

## DAY SCHOLARS SURVIVOR AND DESCENDANT CLASS SETTLEMENT

### NOTICE OF PROPOSED PARTIAL SETTLEMENT AND SETTLEMENT APPROVAL HEARING

Did you attend an Indian Residential School as a student during the day  
but not sleep there overnight?

OR

Did your parent attend an Indian Residential School as a student during the day  
but not sleep there overnight?

**If yes, this notice is for you. It is authorized by the Federal Court.  
Please read it carefully because it affects your legal rights.**

- **What is this lawsuit about:**

- A class action lawsuit called *Gottfriedson v. Canada*, Federal Court File number T-1542-12, is in progress on behalf of three classes:
  - Day Scholar Survivors who attended Indian Residential Schools as students during the day only (i.e. they did not sleep there overnight) at any time between 1920 and 1997,
  - the Survivors' children (Descendants), and
  - certain Bands who opted in/chose to be included in the class action.
- This class action is happening because the plaintiffs say that the purpose, operation and management of the Indian Residential Schools destroyed the Class Members' language and culture, violated their cultural and linguistic rights, and caused Survivors psychological harms. The class action seeks compensation for Survivors who say they endured harms as a result of their attendance at Indian Residential Schools as Day Scholars. It also seeks compensation for Descendants and Bands who say they endured harms as a result of the Survivors' attendance at Indian Residential Schools.
- This class action is not about sexual or serious physical abuse endured by students at Indian Residential Schools (those claims were covered by the Indian Residential School Settlement Agreement) and does not cover claims by students who attended Indian Day Schools (those claims are covered by the *McLean* Federal Indian Day Schools Settlement Agreement).
- This class action also does not include any Survivors or Descendants who chose to opt out (be excluded) from the class action before the deadline on November 30, 2015. It is no longer possible to opt out from the class action.

- **What is the proposed settlement:**

- **There is now a proposed settlement in this class action of the Survivor and Descendant claims.**
- The settlement includes two types of compensation:
  - Direct compensation to each Survivor Class Member in the form of a \$10,000 Day Scholar Compensation Payment. There will be no reductions made to the Day Scholar Compensation Payments and there is no limit on how many people will receive Day Scholar Compensation Payments. All approved claimants will be paid \$10,000 by Canada.

- Canada will also pay \$50 million to the Day Scholars Revitalization Fund, to be used to support healing, wellness, education, language, culture, heritage and commemoration, for the benefit of Survivor and Descendant Class Members.
  - All Survivor Class Members who attended a listed Indian Residential School during the day only, for part or all of a school year, are included in the proposed settlement. A listed Indian Residential School is one where there were, or might have been, Day Scholars.
  - You can see the full list of Indian Residential Schools that are included in this class action at the end of this Notice and at Schedule E of the Settlement Agreement. The full list is divided in two: List 1, which includes Indian Residential Schools confirmed to have had Day Scholars; and List 2, which includes Indian Residential Schools where there may have been Day Scholars. Both List 1 and List 2 Schools are included in the settlement.
  - A Survivor Class Member's claim will be approved if it is made before the claims deadline (21 months after claims start being accepted), and if, for at least one of the school years when the Survivor Class Member was a Day Scholar, they did not already receive a Common Experience Payment under the Indian Residential Schools Settlement Agreement or payment under the *McLean* Federal Indian Day Schools Settlement Agreement for that school year.
  - Any Survivor Class Members who were alive as of May 30, 2005, but have died since, are included in the proposed settlement. The heirs of these deceased Survivor Class Members may be entitled to make a claim. The Estate Claims Process is at Schedule D to the Settlement Agreement.
  - Claimants whose claims are dismissed because the Claims Administrator is not satisfied that the claimant was a Day Scholar at a listed Indian Residential School have the right to seek reconsideration. Claimants seeking reconsideration can choose to be represented by the lawyers for the Class Members at no cost, or to hire and pay for other lawyers of their choice.
  - In exchange for the benefits discussed above, the Survivor and Descendant Class claims will be dismissed in the class action and Canada will receive a "release" of its liability from all Survivor and Descendant Class Members. No Survivor Class Members will be able to sue Canada for any harm or damage due to their attendance as a Day Scholar at any Indian Residential School. No Descendant Class Members will be able to sue Canada for any harm or damage due to their parents' attendance as a Day Scholar at any Indian Residential School.
  - Canada will pay the legal fees and expenses of the lawyers for the Class Members directly. These fees and expenses are separate from the settlement benefits and will not lower or affect the benefits in any way.
  - **Unless and until the Federal Court approves the Settlement Agreement, it is only a proposed settlement. Class Members cannot submit claims and cannot receive compensation until after the proposed settlement is approved by the Federal Court.**
  - The proposed settlement does not include the Band Class. Nothing in the proposed settlement will affect the Band Class claim, which is moving forward regardless of what happens with this proposed settlement.
- **What's next:**
    - A Federal Court judge will decide whether to approve the proposed settlement. The test that the judge will apply is whether the settlement is fair, reasonable, and in the best interests of the Class Members. The judge will consider the entire settlement agreement all together as a

complete package. The judge is not able to pick and choose which parts of the settlement to approve or not approve.

- The judge will make the decision about whether to approve the proposed settlement following a court hearing that will start on September 7, 2021.
- Because of COVID-19, it is not clear at this point whether the settlement approval hearing for this class action will take place in a courtroom or online. Either way, it will be possible to watch the hearing online. The link for the hearing will be posted on the <http://www.justicefordayscholars.com/> website several days beforehand.
- If the judge **approves** the settlement, then it will apply to all Survivors and Descendants. If the judge **does not approve** the settlement, then it will not take effect and the class action lawsuit will continue to trial.
- At the hearing, the lawyers for the Class Members will also ask the Federal Court to approve their legal fees and expenses.

- **What you can do:**

- You do not have to do anything at this time.
- You can choose to participate in the settlement approval process. This means sharing your opinion about whether the settlement is fair, reasonable, and in the best interests of the Survivors and Descendants:
  - you can send in a written statement, which must include your name, contact information, a statement that you are a Class Member, and a statement that you support or object to the proposed settlement, and any other details you would like to add. Written statements can be sent by email, mail or fax, and must be received by August 20, 2021, at 11:59 PDT at:  
[dayscholars@waddellphillips.ca](mailto:dayscholars@waddellphillips.ca)  
 Waddell Phillips Professional Corporation  
 Att'n: Day Scholars Class Action  
 36 Toronto Street, Suite 1120  
 Toronto, ON M5C 2C5  
 Fax: 416-477-1657
  - you can sign up to speak at the settlement approval hearing by emailing [dayscholars@waddellphillips.ca](mailto:dayscholars@waddellphillips.ca) by August 30, 2021, at 11:59 PDT. Further details, including technical information about the online hearing, will be sent to everyone who signs up to speak.

**More information about your rights and options, details of the settlement (including the settlement agreement), and details about the settlement approval process, can be found on the [www.justicefordayscholars.com](http://www.justicefordayscholars.com) website. If you have questions or opinions you would like to share, please contact Class Counsel at 1-888-222-6845 or [dayscholars@waddellphillips.ca](mailto:dayscholars@waddellphillips.ca).**

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**Schedule E**  
**List 1 – Schools with Confirmed Day Scholars**

School	Location	Opening Date (January 1, 1920 as per the Class Period or later, as applicable)	School Closing or Transfer Date
<b>British Columbia Residential Schools</b>			
Alberni	Port Alberni (Tseshaht Reserve)	January 1, 1920  <b>Interim Closures:</b> June 2, 1917, to December 1, 1920 February 21, 1937 to September 23, 1940	August 31, 1965
Cariboo (St. Joseph's, William's Lake)	Williams Lake	January 1, 1920	February 28, 1968
Christie (Clayoquot, Kakawis)	Tofino	January 1, 1920	June 30, 1983
Kamloops	Kamloops (Kamloops Indian Reserve)	January 1, 1920	August 31, 1969
Kuper Island	Kuper Island	January 1, 1920	August 31, 1968
Lejac (Fraser Lake)	Fraser Lake (on reserve)	January 1, 1920	August 31, 1976
Lower Post	Lower Post (on reserve)	September 1, 1951	August 31, 1968
St. George's (Lytton)	Lytton	January 1, 1920	August 31, 1972
St. Mary's (Mission)	Mission	January 1, 1920	August 31, 1973
Sechelt	Sechelt (on reserve)	January 1, 1920	August 31, 1969
St. Paul's (Squamish, North Vancouver)	Squamish, North Vancouver	January 1, 1920	August 31, 1959
<b>Alberta Residential Schools</b>			
Assumption (Hay Lake)	Assumption (Hay Lakes)	February 1, 1951	September 8, 1968
Blue Quills	Saddle Lake Indian Reserve (1898 to 1931) St. Paul (1931 to 1990)	January 1, 1920	January 31, 1971
Crowfoot (Blackfoot, St. Joseph's, Ste. Trinité)	Cluny	January 1, 1920	December 31, 1968

Desmarais (Wabiscaw Lake, St. Martin's, Wabisca Roman Catholic)	Desmarais, Wabasca / Wabisca	January 1, 1920	August 31, 1964
Ermineskin (Hobbema)	Hobbema (Ermineskin Indian Reserve)	January 1, 1920	March 31, 1969
Holy Angels (Fort Chipewyan, École des Saint-Anges)	Fort Chipewyan	January 1, 1920	August 31, 1956
Fort Vermillion (St. Henry's)	Fort Vermillion	January 1, 1920	August 31, 1964
Joussard (St. Bruno's)	Lesser Slave Lake	1920	October 31, 1969
Morley (Stony/Stoney, replaced McDougall Orphanage)	Morley (Stony Indian Reserve)	September 1, 1922	July 31, 1969
Old Sun (Blackfoot)	Gleichen (Blackfoot Reserve)	January 1, 1920  <b>Interim Closures:</b> 1922 to February 1923 June 26, 1928 to February 17, 1931	June 30, 1971
Sacred Heart (Peigan, Brocket)	Brocket (Peigan Indian Reserve)	January 1, 1920	June 30, 1961
St. Cyprian (Queen Victoria's Jubilee Home, Peigan)	Brocket (Peigan Indian Reserve)	January 1, 1920  <b>Interim Closure:</b> September 1, 1953 to October 12, 1953	June 30, 1961
St. Mary's (Blood, Immaculate Conception)	Cardston (Blood Indian Reserve)	1920  <b>Interim Closure:</b> September 1, 1965 to January 6, 1966	August 31, 1969
St. Paul's (Blood)	Cardston (Blood Indian Reserve)	January 1, 1920	August 31, 1965
Sturgeon Lake (Calais, St. Francis Xavier)	Calais	January 1, 1920	August 31, 1959
Wabasca (St. John's)	Wabasca Lake	January 1, 1920	August 31, 1965
Whitefish Lake (St. Andrew's)	Whitefish Lake	January 1, 1920	June 30, 1950
Grouard	West side of Lesser Slave Lake, Grouard	January 1, 1920	September 30, 1957

<b>Saskatchewan Residential Schools</b>			
Beauval (Lac la Plonge)	Beauval	January 1, 1920	August 31, 1968
File Hills	Balcarres	January 1, 1920	June 30, 1949
Gordon's	Punnichy (Gordon's Reserve)	January 1, 1920  <b>Interim Closures:</b> June 30, 1947, to October 14, 1949 January 25, 1950 to September 1, 1953	August 31, 1968
Lebret (Qu'Appelle, Whitecalf, St. Paul's High School)	Lebret	January 1, 1920  <b>Interim Closure:</b> November 13, 1932 to May 29, 1936	August 31, 1968
Marieval (Cowesess, Crooked Lake)	Cowesess Reserve	January 1, 1920	August 31, 1969
Muscowequan (Lestock, Touchwood)	Lestock	January 1, 1920	August 31, 1968
Prince Albert (Onion Lake Anglican, St. Alban's, All Saints, St. Barnabas, Lac La Ronge)	Onion Lake / Lac La Ronge / Prince Albert	January 1, 1920	August 31, 1968
St. Anthony's (Onion Lake, Sacred Heart)	Onion Lake	January 1, 1920	March 31, 1969
St. Michael's (Duck Lake)	Duck Lake	January 1, 1920	August 31, 1968
St. Philip's	Kamsack	April 16, 1928	August 31, 1968
<b>Manitoba Residential Schools</b>			
Assiniboia (Winnipeg)	Winnipeg	September 2, 1958	August 31, 1967
Brandon	Brandon	1920  <b>Interim Closure:</b> July 1, 1929 to July 18, 1930	August 31, 1968
Churchill Vocational Centre	Churchill	September 9, 1964	June 30, 1973
Cross Lake (St. Joseph's, Norway House)	Cross Lake	January 1, 1920	June 30, 1969
Fort Alexander (Pine Falls)	Fort Alexander Reserve No. 3, near Pine Falls	January 1, 1920	September 1, 1969

Guy Hill (Clearwater, the Pas, formerly Sturgeon Landing, SK)	Clearwater Lake	September 5, 1952	August 31, 1968
Norway House	Norway House	January 1, 1920  <b>Interim Closure:</b> May 29, 1946 to September 1, 1954	June 30, 1967
Pine Creek (Camperville)	Camperville	January 1, 1920	August 31, 1969
Portage la Prairie	Portage la Prairie	January 1, 1920	August 31, 1960
Sandy Bay	Sandy Bay Reserve	January 1, 1920	June 30, 1970
<b>Ontario Residential Schools</b>			
Bishop Horden Hall (Moose Fort, Moose Factory)	Moose Island	January 1, 1920	August 31, 1964
Cecilia Jeffrey (Kenora, Shoal Lake)	Shoal Lake	January 1, 1920	August 31, 1965
Fort Frances (St. Margaret's)	Fort Frances	January 1, 1920	August 31, 1968
McIntosh (Kenora)	McIntosh	May 27, 1925	June 30, 1969
Pelican Lake (Pelican Falls)	Sioux Lookout	September 1, 1927	August 31, 1968
Poplar Hill	Poplar Hill	September 1, 1962	June 30, 1989
St. Anne's (Fort Albany)	Fort Albany	January 1, 1920	June 30, 1976
St. Mary's (Kenora, St. Anthony's)	Kenora	January 1, 1920	August 31, 1968
Spanish Boys' School (Charles Garnier, St. Joseph's)	Spanish	January 1, 1920	June 30, 1958
Spanish Girls' School (St. Joseph's, St. Peter's, St. Anne's)	Spanish	January 1, 1920	June 30, 1962
<b>Quebec Residential Schools</b>			
Fort George (Anglican)	Fort George	September 1, 1933  <b>Interim Closure:</b> January 26, 1943 to July 9, 1944	August 31, 1971
Fort George (Roman Catholic)	Fort George	September 1, 1937	June 30, 1978
Point Bleue	Point Bleue	October 6, 1960	August 31, 1968
Sept-Îles	Sept-Îles	September 2, 1952	August 31, 1969

<b>Nova Scotia Residential Schools</b>			
Shubenacadie	Shubenacadie	September 1, 1929	June 30, 1967
<b>Northwest Territories Residential Schools</b>			
Aklavik (Immaculate Conception)	Aklavik	July 1, 1926	June 30, 1959
Aklavik (All Saints)	Aklavik	August 1, 1936	August 31, 1959
Fort Providence (Sacred Heart)	Fort Providence	January 1, 1920	June 30, 1960
Fort Resolution (St. Joseph's)	Fort Resolution	January 1, 1920	December 31, 1957
Hay River (St. Peter's)	Hay River	January 1, 1920	August 31, 1937
<b>Yukon Residential Schools</b>			
Carcross (Chooutla)	Carcross	January 1, 1920  <b>Interim Closure:</b> June 15, 1943 to September 1, 1944	June 30, 1969
Whitehorse Baptist Mission	Whitehorse	September 1, 1947	June 30, 1960
Shingle Point Eskimo Residential School	Shingle Point	September 16, 1929	August 31, 1936

### List 2 – Schools Not Known to Have Day Scholars

<b>School</b>	<b>Location</b>	<b>Opening Date (January 1, 1920 as per the Class Period or later, as applicable)</b>	<b>Closing or Transfer Date</b>
<b>British Columbia Residential Schools</b>			
Ahousaht	Ahousaht (Maktosis Reserve)	January 1, 1920	January 26, 1940
Coqualeetza from 1924 to 1940	Chilliwack	January 1, 1924	June 30, 1940
Cranbrook (St. Eugene's, Kootenay)	Cranbrook (on reserve)	January 1, 1920	June 23, 1965
St. Michael's (Alert Bay Girls' Home, Alert Bay Boys' Home)	Alert Bay (on reserve)	January 1, 1920	August 31, 1960
<b>Alberta Residential Schools</b>			
Edmonton (Poundmaker,	St. Albert	March 1, 1924	August 31, 1960



replaced Red Deer Industrial)		<b>Interim Closures:</b> July 1, 1946 to October 1, 1946 July 1, 1951 to November 5, 1951	
Lesser Slave Lake (St. Peter's)	Lesser Slave Lake	January 1, 1920	June 30, 1932
St. Albert (Youville)	St. Albert, Youville	January 1, 1920	June 30, 1948
Sarcee (St. Barnabas)	Sarcee Junction, T'suu Tina (Sarcee Indian Reserve)	January 1, 1920	September 30, 1921
<b>Saskatchewan Residential Schools</b>			
Round Lake	Broadview	January 1, 1920	August 31, 1950
Sturgeon Landing (replaced by Guy Hill, MB)	Sturgeon Landing	September 1, 1926	October 21, 1952
Thunderchild (Delmas, St. Henri)	Delmas	January 1, 1920	January 13, 1948
<b>Manitoba Residential Schools</b>			
Birtle	Birtle	January 1, 1920	June 30, 1970
Dauphin (replaced McKay)	The Pas / Dauphin	See McKay below	See McKay below
Elkhorn (Washakada)	Elkhorn	January 1, 1920  <b>Interim Closure:</b> 1920 to September 1, 1923	June 30, 1949
McKay (The Pas, replaced by Dauphin)	The Pas / Dauphin	January 1, 1920  <b>Interim Closure:</b> March 19, 1933 to September 1, 1957	August 31, 1968
<b>Ontario Residential Schools</b>			
Chapleau (St. John's)	Chapleau	January 1, 1920	July 31, 1948
Mohawk Institute	Brantford	January 1, 1920	August 31, 1968
Mount Elgin (Muncey, St. Thomas)	Muncey	January 1, 1920	June 30, 1946
Shingwauk	Sault Ste. Marie	January 1, 1920	June 30, 1970
St. Joseph's / Fort William	Fort William	January 1, 1920	September 1, 1968

Stirland Lake High School (Wahbon Bay Academy)	Stirland Lake	September 1, 1971	June 30, 1991
Cristal Lake High School	Stirland Lake	September 1, 1976	June 30, 1986
<b>Quebec Residential Schools</b>			
Amos	Amos	October 1, 1955	August 31, 1969
La Tuque	La Tuque	September 1, 1963	June 30, 1970