**DAY SCHOLARS CLASS ACTION UPDATE – June 7, 2021**

**Proposed Settlement**

Canada and the representative plaintiffs have signed an [agreement](https://www.justicefordayscholars.com/documents) to settle the Survivor and Descendant Class claims in the Day Scholars Class Action (*Gottfriedson v. Canada*). The [Band Class](https://www.justicefordayscholars.com/band-class) claims in the Class Action are continuing to trial.

***This is only a proposed settlement. Class Members cannot submit claims and cannot receive compensation unless and until the proposed settlement is approved by the Federal Court.***The approval hearing is set to begin on September 7, 2021, and the judge’s decision will happen after the hearing concludes.

**Who is the Proposed Settlement For?**

**Survivor Class Members** attended a Residential School as a student during the day but did not sleep there overnight. To be eligible, you must have attended one of the schools on the [**“Schedule E” lists**](https://www.justicefordayscholars.com/schools-lists) of Residential Schools that could have had Day Scholars.

For eligible Survivor Class Members who were alive as of May 30, 2005, but have died since then, a claim may be made on behalf of the estate.

**Descendant Class Members** are the children, by birth or adoption, of Survivor Class Members.

If you are a member of the Day Scholar **Survivor Class** or **Descendant Class**, it’s very important to learn as much as you can about the *proposed* settlement because it does impact your rights.

**Here are a few important things to know about the *proposed* settlement agreement:**

Eligible Survivor Class Members will receive a $10,000 Day Scholar Compensation Payment. All approved claimants will receive this payment in full, without any deductions.

$50 million will be used to create the *Day Scholars Revitalization Fund*, which will support healing, wellness, education, language, culture, heritage, and commemoration activities for the benefit of Survivor and Descendant Class Members.

This agreement “releases” Canada of its liability from all Survivor and Descendant Class Members’ claims. That means these Class Members will not have the right to sue Canada for harms relating to their attendance (or parent’s attendance) at a Residential School as a Day Scholar in the future.

**This is settlement is for…**

* Loss of language and culture, and psychological harms that Survivors and Descendants endured as a result of Day Scholars’ experiences in Residential Schools.
* Visit the [School Lists page](https://www.justicefordayscholars.com/schools-lists)to see all the Residential Schools that had or could have had Day Scholars.

**This settlement is NOT for…**

The sexual or serious physical abuse endured by students at Residential Schools. These claims were included in the Indian Residential Schools Settlement Agreement through the Independent Assessment Process. Day Scholars were eligible to make claims as part of this process.

Band Class members. The Band Class claims will continue to trial.

The harms experienced by those who attended Federal Indian Day Schools, which are different than Indian Residential Schools. There is a separate settlement agreement in place for Day School Survivors. You can learn more about that settlement at: IndianDaySchools.com

**What Happens Next?**

The next step in this process is a settlement approval hearing, which will start on September 7, 2021. A Federal Court judge will decide whether to approve the *proposed* settlement. The test that the judge will apply is whether the *proposed* settlement is fair, reasonable, and in the best interests of the Class Members. The judge will consider the entire settlement agreement all together as a complete package and will decide whether to approve it as a whole.

**Unless and until the Federal Court approves the Settlement Agreement, *it is only a proposed settlement*. Class Members cannot submit claims and cannot receive compensation until after the proposed settlement is approved by the Federal Court.**

**What you can do:**

* You do not have to do anything at this time.
* You can choose to participate in the settlement approval process. This means sharing your opinion about whether the settlement is fair, reasonable, and in the best interests of the Survivors and Descendants:
* You can send in a written statement, which must include your name, contact information, a statement that you are a Class Member, and a statement that you support or object to the proposed settlement, and any other details you would like to add. Written statements can be sent by email, mail or fax, and must be received by August 20, 2021, at 11:59 PDT at:

[dayscholars@waddellphillips.ca](mailto:dayscholars@waddellphillips.ca)

Waddell Phillips Professional Corporation

Attn.: Day Scholars Class Action

36 Toronto Street, Suite 1120 Toronto, ON M5C 2C5

Fax: 416-477-1657

* You can sign up to speak at the settlement approval hearing by emailing: [dayscholars@waddellphillips.ca](mailto:mailtodayscholars@waddellphillips.ca) by August 20, 2021, at 11:59 PDT. Further details, including technical information about the online hearing, will be sent to everyone who signs up to speak. More information about your rights and options, details of the settlement (including the settlement agreement), and details about the settlement approval process, can be found on the <www.justicefordayscholars.com> website. If you have questions or opinions you would like to share, please contact Class Counsel at 1-888-222-6845 or [dayscholars@waddellphillips.ca](mailto:dayscholars@waddellphillips.ca)