

## **NOTICE OF PROPOSED SETTLEMENT IN MANITOBA DEVELOPMENTAL CENTRE CLASS ACTION**

**This notice is for people who lived at the Manitoba Developmental Centre between July 1, 1951, and May 29, 2020. It includes people who were alive on October 31, 2016. It does not include people who lived there but died before October 31, 2016.**

**Please read this carefully.**

**This notice has been approved by the Manitoba Court of King's Bench.**

In 2021, there was a class action lawsuit about the Manitoba Developmental Centre in Portage la Prairie, Manitoba ("the MDC"). A person who lived at the MDC started this lawsuit. They are called "the plaintiff."

The plaintiff said the Government of Manitoba ("Manitoba") did not do a good job running the MDC. They did not make sure people who lived there were safe. People were hurt because of this. People were hurt physically, sexually, mentally, and emotionally. People were hurt by the staff and by others who lived at the MDC.

The Court has not decided if this is true. No one has said that they did anything wrong.

The plaintiff and Manitoba have agreed to settle the lawsuit. Manitoba will pay people who were hurt at the MDC. This is to make up for what happened to them. Manitoba will pay \$17 million for this. Manitoba will do other things to make up for what happened at the MDC. Manitoba does not have to say they did anything wrong.

The Court has to approve the settlement. The Court will have a hearing on May 5, 2023, to do this. It will be at the Court House at 408 York Avenue in Winnipeg.

### **What is the proposed settlement?**

If the Court agrees, anyone who was hurt at the MDC can make a claim. If their claim is approved, they will be paid. Manitoba will do other things to make up for what happened at the MDC. These are explained in the notice.

You are included if you lived at the MDC between July 1, 1951, and May 29, 2020. If you were hurt there, you can make a claim. You will have to send in a Claim Form. You will get more information about this after the settlement is approved.

## **What can you do now?**

### **1. Do nothing.**

If you agree with the settlement, you do not have to do anything now.

If you do not do anything, you will not be able to say you disagree with the settlement later.

### **2. Object to the settlement.**

If you do not agree, you can object. If you want to object, you need to complete an Objection Form. The Form will say why you disagree. The Form will include your name, your address, and the reason you do not agree. The Objection Form can be found at <https://mdcclassactionsettlement.com/>.

You have to send the Form to the Administrator. You need to send it by April 21, 2023.

The Administrator's address is:

Claims Administrator  
P.O. Box 3355  
London, ON N6A 4K3

The Administrator's email address is: [info@mdcclassactionsettlement.ca](mailto:info@mdcclassactionsettlement.ca).

If you send an Objection Form, you can go to the hearing to tell the Court why you do not agree. The Court will decide then if you can speak or not. You have to send an Objection Form if you want to speak at the hearing.

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## **Basic Information**

### **What is a Class Action?**

A Class Action is a type of lawsuit. If many people have been hurt by the same thing, one person can sue for all of them. They are the “Representative Plaintiff.” Other people who were hurt are the “Class” or “Class Members.”

The Court looks at the Class Action and decides what to do for everyone who was hurt. This decision is for everyone in the Class.

Before a Class Action goes to Court, people can say they do not want to be part of it. This is called “opting out.” People who opt out are not part of the Class. The lawsuit does not affect them.

### **What is this Class Action about?**

This Class Action is for people who lived at the Manitoba Developmental Centre (the MDC) in Portage la Prairie, Manitoba.

The Class Action says the Province of Manitoba did not do a good job running the MDC. They did not make sure people who lived there were safe. People were hurt because of this.

Some people who lived at the MDC were hurt physically, sexually, mentally, and emotionally. Some were hurt by the staff there. Some were hurt by others who lived there.

The Class Action says this is Manitoba’s fault. It says people who were hurt should be paid to make up for this. They should be paid for their injuries.

Manitoba does not agree with this.

The Court has not decided which side is right.

### **What is a proposed settlement?**

The Representative Plaintiff and Manitoba have agreed on a solution for this Class Action. This is the “proposed settlement.”

The Court has to agree that the settlement is fair to everyone.

If there is not a settlement there will be a trial in court. People who were hurt at the MDC will have to talk about it in court. The lawsuit might not succeed. If it does not succeed, no one will be paid for what happened to them.

If there is a settlement there will not be a trial. This will cost less. It will take less time. Class Members will not have to talk in Court about what happened to them. Anyone who was hurt is allowed to ask for money for what happened to them.

The Representative Plaintiff and the lawyers think the settlement is fair. They think it will be good for all the Class Members. It has many benefits. People who were hurt will be paid for what happened to them.

## **Who is included?**

### **Who is the proposed settlement for?**

The proposed settlement is for everyone who lived at the Manitoba Developmental Centre between July 1, 1951, and May 29, 2020. It includes people who were alive on October 31, 2016. It does not include people who lived there but died before October 31, 2016.

People who opted out of the Class Action are not included. The time to opt out ended on January 12, 2022. No one can opt out now.

### **What if I am not sure?**

You can find out if you are included. You can ask the lawyer for the Representative Plaintiff. The lawyer is Koskie Minsky LLP. You can call them for free at 1 800-286-2266. You can also email them at [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca).

## **What is in the settlement?**

### **What are the benefits?**

The settlement will set up a fund for Class Members who were hurt at the MDC. They will be able to get payments from the fund.

You will need to send in a Claim Form to get a payment. The Claim Form will say how you were hurt at the MDC. You may need to show documents to prove this. The payment will depend on how you were hurt.

Manitoba has agreed to do other things for people who were hurt at the MDC. These will also help their family and friends. These are to show that Manitoba wants to do better for people with intellectual disabilities.

1. Manitoba will apologize to everyone who was hurt at the MDC. This apology will be made in the Legislative Assembly.
2. Manitoba will give \$1,000,000 to the Winnipeg Foundation. This will be used for a special fund. Every year the fund will give money to groups who work for Manitobans with intellectual and developmental disabilities. It will pay for things like education, inclusion programs, and community projects.
3. Manitoba will pay \$50,000 to tell the stories of Class Members and the MDC. They will talk to Class Members about the best way to do this.
4. Manitoba will pay \$150,000 for Class Members who need mental health support after they make a claim. This is to help people who are hurt again from talking about what happened to them.

5. Manitoba will build a memorial at the MDC Cemetery for everyone who was hurt there.
6. Manitoba will let Class Members go to the MDC grounds after the MDC has closed. There will be two dates for this.
7. Manitoba will let a researcher go to the MDC. The researcher will find objects to tell the story of the MDC. The researcher will make sure these are kept safely.
8. Manitoba will keep the MDC Cemetery. They will make sure it is taken care of. They will try to have it named a Site of Historical Significance.
9. Manitoba will give documents from this case to the Archives of Manitoba. The Archives will keep them so they can be read in the future. They will make sure they follow the laws about personal privacy when they do this.

The Settlement Agreement has more information. You can read it at <https://kmlaw.ca/cases/manitoba-development-centre-class-action/>. It is also at <https://mdcclassactionsettlement.com/>.

## **What payment can I get?**

Part of the settlement is a fund to pay Class Members who were hurt at the MDC. There will be \$17 million in this fund. It is called the "Settlement Fund."

If you were hurt at the MDC you can make a claim from the Settlement Fund. Your claim has to describe how you were hurt. You will need to tell as much as you can remember. The claim needs to be in writing.

Someone may look at your claim to make sure it is correct. For example, they might check to see if you lived at the MDC when you say you did. This is called an "audit process." Irene Hamilton is the Claim Supervisor. It is her job to run the audit process.

Talking about bad things that happened to you can be hard. If you make a claim, you could get very upset thinking about it. You might need support or counselling. The settlement fund can pay for this.

The amount you get will depend on what happened to you. You will describe this in your claim form.

## **Kinds of claim**

There are two kinds of claim.

### **Section A claims**

- For a Section A claim you only need to say that you were hurt at the MDC.
- You do not need to explain what happened to you.
- Everyone who makes a Section A claim will be paid \$3000.

## Section B claims

- For a Section B claim you need to say what happened to you.
- You need to describe how you were hurt at the MDC.
- The payment will depend on what happened to you.

You can only make one kind of claim. If you make a Section A claim, you cannot make a Section B claim.

## Claims for sexual abuse

Some people at the MDC were hurt by sexual abuse.

Sexual abuse is when someone hurts you in a sexual way. They might touch you on a private part of your body without your consent. They might make you touch them somewhere on their body. They might make you watch sexual activity you do not want to see.

### Level 1 Sexual Assault

- You were hurt once.
- You were touched in a sexual way without your consent. Or, other sexual activity happened to you without your consent.
- The compensation for this is \$15,000.

### Level 2 Sexual Assault

- You were hurt more than once.
- You were touched in a sexual way without your consent. Or, other sexual activity happened to you without your consent.
- The compensation for this is \$20,000.

### Level 3 Sexual Assault

- You were hurt one or two times.
- Someone put something into your mouth, vagina, or anus without your consent. Or, they tried to do this.
- The compensation for this is \$35,000.

### Level 4 Sexual Assault

- You were hurt more than two times. Or, you were hurt one or two times and you have mental problems because of it.
- Someone put something into your mouth, vagina, or anus without your consent. Or, they tried to do this.
- The compensation for this is \$60,000.

## Claims for physical abuse

Some people at the MDC were hurt by physical abuse.

Physical abuse is when someone hurts your body on purpose. They might hit, slap, or punch you. They might push you into a wall or onto the floor. They might hit you with an object. They might hurt you in other ways. It could hurt just a little or a lot.

It is physical abuse no matter how badly you were hurt.

### Level 1 Physical Assault

- You were hurt more than once.
- The hurt was not serious.
- You were not cut or bruised.
- There was no permanent damage.
- The compensation for this is \$4,500.

### Level 2 Physical Assault

- You were hurt one or more times.
- You had an injury, like a black eye, a bruise, or a cut.
- The compensation for this is \$10,000.

### Level 3 Physical Assault

- You were hurt one or more times.
- You had a serious injury like a broken bone or getting knocked out.
- You were hurt enough that you should have seen a doctor or gone to a hospital.
- You might still have some effects from being hurt today.
- The compensation for this is \$25,000.

## How many claims can I make?

You can make one claim for each type of abuse that happened to you. If you were hurt by sexual abuse and physical abuse you can claim for both.

You can only claim one level in each category. If you were hurt more than once, you can claim for the most serious thing that happened to you.

For example, you can claim for level 2 sexual assault and level 3 physical assault. You cannot claim for level 2 sexual assault and level 3 sexual assault. If both levels of assault happened to you, you can claim level 3.

You can find out more in the Settlement Agreement. It will tell you how to make a claim. You can see the Agreement at <https://mdcclassactionsettlement.com/>.



## **Who is representing me?**

### **Who is my lawyer?**

There are two groups of lawyers for the Representative Plaintiff and the Class Members. The lawyers are Koskie Minsky LLP of Toronto, Ontario and Wolseley Law of Winnipeg, Manitoba.

If you have questions about the settlement, you can ask these lawyers. It will not cost you anything to ask them.

You can also hire your own lawyer. You will have to pay for this. The lawyer you hire can represent you or give you advice about the settlement.

You do not have to have your own lawyer to be part of the settlement.

### **How will the lawyers be paid?**

The lawyers have not been paid yet. They will not be paid unless the lawsuit succeeds. The Court has to agree that the payment is fair.

The Representative Plaintiff agreed to pay the lawyers for their work. These are the legal fees. The lawyers will tell the Court what their fees are. They will give details about all their fees. The Court has to approve the fees. The fees cannot be more than 30% of the Settlement Fund.

The lawyers will also be paid for their expenses. They will tell the Court what their expenses are. The Court has to approve the expenses.

The Court will make the final decision on what to pay the lawyers. The payment will come from the Settlement Fund.

## **Legal options**

### **What if I do not agree with the proposed settlement?**

You can object to the proposed settlement. To do this, you can complete an Objection Form.

The Objection Form needs to include this information:

- Your name.
- Your address.
- Your telephone number.
- A statement that you object to the settlement.
- The reason you object to the settlement.
- Any documents that explain why you object.
- Your signature.

You can get the Objection Form from <https://mdcclassactionsettlement.com/>. You can send the Form by mail or email.

The address to send the Form to is:

Claims Administrator  
P.O. Box 3355  
London, ON N6A 4K3

[info@MDCclassactionsettlement.ca](mailto:info@MDCclassactionsettlement.ca)

You have to send the Form by April 21, 2023. If you mail it, it has to be postmarked by April 21, 2023. The Administrator will give your Objection Form to the Court.

You can also go to the Approval Hearing to tell the Court why you object. If you want to do this, you have to send in the Objection Form on time.

Not everyone who objects will get to speak in Court. The Court will decide if you get to speak at the hearing.

### **What if I agree with the proposed settlement?**

If you agree with the proposed settlement, you do not need to do anything now. If the Proposed Settlement is approved, you will be told how to make a claim.

## **Approval Hearing**

### **When and where is the Approval Hearing?**

The Court will decide if the proposed settlement is fair to everyone. It will hold an Approval Hearing (“the Hearing”) for this. It will also decide if it agrees with the legal fees and expenses.

The Hearing will be on May 5, 2023. It will be held at the Court House at 408 York Avenue in Winnipeg. You can go to the Hearing in person.

The Hearing date may be changed. You will not be sent another notice if the date changes. Please check <https://mdcclassactionsettlement.com/> before the Hearing to find out how you can attend. You can also call 1-844-306-0263.

At the Hearing, the Court will look at the proposed settlement. It will listen to people who agree with it and people who disagree. It will find out if the Proposed Settlement is fair and if it is good for everyone in the Class.

The Court will decide after the Hearing. It will decide whether to approve the proposed settlement. It will also decide whether to approve the legal fees. We do not know how long these decisions will take.

## **Do I have to go to the Hearing?**

You do not have to go to the Hearing. The lawyers for the Representative Plaintiff will be there. They will answer questions from the Court.

You are welcome to go to the Hearing if you want to. You do not need a lawyer to go to the Hearing. If you want a lawyer to go with you, you have to pay them yourself.

If you want to tell the Court why you disagree with the Proposed Settlement, you need to send in an Objection Form. You can go to the Hearing, and the Court will decide if you can speak.

If you do not go to the Hearing, the Court will read your Objection Form. It will think about your objection when it makes its decision. You do not have to talk to the Court about it.

## **What if I do nothing?**

You do not have to do anything. The Approval Hearing will go ahead. The Court will decide if the Proposed Settlement is fair without hearing from you.

## **Getting more information**

This notice is to tell you the most important parts of the Proposed Settlement. There is more information in the full Settlement Agreement. You can get a copy of it at <https://mdcclassactionsettlement.com/>. You can also call 1-844-306-0263 or email [info@mdcclassactionsettlement.ca](mailto:info@mdcclassactionsettlement.ca) to ask for a copy.

You can get legal advice from Class Counsel for free. They can tell you more about the Proposed Settlement. They can give advice about your claim.

You can send your questions to Koskie Minsky by email at [mdcclassaction@kmlaw.ca](mailto:mdcclassaction@kmlaw.ca). You can also call for free at 1-800-286-2266.