

Federal Court



Cour fédérale

Date: 20230830

Docket: T-1417-18

Ottawa, Ontario, August 30, 2023

PRESENT: The Honourable Mr. Justice Pamel

CERTIFIED CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY and LORNA WATTS**

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

DIRECTION

In preparation for the Settlement Approval Hearing and Legal Fees Approval Hearing scheduled for September 12, 13 and 14, 2023;

THIS COURT DIRECTS that:

1. This matter shall take place in a hybrid format, in person before this Court sitting in Vancouver, and by videoconference using the Zoom platform, to commence each day at 9:30 a.m. (Pacific Time), 12:30 p.m. (Eastern Time).

2. The hearing shall be bilingual, conducted in both the English and French languages, with simultaneous translation being available.
3. Counsel for the parties are to gown.
4. Subject to modifications that may be made during the course of the hearing in view of an efficient use of allocated time, the timetable shall be as follows:

September 12, 2023

9:30 a.m. (Pacific time)/12:30 p.m. (Eastern time)

- Opening remarks by Justice Pamel
- Traditional ceremonies
- Class counsel to provide an overview of the settlement agreement and its importance to the Class members.

11:00 a.m. (Pacific time)/2:00 p.m. (Eastern time)

- Morning break

11:15 a.m. (Pacific time)/2:15 p.m. (Eastern time)

- Class counsel to continue with overview of the settlement agreement and provide submissions on the motion for settlement approval.

12:30 p.m. (Pacific time)/3:30 p.m. (Eastern time)

- Lunch break

2:00 p.m. (Pacific time)/5:00 p.m. (Eastern time)

- Class counsel to complete submissions on the motion for settlement approval.

3:15 p.m. (Pacific time)/6:15 p.m. (Eastern time)

- Afternoon break

3:30 p.m. (Pacific time)/6:30 p.m. (Eastern time)

- Crown counsel to provide submissions on the motion for settlement approval.
- Time permitting, class members are to make representations on the settlement agreement or Class counsel fee approval.

4:30 p.m. (Pacific time)/7:30 p.m. (Eastern time)

- Day concludes

September 13, 2023

9:30 a.m. (Pacific time)/12:30 p.m. (Eastern time)

- Counsel to address any issues arising from the previous days' hearings, or make submissions that could not be accommodated earlier (if necessary).
- Class members are to make representations on the settlement agreement or Class counsel fee approval.

11:00 a.m. (Pacific time)/2:00 p.m. (Eastern time)

- Morning break

11:15 a.m. (Pacific time)/2:15 p.m. (Eastern time)

- Class members are to make representations on the settlement agreement or Class counsel fee approval.

12:30 p.m. (Pacific time)/3:30 p.m. (Eastern time)

- Lunch break

2:00 p.m. (Pacific time)/5:00 p.m. (Eastern time)

- Class members are to make representations on the settlement agreement or Class counsel fee approval.

3:15 p.m. (Pacific time)/6:15 p.m. (Eastern time)

- Afternoon break

3:30 p.m. (Pacific time)/6:30 p.m. (Eastern time)

- Class members are to make representations on the settlement agreement or Class counsel fee approval.
- Time permitting, Class counsel and Crown counsel respond to any objectors on the settlement agreement or Class counsel fee approval.

4:30 p.m. (Pacific time)/7:30 p.m. (Eastern time)

- Day concludes

September 14, 2023

9:30 a.m. (Pacific time)/12:30 p.m. (Eastern time)

- Counsel address any issues arising from the previous days' hearings, or make submissions that could not be accommodated earlier (if necessary).
- Class members to make representations on the settlement agreement or Class counsel fee approval

11:00 a.m. (Pacific time)/2:00 p.m. (Eastern time)

- Morning break

11:15 a.m. (Pacific time)/2:15 p.m. (Eastern time)

- Class counsel make submissions on fee approval and respond to any objectors.

12:30 p.m. (Pacific time)/3:30 p.m. (Eastern time)

- Lunch break

2:00 p.m. (Pacific time)/5:00 p.m. (Eastern time)

- Crown counsel makes submissions on fee approval and respond to any objectors.

3:15 p.m. (Pacific time)/6:15 p.m. (Eastern time)

- Afternoon break

3:30 p.m. (Pacific time)/6:30 p.m. (Eastern time)

- Wrap up with any additional submissions from class members or counsel.

4:30 p.m. (Pacific time)/7:30 p.m. (Eastern time)

- Day concludes
5. The motion records and authorities books are to be filed electronically, however the parties shall provide the Court with a hard copy compendium by September 5, 2023.
 6. Class counsel to serve and file any supplemental affidavits in support of the appointment of a Claims Administrator no later than September 5, 2023.

"Peter G. Pamel"

Judge