

**WERE YOU A STUDENT OF JACK HULLAND ELEMENTARY SCHOOL
("JACK HULLAND") BETWEEN JANUARY 1, 2002 AND JUNE 30, 2022
AND SUBJECTED TO A HOLD, RESTRAINT AND/OR PLACED IN
SECLUSION?**

**IF SO, YOUR RIGHTS ARE AFFECTED BY A CLASS ACTION
THE DEADLINE TO OPT OUT OF THE CLASS ACTION IS AUGUST 23, 2024**

**IF YOU THINK YOU MAY BE A CLASS MEMBER PLEASE CONTACT THE LAWYERS
BY EMAIL AT JACKHULLAND@CFMLAWYERS.CA
OR BY TELEPHONE AT 1-867-667-2099 OR TOLL-FREE 1-800-689-2322**

1. WHAT IS THIS CLASS ACTION ABOUT?

A class action lawsuit has been brought against the Government of Yukon ("Yukon Government") and the Jack Hulland Elementary School Council of Area #22 ("Jack Hulland School Council"). The class action claims that there was a systemic practice of using holds, restraints and seclusion to control students' behaviour at Jack Hulland.

2. WHO IS BEING SUED?

The class action was brought against the Yukon Government and the Jack Hulland School Council.

On May 17, 2023, the class action was settled against the Jack Hulland School Council and Settlement Class Members are barred from bringing related claims against the Jack Hulland School Council. If you have questions or would like to request a copy of the notice, please contact the lawyers.

The class action is continuing against the Yukon Government. On September 6, 2023, the court confirmed that the action can proceed as a class action against the Yukon Government.

Questions? Visit the website or contacting the lawyers at the information below:
<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>
Call 1-867-667-2099 or toll-free 1-800-689-2322
Email jackhulland@cfmlawyers.ca

3. HOW DO I KNOW IF I AM IN THE CLASS?

You are a Settlement Class Member of the settled class action against the Jack Hulland School Council if you were:

- (1) a student of Jack Hulland between January 1, 2002 and June 30, 2022, **and**
- (2) you were subjected to a hold, restraint, and/or you were locked in a room and/or placed in seclusion.

You are a Class Member of the continuing class action against the Yukon Government if you were:

- (1) a student of Jack Hulland between January 1, 2007 and June 30, 2022, **and**
- (2) you were subjected to a hold, restraint, and/or you were locked in a room and/or placed in seclusion.

If you believe you are a Class Member and/or have questions, if you are still unsure if you are a member, or if you have questions, please call 1-867-667-2099 or toll-free 1-800-689-2322 and ask to speak to someone working on the Jack Hulland class action.

4. WHY IS THIS LAWSUIT A CLASS ACTION?

In a class action, a person called a “representative plaintiff” sues on behalf of all the people, called “class members” or the “class”, who have a similar claim. The court has confirmed that plaintiffs in this case can proceed on behalf of all Class and Settlement Class Members.

A class action allows the court to resolve the common issues for everyone affected, except for those who choose not to participate by excluding themselves (opting out) from the class.

5. WHY WAS THIS NOTICE ISSUED

This notice is being issued to provide Class and Settlement Class Members with notice that the Court has allowed this lawsuit to go forward as a class action. If you are a Class and/or Settlement Class Member, this class action may affect your rights. This notice explains:

- the lawsuit that has been allowed to go forward as a class proceeding against Yukon;
- who is included in the class proceeding;
- the legal rights of the members of the class proceeding; and
- how to opt out of the Class and/or Settlement Class if you do not want to participate.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

If you would like more details about the settlement with Jack Hulland School Council please call 1-867-667-2099 or toll-free 1-800-689-2322 and ask to speak to someone working on the Jack Hulland class action.

6. HOW MUCH MONEY WILL I GET AND WHEN?

There is no money to pay to the Class Members right now. It is not known whether there will be money to pay to the class, as that depends on a trial to take place in the future.

The settlement with the Jack Hulland School Council ended the law suit against the Jack Hulland School Council in exchange for providing cooperation to the plaintiffs in the nature of documents and information. There is, and will be, no money to distribute as part of that settlement.

Unless circumstances change, there will be no money to pay those people who are only a member of the class for the settled class action and not a member of the class action proceeding against the Yukon Government.

There will be further notices once there is more information. Please contact the lawyers who are bringing the class action at jackhulland@cfmlawyers.ca to ensure you are on the mailing list for future notices.

7. WHAT IF I DO NOT WANT TO BE IN THE CLASS ACTION?

You can opt out of this class action.

If you want to sue the Yukon Government or the School Council on your own, or if you do not want to participate in this class action and the settlement with Jack Hulland School Council, you must take steps to exclude yourself from this class action. This is called “opting out”.

If you opt out:

- you can bring your own lawsuit against the Yukon Government or the School Council subject to strictly enforced time limits called limitation periods.
- you will not be bound by the result of this action.
- you will not be able to make a claim for any money that results from the class action.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

8. DISCLOSURE OF STUDENT RECORDS

In order to better represent the class in this lawsuit, the lawyers have sought a court order for production of student records from JHES for students who were allegedly placed in holds, restraints, and/or locked in a room and/or placed in seclusion. The lawyers will only use them for the purpose of advancing this lawsuit. These records will not be disclosed to any other member of the Class.

If you are a Class Member and you do not wish the lawyers to have access to your student records you should opt out of this Class Action.

If you are a Class Member and you would like to review your records, please contact the lawyers by email at jackhulland@cfmlawyers.ca or by telephone at 1-867-667-2099 or toll-free at 1-800-689-2322.

9. HOW DO I OPT OUT?

On or before August 23, 2024, send a completed opt out form to class counsel. The form can be found at <https://tuckercarruthers.ca/jack-hulland-elementary/> or <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or you can request one from the lawyers. You can send a completed form to the lawyers by mail or email at the following:

Mail: CFM Lawyers
Jack Hulland Class Action
400-856 Homer Street
Vancouver, BC V6B 2W5
Attn: Sahar Majidi

Email: jackhulland@cfmlawyers.ca
Phone: 604-689-7555

Mail: Tucker Carruthers
Jack Hulland Class Action
301 – 303 Alexander Street
Whitehorse, YT Y1A 2L5
Attn: Heather Jordan

Email: hjordan@yukonlaw.com
Phone: 867-667-2099

You have 30 days from the day you send in your opt-out form to revoke your opt-out by sending written instructions to the lawyers.

You can also contact the lawyers if you need help opting out.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

10. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing, you will be bound by anything that happens in this class action and you will be bound by the settlement with Jack Hulland School Council. You will not be able to sue the Yukon Government or Jack Hulland School Council on your own about the same issues that are raised in this class action.

If you do nothing your Jack Hulland student records will be produced to your lawyers. The lawyers have been instructed by the Class Representatives to keep these records strictly confidential. The records will not be disclosed to any other member of the Class.

If you do nothing, you may be able to make a claim for any money that results from this action.

You do not need to do anything now unless you want to opt out. If the class action is successful and compensation is awarded, you may need to take steps to make a claim at a later date. Please keep any documents or records you have about your experiences at Jack Hulland.

Call 1-604-689-7555 or 867-667-2099 if you have any questions about the legal terminology or about your options.

We recommend that you contact the lawyers at jackhulland@cfmlawyers.ca to ensure you are on the mailing list for future notices.

11. DO I HAVE A LAWYER IN THIS CASE?

Yes. The law firms of Tucker Carruthers and CFM Lawyers represents the Class and Settlement Class Members. You can contact the lawyers by:

Mail: CFM Lawyers
Jack Hulland Class Action
400-856 Homer Street
Vancouver, BC V6B 2W5
Attn: Sahar Majidi

Email: jackhulland@cfmlawyers.ca
Phone: 604-689-7555

Mail: Tucker Carruthers
Jack Hulland Class Action
301 – 303 Alexander Street
Whitehorse, YT Y1A 2L5
Attn: Heather Jordan

Email: hjordan@yukonlaw.com
Phone: 867-667-2099

You can also visit the website at <https://tuckercarruthers.ca/jack-hulland-elementary/> or <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> for more information.

You will not be charged any money for contacting the Lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

12. HOW MUCH WILL THE LAWYERS BE PAID?

If the class action is not successful, the lawyers will not be paid and the lawyers will be responsible for paying the expenses incurred in bringing and prosecuting the class action. If the class action results in a payment of funds by the Yukon Government, the lawyers will seek legal fees calculated as 33 1/3% of the value of the funds, and also reimbursement for expenses.

Court approval is required before the lawyers get paid any fee. The fee, if approved by the Court, will be deducted from any money that results from this class action before paying Class Members' claims.

13. WHAT ARE THE NEXT STEPS IN THE CLASS ACTION?

The case against the Yukon Government is continuing, but not the case against the School Council. The next steps are for the plaintiff to learn more information about what happened through the court process, and a trial will be scheduled that will determine the common issues:

1. Did Yukon owe a duty of care to the plaintiffs?
2. Did Yukon breach the duty of care owed to the plaintiffs?
3. Did Yukon owe fiduciary obligations to the plaintiffs?
4. Did Yukon breach its fiduciary obligations to the plaintiffs?
5. Is Yukon vicariously liable for the conduct of staff at Jack Hulland Elementary School?
6. Does the conduct of Yukon merit an award of punitive damages?

Another notice will be distributed at the end of this trial to explain the results to Class Members. Contact the lawyers at jackhulland@cfmlawyers.ca to make sure you are on the mailing list for future notices.

If the class action succeeds:

- the Court will decide what steps, if any, are required to prove your individual claim;
- individual issue trials may be required; and
- the lawyers will seek court approval of their legal fees, plus expenses incurred in pursuing the class action.

If you would like to help you can contact the lawyers to talk about your time at Jack Hulland. All conversations with the lawyer are privileged (secret) unless you agree to share your experience.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

Call 1-867-667-2099 or toll-free 1-800-689-2322

Email jackhulland@cfmlawyers.ca

14. HOW CAN I GET MORE INFORMATION?

You can get copies of the claim as well as other information about the Class Action at

- <https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or
- <https://tuckercarruthers.ca/jack-hulland-elementary/>

You can ask to be added to the mailing list or email questions to jackhulland@cfmlawyers.ca or call 1-867-667-2099 or toll-free 1-800-689-2322. If you think you are a class member we recommend adding yourself to the mailing list.

The official court reference for this lawsuit is:

GX, by their Guardian ad Litem, YY and TA by their Guardian ad litem BB in a representative capacity on behalf of all students and former students of Jack Hulland Elementary School who were subject to holds and restraints and/or who were locked in a room and/or placed in seclusion between January 1, 2002 and June 30, 2002 v. Government of Yukon and Jack Hulland Elementary School Council of Attendance Area #22, (Whitehorse) S.C. No. 22-A0097

Please do not contact the Court. The lawyers will answer your questions.

Visiting the website or contacting the lawyers at the information below:

<https://www.cfmlawyers.ca/active-litigation/jack-hulland-elementary/> or <https://tuckercarruthers.ca/jack-hulland-elementary/>

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