

OFFICIAL NOTICE APPROVED BY THE COURT

NOTICE OF HEARING TO APPROVE PROPOSED SETTLEMENT IN THE PROPOSED JACK HULLAND SCHOOL CLASS ACTION

SUMMARY

A class action has been started against the Government of Yukon, Department of Education, (“Yukon Government”) and Jack Hulland School Council of Attendance Area #22, (School Council”). This is a notice to all people who may have a claim against the Yukon Government and the School Council in relation to allegations of the systemic use of holds, restraints and involuntary seclusion to control students’ behaviour at Jack Hulland Elementary School (“Jack Hulland”) between January 1, 2002 and June 30, 2022. **There is a proposed settlement of the claim against the School Council.** All people who may have such a claim have the ability to object or comment on the proposed settlement at a hearing on April 19th, 2023 at the Yukon Supreme Court courthouse at 2134 Second Avenue, Whitehorse, Yukon. The settlement is to end the law suit against the School Council in exchange for providing cooperation to the plaintiffs in the nature of documents and information. The class action will continue against the Yukon Government.

WHAT IS THIS CLASS ACTION ABOUT?

There is a proposed class action filed in the Yukon against the Yukon Government and School Council in relation to allegations of the systemic use of holds, restraints and involuntary seclusion to control students behaviour at Jack Hulland between January 1, 2002 and June 30, 2022 (the “Class Action”). The Class Action alleges negligence, recklessness, breach of fiduciary duty and vicarious liability for the torts of assault, battery, and unlawful confinement. Yukon and the School Council denies the allegations.

THE SETTLEMENT WITH THE SCHOOL COUNCIL

The plaintiffs and the School Council have reached a settlement in the Class Action. Although the School Council denies liability, it has agreed to provide cooperation to the plaintiffs to settle the claim against it in exchange for a covenant by the plaintiffs not to sue the School Council regarding the matters detailed in the proposed class action and matters arising therefrom and a dismissal of the entirety of the claims against the School Council, thus terminating this lawsuit against the School Council only. The plaintiffs, Class Counsel, and the School Council believe that this is a fair settlement, taking into account all the strengths, weaknesses, and risks of the case, including the inability of the School Council to satisfy any monetary judgement obtained against it.

The full terms of the settlement agreement can be found at <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> and <https://tuckercarruthers.ca/jack-hulland-elementary/>

The settlement is subject to court approval in Yukon. The court will review all aspects of the proposed settlement to ensure that it is fair, reasonable, and in the best interests of the Class.

CERTIFICATION AS A CLASS PROCEEDING FOR SETTLEMENT PURPOSES ONLY

At the hearing the plaintiff will apply to certify the action as a class proceeding against the School Council for settlement purposes only.

The settlement class proposed will include all students and former students of Jack Hulland Elementary School who were subject to holds and restraints and/or who were locked in a room and/or placed in seclusion between January 1, 2002 and June 30, 2022.

Class members will be given an opportunity to opt-out of the action at a later date.

WHAT HAPPENS NEXT?

There will be a hearing before the court to consider approval of the proposed settlement at 9:00 am on April 19th, 2023 at the Yukon Supreme Court courthouse at 2134 Second Avenue, Whitehorse, Yukon.

If approved by the court, class members will be bound by the terms of the settlement agreement unless they opt-out at a later date.

If you wish to comment on or object to the settlement agreement, you must do so in writing in advance of the hearing by way of a letter or email. The letter or email objection must be postmarked no later than April 7, 2023, and received by Class Counsel by 12:00 P.M. (noon) on April 17, 2023. Please forward all such written communications to Class Counsel.

Any objections will be put before the court. It will be up to the court to decide at the hearing whether to permit class members to present their objections orally, if they wish to do so.

Class members are represented by Class Counsel:

- *Tucker Carruthers*
- *Camp Fiorante Matthews Mogerman LLP*

GET MORE INFORMATION BY:

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

Class members should monitor the websites for updated information on the Class Action

DO NOT CONTACT THE COURT

