***Francis v. Ontario* / *Chandra v. Ontario* – Summary of Revisions**

The parties to two class action lawsuits (*Francis v. Ontario* and *Chandra v. Ontario*) regarding the use of Administrative Segregation at provincial Correctional Institutions, have reached a proposed settlement and claims protocol (the "**Protocol**") that is subject to court approval. A complete copy of the Protocol is available here.

A hearing for Court approval of a previous version of the Protocol was scheduled for August 11, 2022. The hearing was adjourned, and a hearing seeking Court approval of the Settlement and revised Protocol has now been rescheduled for September 22, 2023.

Notices containing details of the Protocol were disseminated in the summer of 2022. Some of the details of the Protocol were renegotiated by the parties after the hearing was adjourned. The major changes to the Protocol since the summer of 2022 include new terms which will:

1. Simplify and streamline the processes for:

    a. Determining eligibility and calculating damages for Class Members with placements of 15 or more consecutive days in Administrative Segregation alone (see Track 2, Box 1, sections 10.12 – 10.17 of the revised Protocol);

    b. Determining eligibility and calculating damages for Class Members with a Serious Mental Illness who were placed in Administrative Segregation (see Track 2, Box 2, sections 10.18 – 10.25 of the revised Protocol); and

    c. Determining eligibility and calculating damages for Class Members who were placed in Administrative Segregation with a listed psychological injury or condition, called a Box 3 Condition (see Track 2, Box 3, sections 10.26 – 10.36 of the revised Protocol);

2. Set out the methods for giving Class Members who are incarcerated in Ontario Correctional Institutions access to the lawyers working on the class actions (see section 5.11 of the revised Protocol);

3. Enable Class Members to describe their placements in Administrative Segregation and to contest the Administrative Segregation records that Ontario kept for them, if they believe that the records are inaccurate or incomplete, through a process for resolving disputes about their eligibility for aggregate damages or about the length of their placements (see sections 7.5, 7.11, 10.4 – 10.9 of the revised Protocol);

4. Establish a process for calculating and paying aggregate damages awards after the end of the claims period (see section 7.12 of the revised Protocol);

5. Clarify the relationship and fee arrangements between the lawyers working on the class actions and the Class Members who make claims under the Protocol (see sections 2.1 – 2.5 of the revised Protocol);

6. Provide additional opportunities to narrow or resolve disputed issues through more streamlined processes, to identify ineligible claims, and to facilitate the early assessment

and resolution of claims (see sections 6.4, 7.5 – 7.6, 7.11, 8.1, 8.8-8.11, 10.1, 11.1 – 11.2, 11.5 of the revised Protocol),

7. Specify the means and methods of giving Class Members notice of the settlement and Protocol, if approved by the Court (see sections 5.1 – 5.20);

8. Set out a process for people claiming on behalf of the estates of deceased Class Members (see Schedule “A”, pages 47-49 of the revised Protocol).

At the September 22, 2023 hearing, the Court will consider whether to approve the revised Protocol.