

# NOTICE TO FORMER RESIDENTS OF THE WOODLANDS SCHOOL

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.**

## THE ACTION

A class action was commenced in the Supreme Court of British Columbia seeking damages on behalf of the following class:

All persons resident in British Columbia, who were confined to the provincial institution more recently known as Woodlands School on or after August 1, 1974, and who, while so confined, suffered physical, sexual, emotional and/or psychological abuse and have suffered injury, loss or damage as a result thereof.

By orders dated March 17, 2005, and amended February 29, 2008, the Supreme Court of British Columbia certified this action as a class action. The representative plaintiffs for the class are William H. McArthur and William Richard. The law firms representing the class are Klein Lyons assisted by Poyner Baxter LLP. The Defendant is the Province of British Columbia.

The court has not yet made any finding as to the merits of this lawsuit. The Defendant denies the allegations made in the lawsuit. The allegations to be tried as common issues have been defined by the court as follows:

1. Was the defendant negligent or in breach of fiduciary duty in failing to take reasonable measures in the operation or management of Woodlands School on or after August 1, 1974 to protect those persons therein confined from abusive conduct of a physical, sexual, emotional and/or psychological nature by employees, agents or other persons similarly confined in the institution?
2. If the answer to common issue no. 1 is "yes", was the defendant guilty of conduct that justifies an award of punitive damages?
3. If the answer to common issue no. 2 is "yes", what amount of punitive damages is awarded?

## THE APPEAL

There is currently a pending appeal, before the British Columbia Court of Appeal, regarding the potential inclusion in the class action of claims by former residents at the Woodlands School arising from conduct prior to August 1, 1974. At present, such claims are not part of this class action. If circumstances change as a result of the appeal, a further notice may be published.

## CONFIDENTIAL DOCUMENTS

In order to better represent the class in this lawsuit, Class Counsel has sought a court order for production of documents relating to the operation of Woodlands School. Class Counsel has entered into an undertaking to keep such materials confidential, and to only use them for the purposes of advancing this lawsuit. If you were a resident of Woodlands School, and you do not wish Class Counsel to have access to documents relating to your experience at the Woodlands School, you can contact Class Counsel to exclude yourself from this lawsuit as described below.

## EXCLUDING YOURSELF FROM THIS LAWSUIT

If you do not want to be part of this lawsuit you must notify Class Counsel at the address below, in writing, by Monday, December 22, 2008, providing your name and address and indicating that you do not want to be part of this lawsuit. Class members who do not exclude themselves by that date are automatically included in this lawsuit, and will be bound the court's judgment on the common issues, whether favourable or not.

## FEES AND DISBURSEMENTS

Class Counsel has entered into agreements with the representative plaintiffs with respect to the legal fees and disbursements for the resolution of the common issues. These agreements provide that Class Counsel will not receive payment for their work on the common issues unless and until the class action is successful or costs are recovered from the Defendant. These agreements must be approved by the court.

If the class is successful at trial in proving the common issues, further proceedings may be necessary for individual class members to prove their own personal damages claims. Class members may be responsible for the costs of proving their own individual claims, and may hire a lawyer of their choosing to assist with these further proceedings.

## FOR MORE INFORMATION

Further information may be obtained by calling 604-874-7171 or visiting [www.kleinlyons.com](http://www.kleinlyons.com).

Communications in writing should be directed to:

**Klein Lyons**  
**Suite 1100, 1333 West Broadway**  
**Vancouver, BC V6H 4C1**

**Tel: 604-874-7171**  
**Fax: 604-874-7180**

