

FEDERAL COURT – NOTICE OF CERTIFICATION

If you are a current or former inmate who communicated with a member of the public using the telephone, mail, fax, or during visits, while you were incarcerated at a Federal correctional institution, this notice applies to you.

OR

If you are a member of the public who communicated with an inmate incarcerated at a Federal correctional institution using the telephone, mail, fax, or during visits, this notice applies to you.

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

This class action seeks damages for alleged unlawful interception of Inmates' communications through the telephone, mail, fax, and during visits, by the Correctional Service of Canada ("CSC"). The class action covers four (4) categories of claims, described below.

WHAT ARE THE CATEGORIES OF CLAIMS?

1. SECTION 94 INTERCEPTIONS

The claim is for alleged deficiencies in (1) CSC's processes for issuing authorizations to intercept Inmates' communications and (2) CSC's operation and management of the telephone, mail, and visits systems at Federal correctional facilities, allegedly resulting in interceptions that were unlawful because they violated the *Canadian Charter of Rights and Freedoms* ("Charter") and the *Crown Liability and Proceedings Act* ("CLPA").

Period covered: October 29th, 1992 to October 17, 2021.

Who is it for?

Inmate Class

All persons alive on November 27, 2024, who were or are incarcerated at any Correctional Service of Canada Institution, and who at any time during the Class

Period were subject to an authorization to intercept communications through the Inmate Telephone System (“ITS”), Inmate Mail System (“IMS”), or Inmate Visit System (“IVS”) pursuant to s. 94 of the *Corrections and Conditional Release Regulations* (“CCRR”).

Non-Inmate Class

All persons alive on November 27, 2024, excluding persons set out in the Schedule to s. 94(2) of the CCRR, who during the Class Period, communicated with a member of the Inmate Class through the ITS, IMS, or IVS at a CSC Institution.

2. UNAPPROVED RECORDINGS

The claim is for alleged unauthorized interceptions of communications by CSC, through the ITS, Black Phones, and IVS that violated the *Charter* and the *CLPA*. A “Black Phone” means a regular telephone at a Federal correctional facility that does not require the use of a phone card or PIN to operate.

Period Covered: May 23rd, 2012 to November 27, 2024.

Who is it for?

Inmate Class

All persons alive on November 27, 2024, who were or are incarcerated at any CSC Institution, and who at any time during the Class Period and while not subject to an authorization to intercept communications under s. 94 of the CCRR, used the ITS, a “Black Phone”, or the IVS at a CSC Institution.

Non-Inmate Class

All persons alive on November 27, 2024, excluding persons set out in the Schedule to s. 94(2) of the CCRR, who during the Class Period, communicated with a member of the Inmate Class through the ITS, a Black Phone or the IVS, at a CSC Institution.

3. MAIL INTERCEPTIONS

The claim is for CSC allegedly opening privileged mail sent by a lawyer and/or reading mail from other persons without an authorization to intercept under s. 94 of the CCRR, in violation of the *Charter*.

Period Covered: April 27th, 2015 to November 27, 2024.

Who is it for?

Inmate Class

All persons alive on November 27, 2024, who were or are incarcerated at any CSC Institution, and who during the Class Period, and while not subject to an authorization to intercept communications under s. 94 of the *CCRR*, received privileged mail from a lawyer that was opened, or who allege that mail (excluding faxes) they received from any person was read.

Non-Inmate Class

All persons alive on November 27, 2024, excluding persons set out in the Schedule to s. 94(2) of the *CCRR*, who during the Class Period, sent mail to an Inmate at a CSC Institution, and allege that the mail was read.

4. FAX INTERCEPTIONS

The claim is for CSC alleged practices in handling outgoing faxes from Inmates to lawyers and other persons listed in the *CCRR* schedule, resulting in unlawful interceptions in violation of the *Charter*.

Period covered: August 21st, 2016 to November 27, 2024.

Who is it for?

Inmate Class

All persons alive on November 27, 2024, who were or are incarcerated at any CSC Institution, and who during the Class Period, communicated with a person set out in the *CCRR* schedule by fax, and allege that no covering sheet was used for the fax transmission.

Non-Inmate Class

There is no Non-Inmate Class for Fax Interceptions.

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

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.

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 about the legal claims in this case. If you want to sue about one or more of the four claims in a separate lawsuit, independent of this class action, you must get out of this lawsuit accordingly.

If you have already sued Canada about one of the four claims and if you want to be in this class action, you must stop your lawsuit before [OPT-OUT DEADLINE – INSERT DATE]. If you do not, you will automatically be removed from this class action.

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

Get out *To get out you must do so by [Opt-Out Deadline – Insert Date].*

If you get out of this class action (for one or more of the four claims), 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 [Opt-Out Deadline – insert 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 Provider: [NAME AND CONTACT INFORMATION
FOR NOTICE PROVIDER]

How do I sign up? If you meet one or more of the class definitions for the four categories of claims (see above), 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 prison, there is no need to provide your name or where you are in prison as more notices will be posted in federal prison, but if at one point you are released from prison and want to receive future notices, do as described above.

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 *Philip, Gray, and Wright v. The Attorney General of Canada*, Court File No. T-1360-18. Philip, Gray and Wright are the Plaintiffs. 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 Class Counsel or the Notice Provider for information.

2. What is the lawsuit about?

This class action seeks damages for alleged unlawful interception of Inmates' communications through the telephone, mail, fax, and during visits, by the Correctional Service of Canada (“CSC”). The class action covers four (4) categories of claims: (i) Section 94 interceptions, (ii) Unapproved recordings misconfigurations, (iii) mail interceptions, and (iv) fax interceptions.

The lawsuit seeks monetary damages because of these alleged unlawful interceptions. 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 plaintiffs are Philip, Gray and Wright. 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 meet the class definitions of inmate or non-inmate in one or many of the four (4) categories of claims described in the Notice during the specific time periods covered. **If you do, 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 Provider, 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 a federal prison, there is no need to provide your name or where you are in prison as more notices will be posted in federal prison, but if at one point you are released from prison and want to receive future notices, do as described above.

6. What are the Plaintiffs asking for?

See the Consolidated 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 (or of one or more of the four claims) and send in a notice by [Opt-Out Deadline – insert 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/ to obtain an Opt-Out Form. **In order to opt-out, you must deliver an Opt-Out Form to [the Notice Provider] electronically by [Opt-Out Deadline – insert date] or by mail postmarked no later than [Opt-Out Deadline – insert date].** [NOTICE PROVIDER CONTACT INFORMATION]

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The law firm of **Acheson Sweeney Foley Sahota LLP**, from 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 contact Class Counsel to discuss your rights. If you don't want to be represented by Class Counsel at the common issues trial, approval

of the court is required to participate in the class action on your own or with your own lawyer.

12. How will the lawyers be paid?

At the common issues trial, you do not have to pay Class Counsel, who will be paid only if money is awarded or if there is a settlement. If you hire your own lawyer instead (with approval of the court), you may have to pay that lawyer. If there is an individual trial, you may also have to pay for your own lawyer as mentioned at Question 3 above.

DECIDING THE CASE

13. How will the court decide who is right?

The Plaintiffs 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 Plaintiffs or CSC is right. You do not need to be at the trial. There is no guarantee that the Plaintiffs 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 Plaintiffs 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/.

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 prison. 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/
- 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: classaction@achesonlaw.ca
- contacting the Notice Provider at **[contact information]**