

## **NOTICE OF SETTLEMENT OF BISHOP'S COLLEGE SCHOOL CLASS ACTION CONCERNING SEXUAL AND ANY PHYSICAL, MENTAL OR PSYCHOLOGICAL ABUSE**

**TO: All former students of Bishop's College School ("BCS") who allege that they were the victims of Abuse (Abuse means abuse of a sexual nature and any physical, mental or psychological abuse directly or indirectly related thereto), between any of the years 1953 up to 1962, perpetrated by or with the participation of Reverend Harold Theodore Gibson Forster and/or any other of BCS's employees, agents, legal assigns, servants, representatives, principals, teachers, prefects, house masters, chaplains, choirmasters, head boys and/or any person who exercised any administrative, educational or disciplinary function at BCS, with or without remuneration (collectively referred hereinafter as "BCS's Employees").**

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.

### **TO ALL CLASS MEMBERS**

The Superior Court of Quebec has approved the Settlement Agreement reached in the Motion for authorization to institute a Class Action ("**Motion**") filed in Quebec against BCS bearing number 500-06-000362-067. The Motion has been authorized as a class action for the sole purpose of giving effect to the Settlement Agreement relative to alleged Abuse by or with the participation of BCS's Employees as defined hereinabove.

To make a Claim pursuant to this Settlement Agreement, Class Members **must file a Claim Form with the Administrator, Services de Recours Collectifs Crawford/Crawford Class Action Services, P.O. Box 233, Jean-Talon Branch, Montreal, Quebec, H1S 2Z2, by December 7, 2010**, in the manner described below.

### **SUMMARY OF THE SETTLEMENT AGREEMENT**

Without any admission of fault or liability on the part of BCS, the Agreement provides that BCS will pay an amount equal to \$1,150,000 in capital, interest and costs (the "**Settlement Amount**") in full and final settlement of any and all claims of the Class Members.

The Settlement Agreement provides that once the fees of Class Counsel (\$200,000) and disbursements (not to exceed \$20,000), plus the applicable taxes, the cost of the Notices (approximately \$22,000 plus taxes), the costs of implementing the Settlement (the amount of these costs will depend on the number of Claimants; based on the assumption of a number of 20 to 40 Claimants, these costs would be between 1.5% and 4% of the Settlement Amount) and the cost of the Truth and Reconciliation process (\$50,000) have been paid from the Settlement Amount, a lump sum compensation based on the number of Claimants will be paid to the Class Members in equal shares.

The lump sum will be paid to each Claimant whose Claim has been approved after having been duly submitted no later than December 7, 2010 to the Administrator appointed to process same. For this purpose, a form shall be filled and a sworn affidavit is to be provided accompanied by supporting documents. The Administrator will approve the Claim or not, subject, in the event of a refusal, to a right of appeal to the Court, whose decision shall be final.

## **HOW TO MAKE A CLAIM**

To make a Claim under the Settlement Agreement, Class Members shall complete and submit the Claim Form set out in Schedule D of the Settlement Agreement by providing all the information requested and duly completing the affidavit required to submit this form. **The deadline to submit a Claim Form is December 7, 2010.** Claim Forms must be submitted to: the Administrator, **Services de Recours Collectifs Crawford/Crawford Class Action Services, P.O. Box 233, Jean-Talon Branch, Montreal, Quebec, H1S 2Z2** Re: Bishop's College School Class Action Settlement, **Attention: Stephanie Chreifi on or before December 7, 2010** by mail, postmarked on or before December 7, 2010 or received by fax to (514) 748-1736.

## **RIGHT TO OPT OUT**

All persons who fall within the class definition authorized by the Superior Court of Quebec will automatically be included in the class unless they exclude themselves from the class by Opting Out. Class Members shall have the right to exclude themselves from the Settlement, and in such event the Class Member who has opted out shall not be eligible for any of the payments set out the Settlement Agreement. To Opt-Out, Class Members will have to complete, sign and return an "**Opt-Out Form**" to Bishop's College Legal Counsel, Borden Ladner Gervais LLP, Attention: Me Caroline Matte, Re: Bishop's College School Class Action Settlement, at 1000 de La Gauchetière Street West, Suite 900, Montreal, Quebec, H3B 5H4 **on or before December 7, 2010.** If a Class Member does not timely and properly Opt-Out and does not timely and properly make a claim under the Settlement Agreement, he shall be bound by the terms of the Settlement Agreement and all related court orders and shall be forever barred from receiving any payment under the settlement, commencing any suit or proceeding or continuing any action in relation to Abuse perpetrated by or with the participation of Reverend Harold Theodore Gibson Forster or any other of BCS's Employees (as defined above).

## **CLASS COUNSEL FEES**

The Quebec Superior Court has awarded to counsel representing the class "Class Counsel" (McPhadden Samac Tuovi) (including Quebec Agent for Class Counsel Liebman & Associates) collectively the amount of \$200,000 for fees and an amount not to exceed \$20,000 for disbursements, plus the applicable taxes. This amount shall be deducted from the Settlement Amount as explained above. Claimants may, at their own cost, but are not obliged to, retain their own lawyers to assist them in making their claims under the Settlement.

## **IMPORTANT DEADLINES**

**December 7, 2010 is the Deadline** to Opt-Out of the Settlement and the Deadline to file a Claim.

## **FURTHER INFORMATION**

A complete copy of the Settlement Agreement including the complete Claims Administration Process, the compensation , the Schedules and the Claim Form or Opt-Out Form, are available from Class Counsel's website at [www.msmt.ca](http://www.msmt.ca).

You may contact Class Counsel McPhadden Samac Tuovi at 8 King Street East, Suite 300, Toronto, Ontario, M5C 1B5 (416) 363-5195 or at [www.msmt.ca](http://www.msmt.ca) or Quebec Agent for Class Counsel: Liebman and Associates at 1 Westmount Square, Suite 1500, Montreal, Quebec H3Z 2P9, (514) 846-0666 or at [www.liebman.org](http://www.liebman.org).

This notice is intended as a summary only. Should there be any conflict between the provisions of this Notice and the Settlement Agreement and any of its Schedules, the terms of the Settlement Agreement shall prevail.

PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPERIOR COURT OF QUEBEC.