

**NOTICE TO FORMER STUDENTS OF UPPER CANADA  
COLLEGE, AND TO RELATIVES OF FORMER STUDENTS,  
OF SETTLEMENT OF CLASS ACTION**

**This notice may affect your rights. Please read carefully.**

**NOTICE**

This notice is directed to all former students of Upper Canada College (“UCC”) who were students at UCC at any time from September 1975 to June 1993, when Douglas Brown was a teacher at UCC, and to the spouses, same-sex partners, children, grandchildren, parents, grandparents, brothers and sisters of these former students.

**CERTIFICATION ORDER**

On December 30, 2003, the Ontario Superior Court of Justice certified a class action against UCC and Douglas Brown. The class includes any former student of UCC who alleges that he was sexually assaulted by Brown (a “direct claimant”), and the spouse, same-sex partner, children, grandchildren, parents, grandparents, brothers and sisters of any direct claimant.

The Class Action is *Prodeus et al. v. Brown et al.* (Court File No. 01-CV-216320CP). Class counsel is McPhadden Samac Merner Darling.

**APPROVAL OF SETTLEMENT**

On the same date, the Court approved a settlement of the class action. The settlement entitles direct claimants to private and confidential counselling services, and entitles all class members to resolution of claims for compensation from UCC through an alternative dispute resolution procedure, administered by an independent Mediator-Arbitrator, all in accordance with the Counselling and Claims Resolution Plan that forms part of the settlement.

**OPTING OUT**

If you are a member of the class, your rights will be affected unless you opt out of the settlement.

Class members have until March 29, 2004 to opt out of the settlement. Any class member who wishes to opt out of the settlement must do so by sending a written notice stating that he or she is

opting out by mail or fax, postmarked or delivered on or before March 29, 2004, to:

Box 482  
Station “R”, 2 Laird Drive  
Toronto, ON M4G 4E1

Fax: (416) 482-1928

Any class member who does not opt out will be bound by the settlement whether or not he or she obtains counselling or makes a claim for compensation under the Plan, and will be barred from pursuing any claim covered by the settlement except through the procedures provided in the settlement.

**COUNSELLING**

Direct claimants who do not opt out of the settlement may be referred for private and confidential counselling, at the expense of UCC, by contacting the Counselling Administrator at (416) 690-0076 or [vicki.kelman@sympatico.ca](mailto:vicki.kelman@sympatico.ca).

**CLAIMS FOR COMPENSATION**

Class members who do not opt out of the settlement have until March 29, 2004 to make a claim for compensation from UCC. To make a claim, a class member must send a completed claim form to the Mediator-Arbitrator by mail or fax, postmarked or delivered on or before March 29, 2004, at:

Box 482  
Station “R”, 2 Laird Drive  
Toronto ON M4G 4E1

Fax: (416) 481-9792

Claim forms are available from the Mediator/Arbitrator at the address above, at (416) 481-9792 or at [reddevins@sympatico.ca](mailto:reddevins@sympatico.ca). They are also available from class counsel and from counsel for UCC, who may be contacted as set out below.

A class member may complete his or her claim form personally or with the assistance of legal counsel. Class counsel will provide assistance in completing claim forms at no cost to the class member, and may be contacted for this purpose as set out below.

**CAUTION**

No person may opt out or submit a claim on behalf of a mentally incapable person without permission of the Court after notice to the Public Guardian and Trustee as appropriate.

**ADDITIONAL INFORMATION**

Do not direct any questions about this notice or the settlement to the Court. The Court cannot answer them.

A complete copy of the judgment approving the settlement and the settlement agreement, including the Counselling and Claims Resolution Plan, may be obtained from class counsel or from counsel for UCC, who may be contacted as set out below, or on the internet at [www.msmd.ca](http://www.msmd.ca) or [www.ucc.on.ca/whatsnew/brown\\_index.htm](http://www.ucc.on.ca/whatsnew/brown_index.htm).

Questions should be directed by telephone, in writing or by e-mail to class counsel or counsel for UCC as follows:

Class counsel

McPhadden Samac Merner Darling  
Telephone: (416) 363-5195  
Fax: (416) 363-7485

David Merner  
[dgmerner@msmd.ca](mailto:dgmerner@msmd.ca)

Bryan McPhadden  
[bmcphadden@mcphadden.toronto.on.ca](mailto:bmcphadden@mcphadden.toronto.on.ca)

Counsel for UCC

Torys LLP  
Telephone: (416) 865-0040  
Fax: (416) 865-7380

John Laskin  
[jlaskin@torys.com](mailto:jlaskin@torys.com)

David Outerbridge  
[douterbridge@torys.com](mailto:douterbridge@torys.com)

Class members are also free to seek the advice and guidance of their own lawyers.

This Notice has been approved by the Honourable Mr. Justice Colin L. Campbell of the Ontario Superior Court of Justice.

