

**PROPOSED SETTLEMENT OF CLASS ACTION AGAINST THE CITY OF WESTMOUNT  
FOR VICTIMS OF SEXUAL ABUSE BY JOHN GARLAND**

***PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.***

Between 1953 and 1987, John Garland worked in the City of Westmount's Parks and Recreation Department. Mr. Garland misused his position of power and trust to sexually abuse some of the children and teenagers in his care.

On June 5, 2015, the Class Representative, Mr. Benedict Matthew Bissonnette, sought permission to bring a class action against the City of Westmount on behalf of Mr. Garland's victims. While it denies any liability or wrongdoing, the City chose not to fight a lengthy legal battle with victims and rather worked with Mr. Bissonnette to find a way to settle this lawsuit and provide meaningful compensation to victims.

Mr. Bissonnette and the City are happy to inform victims that they have reached a settlement that they will present for approval to the Superior Court of Québec (Court File No. 500-06-000743-159) on **May 1<sup>st</sup>, 2017, at 9:30 AM** at the Montreal Courthouse, located at 1 Notre-Dame Street East, in a room to be determined.

**WHAT IS THE PROPOSED SETTLEMENT?**

The proposed Settlement provides for the creation of a Total Settlement Fund, capped at \$2.5 million (CDN), to resolve the claims of all class members.

If the Settlement is approved, Class Members can submit a claim to receive either:

**A. Base Compensation of \$35, 000 (CDN).**

- Base Compensation is for admissible claimants who have suffered less severe consequences after being sexually abused on a few occasions;

OR

**B. Base Compensation of \$35,000 + Additional Compensation.**

- Additional Compensation is reserved for admissible claimants that have suffered more severe consequences. This amount will be determined on a *pro rata basis* in accordance with the severity of each applicant's personal claim and the severity of all eligible claims for Additional Compensation.

The Total Settlement Fund will also be used to pay the costs associated with Notices to

class members, adjudicative costs, and the fees and expenses of Class Counsel that are approved by the Court.

### **THE PROPOSED SETTLEMENT AND CLASS COUNSEL FEES REQUIRE COURT APPROVAL**

Before the Settlement becomes effective, the Superior Court of Québec must approve both the Agreement and the fees and expenses of Class Counsel, Trudel Johnston & Lespérance. The Court will review them to ensure that they are fair, reasonable and in the best interests of Class Members.

The Approval Hearing will take place on **May 1<sup>st</sup>, 2017** at **9:30 AM** in the Superior Court of Québec at the Montreal Courthouse, 1 Notre-Dame Street East, in a room to be determined, in Montreal, Québec.

If you are a Class Member and do not object to the Settlement, you do not have to attend the Settlement Approval Hearing.

### **WHO CAN PARTICIPATE IN THE SETTLEMENT?**

**All persons who, from 1953 to 1987, were sexually abused by John Garland while participating in the sports or recreation programs offered by the City of Westmount**

The estate of any victim who is deceased at or before the expiry of the Claim Deadline can also submit a claim under the Settlement Agreement.

### **WHAT IF I DISAGREE WITH THE PROPOSED SETTLEMENT?**

If you disagree with the proposed settlement, you can object to it by delivering a written submission on or before April 2<sup>nd</sup>, 2017. Your objection must be sent to Class Counsel by letter, email, or fax, and include the following information:

- (a) Your full name, mailing address, telephone number, and email address;
- (b) A brief statement of the nature and reasons for your objection;
- (c) A declaration that you are a member of the Class; and
- (d) Whether you intend to appear at the Approval Hearing or intend to appear by counsel, and if by counsel, the name, address, telephone number, fax number, and email address of counsel, and

(e) A declaration under the penalty of perjury that the foregoing information is true and correct.

**Do NOT send an objection directly to the Court.** Class Counsel will file copies of all objections with the Court, while preserving the confidentiality of the identity of the person submitting an objection.

### **EXCLUDING YOURSELF FROM THE CLASS ACTION**

As part of the Settlement, the Defendant has consented to the authorization of the class action for the sole purpose of implementing the Agreement.

If you take no action, you will only be able to claim compensation under the Settlement and will lose your right to take another lawsuit against the City of Westmount.

If you want to bring your own claim at your own expense, you can deliver a written submission declaring your intention to exclude yourself from the class action, to the Superior Court of Quebec and Class Counsel by registered or certified mail at the two (2) addresses below on or before April 2<sup>nd</sup>, 2017.

**Clerk, Superior Court of Québec**

Court file number: 500-06-000743-159  
Montreal Courthouse  
1, Notre-Dame East  
Montréal (Québec) H2Y 1B6

**Trudel Johnston & Lespérance**

Counsel for Class Members  
750 Côte de la Place d'Armes  
Suite 90  
Montreal (Québec) H2Y 2X8

Your submission must include the Court file Number (500-06-000743-159) and indicate your name, address, and telephone number. You can contact Class Counsel to obtain more information on excluding yourself or a copy of the Opt-Out Form.

### **HOW CAN I CLAIM COMPENSATION UNDER THE SETTLEMENT IF IT IS APPROVED?**

The Settlement creates a **simple and discreet process for victims to submit a claim while maintaining strict confidentiality**. All information that you provide will only be used by authorized persons in order to process your Claim under the Settlement and will not be used in any other context. In no circumstances will your identity or personal story be disclosed on the court record.

If the proposed Settlement is approved by the Court, Class Members will have 90 days from the date of dissemination of the Notice of Settlement Approval (which dissemination will

occur in the days following the Court's decision approving the Settlement) to submit a completed Claim Form with all required supporting documents by mail, email, or fax to Class Counsel.

**For all claims**, you must fill out a Claim Form and provide the following documentation:

- A copy of your birth certificate and colour photocopy of your passport, driver's license or health insurance card;
- Any document or piece of memorabilia that you still have that confirms your participation in a City of Westmount sports or recreation program; and

**For all claims for Additional Compensation**, you must confirm the damages that you suffered as a result of the abuse (see Part IV of the Claim Form) and provide any documentation that supports your claim for such damages (see Part V of the Claim Form and the Compensation Grid). Please ask Class Counsel for a copy of the Claim Form and Compensation Grid to learn what you can file to confirm your damages.

You are encouraged to start collecting all the documentation required to submit a claim as soon as possible in order to be able to file your claim on time.

### **WHO CAN I CONTACT FOR MORE INFORMATION AND HOW DO I GET A COPY OF THE SETTLEMENT AND CLAIM FORM**

Trudel Johnston & Lespérance acts as Counsel for class members:

**Trudel Johnston & Lespérance**  
90-750 Côte de la Place d'Armes  
Montreal, QC, H2Y 2X8  
Fax: 514-871-8800  
[www.tjl.quebec](http://www.tjl.quebec)

If you want more information on the Settlement or want to obtain a copy of the Settlement Agreement, please contact Jean-Marc Lacourcière by email ([jean-marc@tjl.quebec](mailto:jean-marc@tjl.quebec)) or phone (514-871-8385 ext. 209).

*Please note that in case of any discrepancy between the terms of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail. Any term not defined in this Notice shall have the meaning ascribed in the Settlement Agreement.*