

NOVA SCOTIA SEGREGATION CLASS ACTION

DID YOU SERVE TIME IN A NOVA SCOTIA CORRECTIONAL FACILITY?

DID YOU SPEND 15 OR MORE CONSECUTIVE DAYS IN CLOSE CONFINEMENT (DISCIPLINARY, ADMINISTRATIVE OR MEDICAL CLOSE CONFINEMENT)?

If YES, And You Have Not Previously Settled Your Claim, You may be a Class Member

This Notice has been approved by the Supreme Court of Nova Scotia.

McKiggan Hebert Lawyers and Valent Legal have been appointed by the Court as the lawyers for former inmates of Nova Scotia provincial correctional facilities who without their consent, spent 15 or more consecutive days in close confinement. Call 902-423-2050 or 902-701-9581 or email info@mckigganhebert.com or info@valentlegal.ca for more information.

Your options are explained in this notice to help you make a choice. To be removed from the lawsuit, you must ask to be removed by June 30, 2021.

YOUR OPTIONS AT THIS STAGE	
DO NOTHING	Stay in this lawsuit and wait for the outcome. If the outcome is successful Class members will share in possible money or other benefits, after payment of legal fees and expenses, as approved by the Court, As a Class member you will give up the option to sue on your own for the same legal claims in this lawsuit.
REMOVE YOURSELF (OPT OUT)	Get out of this lawsuit and not be a member of the Class. If you give Notice to opt out and if money or benefits are later awarded to the Class, you won't receive any money or benefits under this lawsuit. However you

retain an option to sue on your own for the same legal claims in this lawsuit. You will have to retain your own lawyer at your own cost.

BASIC INFORMATION

1. Why is there a notice?

This lawsuit has been “certified” as a class action. This means that the lawsuit meets the requirements for a class action and may proceed to trial. If you are included, you may have legal options before the Court decides whether the claims being made against the Province of Nova Scotia are successful. This notice explains all of these things.

A judge of the Supreme Court of Nova Scotia is currently overseeing this case. The case is known as *Bailey and Hill v. The Attorney General of Nova Scotia* (Hfx No. 480866). The persons who sued (i.e. the Class) are called the Plaintiffs. The Province of Nova Scotia represented by the Attorney General of Nova Scotia is the Defendant.

2. What is this lawsuit about?

The lawsuit alleges that the Province of Nova Scotia, which operated several provincial correctional facilities, is liable to Class members to pay damages to inmates who suffered harm as a result of being forced to spend extended periods of time (15 or more consecutive days) in close confinement.

3. Why is this a class action?

In a class action persons called the “representative plaintiffs” (in this case, Robert Bailey and Caitlin Hill) sue on behalf of people who have similar claims. All of these people are “Class members” forming a “Class”. The court resolves the common issues for all Class members in one case, except for those who remove themselves from the Class by opting out.

4. Who is a member of the Class?

The Class includes two groups:

“All persons who were involuntarily (without the consent of the person) subjected to a period of close confinement of 15 or more consecutive days at a provincial correctional facility in Nova Scotia between October 1, 2003 and the date of issuance of the Order for certification.”

Subclass – “All persons who were involuntarily (without the consent of the person) placed on medical close confinement for a period of 15 or more consecutive days at a provincial correctional facility in Nova Scotia between October 1, 2003 and the date of issuance of the Order for certification.”

5. What are the Plaintiffs asking for?

The Plaintiffs are asking for money or other benefits for the Class.

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether the Defendant is liable for damages. The Plaintiffs (the Class) will have to prove the claims against the Province of Nova Scotia at a trial, or a settlement must be agreed upon between the parties. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

YOUR OPTIONS

You must decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by June 30, 2021.

7. How do I include myself in the lawsuit?

If you do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders, good or bad. If money or other benefits are awarded by the court or if the parties agree to a settlement, you will be notified about how to ask for a share.

8. How do I exclude myself from the lawsuit?

If you want to exclude yourself from the lawsuit, you must:

- a) Send a letter to the address below, postmarked no later than June 30, 2021 that says you want to be excluded from the class action *Bailey and Hill v. The Attorney General of Nova Scotia* (Hfx No. 480866) (You must include your name, address, telephone number, and signature.;

OR

- b) get an Opt Out Form at www.mckigganhebert.com or www.valentlegal.com. You must mail your Opt Out Form, postmarked by June 30, 2021, to the address below:

Segregation Class Action c/o McKiggan Hebert, Suite 502, 1959
Upper Water Street Halifax Nova Scotia B3J 3N2,

OR: Valent Legal, 401-1741 Brunswick Street, Halifax NS B3K 3X8

OR

by email to: info@mckigganhebert.com or info@valentlegal.ca

If you choose to opt out and you wish to pursue a claim, you will be responsible for your own claim and will have to retain a lawyer at your own expense.

Call 902-423-2050 or 902-701-9581 if you have any questions about whether to get out of the lawsuit, and if so how to do it.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed McKiggan Hebert Lawyers and Valent Legal from Halifax to represent you and other Class members as “Class Counsel.” You will not be charged for these lawyers unless there is a settlement or judgment granted by the

Court. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

10. How will the lawyers be paid?

Class Counsel will only be paid their fees if they win at trial or if there is a settlement. The Court has to also approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class, or may be paid separately by the Defendant.

A TRIAL

11. How and when will the Court decide the outcome of the lawsuit?

If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove the claims at a trial that will take place in the Province of Nova Scotia. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Defendant are/is successful in regard to the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

12. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time. These things are not known currently. Important information about the case will be posted on www.mckigganhebert.com and www.valentlegal.com as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at www.mckigganhebert.com or www.valentlegal.com, by calling 902-423-2050 or 902-701-9581, or writing to: Segregation Class Action c/o McKiggan Hebert, Suite 502, 1959 Upper Water

Street Halifax Nova Scotia B3J 3N2, or by email at: info@mckigganhebert.com or info@valentlegal.ca.