

MEDIA RELEASE

Montreal – December 16, 2008

**Bishop's College School ("BCS") – Proposed Class Action
against School to Continue**

McPhadden Samac Merner Barry ("MSMB") announced today that agreement had been reached with BCS regarding continued prosecution of the proposed class action against the school.

In April the original proposed representative plaintiff, identified as ABT, indicated he was unable to continue acting in that capacity. (Pursuant to a pseudonym order issued by the Quebec Superior Court, ABT's identity and the identities of other claimants may not be published.) This meant that the action could not proceed, at least not without another proposed representative plaintiff. Upon being informed about ABT, BCS brought a motion to dismiss the petition commenced by ABT on behalf of all former BCS who allege that they were sexually, physically and psychologically abused by former BCS teacher Harry Forster. BCS's motion was scheduled to be heard today.

In recent months MSMB contacted other former BCS students who claim they too were abused by Forster to ascertain whether any of them were willing to be substituted for ABT. After considering those claimants that offered to do so, a former BCS student who to be identified as UTC was selected. Like ABT, UTC now lives in British Columbia. A motion was brought to substitute UTC for ABT, both in an effort to forestall BCS's motion and to continue prosecution of the case.

Late yesterday, the final touches were put on an agreement pursuant to which BCS agreed to UTC being substituted for ABT and BCS withdraws its motion to dismiss the legal proceeding.

It is also a term of the agreement that if the class action is authorized, BCS will produce Lewis Evans for examination by the lawyers for the former students. Lewis Evans is the current headmaster of BCS and was a BCS student while Forster taught there. Evans' father was a teacher at BCS at the same time. BCS's obligation to make Evans available for examination continues after Evans expected retirement as headmaster.

The agreement, which requires court approval, will lead to the hearing of the petition to authorize the class anytime after the middle of next August, depending on Mr. Justice Down's availability.

Between now and August all the procedural steps leading to that hearing, including examination of UTC by BCS's lawyers, are to be taken. Another issue to be determined before the hearing is the relevance of expert evidence the opposing sides might want to introduce.

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