

SCHEDULE B

FEDERAL COURT – NOTICE OF CERTIFICATION

If you are a Black person who experienced physical, emotional, and/or psychological abuse while in a federal jail between April 17, 1985 and December 13, 2023, this notice applies to you.

Please read this Notice carefully. A class action may affect your rights.

The Federal Court has approved a lawsuit as a class action for all Black persons who claim physical or emotional and psychological abuse while incarcerated in a Correctional Service Canada (CSC) jail at any time between April 17, 1985 and December 13, 2023, and who were alive on December 13, 2023.

If you know a person like this who cannot read this notice, please share this with them.

This class action seeks damages because of alleged systemic negligence by CSC to fail to eliminate or mitigate against the Abuse of Black Inmates and alleged *Charter* breaches. This class action defines "Abuse" as follows:

- a) unauthorized application of physical force by CSC Staff;
- b) racialized verbal abuse by CSC Staff;
- c) assault or racialized verbal abuse by non-Black inmates that CSC Staff permitted to occur or unreasonably failed to prevent or intervene in; or
- d) confinement in administrative segregation or a "structured intervention unit," unless that confinement:
 - i) involved a period of administrative segregation that was the subject of a claim which was made or which could have been made in *Brazeau v. Canada*, *Reddock v. Canada*, or *Gallone c. Canada*; or
 - ii) involved a period in a structured intervention unit located in the province of Québec of more than fifteen days, that was the subject of a claim which was made or which could have been made in *Fournier c. Canada*.

The Court has not decided whether Canada did anything wrong. There will be a trial about what happened. There is no money right now and no guarantee there will ever be any money. If money is obtained, there will be notices about how to ask for your share. However, you have a choice to make now. This notice is intended to will help you make that choice.

The law firm of **Acheson Sweeney Foley Sahota LLP** is Class Counsel. You do not have to pay them now or for the trial. If you wish to retain your own counsel, you must do so at your own expense.

Your Rights and Options as a Class Member

Stay in To stay in the class action, **you do not have to do anything**. If you stay in, you will be legally bound by any orders and judgments in the class action, good or bad.

If you stay in, you cannot sue CSC about the legal claims in this case. If you want to sue CSC about Abuse of Black Inmates in a separate lawsuit, independent of this class action, you must get out of this lawsuit.

If you have already sued CSC, even as a class member in another class action, about Abuse of Black Inmates or *Charter* breaches, and if you want to be in this class action, you must stop your lawsuit before [DATE]. If you do not, you will automatically be removed from this class action.

If you have already sued CSC, please contact your legal counsel to discuss your options.

Get out **To get out you must do so by [Date].**

If you get out of this class action, you will not get any money (if awarded), but you will be allowed to start or continue your own lawsuit about the issues in this class action (subject to any applicable time limitation periods).

To get out, you must send an Opt-Out Form to the postal or email address below by [date] (mail postmark date or email sent date). You can get more information and an Opt-Out Form at [website] or by contacting the Notice Administrator RicePoint Administration Inc., dba Verita Global at:

[CONTACT INFORMATION FOR NOTICE ADMINISTRATOR]

How do I sign up? The people in the class are all Black persons in a federal jail between April 17, 1985 and December 13, 2023 who claim they experienced Abuse, as defined above. If you meet this definition, you are automatically signed up and **you do not need to sign up to join the Class.**

There is no money now and no guarantee there will ever be any. If money is awarded, notices will be sent out telling you how to ask for a share. To receive future notices by email or to postal addresses outside of prison, go to [link to online notice signup form] or email your name, birth date, and contact information to [email address]. If you are in a federal jail, there is no need to provide your name or where you are in jail.

Questions? See the frequently asked questions on the following page or go to [website], call toll-free [number] (TTY: [number]) or write to [address], or by email at: [email].

Frequently Asked Questions

Basic Information

1. *Why is there a notice?*

This lawsuit has been “certified” as a class action. This means that the lawsuit is approved as a class action and may now go to trial. If you are included, you may have legal rights and options before the trial. This notice explains all these things.

A Federal Court Judge is supervising this case. The case is known as *Araya v. The Attorney General of Canada*, Court File No. T-261-22. Abel Araya is the Plaintiff. CSC, as represented by the Attorney General of Canada, is the Defendant. Do not contact the court with questions about this case. Instead, you should contact the lawyers for this matter or the Notice Administrator for information.

2. *What is this lawsuit about?*

The lawsuit claims CSC wrongfully did not do anything about alleged Abuse of Black inmates and violated Black inmate *Charter* rights. The lawsuit claims CSC knew about the abuse. This “Abuse” is defined as including:

- unauthorized application of physical force by CSC Staff;
- racialized verbal abuse by CSC Staff;
- confinement in administrative segregation or a structured intervention unit; or
- assault or racialized verbal abuse by non-Black inmates that CSC Staff permitted to occur or unreasonably failed to prevent or intervene in.

The lawsuit seeks monetary damages because of the alleged Abuse of Black Inmates.

CSC denies these claims. The Court has not decided who is right. The lawyers for the Class will have to prove their claims at a trial.

3. *What is a class action lawsuit?*

A “class action” is a lawsuit for a group of people who have legal claims with the same or common issues. A person called the “representative plaintiff” acts for the “class”. Here, the representative plaintiff is Abel Araya. The people covered by a class action lawsuit are called “class members.” The Court decides the matter for all class members in one trial called a “common issues trial”, except for those who remove themselves from the Class.

Even after the common issues trial, each class member may need to go to trial on their own to have the Court decide their specific issues or claims against CSC. You may have to pay for your own lawyer to go to an individual trial and it is possible that you may not receive money after an individual trial.

4. *Am I a class member? How do I sign up?*

You are a class member if you are or were a Black inmate in a federal jail between April 17, 1985 and December 13, 2023, and you claim that you were subject to any of the following:

- a) unauthorized application of physical force by CSC Staff;

- b) racialized verbal abuse by CSC Staff;
- c) assault or racialized verbal abuse by non-Black inmates that CSC Staff permitted to occur or unreasonably failed to prevent or intervene in; or
- d) confinement in administrative segregation or a "structured intervention unit," unless that confinement:
 - 1. involved a period of administrative segregation that was the subject of a claim which was made or which could have been made in *Brazeau v. Canada*, *Reddock v. Canada*, or *Gallone c. Canada*; or
 - 2. involved a period in a structured intervention unit located in the province of Québec of more than fifteen days, that was the subject of a claim which was made or which could have been made in *Fournier c. Canada*.

You must be alive as of December 13, 2023. **If you meet this description, you do not need to sign up to join the class.**

Note that even if you are a class member, it does not mean you will receive money even if the case is successful. Also note that the definition of the class may change, which could impact whether you continue to be a member of the class. If you have questions, consult class counsel, the Notice Administrator, or your own lawyer.

5. How can I ensure that I will receive future notices?

To receive future notices by email or to postal addresses outside of prison, go to [link to online notice signup form] or email your name, birth date, and contact information to [email address]. If you are in prison, there is no need to provide us with your name and the address of the prison you are being held in.

6. What are the Plaintiffs asking for?

See the Statement of Claim for details: [link to statement of claim]

7. Is there any money available now?

No money is available now because the Court has not yet decided whether CSC did anything wrong. There is no guarantee that money will ever be obtained. If money is obtained, there will be notices about how to ask for your share.

YOUR RIGHTS AND OPTIONS

8. Is there a deadline to get out of the lawsuit?

Yes, you must decide whether to remove yourself from the lawsuit and send in a notice by [DATE].

9. What happens if I do nothing at all?

If you do nothing you will be a Class Member. You will be bound by all Court decisions and orders, good or bad. If any money is awarded, you may need to act to receive any money.

10. What if I don't want to be in the lawsuit?

If you do not want to be in the lawsuit, you must remove yourself – this is called “opting out.” If you remove yourself, you will no longer be a Class Member and you will not receive any money from the lawsuit. You will not be bound by any decision of the Court orders about this case and you keep your personal right to sue CSC about the issues in this case (subject to applicable time limitation periods). **Please consult a lawyer about your rights.**

To remove yourself, contact the Notice Provider at the information below or visit www.achesonlaw.ca/blackinmates to obtain an Opt-Out Form. **In order to opt-out, you must deliver an Opt-Out Form to [the Notice Provider] electronically by [DATE] or by mail postmarked no later than [DATE].**

[NOTICE PROVIDE CONTACT INFORMATION]

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

Acheson Sweeney Foley Sahota LLP, from Victoria, British Columbia, represents the Class as Class Counsel. You don't have to pay Class Counsel, or anyone else, to participate as a Class Member. You may hire your own lawyer to appear for you in Court, but if you do, you may have to pay that lawyer. You may contact Class Counsel to discuss your rights.

12. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel will be paid only if money is awarded or if there is a settlement.

DECIDING THE CASE

13. How will the court decide who is right?

The Plaintiff must prove the claims at a “common issues trial” that will take place in Vancouver. During the trial, the Court will hear the evidence and decide whether the Plaintiff or CSC is right. You do not need to be at the trial. There is no guarantee that the Plaintiff will win any money for the Class. Class actions typically take several years. No dates have been scheduled for a common issues trial yet.

14. Will I get money if the plaintiffs win?

If the Plaintiff receives money because of a trial or settlement, there will be notices about how to ask for a share. These things are not known right now.

Question 5 above sets out how to get a future notice. Important information about the case will be posted on the website, www.achesonlaw.ca/blackinmates.

After the trial or settlement, you may have to take further steps to take to get money. This may be a process to fill out forms for settlement or another trial. Again, these things are not known right now. An individual trial is about your own personal experiences while in jail. The details

of this process are not known right now and may not be known for several years. You may have to pay money to a lawyer to represent you during an individual trial.

GETTING MORE INFORMATION

You can get more information about this case:

- at www.achesonlaw.ca/blackinmates
- by calling toll free at 1-877-275-8766
- writing to: Acheson Sweeney Foley Sahota, 300-376 Harbour Rd, Victoria, BC. V9A 3S1 or by email at: blackinmates@achesonlaw.ca
- contacting the Notice Provider at **[contact information]**