

Were You Incarcerated in a Provincial Adult or Youth Jail in Manitoba between September 12, 2006 and May 4, 2022?

If YES, a Class Action May Affect Your Rights.

A Court authorized this notice. You are not being sued.

You could be affected by a class action involving solitary confinement in Manitoba.

A Court has certified a class action for current and former inmates of provincial jails in Manitoba who:

- Were placed in solitary confinement for prolonged periods of time (15 or more consecutive days) between September 12, 2012 and May 4, 2022;
- Were placed in solitary confinement for any length of time as youth between September 12, 2006 and May 4, 2022; or
- Were placed in solitary confinement for any length of time and who were diagnosed with a Serious Mental Illness (with some exclusions) between September 12, 2012 and May 4, 2022.

If you know a current or former inmate who cannot read this notice please share this information with them.

The Court has not decided whether Manitoba did anything wrong. There still has to be a court case about whether Manitoba did anything wrong. There is no money available now and no guarantee there will ever be any money. However, your rights are affected, and you have a choice to make now. This notice is for helping you make that choice.

YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE	
<p>Do NOTHING</p>	<p>Stay in this class action and wait for the outcome. Share in possible benefits from the outcome but give up certain individual rights.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement in the class action. But, you give up any rights to sue Manitoba on your own about the same legal claims in this lawsuit.</p>
<p>REMOVE YOURSELF (OPT OUT)</p>	<p>Get out of this class action and get no benefits from it. Keep your individual rights.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded in the class action, you won't share in those. But, you keep any rights to sue Manitoba on your own about the same legal claims in this lawsuit, subject to any applicable limitation period.</p>

Your options are explained in this notice. To be removed from the lawsuit, you must ask to be removed by **February 16, 2023**.

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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 class actions 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 Ontario on your behalf are correct. This notice explains all of these things.

A judge of the Manitoba Court of King's Bench is currently overseeing this case. The case is known as *Gamblin et al. v. The Government of Manitoba*, Court File No. CI-21-01-31242. The people who sued are called the Plaintiffs. The Government of Manitoba is the Defendant.

2. What is this lawsuit about?

The lawsuit says that Manitoba improperly used solitary confinement in provincial adult and youth jails. The lawsuit says that Manitoba's use of solitary confinement constitutes systemic negligence, breaches inmates' rights under the *Canadian Charter of Rights and Freedoms*, and breaches the fiduciary duty owed by Manitoba to inmates.

Manitoba denies these claims. The Court has not decided whether the Plaintiffs or Manitoba is right. The lawyers for the Plaintiffs will have to prove their claims in Court.

If you are having a difficult time dealing with these issues you can call 1-855-458-0290 (TTY: 1-877-627-7027) for assistance.

3. Why is this a class action?

In a class action, a person or people called the “Representative Plaintiff(s)” sue 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 those who remove themselves from the class action (opt out).

4. Who is a member of the Class?

The Class includes:

Inmates with a Serious Mental Illness

All current and former inmates, who were alive as of September 12, 2016, who were subjected to Disciplinary Segregation or Preventive Segregation for any length of time at one of the Provincial Custodial Facilities between September 12, 2012 and May 4, 2022; who were diagnosed by a medical doctor before or during their incarceration with at least one of the following disorders, as defined in the relevant Diagnostic and Statistics Manual of Mental Disorders:

- Schizophrenia (all sub-types),
- Delusional disorder,
- Schizophreniform disorder,
- Schizoaffective disorder,
- Brief psychotic disorder,
- Substance-induced psychotic disorder (excluding intoxications and withdrawal),
- Psychotic disorder not otherwise specified,
- Major depressive disorders,
- Bipolar disorder I,
- Bipolar disorder II,
- Neurocognitive disorders and/or Delirium, Dementia and Amnestic and Other Cognitive Disorders,
- Post-Traumatic Stress Disorder;
- Obsessive Compulsive Disorder; or
- Borderline Personality Disorder;

and who suffered from their disorder, in a manner described in Appendix “A”, and who reported such diagnosis and suffering to the Government of Manitoba and/or its agents before or during their segregation.

Youth Inmates

All current and former inmates, who were alive as of September 12, 2016, who, while under the age of 18, were subjected to Preventive Segregation at one of the Provincial Custodial Facilities for any length of time between September 12, 2006 and May 4, 2022.

Inmates in Prolonged Solitary Confinement

All current and former inmates, who were alive as of September 12, 2016, who were subjected to Solitary Confinement at one of the Provincial Custodial Facilities for 15 or more days between September 12, 2012 and May 4, 2022.

Appendix “A”

- *Significant impairment in judgment (including all of the following: the inability to make decisions, confusion, and disorientation);*
- *Significant impairment in thinking (including both paranoia and delusions that make the offender a danger to self or others);*
- *Significant impairment in mood (including constant depressed mood plus helplessness and hopelessness; agitation; manic mood that interferes with ability to effectively interact with other offenders or staff);*
- *Significant impairment in communications that interferes with ability to effectively interact with other offenders or staff;*
- *Hallucinations; delusions; or, severe obsessional rituals that interferes with ability to effectively interact with other offenders or staff;*
- *Chronic and severe suicidal ideation resulting in increased risk for suicide attempts; or*
- *Chronic and severe self-injury.*

Please note: the glossary of the relevant DSM is to be used to interpret the foregoing terms where appropriate.

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, plus interest.

6. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Manitoba 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 remove yourself (opt out). You have to decide this by **February 16, 2023**.

7. What happens if I do nothing at all?

If you do nothing you will automatically remain in the class action. You will be bound by all Court orders, good or bad. If any benefits are awarded, you may need to submit a claim or take other action to receive any benefits.

8. What if I don't want to be in the Lawsuit?

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders and you keep your right to sue Manitoba as an individual regarding the issues in this case.

To remove yourself, send a letter that says you want to be removed from the Class in *Gamblin et al. v. The Government of Manitoba*. Include your name, address, telephone number, and signature. You can also get an Opt Out Form at www.ManitobaSegregationClassAction.ca. You must mail your Removal Request postmarked by **February 16, 2023** to: Epiq Class Action Services Canada Inc., Attention: Manitoba Segregation Class Action Administrator, PO Box 507 STN B, Ottawa ON K1P 5P6, or by email at: info@ManitobaSegregationClassAction.ca.

Call **1-855-458-0290 (TTY: 1-877-627-7027)** if you have any questions about how to get out of the Class.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP to represent you and other Class Members as “Class Counsel.” You will not be personally charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

10. 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, and will only approve fees that are fair, reasonable, and in the best interests of the Class. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the Defendant.

A TRIAL

11. 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. During the trial, a judge will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or Manitoba is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

12. 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, www.ManitobaSegregationClassAction.ca, as it becomes available.

GETTING MORE INFORMATION

13. How do I get more information?

You can get more information at www.ManitobaSegregationClassAction.ca, by calling toll free at **1-855-458-0290 (TTY: 1-877-627-7027)**, or writing to: Epiq Class Action Services Canada Inc., Attention: Manitoba Segregation Class Action Administrator, PO Box 507 STN B, Ottawa ON K1P 5P6, or by email at: info@ManitobaSegregationClassAction.ca.