

SCHEDULE "A"

ONTARIO SUPERIOR COURT OF JUSTICE

NOTICE OF CERTIFICATION AS A CLASS PROCEEDING

Court File No. 29762 (London)

- TO: All persons who attended the Mohawk Institute Residential School at any time between 1922 and 1969.**
- TO: All parents and siblings of all persons who attended the Mohawk Institute Residential School at any time between 1922 and 1969.**
- TO: All spouses and children of all persons who attended the Mohawk Institute Residential School at any time between 1922 and 1969.**

This notice of certification is published by order of the Honourable Justice Roland Haines of the Ontario Superior Court of Justice in London, Ontario.

Please read this notice very carefully. It may affect your legal rights.

Representatives of the Class

Marlene Cloud, Geraldine Robertson, Ron Deleary, Leo Nicholas, Gordon Hopkins, Warren Doxtator, Roberta Hill, J. Frank Hill, Sylvia Deleary, William R. Sands, Rosemary Deleary, and Sabrina Yolanda Whiteye (the "Representative Plaintiffs") have begun an action against the defendants listed below. The action was started on October 5, 1998 in the Ontario Superior Court of Justice in London under the *Class Proceedings Act, 1992*. The Representative Plaintiffs allege that the children who attended the Mohawk Institute Residential School were subjected to a sustained, systematic program of physical, emotional and spiritual abuse while they attended the school and that they suffered damages as a result. They claim that those responsible for these damages must pay them compensation in an amount to be set by the courts.

In addition, a claim has been asserted for damages suffered by family members of students who attended the Mohawk Institute Residential School related to the intergenerational effects of such attendance.

The action was certified as a class proceeding by order of the Court of Appeal for Ontario dated December 3, 2004. Leave to appeal to the Supreme Court of Canada was denied on May 12, 2005. No further appeals regarding certification are possible. The certification order is therefore final.

The Defendants

The defendants in this action (collectively the “Defendants”) are the Attorney General of Canada, The Incorporated Synod of the Diocese of Huron and The New England Company. The Representative plaintiffs allege in the amended statement of claim that the Defendants, either singly or together, were responsible for the operation of the Mohawk Institute Residential School and for the care of the students who attended at the Mohawk Institute Residential School. The Defendants deny any liability and are defending the action.

The Classes

The Court of Appeal for Ontario ordered that this action be certified on behalf of the following classes (collectively the “Class”):

- (a) All persons who attended the Mohawk Institute Residential School between 1922 and 1969 (the “student class”);
- (b) All parents and siblings of all persons who attended the Mohawk Institute Residential School between 1922 and 1969 (the “siblings class”); and
- (c) All spouses and children of all persons who attended the Mohawk Institute Residential School between 1922 and 1969 (the “families class”).

If you are member of one of these groups, you are a member of the Class and may assert a claim in this action.

You need not assert a claim now. You need only decide now whether you wish to exclude yourself from this action. If you wish to remain in the action, you need not do anything.

The Action

The Court of Appeal for Ontario ordered that the following claims are asserted on behalf of the Class in the class proceeding:

- (a) The claims for breach of fiduciary duty owed to members of the student class from 1922 to 1969;
- (b) The claims for breach of fiduciary duty owed to members of the families class and siblings classes from 1922 to 1969;
- (c) The claims for breach of aboriginal rights of the members of the student class from 1922 to 1969; and

- (d) The claims for negligence of the defendants, but only between 1953 and 1969, not including claims based on vicarious liability.

The court has not yet determined whether the class proceeding will be successful or what damages should be awarded to the members of the Class. Further notices will be issued by the Court as necessary as the action progresses toward trial. You will be notified of the date of the trial.

The common issues certified by the Court of Appeal

The Court of Appeal for Ontario ordered that the following issues be certified as common issues for the class in the class proceeding:

- (a) By their operation or management of the Mohawk Institute Residential School from 1953 to 1969, did the Defendants breach a duty of care owed to the students of the Mohawk Institute Residential School to protect them from actionable physical or mental harm?
- (b) By their purpose, operation or management of the Mohawk Institute Residential School from 1922 to 1969, did the Defendants breach a fiduciary duty owed to the students of the Mohawk Institute Residential School to protect them from actionable physical or mental harm, or the aboriginal rights of those students?
- (c) By their purpose, operation or management of the Mohawk Institute Residential School from 1922 to 1969, did the Defendants breach a fiduciary duty owed to the families and siblings of the students of the Mohawk Institute Residential School?
- (d) If the answer to any of the above common issues is yes, can the court make an aggregate assessment of the damages suffered by the all class members of each class as part of the common trial?
- (e) If the answer to any of these common issues is yes, were the Defendants guilty of conduct that justifies an award of punitive damages?
- (f) If the answer to common issue (e) is yes, what amount of punitive damages should be awarded?

The trial judge who presides over the common issues trial will determine the answers to these questions. As of the date of this notice, it is not yet known when the common issues trial will be held. You will be notified of the date of the common issues trial.

Legal Representation

The Representative Plaintiffs have retained Russell Raikes of Cohen Highley LLP (London) and Kirk M. Baert of Koskie Minsky LLP (Toronto) (collectively ‘the Law Firms’) to represent them in these proceedings.

You need not contact either of the Law Firms at this time if you wish to remain in the class. You should keep them advised as to your up to date mailing address and phone number.

Judgment Binding on All Members of the Class

Any judgment ultimately obtained in these proceedings or any court-approved settlement that may be reached, whether favourable or not, will bind all members of the Class who do not opt-out.

Opting Out

You can opt out (i.e. withdraw) from these proceedings. You are entitled to opt out of the proceedings by delivering a written notice, which may be in the form of the opt-out coupon attached to this notice, to Cohen Highley LLP on or before October 1, 2005. Cohen Highley LLP’s mailing address is set out below. If you do not opt out prior to this date, you will remain a member of the class and will be bound by any judgment or court-approved settlement that may be reached in these proceedings, favourable or not.

Your opt out coupon must be received by Cohen Highley LLP by not later than October 1, 2005.

Right to Participate

If you do not wish to be part of the class, you may still be entitled to participate in the proceeding. Such participation is subject to the court’s approval. You may wish to obtain independent legal advice with respect to this matter.

Legal Costs

The Representative Plaintiffs have entered into a Retainer Agreement with the Law Firms with respect to legal fees. The Law Firms have been retained on a contingency fee basis, whereby they will only be paid their fees in the event of a successful result to the litigation or a court-approved settlement.

This Retainer Agreement is subject to the court's approval. The amount of the legal fees paid to the Law Firms is also subject to the court's approval.

Cost to You

There is no cost to you.

If the action is successful, or if a court approved settlement is reached, the legal fees will be payable pursuant to the Retainer Agreement described above. No class member, other than the Representative Plaintiffs, will be responsible for the legal costs of the defendants if the common issues trial is unsuccessful.

If the action is successful, the court will go on to determine how much the people affected should receive or how they should be compensated. The court will also determine how the damages should be distributed to or for the benefit of the people affected.

In addition to the above common issues, the action asserts claims which will require the determination of issues that are individual to members of the class, such as sexual abuse or the amount of damages payable to each class member. Those individual issues may be pursued after the common issues trial. If you decide to pursue those individual issues after the trial of the common issues, you may be personally responsible for the costs for those individual proceedings only.

Whether or not the action is successful, all members of the class who do not opt out will be bound by the judgment. This means, for example, that after this action is over, you could not start your own class action or individual claim for the same claims asserted in the common issues trial.

FURTHER INFORMATION

The Government of Canada has appointed the Honourable Frank Iacobucci as a Federal Representative to work with legal counsel for former students, including legal counsel in this class proceeding, as well as with the Assembly of First Nations and legal counsel for Church entities, to develop an agreement for a fair and lasting resolution of the legacy of Indian residential schools.

If you have any questions or concerns, please contact Cohen Highley LLP or Koskie Minsky LLP at the following address:

Mohawk Institute Residential School Class Proceeding

<p>COHEN HIGHLEY LLP Barristers and Solicitors One London Place 255 Queens Avenue, 11th Floor London, ON N6A 5R8</p> <p>RUSSELL M. RAIKES Tel: 519.672.9330 Fax: 519.672.5960 Email: rraikes@cohenhighley.com Firm Website: www.cohenhighley.com</p>	<p>KOSKIE MINSKY LLP Barristers and Solicitors 20 Queen Street West Suite 900, Box 52 Toronto, ON M5H 3R3</p> <p>KIRK BAERT Tel: 1.877.398.0497 Fax: 416.977.3316 Email: mohawkclassaction@koskieminsky.com Firm Website: www.koskieminsky.com</p>
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PLEASE DO NOT CONTACT JUSTICE HAINES OR THE REGISTRAR OF THE ONTARIO SUPERIOR COURT OF JUSTICE REGARDING THIS CASE. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.