

## Legal Notice

# Are You a Member of a First Nation That Has Been Subject To A Long-Term Drinking Water Advisory?

*A Lawsuit May Affect You and Your First Nation. Please Read this Carefully.*

You could be affected by class action litigation regarding the lack of access to clean drinking water on First Nations reserves.

The Manitoba Court of Queen's Bench and the Federal Court of Canada decided that a class action on behalf of a "Class" of both First Nations and band members may proceed. Band members can choose whether to stay in the Class. First Nations can choose whether to join the Class. There is no money available now and no guarantee that the class action will succeed.

The Courts appointed Tataskweyak Cree Nation, Chief Doreen Spence, Curve Lake First Nation, Chief Emily Whetung, Neskantaga First Nation, and Chief Christopher Moonias to act as representative Plaintiffs for the Class.

### What is this case about?

This class action asserts that Canada breached its obligations by failing to ensure that First Nations communities had adequate access to clean drinking water. The class action asserts that members of these communities and the communities themselves were harmed emotionally, physically, financially, and spiritually. The class action asserts that Canada has breached its fiduciary duties, its duty of care, and the *Charter of Rights and Freedoms*. The Court has not decided whether any of these assertions are true. If there is no settlement, the Plaintiffs will have to prove their claims in Court.

If you have questions about this class action, you can contact the Administrator via email at [drinkingwater@classaction2.com](mailto:drinkingwater@classaction2.com) or by telephone at 1(800) 538-0009.

### Who represents the class?

The Court has appointed McCarthy Tétrault LLP and Olthuis Kleer Townshend LLP to represent the Class as "Class Counsel". You do not have to pay Class Counsel, or anyone else, to participate. If Class Counsel obtains money or benefits for the Class they may ask for lawyers' fees and costs, which would be deducted from any money or benefits recovered for Class members.

### Individuals Class Members: Who is included and who is excluded?

**Band Members Included:** The Class includes band members (as defined by the *Indian Act*): (a) whose reserve was subject to a drinking water advisory (such as a boil water advisory, etc.) that lasted at least one year at any time from November 20, 1995 to the present; (b) had not died before November 20, 2017; and (c) ordinarily lived on their reserve.

**Band Members Excluded:** Members of the Tsuu T'ina Nation, Sucker Creek First Nation, Ermineskin Cree Nation, the Blood Tribe, Okanagan Indian Band, and Michael Darryl Isnardy are excluded from this class action.

### **Individuals: What are your options?**

**Stay in the Class:** To stay in the Class, you do not have to do anything. If the Class obtains money or benefits, Class Counsel will give notice about how to ask for your share. You will be legally bound by all orders and judgments, and you will not be able to sue Canada about the legal claims in this case.

**Staying in the Class will not impact the supports received from community-based agencies that are funded by any government.**

**Get out of the Class:** If you do not want to participate in this class action litigation, you need to remove yourself by opting out. If you opt out, you cannot get money or benefits from this litigation. To opt out, please visit [www.classaction2.com/drinkingwater.html](http://www.classaction2.com/drinkingwater.html) to obtain an Opt Out coupon, or write to CA2 Inc., 9 Prince Arthur Avenue, Toronto, Ontario M5R 1B2 requesting to be removed from this class action. Please include your name, address, telephone number, and signature. Your request to opt out must be sent by **March 29, 2021**.

### **First Nations: What are your options?**

**Elect to join the Class:** First Nations that wish to join the Class and assert claims on behalf of their community must take action to opt in. To opt in, or to seek more information, please contact Class Counsel Stephanie Willsey (toll free:1-877-244-7711; [swillsey@mccarthy.ca](mailto:swillsey@mccarthy.ca)) or Class Counsel Kevin Hille ((416) 598-3694; [khille@oktlaw.com](mailto:khille@oktlaw.com)). **Your request to opt in must be sent no later than 120 days before Class members' claims are determined.**

### **How Can I Get More Information?**

**Name of Administrator:** CA2 Inc.

**Contact Information:** email - [drinkingwater@classaction2.com](mailto:drinkingwater@classaction2.com) or  
telephone - 1(800) 538 0009

### **Getting Information To People Who Need It**

The representative Plaintiffs and Class Counsel ask for the help of health care workers, social workers, First Nations community leaders, family members, caregivers, and friends of Class members in getting information to Class members who would have trouble reading or understanding this notice. More information about this lawsuit is available at the website or by contacting the Administrator. Please show this notice to people who may be impacted by this lawsuit or their caregivers.