

# GRATL & COMPANY

BARRISTERS AND SOLICITORS

## NOTICE OF SETTLEMENT

### **RILEY SAUNDERS CLASS ACTION**

If you were a child in care of the British Columbia Ministry of Children and Family Development and after April 1, 2001 your care was assigned to Robert Riley Saunders for a period of 90 consecutive days or more, you should read this notice carefully.

**A settlement has been reached in the Riley Saunders Class Action. The settlement was approved by the Court on October 23, 2020.** This settlement agreement may affect your legal rights.

#### A. WHAT IS A CLASS ACTION?

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

#### B. WHAT IS THIS CLASS ACTION ABOUT?

This class action arises from the fact that Robert Riley Saunders, a social worker employed by the Ministry of Children and Family Development (“MCFD”) by the Province of British Columbia, neglected and/or deliberately caused harm to children in the care of the Province.

For more information about this Saunders Class Action, see the class action cases webpage online at [www.gratlandcompany.com/cases](http://www.gratlandcompany.com/cases).

#### C. WHO IS AFFECTED BY THE CLASS ACTION SETTLEMENT?

You are affected by the settlement of this class action if you were subject to a continuing custody order, a temporary custody order, an agreement with a youth, a voluntary care agreement or a special needs agreement under the *Child, Family and Community Service Act* (“CFCSA”) and, on or after April 1, 2001, were assigned to the caseload of Robert Riley Saunders for at least 90 consecutive days while under the age of 19.

If you were a child in care of the Province and are unsure whether you are a Class Member, please contact Class Counsel by email at [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com) or by telephone at 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

This class action is certified as a class proceeding as against the Province for the purpose of implementing the settlement agreement.

#### D. WHAT ARE THE TERMS OF THE SETTLEMENT?

**A settlement agreement has been reached with the Province and has been approved by the Supreme Court of British Columbia.**

**The settlement provides that Class Members are eligible for the following Basic Payments, without proof of harm:**

**\$25,000 is payable to all Class Members**

**\$44,000 is payable in addition to the \$25,000 for all Class Members who were Indigenous Children as that term is defined in the CFCSA (for a total payment of \$69,000)**

**In addition to the basic payments, Class Members may apply for elevated damages using a simplified procedure designed to be as non-adversarial, expeditious and fair as reasonably possible. Adjudication will be made by an independent and impartial Adjudicator, with the assistance of a psychologist where necessary.**

**Elevated damages are payable in the following categories, provided the acts or omissions of Saunders caused or contributed to the harm:**

**Homelessness: \$25,000 is payable to any Class Member who experienced homelessness, which includes:**

- **sleeping outdoors for more than 7 days, cumulatively**
- **sleeping at an emergency shelter or transition house for more than 21 days, cumulatively**
- **sleeping at a non-authorized resource (eg. friend or relative) for more than 90 days, cumulatively, or**
- **any equivalent combination of the above.**

**Psychological Harm: \$45,000 is payable for any class member who suffered serious symptoms of self-harm, substance use disorder, psychological trauma or analogous symptoms. A clinical diagnosis is not required but symptoms must include a substantial effect on the well-being or social functioning of the Class Member.**

**Sexual Exploitation: \$75,000 is payable to any Class Member who experienced sexual assault and/or engaged in sex work, including exchange of sexual activity for food, clothing, shelter, funds or other comparable exchange.**

**Educational Delay: \$20,000 is payable to any Class Member whose education was delayed for 1-3 years. \$50,000 is payable to any Class Member whose education was delayed for more than 3 years.**

**Bodily Harm: \$15,000 is payable to any Class Member who was physically injured or hurt.**

**The maximum amount in total for Elevated Damages for an individual is \$181,000.**

**The maximum combined total award for Basic Payments and Elevated Damages for an individual is \$250,000.**

If you are a member of the certified class or believe you may be a member of the certified class you can contact the law firm of Gratl & Company by email at [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com) or you can call 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

#### E. WHEN AND HOW CAN I RECEIVE PAYMENT?

The terms of the settlement require Basic Payments to be made by the Province within 30 days of Court approval of the settlement agreement, directly to the trust account of Gratl & Company, who are Class Counsel in this action. Class Counsel will be responsible for distributing Basic Payments directly to Class Members, after deduction of legal fees and GST and PST on legal fees.

Elevated Damages are in addition to Basic Payments. Class Members who wish to apply for Elevated Damages will contact Class Counsel and Class Counsel will assist claimants to prepare and submit an application form to the Province. Then the Province will decide whether to contest eligibility for any categories of Elevated Damages. Payment for all categories of Elevated Damages that are not contested by the Province will be made directly to Class Counsel within 90 days of submitting the application form.

Contested Categories of Elevated Damages will be decided by an independent decision-maker, and payment by the Province to Class Counsel will follow within 90 days of the decision. Class Counsel will be responsible for distributing Elevated Damages payments to Class Members after deduction of legal fees and GST and PST on legal fees. The deadline for submitting an elevated damages application form is October 23, 2022.

You can register online at [www.gratlandcompany.com](http://www.gratlandcompany.com) if you have internet and email, or you can contact class counsel by calling 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) or by attending in person at the office of class counsel at 511-55 East Cordova Street in Vancouver or by emailing [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com).

## F. HOW DO I FIND OUT IF I AM ELIGIBLE FOR PAYMENTS?

There is a list of Class Members who are eligible for Basic Payments. To find out whether you are on the list, you may email [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com), register online at [www.gratlandcompany.com](http://www.gratlandcompany.com) or contact Class Counsel by telephone at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time).

If you believe that you should be eligible for Basic Payment but you are not on the list, Class Counsel will assist you to apply for eligibility. If the Province contests your eligibility, an independent Adjudicator will determine whether you are eligible. The deadline for submitting an application form for eligibility for class membership and Basic Payments is October 23, 2022.

## G. WHAT DO I NEED TO DO RIGHT NOW?

If you believe you may be eligible for payment, please contact Gratl & Company by telephone at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) or [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com).

The deadline for submitting application forms for class membership, Basic Payments and Elevated Damages is October 23, 2022.

## H. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTION?

If you are a Class Member who would otherwise be eligible for payment and you do not wish to be a member of the class or participate in the settlement, you can opt-out by filling out the online Opt Out Form at [www.gratlandcompany.com](http://www.gratlandcompany.com) or by delivering a completed Opt Out Form to the Province or to Class Counsel before October 23, 2022. For assistance with opting out, please contact Class Counsel at 604-694-1919/1-866-230-2752 (from Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific time) or by email at [saundersclassaction@gratlandcompany.com](mailto:saundersclassaction@gratlandcompany.com).

**Opt Out Forms must be delivered to the Province or to Class Counsel before October 23, 2022.**

If you opt out of the class action and settlement agreement, you may be able to start or continue your own case against the Province for compensation for harms caused by Robert Riley Saunders but:

- you will not be eligible to participate in the ongoing class action, and
- you will not receive any money under the settlement agreement.

The Class Action and Settlement Agreement do not prevent you from commencing or continuing an action against the Province or the Ministry of Children and Family Development for harm other than those caused by or contributed to by Robert Riley

Saunders. Legal rules or doctrines preventing double recovery for the same injuries or harms may apply.

#### I. WHO ARE THE LAWYERS WORKING ON THIS CLASS ACTIONS AND HOW ARE THEY PAID?

The law firm of Gratl & Company is appointed Class Counsel. Jason Gratl is the lead counsel. The law firm can be contacted at:

Gratl & Company  
Class Action Administration  
55 East Cordova Street, Suite 511  
Vancouver, BC V6A 0A5  
604-694-1919 or 1-866-230-2752  
Email: saundersclassaction@gratlandcompany.com

The Court has approved payment of legal fees of 12.5% of any payments made under the settlement agreement, plus applicable GST and PST. Legal fees will be deducted from Basic Payments and Elevated Damages payments to Class Members.

#### J. WILL FINANCIAL SERVICES BE AVAILABLE TO CLASS MEMBERS?

Financial workshops will be held for Class Members by the Aboriginal Financial Officers Association of British Columbia. Please contact Class Counsel for locations and times for the workshops. Financial advice will also be available by telephone until October 23, 2022 for Class Members who are unable to attend the workshops.

In some circumstances, the Public Guardian and Trustee may be able to assist Class Members in administering their funds. Any fees for administration of funds by the Public Guardian and Trustee will be paid directly by the Province at no further cost to Class Members.

#### K. WHAT WILL HAPPEN TO RILEY SAUNDERS?

This class action and settlement agreement does not require Riley Saunders to pay anything personally. However, the settlement agreement allows the Province the option to pursue Riley Saunders to recover funds paid. The settlement agreement also allows persons harmed by Riley Saunders to sue him for punitive damages. The settlement agreement does not restrict any prosecution of Riley Saunders under the *Criminal Code of Canada*.

#### L. WHERE CAN I ASK MORE QUESTIONS?

For more information, please visit [www.gratlandcompany.com](http://www.gratlandcompany.com). If you have questions that are not answered online, please contact class counsel by email at

saundersclassaction@gratlandcompany.com or at 604-694-1919/1-866-230-2752 (Monday to Friday, 9:00 a.m. to 5:00 p.m. Pacific Time) to speak to legal counsel or an administrator.

#### M. INTERPRETATION

This notice contains a summary of the key 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.

This notice has been approved by the Supreme Court of British Columbia.