

---

**OFFICIAL NOTICE APPROVED BY THE COURT:  
NOTICE OF HEARING TO APPROVE PROPOSED SETTLEMENT IN THE PROPOSED JACK HULLAND  
SCHOOL CLASS ACTION**

---

**1. 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 19<sup>th</sup>, 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.

**2. WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people instead of each person who may have a claim bringing a lawsuit on their own.

**3. WHAT IS THIS CLASS ACTION ABOUT?**

There is a proposed class action filed in the Yukon 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 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.

**4. WHO IS AFFECTED BY THE CLASS ACTION?**

The plaintiffs will apply to the court to certify the action as a class proceeding against the School Council for settlement purposes only on behalf of a Class that includes:

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 (the "Class Members").

The contested action is continuing against the Yukon Government, and the plaintiffs will apply to certify the action against the Yukon Government at a later date. The Yukon Government has indicated that they intend to oppose certification of the action as a class proceeding.

**5. WHAT IF I DO NOT WANT TO BE IN THE CLASS ACTION?**

Class members will be given an opportunity to opt-out at a later date. This is further explained in section 8 below.

You can visit <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/> for updates on the action, or you can contact Class Counsel at 867-667-2099 or toll free at 1-800-689-2322 or by email at [jackhulland@cfmlawyers.ca](mailto:jackhulland@cfmlawyers.ca) to provide contact information to receive future notices directly and if you have any questions.

**6. WHAT IS THE REASON FOR THIS NOTICE?** The purpose of this notice is to advise Class Members of a hearing to approve a settlement agreement with the School Council.

The hearing is scheduled to take place in the Yukon Supreme Court before Chief Justice Duncan at 9:00 am on April 19<sup>th</sup>, 2023 at the Yukon Supreme Court courthouse at 2134 Second Avenue, Whitehorse, Yukon.

**7. WHAT SETTLEMENT HAS BEEN ACHIEVED IN THE CLASS ACTIONS?**

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. The plaintiffs and Class Counsel propose to certify the action for the purposes of the settlement, and to then dismiss 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 that the Class Members could achieve against it.

This notice contains a summary of some of the terms of the settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail. 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 the 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.

## **8. HOW CAN I PARTICIPATE IN THE APPROVAL HEARING?**

Class Members who do not oppose the proposed settlement do not need to appear at the settlement approval hearings or take any other action at this time.

Class Members are entitled to file written submissions and/or appear and comment on or object to the proposed settlement at the settlement approval hearing. Class Members who wish to comment or object must submit a written submission by mail or email to the appropriate Class Counsel at the address listed below, postmarked no later than April 7, 2023, and received by Class Counsel by 12:00 P.M. (noon) on April 17, 2023. The written submission must state the nature of any comments or objections, and whether the Class Member intends to appear at the settlement approval hearing. Class Counsel will forward all such submissions to the court. All timely written submissions will be considered by the court. If you do not submit a written submission by the relevant deadline, you might not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearings.

If you want to attend the hearings, please contact Class Counsel for additional details.

## **9. WHAT HAPPENS NEXT?**

The contested litigation is continuing against the Yukon Government.

The application to certify the action as a class proceeding against the Yukon Government is currently scheduled to proceed June 26 – 30<sup>th</sup>, 2023. The Yukon Government has indicated that they intend to oppose certification of the action as a class proceeding.

After that application is decided a further notice will be issued and all Class Members will be given an opportunity to opt-out of the litigation.

You can visit <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/> for updates on the action, or you can contact Class Counsel to provide contact information to receive regular updates.

## **10. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?**

The law firms of Camp Fiorante Matthews Mogerma LLP and Tucker Carruthers are Class Counsel and represent the plaintiffs and proposed Class Members:

CAMP FIORANTE MATTHEWS MOGERMAN LLP  
Telephone (toll free): 1-800-689-2322  
Email: jackhulland@cfmlawyers.ca  
Mail: 4th Floor, 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Sahar Majidi, Paralegal

TUCKER CARRUTHERS

Telephone: 1-867-667-2099

Email: [hjordan@yukonlaw.com](mailto:hjordan@yukonlaw.com)

Mail: 301-303 Alexander Street, Whitehorse, Yukon, Y1A 2L5, Attention: Heather Jordan, Paralegal

**As an individual, you do not and will not have to pay the lawyers working on the Jack Hulland Proceedings any money out-of-pocket.** The lawyers will be paid from any money collected in the action. Currently no money has been recovered and no request for fees has been made. If the lawyers request a legal fee at a future date, the court will be asked to approve how much the lawyers will be paid.

**11. WHAT IF I HAVE ADDITIONAL QUESTIONS?**

Visit <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/> for more information. If you still have questions, please contact Class Counsel by email at [jackhulland@cfmlawyers.ca](mailto:jackhulland@cfmlawyers.ca) or call 1-867-667-2099 or toll-free at 1-800-689-2322.

Please do not contact the court to ask questions about this lawsuit or the settlement. All questions should be directed to Class Counsel.

Please note that all communications with Class Counsel will be treated as confidential, other than objections provided under part 7 of this notice, which will be put before the court.

<b>THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPREME COURT OF YUKON</b>
--