

## OPT OUT INFORMATION AND FORM

### **THE FORM TO OPT OUT OF THIS CLASS PROCEEDING IS BELOW**

**THIS NOTICE IS TO ALL INDIVIDUALS WHOSE PERSONAL, CONFIDENTIAL, PERSONAL HEALTH, FINANCIAL, AND IDENTIFYING INFORMATION (“PERSONAL INFORMATION”) WAS IN THE POSSESSION OF FAMILY AND CHILDREN’S SERVICES OF LANARK, LEEDS AND GRENVILLE, ALSO KNOWN AS THE CHILDREN’S AID SOCIETY OF LANARK, LEEDS AND GRENVILLE (“FCSLG”), WHICH PERSONAL INFORMATION WAS IN THE POSSESSION OF THE FCSLG, WHICH PERSONAL INFORMATION WAS NOT PROPERLY SAFEGUARDED BY FCSLG ALLOWING IT TO BE DISCLOSED OR RELEASED OR OBTAINED BY UNAUTHORIZED THIRD PARTIES ON OR BEFORE APRIL 18, 2016.**

### **LEGAL NOTICE OF CERTIFICATION AS A CLASS PROCEEDING**

**This Notice may affect your rights. Please read it carefully.**

#### **1. What is this lawsuit about?**

A representative Plaintiff (identified as M.M.) has commenced a Class Proceeding against FAMILY AND CHILDREN’S SERVICES OF LANARK, LEEDS AND GRENVILLE, also known as the CHILDREN’S AID SOCIETY OF LANARK, LEEDS AND GRENVILLE (“FCSLG”) and KELLEY DENHAM (“Denham”), seeking damages on behalf of individuals whose personal, confidential, personal health, financial, and identifying information (“personal information”) was in the possession of the FCSLG, which personal information was not properly safeguarded by FCSLG allowing it to be disclosed or released or obtained by unauthorized third parties on or before April 18, 2016.

The Class Proceeding was certified on December 21, 2017. Flaherty McCarthy LLP represents the class (“Class Counsel”).

The purpose of this document is to provide notice to Class Members that the Class Proceeding has been certified and your rights to remain in the action or to opt-out of the action.

Certification is a preliminary procedural matter. The merits of the claim in the action, or the allegations of fact on which the claims are based, have not been finally determined by the courts. The defendants deny the allegations made in the claim.

#### **2. Am I a member of the Class?**

You are a member of the Class and entitled to participate in the proceeding if you are *one* of the following:

1. *The 284 persons (including through their estates or personal representatives, as may be permitted by applicable law) other than Kelley Denham, identified by name in a confidential Family and Children's Services of Lanark, Leeds and Grenville ("FCSLLG") document ("the Document") (the "Identified Class"); or*
2. *For the period of April 1, 2015 to April 18, 2016, (a) the children, step-children, spouse or common law partner of the Identified Class Member and (b) all persons who otherwise stood in loco parentis to the children or step-children of the Identified Class Member ("the Identifiable Class") (including through their estates or personal representatives, as may be permitted by applicable law).*

If you are a class member, you may opt out of the Class by following the procedure described under "4. Class Members May Opt Out of the Proceeding", below.

### **3. How does this Class Proceeding affect you?**

If you are a Class member, and you wish to participate in the proceeding, then you do not need to do anything more at this stage. You are automatically included in the Class.

There is no cost to you to participate in the class action. You will have no responsibility to pay any legal fees. Class Counsel will only be paid in the event that the action succeeds at trial or there is a settlement. Class Counsel have entered into a contingency fee agreement with the representative plaintiff. The agreement provides for a contingency fee of 30% of the amount recovered in the Class Proceeding to be paid to Class Counsel, along with reimbursement of all disbursements and taxes. The court must first approve Class Counsel's legal fees before they will be paid.

A Class member who does not opt out of the Class Proceeding will be bound by the terms of any judgment or any settlement approved by the Court. Each Class member may be entitled to share in the amount of any judgment awarded or settlement reached in the Class Proceeding.

A judgment (including an approved settlement), whether favourable or not, will bind all Class Members who do not opt out of the Class.

### **4. Class Members May Opt Out of the Proceeding**

IF YOU DO NOT WANT TO PARTICIPATE in this Class Proceeding, you must take steps to opt out of the Class. If you opt out of the Class, you will not be eligible to recover any benefits under a settlement or award in this Class Proceeding.

Members of the Class may exercise their right to opt out of the Class by submitting a letter by mail stating that you wish to opt out of the Settlement.

Your "Opt-Out Form" must include:

1. The name of this proceeding (M.M. v. FCSLLG, or similar identifying words);
2. Your full name, email address, mailing address, and telephone number;
3. Your signature or the signature of your legal agent, acting with your instructions; and
4. A brief statement that you understand you will be excluded from any judgment (including an approved settlement), if any.

A person may provisionally opt-out a minor or mentally incapable Class Member, but this will be subject to Court approval

No person may opt out a minor or mentally incapable member of the class without permission of the court after notice to the Children's Lawyer and/or the Public Guardian and Trustee, as appropriate.

Your Opt-Out Form must be postmarked for regular mail or submitted to courier for delivery to the address below, by no later than June 2, 2018:

LITIGATION ADMINISTRATOR – CAS PRIVACY BREACH CLASS ACTION  
Deloitte LLP  
Bay Adelaide East  
8 Bay Adelaide Street West  
Suite 200  
Toronto, ON M5H 0A9

You cannot exclude yourself by telephone or email. You cannot exclude yourself by mailing a notification to any other location or if your Opt-Out Form is post marked or submitted to courier after the deadline of June 2, 2018. No Class Member will be permitted to opt out after June 2, 2018.

## **5. Additional Information**

The certification order and other information regarding the Class Proceeding is available on the Class Proceeding website: [www.CASPRIVACYBREACH.COM](http://www.CASPRIVACYBREACH.COM)

Requests for information or questions for Class Counsel should be directed to:

SEAN A. BROWN  
FLAHERTY MCCARTHY LLP  
Toronto-Dominion Centre  
95 Wellington Street West  
10<sup>th</sup> Floor, Suite 1000  
Toronto, Ontario  
M5J 2N7  
[info@casprivacybreach.com](mailto:info@casprivacybreach.com)

**OPT OUT FORM – SEPARATE AND MAIL**

IF YOU DO NOT WANT TO PARTICIPATE in this Class Proceeding, you must take steps to opt out of the Class. If you opt out of the Class, you will not be eligible to recover any benefits under a settlement or award in this Class Proceeding. Members of the Class may exercise their right to opt out of the Class by submitting a letter or this Form by mail stating that you wish to opt out of the Settlement. Your Letter or this “Opt-Out Form” must include:

1. The name of this proceeding: **(M.M. v. FCSLLG, or similar identifying words)**;
2. Your full name, email address, mailing address, and telephone number:

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3. Your signature or the signature of your legal agent, acting with your instructions:

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4. A brief statement that you understand you will be excluded from any judgment (including an approved settlement), if any:

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