

# ELGIN-MIDDLESEX DETENTION CENTRE (“EMDC”) CLASS ACTIONS: NOTICE OF CERTIFICATION, PROPOSED SETTLEMENT AND SETTLEMENT APPROVAL HEARING

**Please read this notice carefully – your legal rights may be affected.**

A proposed Settlement has been reached in two certified class action lawsuits against Ontario (the “Defendant”): *Johnson v Ontario* and *Sabourin v Ontario*. The lawsuits allege that the Defendant negligently operated the EMDC, causing Class Members harm and violating their rights. The Defendant denies those allegations, and the Court did not decide who was right. The Parties have instead decided to settle the lawsuits.

## Who are Class Members in the Proposed Settlement?

Johnson/Hayne Action	All persons incarcerated at the EMDC between <b>January 1, 2010 and May 18, 2017</b> , including those held pending trial or other court appearance.
Sabourin Action	All persons incarcerated at the EMDC between <b>May 18, 2017 and November 10, 2021</b> , including those held pending trial or other court appearance.

## What benefits are available to eligible Class Members under the Proposed Settlement?

The Defendant has agreed to provide a settlement fund of **\$32,795,400.00** to pay successful Class Member claims as well as certain fees and expenses. The Defendant will also pay up to an additional \$9,388,207.92 for legal fees (\$8,198,850.00), taxes (\$1,065,850.50) and disbursements (\$123,507.42).

Depending on how long a person was incarcerated at the EMDC, and the amount and nature of harm that they suffered while incarcerated, eligible Class Members may make one of three types of claims: a Level 1 Claim (**\$1,500**), a Level 2 Claim (up to **\$12,500**), or a Level 3 Claim (up to **\$35,000**). Contact McKenzie Lake Lawyers LLP (“Class Counsel”) or the Claims Administrator for more information about eligibility and supporting evidence for making a Claim.

**SETTLEMENT APPROVAL HEARING:** The proposed Settlement must be approved by the Court before it becomes effective. The Court will decide whether or not to approve the Settlement on **September 13, 2023** at 11:30 am ET at the London Courthouse, 80 Dundas Street, London, ON and virtually over ZOOM. You can register with Class Counsel or visit the settlement website at [www.emdcclassaction.ca](http://www.emdcclassaction.ca) to be notified if the Settlement is approved.

### YOUR LEGAL RIGHTS AND OPTIONS:

- If the Court approves the Settlement, you can **participate** by submitting a Claim for compensation. If you wish to participate, you are not required to do anything until after the Settlement is approved.
- You can **object** to the proposed Settlement and attend the Settlement Approval Hearing to present that objection. If you wish to object, you must submit a signed and completed Objection Form to the Claims Administrator on or before **July 20, 2023**. Visit [www.emdcclassaction.ca](http://www.emdcclassaction.ca) to learn more.
- If you are a Class Member who was incarcerated at the EMDC between **May 18, 2017 and November 10, 2021**, you can **exclude yourself** from the Sabourin Action (**opt out**), in which case, you will not be eligible to receive any compensation under the Settlement Agreement for harm alleged to have occurred between May 18, 2017 and November 10, 2021. If you wish to exclude yourself from the Sabourin Action and preserve your legal rights against the Defendant, you must submit a signed and completed Opt-Out Form to the Claims Administrator on or before **July 20, 2023**. Visit [www.emdcclassaction.ca](http://www.emdcclassaction.ca) to learn more.

A copy of the Objection Form and Opt-Out Form can be obtained from the Claims Administrator or Class Counsel:

McKenzie Lake Lawyers LLP (Class Counsel)	EMDC Claims Administrator
<b>Website:</b> <a href="https://www.mckenzielake.com">https://www.mckenzielake.com</a>	<b>Website:</b> <a href="http://www.emdcclassaction.ca">www.emdcclassaction.ca</a>
<b>Email:</b> <a href="mailto:emdc@mckenzielake.com">emdc@mckenzielake.com</a>	<b>Email:</b> <a href="mailto:info@emdcclassaction.ca">info@emdcclassaction.ca</a>
<b>Phone:</b> 1-855-772-3556	<b>Phone:</b> 1-888-595-6828