

Federal Court



Cour fédérale

Date: 20231103

Dockets: T-402-19

T-141-20

T-1120-21

Citation: 2023 FC 1467

Ottawa, Ontario, November 3, 2023

PRESENT: The Honourable Madam Justice Aylen

CLASS PROCEEDING

Docket: T-402-19

BETWEEN:

**XAVIER MOUSHOOM, JEREMY
MEAWASIGE (BY HIS LITIGATION
GUARDIAN, JONAVON JOSEPH
MEAWASIGE) AND JONAVON JOSEPH
MEAWASIGE**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-141-20

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS, ASHLEY
DAWN LOUISE BACH, KAREN OSACHOFF,
MELISSA WALTERSON, NOAH BUFFALO-
JACKSON (BY HIS LITIGATION
GUARDIAN, CAROLYN BUFFALO),**

**CAROLYN BUFFALO AND DICK EUGENE
JACKSON ALSO KNOWN AS RICHARD
JACKSON**

Plaintiffs

and

**HIS MAJESTY THE KING
AS REPRESENTED BY THE ATTORNEY
GENERAL OF CANADA**

Defendant

Docket: T-1120-21

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS AND
ZACHEUS JOSEPH TROUT**

Plaintiff

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

UPON MOTION by the Plaintiffs, heard at a special sitting of the Court on October 24,
2023, for:

- a) An order approving the proposed Phase II Notice Plan for the dissemination of the notice of settlement approval, claims process and all other future notices to the class

[Phase II Notice Plan] substantially in the form appended as Schedule “A” to the Notice of Motion and subject to the right of the parties to make non-material amendments as may be necessary or desirable;

- b) An order that Canada pay the reasonable costs of giving notice in accordance with the Phase II Notice Plan;
- c) An order approving the notice of the Court’s approval of the Final Settlement Agreement dated April 19, 2023 and as amended by way of Addendum dated October 10, 2023 [Final Settlement Agreement], substantially in the form appended as Schedule “B” to the Notice of Motion and subject to the right of the parties to make non-material amendments as may be necessary or desirable; and
- d) Such further and other relief as this Honourable Court may deem just and appropriate;

CONSIDERING the Plaintiffs’ motion record and the submissions of counsel for the parties at the hearing of the motion;

AND CONSIDERING that the Defendant consents to the relief sought;

AND CONSIDERING that this Court previously approved the parties’ notice plan for Phase I, which related to notices of certification, opt-out and the settlement approval hearing;

AND CONSIDERING that this Court approved the Final Settlement Agreement at the hearing on October 23, 2023, with a formal order to follow;

AND CONSIDERING that the Court is satisfied that the Phase II Notice Plan meets the requirements of Rules 334.32 and 334.34 and shall constitute good and sufficient service upon class members of the notice of settlement approval, claims process and all other future notices;

AND CONSIDERING that the Court finds that, due to the addition of the Kith Child Class and the Kith Family Class to the Final Settlement Agreement, the opt-out period for these two classes should be extended and the parties are agreeable to extending the opt-out period for these two classes only to January 15, 2024;

AND CONSIDERING that the parties have agreed to amend the proposed Notice of Settlement Approval to include language regarding the extension of the opt-out period for the Kith Child Class and the Kith Family Class;

AND CONSIDERING that the Court is satisfied that the balance of the relief sought should be granted;

THIS COURT ORDERS that:

1. The notice plan for the dissemination of the notice of settlement approval and all future notices and communications with Class Members, substantially in the form attached as Schedule “A” hereto, is hereby approved [Phase II Notice Plan].
2. The notice of settlement approval, substantially in the form attached as Schedule “B” hereto, is hereby approved, subject to the Plaintiffs’ right to make non-material changes as may be necessary, appropriate, or desirable. The notice of settlement approval shall be disseminated to the class in accordance with the Phase II Notice Plan.

3. The Defendant shall pay the reasonable costs of giving notice in accordance with the Phase II Notice Plan.
4. The opt-out deadline for the Kith Child Class and Kith Family Class only (as those two classes are defined in the parties' Final Settlement Agreement dated April 19, 2023, and as amended by way of Addendum dated October 10, 2023, and approved by this Court on October 24, 2023) is hereby extended to January 15, 2024. Notice of this extension shall be provided as part of the notice of settlement approval in Schedule "B" hereto.
5. There shall be no costs of this motion.

"Mandy Aylen"

Judge

SCHEDULE "A"

SCHEDULE A

PHASE II NOTICE PLAN – “SETTLEMENT APPROVAL NOTICE”

0. INTRODUCTION

Class members will receive notice in two phases: Phase I and Phase II.

Phase I Notice was completed and addressed the notice of Certification and Settlement Approval hearing, by disseminating court-approved notices announcing that the Actions have been certified pursuant to the Federal Court’s certification orders. The notices advised class members of their legal rights as a result of certification, including the binding nature of the Actions on all class members who do not opt out of the settlement. Further, the notices advised of the procedures and deadlines whereby those who wish to opt out of the settlement may do so. This phase also described the proposed Final Settlement Agreement, the dates and location for the initial settlement approval hearing, where and how to access information about the settlement, as well as providing information on how to object, if desired.

Phase II Notice, which is the subject of this notice plan, includes a more extensive notice plan that is in effect for a longer period. Notice in the second phase announces the approval of the settlement by the Federal Court and outlines the settlement and its benefits. It also provides information on how to access the claims process. Given that there are multiple distinct classes, with the potential for eligibility in multiple classes, and a phased approach to implementing Claims Periods, this phase provides instructions and directs class members to dedicated support to assist in clarifying eligibility, filling out claim forms, and obtaining supporting documentation.

This will require several rounds of distinct noticing and information campaigns as outlined in Part III, Section 2 (d) of this Notice Plan. This multi-phased approach to noticing will ensure Class Members are informed, have multiple methods by which to receive notice and are provided with numerous opportunities to engage with the Settlement that are trauma-informed and culturally sensitive.

In cases where certain Claims Periods end, while others continue to accept eligible Class Members, it will be important to ensure eligible Class Members are aware of the specific Class for which a Claims Period is open, how they can determine eligibility, and access supports to complete their Claim.

I. BACKGROUND

1. On April 19, 2023, the parties entered into a Settlement Agreement, which has been approved by the Federal Court. The Settlement Agreement provides individual compensation for eligible Class Members named in the Settlement Agreement of the First Nations Child and Family Services and Jordan’s Principle and Trout Class Action.

II. OVERVIEW

1. *Objective:* To notify and engage the greatest practicable number of Class Members, and provide them with opportunities to see, read, or hear the notice,

understand their rights, respond, and receive support in completing their Claim Forms regarding:

- a) the Settlement Agreement and their rights to receive compensation under it;
 - b) the Claims Process and timeline; and
 - c) Claim Form and resources and supports available.
2. *Situational Analysis*: The following factors guide dissemination methods needed to achieve an effective notice effort:
- d) The Class is defined as individual members of the:
 - i. Removed Child Class
 - ii. Removed Child Family Class
 - iii. Essential Service Class
 - iv. Jordan's Principle Class
 - v. Jordan's Principle Family Class
 - vi. Trout Child Class
 - vii. Trout Family Class
 - viii. Kith Child Class
 - ix. Kith Family Class
 - e) According to the 2021 Census, there are 1,048,405 First Nations people living in Canada.¹
 - f) Class Members become eligible at the age of majority in their province (aged 18 in Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan; 19 British Columbia, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon).
 - g) Due to factors including but not limited to age of majority, the complexity of the eligibility requirements and number of classes, along with multiple other ongoing settlements, the claims process is likely to be challenging for Class Members to understand. This increases the likelihood for confusion and misinformation.

¹ Statistics Canada. (2021). *Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed*. <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm?indid=32990-2&indgeo=0>.

- h) Class Members are located throughout Canada, including on reserve, within Indigenous communities/settlements, as well as within the general population. Those residing outside of an Indigenous community are located in both rural and urban areas. 2021 Census data indicates that approximately 60 percent of First Nations people do not reside on Reserves.² In addition, there are likely Class Members no longer residing in Canada.
- i) Some Class Members may be currently housed in correctional institutions. According to the Office of the Correctional Investigator Annual Report 2021-2022, 32% of the prison population is made up of Indigenous peoples. This limits online availability to information and support.
- j) While there is the potential for a significant population of Class Members to be located specifically in Ontario, British Columbia, Alberta, and Manitoba, it is expected that many are geographically dispersed across Canada.
- k) According to the 2021 Census, [189,000 people reported speaking at least one Indigenous language](#). Heritage Canada points out that the [most spoken Indigenous languages in Canada are](#): Cree, Ojibway, Oji-Cree, and Dene.
- l) The median total annual income for First Nations individuals living in Canada is \$32,400 as compared to \$41,200 for the general population.³
- m) Around 45 percent (45.2) of the Indigenous population is between the ages of 25 and 54 and have completed some high school education. Still, it is important to note that education levels of Class Members vary widely, from members who have not completed high school to members with graduate or professional level university education.⁴
- n) Class Members will be able to submit claims up to two years before reaching the age of majority and may be accessing communications while still considered minors, calling for specific attention to trauma-informed approaches and ensuring mental health supports highlighted serve both adult and minor Class Members.
- o) Class Members have experienced at least one and typically more Adverse Childhood Experiences (ACEs), which are traumatic events that occur in childhood, between the ages of 0 and 17. Experiencing

² Statistics Canada. (2021). *Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed*. <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm?indid=32990-2&indgeo=0>.

³ Statistics Canada. (2021). *Table: 98-10-0281-01 Income statistics by Indigenous identity and residence by Indigenous geography: Canada, provinces, and territories*. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810028101>

⁴ Statistics Canada. (2021). *Table 14-10-0359-01. Labour force characteristics by Indigenous groups and education attainment*. <https://doi.org/10.25318/1410035901-eng>

adversity during childhood can disrupt typical developmental pathways and consequently affect health outcomes throughout the lifespan. These experiences can last for decades and have an impact on subsequent generations in a family.

- p) The start of the Claim Process, and each subsequent notice and awareness campaign may elicit strong emotions. The Claims Process, notices and awareness campaigns may also be triggering and retraumatizing for Class members. The approach to communications will be important and must adopt a trauma-informed, culturally sensitive approach.
- q) Canada's Anti-Spam Legislation (CASL) and the protections for the collection and use of personal information under the Privacy Act requires a multi-faceted approach to providing notice that includes direct outreach, paid advertising, engagement of communities and partners and a sustained effort to reach as many Class Members as practicable.
- r) The launch of the Claims Process begins a decades-long settlement that will include newly eligible Class Members each year. Considering the complexity of the settlement compensation deadlines and the addition of new Class Members, notice communications will be required on an ongoing basis, ensuring the implementation of several high-profile campaign periods each year with sustained digital communications and outreach throughout the entire process. In addition, communications and outreach efforts will need to adapt to newly emerging platforms, methods of communication and preferences with refreshed messaging that provides clear, plain-language communications to Class Members at each stage of the process and responds to misinformation swiftly.

2. Strategies:

- a) The Administrator will give the "**Settlement Approval Notice**" along with the launch of a "**Claims Period**" for each Class, substantially in the form set out in the Notice Plan Phase II with such reasonable amendments as the Administrator may recommend based on campaign performance metrics and feedback from Class Members. Amendments that require significant deviation from the Notice Plan Phase II will require Court approval (e.g., an inability to meet a Notice Plan requirement). The Settlement Approval Notice and subsequent launch of phased Claims Periods will require the provision of notice to Class Members with clear, concise, accessible, plain-language information that helps raise awareness, understanding and participation among the greatest practicable number of Class Members and their family members regarding the Settlement Agreement and their rights to receive compensation under it and the Claims Process(es) and timelines. Claims process, timeline, eligibility, and distribution may be staggered based on court approval of the Settlement Agreement and subsequent Distribution Protocols.

- b) The **Settlement Approval Notice** is a legal document that can be confusing and difficult to understand. The addition of several Notices related to each Claims Period, compounds the complexity for Class Members. While significant efforts will be made to provide direct Notice to Class Members, the nature of the Settlement, those impacted, and the duration requires additional communications to raise awareness and encourage engagement. Advertising and supplementary communications materials will use the information contained within the Notice to communicate effectively with Class Members at the launch of each Claims Period, and through regular awareness campaigns as per Part III, Section 2(d).
- c) Given the long-term duration of the claims period in this settlement, and the nature of eligibility impacting how Class Members enter and exit the Class each year, the Plaintiffs and subsequently the Settlement Implementation Committee and the Claims Administrator may evolve strategies and tactics to fit the information and platforms needs of the Class Members.
- d) The Claims Administrator will promote awareness of and engagement with the claims process(es) and access to supports and resources through a combination of specific campaigns:
- i. An initial communication will be supported by paid and earned media, announcing approval of the Settlement Agreement and providing information to Class Members on their right to appeal. Notice will clearly indicate that compensation is not yet available and provide resources for Class Members to access information and sign up for updates at the Settlement Website as well as provide information on supports available.
 - ii. Detailed campaigns to provide notice at the launch of subsequent Claims Periods directed at eligible members of the class for which the specific Claims Process applies. While national in scope, these noticing campaigns will specifically target newly eligible Class Members, correct misinformation, provide updates on the Claims Process and supports available and address concerns raised by Class Members.
 - iii. Regular Reminder/Alert Campaigns to increase overall awareness and engagement with the Settlement, providing information related to eligibility, updates on the Claims Processes and responding to concerns and questions raised by Class Members as well as respond to any misinformation or confusion related to the Settlement or the Claims Process. These campaigns will also focus on pending deadlines for impacted Class Members based on eligibility criteria and/or year of birth.
 - iv. The combination of Claims Process-specific campaigns and Reminder Campaigns will be determined by the Administrator to promote active and regular engagement with the Settlement as

Class Members become eligible. Once all Claims Periods have been launched, general Reminder Campaigns will be executed at a minimum of two per calendar year, focussing on reaching newly eligible Class Members as well as those nearing the end of their eligibility, with a potential third campaign to be based on levels of awareness and engagement and/or issues as recommended by the Administrator.

- e) The Administrator will also provide a baseline of awareness, understanding and engagement metrics by means of a national survey of First Nations peoples representative of Class Members, conducted by an independent research firm within the first year of the Settlement. This survey will be conducted annually along with campaign performance reports to ensure communications and engagement efforts are meeting the needs of Class Members. The survey will help determine the efficacy of notice efforts, identify barriers Class Members face in participating in the Settlement, as well as understand sources of campaign/Settlement recall (where respondents have seen or heard something about the Settlement) and communications preferences of Class Members. This report will be provided to the Settlement Implementation Committee along with recommendations for future communications and outreach efforts based on findings.
- f) The Administrator will implement a program for issues management including traditional and social media monitoring, and feedback from communities and Navigators to address issues of misinformation, disinformation, confusion and/or instances of individuals or organizations falsely representing the Settlement, and ensure appropriate responses are put into place to protect the interests of Class Members.
- g) Canada will be responsible for the cost of giving notice in accordance with this Notice Plan.

III. SETTLEMENT NOTICE PLAN

1. *Approach:*

The Notice Plan provides simple, clear, multilingual communications that reach as many Class Members as possible, including multigenerational Class Members, those living in urban areas, on reserve, in Canada's rural and remote communities, as well as those incarcerated or residing outside of Canada. The unique circumstances of audiences, including broad age and geographical range, their lived experiences, generational communication differences, diversity of languages and cultures, literacy levels, and uneven access to reliable internet are taken into consideration. To that end, the Claims Administrator will:

- a) Ensure that certain court documents (e.g., Short- and Long-Form Notices) and other pertinent information are developed in plain, clear language, in highly visual and accessible formats and provided in

languages appropriate for communicating with those affected (i.e., English, French, Cree, Dene, Mi'kmaq and Ojibwe).

- b) Develop communications in multiple formats (written, visual, audio) and with consideration for different language needs and literacy levels to accommodate diverse learning styles and linguistic backgrounds.
- c) Create messaging guided by the Settlement Approval Notice and subsequent Notices that is clear and concise.
- d) Develop a distinct and culturally appropriate look and feel for communications around this settlement, using colour, visual and other high-profile and accessible cues, to create clarity around who this settlement is for and what it means for Class Members.
- e) Develop unique messaging and visual elements that helps Class Members understand the various classes and Claims Processes, invites, and ensure it reaches Class Members newly entering the class, those currently in the class and those reaching the end of the claims period based on birth dates.
- f) Anticipate and prepare for questions Class Members may have regarding the agreement, and develop clear, accessible and sensitive answers in conjunction with the Plaintiffs and subsequently the Settlement Implementation Committee and the Claims Administrator.
- g) In collaboration with the Plaintiffs and subsequently the Settlement Implementation Committee, direct Class Members to accessible "sources of truth" about the settlement agreement and their rights pertaining to it via all means of communications made available for Class Members.
- h) Provide direct notice to as many Class Members as practicable, understanding the limitations related to obtaining contact information, including mail-drops, in-person through Navigation supports and third-party organizations, and through the website.
- i) Use a combination of online (social and digital), traditional earned and paid media, out-of-home advertising, and direct communication tactics to reach individuals through the channels they frequent and trust as sources of information and direct them to the supports and resources available.
- j) Mitigate the risk of misinformation through issues management, media relations, and proactive and responsive engagement in social and traditional media channels.
- k) Facilitate Class Members' right to submit a claim by providing them with resources, such as in-person or virtual support by visiting their communities/cities and supporting them in completing their Claim Forms.

- l) Ensure those providing direct supports to Class Members, including Navigators, have access to communications resources, training, and support in order to raise awareness, provide information resources and support for Class Members to complete their claims.
- m) Leverage local and regional trusted community channels such as newsletters, radio, and community organizations, when possible, to spread awareness and share supports available for Class Members.
- n) Develop a communications approach specifically for incarcerated Class Members to ensure all class members are aware of the Claims Process and eligibility criteria and have an opportunity to submit a claim.

2. *Tactics:*

The following series of tactics and activities would be used to implement the First Nations Child and Family Services and Jordan's Principle and Trout Class Action Notice Plan.

- a) **Website.** A dedicated website shall be created to serve as a key "source of truth" for Class Members regarding the settlement agreement, as well as a hub for any resources developed to support people in navigating the process. This website will house copies of the Settlement Agreement, Notices, Claims Form, FAQs, interactive videos, and other informational resources.

Website to be referenced in all notice materials and advertisements. The website will be designed to comply with current accessibility standards, will be mobile responsive and ensure that information can be accessed in areas with low connectivity. Notices will be prominently and proactively displayed to website visitors.

A **Claims Assessment Tool** will be made available for use from the start of the Claims Period to the end of the settlement to aid Class Members in better understanding the rolling eligibility.

Class Members will be able to join an email list on the website to receive news and updates. The website will be managed by the Administrator. Website: www.fnchildclaims.ca

- b) **Claimant hotline.** The Administrator shall establish a national toll-free support line, to provide assistance to Class Members, their families, their representatives, and others who make inquiries about the Agreement, or who request assistance in making Claims. This hotline will provide support to Class Members by phone in a prompt, thoughtful manner. The hotline can also include helping Class Members complete their Claim Form and redirect individuals to appropriate resources for mental health and wellness services. Hotline: 1-833-852-0755.
- c) **Direct Notice:** Direct Mailed Notices Print notices to be mailed by regular postal mail to each of the following:

- i. Band offices
- ii. The Chiefs
- iii. Tribal Councils
- iv. Head office and regional offices of the Assembly of First Nations
- v. Individual Class Members identified to the Administrator (i.e., individuals who signed up to be on Administrator's mailing list)
- vi. Community members that reach out to the Administrator and/or Administrator's Noticing Agent requesting communication materials such as Notice Plans, Claim Forms, or other informational materials regarding the Settlement
- vii. Class Members who have registered to receive updates on the Settlement, including those who have signed up with their email addresses on Sotos' website and the Assembly of First Nations' website

Direct notice will also be provided via unaddressed mail drops to First Nations communities and Navigation supports will provide notice to Class Members in-person where possible.

- d) **Enhanced Outreach:** Letters, emails, and other communication materials, including communication toolkits with hard-copy and digital promotional materials (notice documents, brochures, postcards, and posters) shall be sent as part of the direct mail notice to Class Members where they congregate and where they get their information, including:
- i. Band offices
 - ii. The Chiefs
 - iii. Tribal Councils
 - iv. Head office and regional offices of the Assembly of First Nations
 - v. Individual Class Members identified to the Administrator (i.e., individuals who signed up to be on Administrator's mailing list)
 - vi. Community members that reach out to the Administrator and/or Administrator's Noticing Agent requesting communication materials such as Notice Plans, Claim Forms, or other informational materials regarding the Settlement
 - vii. Class Members who have registered to receive updates on the Settlement
 - viii. First Nations Child & Family Services (FNCFS)

ix. Provincial and territorial child welfare entities

- e) **Text and Voice Calls:** Automated text and voice calls shall be deployed in English and French to Class Members who have registered to receive updates on the Settlement. The communications will bring awareness to the settlement, settlement approval, notices, next steps, reminders, support and resources available and other milestones and changes.
- f) **Mailed postcard:** Grassroots level awareness will be boosted through a targeted postcard mail drop, in addition to direct notice, at regular intervals to all First Nations communities with the potential for additional mail drops in remote communities to increase awareness, respond to issues/concerns or address misinformation.
- g) **National press release(s):** A series of press releases will be created and distributed through a national wire distribution service and NationTalk at various stages of the claims process such as, but not limited to, Settlement approval, Claims Launch Period, and reminder campaigns. The objective is to bring awareness of the settlement, share details of Notice, explain eligibility, and introduce the claims process and resources and supports available, as well as pertinent deadlines. The press release will be translated into French and four Indigenous languages for distribution: Cree, Dene, Mi'kmaq, and Ojibwe).
- h) **Media Outreach:** To complement the distribution of the press releases and drive more awareness, a proactive media outreach strategy will be prepared for each release. The strategy will include proactive outreach to national and regional journalists/outlets that cover Indigenous issues and serve Indigenous audiences. Journalists, media outlets will be identified and monitored for their ability to reach target audiences and will be reviewed regularly and updated to best reflect communications trends and preferences of Class Members.
- i) **Organic social media:** An organic social media plan will be created and implemented to ensure that Class Members can access accurate and accessible information through the social channels they frequent. This will likely include the creation and set up of at least one "official" social media channel on Facebook for settlement information, as well as the regular creation and posting of informative content. Additional social media platforms (Instagram, TikTok and emerging platforms) will be added as required to effectively reach Class Members. This will include community management for all social channels, responding to questions about the agreement (using pre-approved messaging) and correcting misinformation where appropriate.
- j) **Paid Media:** To reach key audiences through their preferred platform, a multi-channel digital advertising approach will be implemented. These efforts are key in reaching Class Members who may not receive direct notice, and are not aware of the website, or engaged on social media. Paid media will be concentrated to support the launch of the reminder

campaigns and will include baseline digital paid advertising in-between campaign periods to maintain awareness and engagement. Paid media will seek to improve awareness and understanding of the Settlement and ensure Class Members can exercise their rights and participate. This will include (for each campaign):

- i. **Google search advertising:** Google search advertising will ensure that anyone actively looking for information on “First Nations Child Welfare,” First Nations Child and Family Services” as well as “Jordan’s Principle,” and various other search terms will be immediately directed to settlement information.
- ii. **Digital display:** A combination of display ads on appropriate premium Indigenous publishers will reach those visiting the sites. Contextual targeting on other news content publishers with specific attention to Indigenous news, in combination with additional opportunities for audio and video advertising based on research and monitoring of the most effective opportunities to reach Class Members.
- iii. **Social media advertising:** Paid advertising on Meta will be a central digital tactic, offering considerable reach and penetration for our key audiences. This will include geographic and context-based advertising on Facebook and Instagram and may include other social media platforms as needed to effectively reach Class Members.
- iv. **Print:** A combination of full page and half page ads in Indigenous publications across Canada produced in English, French (where appropriate, ads may be provided in Cree, Dene, Mi’kmaq, or Ojibwe). The designed ads will include relevant information from Short-Form Notices, or where appropriate the Short-Form Notice in its entirety. Smaller ads will include short-form information, presented using visuals, plain language messaging and direct Class Members to the dedicated website to view the notice(s), learn more and fill out the Claim Form(s), as opposed to printing the full content of the approved short/long form notices. Efforts will be made to ensure national and regional reach in appropriate mainstream and Indigenous publications.
- v. **Radio:** Radio ads will be aired on Canadian urban, rural, and Indigenous radio networks across the country for national, regional, and local coverage. These radio ads will consist of 30-second and 60-second radio spots that will run in two rounds per campaign with a minimum of 20 plays per week, per station, for each campaign period.
- vi. **TV:** Television advertisements will run on national networks and those focussed on First Nations audiences (during periods of high viewership). 60-second and 30-second broadcast spots using contextual targeting (Indigenous content) and regional targeting.

- vii. **Out of Home (OOH):** OOH advertisements in the form of posters, banners, billboards and/or transit advertising will be created for community centres, convenience stores in rural and remote areas, and street-level advertisements in large urban areas to help capture a broad audience base, specifically those who are harder-to-reach with other proposed channels. These vulnerable communities might have limited access to other paid channels.
- k) **Webinars:** A series of live or pre-recorded informational webinars will be developed to cover key aspects of the claim process. These webinars will be conducted in both English and French and hosted on the website for Class Members to view on demand. Subtitled versions of the webinars in Cree, Dene, Mi'kmaq, or Ojibwe may be produced and made available online.
- l) **Community outreach:** A direct outreach communications plan will be implemented to provide communications toolkits to communities and cultural hubs where trusted information is shared (e.g., Band Council offices, Tribal Councils, Provincial/Territorial Organizations, Indigenous health centres, community centres, friendship centres, etc.).

This plan is in addition to the Navigational supports available to Class Members to expand reach and ensure awareness of the Settlement. Outreach may be conducted through multiple channels, including but not limited to, direct emails, phone calls and posts in community Facebook groups. The network of communities and cultural hubs will be regularly updated and expanded.

- i. For harder-to-reach communities, trusted resources will be leveraged to facilitate outreach including community influencers, such as Chiefs, Elders and Knowledge Keepers, Indigenous Health Agencies (e.g., Canadian Aboriginal Aids Network), educational institutions (e.g., the First Nations University of Canada, Saskatchewan Indian Institute of Technologies, Northern Alberta Institute of Technology, Southern Alberta Institute of Technology and other universities/colleges with Indigenous programs, System Navigation Agency, and local Indigenous Skills and Employment Training Program partners across the country).
- ii. To connect with the most vulnerable, grass-roots outreach programs will be used in urban centres that usually have a strong connection with the homeless population, cultural programs provided to incarcerated individuals across the country, local shelter organizations, local Food Banks, local Addiction centres and Community Health centres and local Missions that have a strong connection to transitional homes and the homeless population.

- iii. To connect with the minors, outreach to centres that focus on individuals aging out of care (e.g., Federation of BC Youth in Care Networks, Lu'ma, NiGiNan Housing Ventures).
- m) **Educational videos and interactive modules:** Educational videos and interactive modules will be created to support Class Members by providing information about the settlement, the specific Claims Process, the Claim Form and supports and resources available. These resources will be put on a data stick, to be shared with communities that have connectivity issues.
- n) **Live in-person and virtual community meetings:** The Administrator shall conduct a series of community meetings (live or virtual) in coordination with and by invitation from the Chief and Council of the communities to deliver a short presentation, answer questions, and help Claimants with their Claim Forms. This may be conducted by Navigational supports.
- o) **Fairs and exhibits:** Community outreach efforts will include presence at various Indigenous organizations' events or events that are known to have a large First Nations component or presence, including but not limited to the Assembly of First Nations Annual General Assembly, National MMIWG2S+ Gathering and larger regional events.
- p) **Additional outreach/communications efforts as identified by the Administrator:** Opportunities to further provide Class Members with information about the Settlement Agreement and the Claims Process(es) may arise throughout the implementation of the Notice Plan. The Plaintiffs and subsequently the Settlement Implementation Committee and the Claims Administrator may evolve strategies and tactics, distribution methods to meet the information needs of the Class Members and to reduce message fatigue and keep Class Members engaged.
- q) **Navigational supports:** As part of providing navigational supports to Class Members as outlined in Schedule I, Framework for Supports for Claimants in Compensation Process, the Administrator will provide communications resources, toolkits, training of Navigators, and support designed to ensure awareness and understanding of the Claims Process and how to access the available supports.
- r) **Annual reporting, with recommendations:** The Administrator, informed by the annual survey and appropriate campaign metrics in collaboration with the Plaintiffs and subsequently the Settlement Implementation Committee, will create measurable Key Performance Indicators (KPIs), target audiences and key messaging, along with creating detailed plans for creative concepts, earned media, traditional advertising (print, tv, radio, Out-of-Home), and digital as well as feedback from Class Members, navigation supports and community leaders. These plans will help to guide the overarching implementation of the Notice Plan over the life of the Settlement which will aim to

achieve a consistent narrative and feel throughout each campaign/notice period. Based on this reporting, components of the strategy will be refined and modified as needed to support the development of regular reminder campaigns for existing Class Members while ensuring newly eligible Class Members are made aware of the Settlement, understand the process for filing a claim and have access to resources and supports.

SCHEDULE "B"

The First Nations Child and Family Services and Jordan's Principle Settlement has been approved.
This is what this means for you.



**First Nations Child
and Family Services
and Jordan's Principle
Settlement**

The Court has approved the Settlement Agreement in the First Nations Child and Family Services and Jordan's Principle Class Action. This means that Canada will pay \$23.34 billion in compensation for impacted First Nations children and some of their family members.

This notice provides information about the Settlement. You can find more information and sign up for updates at www.fnchildcompensation.ca or you can call 1-833-852-0755.

What's the Settlement about?

The Settlement provides compensation to First Nations children living on reserves or in the Yukon who were removed from their homes by child welfare agencies operating in First Nations communities and placed in out-of-home care between April 1, 1991 and March 31, 2022.

The Settlement also provides compensation to First Nations children who did not receive timely access to essential services and who had a confirmed need for those services between April 1, 1991 and November 2, 2017. This treatment discriminated against the children and broke a legal rule known as Jordan's Principle.

Am I included in the Settlement?

Compensation is not yet available. When it becomes available, you may be eligible for compensation if you are one or more of the following:

A child removed from their home or placed off-reserve Removed Child Class	A child who had a denial or delay of an essential service Jordan's Principle Class Trout Class Essential Services Class	A child placed off-reserve Kith Child Class* Kith Child Family Class*
<ul style="list-style-type: none">• First Nations children who, while under the age of majority between April 1, 1991 and March 31, 2022, were living on a reserve and were removed from their homes by child welfare authorities or voluntarily placed into care.• The placement was funded by Indigenous Services Canada (ISC).• At least one caregiver (parents or grandparents) were resident on reserve or living in the Yukon.	<ul style="list-style-type: none">• First Nations children (living on-reserve or off-reserve) who were confirmed to need an essential service but faced a delay, denial or a gap in receiving that essential service between April 1, 1991 and November 2, 2017.	<ul style="list-style-type: none">• First Nations children placed off-reserve with a non-family caregiver.• The caregiver did not receive any funding related to the placement.• A Child Welfare Authority was involved at the time of the placement.• Caregiving parent or grandparent of children of the Kith Child Class <p>*If you think you are in this group or their parent or grandparent, and you want to be excluded from the settlement, you can remove yourself by submitting an Opt-Out Form, by January 15, 2024. If you submit the Opt-Out Form, you will not receive compensation from the settlement.</p>
The caregiving parent or grandparent of a child who experienced removal or a delay or denial of an essential service This includes birth, adoptive and step parents. It does not include foster parents. Removed Child Family Class Jordan's Principle Family Class Trout Family Class		
 <p>A fund of \$50 million will be established to assist First Nations children and families impacted by Canada's discrimination. An additional fund of \$90 million will be established to benefit high-needs Jordan's Principle class members to ensure their personal dignity and well-being.</p>		

When will I receive compensation?

The first Claim Forms will be available in several months. Please visit www.fnchildcompensation.ca for more information, updates and timelines, and to find out when Claim Forms will be available.

What can I do now?

Sign up for updates at www.fnchildcompensation.ca. This will ensure that you receive updates on the claims process and a copy of the Claim Forms when they are available.

There are supports and resources available to help you understand the Settlement and apply for compensation when the claims process is open.



To learn more about the Settlement and sign up for updates on the claims process, visit www.fnchildcompensation.ca.



Claims support services are available by calling the Administrator at **1-833-852-0755**.



If you are experiencing emotional distress and would like to speak with a counsellor, please contact the **Hope for Wellness Helpline** at **1-855-242-3310**, or visit www.hopeforwellness.ca to chat.

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-402-19

STYLE OF CAUSE: XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his litigation guardian, Jonavon Joseph Meawasige), JONAVON JOSEPH MEAWASIGE v THE ATTORNEY GENERAL OF CANADA

AND DOCKET: T-141-20

STYLE OF CAUSE: ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON by his Litigation Guardian, Carolyn Buffalo, CAROLYN BUFFALO, and DICK EUGENE JACKSON also known as RICHARD JACKSON v THE ATTORNEY GENERAL OF CANADA

AND DOCKET: T-1120-21

STYLE OF CAUSE: ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT v THE ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: OCTOBER 24, 2023, OCTOBER 24, 2023

REASONS FOR ORDER AND ORDER: AYLEN J.

DATED: NOVEMBER 3, 2023

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