

Federal Court



Cour fédérale

**Date : 20220920**

**Dossier : T-1201-18**

**Référence : 2022 CF 1317**

**Ottawa (Ontario), le 20 septembre 2022**

**En présence de madame la juge McDonald**

**RECOURS COLLECTIF**

**ENTRE :**

**GEOFFREY GREENWOOD et TODD GRAY**

**demandeurs**

**et**

**SA MAJESTÉ LE ROI**

**Défendeur**

**ORDONNANCE**

**VU** la requête des demandeurs visant à obtenir une ordonnance établissant le libellé de l'autorisation de l'instance dans la présente action, comme l'a ordonné la Cour d'appel fédérale dans ses motifs du jugement du 21 septembre 2021 (2021 CAF 186), par lesquels cette Cour a confirmé l'autorisation de la présente action comme recours collectif au titre des Règles des Cours fédérales, DORS/98 106, et a renvoyé à notre Cour l'établissement du libellé de l'autorisation de l'instance;

**ET VU** les documents déposés à la Cour, notamment le consentement des parties;

**LA COUR ORDONNE que :**

1. La Cour autorise la présente instance comme recours collectif.
2. La description du groupe est la suivante :

Tous les membres anciens et actuels de la GRC (soit les membres réguliers, les membres civils et les membres spéciaux) ainsi que les réservistes qui ont travaillé pour la GRC entre le 1er janvier 1995 et la date à laquelle leur unité de négociation est devenue assujettie à une convention collective.

Le présent recours collectif exclut les revendications dans les instances *Merlo c. Sa Majesté la Reine*, dossier de la Cour fédérale no T 1685 16, *Ross et al. c. Sa Majesté la Reine*, dossier de la Cour fédérale no T 370 17, et *Gaétan Delisle et al. c. Sa Majesté le Roi*, dossier de la Cour supérieure du Québec no 500 06 000820 163.

3. Les représentants demandeurs du groupe sont Geoffrey Greenwood et Todd Gray.
4. La nature des réclamations présentées au nom du groupe est la négligence systémique. Plus précisément, les représentants demandeurs font valoir qu'il y avait à la GRC une culture d'intimidation et de harcèlement généralisée qui a touché tous les employés de la GRC. Ils font valoir qu'en permettant que cette culture se manifeste et se répande au sein de l'organisation depuis les plus hauts échelons de la hiérarchie, la GRC a manqué à ses obligations de fournir aux membres du groupe un milieu de travail exempt d'intimidation et de harcèlement, notamment ceux fondés sur le sexe, la race, l'ethnie ou la religion. Les représentants demandeurs affirment que le défendeur, Sa Majesté le Roi, est responsable du fait d'autrui des actions des mandataires et employés de la GRC à cet égard.
5. Les réparations demandées par le groupe sont les suivantes :

- a) une déclaration selon laquelle la Couronne a été négligente en ne fournissant pas au groupe un milieu de travail exempt d'intimidation et de harcèlement;
- b) une déclaration selon laquelle la Couronne a manqué à ses obligations aux termes de la common law, du droit des contrats et des lois de fournir aux membres du groupe un milieu de travail exempt d'intimidation et de harcèlement;
- c) des dommages intérêts généraux;
- d) des dommages intérêts particuliers;
- e) des dommages intérêts pour la perte de revenu;
- f) des dommages intérêts exemplaires et punitifs;
- g) des dommages intérêts égaux au coût de la distribution de la réparation pécuniaire dans la présente action.

6. Les points de droit ou de fait communs du groupe sont les suivants :

#### Négligence

- 1) La GRC, ses mandataires et ses employés avaient ils envers les demandeurs et les autres membres du groupe une obligation de diligence de prendre des mesures raisonnables dans l'administration de la Gendarmerie afin de leur fournir un environnement de travail exempt d'intimidation et de harcèlement?
- 2) Si c'est le cas, la GRC, ses mandataires et ses employés ont ils manqué à cette obligation?

- 3) Si c'est le cas, la Couronne est-elle responsable du fait d'autrui du défaut de ses mandataires et de ses employés de la GRC de prendre des mesures raisonnables dans l'administration de la Gendarmerie afin de leur fournir un environnement de travail exempt d'intimidation et de harcèlement?

Dommages intérêts

- 4) La conduite justifie-t-elle l'adjudication de dommages intérêts majorés, exemplaires ou punitifs?
7. Le cabinet Kim Spencer McPhee Barristers P.C. est l'avocat du groupe.
8. La Cour approuve le plan de poursuite de l'instance des demandeurs joint à **l'annexe « A »**.
9. La Cour approuve l'avis d'autorisation de l'instance comme recours collectif dont le libellé correspond pour l'essentiel à celui de **l'annexe « B »** (version anglaise) et de **l'annexe « C »** (version française).
10. La communication de l'avis d'autorisation de l'instance comme recours collectif se fait pour l'essentiel selon le programme de communication à **l'annexe « D »**.
11. La Cour désigne Trilogy Class Action Services comme administrateur du programme de communication selon les modalités de l'offre du 7 septembre 2022 jointe à **l'annexe « E »**.
12. Le défendeur supporte les coûts du programme de communication jusqu'à concurrence de 300 000 \$, taxes comprises.
13. Afin d'aider le programme de communication, la GRC et les autres ministères et organismes fédéraux dont il est raisonnable de croire qu'ils ont des renseignements pertinents sur les noms et les coordonnées des membres du

groupe font des efforts raisonnables pour communiquer à l'administrateur du programme de communication les noms et les dernières adresses postales et adresses courriel connues des membres du groupe ou, à défaut, leurs dernières coordonnées connues, sauf si le droit interdit cette communication.

14. Le programme de communication satisfait aux exigences des articles 334.34, 334.35, 334.36 et 334.37 des Règles des Cours fédérales. Il informe de façon juste et raisonnable les personnes ayant droit à l'avis d'autorisation de l'instance.
15. La Cour approuve le formulaire d'exclusion dont le libellé correspond pour l'essentiel à celui de **l'annexe « F »** (version anglaise) et de **l'annexe « G »** (version française).
16. Les membres du groupe qui souhaitent s'exclure du recours collectif renvoient le formulaire d'exclusion signé, dont le libellé correspond pour l'essentiel à celui de l'annexe « F » ou de l'annexe « G », à l'adresse indiquée dans l'avis d'autorisation de l'instance, de sorte que le cachet de la poste indique au plus tard **le 23 novembre 2022, à 17 h**, heure normale de l'Est, ou de sorte que le destinataire reçoive le formulaire au plus tard à ce moment.
17. Nul ne peut exclure une personne mentalement incapable sans l'autorisation de la Cour après avis au Tuteur et curateur public, dans le cas de membres du groupe qui résident en Ontario, ou à la personne ou à l'office semblable dans une autre province ou un territoire, dans le cas de membres du groupe qui résident dans cette autre province ou ce territoire.
18. Le Canada signifie aux demandeurs et dépose à la Cour un affidavit énonçant les dates auxquelles l'avis d'autorisation de l'instance a été remis et communiqué

selon le paragraphe 4 de la section intitulée « Internal Notice Program »  
(Programme de communication interne) de l'annexe « D ».

19. Dans les 30 jours après la date d'échéance pour la réception des formulaires d'exclusion du recours collectif, l'administrateur du programme de communication remet aux parties et dépose à la Cour, sous scellés, un rapport énonçant les façons dont il a communiqué l'avis d'autorisation de l'instance, et les dates auxquelles il l'a fait, et énonçant les noms et adresses des personnes qui se sont exclues du recours collectif. Il remet et dépose également une copie des formulaires d'exclusion reçus.
20. Sauf autorisation de notre Cour, il est interdit d'intenter un autre recours collectif à l'égard des questions visées par la présente action. Cette interdiction a effet rétroactif au 23 janvier 2020.
21. La Cour n'adjuge pas de dépens pour la présente requête.

« Ann Marie McDonald »

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juge

**SCHEDULE “A”**

**Court File No.: T-1201-18**

**FEDERAL COURT  
CLASS PROCEEDING**

**BETWEEN:**

**GEOFFREY GREENWOOD and TODD GRAY**

Plaintiffs

- and -

**HIS MAJESTY THE KING**

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

**LITIGATION PLAN OF THE PLAINTIFFS**

**I. INTRODUCTION**

1. The *Federal Courts Rules*, SOR/98-106 (“*FCR*”) requires that a representative plaintiff produce a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the Class and of notifying Class Members as to how the proceeding is progressing. Subject to issues of scheduling and appeals, the plaintiffs propose that the proceeding be conducted in accordance with the following draft Litigation Plan. The final Litigation Plan is subject to revision and approval by this Honourable Court.

2. This class action is certified on behalf of all current or former RCMP Members (ie. Regular,

Civilian, and Special Constable Members) and Reservists who worked for the RCMP between January 1, 1995 and the date a collective agreement becomes or became applicable to a bargaining unit to which they belong.

3. This action claims that there was a culture of systemic bullying, intimidation and harassment at the RCMP that affected all who worked for the RCMP and that, in allowing this culture to manifest and permeate the organization from its highest levels, the RCMP, through its agents, servants and employees failed to fulfil its duties, to provide the Class Members with a work environment free of bullying, intimidation and harassment. The plaintiffs claim that the defendant, Her Majesty the Queen, is vicariously liable for the actions of the RCMP's agents, employees, and servants.

4. The scope of this claim includes the RCMP's alleged failure to provide a workplace free from sexual harassment of individuals of any gender, and from harassment generally, as well as based on any grounds (including racial, ethnic, or religious) except for gender-based and sexual orientation- based harassment covered under *Merlo v Her Majesty the Queen*, Federal Court File No. T-1685-16, *Ross et al v Her Majesty the Queen*, Federal Court File No. T-370-17. This class proceeding also excludes claims covered under *Gaétan Delisle et al c Sa Majesté La Reine*, Québec Superior Court No. 500-06-000820-163 ("*Delisle Action*").

5. The plaintiffs seek general, special, loss of income, exemplary and punitive damages, as well as declaratory relief. The plaintiffs also plead damages pursuant to the *Family Law Act*, R.S.O. 1990, c. F-3 and equivalent or comparable legislation in other provinces and territories.

6. The action was certified by order of Madam Justice McDonald on January 23, 2020, and largely upheld by a unanimous panel of the Federal Court of Appeal on September 21, 2021. Canada's leave to appeal to the Supreme Court of Canada was dismissed on March 17, 2022.

## **II. CLASS COUNSEL**



7. The plaintiffs and Class are represented by the law firm of Kim Spencer McPhee Barristers P.C. (“KSM”) (“Class Counsel”). Class Counsel have extensive experience in class action litigation and are currently class counsel in the excepted Federal Court Action No. T-1685-16 noted above, *Merlo and Davidson v Her Majesty the Queen*, regarding gender and sexual-orientation based harassment and discrimination in the RCMP, and a number of medical device, pharmaceutical, and securities class actions. Class Counsel have the requisite knowledge, skill, experience, personnel and financial resources to prosecute this class action.

8. Class Counsel anticipate that prosecuting this action will require:

- (a) reading, organizing, profiling, scanning, managing and analyzing thousands of documents;
- (b) the taking of testimony of relevant witnesses;
- (c) the analysis of complex legal issues; and
- (d) the retention of experts and the presentation of expert testimony.

### **III. REPORTING TO AND COMMUNICATING WITH CLASS MEMBERS**

9. The Class consists of:

All current or former RCMP Members (ie. Regular, Civilian, and Special Constable Members) and Reservists who worked for the RCMP between January 1, 1995 and the date a collective agreement becomes or became applicable to a bargaining unit to which they belong.

This Class Proceedings excludes claims that are covered under *Merlo v Her Majesty the Queen*, Federal Court File No. T-1685-16, *Ross et al v Her Majesty the Queen*, Federal Court File No. T-370-17, and *Gaétan Delisle et al c Sa Majesté La Reine Québec* Superior Court No. 500-06-000820-163.

10. Although there is no way to calculate the number of Class Members with any accuracy at this stage, it is anticipated based on the current number of RCMP Members that there are tens of thousands of Class Members across Canada.

11. The plaintiffs also plan to bring a motion to certify a *Family Law Act* subclass to pursue derivative claims arising from the Class Members' injuries.

12. Class Counsel have developed a webpage ([http://www.complexlaw.ca/index.html#FL-RCMP\\_General\\_Harrassment](http://www.complexlaw.ca/index.html#FL-RCMP_General_Harrassment)) where information about this action is posted (the "Website"). Through these online postings, Class Members will be kept apprised of the progress of the litigation. The Website may also provide access to some of the publicly filed court documents, court decisions, notices, documentation and other information relating to the action, as well as answers to frequently asked questions regarding class actions.

13. The Website provides contact information for Class Members to submit inquiries to Class Counsel. Prompt responses will be provided. The Website lists contact information for specific members of Class Counsel's class action team so that Class Members can make inquiries to a live person if they wish.

**IV. PLEADINGS AND PROPOSED LITIGATION TIMETABLE**

14. Justice Ann Marie McDonald has been assigned as the Case Management Judge in this matter.

15. The plaintiffs will ask the Case Management Judge to set the schedule for the conduct of the proceeding, including:

(a) the delivery of the statement of defence;

(b) the delivery of the reply (if any);

(c) documentary production (including motion to compel, if necessary);

(d) the delivery of experts' reports; and

(e) a motion for summary trial on the common issues.

16. Notably, the *Delisle* Action, which advances similar claims on behalf of a parallel class in Quebec, is scheduled to proceed to trial in 2023. The plaintiffs intend to ask the Case Management Judge to set a date for the summary trial in this action to take place in the same time frame.

17. If the summary trial does not resolve all of the common issues, the plaintiffs will ask the Case Management Judge to proceed with scheduling examinations for discovery, and a common issues trial. The parties may also ask that the schedule be amended from time to time, as required.

18. The plaintiffs intend that any individual issues determinations that may be required after conclusion of the summary trial or common issues trial shall be conducted by persons appointed to conduct references using streamlined procedures, as envisioned under s. 334.26 of the *FCR*.

19. Throughout the litigation, the plaintiffs propose that a schedule of hearing days be set aside for regular case management conferences with the Case Management Judge in order to facilitate the orderly progression of this litigation under the supervision of the Court.

20. Although no post-certification motions other than those indicated in this plan are currently anticipated by the plaintiffs, additional motions may be required and will be scheduled as the case progresses.

**V. NOTICE OF CERTIFICATION & OPT-OUT PROCEDURE**

21. Notice of certification will be delivered pursuant to section 334.32 of the *FCR* in a form and manner approved by this Court.

22. The Court will be asked to:

- (a) settle the form and content for notification of certification in accordance with the requirements of *FCR* s. 334.32(5) (the “Certification Notice”), which may include a form for mailing and a summary form for media publication;
- (b) settle the means by which the Certification Notice will be disseminated (the “Notice Program”); and
- (c) set an opt-out deadline approximately 60 days after the Certification Notice is disseminated.

23. The identities and residences of most of the Class Members are not known to Class Counsel. However, based on the belief that the Class Members are distributed across Canada, a national Notice Program is proposed.

24. The proposed Notice Program for dissemination of the Certification Notice is set out in Schedule “D” to the proposed Certification Order.

25. The plaintiffs will request that the costs of the Notice Program be paid by the defendant.

26. The plaintiffs will request that the Notice Program be administered by Trilogy Class Action Services.

27. The Certification Notice will outline the significance of opting out – namely, that those members of the Class who choose to opt out before the stipulated deadline must advise the Notice Administrator of their desire to do so in writing, and, as a result, will not participate in this action, will not stand to recover any damages from this action, and will not be bound by any judgment or settlement made in this action.

28. The Certification Notice will state that Class Members who do not opt out will be bound by the proceedings, including any judgment or settlement. The Certification Notice will state that all Class Members who have brought an individual proceeding that raises the common questions

of law or fact specified in the certifying order shall be excluded from the class proceeding if the member does not, before the expiry of the time for opting out, discontinue their individual proceeding.

29. Within 30 days after the expiry of the opt-out period, the Notice Administrator will deliver to the parties an affidavit listing the names of all persons who have opted out of the class action.

30. Further, the plaintiffs will ask the Court to order that:

(a) no Class Member may opt out of the class proceeding after the expiration of the opt-out deadline set by the Court, except by court order; and

(b) no person may opt out a mentally incapable Class Member without permission of the Court after notice to the Public Guardian and Trustee, as applicable to Class Members resident in Ontario, and to comparable or equivalent entities in the other provinces and territories as applicable to Class Members resident in other provinces and territories.

**VI. ENFORCEMENT OF PRECLUSION ORDER**

31. Since the certification of this action by Justice McDonald in January 2020, a number of other proposed class proceedings have been commenced in Federal Court against Canada which also advance claims arising from or relating to harassment in RCMP workplaces, including based on race and ethnicity. These actions arguably overlap and encroach, to varying extents, on the claims advanced by the certified class in this action. To the extent there is overlap, these actions are subject to Justice McDonald's preclusion order of January 23, 2020, which bars the commencement of any other class proceedings with respect to the matters addressed in this action, absent leave of the Court.

32. Canada is in the process of bringing motions to stay these other proceedings in favor of such claims being adjudicated through this certified action.

33. At this time, the plaintiffs in this action do not intend to participate in these motions, some of which are scheduled to be heard together in October. However, the plaintiffs reserve the right to take any steps necessary to ensure the preclusion order is enforced, including potentially intervening in other proceedings in the interests of the certified Class.

**VII. CONSOLIDATION OF THE CLASS**

34. The currently certified Class does not include RCMP Members who worked for the RCMP prior to 1995, as well as other RCMP employees and individuals who are exposed to harassment in RCMP workplaces.

35. The plaintiffs are moving forward in the proceeding with the certified Class, but anticipate that they may seek to expand the Class at a later point in the proceeding to capture these individuals in the definition, and ensure they have the benefit of any findings made at a summary or common issues trial.

**VIII. DOCUMENTARY DISCOVERY**

36. In advance of their motion for a summary trial on the common issues, the plaintiffs anticipate seeking a date for the exchange of affidavits of documents, and if necessary, an expedited motion to compel production from the defendant.

37. In the context of documentary discovery, “document” includes an audio recording, a video recording, a film, a photograph, a chart, a graph, a map, a plan, a survey and a book of account, as well as data that is recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device.

38. The defendant possesses most, if not all, of the documents relating to the common issues, such as: grievance and complaint files; personnel files; internal correspondence, memoranda and reports; and internal rules, policies and guidelines. These documents, among others, will be

produced to Class Counsel through the normal production, cross-examination and examination for discovery processes.

39. The plaintiffs and the defendant will devise and agree to a Discovery Plan in accordance with the *Sedona Canada Principles*. The Discovery Plan will describe the scope of documentary discovery; the methods for identifying producible documents; the dates for service of both parties' affidavits of documents; information respecting the timing, costs and manner of the production of documents; the names of persons intended to be produced for oral examinations for discovery; information regarding the timing and length of the examinations; and a timetable for service of expert reports. The Discovery Plan will address the production of hardcopy and electronic documents, and the tools the parties may use to process, copy, sample, search, select, identify and produce relevant documents, including electronic documents in accordance with the *Sedona Canada Principles*.

40. In accordance with *FCR 223(2)* the plaintiffs will require detailed schedules of all documents in the party's possession, power or control and for which no privilege is claimed, documents over which privilege is claimed, documents which are no longer in the possession, power or control of the party, and documents which are in the possession, power or control of non-parties, with a statement of the grounds for each claim of privilege in respect of a document, dates and details of lost or destroyed documents and names and addresses of non-parties.

41. The plaintiffs anticipate that documentary production will be voluminous. Class Counsel are able to handle the intake and organization of the large number of documents that will likely be produced by the defendant. In order to expedite and facilitate documentary discovery, the plaintiffs may seek an order requiring that all productions by the defendant be initially made in both hard copy and in electronically searchable format.

42. If required, the documents may be maintained on a secure, password-protected internet

website for the purpose of access by members of Class Counsel via the Internet.

43. It may be necessary to conduct examinations concerning the list of documents produced by the defendant in order to ensure completeness.

**IX. EXPERT OPINIONS**

44. The plaintiffs have identified potential experts in bullying, intimidation and harassment in the workplace, who may review and interpret the documents and who may opine and provide evidence on issues related to the appropriate standard of care at summary trial. These experts will be engaged as needed. To date, the plaintiffs have retained Dr. Andrew Faas.

**X. SUMMARY TRIAL**

45. As noted above, the plaintiffs anticipate seeking a date for a summary trial within the same time frame as the common issues trial in the *Delisle* Action in 2023.

46. The plaintiffs will rely on the Court's powers under *FCR* 216(3) to make any orders required for the conduct of the summary trial, including granting leave to subpoena former RCMP commissioners and other high ranking RCMP and federal government officials, as well as the authors of the various reports relating to harassment within the RCMP that have been published since the start of the class period, such as former Auditor General of Canada Sheila Fraser.

47. The plaintiffs will also rely on expert evidence, and public admissions made by former RCMP commissioners and federal government officials in regards to the known issues of harassment that have been plaguing the Force for decades.

48. The plaintiffs fully expect that the common issues, which focus on the defendant's conduct, will be determined in their favor at summary trial without the need for a common issues trial.

**XI. EXAMINATIONS FOR DISCOVERY**

49. If the plaintiffs are successful in determining the common issues by a summary trial,



examinations for discovery on the common issues will not be necessary, and the parties will proceed to the individual issues stage of the action, discussed further below.

50. However, in the event that one or more common issues remain to be determined after the summary trial, the plaintiffs anticipate moving forward with examinations for discovery.

51. The plaintiffs may need to examine more than one representative from the defendant. In the event that the defendant does not consent to producing more than one representative, the plaintiffs may move for an order requesting leave of the Court to examine more than one representative of the defendant.

52. Class Counsel estimate that, subject to undertakings and refusals, a total of 3 to 5 days will be required to discover the representatives of the defendant. It is further proposed that the examinations of the representatives of the defendant be completed within 60 days of the completion of the examination of the plaintiffs.

#### **XII. OTHER ANTICIPATED PRE-TRIAL MOTIONS**

53. Incidental motions and case conferences may be required as the case progresses.

54. Depending on the outcome of the defendant's productions and the examinations for discovery, it may be necessary for the plaintiffs to initiate a production motion or a motion to compel answers to undertakings.

#### **XIII. DISPUTE RESOLUTION**

55. The plaintiffs are willing to participate in mediation or other non-binding alternative dispute resolution efforts.

#### **XIV. COMMON ISSUES TRIAL (IF NECESSARY)**

56. Following examinations for discovery, there may be a further exchange of expert reports in advance of a common issues trial.

57. The plaintiffs may also ask for an order to clarify and/or refine the common issues, if required.

58. If a common issues trial is necessary, the plaintiffs plan to ask the Court to hold the trial approximately six months after the completion of examinations for discovery, undertakings and any motions for refusals. The plaintiffs anticipate that a common issues trial will require approximately three weeks of hearing time (or less if some of the common issues were determined at summary trial).

59. The common issues trial will proceed pursuant to the *FCR*.

60. If a summary trial and/or the common issues trial results in a determination of some or all issues in favour of the plaintiffs, the plaintiffs will request the Court to enter a common issues judgment under *FCR* 334.24, and to decide whether, and to what extent, the Court considers that the participation of individual Class Members will be required to determine individual issues under *FCR* 334.26.

**XV. NOTICE OF RESOLUTION OF THE COMMON ISSUES**

61. Assuming all or some of the common issues are determined in favour of the plaintiffs, the Court will be asked to settle the form and content of a notice of resolution of the common issues (the “Notice of Resolution”) in accordance with *FCR* 334.33. The plaintiffs will ask the Court to order that the Notice of Resolution be distributed in accordance with the Notice Program set out above, except that the Notice of Resolution will not be mailed to any Class Member who validly opted out or were deemed to have opted out, to the extent that such are known, of the class action in accordance with the procedure set out herein.

62. At present, the plaintiffs anticipate that, depending on the Court’s resolution of the common issues with respect to damages and remedies, it is possible that some individual issues may remain

to be determined. If a determination of individual issues is to proceed under *FCR* 334.26, the plaintiffs will request that this information be included in the Notice of Resolution.

**XVI. ASSESSMENT OF DAMAGES AND INDIVIDUAL ISSUES**

**Quantification**

63. Although an aggregate assessment of damages common issue was not certified, if the trial judge or the case management judge determines that an aggregate assessment of relief is appropriate pursuant to *FCR* 334.28(1), the plaintiffs may ask the Court to proceed forthwith to make such an assessment; determine whether individual claims are needed to give effect to the assessment; and enter judgment accordingly requiring the defendant to pay the assessed amount into a global fund for distribution to Class Members.

64. In addition, it is proposed that, if there are individual general damages that cannot be determined on an aggregate or other basis, a separate adjudicative procedure will be established to address these damages. Such a procedure is provided for under *FCR* 334.26 and will involve the participation of individual Class Members. The plaintiffs anticipate that this adjudicative procedure will resolve the question of specific causation, and the nature and extent of the damages suffered by the individual Class Member.

65. It is proposed that the above individual issues be determined by means of individual assessments and/or mini-hearings, with evidence filed by the Class Member and defendant, as appropriate. Where possible, these assessments will be streamlined as contemplated by section *FCR* 334.26.

66. It may be possible to categorize and value claims in accordance with a grid according to the nature and severity of the damages, having due consideration for any personal injuries. However, based on the current state of Class Counsel's knowledge with regard to the individual circumstances of the Class Members, it is not possible at this time to provide particulars of any

such procedure.

67. Class Members who require individual assessments or otherwise participate in a mini-hearing process will be entitled to retain individual legal representation with respect to the assessment if so desired.

**Distribution**

68. It is proposed that Class Counsel will work with a top-tier administrative team to contact Class Members, establish individual entitlement, and distribute damages.

69. Specifically, it is proposed that any amounts recovered from the defendant for general damages will be paid into a general repository. Once the number of Class Members, and the individual damages suffered by each, has been determined by Class Counsel, damages will be paid to Class Members out of the general repository.

70. To the extent possible, damages will be distributed on an ongoing basis to Class Members as they come forward.

71. It is proposed that, after a reasonable time has passed, any unclaimed amounts will be distributed on a *cy près* basis pursuant to *FCR* 334.28(2) to those Class Members who can be identified and located.

**XVII. FEES AND DISBURSEMENTS**

72. Class Counsel fees, disbursements and applicable taxes will be subject to Court approval and will be paid out of the monies recovered, unless otherwise agreed between the parties. Counsel fees will constitute a first charge upon the monies recovered and will be paid as the first payments from the monies recovered.

73. The plaintiffs will seek to have all administrative costs paid by the defendant, subject to Court approval.

**XVIII. FINAL REPORT**

74. Following the final distribution of recovered monies, including any *cy prè*s distribution, the administrator will make a final report to the Court on such terms and in such manner as directed by the Court. Following the submission of the final report, the administrator will be discharged.

**XIX. REVIEW OF THE LITIGATION PLAN**

75. This Litigation Plan will be reviewed periodically as the litigation progresses, both before and after the determination of the common issues, and may be revised, as necessary, under the continuing case management authority of the Court.

**SCHEDULE “B”  
RCMP BULLYING, INTIMIDATION AND HARASSMENT  
CLASS ACTION NOTICE OF CERTIFICATION**

**IF YOU WORKED FOR THE RCMP, THIS NOTICE MAY AFFECT  
YOUR RIGHTS. PLEASE READ CAREFULLY.**

**THE NATURE OF THIS CLASS ACTION**

This class action seeks damages and other relief as a result of the alleged failure by the RCMP to take reasonable measures in the operation or management of the Force to provide the Class (as defined below) with a work environment free from bullying, intimidation and harassment. The plaintiffs claim that the defendant, His Majesty the King, is vicariously liable.

The scope of this claim includes the RCMP’s alleged failure to provide a workplace free from sexual harassment of individuals of any gender, as well as general harassment, and harassment based on any grounds (including racial, ethnic, and religious) except for gender-based harassment and discrimination matters covered under *Merlo Davidson*, Federal Court Action No. T-1685-16 and *Ross*, Federal Court Action No. T-370-17. It also excludes claims covered under *Gaétan Delisle et al c Sa Majesté Le Roi*, Québec Superior Court No. 500-06-000820-163.

**CERTIFICATION**

By Order dated ●, the Federal Court certified this action as a class action and appointed Geoffrey Greenwood of Red Deer, Alberta and Todd Gray of Airdrie, Alberta as the representative plaintiffs. The Court also appointed Kim Spencer McPhee Barristers P.C. as Class Counsel.

The allegations made by the plaintiffs have not been proven in Court. The Court has made no determination of the merits of the plaintiffs’ claims. The defendant denies the allegations made by the representative plaintiffs, which remain to be determined at a future trial. This notice is being provided because you may be a member of the Class whose rights may be affected by the lawsuit.

**THE CLASS**

The class action was certified on behalf of the following individuals:

All current or former RCMP Members (ie. Regular, Civilian, and Special Constable Members) and Reservists who worked for the RCMP between January 1, 1995 and the date a collective agreement becomes or became applicable to a bargaining unit to which they belong.

## **PARTICIPATION AND EXCLUSION FROM THE CLASS**

If you are a Class Member as defined above, **you will automatically be included** in this class action and are not required to take any further steps at this stage.

If you have an ongoing lawsuit with respect to bullying, intimidation or harassment in the RCMP, and you wish to participate in this class action, you must discontinue your lawsuit before 12:00 p.m. EST on November 23, 2022. If you do not, you will be deemed by s. 334.21(2) of the Federal Court Rules, SOR/98-106 to have opted out of this class action. Please contact your lawyer to discuss your options.

**IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS ACTION** (“opt out”) you must deliver a written notice specifying your desire to opt out of the class action (Opt-Out Form) to the Notice Administrator by mail or by email to:

Trilogy Class Action Services  
117 Queen Street, P.O. Box 1000  
Niagara-on-the-Lake, ON L0S 1J0  
<https://www.greenwoodrcmpclassaction.ca>  
[optout@trilogyclassactions.ca](mailto:optout@trilogyclassactions.ca)  
toll-free telephone (1-877-406-5302)

Notice of your decision to opt out must be received by the Notice Administrator above by no later than 5:00 p.m. E.S.T. on **November 23, 2022**. No person may opt out a mentally incapable person without permission of the Court, after notice to the Public Guardian and Trustee, as applicable to Class Members resident in Ontario, and to comparable or equivalent entities in the other provinces and territories, as applicable to Class Members resident in other provinces and territories

**ANY JUDGMENT OBTAINED ON THE COMMON ISSUES IN THIS ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL OF THE CLASS MEMBERS WHO DO NOT OPT OUT OF THIS PROCEEDING.**

## **FINANCIAL CONSEQUENCES**

There is no cost to be a Class Member with respect to the common issues. If the common issues are determined in favour of the Class, individual Class Member participation may be required in order to establish individual claims. If this is necessary, each member of the Class may have to bear costs of such individual proceedings. Class Members will have the opportunity at that time to decide whether to make an individual claim.

Counsel has entered into an agreement with the representative plaintiffs with respect to legal fees and disbursements. This agreement provides that counsel will not receive payment for their work unless and until the class action is successful or monies are recovered from the defendants. The agreement presently provides that Class Counsel will seek up to one third of any damages that may be awarded. This agreement must be approved by the Court and the percentage awarded could be adjusted at that time.

**FOR MORE INFORMATION, PLEASE CONTACT CLASS COUNSEL:**

Kim Spencer McPhee Barristers P.C.  
1200 Bay Street, Suite 1203  
Toronto, ON M5R 2A5

Phone: (416) 596-1414

Email: [greenwoodrcmpclassaction@complexlaw.ca](mailto:greenwoodrcmpclassaction@complexlaw.ca)

Information can also be obtained from the website: [www.greenwoodrcmpclassaction.ca](http://www.greenwoodrcmpclassaction.ca)

Any questions about the matters in this Notice should **not be directed to the Court, because its administrative structure is not designed to address this type of inquiry.**



**SCHEDULE “C”**  
**RECOURS COLLECTIF CONTRE L'INTIMIDATION ET LE**  
**HARCÈLEMENT DE LA GRC**

**SI VOUS AVEZ TRAVAILLÉ POUR LA GRC, CET AVIS PEUT**  
**AFFECTER VOS DROITS, VEUILLEZ LE LIRE ATTENTIVEMENT**

**LA NATURE DE CE RECOURS COLLECTIF**

Ce recours collectif vise à obtenir des dommages-intérêts et d'autres réparations à la suite de l'omission présumée de la GRC de prendre des mesures raisonnables dans le fonctionnement ou la gestion de la Gendarmerie pour fournir au Groupe (tel que défini ci-dessous) un environnement de travail exempt d'intimidation et de harcèlement. Les demandeurs prétendent que la défenderesse, Sa Majesté le Roi, est responsable du fait d'autrui.

La portée de cette réclamation comprend le manquement allégué de la GRC à fournir un lieu de travail exempt de harcèlement sexuel de personnes de tout genre, ainsi que le harcèlement en général et le harcèlement fondé sur tout motif (y compris racial, ethnique et religieux), à l'exception des plaintes de harcèlement et de discrimination fondés sur le qui sont couvertes par *Merlo Davidson*, action en Cour fédérale n° T-1685-16 et *Ross*, action en Cour fédérale n° T- 370-17. Cette réclamation exclut également les réclamations couvertes par *Gaétan Delisle et al c Sa Majesté Le Roi*, Cour supérieure du Québec no 500-06-000820-163.

**AUTORISATION**

Par ordonnance datée du ●, la Cour fédérale a autorisé cette action comme recours collective et a nommé Geoffrey Greenwood de Red Deer, Alberta et Todd Gray d'Airdrie, Alberta comme représentants demandeurs. La Cour a également nommé Kim Spencer McPhee Barristers P.C. comme avocats du Groupe.

Les allégations des demandeurs n'ont pas été prouvées en Cour. La Cour ne s'est pas prononcée sur le bien-fondé des réclamations des demandeurs. Le défendeur nie les allégations des représentants demandeurs, qui restent à être déterminées lors d'un procès futur. Cet avis est fourni parce que vous êtes peut-être un membre du Groupe dont les droits peuvent être affectés par la poursuite.

**LE GROUPE**

Le recours collectif a été autorisé au nom des personnes suivantes :

Tous les membres actuels ou anciens de la GRC (c'est-à-dire les membres policiers, civils et les gendarmes spéciaux) et les réservistes qui ont travaillé pour la GRC entre le 1er janvier 1995 et la date à laquelle une convention collective devient ou est devenue applicable à une unité de négociation à laquelle ils appartiennent.

## **PARTICIPATION ET EXCLUSION DU GROUPE**

Si vous êtes un membre du Groupe tel que défini ci-dessus, **vous serez automatiquement inclus dans ce recours collectif** et vous n'êtes pas tenu de prendre d'autres mesures à cette étape.

Si vous avez une poursuite en cours concernant l'intimidation ou le harcèlement à la GRC et que vous souhaitez participer à ce recours collectif, vous devez mettre fin à votre poursuite avant 17h00 (HNE) le 23 novembre 2022. Sinon, vous serez réputé par l'art. 334.21(2) des Règles de la Cour fédérale, DORS/98-106 vous être retiré de ce recours collectif. Veuillez contacter vos avocats pour discuter de vos options.

**SI VOUS SOUHAITEZ VOUS EXCLURE DE CE RECOURS COLLECTIF**, vous devez envoyer un avis écrit spécifiant votre désir de vous retirer du recours collectif au fournisseur de services de notification en soumettant un formulaire d'exclusion par la poste ou par courriel à :

Trilogy Class Action Services  
117 rue Queen,  
Case postale 1000  
Niagara-on-the-Lake, ON  
L0S 1J0  
<https://www.greenwoodrcmpclassaction.ca>  
[optout@trilogyclassactions.ca](mailto:optout@trilogyclassactions.ca)  
téléphone sans frais (1-877-406-5302)

L'avis de votre décision de vous exclure doit être reçu par fournisseur de services de notification ci-dessus au plus tard à 12h00 (HNE) le 23 novembre 2022. Nul ne peut exclure une personne mentalement incapable sans l'autorisation de la Cour, suite à un avis au tuteur et curateur public, tel qu'applicable aux membres du Groupe résidant en Ontario, et aux entités comparables ou équivalentes dans les autres provinces et territoires, tel qu'applicable aux membres du Groupe résidant dans les autres provinces et territoires

**TOUT JUGEMENT OBTENU SUR LES QUESTIONS COMMUNES DANS CETTE ACTION, QU'IL SOIT FAVORABLE OU NON, ENGAGERA TOUS LES MEMBRES DU GROUPE QUI NE SE SONT PAS EXCLUS DE CETTE INSTANCE.**

#### **CONSÉQUENCES FINANCIÈRES**

Il n'y a aucun coût associé à être membre du Groupe en ce qui concerne les questions communes. Si les questions communes sont tranchées en faveur du Groupe, la participation individuelle des membres du Groupe peut être requise afin d'établir des réclamations individuelles. Si cela s'avère nécessaire, chaque membre du Groupe peut avoir à supporter les frais de cette procédure individuelle. Les membres du Groupe auront alors la possibilité de décider s'ils souhaitent faire une réclamation individuelle.

Les avocats du Groupe a conclu une entente avec les représentants demandeurs concernant les frais juridiques et les débours. Cet accord prévoit que les avocats ne recevront pas de paiement pour leur travail tant que et seulement si le recours collectif réussit ou que des fonds soient récupérés auprès des défendeurs. L'entente prévoit présentement que les avocats du Groupe demanderont un tiers au maximum de tous dommages-intérêts accordés. Cet accord doit être approuvé par la Cour et le pourcentage accordé pourrait être ajusté à ce moment.

#### **POUR EN SAVOIR PLUS, VEUILLEZ CONTACTER LES AVOCATS DU GROUPE :**

Kim Spencer McPhee Barristers P.C.  
1200 rue Bay, suite 1203  
Toronto, (Ontario) M5R 2A5  
Téléphone: (416) 596-1414  
Courriel: [greenwoodrcmpclassaction@complexlaw.ca](mailto:greenwoodrcmpclassaction@complexlaw.ca)

De l'information peut également être obtenue sur le site Web:  
[www.greenwoodrcmpclassaction.ca](http://www.greenwoodrcmpclassaction.ca)

Toute question concernant les sujets abordés dans le présent avis ne doit **pas être adressée à la Cour, car sa structure administrative n'est pas conçue pour répondre à ce type d'enquête.**

## **SCHEDULE “D”**

### **NOTICE PROGRAM**

#### **Internal Notice Program**

1. Publication of the Notice in the RCMP *Gazette* magazine;
2. Publication of a news release on the RCMP website in a form to be agreed upon by the parties;
3. Publication of the Notice on Canada’s websites (<http://www.canada.ca/> and <http://www.rcmp-grc.gc.ca/>) and on its relevant intranet websites;
4. Posting of the Notice in each RCMP detachment throughout Canada, on a bulletin board in a room of the building accessible on a daily basis by all staff members.
5. Publication of the Notice on the RCMP social media accounts.
6. The RCMP will make reasonable efforts to have the notice published on the websites of various unions representing class members.

#### **External Notice Program**

7. Transmission of the Notice by regular mail to the last known mailing address of every current and former regular and civilian member of the RCMP. In addition, for current regular or civilian member of the RCMP, transmission of the Notice to their RCMP email addresses.
8. Purchasing of advertisements on social media platforms linking to the Notice, in accordance with the terms set out in the Proposal dated September 7, 2022, attached as **Schedule “E”** to the Certification Order;
9. Transmission by email or regular mail, of the Notice directly to potential Class Members who have provided their email or mail address to Class Counsel.
10. Publication of the Notice on the Website developed by Class Counsel.
11. Publication of the Notice on Class Counsel’s social media accounts.
12. Transmission of the Notice to any person who requests it from Class Counsel, the RCMP, or Canada.
13. Publication of a press release via Canada NewsWire (Cision) linking to the Notice;
14. Publication of Notice in national and major market newspapers in accordance with the terms set out in the Proposal dated September 7, 2022, attached as **Schedule “E”** to the Certification Order.

**SCHEDULE "E"**



*We Bring the Class Member into the class action.*

September 7, 2022

SENT VIA EMAIL

Department of Justice, Canada  
Ontario Regional Office  
National Litigation Sector  
120 Adelaide Street West  
Suite 400  
Toronto, Ontario M5H 1T1

Attention: Christine Mohr

**Re: Geoffrey Greenwood and Todd Gray v His Majesty the  
King Court File No.: T-1201-18 Class Action Proceeding  
Notice Plan and Budget**

As per your request, I hereby submit the Notice Plan and budget as the Notice Administrator with regards to the matter referenced above.

I am the Founder and President of Trilogy Class Action Services ("Trilogy"), a class action administration, advertising, notification, and Notice Plan firm located in St. Catharines, Ontario, Canada. Trilogy Class Action Services is Canadian owned and operated. Our expertise is in executing on the design and implementation of class action notice plans to reach putative Class Members in class action litigation and in providing claims administration services designed for Court approved class action settlements. If necessary, this proposal can be prepared in affidavit form for submission to the Court for approval.

Trilogy is an approved Notice Administrator and Claims Administrator for the Government of Canada. Trilogy has previously been appointed by Canadian Superior Court(s) of Justice, Crown Prosecutors, Attorney General of Canada, Crown Corporations and Government Agencies such as Industry Canada and The Competition Bureau.

We have organized this Notice Plan and budget pursuant to our conversation of today, September 7, 2022, and subsequent to your email dated August 19, 2022, as per your Request for Proposal dated July 27, 2022.

**1. Provide information on your experience in designing and/or implementing class action notice programs, identifying what Courts have appointed you and when, and advise of any appointments concerned bullying, intimidation, discrimination and/or harassment class actions.**

Trilogy has fifteen years of experience in the design and implementation of Notice Plans as Notice Administrator. Some of our most recent Notice Administrator appointments by Provincial and Federal Courts that are relevant to this class action proceeding, in particular bullying, intimidation, discrimination and/or harassment, include:

Court	Matter	Subject	Type	Date
The Supreme Court of Newfoundland and Labrador General Division	<u>Jane Doe(#7) et al. v Her Majesty in Right of Newfoundland and Labrador</u>	Sexual Abuse (Youth Secure Custody Institute or Training School)	Certification Notice Administrator	2019
			Settlement Notice Administrator	2022
			Claims Administrator	2022 (pending)
Federal Court of Canada	John Doe et al. v Her Majesty the Queen	Privacy Breach (Medical Marihuana Access Program)	Certification Notice Administrator	2022
Ontario Superior Court of Justice, and  Superior Court of Quebec District of Montreal  Court of Queen's Bench for Saskatchewan Judicial Centre of Regina	The Estate of Raymond Duck v Janssen Inc., et al. (Ontario claim)  Steven Varnai & Joanne Giroux v Janssen Inc., et al (Quebec claim)  Ronald Allen Fiddler v Janssen Inc., et al (Saskatchewan claim)	Breach of Duty (Invokana – Breach of Duty to Warn)	Certification and Settlement Notice Administrator	2022
Claims Administrator	2022 (pending)			
Ontario Superior Court of Justice	Arthur Redublo and Donna Moher v 8262900 Canada Inc. o/a CarePartners	Privacy Breach (Cyber Breach)	Certification Notice Administrator	2022
			Settlement Notice Administrator	2022
			Claims Administrator	2022
Ontario Superior Court of Justice	Bruno Nardi v Sorin Group Deutschland GMBH and Livanova Canada Corp.	Breach of Duty (Sorin medical device – Breach of Duty to Warn and Recall)	Certification Notice Administrator	2021
The Supreme Court of Newfoundland and Labrador General Division	Paul Hennebury et al. v Her Majesty in Right of Newfoundland and Labrador	Human Rights (Prison Segregation)	Certification Notice Administrator	2021
Nunavut Court of Justice	RPC1, RPC2 and RPC3 v The Attorney General of Canada, The Commissioner of Nunavut and The Commissioner of the Northwest Territories	Sexual Abuse	Certification Notice Administrator	2020

Pursuant to the enclosed table, Trilogy has recently been appointed by the Courts on two class actions involving allegations of sex abuse as well as a matter involving allegations of human rights violations. Trilogy's recent appointment as Claims Administrator in respect to sex abuse settlement in Newfoundland. Trilogy is aware of and sensitive to the psychological trauma, PTSD, class members may encounter because of receiving the Notice. Trilogy personnel, while not trained as abuse or grief counsellors, are able to refer class members to resources in Canada where class members are able to get the support they need. Trilogy will consult with the Defendant and Class Counsel with regards to referrals to third-party support services and organizations.

Appendix A lists Trilogy's appointments over the last five years. Trilogy has been appointed by the Federal Court(s) of Canada and provincial and territorial courts. Trilogy has been appointed in litigation involving allegations relating to sexual abuse, privacy breaches, securities, pharmaceutical products, faulty medical devices, consumer products, anti-trust violations, and employment law. Trilogy's appointments include Certification Notice Administrator, Settlement Notice Administrator, Opt Out and Objection Administrator, and Claims Administrator.

**2. Outline the proposed elements of an external notice program that will result in effective notice to the above noted class. The national campaign should reach all class members but especially those for whom the RCMP may not have current addresses/contact information.**

Trilogy will manage and execute the Direct Notice Plan described in the RFP and the external notice program ("Indirect Notice Plan") requested in the RFP, both of which are described in detail below.

**Direct Notice Plan**

Trilogy has fifteen years of experience managing direct notice programs using regular mail, email and text messages. Once the desired communication is approved by the Defendant and Class Counsel (together "Counsel") and the Court, Trilogy will disseminate the Notice of Certification ("Notice") and provide a report to Counsel and the Court on the results. Trilogy will mail and email each potential Class Member depending on the contact information of potential Class Members provided by the RCMP ("Class List") and the desires of Counsel.

**Proposed Notice Program – mail notification to current and former RCMP members**

Trilogy will send by regular mail the Notice to the estimated **44,666** identified potential Class Members. Trilogy will update the mailing address by using Canada Post's National Change of Address database (NCOA) to enhance the effectiveness of the direct mail notification program. Moreover, Trilogy will use Address Correction Software to confirm if the address is complete. For example, that the postal code matches the address provided by the RCMP or identify if it is missing. Trilogy already has arrangements with Canada Post for high-volume of mail. Trilogy will have the Notice professionally printed on high quality paper.

Trilogy will use non-window envelopes to prevent any privacy breach with regards to the content of the Notice or the class action litigation.

**Proposed Notice Program – direct email notification (where available)**

Trilogy will also send emails (where available) directly to potential Class Members on the Class List to compliment the direct mail notification program. This will assist in achieving a higher penetration rate in the dissemination of the Notice. Trilogy manages both the email generation and email sending phases inhouse. Many of our competitors outsource these email notification programs to third parties outside their core business potentially exposing email addresses to the third party's computer servers. Trilogy will set up one or more dedicated servers to send the emails. The main advantages to this method are a much lower cost, a more secure process and higher penetration rates.

During previous email notification programs, we found that receiving email servers would routinely limit the number of emails we can send to them. Hotmail and Gmail are particularly known to imposing rate limits. Videotron in Quebec has the strictest protocol. Thus, more attention is required when sending the Notice to Quebec-based potential Class Members. To side-step this rate-limiting, we alternate the sending of the emails by utilizing different IP addresses.

It is also inevitable that at least one of the IP addresses will be blocked for potential spamming. This block can be lifted by contacting the email administrators, but it can easily take at least two days for the block to be lifted. Thus, it is much easier to switch the sending to a different IP address while we request the block to be removed. Trilogy constantly monitors the process to identify sending issues as soon as they arise.

This includes:

- a. making sure the email generation software is running correctly;
- b. making sure that the emails are not stuck in the email sending queue;
- c. checking for rate limits imposed by receiving mail servers;
- d. rotating IP addresses in case of rate limits;
- e. checking for any blocks that are imposed by receiving email servers; and
- f. requesting for lifting of blocks.

Trilogy complies with the Canada's anti-spam legislation (CASL), and within the legal requirements set-forth within any Court Order(s) issued by the Court. CASL is the federal law dealing with spam and other electronic threats. It is meant to protect Canadians while ensuring that businesses can continue to compete in the global marketplace.

***Parameters of the direct email notification campaign***

- i. For the email generation phase, software is required to compose the emails and to keep track of the recipients delivered and read receipt confirmations. This is similar to how Outlook or the Mac Mail app keeps track of contacts and messages. This becomes important for phase three.



- ii. The email sending phase involves using an SMTP server (mail server) to transmit the actual email message to the recipient.
- iii. Trilogy will execute a second round of sending the emails based on the emails that “bounced-back” or were blocked by anti-spam software or timed-out, etc.

**Proposed Notice Program – monitor and quantify undeliverable emails and regular mail.**

Trilogy will prepare, maintain, and update a database of Class Members to quantify and monitor who received the Notice by email and/or regular mail and who did not successfully receive the required Notice by any or all of these methods.

Trilogy will create, maintain, and update a database for all communication and contact with Class Members. Contact names, addresses (where available), telephone numbers, email addresses and notations on communications will be compiled and reported to Class Counsel and the Defendant.

Trilogy will utilize this database for future notice programs and claims administration in respect of the *Greenwood* class action.

**Indirect Notice Plan**

In recognition of the fact that the RCMP do not have contact information for all putative Class Members, the Direct Notice Plan will be supplemented with an Indirect Notice Plan. Trilogy proposes that the Indirect Notice Plan incorporate the following elements:

- a. Print Media
- b. Social and Digital Media
- c. Other indirect notice targets:
  - i. Unions;

Each Notice Plan is unique because the demographics of the putative Class Members differ in each case. Also, it is often the case that the identities of some, but not all, putative Class Members are known to the Defendant. Trilogy has experience in the development, monitoring and modifying, as necessary, indirect notice plans to maximize the probability of the notice reaching putative Class Members, which comprises current and former: RCMP Constables, Civilian members, Special Constable Members, Reservists and staff.

Given the RCMP has a significant presence in all the provinces and territories, it is important to develop a comprehensive national strategy to reach all putative Class Members. Many provinces rely on the RCMP to provide provincial police services. Many communities rely on the RCMP as their police service. Accordingly, the Notice Plan needs to consider the need to reach putative Class Members in communities across Canada.

**Print Media**

Trilogy is currently working with Counsel to develop a publication list that is satisfactory to all parties.

Trilogy has accounts with all major newspapers and has extensive experience in placing printed advertisements across Canada. Trilogy has worked with all the publications listed in “Annex A” of your Request for Proposal. Given the nature of the RCMP, we would recommend extending the list to include publications in many of the mid- sized communities across the country where the policing service is provided by the RCMP. The table below lists some examples of publications that could be considered.

#### **Press Release**

Trilogy acknowledges that the contents and the form of the press release are to be agreed upon by Counsel to the satisfactory to all parties prior to publication.

Trilogy will distribute a national bilingual press release in French and English over Canada NewsWire (Cision).

As previously confirmed, Counsel will provide Trilogy with the press release in both English and French.

#### **Earned Media**

Due to the high profile of this class action, Trilogy will forward the press release directly to major media outlets and properties in Canada. For example, CBC, CTV, Global News, Post Media, Star Media, etc. These news outlets are likely to provide news coverage of the Notice of Certification. All media inquiries received by Trilogy will be immediately forwarded to Counsel. Designated contacts for Counsel to be determined.

#### **Social Media - Search Engine Optimization (SEO) Google, Twitter and Facebook:**

Social media is interactive and evolves 24 hours a day. Major platforms include Facebook, Twitter, LinkedIn and digital banner display ads on news media and related websites.

Many Canadians today access their primary news and information online. There are many paid and earned options within online, digital, and social media, and these will need to be utilized to make this class action notice campaign more successful.

A survey conducted in 2017 found that Canadians obtained news from the following sources<sup>1</sup>:

- i. 45% on a news website;
- ii. 39% from an internet search engine. For example, Google, Bing;
- iii. 32% on the radio;
- iv. 25% on Facebook (Meta);
- v. 22% in a print newspaper;

- vi. 19% on a news app on a mobile device;
- vii. 17% from news alerts on a mobile device;
- viii. 16% on YouTube;
- ix. 13% on Twitter;
- x. 12% from a friend or colleague;
- xi. 11% through a text message from friend or colleague;
- xii. 6% through an email from friend or colleague;

Trilogy will utilize these various multi-media platforms that are highly integrated, targeted, and tiered. These media sources are important as they address Class Members' demographics, online behavioral habits, geographic location, and vocation through print, digital, Google search and social media.

The main goal of utilizing online, digital, and social media, Google, Twitter, Facebook, LinkedIn, and digital display banner ads, is to expand the reach of the Notice beyond the traditional reach of "old media" (press release, magazines and newspapers).

Trilogy will execute a highly targeted and tiered digital programmatic advertising and paid social media campaign to reach potential Class Members.

**To simplify the overall strategy and plan outlined in detail below, we will accomplish the following:**

1. Reach the Class Member if they visit related websites;
2. Reach the Class Member if they have related apps on their mobile devices; and
3. Reach the Class Member if they subscribe to a related service.

**We will accomplish this through the following measures:**

1. Geo-target Class Members across Canada;
2. Behavioural-target Class Members across Canada; and
3. Demographically-target Class Members across Canada.

Trilogy will evolve, through its three testing principles, the notice program every two weeks based on the success rate of conversions from quantified data provided by the multiple platforms. Trilogy's media program monitors and quantifies reach and penetration in each component of the notice program during each phase of the notice plan based on performance data. Trilogy's three testing principles will apply to all new media components of the notice campaign

- banner display ads, Twitter, Facebook, or Google and niche websites.

Trilogy will change either:

- a) graphics, (pictures, content, colour, etc);
- b) key words (headline, content); or

c) location.

Trilogy will evolve, through its three testing principles, the notice program every two weeks based on the success rate of conversions from quantified data provided by the multiple platforms. Trilogy's media program monitors and quantifies reach and penetration in each component of the notice program during each phase of the notice plan based on performance data. Trilogy's three testing principles will apply to all new media components of the notice campaign

- banner display ads, Twitter, Facebook, or Google and niche websites.

Trilogy will change either:

- a) graphics, (pictures, content, colour, etc);
- b) key words (headline, content); or
- c) location.

Trilogy will evolve, through its three testing principles, the notice program every two weeks based on the success rate of conversions from quantified data provided by the multiple platforms. Trilogy's media program monitors and quantifies reach and penetration in each component of the notice program during each phase of the notice plan based on performance data. Trilogy's three testing principles will apply to all new media components of the notice campaign - banner display ads, Twitter, Facebook, or Google and niche websites.

Trilogy will change either:

- a) graphics, (pictures, content, colour, etc);
- b) key words (headline, content); or
- c) location.

### **Objective Analysis**

***Programmatic Analytics*** will be conducted in tiers and adjusted accordingly to narrow the focus of the target market after we analyse and quantify the data pertaining to penetration rates based on click-through rates.

***Contextual Targeting*** ensures that content of the digital banner adverts directly correlates to the content of the web page the user is viewing. It has been reported that adverts running on sites with related content were 61 percent more likely to be recalled than adverts running on sites with unrelated content.

<sup>1</sup> Based on an anonymous survey of 3,000 Canadians, collected by Abacus Data from Aug. 1 to 7, 2019. Source Ryerson Leadership Lab

***Behavioural Targeting*** analyses a user's online behaviour and creates an online profile for that user. These anonymous profiles (no names, addresses, email addresses, or telephone numbers are stored) allow digital notice providers, like Trilogy, to identify the demographics and to link that information to an internet provider address to target specific demographic profiles.

***Geo-targeting*** is a method of determining the geo-location of a particular internet user and/or with a particular app downloaded onto a mobile device, smart phone or computer to provide the Notice based on that user's location or downloaded app. Similar to the information gathered via behavioural targeting, this information is also anonymous and linked to a particular internet provider address. For example, the Golf Channel app at a particular golf course for the Roundup class action or the WSJ app at King and Bay in Toronto for a securities related class action such as Concordia.

***Channel Targeting*** is simple targeting through groups of sites publishing similar content in order to reach audiences interested in specific topics.

***Search Engine Optimization (SEO)***

Trilogy utilizes sponsored programmatic advertising tools to serve advertisements relating to the Notice to residents of Canada through mobile, tablet and desktop devices. When class members are actively searching on the web or social media platforms, common words and terms related to the Greenwood litigation would trigger a sponsored programmatic advert directing users to the designated website.

**Twitter**

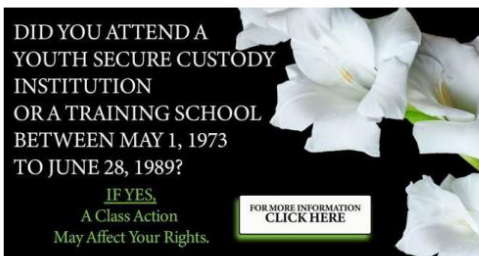
Trilogy will use Twitter to serve sponsored tweets within profiles and newsfeeds. Tweets include an image, call-to action and respective link to the Notice hosted on the designated settlement website and direct message accrued followers to further inform them and ask them to retweet account posts.

Below is an example of the use of Twitter on a current assignment:



### Facebook

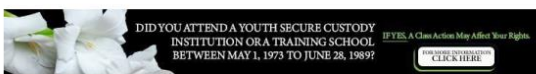
Studies regarding Facebook estimate that there are 15 million monthly active users in Canada, i.e., approximately half the population. Canadians spend an average of over 400 minutes on Facebook per month, and Canada has the highest average number of friends on Facebook at 190 per user. Empirical data demonstrates the significance and relevance of these social media sites, as social media is increasingly being relied upon by people to be informed. Facebook Behavioural Targeting monitors the behaviour of the target demographic as they engage with Facebook and ensures they are targeted at the ideal time. For example, before the opt out or opt in deadline. Below are examples of Trilogy's Facebook paid advertisements relating to current and recent assignments:



Online digital banner advertisements on media websites

Digital or online media notice advertising consists of text and display banner advertisements - also known as “digital display” advertising. The banner ad contains a headline about the basics of the class action (awareness) that allow Class Members to click through to the landing page of the designated website with the Notices (engagement) and a link to connect directly with Trilogy or Class Counsel (conversion) or the Notice.

Below are examples of banner advertisements placed by Trilogy on recent assignments:



Programmatic Advertising will be executed using historical data and re-targeting strategies to serve web-based adverts to Canadians on their mobile, tablet and computer devices. Adverts will leverage website and in-app display networks to serve adverts with a clear call-to-action and respective link to the Notice, the Opt-Out form and/or Class Counsel.

The first week is reserved for learning and refining the targeted audience. The sponsored programmatic advertisements costs and strategy are adjusted weekly or monthly depending on the requirements of the notice program. The adverts appear in-app and on websites visited by PC or mobile devices. Trilogy will help design in distinct formats. A typical campaign runs one to four weeks.

These strategies are much more cost-efficient and effective than paid print media because we are able to discern if the Notice or content was actually read and quantify the data to gauge reach and penetration of the notice program and to enhance the reach to potential Class Members.

### **Website**

Trilogy will create and register a domain name for a website specific to the *Greenwood* matter. The website will contain links to key documents (Certification Order, Notice of Certification, Opt Out form, Press Release) and can be updated to include additional relevant documents. The website will be created in French and English and all linked documents will be available in either language.

It is our practice to augment the website with frequently asked questions (“FAQs”) related to class actions and contact information relating to Class Counsel. For an example of a typical websites created by Trilogy, you can view active Notice Programs on the Trilogy website [www.trilogyclassactions.ca/active-notice-programs](http://www.trilogyclassactions.ca/active-notice-programs).

Trilogy will graphically design a designated website for the RCMP Greenwood class action. Please click-through the links to see Trilogy’s graphically designed websites for our current Notice Administrations.

<https://www.cloughleysexualabuseclassactions.ca/notice>  
<https://www.nfldsexabuseclassaction.ca/notice>  
<https://www.nfldprisonsegregation.com/notice>  
<https://www.medicalmarihuanaprivacyclassactioncanada.ca/notice>  
<https://www.invokanacanadasettlement.com/notice>  
<https://www.livanovaclassactioncanada.com/notice>  
<https://www.fsdsecuritiesclassaction.com/notice>  
<https://www.flightcentresettlement.com/notice>

Trilogy will implement a strategy for Google search results allowing the RCMP Greenwood class action designated website to be at the top of the page.



The website will be designed to be easy to navigate and the information and forms available will be easy to print or download in PDF fillable format. The website will provide Opt-Out Forms, relevant court documents, hearing dates, important deadlines, the Notice of Certification, definitions, FAQs, media and contact information for Trilogy and Class Counsel;

**3. Describe what safeguards will be put in place to secure the information and prevent privacy breaches (whether internal or external).**

Trilogy has not had a data or privacy breach in its fifteen (15) years in operation. Trilogy has multi-layered disciplines and procedures in place to secure Class Members' confidential information and to prevent privacy breaches.

Trilogy Class Member data bases are password protected, encrypted, and exchanged through secure portals. For example, as Class Member data is referred to the printer for processing, it is uploaded into a secure portal that is password protected and access is limited to key personnel. This method of transferring Class Member data is far more secure than by sending by email.

Trilogy's email and file storage network is secured on the Citrix platform through TruPoint Technologies ("TruPoint"). The TruPoint platform has been engineered with the highest levels of encryption, authentication, ransomware protection, and disaster recovery. Email data collection, storage and processing practices all have security measures to protect against unauthorized access, alteration, disclosure or destruction of each Users personal information and data stored. TruPoint's platform has Enterprise-grade security that includes SSAE-16 SOC 2 Certified Data Centres. TruPoint provides 7/24 support services to Trilogy. Access to Trilogy email and file storage requires a two-stage authentication process.

Citrix is a well-known IT services and security provider. Citrix's real-time security analytics proactively detect and resolve security threats. It is continuously monitored and managed by TruPoint personnel to detect and stop security breaches. Trilogy manages its websites and claims administration portals on a separate platform through a company called OVH in Canada. The purpose of this is to create an IT "Switzerland" for all Class Member data. Meaning, the email platform is held separate and apart from our servers that hold our online claims administration platform. Thus, if the email platform is compromised, Class Member data held on the servers are not at risk. The OVHcloud meets the highest standards certifications. Its Public Cloud Databases benefit from multiple certifications including ISO 27001.

Trilogy is a Canadian owned and operated company. Hence, Trilogy's staff and operations are in Canada. Class Member's data remains in Canada. Unlike some other claims administration firms owned by American corporations, which have core operations and administration staff in the United States, Trilogy manages Class Member data within Canada's borders. On all engagements, Trilogy complies with the standards set out in the Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5 in connection with the collection of confidential information. Trilogy, as Notice Administrator and Opt-Out Administrator, will ensure the protection and encryption of all data received and follow documented

technical security standards set by NIST Cybersecurity Framework guidelines (available at <https://www.nist.gov/cyberframework>), including controls such as system hardening, encryption, antivirus, malware protection and a regular patching protocol.

All Trilogy employees and contractors, as a condition of employment or term of service, commit to preserving the privacy and confidentiality of all information they become aware of working at or for Trilogy. Any information provided by or regarding Class Members will be kept strictly confidential and will not be disclosed except to appropriate persons to the extent necessary to process Opt-Out forms or as required by law or the Court.

**4. Describe how you will deal with any potential privacy or security breach.**

Trilogy's management reviews cybersecurity each and every morning, including weekends. As previously stated, our systems and platforms are monitored by Citrix and Trupoint and OVH and We Think Solutions. Please find enclosed some samples of emails management receives with regards to cybersecurity issues.

"An attempt was made to log in to your account from the following [REDACTED]

This login attempt came from an unusual location, so for security reasons, we are contacting you to check that this login attempt was indeed you.

If you did attempt to log in from this location, please go to <https://ca.ovh.com/auth>, then enter the following code to confirm you are responsible for the login attempt.

Do not give this code to anyone under any circumstances, whether orally, by email or by SMS."

The OVHcloud Team

"We have just detected an attack on IP address [REDACTED]

In order to protect your infrastructure, we vacuumed up your traffic onto our mitigation infrastructure.

The entire attack will thus be filtered by our infrastructure, and only legitimate traffic will reach your servers. The OVHcloud Team

"We are no longer able to detect any attack on IP address [REDACTED]

The OVHcloud Team

**5. Describe how you will manage and report on the opt-out process.**

**GENERAL PRINCIPLES OF THE OPT-OUT ADMINISTRATION**

**Trilogy's Opt-Out Administrator Duties and Responsibilities**

Trilogy, as the court-appointed Opt-Out and Objection Administrator ("**O&O Administrator**"), will comply within the parameters as directed by the Court.

Trilogy will immediately inform Class Counsel and the Defendant of any Opt-Out Form or inquiry received.

Trilogy will graphically design the Opt-Out Form in PDF fillable format in both French and English. The Opt-Out Form may be completed and submitted electronically or printed and submitted in paper-based format by regular mail, scanned and emailed, couriered, or faxed.

Trilogy will populate the designated class action website page with the Opt-Out Form (English and French) along with instructions to complete and return the Opt-Out Form.

Trilogy has a specially designated toll-free telephone line (1-877-406-5302) where Class Members can call and speak directly with Trilogy's staff to ask questions or receive more information about the class action litigation in either English or French. Trilogy's staff answer the telephone. Trilogy does not outsource these functions to outside call centres.

Trilogy will continue to maintain its designated fax service at 416-342-1761;

Trilogy will established the email addresses [inquiry@RCMPclassactions.ca](mailto:inquiry@RCMPclassactions.ca) , [opt-out@RCMPclassactions.ca](mailto:opt-out@RCMPclassactions.ca) and [objections@RCMPclassactions.ca](mailto:objections@RCMPclassactions.ca) where Class Members can email to ask questions or receive more information about the Notice of Certification and opting out in either English or French.

Trilogy will establish a designated post office mailbox where Opt-Out Forms, supporting documentation and/or any correspondence and documents related to the action can be sent.

Trilogy will implement an opt out process in which putative Class Members are identified by a Class Member Number only. There will be one master list of Opt-Out names and contact details that will be redacted when disseminated as required by Class Counsel or the Courts. All Opt-Out lists will be encrypted and password protected.

Trilogy will provide a redacted and non-redacted list of the Class Members who opted out along with our Opt-Out Administrator's affidavit report to the Court on the Opt-Out Administration pursuant to the requirements of the Court.

In some matters, Trilogy has been instructed to validate and authenticate Opt-Out Forms. This involves ensuring that the Class Member understands both the definition of opting out and the consequences. In one recent appointment as the Opt-Out Administrator, Trilogy contacted each Class Member who submitted an Opt-Out Form to confirm their understanding and intention. Alternatively, language can be incorporated into the Opt-Out Form to ensure Class Members are informed on the consequences. Some clauses we have incorporated into the Opt-Out Form include:

1. Adding one or more of the following statements to the Opt-Out form above the signature line:
  - a. I understand that by opting out, I am confirming that I forfeit my right to receive compensation from any potential judgement or settlement.
  - b. I understand that any action that I may have individually must be commenced within a specified limitation period or it can never be brought.
  - c. I understand that certification of this class proceeding suspended the running of the limitation period from the time the class proceeding was filed. The limitation period will resume running against me if I opt out of this class proceeding.
  - d. I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation period and for taking all necessary legal steps to protect any claim I may have.
2. Ask for their reason for Opting Out: Please explain you reason(s) for opting out. The Administrator may contact you to verify your statement.
3. Random audits: Please be advised that the Opt-Out Administrator may contact you directly to verify your understating of opting out and validate your Opt-Out form.

Our fee for Opt-Out Administration is \$1,990 plus HST.

6. **Provide an estimated budget for each of the following elements costed individually, assuming that the Notice and Opt-Out periods will run concurrently for 60 days starting mid-September 2022:**
7.
  - a. **Direct mail notification program - first class mail through Canada Post;**
  - b. **Direct email notification program;**
  - c. **Effectuating the proposed external notice program;**
  - d. **Print and/or digital banner advertisements in each of the newspaper publications and/or their websites listed in Annex A based on timing (weekday, weekend), size, and any other relevant factors;**
  - e. **Opt-Out Administration and affidavit for the Court reporting on the Opt-Outs – both a redacted version for the affidavit and a sealed copy for the Court and Counsel.**
  - f. **Affidavit for the Court reporting Trilogy's compliance with the Order and Court approved Notice Plan.**

Description	Language	Coverage	Estimated Budget (excl. HST)
Direct Mail Program (postage \$0.93 x44,666= \$41,539.38 and \$8,277.43)			\$49,816.81
Direct email			\$3,900
<b>Print and Digital Media:</b> 1/3 page, Front Section, Saturday Edition <b>Digital Banner Advertising:</b> cost per 100,000 impressions except Globe			
The Globe and Mail Print (weekend edition)	English	National	\$34,289
The Globe and Mail Digital (\$2,500 per 115,000 impressions)			\$2,500
National Post Print	English	National	\$3,759
Post Media Digital (\$2,000 per 100,000 impressions)			\$10,000
La Presse (online only)	French	National	\$8,624
Digital Banner Advertisements (\$2,400 per 100,000 impressions)			\$2,400
Vancouver Sun Print (weekend edition)	English	Vancouver	\$6,540
Vancouver Sun Digital (part of Post Media Digital)			
Victoria Times Colonist Digital (\$1,250 per 50,000 impressions)	English	Victoria	\$2,500
Kelowna Daily Courier Digital (\$250 for 50,000 impressions)	English	Penticton	\$500
Prince George Citizen Digital (\$800 per 50,000 impressions)	English	Prince-George	\$1,600
Calgary Herald Print (weekend edition)	English	Calgary	\$2,821
Calgary Herald Digital (part of Post Media Digital)			
Winnipeg Free Press (weekend edition)	English	Winnipeg, Brandon	\$2,108
Winnipeg Free Press Digital (part of Post Media Digital)			
Toronto Star (weekend edition)	English	Ontario	\$11,057
Toronto Star Digital	English		\$2,500
Ottawa Citizen Print (weekend edition)	English	Ottawa	\$3,245
Ottawa Citizen Digital (part of Post Media Digital)			
The Chronicle Herald – Halifax Print (weekend edition)	English	Halifax	\$1,779
SaltWire Network Digital (\$6,000 per 500,000 impressions)			\$2,000
St. John's Telegram – NL Print (weekend edition)	English	St. John's	\$957
St. John's Telegram Digital (part of SaltWire Network)			
Whitehorse Daily Star Digital (\$275 for 49,000 impressions)	English	Whitehorse	\$550
NNSL Digital (\$1,424 for 100,000 impressions)	English	Yellowknife	\$1,424
Facebook banner ads – suggested budget			\$5,000
Twitter banner ads – suggested budget			\$5,000
Google banner ads – suggested budget			\$5,000
Opt-Out Administration			\$1,990
Translation budget (website, documents, digital adverts)			\$1,500
Website			\$990

Subtotal of above fees			\$173,850
Trilogy placement fee – 15%			\$26,077
<b>Total Budget excluding HST</b>			<b>\$199,927</b>
HST			\$25,991
<b>Total Budget</b>			<b>\$225,918</b>

**7. Provide confirmation that you will be able to administer the Notice Program by directly contracting and paying various media platforms for advertising, and in turn seeking reimbursement from the RCMP.**

Trilogy maintains accounts with all major print publications and social media platforms and will seek reimbursement for these expenses from the RCMP.

**8. Identify your proposed team in detail, setting out their experience and what each member will contribute to the overall notice administration process.**

**Key Team Members**

The core team that will be managing the notice administration process and the opt-out administration will consist of the following Trilogy staff members:

**Paul Battaglia, President, and Founder of Trilogy Class Action Services**

Paul Battaglia is the Founder and President of Trilogy, a Canadian owned and operated firm since 2009. Trilogy specializes in class action and restitution claims administration with expertise in the design and implementation of notice plans to reach putative class members in class action litigation and restitution to victims of crime.

Paul Battaglia established Trilogy after 23 years in the financial services industry. Mr. Battaglia's designations include Personal Financial Planning (PFP), Society of Estate and Trust Planners (TEP), Canadian Securities Course and CPH and Insurance Licensed (all non-active) and a B.A. in Law from Carleton University.

Paul Battaglia's core responsibilities will include the following: manage the team; confirm pricing of the Notice Plan; oversight on compliance with the Court impose Administrator's duties and responsibilities pursuant to the Certification Order; remit payment to media properties and third-party vendors; negotiate pricing and placement of media buys, complex conversations and communication with Class Members.

**Sarah Lockie, Project Manager,**

Sarah's core responsibilities will include the following: graphic design of the Opt-Out ads and Opt-Out Form, formatting the Notice for publication; graphic design of the website; project management of the direct mail, email and text notification programs; answering the telephone – Trilogy staff answers calls directly from Class Members; management of digital and social media.

**Dan Morin, Adjudicator,**

Dan's core responsibilities will include the following: answering the telephone in either French or English; responding to emails from Class Members requesting basic information– more complex inquiries will be referred to Paul Battaglia, Bob Ferguson or Sarah Lockie; support as required. Dan assists with correspondence to Class Members in French and English.

**Sandra Ferguson, Adjudicator,**

Sandra's core responsibilities will include the following: receipt of Opt-Out Forms and follow up where required; responding to Class Member Opt Out inquiries; creating list of Class Members who opted out and preparing same for submission to Class Counsel, the Defendant and for the reporting affidavit to the Court; answering the telephone; data management of Class List;

**Ariane Desnoyer, Associate**

Ariane was an original employee when Trilogy started fifteen years ago. Ariane Desnoyer is bilingual from Northern France and was educated in Paris, France. She is a lawyer by training (France) (non-practicing) and is responsible for the translation of legal and court documents, responds to calls and emails from Class Members in French and adjudicates Claim Forms. Ariane most recently translated Court documents at the request of the Federal Court with regards to the Medical Marijuana/Marijuana Certification Notice Program (June 2022).

**9. Provide confirmation that the members of the proposed team are bilingual or that there are team members available to communicate with class members in both English and French.**

As noted above, both Dan Morin and Ariane Desnoyer are bilingual and are capable and available to provide support and communicate with Class Members in both English and French.

**10. Advise whether you are able to provide translation services for all documents and sites, including the rates for same.**

Trilogy confirms that it has the staff and resources to provide translation services for all documents, websites, the Opt-Out Form, banner advertisements and the like. Please refer to 8 and 9 above respectively for bilingual staff expertise. The estimated budget includes \$1,500 as an allowance for translation of the website and related documents. Actual costs are based on the complexity of the documents and information being translated.

**11. Identify if any subcontractors will be needed.**

Trilogy relies on the support of two key contractors: We Think Solutions (“WTS”) and Allegra Printing.

**We Think Solutions:** We Think Solutions is an IT company based out of Orangeville, Ontario. WTS has been a subcontractor of Trilogy since inception. It provides web-based services such as domain registrations, personnel to build, maintain and populate content for Trilogy’s class action websites. WTS also manages Trilogy’s email and text notification programs. Some of WTS staff are located in St. Lucia and the Philippines.

Even though WTS staff may help manage the websites or participate in the email or text notification programs, it is important to note that Class Member data is held within Trilogy’s servers in Canada.

**Allegra Printing:** Allegra printing is a company based out of Pickering/Ajax, Ontario. Allegra will be subcontracted for Trilogy’s printing and mailing of the Notice.

**12. Confirm that you have no conflict of interest and do not foresee any potential conflict. If you have identified a conflict or a potential conflict, propose a mechanism that you expect will satisfy the parties and the Courts that you may still act as a notice administrator in these circumstances.**

Neither Trilogy nor its key employees have any conflicts of interest that would prevent Trilogy from being appointed as the Notice Administrator, Opt-Out Administrator or Claims Administrator.

**13. Provide any further information that might assist the parties’ decision to recommend your appointment as notice administrator.**

Trilogy is a Canadian-owned and operated private company located in St. Catharines, Ontario, with a verifiable track record executing Notice Plan mandates for both provincial and federal Courts. All employees are located in Canada. Trilogy has a dedicated server for collecting and storing electronic information relating to its engagements and that servers are located in Canada.

**Conclusion**

The estimated cost is calculated at \$225,918 (direct cost of Notice Plan, Trilogy’s 15% placement fee and HST). We will confirm the publications for placement of notices and their respective pricing at the time of publication.

Please feel free to contact me directly at 416-886-7752 or [paul@trilogyclassactions.ca](mailto:paul@trilogyclassactions.ca) if you have any questions, require further information, or need to discuss further.

Sincerely,



*Paul Battaglia*

**Trilogy Class Action**

Services, 117 Queen Street,  
P.O. Box 1000, Niagara-on-  
the-Lake, ON, L0S1J0

Cell: 416-886-7752, Office: 416-644-3088, Ext. 316

Toll Free: (877) 400-1211

[Paul@trilogyclassactions.ca](mailto:Paul@trilogyclassactions.ca)

## Appendix A – Experience

### Trilogy Claims Administrator and Notice Provider Recent Appointments

1. **CarePartners (Data Breach):** Settlement Notice Provider and Claims Administrator (2022);
2. **Medical Marijuana (Privacy Breach):** Certification Notice Provider (2022);
3. Newfoundland and Labrador Youth Secure Custody Institution or Training School (Sex Abuse):  
Certification and Settlement Notice Provider and Claims Administrator (2019-2022);
4. **Newfoundland and Labrador Prison Solitary Confinement (Human Rights):**  
Certification Notice Provider (2021);
5. **LivaNova (Medical Device):** Certification Notice Provider (2021);
6. **Invokana (Medical Injection):** Certification and Settlement Notice Provider and Claims Administrator (2021-2022);
7. **Allied Nevada Gold Corp. (Securities):** Settlement Notice Provider and Claims Administrator (2021- 2022);
8. **CTS of Canada (Employment):** Settlement Notice Provider and Claims Administrator (2020-2021);
9. **Flight Centre Travel Group (Canada) (Employment):** Settlement Notice Provider and Claims Administrator (2020-2022);
10. **FSD Pharma, Inc. (Securities):** Certification and Settlement Notice Provider and Claims Administrator (2020-2022);
11. **Gauthier v. Baazov (Securities):** Notice Provider and Opt-Out Administrator (2020-2021);
12. **RPC1 et al v. The Attorney General of Canada, The Commissioner(s) of Nunavut and Northwest Territories (Sex Abuse):** Certification Notice Provider (2020);
13. **Blythe Academy (Employment):** Settlement Notice Provider – email, text and mail (2019-2020);
14. **Amaya (Securities):** Settlement Notice Provider and Claims Administrator (2020-2022);
15. **Lenovo (Consumer):** Claims Administrator (2020-2022);
16. **Namaste Technologies (Securities):** Settlement Notice Provider and Claims Administrator (2020-2022);
17. **Concordia International Securities:** Claims Administrator (2018-2022);
18. **TD Securities:** Certification Notice Provider (2019);
19. **Expedia Hotel Fee:** Certification Notice Provider – email notification program (2019);
20. **TD Coin Counter:** Certification and Settlement Notice Provider and Claims Administrator (2019);
21. **Partners REIT Securities:** Certification and Settlement Notice Provider and Claims

Administrator (2018- 2019);

**22. Allerject Medical Device:** Certification and Settlement Notice Provider and Claims Administrator (2019);

**23. Yaz & Yasmin:** Certification Notice Provider (2018);

**24. Detour Gold Securities:** Certification and Settlement Notice Provider and Claims Administrator (2017- 2018);

**25. Megabyte Information Fraud:** Consumer fraud notice program for restitution payments (2018);

**26. Oil Careers Fraud:** Consumer fraud notice program for restitution payments (2017);

**27. Alysena 28:** Certification and Settlement Notice Provider and Claims Administrator (2017-2018);

**SCHEDULE “F”**

**OPT-OUT FORM**

*Greenwood and Gray v His Majesty the King, Court File No.: T-1201-18*

**RCMP BULLYING, INTIMIDATION AND HARASSMENT CLASS ACTION**

*This is not a claim form.  
Submitting this form **EXCLUDES** you from the Class Action.  
Do not use this form if you wish to remain a part of the Class Action.*

To Opt Out of the Class Action, you must sign and deliver, by mail or by email, this form to the Notice Administrator at the address below, received or postmarked no later than **5:00 p.m. E.S.T. on November 23, 2022:**

Trilogy Class Action Services  
117 Queen Street  
P.O. Box 1000  
Niagara-on-the-Lake,  
ON L0S 1J0  
<https://www.trilogyclassactions.ca/>  
inquiry@trilogyclassactions.ca

**PERSONAL INFORMATION**

Name Date of Birth (Day/Month/Year)

Alias/Other Names, Pre-Married Name

Street Name and number Apt. Number, PO Box or RR#

City/Village Province/Territory Postal Code

Phone Number Email Address Regimental # (if applicable)

Position (i.e. regular member, civilian member, special constable, reservist)

**DATE AND LOCATIONS WORKED WITHIN THE RCMP**

Dates	Locations	
		1

**SCHEDULE "F"**

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REASON FOR NOT WANTING TO BE PART OF THE CLASS ACTION (OPTING-OUT)

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**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**SCHEDULE “G”**

**FORMULAIRE D’EXCLUSION**

*Greenwood et Gray c Sa Majesté le Roi, No. du dossier de la Cour: T-1201-18*

**RECOURS COLLECTIF CONTRE L’INTIMIDATION ET LE HARCÈLEMENT DE LA GRC**

*Ceci n’est pas un formulaire de réclamation..  
Soumettre ce formulaire vous **EXCLUT** du recours collectif.  
N’utilisez pas ce formulaire si vous souhaitez faire partie de ce recours collectif.*

Pour vous retirer de ce recours collectif, vous devez soumettre ce formulaire d’exclusion en ligne à ●  
ou signer et envoyer ce formulaire au fournisseur de services de notification à l’adresse suivante,  
pour qu’il soit reçu ou postdaté au plus tard à **17h00 (HNE) le 23 novembre 2022**:

Trilogy Class Action Services  
117 rue Queen  
Case postale 1000  
Niagara-on-the-Lake (Ontario)  
L0S 1J0  
<https://www.trilogyclassactions.ca/>  
inquiry@trilogyclassactions.ca

**INFORMATION PERSONNELLE**

Nom	Date de naissance (Jour/Mois/Année)
-----	--

Alias/autres noms, nom avant mariage

Nom et numéro de rue	No d’Apt., Case postale ou #RR
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Ville/Village	Province/Territoire	Code Postal
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No de Téléphone	Adresse courriel	# de Régiment (le cas échéant)
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Position (i.e. membre civil, policier, gendarme spécial, réserviste)

**DATES ET LIEUX TRAVAILLÉS À LA GRC**

Dates	Lieux
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**SCHEDULE "G"**

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RAISON POUR NE PAS VOULOIR FAIRE PARTIE DU RECOURS COLLECTIF

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**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_