

Settlement Reached

An **Agreement in Principle** (AIP) was reached on Friday, November 24, 2017 between class counsel and the Department of Justice to settle the LGBT Purge class action. The AIP was drafted in English and a French translation is in progress. When the French version becomes available, we will post the AIP in both official languages.

Representative Plaintiffs Approved the Settlement

The class action legal team takes its instructions from the three representative plaintiffs, Todd Ross, Martine Roy and Alida Satalic who are all class members. They have been consulted regularly throughout the negotiations and they have approved the settlement.

Next Steps

There are several steps that must be completed before this settlement is finalized and funds are available to the victims of the LGBT Purge.

The AIP will be developed into a document with detailed legal wording outlining the specifics of the settlement agreement. This document will be called the **Minutes of Settlement** (MOS). It will take a few months to finalize the MOS, but the class action legal team will work hard to complete this as soon as possible.

Court Must Approve the Settlement

Once the MOS have been finalized, they must be submitted to the Court for approval. This will be done at a “fairness hearing” before a judge of the Federal Court on a date and in a city to be selected by the Court after consultation with the parties.

The law requires that the settlement be fair and reasonable to the class as a whole, not that it be perfect for any particular class member. Anyone who is happy with the settlement can make the Court or the class action legal team aware of their support. Anyone who is not happy with the settlement can also make the legal team and the Court aware of their concerns.

The class action legal team takes instructions regarding the MOS from the three representative plaintiffs (not from any individual class member).

Notice

Class members will be given notice of this fairness hearing in a manner to be determined by the Court. The Court will give class members an opportunity to make their views known about the settlement in a manner to be determined by the Court.

Deciding Whether or not to Participate

No class member will be forced to accept this settlement. Any class member who does not want to participate in the settlement will be given an opportunity to “opt out” in a manner and a time that will be approved by the Court.

Settlement Can Be Cancelled if Too Many People Opt Out

If more than 250 class members choose to opt out, the Federal government has the option of cancelling the settlement. If less than 250 class members opt out, the settlement will be binding on those who did not opt out. Those who did opt out will be free to pursue their own case with their own legal team, but will not receive any benefits pursuant to the settlement agreement.

Claims Will Be Administered by a Neutral Third Party

Under the AIP, the settlement funds will be paid by the Federal Government to a professional administrator selected by the parties. The Administrator will accept individual applications for payment from class members and determine which class members are entitled to payment and how much they are entitled to receive.

Highlights of Settlement

- A total financial settlement valued at up to \$145 million
- A fund for individual compensation valued at up to \$110 million
- Individual compensation will range from a minimum of \$5,000 up to a maximum of \$150,000, based on harm suffered
- A fund for Reconciliation and Memorialization measures of at least \$15 million, under the direction of a panel with government members but controlled by class members
- The Reconciliation and Memorialization measures will include a national monument in Ottawa, and a travelling museum exhibit with class members’ stories to be created by the Canadian Museum of Human Rights
- A Canada Pride Citation will be made available to all class members
- An individual letter of apology will be available to all class members
- Class members will be entitled to request a notation on their personnel record that they were not unfit for service because of their sexuality and that the purge policy was wrong
- The Federal Government will pay all fees for the plaintiffs’ legal team directly in a fixed amount of \$15 million plus HST. Class members will not be required to pay any legal fees and no legal fees will be deducted from individual payments to class members.
- The Federal Government will pay for the costs of an independent professional administrator to administer the settlement up to a maximum amount of \$5 million.

Summary of Settlement Process

Initial payment: Each class member approved for individual compensation will receive an initial payment of \$5,000 as soon as possible after their individual application for payment is processed and approved. There is a grid of 4 compensation levels intended to pay increased compensation to class

members who suffered more significant harm. The Administrator will determine the level of compensation payments for each class member.

Second Payment: After a period of time has elapsed, the Administrator will determine whether there is enough money available to pay claimants the full amount set out on the grid. If there is enough money available, everyone will receive a second payment.

If Settlement Funds Not Sufficient: If there is a shortfall, the higher levels of compensation will be reduced *pro rata* to ensure that the available funds are distributed fairly.

If Excess of Settlement Funds: If after approval of all class members the total value of approved claims is less than \$50 million, the difference between that amount and the total approved claim amount will be used first to enhance the fund for reconciliations and memorialization measures by up to \$10 million. If the amount still remains below \$50 million, the remainder will be used to increase individual compensation payments to claimants, up to a maximum amount per category.