



Residential School Day Scholars

August 6, 2021

We are writing to let your Nation know that a Settlement Agreement has been reached in the Residential Schools Day Scholars Class Action (*Gottfriedson v. Canada*). You likely will have heard about this settlement from other sources, but we wanted to ensure that your Nation heard from lawyers for the class directly.

Since 2012, this class action lawsuit has been ongoing against the Government of Canada, on behalf of:

- Survivor Class Members: Day Scholars who attended Indian Residential Schools as students during the day only (i.e. did not sleep there overnight) at any time between 1920 and 1997,
- Descendant Class Members: the Survivors' children, and
- Band Class Members: over 100 First Nations who chose to "opt in" (join) the class action.

The lawsuit is about loss of language and culture, and psychological harms caused to Day Scholars, their Descendants and the Bands as a result of Residential Schools.

There is now a proposed settlement of the Survivor and Descendant claims. Here is what you need to know about the settlement:

- The proposed settlement does not affect the Band Class claims, which are going ahead.
- The settlement includes two types of compensation:
 - Direct payment of \$10,000 to Survivor Class Members. There will be no deductions, and there is no limit on how many people will receive these payments. All approved claims will be paid by Canada.
 - Canada will also pay \$50 million to the Day Scholars Revitalization Fund, which will award grants for projects which support healing, wellness, education, language, culture, heritage and/or commemoration for the benefit of Survivor and Descendant Class Members.
- All Survivor Class Members who attended a listed Residential School as a Day Scholar, for any part of a school year, are included in the proposed settlement. A listed Residential School is one where there were, or might have been, Day Scholars. The complete list can be found on www.justicefordayscholars.com.
- The heirs or estate administrators of any Survivor Class Members who were alive as of May 30, 2005, but have died since, may also be entitled to make a claim.
- This settlement is not about sexual or serious physical abuse endured by students at Residential School (those claims were covered by the Indian Residential School Settlement Agreement)
- The settlement is also not about Federal Day Schools (those claims are covered by the *McLean* Day Schools Settlement Agreement).
- A judge will decide whether to approve the proposed settlement, if it is fair, reasonable, and in the best interests of the Class Members. The settlement approval court hearing will start on September 7, 2021. Details about how to watch or participate in the hearing are posted on www.justicefordayscholars.com.
- If the judge **approves** the settlement, it will apply to all Survivors & Descendants. If the judge **does not approve** the settlement, it will not take effect and the class action lawsuit will continue to trial.
- Nothing in the proposed settlement will affect the Band Class claims, which are moving forward regardless of what happens with this proposed settlement

Full details regarding the Residential School Day Scholars class action and settlement can be found at: www.justicefordayscholars.com

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