

2020 01G 4112 CP
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN:

PAUL HENNEBURY

FIRST PLAINTIFF

AND:

NIKITA PEARCE

SECOND PLAINTIFF

AND:

ADAM HAYDEN

THIRD PLAINTIFF

AND:

KRYSTAL MAHER
(A.K.A. CHASE MAHER)

FOURTH PLAINTIFF

AND:

HER MAJESTY IN RIGHT OF
NEWFOUNDLAND AND LABRADOR

DEFENDANT

Brought under the Class Actions Act, S.N.L. 2001, c C-18.1

ORDER

BEFORE the Honourable Madam Justice Marshall;

~~UPON HEARING James Locke, Counsel for the Plaintiffs;~~

AND UPON READING the Interlocutory Application (*Inter Partes*);

AND ON BEING ADVISED that the parties consent to this Order;

1. IT IS HEREBY DECLARED AND ORDERED that:

(a) Subparagraph (m) of paragraph 4 of the Certification Order is changed from:

“m) If the answer to (k) is “yes”, what is the appropriate quantum of such damages?”

TO:

Filed Nov 9/21 CA

“m) If the answer to (l) is “yes”, what is the appropriate quantum of such damages?”

(b) Subparagraph (o) of paragraph 4 of the Certification Order is changed from:

“o) If the answer to (m) is “yes”, what quantum should be awarded for punitive damages?”

TO:

“o) If the answer to (n) is “yes”, what quantum should be awarded for punitive damages?”

2. **IT IS HEREBY DECLARED AND ORDERED** that Schedule “B” of the Certification order be revised as follows:

(a) Under the heading “YOUR RIGHTS AND OPTIONS” the text will be changed from:

“If you are NOT currently a resident of Newfoundland and Labrador:

To be in the Class, you need to take action.

Non-residents who want to be a part of the Class are required to opt in to the Class by sending a written notice on or before **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**, to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, ON, L0S 1J0. Include your name, address, telephone number, and signature. You can also get an Opt Out Form from **[INSERT WEBSITE]** You must mail your Opt Out Form postmarked by **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**.

...

8. By opting out, will my name be made public? No.”

TO:

“If you are NOT currently a resident of Newfoundland and Labrador:

To be in the Class, you need to take action.

Non-residents who want to be a part of the Class are required to opt in to the Class by sending a written notice on or before **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**, to Newfoundland and Labrador Prisons Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, ON, L0S 1J0. Include your name, address, telephone number, and signature. You can also get an Opt In Form from **[INSERT WEBSITE]** You must mail your Opt In Form postmarked by **[INSERT DATE - 90 DAYS FROM DATE OF THE CERTIFICATION ORDER]**.

...

8. By opting in, will my name be made public? No."

- (b) Under heading "GETTING MORE INFORMATION", the enumeration be changed from "12" to "13".

DATED at the City of St. John's, in the Province of Newfoundland and Labrador this 9 day of November, 2021.



CLERK OF THE COURT

COURT
OFFICER



Receipt Number: R202101G06676

Supreme Court of Newfoundland and Labrador
St. John's General Division

Receipt Date: Nov-09-2021 Amount Received: \$73.00

Payment Type: Cheque Cheque Number: 006174

Received From: Morris Martin Moore

Notes:

| On Behalf Of | Classification | Event Type | Case | | Amount |
|--------------|----------------|--|-----------------|---------------|----------------|
| | Case Related | Interlocutory Application (IP) Issued & Filed | 202001G4112 CCI | (1) | \$10.00 |
| | Law Society | | | (1) | \$3.00 |
| | Case Related | Order Filed | 202001G4112 CCI | (1) | \$60.00 |
| | | | | Total: | \$73.00 |

Chantal Foley

SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

This receipt is your only proof of payment, please retain.