

## **Schedule “A” – Short Form Notice**

### **CLOUGHLEY SEX ABUSE CLASS ACTION**

#### **THE ACTION**

A lawsuit was started in the Nunavut Court of Justice on behalf of the following class of people who were:

- enrolled as students in schools operated by Nunavut or NWT between April 1, 1969 and July 30, 1981;
- exposed to Maurice Russell Cloughley (“Cloughley”) during the time Cloughley was employed by NWT as a teacher in the community where the Class Member lived; and
- sexually assaulted by Cloughley while they were in his charge, or were made to be subjects of child pornography by Cloughley, or were made to engage in sexual activities with other children by Cloughley, or some combination of these forms of exploitation.

The class period is from April 1, 1969 to July 30, 1981.

Justice Bychok of the Nunavut Court of Justice certified the action RPC1 and RPC2 v. the Commissioner of Nunavut and The Commissioner of the Northwest Territories as a class action, has appointed RPC1 and RPC2 as Representative Plaintiffs and appointed the law firms of Cooper Regel of Sherwood Park, Alberta and Morris Martin Moore of Mount Pearl, Newfoundland and Labrador as class counsel. This notice is given by order of Justice Bychok.

The lawsuit seeks compensation for class members who were subjected to sexual abuse by Maurice Cloughley while attending schools in Nunavut and the Northwest Territories. Sexual abuse may include:

- sexual contact by Cloughley or other students at Cloughley’s directions,
- inappropriate touching by Cloughley while bathing;
- being forced to participate in child pornography (naked photographs) by Cloughley.

#### **FEES AND DISBURSEMENTS**

Plaintiffs’ counsel have entered into agreements with the Representative Plaintiffs with respect to legal fees and disbursements for the trial of the common issues. This agreement provides that Plaintiffs’ counsel will not receive payment for their work unless and until the class action is successful or costs are recovered from the Defendants. This agreement must be approved by the Court.

## **OPTING OUT**

Any person who wishes to opt out of the class action as certified must do so by sending a written notice on or before **November 2, 2020** to Cloughley Sex Abuse Class Action Administrators, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0. Residents in Nunavut who meet the class definition and do not opt out will be bound by the Court's judgment whether favourable or not. By opting out, your name will not be made public.

## **CONTACT INFORMATION**

### **Cooper Regel**

77 Chippewa Road, Suite 200  
Sherwood Park, AB T8A 6J7  
Tel: 1-800-944-7477  
[www.cooperregelnorth.ca](http://www.cooperregelnorth.ca)

### **Morris Martin Moore**

184 Park Avenue  
Mount Pearl, NL A1N 1K8  
Tel: 709-747-0077  
Fax: 709-747-0104  
[www.mmmlawyers.com](http://www.mmmlawyers.com)

### **Cloughley Sex Abuse Class Action Class Administrators**

117 Queen St., P.O. Box 1000  
Niagara-on-the-Lake, Ontario, L0S 1J0  
Tel (toll-free): **1-866-329-7153**  
Fax: 1-416-342-1761  
[inquiry@cloughleysexualabuseclassaction.ca](mailto:inquiry@cloughleysexualabuseclassaction.ca)  
[www.cloughleysexualabuseclassaction.ca](http://www.cloughleysexualabuseclassaction.ca)



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[www.cloughleysexualabuseclassaction.ca](http://www.cloughleysexualabuseclassaction.ca)

## Schedule “B”- Long Form Notice

### NOTICE OF CLASS ACTION

#### WERE YOU TAUGHT BY MAURICE CLOUGHLEY IN THE TERRITORY OF NUNAVUT FROM APRIL 1, 1969 TO JULY 30, 1981?

IF YES, A Class Action May Affect Your Rights.

You could be affected by a class action against the Government of Nunavut and the Northwest Territories (the “**Territories**”).

A lawsuit has been certified as a Class Action against the Territories. The Statement of Claim alleges that the Territories are responsible for sexual abuse inflicted on children and youth who were taught by Maurice Cloughley. Sexual abuse may include sexual assault by Cloughley, forced sexual contact with other students, and being forced to pose naked for photographs.

The Representative Plaintiffs are RPC1 and RPC2 who were taught by Cloughley and live in Nunavut.

#### BASIC INFORMATION

1. **Why is there a notice?** This lawsuit has been “certified” as a class action. This means that the lawsuit meets the requirements for a class action and may proceed to trial. If you are included in the class, you may have legal rights and options before the Court decides whether the claims being made against the Territories on your behalf are correct. This notice explains all of these things. A judge of the Nunavut Court of Justice is currently overseeing this case. The case is known as *RPC1 and RPC2 v. The Commissioner of Nunavut and The Commissioner of the Northwest Territories* (Court File No. 08-16-722-CVC). The people who sued are called the Plaintiffs. The Territories of Nunavut and The Northwest Territories are the Defendants.

2. **What is this lawsuit about?** The lawsuit says that the Territories failed to protect children and youth who attended schools in Nunavut and the Northwest Territories and who were taught by Maurice Cloughley April 1, 1969 and July 30, 1981. The Court has not decided whether the Plaintiffs or the Territories are right. The lawyers for the Plaintiffs will have to prove their claims in Court.

3. **Why is this a class action?** In a class action, people called the “Representative Plaintiffs” (in this case, RPC1 and RPC2) sued on behalf of other people who have similar claims. All of these people are a “Class” or “Class Members”. The Court resolves the issues for all Class Members in one case, except for people who remove themselves from the Class.

**4. Who is a member of the Class?** The Class includes: All former people who were:

- enrolled as students in schools owned or operated by the Defendants in Nunavut Territory between April 1, 1969 and July 30, 1981;
- exposed to Maurice Russell Cloughley (“Cloughley”) during the time Cloughley was employed by either Defendant as a teacher in the community where the Class Member lived; and
- sexually assaulted by Cloughley while they were in his charge, or were made to be subjects of child pornography by Cloughley, or were made to engage in sexual activities with other children by Cloughley, or some combination of these forms of sexual exploitation.

**5. What are the Plaintiffs asking for?** The Plaintiffs are asking for money or other benefits for the Class. They are also asking for lawyers' fees and costs.

**6. Is there any money available now?** No money or benefits are available now because the Court has not yet decided whether the Territories did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for your share.

## **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Class or whether to remove yourself, and you have to decide this by **November 2, 2020**. If you do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders in this case, good or bad, and the Representative Plaintiffs will have authority to resolve your claim. If money or benefits are obtained, you will be notified about how to ask for a share.

Residents who do not want to be a part of the class must opt out by sending a written notice on or before **November 2, 2020**, to the Class Administrator. Otherwise, you will be bound by the Court's judgment whether favourable or not.

If you are having difficulty completing the Opt-In form, you can call **1-866-329-7153** for assistance.

**7. By opting out, will my name be made public?** No.

## **THE LAWYERS REPRESENTING YOU**

**8. Do I have a lawyer in the case?** Yes. The Court has appointed the law firms of Cooper Regel and Morris Martin Moore to represent you and other Class members as “Class Counsel”.

**9. How will the lawyers be paid?** Class Counsel will only be paid if they win a trial or if there is a settlement. The Court has to also approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the Defendant.

## **A TRIAL**

**10. How and when will the Court decide who is right?** If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial that will take place in the Territory of Nunavut. During the trial, a Court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Territories are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class. All Class Members will be bound by the result whether positive or not.

**11. Will I get money after the trial?** If the Plaintiffs obtain 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. These things are not known right now. Important information about the case will be posted on the website.

## **GETTING MORE INFORMATION**

**12. How do I get more information?** You can get more information at [www.cloughleysexualabuseclassaction.ca](http://www.cloughleysexualabuseclassaction.ca), by emailing [inquiry@cloughleysexualabuseclassaction.ca](mailto:inquiry@cloughleysexualabuseclassaction.ca), by calling toll free at **1-866-329-7153** or by writing to Cloughley Sex Abuse Class Action, 117 Queen St, P.O. Box 1000, Niagara-on-the-Lake, Ontario, L0S 1J0.





