

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
TEENA MCKAY AND LORNA WATTS

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FEDERAL COURT- COUR FÉDÉRALE	
July 24, 2023	
Abbie Abe	
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Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

NOTICE OF MOTION

TAKE NOTICE THAT the Plaintiffs will make a motion to Justice Peter G. Pamel of the Federal Court on Tuesday, September 12, 2023, at 9:30 am Pacific Time at the Federal Court, 701 W. Georgia St., Vancouver, BC.

THE MOTION IS FOR AN ORDER:

1. That the settlement of this action set out in the settlement agreement entered into by the parties (the "Settlement Agreement") is approved;
2. Appointing a claims administrator;
3. For such further and other relief as counsel may request and as this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

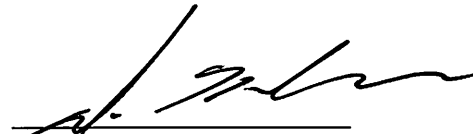
4. *Federal Courts Rules*, including Rule 334.29.
5. The Settlement Agreement is fair and reasonable and in the best interests of the Class.
6. This is an historic settlement of claims arising from the Defendant's "Indian Boarding Homes Program". The Program separated Indigenous children from their families and communities and placed them in private homes while attending school. Indigenous children suffered a loss of culture, language, and sense of self-identity from these placements. They were also vulnerable to emotional, physical and sexual abuse.
7. The Settlement Agreement has two categories of compensation. Category 1 pays \$10,000 to each class member for loss of culture simply based on having been placed in the Boarding Homes Program. Category 2 has five levels of compensation paying from \$10,000 to \$200,000 for class members who suffered abuse.
8. The compensation available under the Settlement Agreement is comparable to what might be awarded at trial.
9. The Settlement Agreement has no cap or aggregate limit. It compensates as many class members as come forward without any risk that individual compensation will be subject to pro-rata reduction.
10. The Settlement Agreement is user-friendly and does not require class members to undergo oral testimony. Rather, class members can present their claims based entirely on a paper record.
11. The Settlement Agreement does more than just award compensation, it also establishes a Foundation with a \$50 million fund to support reconciliation projects, and it obligates the federal government to maintain mental health supports for class members.
12. Prior to the hearing, the parties will file evidence as to the claims administrator they jointly recommend for appointment as the claims administrator for the settlement.

13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used in support of the motion:

1. Affidavit of Aden Thompson-Klein, sworn July 24 ,2023;
2. Affidavit of Lea Lemay Langlois, sworn July 21, 2023;
3. Affidavits of Reginald Percival, sworn October 4, 2018 and July 13, 2023;
4. Affidavits of Allan McKay, sworn October 4, 2018 and July 23, 2023;
5. Affidavits of Iona McKay, sworn October 4, 2018 and July 23, 2023;
6. Affidavits of Lorna Watts, sworn October 4, 2019 and July 21, 2023;
7. Affidavits of Kenneth Weistche, sworn May 1, 2019 and July 21, 2023;
8. Affidavit of David Chechoo, sworn July 20, 2023; and,
9. Such further and other material as counsel may advise and this Honourable Court may permit.

July 24, 2023



David A. Klein
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