

To any person in Canada whose grandmother lost her Indian status by marrying a non-Indian

The Superior Court of Québec has authorized this notice.

- You could be affected by a class action that has been authorized against the Attorney General of Canada.
- The class action includes any person in Canada whose grandmother lost her Indian status by marrying a non-Indian and recovered her Indian status under paragraph 6(1) (c) of the Indian Act following the 1985 amendments to this act and, whose only Indian parent is eligible to Indian status under paragraph 6(1) (c.1) of the Indian Act as amended in 2010 and, who are themselves eligible to Indian status under subsection 6(2) of the Indian Act.
- The Court has not yet decided whether the Defendant can be held responsible and the claim against it have yet to be proven. The action has been split into two separate hearings. The first hearing will deal with the issue of immunity for the federal government before proceeding to the full hearing on merits. The claims against The Attorney General of Canada have not been proven. If money or benefits are obtained you will be notified about how to ask for a share. There is no money available now and no guarantee there will be. However, your rights are affected and you have a choice to make now.

YOUR OPTIONS AT THIS TIME	
DO NOTHING	<p>Remain a part of this class action and await the outcome of the case. Share in the possible money and benefits, if they are awarded.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, in doing so, you give up any rights you might personally have to sue about the same subject matter as the class action.</p>
REMOVE YOURSELF ("OPT OUT")	<p>Remove yourself from this action. Do not get any money or benefits from it, if any are awarded, but retain your right to pursue an individual claim.</p> <p>If you remove yourself from the lawsuit, and money or benefits are awarded, you won't have a share in that money or those benefits. If you want, you could sue on your own behalf about the same subject matter as the class action.</p>

**Your options are explained more fully in this notice.
To be removed, you must act by March 25th, 2019.**

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1. BACKGROUND INFORMATION

The Honourable Marie Anne Paquette, Justice of the Superior Court of Québec, is responsible for overseeing this case, known as *Sarrazin v The Attorney General of Canada*, Court File No. 500-06-000600-128 in the District of Montreal.

The person who started this lawsuit, Denis Sarrazin, is known as the Representative Plaintiff (as he is acting on behalf of himself and everyone else who has been included in the lawsuit)..

The defendant is the Attorney General of Canada. (“**Defendant**”).

(A) What is this lawsuit about?

In 2012, the Applicant filed a *Motion to Authorize the Bringing of a Class Action and to be Ascribed the Status of Representative*.

The Applicant alleges that any person in Canada whose the grandmother lost her Indian status by marrying a non-Indian and recovered her Indian status under paragraph 6(1) (c) of the Indian Act following the 1985 amendments to this act and, whose only Indian parent is eligible to Indian status under paragraph 6(1) (c.1) of the Indian Act as amended in 2010 and, who are themselves eligible to Indian status under subsection 6(2) of the Indian Act has been harmed by losing benefits associated with Indian status. The purpose of this action is to provide monetary compensation.

(B) Why is this notice being issued?

This lawsuit has been "authorized" to proceed as a class action. If you are included in the class action, you may have certain legal rights and options before the Court decides whether the claims being made against the Defendant on your behalf are valid. This notice explains all of these things, and what you need to do to exercise your rights going forward. You may exclude yourself from this class action by sending the attached form to the Clerk of the Superior Court. By excluding you will not be part of this class action. You may be excluded if you have exercised a personal about the same subject matter but have not discontinued your action.

(C) What is a class action?

In a class action, one or more people called “representative plaintiffs” launch a claim on behalf of themselves and others who have similar legal claims. Those with similar claims are referred to as the “class” or “group” or as “class members”. The Court attempts to resolve as many issues as possible in one “common issues” trial for all of the class members. (There may be some issues which remain to be decided on an individual basis after the conclusion of the common issues trial.) Those who have

similar claims and do not remove themselves from the class are bound by the decisions of the court in this case.

To consult the central registry of class actions in Québec, visit:

<http://services.justice.gouv.qc.ca/dgsj/rrc/Demande/DemandeRecherche.aspx>

(D) How do I know if I a member of the class?

You are included in this lawsuit, and do not need to take any further action at this time, if all of the following are true: Any person in Canada:

- your grandmother lost her Indian status by marrying a non-Indian and recovered her Indian status under paragraph 6(1) (c) of the Indian act following the 1985 amendments; and,
- your only Indian parent is eligible to Indian status under paragraph 6(1) (c.1) of the Indian act as amended in 2010 and,
- you are eligible to Indian status under subsection 6(2) of the Indian Act.

There is a situation where you may be excluded from this class action even if you meet the above three conditions.

If you have brought an individual lawsuit regarding the same subject matter as this class action, you will be deemed to have “opted out” of this class action if you do not discontinue your individual action prior to the opt-out deadline, March 25th, 2019.

If you are uncertain whether this situation applies to you, please contact the attorneys for the representative plaintiff for assistance.

(E) What is the Representative Plaintiff seeking in this action?

The Representative Plaintiff is seeking monetary compensation in the form of compensatory, moral, and punitive damages, plus legal fees, costs, and applicable interest. More specifically, the Representative Plaintiff seeks the following conclusions:

ALLOW the class action of the Members;

DECLARE that the 1985 amendments to section 6 of the Indian Act are discriminatory and therefore unconstitutional;

DECLARE that the doctrine of state immunity or section 9 of the 2010 amendments do not protect the state from being ordered to compensate the damage sustained as a result of this discriminatory provision;

CONDEMN The Attorney General of Canada to pay to the Members of the Group an amount to be established at trial:

For the amounts that they should have received but for the discriminatory provisions such as but not limited to;

- 1- funding under the post-secondary program provided by the Department of Indian Affairs and Northern Development;
- 2- benefits under Health Canada's non-insured health benefits;
- 3- treaty annuity payments;
- 4- payments under the Indian Moneys Program
- 5- in compensatory damages, with interest and the additional indemnity;
- 6- in moral damages, with interest and the additional indemnity,
- 7- in punitive damages, with interest and the additional indemnity

ORDER Subject to individual recovery of the claims to be ordered in accordance with the provisions of 599 to 601 C.C.P.

THE WHOLE with full costs including the exhibits, the experts, the expert reports and the publication of notices.

(F) Is money available to me now?

No. The Court has not yet decided whether any of the Respondent did anything wrong, and no settlement has been entered into by the parties. The Respondent deny the allegations of the Representative Plaintiff. There is no guarantee that money or benefits will ever be available to you. If they become available, however, you will be notified and advised of how you can ask for a share of those benefits.

2. YOUR OPTIONS

At this point, you must decide whether to stay in the Class or remove yourself before the March 25th, 2019.

If you do nothing at all, and you fit the definition of the Class, you will automatically be included in the lawsuit. You will be bound by all of the decisions of the Court, whether they are favourable to you and the Class or not. If any benefits are awarded, you will have to take certain actions in order to claim your benefits.

If you wish to remove yourself, you must do so on or before March 25th, 2019. You will not be bound by the decisions of the Court in this action, but you also will not share in any money or benefits that are recovered as a result of this action. You retain your right to sue the Respondent individually about the same subject matter, if you so choose.

To Opt Out, complete the Opt out Form included with this notice and send it via certified or registered mail to:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000576-112
1 rue Notre-Dame Est, Salle 1.120
Montreal, QC H2Y 1B6

Your Opt out Form must be received on or before March 25th, 2019.

3. THE LAWYERS

Who represents me in this case?

Denis Sarrazin, the Representative Plaintiff, is represented by Merchant Law Group LLP in this litigation. Merchant Law Group LLP therefore represents his interests and the interests of Class Members, including yourself.

a. Can I hire my own lawyer?

If you want to be represented by another lawyer, you may hire one at your own expense. Your lawyer would need to obtain permission from the Court to intervene in the class action. Note that an intervening member you may do so pursuant to section 579(4) of the code of civil procedure and may be required to submit to pre-trial examination at the request of the defendant. A member who does not intervene in the class action cannot be required to submit to a pre-trial examination absent a decision rendered by the Court. However an intervening member cannot be held liable for the cost of the class action pursuant to section 579(6) of the code of civil procedure.

b. How will the lawyers be paid?

You are not personally responsible to pay for Mr. Sarrazin's lawyers' work on this class action. Denis Sarrazin has entered into a contingency fee agreement whereby his lawyers will receive (i) 30% of the monetary recovery achieved for the Class as a whole or (ii) any amount awarded by the Tribunal as a result of an agreement or judgment.. If no money is recovered, then they will not be paid anything at all. Moreover, any payments made to the lawyers will be subject to the approval of the Court.

If you hire your own lawyer, you are responsible for paying any fees or charges levied by your lawyer.

4. NEXT STEPS

c. The Common Issues Trial

The Applicant will have to prove his claims and the claims of the class at a trial. The trial could be held in Montreal, Quebec. During the trial, the Court would hear the parties and make a decision about whether the plaintiff or the defendant should prevail.

d. The Common Questions

Following are the principal questions of law and facts that are to be answered through the common issues trial:

- (a) Were the 1985 amendments to section 6 of the Indian Act discriminatory and therefore unconstitutional?
- (b) If so, is the state protected from having to compensate the damages sustained as a result of this discriminatory provision by the doctrine of state immunity or section 9 of the 2010 amendments?
- (c) if not, can the members of the Group obtain damages under:
 - subsection 24(1) of the Charter of Rights and Freedoms;
 - the general rules of civil liability (arts. 1376, 1457 C.C.Q.);
 - the principles of unjust enrichment (art. 1493 C.C.Q.)

(C) Will I receive money after the common issues trial?

There is no guarantee that the Representative Plaintiff will win any money or benefits for the Class.

If the Representative Plaintiff obtains money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time. You may be required to prove your individual claim, and may be responsible for the costs of doing so. At that time, you may opt to retain Merchant Law Group LLP to assist, or you may hire another lawyer of your own choosing.

(D) How will I know what is happening?

Lawyers for the Representative Plaintiff may occasionally transmit court-approved notices to Class Members on the status of the action.

If you would like to receive these notices, please call Merchant Law Group LLP at (514) 248-7777 or visit <https://www.merchantlaw.com/indian-status> to sign up for the notification list.

FOR MORE INFORMATION

To view related court documents and information, visit:

<http://www.merchantlaw.com/indian status>

You can get more information about this case and opting out by contacting:

Merchant Law Group LLP
10 rue Notre-Dame Est, Suite 200
Montreal, Quebec H2Y 1B7

Tel: (514) 248-7777 or toll free 1-866-567-7777
Fax: (514) 842-6687

Erik Lowe (elowe@merchantlaw.com)

OPT-OUT FORM

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. 500-06-000600-128

SUPERIOR COURT
(CLASS ACTION)
DENIS SARRAZIN

Applicant

V.
THE ATTORNEY GENERAL OF CANADA.

Respondent

Complete this opt-out form **only** if you are a member of the Class (as described in the Notice of Authorization) **and** you wish to be excluded or removed from participating in the class action *Denis Sarrazin v The Attorney General of Canada.*, Superior Court of Quebec File No. 500-06-000600-128 (District of Montreal). This form must be received by the Clerk of the Superior Court of Quebec on or before March 25th, 2019 at the following coordinates:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000576-112
1 rue Notre-Dame Est, Salle 1.120
Montreal, QC H2Y 1B6

Your Name: _____

Your Mailing Address: _____

Telephone Number: _____

Email Address: _____

By signing below, I certify that I do not wish to participate in the Denis Sarrazin v The Attorney General of Canada Indian Status Class Action and I understand that, by opting out, I will not receive any part of the money or benefits that may be obtained on behalf of Class Members by the Representative Plaintiff.

Signature

Date