

2020 01G 4112 CP  
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

<b>BETWEEN:</b>	<b>PAUL HENNEBURY</b>	<b>FIRST PLAINTIFF</b>
<b>AND:</b>	<b>NIKITA PEARCE</b>	<b>SECOND PLAINTIFF</b>
<b>AND:</b>	<b>ADAM HAYDEN</b>	<b>THIRD PLAINTIFF</b>
<b>AND:</b>	<b>KRYSTAL MAHER (A.K.A. CHASE MAHER)</b>	<b>FOURTH PLAINTIFF</b>
<b>AND:</b>	<b>HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR</b>	<b>DEFENDANT</b>

Brought under the *Class Actions Act*, S.N.L. 2001, c. C-18.1

**CERTIFICATION ORDER**

**BEFORE** the Honourable Justice Valerie Marshall;

**UPON HEARING** Ms. Lynn Moore, Mr. Michael Dull and Mr. James Locke for the Plaintiffs; and Mr. David Rodgers and Mr. Donald Anthony, Q.C., for the Defendant;

**AND UPON READING** the Certification Application and Certification Record of the Plaintiffs;

- 1. IT IS HEREBY DECLARED AND ORDERED** that this action is certified as a class proceeding pursuant to the *Class Actions Act*, S.N.L. 2001, c. C-18.1 ("*Class Actions Act*") as of the date of filing of this Order;
- 2. IT IS HEREBY DECLARED AND ORDERED** that the Class is defined as:

All current and former inmates who were alive as of August 14, 2019, who meet at least one of the following definitions:

## **I. Inmates with Serious Mental Illness**

- a) Who were subjected to Segregation for any length of time at one of the Provincial Institutions during the Class Period;
- b) Who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders (“DSM”):
  - i. Schizophrenia (all sub-types);
  - ii. Delusional Disorder;
  - iii. Schizophreniform disorder;
  - iv. Schizoaffective Disorder;
  - v. Brief psychotic Disorder;
  - vi. Substance-induced psychotic disorder (excluding intoxications and withdrawal);
  - vii. Psychotic Disorder not otherwise specified;
  - viii. Major Depressive Disorder;
  - ix. Bipolar Disorder I;
  - x. Bipolar Disorder II;
  - xi. Neurocognitive Disorders and/or Delirium, Dementia and Amnesic and Other Cognitive Disorders;
  - xii. Post-Traumatic Stress Disorder;
  - xiii. Obsessive Compulsive Disorder; or
  - xiv. Borderline Personality Disorder;
- c) The Defendant knew, or ought to have known, of the diagnosed mental illness (“the SMI Inmates”).

and,

or,

## **II. Inmates in Prolonged Segregation**

- a) Who were subjected to a period of Segregation for 15 or more consecutive days (“Prolonged Segregation”) at a Provincial Institution during the Class Period (the “Prolonged Inmates”).
- (together, the “Class Members”)

**“Segregation”** is defined as any placement in a Provincial Institution in which a prisoner:

- a) is confined to an isolation cell, pursuant to ss. 27 or 28 of the *Prisons Regulations*, CNLR 993/96 or otherwise; or
- b) is confined in any other manner in which he or she is isolated from the general prison population.

**“Provincial Institutions”** is defined as any of Her Majesty’s Penitentiary, the Newfoundland and Labrador Correctional Centre for Women, the Labrador Correctional Centre, the Bishop’s Falls Correctional Centre, the West Coast Correctional Centre, the St. John’s Lockup, and the Corner Brook Lockup.

**“Class Period”** is defined as August 14, 1990 to the date of certification.

3. **IT IS HEREBY DECLARED AND ORDERED** that the Class is divided into subclasses defined as:

- a) The **“Pre-August 14, 2018 Resident Subclass”** being those members of the Class who were subject to Segregation between August 14, 1990 and August 13, 2018, and who, as of the date of this Order, are residents of the Province of Newfoundland and Labrador;
- b) The **“Pre-August 14, 2018 Non-Resident Subclass”** being those members of the Class who were subject to Segregation between August 14, 1990 and August 13, 2018 and who, as of the date of this Order, do not make their primary residence in the Province of Newfoundland and Labrador;
- c) The **“Post-August 14, 2018 Resident Subclass”** being those members of the Class who were subject to Segregation between August 14, 2018 and the date of certification, and who, as of the date of this Order, are residents of the Province of Newfoundland and Labrador; and
- d) The **“Post-August 14, 2018 Non-Resident Subclass”** being those members of the Class who were subject to Segregation between August 14, 2018 and the date of certification and who, as of the date of this Order, do not make their primary residence in the Province of Newfoundland and Labrador.

4. **IT IS HEREBY DECLARED AND ORDERED** that the common issues are certified as:

**Systemic Negligence**

- a) By the operation and management of the Provincial Institutions during the Class Period, did the Defendant owe a duty of care to the Class Members?;
- b) If the answer to (a) is “yes”, what is the nature of that duty of care?;
- c) By the use of Segregation and/or Prolonged Segregation at the Provincial Institutions during the Class Period, did the Defendant breach a duty of care owed to some or all of the Class Members?;

**Sections 7 & 12 of the Charter**

- d) Did the use of Segregation during the Class Period deprive or interfere with SMI Inmates’ rights under section 7 of the *Canadian Charter of Rights and Freedoms*?;
- e) Did the use of Prolonged Segregation during the Class Period deprive or interfere with Prolonged Inmates’ rights under section 7 of the *Canadian Charter of Rights and Freedoms*?;
- f) If the answer to (d) or (e) is “yes”, does this deprivation fail to accord with the principles of fundamental justice for some or all of the Class Members?;
- g) Did the use of Segregation during the Class Period constitute an infringement of SMI Inmates’ rights under section 12 of the *Canadian Charter of Rights and Freedoms*?;
- h) Did the use of Prolonged Segregation during the Class Period constitute an infringement of Prolonged Inmates’ rights under section 12 of the *Canadian Charter of Rights and Freedoms*?;
- i) If the answer to questions (f), (g) or (h) is “yes”, were such violation(s) justified under section 1 of the *Canadian Charter of Rights and Freedoms*?;
- j) If the answer to question (i) is “no”, are damages pursuant to section 24(1) of the *Canadian Charter of Rights and Freedoms* an appropriate remedy?;
- k) What is the limitation period for breaches of sections 7 and 12 of the *Charter of Rights and Freedoms*?;

**Aggregate Damages**

- l) Is this an appropriate case for an award of aggregate damages pursuant to section 29 of the *Class Actions Act*?;

m) If the answer to (k) is "yes", what is the appropriate quantum of such damages?;

**Punitive Damages**

n) Does the conduct of the Defendant merit an award of punitive damages?; and  
o) If the answer to (m) is "yes", what quantum should be awarded for punitive damages?

5. **IT IS HEREBY DECLARED AND ORDERED** that Paul Hennebury, Nikita Pearce, Adam Hayden and Krystal Maher (A.K.A. Chase Maher), be and are hereby appointed as Representative Plaintiff's for the Class and any appropriate subgroup thereof;

6. **IT IS HEREBY DECLARED AND ORDERED** that Morris Martin Moore be and are appointed as class counsel ("Class Counsel);

7. **IT IS HEREBY DECLARED AND ORDERED** that no other proceeding based on the subject matter of this action may be commenced without leave of the Court:

8. **IT IS HEREBY DECLARED AND ORDERED** that, until the claims asserted in this action are fully and finally decided, settled, discontinued, or abandoned, including the exhaustion of all rights of appeal, any other proceeding based on the subject matter of this action is stayed, save and except for those proceedings maintained by members of the Class making their primary residence in the Province of Newfoundland and Labrador who opt out of this class proceeding in accordance with the terms of this Order and persons making their primary residence outside of the Province of Newfoundland and Labrador who do not opt in to this class proceeding in accordance with the terms of this Order.

9. **IT IS HEREBY DECLARED AND ORDERED** that the class members shall be notified that this proceeding has been certified as a class proceeding as follows, which this Court deems to be adequate notice:

- a) by posting the Short Form Notice set out in **Schedule "A"** and Long Form Notice set out in **Schedule "B"**, on Class Counsel's and the Administrator's website;
- b) by the Administrator forwarding the Short Form Notice and Long Form Notice to any Class Member who requests it;

- c) by the Administrator publishing, within thirty (30) days of the date filing this Order, a press release in the form and according to the plan set out in **Schedule “C”** attached hereto;
- d) by the Administrator publishing, within thirty (30) days of the date of filing this Order, electronic advertisements in the form and according to the plan set out in **Schedule “D”** attached hereto;
- e) by the Administrator placing, within thirty (30) days of the date of the filing for this Order, Radio advertisements in the form and according to the plan and with the content set out in **Schedule “E”** attached hereto; and
- f) by the Administrator establishing a toll-free support line to provide assistance to the class members, family, guardians or agency staff, or other persons who make inquiries on their own behalf or on behalf of Class members. The Administrator shall not disclose the identity of any class member or any person who chooses to opt out to any third party without express written consent or as otherwise provided in this Order.

10. **IT IS HEREBY DECLARED AND ORDERED** that the Plaintiffs will be solely responsible for the cost of giving notice as set out in this Order.

11. **IT IS HEREBY DECLARED AND ORDERED** that Trilogy Class Action Services be and is appointed as the Administrator for the purpose of giving notice as set out in this Order, and Trilogy Class Action Services will certify compliance with this Order in an Affidavit served on the Defendant and filed with this court no later than one hundred and twenty (120) days from the date of filing this Order. The names of those who Opt In or Opt Out will be redacted in the Administrator’s Affidavit as filed with the Court. An unredacted copy of the Administrator’s Affidavit will be filed with the court under seal and served on the Defendant, which will keep it confidential.

12. **IT IS HEREBY DECLARED AND ORDERED** that Trilogy Class Action Services be and is appointed as the Administrator for the purpose of receiving opt-out and opt-in forms, and Trilogy Class Action Services will serve on the Defendant and file with this Court, no later than one hundred and twenty (120) days from the date of this Order, the names and addresses of all persons who opted out or opted in to this class proceeding in accordance with the terms of this Order.

13. **IT IS HEREBY DECLARED AND ORDERED** that a Class member who is a resident of the Province of Newfoundland and Labrador may opt out of the class proceeding by mailing a signed opt-out form, a copy of which is attached as **Schedule "F"**, or some other legible signed request to opt out, within ninety (90) days of the date of this order (the "Opt Out Deadline"), to the Administrator, at the following address:

Newfoundland and Labrador Prison Class Action Administrators  
117 Queen St., P.O. Box 1000  
Niagara-on-the-Lake, ON  
L0S 1J0.

14. **IT IS HEREBY DECLARED AND ORDERED** that a Class member who is not a resident of the Province of Newfoundland and Labrador may opt in to the class proceeding by mailing a signed opt-in coupon, a copy of which is attached as **Schedule "G"**, or some other legible signed request to opt in, within ninety (90) days of the date of this Order (the "Opt In Deadline"), to the Administrators, at the following address:

Newfoundland and Labrador Prison Class Action Administrators  
117 Queen St., P.O. Box 1000  
Niagara-on-the-Lake, ON  
L0S 1J0.

15. **IT IS HEREBY DECLARED AND ORDERED** that following the Opt Out Deadline, no member of the Class may exclude themselves from the Class except with leave of the Court or by agreement between Class Counsel and Counsel for the Defendant.

16. **IT IS HEREBY DECLARED AND ORDERED** that the following Opt In Deadline, no person may join the Class except with leave of the Court or by agreement between Class Counsel and Counsel for the Defendant,

17. **IT IS HEREBY DECLARED AND ORDERED** that each party shall bear its own costs of the within Application for Certification of this class proceeding.

**DATED** at the City of St. John's, in the Province of Newfoundland and Labrador this 21<sup>st</sup> day of October, 2021.



~~Justice Marshall~~

**COURT OFFICER**

## Schedule "A" – Short Form Notice

### NL PRISONS CLASS ACTION

#### THE ACTION

The Supreme Court of Newfoundland and Labrador decided that a class action on behalf of people who were alive as of August 14, 2019 and who were inmates in Provincial Institutions from August 14, 1990 to [INSERT CERTIFICATION DATE] who were subjected to Prolonged Segregation (15 or more consecutive days) or who were subjected to Segregation for any length of time and were diagnosed with a Serious Mental Illness (with some exclusions) (the "Class") can proceed.

Provincial Institutions include any of the following correctional facilities:

- Her Majesty's Penitentiary,
- Newfoundland and Labrador Correctional Centre for Women,
- Labrador Correctional Centre,
- Bishop's Falls Correctional Centre,
- West Coast Correctional Centre.
- St. John's Lockup; and
- Corner Brook Lockup.

The lawsuit seeks compensation for class members. Segregation is defined as any placement in a Provincial Institution in which an inmate is confined in isolation from the general population of the prison. This can include time spent in disciplinary or administrative segregation, the special handling unit, a dry cell, or time spent locked in one's own cell.

Morris Martin Moore Lawyers have been appointed as Class Counsel to the Class.

#### FEES AND DISBURSEMENTS

Plaintiffs' counsel have entered into agreements with the Representative Plaintiffs with respect to legal fees and disbursements for the trial of the common issues. This agreement provides that Plaintiffs' counsel will not receive payment for their work unless and until the class action is successful or costs are recovered from the Defendant. This agreement must be approved by the Court.

#### RESIDENTS OF NEWFOUNDLAND AND LABRADOR

Any person in Newfoundland and Labrador who wishes to opt out of the class action as certified must do so by sending a written notice on or before [INSERT DATE – 90 DAYS FROM CERTIFICATION], to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, ON, L0S 1J0. Residents in Newfoundland and Labrador who meet the class definition and do not opt out will be bound by the Court's judgment whether favourable or not. By opting out, your name will not be made public.

#### NON-RESIDENTS OF NEWFOUNDLAND AND LABRADOR

Any person not residing in Newfoundland and Labrador who wishes to opt in to the class action as certified must do so by sending a written notice on or before [INSERT DATE – 90 DAYS FROM CERTIFICATION], to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0. Non-residents of Newfoundland and Labrador who opt in will be bound by the Court's judgment whether favourable or not. By opting in, your name will not be made public.

#### CONTACT INFORMATION

Morris Martin Moore  
184 Park Avenue  
Mount Pearl, NL A1N 1K8  
Tel: 709-747-0077  
Fax: 709-747-0104  
www.mmmlawyers.com

Newfoundland and Labrador Prisons Class Action Class Administrators  
117 Queen St., P.O. Box 1000  
Niagara-on-the-Lake, ON L0S 1J0  
Tel (toll-free): 1-877-[INSERT NUMBER]  
Fax: 416-342-1761  
[INSERT EMAIL]  
[INSERT WEBSITE]



Schedule “B”- Long Form Notice

NOTICE OF CLASS ACTION

WERE YOU IN A CORRECTIONAL FACILITY IN NEWFOUNDLAND FROM  
AUGUST 14, 1990 TO [DATE OF CERTIFICATION]?

IF YES, A Class Action May Affect Your Rights.

You could be affected by a class action against the Government of Newfoundland and Labrador (the “Province”).

A lawsuit has been certified as a Class Action against the Province. The Statement of Claim alleges that the Province, through its use of segregation in its correctional facilities, caused harm to inmates, as well as violated their Charter rights. Segregation is any placement in a Provincial Institution in which an inmate is confined in isolation from the general population of the prison. This can include time spent in disciplinary or administrative segregation, the special handling unit, a dry cell, or time spent locked in one’s own cell.

The Representative Plaintiffs are Paul Hennebury, Nikita Pearce, Adam Hayden and Krystal Maher (A.K.A. Chase Maher).

**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 in the class, you may have legal rights and options before the Court decides whether the claims being made against the Province on your behalf are correct. This notice explains all of these things. A judge of the Newfoundland and Labrador Supreme Court, General Division, is currently overseeing this case. The case is known as *Paul Hennebury et al. v. Her Majesty in Right of Newfoundland and Labrador*, (Court File No. 2020 01G 4112 CP). The people who sued are called the Plaintiffs. The Province of Newfoundland and Labrador is the Defendant.

2. **What is this lawsuit about?** The lawsuit says that the Province improperly subjected prisoners to periods of segregation. This includes subjecting any individual to a period of segregation for 15 days or more, as well as subjecting an individual diagnosed with a Serious Mental Illness to segregation for any length of time. The lawsuit says that the use of segregation in these circumstances constitutes systemic negligence and breach prisoners’ rights under the *Canadian Charter of Rights and Freedoms*. The Court has not decided whether the Plaintiffs or the Province is right. The lawyers for the Plaintiffs will have to prove their claims in Court. If you are having difficulty completing the Opt-In or Opt Out forms, you can call [INSERT TOLL-FREE NUMBER] for assistance.

3. **Why is this a class action?** In a class action, people called the “Representative Plaintiffs” (in this case, Paul Hennebury, Nikita Pearce, Adam Hayden and Krystal Maher a.k.a. Chase Maher), sue on behalf of other people who have similar claims. All of these people are a “Class” or “Class Members.” The court resolves the issues for all Class Members in one case, except for residents of the Province who remove themselves from the Class or non-residents who do not opt in to the Class.

4. **Who is a member of the Class?** The Class includes:

All current and former inmates who were alive as of August 14, 2019, who meet at least one of the following definitions:

## II. Inmates with Serious Mental Illness

a) Who were subjected to Segregation for any length of time at one of the Provincial Institutions during the Class Period;

b) Who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders (“DSM”):

- i. Schizophrenia (all sub-types);
- ii. Delusional Disorder;
- iii. Schizophreniform disorder;
- iv. Schizoaffective Disorder;
- v. Brief psychotic Disorder;
- vi. Substance-induced psychotic disorder (excluding intoxications and withdrawal);
- vii. Psychotic Disorder not otherwise specified;
- viii. Major Depressive Disorder;
- ix. Bipolar Disorder I;
- x. Bipolar Disorder II;
- xi. Neurocognitive Disorders and/or Delirium, Dementia and Amnesic and Other Cognitive Disorders;

- xii. Post-Traumatic Stress Disorder;
- xiii. Obsessive Compulsive Disorder; or
- xiv. Borderline Personality Disorder;

and,

- c) The Defendant knew, or ought to have known, of the diagnosed mental illness (“the **SMI Inmates**”).

or,

### **III. Inmates in Prolonged Segregation**

- a) Who were subjected to a period of Segregation for 15 or more consecutive days (“**Prolonged Segregation**”) at a Provincial Institution during the Class Period (the “**Prolonged Inmates**”).  
(together, the “**Class Members**”)

“**Segregation**” is defined as any placement in a Provincial Institution in which a prisoner:

- a) is confined to an isolation cell, pursuant to ss. 27 or 28 of the *Prisons Regulations*, CNLR 993/96 or otherwise; or
- b) is confined in any other manner in which he or she is isolated from the general prison population.

“**Provincial Institutions**” is defined as any of Her Majesty’s Penitentiary, the Newfoundland and Labrador Correctional Centre for Women, the Labrador Correctional Centre, the Bishop’s Falls Correctional Centre, the West Coast Correctional Centre, the St. John’s Lockup, and the Corner Brook Lockup.

“Class Period” is defined as August 14, 1990 to the date of certification.

5. **What are the Plaintiffs asking for?** The Plaintiffs are asking for money or other benefits for the Class. They are also asking for lawyers' fees and costs.
6. **Is there any money available now?** No money or benefits are available now because the Court has not yet decided whether the Province of Newfoundland and Labrador did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for your share.

### **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Class or whether to remove yourself, and you have to decide this by **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**. What you are required to do depends on whether or not you are currently a resident of the Province of Newfoundland and Labrador.

If you are currently a resident of Newfoundland and Labrador:

To stay in the Class, you do not have to do anything.

If you do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders in this case, good or bad, and the Representative Plaintiffs will have authority to resolve your claim. If money or benefits are obtained, you will be notified about how to ask for a share.

Residents who do not want to be a part of the class must opt out by sending a written notice on or before **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**, to the Class Administrator. Otherwise, you will be bound by the Court's judgment whether favourable or not.

7. **By opting out, will my name be made public?** No.

If you are NOT currently a resident of Newfoundland and Labrador:

To be in the Class, you need to take action.

Non-residents who want to be a part of the Class are required to opt in to the Class by sending a written notice on or before **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**, to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, ON, L0S 1J0. Include your name, address, telephone number, and signature. You can also get an Opt Out Form from **[INSERT**

**WEBSITE] You must mail your Opt Out Form postmarked by [INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER].**

If you qualify for the Class, you will be bound by all Court orders in this case, good or bad, and the Representative Plaintiffs will be authorized to resolve your claim. If money or benefits are obtained, you will be notified about how to ask for a share.

Non-residents who do not want to be a part of the class should take no action.

**8. By opting out, will my name be made public? No.**

### **THE LAWYERS REPRESENTING YOU**

**9. Do I have a lawyer in the case? Yes.** The Court has appointed Morris Martin Moore to represent you and other Class members as “Class Counsel.” 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 if they win a 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 paid separately by the defendant.

### **A TRIAL**

**11. How and when will the Court decide who is right?** If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial that will take place in the Province of Newfoundland and Labrador. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Province is right about 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 right now. Important information about the case will be posted on the website.

### **GETTING MORE INFORMATION**

**12.** How do I get more information? You can get more information at [INSERT WEBSITE], by emailing [INSERT EMAIL], by calling toll free at [INSERT TOLL FREE NUMBER] or by writing to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, ON, L0S 1J0.

**“Schedule C” – Press Release**

The Long-Form Notice (*See*, Schedule “B”) will be distributed as a national press release over the Business News Wire, which includes over 1,000 media outlets, including newspapers, magazines, television, radio and online media across Canada.

The Long-Form Notice (*See*, Schedule B) will also be distributed to various organizations for circulation to their members, clients, and affiliates.

### **“Schedule D” – Electronic Advertisements**

The following text advertisement will be placed by way of paid advertisement (known as “sponsored posts”) on Facebook during the 90 days of the noticing period:

“Were you incarcerated at a correctional facility in Newfoundland and Labrador? There is a class action for inmates subjected to segregation which may affect you rights. Visit **[INSERT WEBSITE]** for more details.”

The text above will also be placed by way of paid banner advertisements, with a click-through function directly to the Notice page on **[INSERT WEBSITE]**, on various local media websites during the 90 days of the noticing period.

### **“Schedule E” - Radio Advertisements**

The following text advertisement will be recorded and placed by way of paid advertisement on Stingray Digital group news/talk programs and VOCM-AM -590 AM listen live during the 90-day notice period:

“There is a class action for past and current inmates of correctional facilities in Newfoundland and Labrador. The class action is for inmates who were subjected to periods of segregation for 15 days or longer or inmates with serious mental illnesses who were subjected to segregation for any period of time. If you were in these institutions during the years 1990 to 2021, your rights may be affected. To find out more about this class action please call Morris Martin Moore at (709) 747-0077, visit our website at **[INSERT WEBSITE]** or by emailing **[INSERT EMAIL]**.”



**“Schedule F”- Opt Out Form**

**OPT OUT FORM**

**(For Residents of Newfoundland and Labrador)**

**TO:** Newfoundland and Labrador Prisons Class Action  
c/o Trilogy Class Action Services,  
117 Queen St., P.O. Box 1000,  
Niagara-on-the-Lake, ON L0S 1J0,  
Tel (toll-free): [Insert number].; Fax: [Insert number]  
[Insert website]

**Note:** To opt out, this form must be properly completed and sent to the above address, postmarked no later than [DATE – 90 DAYS FROM CERTIFICATION DATE].

2020 01G 4112 CP  
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

<u><b>BETWEEN:</b></u>	PAUL HENNEBURY	FIRST PLAINTIFF
<u><b>AND:</b></u>	NIKITA PEARCE	SECOND PLAINTIFF
<u><b>AND:</b></u>	ADAM HAYDEN	THIRD PLAINTIFF
<u><b>AND:</b></u>	KRYSTAL MAHER (A.K.A. CHASE MAHER)	FOURTH PLAINTIFF
<u><b>AND:</b></u>	HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR	DEFENDANT

**I understand that by opting out of this class proceeding, I am confirming that I do not wish to participate in this class proceeding.**

I understand that any individual claim I have may be subject to limitation periods. Failure to comply with such periods may result in my claim being legally barred.

I understand that the certification of this class proceeding suspended the running of any limitation periods from the time the class proceeding was filed. Any limitation periods will resume running against me if I opt out of this class proceeding.

I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation periods and for taking all necessary legal steps to protect any claim I may have. I understand that by opting out, my name will not be made public.

**I choose to opt out of this class action**

Signature of Witness: \_\_\_\_\_ Signature of Class Member: \_\_\_\_\_

Name of Witness: \_\_\_\_\_ Name of Class Member: \_\_\_\_\_

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_



“Schedule G” – Opt In Form

OPT IN FORM

(For Residents outside of Newfoundland and Labrador)

TO: Newfoundland and Labrador Prisons Class Action  
c/o Trilogy Class Action Services,  
117 Queen St., P.O. Box 1000,  
Niagara-on-the-Lake, ON L0S 1J0,  
Tel (toll-free): [Insert number]., Fax: [Insert number]  
[Insert website]

Note: To opt in, this form must be properly completed and sent to the above address, postmarked no later than [DATE – 90 DAYS FROM CERTIFICATION DATE].

2020 01G 4112 CP  
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION

BETWEEN:

PAUL HENNEBURY

FIRST PLAINTIFF

AND:

NIKITA PEARCE

SECOND PLAINTIFF

AND:

ADAM HAYDEN

THIRD PLAINTIFF

AND:

KRYSTAL MAHER (A.K.A. CHASE MAHER)

FOURTH PLAINTIFF

AND:

HER MAJESTY IN RIGHT OF  
NEWFOUNDLAND AND LABRADOR

DEFENDANT

I understand that by opting in to this class proceeding, I am confirming that I wish to participate in this class proceeding and I understand that the representative plaintiffs will have the right to direct the resolution of my claim.

I understand that by opting in to this class proceeding I will be bound by any judgement of the Court, whether favourable or not.

I understand that by opting in to this class action, by name will not be made public.

**I choose to opt in to this class action**

Signature of Witness: \_\_\_\_\_ Signature of Class Member: \_\_\_\_\_

Name of Witness: \_\_\_\_\_ Name of Class Member: \_\_\_\_\_

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_