
**OFFICIAL COURT NOTICE:
NOTICE OF HEARING TO APPROVE PROPOSED SETTLEMENT IN THE PROPOSED JACK HULLAND
ELEMENTARY SCHOOL CLASS ACTION**

**THIS IS NOTICE OF A LEGAL PROCEEDING THAT MAY AFFECT YOUR RIGHTS
PLEASE REVIEW CAREFULLY**

1. WHAT IS A CLASS ACTION?

A class action is a lawsuit filed by one person on behalf of a large group of people.

2. WHAT IS THIS CLASS ACTION ABOUT?

This class action was certified as a class action lawsuit, (the “Lawsuit”), in Yukon against the Government of Yukon, Department of Education (“Yukon”) in relation to allegations of the systemic use of holds, restraints and seclusion to control students’ behaviour at Jack Hulland Elementary School (“Jack Hulland”) between January 1, 2007 and June 30, 2022 (the “Class Action”).

The Class Action alleges negligence, recklessness, breach of fiduciary duty, and vicarious liability for the torts of assault, battery, and unlawful confinement.

3. WHO IS AFFECTED BY THE CLASS ACTION SETTLEMENT?

The Class Members are:

All students and former students of Jack Hulland who were subject to holds and restraints and/or who were locked in a room and/or placed in seclusion between January 1, 2007 and June 30, 2022.

If you are a Class Member and you did not opt-out before August 23, 2025 you are affected by this settlement.

4. WHAT IS THE REASON FOR THIS NOTICE?

The purpose of this notice is to advise Class Members of a court hearing to approve:

- a settlement of the Lawsuit against Yukon ; and
- the legal fees.

The hearing is scheduled to take place in the Yukon Supreme Court before Chief Justice Duncan at **10:00 AM on October 29-30, 2025 at the Yukon Supreme Court located at 2134 2nd Ave, Whitehorse, YT.**

5. WHAT SETTLEMENT HAS BEEN ACHIEVED IN THE CLASS ACTIONS?

The plaintiffs and Yukon have reached a settlement in the Class Action.

Under the settlement:

- Class Members are entitled to make a claim for compensation through a Claims Process that limits the burden of time and cost on Class Members;
- A special counselling fund will be administered by Yukon to reimburse Class members and their families for treatment that is not covered by any government or private insurance plan;
- Yukon will issue a public acknowledgement and apology; and
- Yukon will be responsible for the costs of the Claims Process and the reasonable costs and disbursements of the Plaintiffs incurred in this action.

This notice contains a summary of some of the terms of the settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail. The full terms of the settlement agreement can be found at <https://www.cfmlawyers.ca/class-action/JHES> and <https://tuckercarruthers.ca/jack-hulland-elementary/>.

The settlement is subject to court approval in the Yukon. The court will review all aspects of the proposed settlement to ensure that it is fair, reasonable, and in the best interests of the class.

A. WHAT COMPENSATION IS AVAILABLE UNDER THE SETTLEMENT?

The Settlement Agreement includes a Claims Protocol that sets out the Claims Process. The full agreement is available at <https://www.cfmlawyers.ca/class-action/JHES> and <https://tuckercarruthers.ca/jack-hulland-elementary/>

The Claims Process creates three tiers for compensation:

- Tier 1 Claims will provide a minimum payment of \$10,000 and are capped at \$35,000;
- Tier 2 Claims are capped at \$300,000; and
- Tier 3 Claims are capped at \$1,000,000.

The lawyers will be paid from this compensation, further information is provided below.

The process for making a claim becomes more complicated in each Tier. Class Members should seek advice from the Lawyers about their claim and what Tier is recommended.

B. HOW DO CLAIMS UNDER EACH TIER WORK?

Below is a brief summary of the Claims Process. If there is a conflict between this notice and the Claims Protocol which sets out the Claims Process, the terms of the Claims Protocol shall prevail.

If you are a Class Member we strongly recommend you review the Claims Protocol and contact the Lawyers for advice about making a claim.

Anyone who makes a Claim will be required to execute a release of their claims against Yukon.

Tier 1: Claimants under Tier 1 are required to establish that they were subjected to a hold, restraint, or seclusion (an “**Event**”) by completing a Proof of Claim form. Yukon is limited in how it can challenge that a Claimant was subjected to an Event and cannot dispute liability on the basis that an Event was justified. Claimants will be eligible for \$3500 per day that any Event occurred, with a minimum payment of \$10,000 and a maximum payment of \$35,000. Tier 1 claims are entirely paper based. This means that Tier 1 claims will be based on forms and documents that will be submitted by the Claimant. There will not be a hearing and there will be no examinations or cross-examinations.

Tier 2: Claimants under Tier 2 must establish that they suffered harm as a result of one or more Events. Yukon is limited in how it can challenge that a Claimant was subjected to an Event and cannot dispute liability on the basis that an Event was justified. Compensation will be determined by a designated Claims Officer based on the legal principles that would be applied in a trial and is capped at \$300,000. Claimants will be required to provide evidence of the harm that they suffered and may be required to participate in an interview about their claims. If the Claims Officer determines that the Claimant was subjected to one or more Events, but did not otherwise suffer harm, the Claims Officer may award compensation up to \$20,000. Claimants under Tier 2 will not be cross-examined.

Tier 3: Claimants under Tier 3 must establish that they suffered harm as a result of one or more Events. Yukon has more flexibility in how it can challenge that a Claimant was subjected to an Event, including whether the Event was justified. Compensation will be determined by a designated Claims Officer based on the legal principles that would be applied in a trial and is capped at \$1,000,000. Claimants will be required to provide evidence of the harm that they suffered and may be required to participate in an interview about their claims.

C. WHEN DO CLAIMS OPEN?

If the Settlement Agreement is approved, a date will be set for Class Members to begin making claims.

A further notice with further details will be provided to Class Members to tell them that the Claims Process is opening.

Class Members will have 2 years to make a claim.

If you are a Class Member we strongly recommend that you provide your contact details to the lawyers at jackhulland@cfmlawyers.ca to receive updates.

D. WHAT IS THE SPECIAL COUNSELLING FUND?

Yukon will establish and administer a special counselling fund of \$250,000 to assist Class Members and their families. It will provide reimbursement for the costs of counselling and related treatment to Class Members and their families where they are not eligible for other reimbursements.

The benefits are capped at \$5000 per claimant and are available for services rendered from the date of settlement approval to March 31, 2028.

E. WHAT IS THE PUBLIC ACKNOWLEDGEMENT

Yukon will issue a public statement acknowledging the harm suffered by Class Members.

6. LEGAL FEES

A. WHO ARE THE LAWYERS WORKING ON THIS CLASS ACTIONS?

The law firms of CFM Lawyers and Tucker Carruthers represent the plaintiffs and proposed Class Members:

CFM LAWYERS

Telephone (toll free): 1-800-689-2322

Email: jackhulland@cfmlawyers.ca

Mail: 4th Floor, 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Sahar Majidi, Paralegal

TUCKER CARRUTHERS

Telephone: 1-867-667-2099 extension 1005

Email: hjordan@yukonlaw.com

Mail: 301-303 Alexander Street, Whitehorse, Yukon, Y1A 2L5, Attention: Heather Jordan, Paralegal

B. WHAT ARE THE LEGAL FEES AND HOW WILL THEY BE PAID?

The lawyers have been working on the Class Action on a contingency fee basis, which means they get paid from the money collected in the action. The court must approve their fee before it is paid.

At the October 29-30 hearing, the lawyers will request court approval of:

- a legal fee of 25% of the recovery (excluding any amount recovered for costs and disbursements) for Tier 1 Claims;
- a legal fee of 30% of the recovery (excluding any amount recovered for costs and disbursements) for Tier 2 and Tier 3 Claims.

The Lawyers are not seeking any legal fee on the special counselling fund.

The lawyers have also spent money pursuing the Class Action, paying for costs such as experts, filing fees, postage, and travel. Under the settlement, Yukon is required to pay these costs and disbursements as agreed or assessed under the Rules of Court. The lawyers will be seeking approval of these costs, which total approximately \$240,000.

7. HOW CAN I PARTICIPATE IN THE APPROVAL HEARING?

Class Members who do not oppose the proposed settlement or the legal fees do not need to appear at the approval hearings or take any other action at this time.

Class Members are entitled to file written submissions and/or appear and comment on or object to the proposed settlement and/or the legal fees at the settlement approval hearing on October 29, 2025 at the Supreme Court of Yukon located at 2134 2nd Ave, Whitehorse YT.

Class Members who wish to comment or object must submit a written submission by mail or email to the lawyers at the address listed below, postmarked no later than October 17, 2025. The written submission must state the nature of any comments or objections, and whether the Class Member intends to appear at the settlement approval hearing. The Lawyers will forward all such submissions to the court. All timely written submissions will be considered by the court. If you do not submit a written submission by the relevant deadline, you might not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearings.

If you want to attend the hearings, please contact the Lawyers for additional details.

8. WHAT HAPPENS NEXT?

If the Settlement is Approved, Class Members will be entitled to participate by making claims for compensation under the Settlement Agreement.

You can visit <https://www.cfmlawyers.ca/class-action/JHES> or <https://tuckercarruthers.ca/jack-hulland-elementary/> for updates on the action, or you can contact the Lawyers to provide contact information to receive regular updates. We strongly recommend that you do so.

9. WHAT IF I HAVE ADDITIONAL QUESTIONS?

Visit <https://www.cfmlawyers.ca/class-action/JHES> or <https://tuckercarruthers.ca/jack-hulland-elementary/> for more information. If you still have questions, please contact the Lawyers by email at jackhulland@cfmlawyers.ca or call 1-867-667-2099 or toll-free at 1-800-689-2322.

Please do not contact the court to ask questions about this lawsuit or the settlement. All questions should be directed to the Lawyers.

Please note that all communications with the Lawyers will be treated as confidential, other than objections provided under part 7 of this notice, which will be put before the court.

THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPREME COURT OF YUKON
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