

## SCHEDULE 1

### NOTICE OF CERTIFICATION OF SOUTHEAST REGIONAL CORRECTIONAL CENTRE (SHEDIAC) FIRE CLASS ACTION

**PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS**

#### **NOTICE OF CERTIFICATION:**

Class members be advised of certification of a class action on behalf of all persons who were inmates of the Southeast Regional Correctional Facility, located in Shediac, New Brunswick, during the outbreak of a fire occurring on October 25, 2017.

#### **WHAT IS THE NATURE OF THE CLASS ACTION?**

The class action alleges that the Province of New Brunswick is liable to the Class Members for the negligence of Correctional Facility staff and for the breach of the inmates' *Charter* rights in response to a fire occurring on October 25, 2017. These allegations of liability have not been proven. A common issues trial will be scheduled where liability may or may not be established. A judgment at this trial will bind all Class Members who do not opt out of the class action.

This class action is being advanced by two representative plaintiffs: Jessy Timothy Rose and Lee Alexander Mitchell.

#### **CLASS COUNSEL COMPENSATION**

Class counsel has agreed to act on the basis that they will not be paid any legal fees unless and until the class action is either settled or successfully tried to judgment and the class members are entitled to recover damages.

The Representative Plaintiffs have entered into a Contingency Fee Agreement with class counsel. Class counsel will apply to the court at the conclusion of the case to have their legal fees approved. Class counsel will pay for all case expenses incurred in prosecuting the case and if the case is successful, class counsel will apply to the court to be reimbursed for these case expenses. If the class is not successfully settled or tried, class counsel will not be paid or reimbursed for any expenses.

#### **RIGHT TO OPT-OUT**

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If you do not want to participate in the class action as a class member, you must opt out on or before **March 15<sup>th</sup>, 2021**, which is the deadline stipulated in the opt out form. If you opt out, you will not be entitled to share in any recovery or take the benefit of any ruling in this case.

### **RIGHT TO OPT-IN**

If you are not currently a resident of New Brunswick and wish to participate in the class action as a class member, you must opt-in on or before **March 15, 2021**, which is the deadline stipulated in the opt-in form. If you do not opt-in you will not be entitled to share in any recovery or take benefit of any ruling in this case.

### **WHERE CAN CLASS MEMBERS GET MORE INFORMATION?**

For free information, or to access opt-out forms, visit [www.valentlegal.ca](http://www.valentlegal.ca) or contact class counsel by email at [info@valentlegal.ca](mailto:info@valentlegal.ca) or by telephone at **902-443-4488** or in person **401-1741 Brunswick Street, Halifax, NS, B3J 3X8**.

*JD*  
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