00
Alberta	Month 00-00
Yukon	Month 00-00
Nunavut	Month 00-00
Manitoba	Month 00-00
British Columbia	Month 00-00
Saskatchewan	Month 00-00
Québec	Month 00-00

If you attended the Mohawk Institute in Brantford, go to the Ontario hearing. Otherwise, go to the hearing in your Province/Territory. If you live in Labrador, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, or outside Canada, go to the Ontario hearing. The exact times and locations are in a detailed notice. To get one, contact:

1-866-879-4913

www.residentialschoolsettlement.ca

02091

Schedule 2

Summary Notice for Aboriginal publications



Official Court Notice

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Considering the 80,000 living Aboriginal people who are former students of the residential school system, the settlement provides:

1) At least \$1.9 billion available for "common experience" payments to former students who lived at one of the schools. Payments will be \$10,000 for the first school year (or part of a school year) plus \$3,000 for each school year (or part of a school year) after that.

2) A process to allow those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to get between \$5,000 and \$275,000 each. You could get more money if you also show a loss of income.

3) Money for programmes for former students and their families for healing, truth, reconciliation, and commemoration of the residential schools and the abuses suffered: \$125 million for healing, \$60 million to research, document, and preserve the experiences of the survivors, and \$20 million for national and community commemorative projects.

You don't have to show you were abused to get a common experience payment, and you can get one even if you had an abuse lawsuit, and even if you settled it.

The Court Hearings

Court	Date
Ontario	Month 00-00
Northwest Terr.	Month 00-00
Alberta	Month 00-00
Yukon	Month 00-00
Nunavut	Month 00-00
Manitoba	Month 00-00
British Columbia	Month 00-00
Saskatchewan	Month 00-00
Québec	Month 00-00

If you attended the Mohawk Institute in Brantford, go to the Ontario hearing. Otherwise, go to the hearing in your Province/Territory. If you live in Labrador, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, or outside Canada, go to the Ontario hearing. The exact times and locations are in a detailed notice. To get one, contact:

1-866-879-4913

www.residentialschoolsettlement.ca

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If you object, it will be considered at a settlement approval hearing. You may ask to speak at the hearing in the Court overseeing your claim. The hearing that affects you is generally based on where you now live (see the centre box).

As part of the settlement, the government will pay lawyers representing former students up to approximately \$100 million in fees, plus costs and taxes. You don't have to hire a lawyer to object, and you don't have to hire and pay a lawyer to get a common experience payment once the claims process begins. Of course, you may hire your own lawyer and pay that lawyer

to object, speak for you at a hearing, or represent you with an abuse claim.

Call 1-866-879-4913 with questions about the settlement, or go to www.residentialschoolsettlement.ca to read a more detailed notice or the settlement agreement.

02093

Schedule 2

Notice for Aboriginal TV

Residential Schools TV Notice Phase I: "Healing" :30 sec.

Hilsoft Notifications

VideoAudio

The Indian residential schools settlement process has begun. First, former students and their families may give their views on the settlement, and court hearings will be held across Canada. Then, if the settlement is approved, payments may be requested. To learn more, call 1-866-879-4913. 1-866-879-4913. The residential schools settlement. The healing continues.

02095

Schedule 2

Notice for Aboriginal Radio

Hilsoft Notifications
Residential Schools

Radio – Phase I – “Healing” – Short script

The Indian residential schools settlement process has begun. First, former students and their families may give their views on the settlement and court hearings will be held across Canada. Then, if the settlement is approved, payments may be requested. To learn more, call 1-866-879-4913. 1-866-879-4913. The residential schools settlement. The healing continues.

Radio – Phase I – “Healing” – Medium script

The Indian residential schools settlement process has begun. First, former students and their families may give their views on the settlement and then court hearings will be held across Canada. If the settlement is approved after the court hearings, additional notices will explain how to get a payment from the settlement or be excluded from it. To learn more, or to get a detailed notice package in the mail, call 1-866-879-4913. 1-866-879-4913. The residential schools settlement. The healing continues.

Radio – Phase I – “Healing” – Long script

The Indian residential schools settlement process has begun. First, former students and their families may give their views on the settlement and then court hearings will be held across Canada. The settlement will provide at least 1 point 9 billion dollars for former students who lived at the schools and additional money for those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects. There will also be funding for healing programmes for former students and their families, and efforts to document and preserve their experiences. If the settlement is approved after the court hearings, additional notices will explain how to get a payment from the settlement or be excluded from it. To learn more, or to get a detailed notice, call 1-866-879-4913. 1-866-879-4913. The residential schools settlement. The healing continues.

02097

Schedule 2

Cover Letter individual mailings

Official Court Notice

<Date>

<First Name> <Last Name>
<Address 1>
<Address 2>
<City>, <Province or Territory>
<ANA-NAN>

The Indian residential schools settlement process has begun.

First, through the enclosed initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement and it becomes final after those hearings, another notice will be distributed to explain how you may get a payment or exclude yourself from the settlement.

Read the enclosed notices about your legal rights carefully. To learn more, call toll free 1-866-879-4913, or visit www.residentialschoolsettlement.ca.

Thank you.

Sincerely,

Notice Administrator
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02099

Schedule 2

Outside Envelope for mailings

Notice Administrator for Canadian Courts
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario, N2J 3G9

Indian Residential Schools Settlement Notice

<Fname><MI><Lname>
<Address1>
<Address2>
<City>, <ST> <Zip>

02101

Schedule 2

**Cover Letter for individual mailings to those
with pending lawsuits in Quebec**

Official Court Notice

<Date>

<First Name> <Last Name>
<Address 1>
<Address 2>
<City>, <Province or Territory>
<ANA-NAN>

The Indian residential schools settlement process has begun.

First, through the enclosed initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed explaining how to get a payment from the settlement.

Please note that if you have a current lawsuit for residential school abuse in the Province of Québec, it will have to be discontinued in order to get any payment or benefit from this settlement. Talk to your lawyer as soon as possible.

Read the enclosed notices about your legal rights carefully. To learn more, call toll free 1-866-879-4913, or visit www.residentialschoolsettlement.ca Thank you.

Sincerely,

Notice Administrator
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02103

Schedule 2

Cover Letter to Organizations

Official Court Notice

<Organization>
<Address1>
<Address 2>
<City>, <Province or Territory>
<ANA-NAN>

The Indian residential schools settlement process has begun.

First, through initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed to explain how to get a payment from the settlement or be excluded from it.

Enclosed you will find a short one page notice and a more detailed notice, for members of the community who are included in the settlement.

We are asking for your help to distribute or make available these important notices, as you are able, because the notices affect the legal rights of former students of residential schools and their families. Also, please post a notice in a prominent place where the community will be able to view it, and feel free to print the short notice in any newsletter you may publish, or post a link to the Court website for the settlement, www.residentialschoolsettlement.ca, at any website you host.

Learn more by calling toll free 1-866-879-4913 (which is also linked to crisis line services) or by visiting the Court website at www.residentialschoolsettlement.ca

Thank you.

Sincerely,

Notice Administrator
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02105

Schedule 2

Cover Letter to Lawyers with pending lawsuits in Qubecec

Official Court Notice

<Date>

<First Name> <Last Name>
<Address1>
<Address 2>
<City>, <Province or Territory>
<ANA-NAN>

The Indian residential schools settlement process has begun.

First, through the enclosed initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed explaining how to ask for a payment from the settlement.

Please note that current lawsuits in the Province of Québec for residential school abuse will have to be discontinued in order for a person to get any payment or benefit from this settlement.

Read the enclosed notices carefully and provide a copy of the notice to anyone you represent who may be a class member. To learn more, call toll free 1-866-879-4913, or visit www.residentialschoolsettlement.ca Thank you.

Sincerely,

Notice Administrator
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02107

Schedule 2

Cover Letter for individual mailings to Lawyers

Official Court Notice

<Date>

<First Name> <Last Name>
<Law Firm>
<Address 1>
<Address 2>
<City>, <Province or Territory>
<ANA-NAN>

The Indian residential schools settlement process has begun.

First, through the enclosed initial notices, former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement and it becomes final after those hearings, another notice will be distributed to explain how to request a payment from the settlement or be excluded from it.

Read the enclosed notices carefully and provide a copy of the notice to anyone you represent who may be a class member. To learn more, call toll free 1-866-879-4913, or visit www.residentialschoolsettlement.ca.

Thank you.

Sincerely,

Notice Administrator
Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02109

Schedule 2

Fax Notice to First Nation Band Offices

Official Court Notice**FAX****Attn: Chief/Mayor and Councillors****The Indian residential schools settlement process has begun.**

First, through initial notices (attached), former students and their families will learn how to give their views on the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all the Courts approve the settlement after those hearings, another notice will be distributed to explain how to get a payment from the settlement or be excluded from it.

We are asking for your help to distribute these important notices, as you are able, because they affect the legal rights of former students of Indian residential schools and their families. Also, please post the notice in a prominent place where the community will be able to view it and feel free to print it in any newsletter you may publish.

Learn more by calling toll free 1- 866-879-4913 (which is also linked to crisis line services), or by visiting www.residentialschoolsettlement.ca. Your office will receive a package by mail with a more detailed notice document, which people may also refer to.

Thank you.

Sincerely,

Notice Administrator
Indian Residential Schools Settlement
Suite 3-505
133 Weber St. North
Waterloo, Ontario N2J 3G9

02111

Schedule 2

Informational Release to media outlets

For Immediate Release

Courts to notify former students of Canada's Indian residential schools about the settlement process; Hearings to start in August.

TORONTO, ON, June 00, 2006/—A national notification programme began today, on behalf of Courts across Canada, to alert former students of the Indian residential school system and their families, about their legal rights in the settlement of the class action lawsuits over the schools.

The settlement notification process will occur in phases. First, through initial notices which will be published, mailed, and broadcast throughout Canada, former students and their families will learn how to give their views about the fairness of the settlement. Then, Courts across Canada will hold public hearings. If all of the Courts approve the settlement after those hearings, another notice will be distributed to explain how to get a payment from the settlement or be excluded from it.

Considering the 80,000 living Aboriginal people who are former students of the residential school system, the settlement provides:

1) At least \$1.9 billion available for "common experience" payments to former students who lived at one of the schools. Payments will be \$10,000 for the first school year (or part of a school year) plus \$3,000 for each school year (or part of a school year) after that.

2) A process to allow those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to get between \$5,000 and \$275,000 each. Students could get more money if they also show a loss of income.

3) Money for programmes for former students and their families for healing, truth, reconciliation, and commemoration of the residential schools and the abuses suffered: \$125 million to the Aboriginal Healing Foundation, \$60 million to research, document, and preserve the experiences of the survivors, and \$20 million for national and community commemorative projects.

The government will pay lawyers representing former students up to approximately \$100 million in fees, plus costs and taxes.

A toll free telephone call center at 1-866-879-4913 has been set up to handle inquiries, with a link to crisis line services. Also, a website displays the detailed notice, settlement agreement, list of recognized schools and hostels, and other information at www.residentialschoolsettlement.ca.

Former students and family members have the right to object to the settlement if they don't like some part of it. Those with objections must, by Month 00, 2006, write to Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario N2J 3G9, send an email info@residentialschoolsettlement.ca, or call 1-866-879-4913, to explain why they are against the settlement.

Objections will be considered at one of several settlement approval hearings. Former students and family members may ask to speak at the hearing held in the Court overseeing their claim. The hearings generally affect people based on where they now live. The dates, starting times, and locations of the hearings, are as follows:

HEARING	LOCATION	HEARING DATE	TIME
Ontario	Ontario Superior Court of Justice Court House 361 University Avenue Toronto, ON M5G 1T3	Month 00-00, 2006	00 a.m.
Northwest Territories	Court House 4903 - 49th Street Yellowknife, Northwest Territories X1A 2N4	Month 00-00, 2006	00 a.m.
Alberta	Court of Queen's Bench Court House 611 - 4 St. S.W. Calgary, AB T2P 1T5	Month 00-00, 2006	00 a.m.
Yukon	Supreme Court of the Yukon Territory 2134 Second Avenue Fourth Floor Judges' Chambers Whitehorse, Yukon Y1A 5H6	Month 00-00, 2006	00 a.m.
Nunavut	Nunavut Court of Justice Arnakallak Building (Building #224) Iqaluit, Nunavut X0A 0H0	Month 00-00, 2006	00 a.m.
Manitoba	Court of Queen's Bench Law Courts Building 408 York Avenue Winnipeg, MB R3C 0P9	Month 00-00, 2006	00 a.m.
British Columbia	The Supreme Court of British Columbia The Law Courts 800 Smithe Street Vancouver, B.C. V6Z 2E1	Month 00-00, 2006	00 a.m.
Saskatchewan	Court of Queen's Bench Court House 2425 Victoria Avenue Regina, SK S4P 3V7	Month 00-00, 2006	00 a.m.
Québec	Superior Court of Québec Palais de justice 1 Notre-Dame Street East Montreal, QC H2Y 1B6	Month 00-00, 2006	00 a.m.

With the exception of those who attended the Mohawk Institute in Brantford, Ontario, former students and their families should attend the hearing in the Province/Territory in which they now reside. Those living in Labrador, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, or outside Canada, are affected by, and may attend, the Ontario hearing. Former Mohawk Institute students are affected by the Ontario hearing regardless of where they now live.

###

/URL: <http://www.residentialschoolsettlement.ca>

/SOURCES: The Alberta Court of Queen's Bench; the Supreme Court of British Columbia; the Manitoba Court of Queen's Bench; the Supreme Court of the Northwest Territories; the Ontario Superior Court of Justice; the Québec Superior Court; the Supreme Court of the Yukon Territory; The Nunavut Court of Justice; and the Court of Queen's Bench for Saskatchewan.

Website

Residential Schools Settlement

Class Action Notice

The residential schools settlement process has begun. The healing continues.

This is the official Court website for the settlement of the *In re Residential Schools Class Action Litigation*. Courts across Canada will hold public hearings to consider whether the settlement is fair, reasonable, and adequate. Former students and their families may ask to speak at one of the hearings. If they oppose the settlement they may object by **Month 00, 2006**. Click the links below to read the Court-ordered notices, the Settlement Agreement, the location, dates and times of the hearings, or to contact the administrator.

[☛ Main](#) [☛ Summary Notice](#) [☛ Detailed Notice](#) [☛ Settlement Agreement](#) [☛ Hearings](#) [☛ List of Residential Schools](#)
[☛ Individual Assessment Process](#) [☛ The Lawyers](#) [☛ Contact the Administrator](#)

If you have questions call 1-866-879-4913.

Schedule 3



*Indian Residential Schools Class Actions
Settlement Notice Plan*

Schedule 3

Press Outlets Receiving Informational Release: The party-neutral, Court-approved informational release will be issued to over 390 news outlets throughout the Canada. Following is a partial list of the press outlets:

NEWS OUTLET WIRES:
<i>Aboriginal Times</i>
<i>Alberta Native News</i>
<i>Alberta Sweetgrass</i>
<i>Anishinabek News</i>
<i>Deh Cho Drum</i>
<i>Eastern Door</i>
<i>First Nation Voices</i>
<i>First Nations Drum</i>
<i>First Perspective</i>
<i>Ha-Shilth-Sa</i>
<i>Inuvik Drum</i>
<i>Kahtou News</i>
<i>Kivalliq News</i>
<i>Klondike Sun</i>
<i>L'Aquilon</i>
<i>L'Aurore Boreale</i>
<i>Mi'kmaq-Maliseet Nations News</i>
<i>Native Journal</i>
<i>Natotawin</i>
<i>Nunatsiaq News</i>
<i>Nunavut News/North</i>
<i>NWT News/North</i>
<i>Opportunity North</i>
<i>Saskatchewan Sage</i>
<i>Secwepemc News</i>
<i>Tansi News</i>
<i>Tekawennake</i>
<i>The Drum</i>
<i>The Hay River Hub</i>
<i>The Nation</i>
<i>The Slave River Journal</i>
<i>Turtle Island News</i>
<i>Tusaayaksat</i>
<i>Wawatay News</i>
<i>Western Native News</i>
<i>Whispering Pines</i>
<i>Whitehorse Star</i>
<i>Windspeaker</i>
<i>Windspeaker Business Quarterly</i>

Press Outlets Receiving Informational Release

<i>Yukon News</i>
<i>ADP</i>
<i>Agence France Presse (Ottawa) (Montréal)</i>
<i>Alma CFGT-AM</i>
<i>Amqui CFVM-AM</i>
<i>Annapolis Valley Radio Network</i>
<i>Antigonish CJFX-AM</i>
<i>Atlantic Television System</i>
<i>Baie-Comeau CHLC-FM</i>
<i>Barrie CKVR-TV</i>
<i>Bathurst CKBC-AM</i>
<i>Bloomberg Financial Markets</i>
<i>Brampton Guardian</i>
<i>Brantford CKPC-AM/FM</i>
<i>Brantford Expositor</i>
<i>Bridge Information System</i>
<i>Broadcast News</i>
<i>Burnaby CFML-FM</i>
<i>Calgary bureau, Globe & Mail</i>
<i>Calgary bureau, National Post</i>
<i>Calgary CBR-AM/FM</i>
<i>Calgary CBRT-TV</i>
<i>Calgary CFCN-TV</i>
<i>Calgary CFFR-AM</i>
<i>Calgary CHQR-AM/CKIK-FM</i>
<i>Calgary CICT-TV</i>
<i>Calgary CKAL-TV</i>
<i>Calgary CKRY-FM</i>
<i>Calgary Herald</i>
<i>Calgary Sun</i>
<i>Canadian Press</i>
<i>Caraquet L'Acadie Nouvelle</i>
<i>Carleton CHAU-TV</i>
<i>Carleton CIEU-FM</i>
<i>CBC AVID/Infosystem (Radio & TV)</i>
<i>CBC National News (Radio & TV)</i>
<i>Charlottetown CBCT-FM/TV</i>
<i>Charlottetown Guardian</i>
<i>Chatham CKSY-FM</i>
<i>Chatham Daily News</i>
<i>Chicoutimi CBJ-AM/FM</i>
<i>Chicoutimi CFIX-FM</i>
<i>Chicoutimi CJAB-FM</i>
<i>Chicoutimi CJPM-TV</i>
<i>Chicoutimi, Le Quotidien</i>
<i>Compuserve</i>
<i>Corner Brook CBY-AM</i>
<i>Corner Brook CBYT-TV</i>
<i>Corner Brook Western Star</i>

Press Outlets Receiving Informational Release

<i>Cornwall CJSS-AM/CFLG-FM</i>
<i>Cranbrook CKEK-AM/CKKR-FM</i>
<i>CTV Television Network</i>
<i>Dartmouth CIHF-TV</i>
<i>Decision-Plus</i>
<i>Desktop Data's NewsEDGE</i>
<i>Dolbeau CHVD-AM</i>
<i>Dow Jones News/Retrieval</i>
<i>Drummondville CJDM-FM</i>
<i>Edmonton CBX-AM/FM</i>
<i>Edmonton CBXFT-TV</i>
<i>Edmonton CBXT-TV/CBXFT-TV</i>
<i>Edmonton CFCW-AM/CKRA-FM</i>
<i>Edmonton CFMG-FM</i>
<i>Edmonton CFRN-AM/CFBR-FM</i>
<i>Edmonton CFRN-TV</i>
<i>Edmonton CHED-AM/CKNG-FM</i>
<i>Edmonton CITV-TV</i>
<i>Edmonton CKUA-AM/FM</i>
<i>Edmonton Journal</i>
<i>Edmonton Sun</i>
<i>Fermont CFMF-FM</i>
<i>Fort McMurray Today</i>
<i>Fredericton CBZ-AM/FM</i>
<i>Fredericton CIHI-AM/CKHJ-FM/CIBX-FM</i>
<i>Gander CBG-AM</i>
<i>Gaspé CJRG-FM</i>
<i>Gatineau CJRC-AM</i>
<i>Global Television Network</i>
<i>Global Television Network (Montréal)</i>
<i>Globe Information Services</i>
<i>Granby CFXM-FM</i>
<i>Granby, La Voix de l'Est</i>
<i>Grand Falls CBT-AM</i>
<i>Halifax CBH-AM/FM</i>
<i>Halifax CBHT-TV</i>
<i>Halifax CHNS-AM/CHFX-FM</i>
<i>Halifax Chronicle-Herald/Mail-Star</i>
<i>Halifax CJCH-AM/CIOO-FM/Bedford CIEZ-FM</i>
<i>Halifax CJCH-TV</i>
<i>Hamilton CHCH-TV (onTV)</i>
<i>Hamilton CHML-AM/CKDS-FM</i>
<i>Hamilton Spectator</i>
<i>Havre-St-Pierre CILE-FM</i>
<i>Heads UPI</i>
<i>Iles de Madeleine CFIM-FM</i>
<i>ILX</i>
<i>Individual Inc.</i>
<i>Info Globe</i>

Press Outlets Receiving Informational Release

<i>Infomart/DIALOG</i>
<i>Jonquière CFRS-TV/CKRS-TV</i>
<i>Kamloops CFJC-AM/CIFM-FM</i>
<i>Kamloops CHNL-AM/CKRV-FM</i>
<i>Kelowna CHBC-TV</i>
<i>Kelowna CKIQ-AM</i>
<i>Kelowna CKOV-AM/CKLZ-FM</i>
<i>Kentville CKEN-AM</i>
<i>Kingston CKLC-AM/CFLY-FM/CHXL-FM</i>
<i>Kingston CKWS-TV</i>
<i>Kitchener CHYM-AM/CKGL-FM</i>
<i>Kitchener CKCO-TV</i>
<i>Kitchener-Waterloo Record</i>
<i>La Presse Canadienne (Montréal) (Québec)</i>
<i>La Ronge CBKA-FM</i>
<i>La Tuque CFLM-AM</i>
<i>Labrador CBDQ-AM</i>
<i>Labrador CBNLT-TV</i>
<i>Labrador CFGB-AM</i>
<i>Lac Etchemin CFIN-FM</i>
<i>Lachute CJLA-FM</i>
<i>Laval CFGL-AM</i>
<i>Le Réseau TVA Inc.</i>
<i>Les Escoumins CHME-FM</i>
<i>Lethbridge CISA-TV</i>
<i>Lethbridge CJOC-AM/CFRV-FM</i>
<i>Levis-Lauzon CFCM-FM</i>
<i>London CFPL-TV</i>
<i>London CIQM-FM</i>
<i>London Free Press</i>
<i>Longueuil CIEL-FM</i>
<i>Magog CIMO-FM</i>
<i>Manitoba Television Network</i>
<i>Maniwaki CHGA-FM</i>
<i>Maritime Broadcasting System</i>
<i>Matane CHRM-AM/CHOE-FM</i>
<i>Medicine Hat CHAT-AM/TV/CJCY-AM</i>
<i>Medicine Hat News</i>
<i>Moncton CBA-AM/FM</i>
<i>Moncton CBAF-FM/CBAFT-TV</i>
<i>Moncton CJMO-FM</i>
<i>Moncton CKCW-AM/CFQM-FM</i>
<i>Mont Laurier CFLO-AM</i>
<i>Montmagny CFEL-FM</i>
<i>Montreal bureau, Globe & Mail</i>
<i>Montreal bureau, National Post</i>
<i>Montréal CBF-AM/FM/CBFT-TV</i>
<i>Montreal CBM-AM/FM</i>
<i>Montreal CBMT-TV</i>

Press Outlets Receiving Informational Release

Montréal CFJP-TV
Montréal CFTM-TV/Ste-Foy CFCM-TV/CKMI-TV
Montreal CHOM-FM
Montréal CIBL-FM
Montréal CINQ-FM
Montreal CIQC-AM/CFQR-FM
Montréal CIVM-TV
Montreal CJAD-AM
Montréal CKAC-AM
Montréal CKMF-FM
Montreal CKMI-TV
Montreal Gazette
Montréal Les Affaires
Montréal, Financial Post bureau
Montréal, Globe & Mail bureau
Montréal, La Presse
Montréal, Le Devoir
Montréal, Le Journal de Montréal
Montréal, Le Soleil bureau
New Carlisle CHNC-AM
Nouvelles Télé-radio
Oshawa CKDO-AM/CKGE-FM
Ottawa CBO-AM/FM/CBOQ-FM
Ottawa CBOT-TV
Ottawa CFRA-AM/CKKL-FM
Ottawa CHEZ-FM
Ottawa CHRO-TV
Ottawa Citizen
Ottawa CIWW-AM/CKBY-FM
Ottawa CJBZ-AM/CJMJ-FM
Ottawa CJOH-TV
Ottawa Le Droit
Ottawa Sun
Ottawa/Hull CBOF-AM/FM
Ottawa/Hull CBOFT
Ottawa/Hull CHOT-TV
Ottawa/Hull CIMF-FM
Point-au-Père CFER-TV
Pointcast
Port Cartier CIPC-FM
Port Hawkesbury CIGO-AM
Portage la Prairie CHMI-TV
Prince Albert CKBI-TV
Prince Albert Daily Herald
Prince George CJC1-AM/CIRX-FM
Prince George CKPG-AM /CKKN-FM/CKPG-TV
Quebec CBVE-AM/FM
Québec CFAP-TV
Québec CHIK-FM

Press Outlets Receiving Informational Release

Québec CHOI-FM
Québec CHRC-AM
Québec CJMF-FM
Québec CKRL-FM
Québec Le Soleil
Radio-Canada
Rankin Inlet CBQR-FM
Red Deer Advocate
Red Deer CKRD-AM/CFCR-FM
Red Deer CKRD-TV
Regina CBK-AM/FM
Regina CBKF-FM/CBKFT-TV
Regina CBKT-TV
Regina CFRE-TV
Regina CJME-AM/CIZL-FM
Regina CKCK-TV
Regina Leader-Post
Réseau Pathonic
Réseau Radio Mutuel
Reuters
Rimouski CFLP-AM/CIKI-FM
Rimouski CJBR-AM/FM
Rimouski CKMN-FM
Rivière-du-Loup CJFP-FM/CIBM-FM
Rivière-du-Loup CKRT-TV/CIMT-TV
Roberval CHRL-AM
Rouyn-Noranda CJMM-FM
Rouyn-Noranda CKRN-AM/CKRN-TV/CFEMTV/CHLM-FM
Saint John CBD-AM/FM
Saint John CFBC-AM/CJCY-FM
Saint John CIOK-FM
Saint John Telegraph-Journal/Times-Globe
Sandpoint Hoover
Saskatoon CBK-AM
Saskatoon CBKS-FM
Saskatoon CFQC-AM/CJWW-AM
Saskatoon CFQC-TV
Saskatoon CFSK-TV
Saskatoon Star-Phoenix
Satellite Radio News
Sault Ste. Marie CHAS-FM/CJQM-FM
Sault Ste. Marie CJIC-TV/CHBX-TV
Selkirk News Service
Sept-Iles CBSI-FM
Sept-Iles CKCN-AM
Sherbrooke CHLT-AM/CITE-FM
Sherbrooke CHLT-TV
Sherbrooke CKSH-TV/CFKS-TV

Press Outlets Receiving Informational Release

<i>Sherbrooke La Tribune</i>
<i>Sorel CJSO-FM</i>
<i>Southam News Service</i>
<i>St. Boniface CKSB-AM</i>
<i>St. Catharines CHRE-FM</i>
<i>St. Catharines CHSC-AM</i>
<i>St. John's CBN-AM/FM</i>
<i>St. John's CBNT-TV</i>
<i>St. John's CJYQ-AM/CKIX-FM</i>
<i>St. John's Evening Telegram</i>
<i>St. John's VOXM-AM/FM</i>
<i>Ste. Foy CBV-AM/FM/CBVT-TV</i>
<i>Ste-Adele CIME-FM</i>
<i>Ste-Anne des Monts CJMC-AM</i>
<i>Ste-Foy CBV-AM/FM/CBVT</i>
<i>Ste-Marie CJVL-FM</i>
<i>Sterling News Service</i>
<i>St-Georges CKRB-AM/CIRO-FM</i>
<i>St-Hilarion CIHO-FM</i>
<i>St-Hyacinth CFEI-FM</i>
<i>St-Jean CFZZ-FM</i>
<i>Sudbury CBCS-FM/CBON-FM</i>
<i>Sudbury CBON-FM</i>
<i>Sudbury CHNO-AM/CHYC-AM/CJMX-FM</i>
<i>Sudbury Star</i>
<i>Sydney CBI-AM/FM</i>
<i>Sydney CBIY-TV</i>
<i>Sydney CHER-AM</i>
<i>Sydney CJCB-AM/CKPE-FM</i>
<i>Sydney, Cape Breton Post</i>
<i>Télémedia</i>
<i>Thetford Mines CKLD-AM</i>
<i>Thompson CBWK-FM</i>
<i>Thunder Bay CBQ-AM/FM</i>
<i>Thunder Bay CKPR-AM /CJLB-FM/CJSD-FM</i>
<i>Thunder Bay CKPR-TV/CHFD-TV</i>
<i>Timmins CFCL-TV/CITO-TV</i>
<i>Toronto CBL-AM/FM</i>
<i>Toronto CBLT-TV</i>
<i>Toronto CFMT-TV</i>
<i>Toronto CFNY-FM</i>
<i>Toronto CFRB-AM/CKFM-FM</i>
<i>Toronto CFTO-TV</i>
<i>Toronto CFTR-AM (680 News)</i>
<i>Toronto CHFI-FM</i>
<i>Toronto CHOG-AM (Talk 640)/CILQ-FM (Q107)</i>
<i>Toronto CHUM-AM/FM</i>
<i>Toronto CIII-TV (Global)</i>
<i>Toronto CITY-TV</i>

Press Outlets Receiving Informational Release

Toronto CJBC-AM/FM
Toronto CJCL-AM
Toronto CJEZ-FM
Toronto Corriere Canadese
Toronto Globe & Mail
Toronto Star
Toronto Sun
Toronto, Ming Pao Daily News
Toronto, National Post
Toronto, Northern Miner
Trail CJAT-AM
Trois Rivières CFKM-TV
Trois Rivières CHEM-TV
Trois Rivières CHLN-AM/CIFE-FM
Trois Rivières CIGB-FM
Trois Rivières, Le Nouvelliste
Truro CKCL-AM/CKTO-FM
TV Quatre Saisons
United Press International
Val d'Or CJMV-FM
Val d'Or CKVD-AM/CFVS-TV
Vancouver bureau, National Post
Vancouver CBU-AM/FM
Vancouver CBUF-FM/CBUFT-TV
Vancouver CBUT-TV
Vancouver CFUN-AM/CHQM-FM
Vancouver CIVT-TV
Vancouver CKBD-AM/CJJR-FM
Vancouver CKVU-TV
Vancouver CKWX-AM/CKKS-FM
Vancouver Province
Vancouver Sun
Verdun CKVL-AM/CKOI-FM
Victoria CFAX-AM
Victoria CHEK-TV
Victoria CJVI-AM/CIOC-FM
Victoria Times-Colonist
Victoriaville CFDA-AM
Ville Degelis CFVD-AM
Ville la Pocaterie CHOX-FM
Ville Marie CKVM-AM
Ville Vanier, Le Journal de Québec
Welland-Port Colborne Tribune
Western Information Network
Windsor CBE-AM
Windsor CBEF-AM/CBEFT-TV
Windsor CKLW-AM/CKWW-AM/CIDR-FM/CJOM-FM
Windsor Star
Winnipeg CBW-AM/FM

Press Outlets Receiving Informational Release

<i>Winnipeg CBWFT</i>
<i>Winnipeg CBWT-TV</i>
<i>Winnipeg CIFX-AM/CHIQ-FM</i>
<i>Winnipeg CJOB-AM/CJKR-FM</i>
<i>Winnipeg CKND-TV</i>
<i>Winnipeg CKY-TV</i>
<i>Winnipeg Free Press</i>
<i>Winnipeg Sun</i>
<i>Yorkton CKOS-TV</i>

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN RE RESIDENTIAL SCHOOLS CLASS ACTION LITIGATION

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF TODD B. HILSEE ON COMMENCEMENT OF NOTICE PROGRAM

I, TODD B. HILSEE, have personal knowledge of the matters set forth herein; I believe them to be true and correct, and I MAKE OATH AND SAY:

1. I am President of Hilsoft Notifications, a company located near Philadelphia, in Souderton, Pennsylvania that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans.

2. My staff and I designed the notice program (the "Notice Program") to Class members in the Indian residential schools settlement process. On June 21, 2006 we began implementing the Notice Program approved by the Courts, as documented below.

3. This affidavit is to verify the commencement of the implementation of the Notice Program.

4. The facts in this report are based on information provided to me by my staff, and by the claims administration firm working under our direction on this file, Crawford Class Action Services.

5. On June 21, 2006, the informational website, www.residentialschoolsettlement.ca, was posted and made available to the public in English, French, and Inuktitut.¹

6. The neutral Court-approved informational release announcing the commencement of the Notice Program was released throughout Canada to all major media outlets by wire distribution on June 22, 2006 and by fax to other media outlets.

7. The toll-free 800 number became operational on June 22, 2006, allowing callers access to English, French and Aboriginal language speakers as needed.

8. On June 22, 2006, mailings were sent to known Class members, from lists provided by the AFN, Inuit groups, legal counsel, and government databases of potential Class members, as well as to First Nation Offices and other community organizations, such as Friendship Centres and Aboriginal agencies, and to legal counsel who are representing or have represented residential school attendees.

9. Starting with *The National Post* on June 22, 2006, Notice has in fact been published, and the complete schedule of published Summary Notice appearances called for under the Notice Program has thereby commenced. In fact, the Notice was scheduled to appear on or before June 25, 2006 in 33 newspapers across all the provinces and territories of Canada, in both English and French, in major Canadian press outlets according to the Notice Program, and in numerous Aboriginal newspapers as well. Notice is scheduled to appear in both mainstream and

¹ The website domain is also accessible in French as www.reglementpensionnatsindiens.ca

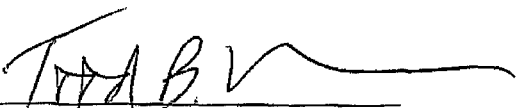
Aboriginal print, radio, and television media outlets (in English, French, Inuktitut, Quebec Cree, Dene, Chipewyan, Dogrib, Cree, Gwitch'n, North Slavey, South Slavey, Ojibway, Southern Tutchone, Tlingit, Innu, Atikamekw, Coastal Cree, Ojibwe, Oji-Cree, Siglit, and Innuinaqtun) throughout the summer generally according to the flowchart in the Court-approved Notice Program. We can provide proofs of all of the appearances of the publication Notice upon request once we receive them.

10. On June 22, 2006, a fax was sent to First Nation Band Offices alerting them to the settlement and attaching the appropriate Summary Notice for distribution.

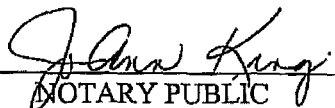
11. On June 22, 2006, emails were sent to First Nations, Inuit, Inuvialuit, and Métis organizations, attaching the appropriate Summary Notice for distribution.

12. Once this "Phase I" of the Notice Program, giving notice of the hearings, is completed, and before the upcoming court hearings that begin in late August, we will verify the successful completion of Phase I of the Notice Program in a detailed report. In that report, I will quantify all of these efforts to the best of my ability based on available data, and opine on the sufficiency of the notice both statistically and qualitatively. I will also provide proposed forms of Notices for "Phase II" of the Notice Program for use if the settlement is approved. Those Notices will advise Class members of their right to exclude themselves or to request a payment from the settlement.

SWORN before me at the Borough of Souderton,)
in the State of Pennsylvania , U.S.A.,)
this 29 day of June, 2006.)



Todd B. Hilsee



NOTARY PUBLIC

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
JoAnn King, Notary Public
Souderton Boro, Montgomery County
My Commission Expires Apr. 4, 2010
Member, Pennsylvania Association of Notaries

Court File No. 00-CV-192059CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN RE RESIDENTIAL SCHOOLS CLASS ACTION LITIGATION

Proceeding under the *Class Proceedings Act, 1992*

**AFFIDAVIT OF TODD B. HILSEE ON IMPLEMENTATION OF NOTICE
PROGRAM**

I, TODD B. HILSEE, have personal knowledge of the matters set forth herein; I believe them to be true and correct, and I MAKE OATH AND SAY:

1. I am President of Hilsoft Notifications, a company located near Philadelphia, in Souderton, Pennsylvania that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans.

2. My staff and I designed the notice program (the "Notice Program" or the "Notice Plan") to Class members in the Indian residential schools settlement process. On June 21, 2006 we began implementing our Notice Plan which was approved by the Courts, as documented below.

3. This affidavit is to report on the implementation of the Notice Program, as of the date the Class action lawyers need to file papers in support of settlement approval. I intend to provide detailed testimony and opinions on the effectiveness of the Notice, as

fully implemented, in connection with the settlement approval hearings, when, upon completing the Notice Program, the data necessary to reach conclusions is available.

4. The facts in this report are based on information provided to me by my staff, and by the claims administration firm, Crawford Class Action Services, working under our direction on this case.

WEBSITE

5. On June 21, 2006, the informational website, www.residentialschoolsettlement.ca, was posted and made available to the public in English, French, and Inuktitut.¹

6. Through July 20, 2006, there have been 9,238 website user sessions, representing 95,811 page views, and 179,502 hits whereby 5.48 gigabytes of data has been downloaded for viewing by potential Class members.

7. This website usage represents 318 sessions per day since the launch of the Notice Program, 3,303 page views per day, 6,189 hits per day, and for an average of 193.41 megabytes of data downloaded per day.

¹ The website domain is also accessible in French as www.reglementpensionnatsindiens.ca

8. There has been an average of 10.3 page views per session, 19.43 hits per session, 621.24 bytes of data per session. The average website viewing session has been 41 minutes long.

9. Numerous other websites have referred users to the court website as indicated by "click throughs" from links posted at other websites. Those with the greatest referral click throughs include the Government's Indian Residential Schools Resolution Canada website pages and the Assembly of First Nations ("AFN") website. As can be viewed at our complete website reporting data site,² numerous other people and organizations, for example the Honorable Frank Iacobucci, the Indian Residential School Survivors Society, and the Inuvialuit Regional Corporation, have added links to their own websites that are actively generating visits to the court website. I am aware that other Inuit organizations, such as the Nunavut Tungavik and the Makivik Corporation, are in the process of adding links.

INFORMATIONAL RELEASE

10. The neutral Court-approved informational release announcing the commencement of the Notice Program was released throughout Canada to all major media outlets by wire distribution on June 22, 2006 and by fax to other media outlets.

² Go to www.residentialschoolsettlement.ca:9999. User name: residential. Password: sonic55.

11. We have so far identified over 35 different news stories that contain information about the settlement, including news stories that resulted in links at media websites and which positively generated click through traffic to the court website, for example K-Net "News for the North."

CALL CENTER

12. The toll-free 800 number became operational on June 22, 2006, allowing callers access to English, French and Aboriginal language speakers, as needed.

13. As of July 21, 2006 there have been 4,834 total phone calls to the 800 number, including calls handled in English, French, Inuktitut, Cree, Déné, and Sauteaux.

INDIVIDUAL MAILINGS

14. On June 22, 2006, mailings were sent to known Class members from lists provided by the AFN, Inuit groups, legal counsel, and government databases of potential Class members, as well as to First Nation Offices and other community organizations, such as Friendship Centres and Aboriginal agencies, and to other legal counsel who are representing or have represented residential school attendees.³

³ Mailings to Nunavut or to Inuit persons located elsewhere did not include the word "Indian." Also, a special graphic was created for Inuit versions of the Summary Notice, that of a Qulliq being lighted. As reflected in the Court-approved notices attached to the Notice Plan, Summary Notices to Indian populations featured the "hand holding a feather" concept as a symbol of healing.

15. Three different notice packages were created to which the appropriate cover letters and Notices were attached, as per the Notice Program: individuals, lawyers, and organizations.

16. There were 7,146 mailings directly to individuals from lists provided by the lawyers. Of these 6,651 were in English/French and 495 were in English/French/Inuktitut. There were 28,124 mailings to individuals identified by the Assembly of First Nations. Additionally, 15,127 individual notice packages were shipped in bulk to lawyers for them to in turn mail to clients. Of these, 15,037 were in English/French and 90 were in English/French/Inuktitut.

17. Law firms were sent 392 cover letters with Notices requesting them to alert any additional clients they had. Of these, 380 were in English/French and 12 were in English/French/Inuktitut.

18. Relevant organizations were sent 1,390 notice packages requesting assistance in reaching out to those in the community that they have contact with. Of these, 1,197 were in English/French and 193 were in English/French/Inuktitut.

MEDIA NOTICE

19. Starting with *The National Post* on June 22, 2006, Notice has continued to be published and broadcast, and the complete schedule of Summary Notice appearances

called for under the Notice Program is being implemented. We do not expect to incur any difficulty in completing the publication and media schedule called for.

20. In fact, the Notice has appeared across all the provinces and territories of Canada, in both English and French, in major Canadian press outlets, including numerous Aboriginal publications. Notice is scheduled to appear in both mainstream and Aboriginal print, radio, and television media outlets throughout the summer according to the flowchart in the Court-approved Notice Program.

21. Pending receipt, verification, and analysis of all proofs of performance, I believe that the media appearances have occurred as follows:

Publication Notices

22. All 70 of the Notice appearances scheduled in all 35 different mainstream newspapers across Canada have occurred as planned.

23. As of July 24, 2006, 44 out of 47 scheduled Notice appearances in Aboriginal publications have occurred in 36 of 39 scheduled publications. The remaining three appearances are scheduled for the last week of July.

24. Reflected in these Aboriginal publication appearances are seven additional publications with a total of eight insertions (one publication contains Notices in both

English and French), which were added after the schedule had been approved and implementation began.

25. Publication Notices have appeared as planned in six languages and dialects: English, French, Oji-Cree, Innuinaqtun, Siglit, and Inuktitut.⁴

26. We will provide actual “tearsheets” from each publication as proof of the appearances of the publication Notice, upon request, once we receive them.

Television Notice

27. As of July 26, 2006 we have confirmed that 338 TV Notices have broadcast throughout Canada, representing approximately 29 different television programs on Aboriginal Peoples Television Network (“APTN”) and Canadian Broadcasting Corporation (“CBC”) North.

28. These 338 TV Notice appearances exceed the 100 appearances that were called for under the Notice Plan.⁵

⁴ Publication Notices to Nunavut or to Inuit persons located elsewhere did not include the word “Indian.” Also, a special graphic was created for Inuit versions of the Summary Notice, that of a Qulliq being lighted. As reflected in the Court-approved notices attached to the Notice Plan, Summary Notices to Indian populations featured the “hand holding a feather” concept.

⁵ See Notice Plan, page 25 and page 34.

29. Television Notices have appeared in six different languages: English, French, Inuktitut, Dogrib, Cree, and Innu.⁶

30. We will provide station log entries or affidavits from television station representatives as proof of the appearance of the TV Notice spots, upon request, once we receive them.

Radio Notice

31. As of July 24, 2006, radio Notices were still airing. However, we have confirmation that 771 of the 1,635 scheduled spots have actually appeared. All others were scheduled to air and, as is typical practice, we are in constant contact with station representatives across Canada to obtain logs outlining the spots actually broadcasted.

32. At this time, we know that Notices have been scheduled to broadcast over 250 station transmitters throughout Canada, reaching hundreds of communities.⁷ In addition to our planned activity, we have added a radio network reaching the Nations of Québec.

33. Radio Notices have been produced and broadcasted in 18 languages and various dialects including: Atikamekw, Chipewyan (Denesuline), Cree, Coastal Cree,

⁶ In Nunavut and other areas where Inuit populations predominate, and on shows broadcasted in Inuktitut, specially created TV Notices featuring a Qulliq lighting were produced and utilized.

⁷ Note that the Notice Plan at page 35 identifies that approximately 90 Aboriginal stations will air radio Notices.

Québec Cree, Déné, Dogrib (Tlicho), English, French, Gwich'n, Innu, Inuktitut (Hudson Strait), Inuktitut (Labrador), North Slavey, Ojibway, Oji-Cree, South Slavey, Southern Tutchone, and Tlingit.⁸

34. We will provide station log entries or affidavits from radio station representatives as proof of the airing of the radio Notice spots, upon request, once we receive them.

FAX DISTRIBUTION

35. On June 22, 2006, a fax was sent to First Nation Band Offices alerting them to the settlement and attaching the appropriate Summary Notice for distribution.

36. A total of 610 cover letters and Notices were faxed, of which 563 were in English/French and 47 were in English/French/Inuktitut.

EMAIL DISTRIBUTION

37. On June 22, 2006, emails were sent to First Nations, Inuit, Inuvialuit, and Métis organizations, attaching the appropriate Summary Notice for distribution.

⁸ Radio Notices to Nunavut or to Inuit persons located elsewhere did not include the word "Indian."

38. Notices were sent directly by email to 243 organizational addresses, of which 178 were non-Inuit organizations and 65 were Inuit organizations and branches.

OTHER NOTICE

39. In addition to the activities outlined in the Notice Plan, additional notice efforts have been, and will continue to be, undertaken to enhance the already comprehensive Notice Program, with the help of the government's IRSRC unit and the AFN.

40. For example, Summary Notices were provided to Service Canada for distribution to all 323 permanent service centers, and 117 temporary outreach offices. Additionally, Notices were sent to every federal penitentiary and provincial institution. Also, working through Canada Post, Summary Notices were sent to all 28,000 addresses in the three northern territories: Nunavut, Northwest and Yukon.

41. In addition, we prepared a DVD containing all of the all six of the television Notices to be sent to the federal penitentiaries.

42. The AFN has continued its work to inform its communities through its residential schools unit by traveling and meeting with survivors. We expect to have knowledge that other groups are providing similar assistance during this notice period as we get closer to the hearings and beyond.

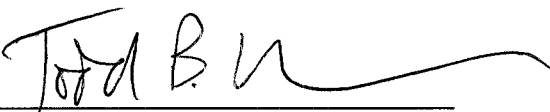
CONCLUSIONS

43. Once "Phase I" of the Notice Program, giving notice of the hearings, is completed, and before the upcoming Court hearings beginning in late August, we will verify the successful completion of Phase I of the Notice Program in a detailed report. In that report, I will quantify all of these efforts to the best of my ability based on available data, and opine on the sufficiency of the Notice both statistically and qualitatively.

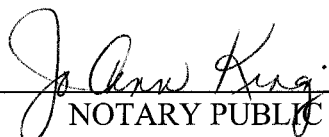
44. I will also provide proposed forms of Notices for "Phase II" of the Notice Program for use if the settlement is approved. Those Notices will advise Class members of their right to exclude themselves or to request a payment from the settlement.

45. At this point it is clear that Notice has appeared in every province and territory of Canada, in 20 different languages and dialects, reaching First Nations, Métis and Inuit populations, and is fully proceeding according to—and beyond the requirements of—our extensive and comprehensive Notice Program which the Courts approved.

SWORN before me at the Borough of Souderton,)
in the State of Pennsylvania , U.S.A.,)
this 26 day of July, 2006.)



Todd B. Hilsee



NOTARY PUBLIC

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
JoAnn King, Notary Public
Souderton Boro, Montgomery County
My Commission Expires Apr. 4, 2010
Member, Pennsylvania Association of Notaries

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR. JUSTICE) WEDNESDAY, THE
WARREN K. WINKLER) 24TH DAY OF MAY, 2006

BETWEEN:

CHARLES BAXTER, SR. AND ELIJAH BAXTER

Plaintiffs

-and-

THE ATTORNEY GENERAL OF CANADA

Defendant

- and -

THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE ANGLICAN CHURCH OF CANADA, THE SYNOD OF THE DIOCESE OF ALGOMA, THE SYNOD OF THE DIOCESE OF ATHABASCA, THE SYNOD OF THE DIOCESE OF BRANDON, THE SYNOD OF THE DIOCESE OF BRITISH COLUMBIA, THE SYNOD OF THE DIOCESE OF CALGARY, THE SYNOD OF THE DIOCESE OF CARIBOO, THE INCORPORATED SYNOD OF THE DIOCESE OF HURON, THE SYNOD OF THE DIOCESE OF KEEWATIN, THE DIOCESE OF MOOSONEE, THE SYNOD OF THE DIOCESE OF WESTMINSTER, THE SYNOD OF THE DIOCESE OF QU'APPELLE, THE DIOCESE OF SASKATCHEWAN, THE SYNOD OF THE DIOCESE OF YUKON, THE COMPANY FOR THE PROPAGATION OF THE GOSPEL IN NEW ENGLAND (also known as THE NEW ENGLAND COMPANY), THE PRESBYTERIAN CHURCH IN CANADA, THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, THE FOREIGN MISSION OF THE PRESBYTERIAN CHURCH IN CANADA, BOARD OF HOME MISSIONS AND SOCIAL SERVICES OF THE PRESBYTERIAN CHURCH IN CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE PRESBYTERIAN CHURCH IN CANADA, THE UNITED CHURCH OF CANADA, THE BOARD OF HOME MISSIONS OF THE UNITED CHURCH OF CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE UNITED CHURCH OF CANADA, THE METHODIST CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE METHODIST CHURCH OF CANADA (also known as THE METHODIST MISSIONARY SOCIETY OF CANADA), THE CANADIAN CONFERENCE OF CATHOLIC BISHOPS, THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF CALGARY, THE ROMAN

CATHOLIC BISHOP OF KAMLOOPS, THE ROMAN CATHOLIC BISHOP OF THUNDER BAY, THE ROMAN CATHOLIC ARCHBISHOP OF VANCOUVER, THE ROMAN CATHOLIC BISHOP OF VICTORIA, THE ROMAN CATHOLIC BISHOP OF NELSON, THE CATHOLIC EPISCOPAL CORPORATION OF WHITEHORSE, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE GROUARD, McLENNAN, THE CATHOLIC ARCHDIOCESE OF EDMONTON, LA DIOCESE DE SAINT-PAUL, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF MACKENZIE, THE ARCHIEPISCOPAL CORPORATION OF REGINA, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF KEEWATIN, THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG, LA CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE SAINT-BONIFACE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE OF SAULT STE. MARIE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF JAMES BAY, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HUDSON'S BAY, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE PRINCE ALBERT, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF PRINCE RUPERT, THE ORDER OF THE OBLATES OF MARY IMMACULATE IN THE PROVINCE OF BRITISH COLUMBIA, THE MISSIONARY OBLATES OF MARY IMMACULATE GRANDIN PROVINCELES PERES MONTFORTAINS (also known as THE COMPANY OF MARY), JESUIT FATHERS OF UPPER CANADA, THE MISSIONARY OBLATES OF MARY IMMACULATE, PROVINCE OF ST. JOSEPH, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (also known as LES REVERENDS PERES OBLATS DE L'IMMACULEE CONCEPTION DE MARIE), THE OBLATES OF MARY IMMACULATE, ST. PETER'S PROVINCE, LES REVERENDS PERES OBLATS DE MARIE IMMACULEE DES TERRITOIRES DU NORD OUEST, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (PROVINCE U CANADA EST), THE SISTERS OF SAINT ANNE, THE SISTERS OF INSTRUCTION OF THE CHILD JESUS (also known as THE SISTERS OF THE CHILD JESUS), THE SISTERS OF CHARITY OF PROVIDENCE OF WESTERN CANADA, THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERT (also known as THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERTA), THE SISTERS OF CHARITY (GREY NUNS) OF THE NORTHWEST TERRITORIES, THE SISTERS OF CHARITY (GREY NUNS) OF MONTREAL (also known as LES SOEURS DE LA CHARITE (SOEURS GRISES) DE L'H~PITAL GENERAL DE MONTREAL), THE GREY SISTERS NICOLET, THE GREY NUNS OF MANITOBA INC. (also known as LES SOEURS GRISES DU MANITOBA INC.), THE SISTERS OF ST. JOSEPH OF SAULT STE. MARIE, LES SOEURS DE SAINT-JOSEPH DE ST-HYACINTHE and INSTITUT DES SOEURS DE SAINT-JOSEPH DE SAINTHYACINTHE LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE (also known as LES SOEURS DE

L'ASSOMPTION DE LA SAINTE VIERGE) DE NICOLET AND THE SISTERS OF ASSUMPTION, LES SOEURS DE L'ASSOMPTION DE LA SAINTE MERGE DE L'ALBERTA, THE DAUGHTERS OF THE HEART OF MARY (also known as LA SOCIETE DES FILLES DU COEUR DE MARIE and THE DAUGHTERS OF THE IMMACULATE HEART OF MARY), MISSIONARY OBLATE SISTERS OF SAINT-BONIFACE (also known as MISSIONARY OBLATES OF THE SACRED HEART AND MARY IMMACULATE, or LES MISSIONAIRES OBLATS DE SAINT-BONIFACE), LES SOEURS DE LA CHARITE D'OTTAWA (SOEURS GRISES DE LA CROIX) (also known as SISTERS OF CHARITY OF OTTAWA (GREY NUNS OF THE CROSS), SISTERS OF THE HOLY NAMES OF JESUS AND MARY (also known as THE RELIGIOUS ORDER OF JESUS AND MARY and LES SOEURS DE JESUS-MARIE), THE SISTERS OF CHARITY OF ST. VINCENT DE PAUL OF HALIFAX (also known as THE SISTERS OF CHARITY OF HALIFAX), LES SOEURS DE NOTRE DAME AUXILIATRICE, LES SOEURS DE ST. FRANCOIS D'ASSISE, SISTERS OF THE PRESENTATION OF MARY (SOEURS DE LA PRESENTATION DE MARIE), THE BENEDICTINE SISTERS, INSTITUT DES SOEURS DU BON CONSEIL, IMPACT NORTH MINISTRIES, THE BAPTIST CHURCH IN CANADA

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF KERRY EATON

I, KERRY EATON, of the City of Burlington, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I have personal knowledge of the matters to which I depose to below, except where the facts are based on information and belief, in which case I have stated the source of the information and I believe such facts to be true.
2. I am the Vice President of Crawford Class Action Services, (Crawford)an operating division of Crawford Adjusters Canada Inc, the largest claims administration firm in the world.
3. On May 25, 2006, the Honourable Justice Warren K. Winkler signed a Court Order appointing Crawford Class Action Services to work with Hilsoft Notifications (Hilsoft) for the purpose of receiving and collecting objections from class members and to co-ordinate the implementation of the Notice Plan and publication of Notices, in this matter.

4. Crawford is appointed to receive any objections from class members at the address, email address, or telephone number set forth in the Notices. Class Members who wish to file an objection shall do so no later than August 25, 2006.

5. Crawford shall report to the Honourable Mr. Justice Winkler by affidavit on or before August 28, 2006 with a copy to plaintiffs' counsel and defence counsel, all objections received from class members, together with the names of any objectors who have stated an intention to appear at the Approval Hearing in person or by counsel, together with the names and all contact information for any such counsel.

6. The reports of Crawford referred to in paragraph 5 of this order shall include the following:

- (a) the class member's full name, current mailing address and telephone number;
- (b) a brief statement of the nature of and the reasons for the objection; and
- (c) whether the class member or a representative intends to appear at the court hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and e-mail address of counsel.

7. Crawford executed the Notice Plan approved by the Court, ensuring that all individual, organizational, and legal representative mail outs, faxes and emails were distributed as specified in the Notice Plan.

8. Crawford complimented their 24/7 bilingual call center capability by partnering with First Connection, an aboriginal, multi-lingual call center located in Saskatoon Saskatchewan to provide easy telephonic access for Notice Program information and for the registration of any objections to the proposed settlement.

9. Crawford facilitated access to the Notice Plan website providing potential class members with the ability to register any objections to the proposed settlement, request that a school be added to the list of approved schools, and to ask any questions regarding the Notice Plan, Hearing Dates and/or benefits available under the proposed settlement.

10. Attached to this my affidavit is the three (3) weekly reports covering the period of June 22, 06 to July 7, 2006.

11. On or before August 28, 2006, Crawford will comply with it's duties as described in paragraph 5 above.

SWORN before me at the City of Burlington

on the 13 day of July 2006.

[Handwritten signature]

Kerry Eaton

Digitally signed by Kerry Eaton
DN: cn=Kerry Eaton, o=CA, ou=Crawford Adjusters
Canada, ou=Crawford Class Action Services,
sp=Kerry.Eaton@Crawford.ca
Reason: I am the author of this document
Date: 2006.07.13 14:21:59 -0400

Commissioner for Taking Affidavits

H. Gordon NORSWORTHY

RESIDENTIAL SCHOOLS
NOTICE ADMINISTRATION
SUMMARY

WEEKLY REPORT 01-06

In Re: Indian Residential Schools Notice Administration Summary

Crawford Class Action Services

June 26, 2006



CALL CENTER DATA

Summary of Call Activity:

Activity	Total	%
Calls Answered by ClaimsAlert	127	51.2%
Calls Forwarded to First Connections	84	33.9%
Calls Forwarded to Inuit Call Center Agent	1	0.4%
Calls Abandoned (wrong number, hang ups, hang ups due to receiving notice program information while on hold)	36	14.5%

Total Calls Received 248 100.0%

Project Administration Test/Training Calls	87
Calls transferred to Mental Health Crisis Line	7
Calls transferred to Federal Government ADR Process	1

Average Wait Time	9 seconds
Average Length of Call	9.2 minutes
Average Time for Abandoned Calls	21 seconds

Geographic Summary:

Province	Total
British Columbia	51
Alberta	38
Saskatchewan	31
Manitoba	14
Ontario	16
Québec	1
New Brunswick	0
Nova Scotia	4
Newfoundland & Labrador	0
Prince Edward Island	0
Yukon	1
Northwest Territories	5
Nunavut	0
USA	0

Total Calls Registered 161

Detailed Notice Question Data Summary:

Question	Total Inquiries
1. Why was this notice issued?	1
2. What is the lawsuit about?	0
3. Why is this a class action?	0
4. Why is there a settlement?	0
5. How do I know if I am part of the settlement?	1
6. Which schools are included?	4
7. What if I have my own lawsuit against the Government and/or Churches?	1
8. I'm still not sure if I'm included in the settlement.	1
9. What does the settlement provide?	3
10. Who can get a common experience payment (CEP)?	4
11. What about former students who have passed away and their families?	4
12. Can I get a payment if I previously brought an abuse claim?	1
13. What about my abuse claim in the current ADR process?	1
14. Who is eligible for the individual assessment process (IAP)?	1
15. Can I get a CEP if I also have an IAP claim?	1
16. Will my social assistance benefits be affected if I take the CEP?	0
17. Will the CEP be taxable?	0
18. Will mental health and emotional support services continue?	0
19. What am I giving up in exchange for the settlement benefits?	0
20. How can I get a payment?	8
21. When will I get a payment?	12
22. What about advance payments for the elderly?	8
23. Do I have a lawyer in the case?	0
24. Will I have to pay a lawyer to get a CEP?	0
25. How will the lawyers be paid?	1
26. Will I have to pay a lawyer to get an IAP payment?	1
27. How do I tell the Court if I am against the settlement?	0
28. Do I need a lawyer to object?	0
29. If I object can I still get a payment later?	0
30. How will the Courts decide whether to approve the settlement?	3*
31. Which hearing affects me?	1
32. Do I have to come to a hearing?	0
33. Which hearing may I attend?	1
34. May I speak at a hearing?	1
35. How do I get out of the settlement?	0
36. How do I get more information?	1

***Question 30: Inquiry by Province**

How will the Courts decide whether to approve the settlement?

code	Province	Total Inquiries
30G	British Columbia	0
30H	Alberta	0
30C	Saskatchewan	1
30E	Manitoba	0
30A	Ontario, New Brunswick, Nova Scotia, Newfoundland & Labrador, Prince Edward Island, outside Canada	2
30B	Québec	0
30I	Yukon	0
30D	Northwest Territories	0
30F	Nunavut	0
	Total Inquiries	3

CAADS DATA

Summary of Objections:

Province	Total Objections
British Columbia	0
Alberta	1
Saskatchewan	1
Manitoba	0
Ontario	1
Québec	0
New Brunswick	0
Nova Scotia	0
Newfoundland & Labrador	0
Prince Edward Island	0
Yukon	0
Northwest Territories	0
Nunavut	0
Total Settlement Objections	3

Summary of Notice Package Requests:

Requested by	Total Packages
Claimants	30
Lawyers	0
Representatives	3
Organizations	0
Total Notice Packages Requested	33

Summary of Questions via the Web:

Province	Total Inquiries
British Columbia	1
Alberta	1
Saskatchewan	1
Manitoba	3
Ontario	2
Québec	0
New Brunswick	0
Nova Scotia	0
Newfoundland & Labrador	0
Prince Edward Island	0
Yukon	0
Northwest Territories	0
Nunavut	1
Unknown	1
Total Inquiries via the Web	10

Summary of Additional School Requests:

Total Additional Schools Requested	3
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RESIDENTIAL SCHOOLS
NOTICE ADMINISTRATION
SUMMARY

WEEKLY REPORT 02-06

In Re: Indian Residential Schools Notice Administration Summary

Crawford Class Action Services

June 30, 2006



CALL CENTER DATA

Summary of Call Activity:

Activity	Week 2	Cumulative Total	%
Calls Answered by ClaimsAlert	948	1,075	69.5%
English Calls Answered	929	1,053	98.0%
French Calls Answered	19	22	2.0%
Calls Forwarded to First Connections (English)	237	321	20.8%
Calls Forwarded to First Connections (Cree, Denne, Saulteaux)	16	16	1.0%
Calls Forwarded to Inuit Call Center Agent	0	1	0.1%
Calls Abandoned (wrong number, hang ups, hang ups due to receiving notice program information while on hold)	97	133	8.6%
Total Calls Received	1,298	1,546	100.0%
Project Administration Test/Training Calls	0	87	
Calls transferred to Mental Health Crisis Line	22	29	
Calls transferred to Federal Government ADR Process	46	47	
Average Wait Time		21 seconds	
Average Length of Call		8.5 minutes	
Average Time for Abandoned Calls		20 seconds	

Geographic Summary:

Province	Week 2	Cumulative Total
British Columbia	250	301
Alberta	170	208
Saskatchewan	207	238
Manitoba	155	169
Ontario	127	143
Québec	35	36
New Brunswick	4	4
Nova Scotia	10	14
Newfoundland & Labrador	2	2
Prince Edward Island	0	0
Yukon	16	17
Northwest Territories	42	47
Nunavut	9	9
USA	10	10
Total Calls Registered	1,037	1,198

Detailed Notice Question Data Summary:

Question	Week 2 Inquiries	Cumulative Total
1. Why was this notice issued?	69	70
2. What is the lawsuit about?	27	27
3. Why is this a class action?	9	9
4. Why is there a settlement?	22	22
5. How do I know if I am part of the settlement?	78	79
6. Which schools are included?	64	68
7. What if I have my own lawsuit against the Government and/or Churches?	9	10
8. I'm still not sure if I'm included in the settlement.	14	15
9. What does the settlement provide?	109	112
10. Who can get a common experience payment (CEP)?	156	160
11. What about former students who have passed away and their families?	76	80
12. Can I get a payment if I previously brought an abuse claim?	20	21
13. What about my abuse claim in the current ADR process?	24	25
14. Who is eligible for the individual assessment process (IAP)?	59	60
15. Can I get a CEP if I also have an IAP claim?	11	12
16. Will my social assistance benefits be affected if I take the CEP?	8	8
17. Will the CEP be taxable?	4	4
18. Will mental health and emotional support services continue?	1	1
19. What am I giving up in exchange for the settlement benefits?	4	4
20. How can I get a payment?	95	103
21. When will I get a payment?	189	201
22. What about advance payments for the elderly?	210	218
23. Do I have a lawyer in the case?	32	32
24. Will I have to pay a lawyer to get a CEP?	21	21
25. How will the lawyers be paid?	11	12
26. Will I have to pay a lawyer to get an IAP payment?	16	17
27. How do I tell the Court if I am against the settlement?	5	5
28. Do I need a lawyer to object?	3	3
29. If I object can I still get a payment later?	0	0
30. How will the Courts decide whether to approve the settlement?	100*	103*
31. Which hearing affects me?	18	19
32. Do I have to come to a hearing?	31	31
33. Which hearing may I attend?	13	14
34. May I speak at a hearing?	12	13
35. How do I get out of the settlement?	3	3
36. How do I get more information?	16	17
Total Inquiries	1,439	1,496

***Question 30: Inquiry by Province**

How will the Courts decide whether to approve the settlement?

Code	Province	Week 2 Inquiries	Cumulative Total
30G	British Columbia	19	19
30H	Alberta	22	22
30C	Saskatchewan	3	4
30E	Manitoba	0	0
30A	Ontario, New Brunswick, Nova Scotia, Newfoundland & Labrador, Prince Edward Island, outside Canada	16	18
30B	Québec	20	20
30I	Yukon	5	5
30D	Northwest Territories	14	14
30F	Nunavut	1	1
Total Inquiries for Question 30		100	103

CAADS DATA

Summary of Objections:

Province	Week 2 Objections	Cumulative Total
British Columbia	0	0
Alberta	1	2
Saskatchewan	0	1
Manitoba	4	4
Ontario	1	2
Québec	0	0
New Brunswick	0	0
Nova Scotia	0	0
Newfoundland & Labrador	0	0
Prince Edward Island	0	0
Yukon	0	0
Northwest Territories	1	1
Nunavut	0	0
Unknown	2	2
Total Settlement Objections	9	12

Summary of Notice Package Requests:

Requested by	Week 2	Cumulative Total
Claimants	118	148
Lawyers	1	1
Representatives	0	3
Organizations	0	0
Total Notice Packages Requested	119	152
Total Number of Returned Envelopes	38	38

Summary of Questions via the Web:

	Total Inquiries
Claimants	47
Lawyers	0
Representatives	0
Total Inquiries via the Web	47

Summary of Additional School Requests:

	Total Requested
Total Additional Schools Requested	41

RESIDENTIAL SCHOOLS
NOTICE ADMINISTRATION
SUMMARY

WEEKLY REPORT 03-06

In Re: Indian Residential Schools Notice Administration Summary

Crawford Class Action Services

July 7, 2006



CALL CENTER DATA

Summary of Call Activity:

Activity	Week 3	Cumulative Total	Cumulative %
Calls Answered by ClaimsAlert	666	1,741	69.5%
English Calls Answered	653	1,706	98.0%
French Calls Answered	13	35	2.0%
Calls Forwarded to First Connections (English)	337	658	20.8%
Calls Forwarded to First Connections (Cree, Denne, Saulteaux)	22	38	1.0%
Calls Forwarded to Inuit Call Center Agent	0	1	0.1%
Calls Abandoned (wrong number, hang ups, hang ups due to receiving notice program information while on hold)	84	217	8.6%
Total Calls Received	1,109	2,655	100.0%
Project Administration Test/Training Calls	0	87	
Calls transferred to Mental Health Crisis Line	14	43	
Calls transferred to Federal Government ADR Process	46	47	
Average Wait Time		21 seconds	
Average Length of Call		8.3 minutes	
Average Time for Abandoned Calls		1.3 minutes	

Geographic Summary:

Province	Week 3	Cumulative Total
British Columbia	196	497
Alberta	156	364
Saskatchewan	174	412
Manitoba	120	289
Ontario	76	219
Québec	23	59
New Brunswick	6	10
Nova Scotia	1	15
Newfoundland & Labrador	2	4
Prince Edward Island	2	2
Yukon	23	40
Northwest Territories	51	98
Nunavut	24	33
USA	9	19
Total Calls Registered	863	2,061

Detailed Notice Question Data Summary:

Question	Week 3 Inquiries	Cumulative Total
1. Why was this notice issued?	50	120
2. What is the lawsuit about?	20	47
3. Why is this a class action?	7	16
4. Why is there a settlement?	17	39
5. How do I know if I am part of the settlement?	56	135
6. Which schools are included?	36	104
7. What if I have my own lawsuit against the Government and/or Churches?	11	21
8. I'm still not sure if I'm included in the settlement.	7	22
9. What does the settlement provide?	94	206
10. Who can get a common experience payment (CEP)?	132	292
11. What about former students who have passed away and their families?	70	150
12. Can I get a payment if I previously brought an abuse claim?	15	36
13. What about my abuse claim in the current ADR process?	11	36
14. Who is eligible for the individual assessment process (IAP)?	43	103
15. Can I get a CEP if I also have an IAP claim?	15	27
16. Will my social assistance benefits be affected if I take the CEP?	0	8
17. Will the CEP be taxable?	0	4
18. Will mental health and emotional support services continue?	1	2
19. What am I giving up in exchange for the settlement benefits?	3	7
20. How can I get a payment?	74	177
21. When will I get a payment?	118	319
22. What about advance payments for the elderly?	145	363
23. Do I have a lawyer in the case?	22	54
24. Will I have to pay a lawyer to get a CEP?	19	40
25. How will the lawyers be paid?	12	24
26. Will I have to pay a lawyer to get an IAP payment?	16	33
27. How do I tell the Court if I am against the settlement?	3	8
28. Do I need a lawyer to object?	3	6
29. If I object can I still get a payment later?	0	0
30. How will the Courts decide whether to approve the settlement?	77*	0
31. Which hearing affects me?	15	34
32. Do I have to come to a hearing?	36	67
33. Which hearing may I attend?	9	23
34. May I speak at a hearing?	6	19
35. How do I get out of the settlement?	3	6
36. How do I get more information?	9	26
Total Inquiries	1,078	2,574

***Question 30: Inquiry by Province**

How will the Courts decide whether to approve the settlement?

Code	Province	Week 3 Inquiries	Cumulative Total
30G	British Columbia	12	31
30H	Alberta	13	35
30C	Saskatchewan	4	8
30E	Manitoba	3	3
30A	Ontario, New Brunswick, Nova Scotia, Newfoundland & Labrador, Prince Edward Island, outside Canada	17	35
30B	Québec	9	29
30I	Yukon	4	9
30D	Northwest Territories	12	26
30F	Nunavut	3	4
Total Inquiries for Question 30		77	180

CAADS DATA

Summary of Objections:

Province	Week 3 Objections	Cumulative Total
British Columbia	1	1
Alberta	0	2
Saskatchewan	2	3
Manitoba	0	4
Ontario	3	5
Québec	0	0
New Brunswick	0	0
Nova Scotia	0	0
Newfoundland & Labrador	0	0
Prince Edward Island	0	0
Yukon	0	0
Northwest Territories	0	1
Nunavut	0	0
Unknown	0	2
Total Settlement Objections	6	18

Summary of Notice Package Requests:

Requested by	Week 3	Cumulative Total
Claimants	124	272
Lawyers	0	1
Representatives	5	8
Organizations	0	0
Total Notice Packages Requested	129	281
Total Number of Returned Envelopes	1,106	1,144

Summary of Questions via the Web:

	Total Inquiries
Claimants	68
Lawyers	0
Representatives	0
Total Inquiries via the Web	68

Summary of Additional School Requests:

	Total Requested
Total Additional Schools Requested	61

Claimant Comments/Feedback:

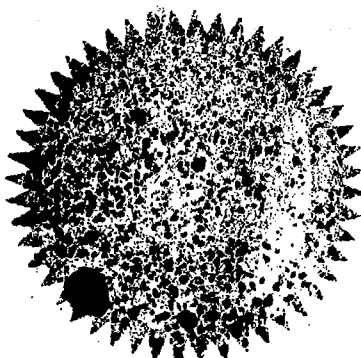
*Please see attached emails for Claimant feedback/comments on program administration.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE)
WARREN K. WINKLER)
)

WEDNESDAY, THE
24TH DAY OF MAY, 2006

BETWEEN:



CHARLES BAXTER, SR. AND ELIJAH BAXTER

Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA

Defendant

- and -

THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE ANGLICAN CHURCH OF CANADA, THE SYNOD OF THE DIOCESE OF ALGOMA, THE SYNOD OF THE DIOCESE OF ATHABASCA, THE SYNOD OF THE DIOCESE OF BRANDON, THE SYNOD OF THE DIOCESE OF BRITISH COLUMBIA, THE SYNOD OF THE DIOCESE OF CALGARY, THE SYNOD OF THE DIOCESE OF CARIBOO, THE INCORPORATED SYNOD OF THE DIOCESE OF HURON, THE SYNOD OF THE DIOCESE OF KEEWATIN, THE DIOCESE OF MOOSONEE, THE SYNOD OF THE DIOCESE OF WESTMINSTER, THE SYNOD OF THE DIOCESE OF QU'APPELLE, THE DIOCESE OF SASKATCHEWAN, THE SYNOD OF THE DIOCESE OF YUKON, THE COMPANY FOR THE PROPAGATION OF THE GOSPEL IN NEW ENGLAND (also known as THE NEW ENGLAND COMPANY), THE PRESBYTERIAN CHURCH IN CANADA, THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, THE FOREIGN MISSION OF THE PRESBYTERIAN CHURCH IN CANADA, BOARD OF HOME MISSIONS AND SOCIAL SERVICES OF THE PRESBYTERIAN CHURCH IN CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE PRESBYTERIAN CHURCH IN CANADA, THE UNITED CHURCH OF CANADA, THE BOARD OF HOME MISSIONS OF THE UNITED CHURCH OF CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE UNITED CHURCH OF CANADA, THE METHODIST CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE METHODIST CHURCH OF CANADA (also known as THE METHODIST MISSIONARY SOCIETY OF CANADA), THE CANADIAN CONFERENCE OF CATHOLIC BISHOPS, THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF CALGARY, THE ROMAN CATHOLIC BISHOP OF KAMLOOPS, THE ROMAN

CATHOLIC BISHOP OF THUNDER BAY, THE ROMAN CATHOLIC ARCHBISHOP OF VANCOUVER, THE ROMAN CATHOLIC BISHOP OF VICTORIA, THE ROMAN CATHOLIC BISHOP OF NELSON, THE CATHOLIC EPISCOPAL CORPORATION OF WHITEHORSE, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE GROUARD – McLENNAN, THE CATHOLIC ARCHDIOCESE OF EDMONTON, LA DIOCESE DE SAINT-PAUL, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF MACKENZIE, THE ARCHIEPISCOPAL CORPORATION OF REGINA, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF KEEWATIN, THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG, LA CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE SAINT-BONIFACE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE DIOCESE OF SAULT STE. MARIE, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF JAMES BAY, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HUDSON'S BAY, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE PRINCE ALBERT, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF PRINCE RUPERT, THE ORDER OF THE OBLATES OF MARY IMMACULATE IN THE PROVINCE OF BRITISH COLUMBIA, THE MISSIONARY OBLATES OF MARY IMMACULATE – GRANDIN PROVINCELES PERES MONTFORTAINS (also known as THE COMPANY OF MARY), JESUIT FATHERS OF UPPER CANADA, THE MISSIONARY OBLATES OF MARY IMMACULATE – PROVINCE OF ST. JOSEPH, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (also known as LES REVERENDS PERES OBLATS DE L'IMMACULEE CONCEPTION DE MARIE), THE OBLATES OF MARY IMMACULATE, ST. PETER'S PROVINCE, LES REVERENDS PERES OBLATS DE MARIE IMMACULEE DES TERRITOIRES DU NORD OUEST, LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (PROVINCE U CANADA – EST), THE SISTERS OF SAINT ANNE, THE SISTERS OF INSTRUCTION OF THE CHILD JESUS (also known as THE SISTERS OF THE CHILD JESUS), THE SISTERS OF CHARITY OF PROVIDENCE OF WESTERN CANADA, THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERT (also known as THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERTA), THE SISTERS OF CHARITY (GREY NUNS) OF THE NORTHWEST TERRITORIES, THE SISTERS OF CHARITY (GREY NUNS) OF MONTREAL (also known as LES SOEURS DE LA CHARITÉ (SOEURS GRISES) DE L'HÔPITAL GÉNÉRAL DE MONTREAL), THE GREY SISTERS NICOLET, THE GREY NUNS OF MANITOBA INC. (also known as LES SOEURS GRISES DU MANITOBA INC.), THE SISTERS OF ST. JOSEPH OF SAULT STE. MARIE, LES SOEURS DE SAINT-JOSEPH DE ST-HYACINTHE and INSTITUT DES SOEURS DE SAINT-JOSEPH DE SAINT-HYACINTHE LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE (also known as LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE) DE NICOLET AND THE SISTERS OF ASSUMPTION, LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE DE L'ALBERTA, THE DAUGHTERS OF THE HEART OF MARY (also known as LA SOCIETE DES FILLES DU COEUR DE MARIE and THE DAUGHTERS OF THE IMMACULATE HEART OF MARY), MISSIONARY OBLATE SISTERS OF SAINT-BONIFACE (also known as

MISSIONARY OBLATES OF THE SACRED HEART AND MARY IMMACULATE, or LES MISSIONAIRES OBLATS DE SAINT-BONIFACE), LES SOEURS DE LA CHARITE D'OTTAWA (SOEURS GRISES DE LA CROIX) (also known as SISTERS OF CHARITY OF OTTAWA - GREY NUNS OF THE CROSS), SISTERS OF THE HOLY NAMES OF JESUS AND MARY (also known as THE RELIGIOUS ORDER OF JESUS AND MARY and LES SOEURS DE JESUS-MARIE), THE SISTERS OF CHARITY OF ST. VINCENT DE PAUL OF HALIFAX (also known as THE SISTERS OF CHARITY OF HALIFAX), LES SOEURS DE NOTRE DAME AUXILIATRICE, LES SOEURS DE ST. FRANCOIS D'ASSISE, SISTERS OF THE PRESENTATION OF MARY (SOEURS DE LA PRESENTATION DE MARIE), THE BENEDICTINE SISTERS, INSTITUT DES SOEURS DU BON CONSEIL, IMPACT NORTH MINISTRIES, THE BAPTIST CHURCH IN CANADA

Third Parties

ORDER FOR DIRECTIONS

Proceeding under the *Class Proceedings Act, 1992*

THIS MOTION FOR DIRECTIONS, made by the plaintiffs, was heard on May 24, 2006, at the Court House, 361 University Avenue, Toronto, Ontario. .

ON BEING ADVISED that the parties have entered into an Agreement in Principle and upon being advised that the parties are in the process of finalizing the Settlement Agreement, which is subject to court approval, and which will supersede the Agreement in Principle, and having reviewed the proposed Notices and Notice Plan, and on reviewing the affidavit of Todd Hilsee sworn May 17, 2006,

AND ON HEARING the submissions of counsel for the parties and upon being advised that Hilsoft Notifications ("Hilsoft") and Crawford Class Action Services ("Crawford") consent to act for the purpose of receiving and collecting objections from class members and to co-ordinate the implementation of the Notice Plan and publication of the Notices,

1. **THIS COURT ORDERS** that the motion seeking approval of the proposed settlement, including the fees, disbursements and taxes for class counsel, shall be heard on August 29, 30 and 31, 2006, beginning at 10:00 a.m. at the Court House, 361 University Avenue, Toronto, Ontario, (the "Approval Hearing").

2. **THIS COURT ORDERS** that the class members shall be notified of the Approval Hearing by Hilsoft advertising, disseminating and publishing, on or before June 25, 2006, Notices generally in the form of the notices appended as Schedules (the "Notices") to the notice plan attached as Schedule "A" hereto (the "Notice Plan"), which Notices and Notice Plan are hereby approved by this court.

3. **THIS COURT ORDERS** that any Class Members who wish to file an objection shall do so by no later than August 25, 2006, in the manner set out in the Notice Plan.

4. **THIS COURT ORDERS** that Crawford be and is hereby appointed to receive any objections from class members at the address, e-mail address, or telephone number set forth in the Notices.

5. **THIS COURT ORDERS** that on or before August 28, 2006, Crawford shall report to the Honourable Mr. Justice Winkler by affidavit, with a copy to plaintiffs' counsel and defence counsel, all objections received from class members, together with the names of any objectors who have stated an intention to appear at the Approval Hearing in person or by counsel, together with the names and all contact information for any such counsel.

6. **THIS COURT ORDERS** that the reports of Crawford referred to in paragraph 5 of this order shall include the following:

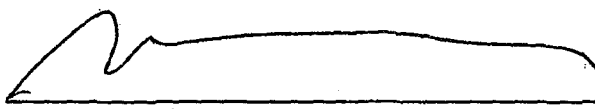
- (a) the class member's full name, current mailing address and telephone number;
- (b) a brief statement of the nature of and the reasons for the objection; and
- (c) whether the class member or a representative intends to appear at the court hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and e-mail address of counsel.

7. **THIS COURT ORDERS** that the costs associated with the Notice shall be paid by the defendant, the Attorney General of Canada, as the costs are incurred.

8. **THIS COURT ORDERS** that on or before June 30, 2006, the defendant, the Attorney General of Canada, shall report to the Honourable Mr. Justice Winkler by affidavit with a copy to plaintiff's counsel, deposing that the Notice was published in accordance with paragraph 2 above.

9. **THIS COURT DECLARES** that the publication of the Notice and the contents of the Notice Plan satisfies the requirements of s. 19 of the *Class Proceedings Act, 1992*.

10. **THIS COURT DECLARES** that Hilsoft, Crawford, the plaintiffs and the defendants may apply to the court for further directions, if necessary.


Regional Senior Justice Warren K. Winkler

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAY 25 2006

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

ORDER FOR DIRECTIONS

KOSKIE MINSKY LLP
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Toronto, ON M5H 3R3

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