

## **SCHEDULE "A"**

### **ALBERTA (CHILD WELFARE) SERVICE PLAN CLASS ACTION LAWSUIT**

**This notice may affect your rights. Please read it carefully.**

#### **What this Class Action is About**

A lawsuit has been certified as a Class Action against the Child Welfare branch of the Alberta Government. The lawsuit alleges that Child Welfare had a responsibility to prepare service plans and file them in Court from February 21, 2002 to November 1, 2004, but regularly, and systematically, failed to do so. The Plaintiffs include the Child Class and the Relative Class (parents and guardians of the children). The Child Class is represented by E.M.P., and the Relative Class is represented by L.C. They can be contacted through Class Counsel, Robert P. Lee, at the web address below.

A Child Class Member includes all children who:

- i) were in the care of the Crown under a Temporary Guardianship Order ("TGO") between February 21, 2002 to November 1, 2004; and
- ii) remained in the custody, care and possession of the Crown after the Crown failed to prepare and/or file a plan of care within 30 days of obtaining the TGO.

A Relative Class Member is the parent or guardian of a Child Class Member.

If you do not know if a service plan was made or filed in Court as required, you can contact Class Counsel, Robert P. Lee, at 780-800-5584, or:

[www.victimsrightslaw.ca/alberta-child-welfare-class-action-2/](http://www.victimsrightslaw.ca/alberta-child-welfare-class-action-2/)

#### **What do I do to participate in the Class Action?**

If you are a Class Member, then you will automatically be included and do not have to do anything. You will automatically be bound by any judgment or settlement achieved in the Class Action. It is recommended that you contact Class Counsel to be put on a contact list so that you can receive periodic updates.

#### **What if I do not want to be part of the Class Action?**

If you do not want to be part of the Class Action, then you must opt out of the lawsuit by sending a letter with your name, date of birth, address, and reason why you do not want to be involved to Class Counsel, received or postmarked no later than **December 31, 2024**. If you opt out, you will be responsible for prosecuting your own lawsuit over the issues in the Class Action. It will be your responsibility to start your lawsuit within the time deadline for suing, and to take all other legal steps.

#### **What if I do not meet the definition of a Class Member?**

If you were only in the care of Child Welfare before February 21, 2002 or after November 1, 2004, or if you were subject to a different type of Court Order other than a TGO, then this Class Action does not apply. If you believe that there was an error in the manner in which Child Welfare service planned for your family, then you will have to file your own individual lawsuit against Child Welfare within the time deadline for suing, and to take all other legal steps.

### **What does it cost to be part of the Class Action?**

Class Members do not have to personally pay any legal fees up to the conclusion of the trial or a settlement. The Court has approved a fee agreement that pays the Class Counsel a percentage of any monies that you receive from the Class Action, if successful. The most that Child Class Members will have to pay is 25%, plus disbursements and taxes. The most that the Relative Class Members will have to pay is 25%, plus disbursements and taxes. At the end of the case, the Retainer Agreement will be reviewed again by the Court to confirm that the lawyer's fee is fair. If the case is not successful, then you will not have to pay any legal fees or Court costs. Only the Representative Plaintiffs may have these obligations. If there are individual hearings required to determine your award after the common issues are resolved, then more details will be provided at that time, including who will be responsible for paying the legal fees and Court costs.

### **What happens next in the Class Action?**

The lawsuit will proceed toward a resolution, which will apply to all of the Class Members. The Representative Plaintiffs will give directions to the Class Counsel on how to proceed with the case. A Class Member may apply to the Court to actively participate in the lawsuit.

### **Who is the lawyer for the Class Members?**

#### **Robert P. Lee Professional Corporation**

Barrister & Solicitor

11420 142 Street NW, Edmonton, AB T5M 1V1

Phone: 780-800-5584

Facsimile: 780-800-5584

Email: [leerobertp@netscape.net](mailto:leerobertp@netscape.net)

Website: [www.victimrights.ca](http://www.victimrights.ca)

More information about the Child Welfare Service Plan Class Action can be found at:

[www.victimrights.ca/alberta-child-welfare-class-action-2/](http://www.victimrights.ca/alberta-child-welfare-class-action-2/)