

Île-à-la-Crosse School Class Action Lawsuit

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1. What's a class action lawsuit?

A class action is a type of lawsuit where a small group of people sues on behalf of a larger group of people who have similar legal claims, instead of each person suing on their own.

The larger group of people is called the "Class". If you fit into the description of the Class, you're automatically included in a class action lawsuit unless you decide to "opt out" (which means to exclude yourself).

The smaller group of people, who represent the Class's legal interests and make decisions on behalf of the Class, are called the representative plaintiffs.

2. What is this lawsuit about?

The Île-à-la-Crosse Boarding School (also sometimes called the Île-à-la-Crosse Mission School, the Île-à-la-Crosse residential school, or just the "Île-à-la-Crosse School") operated from around 1860 to 1975-76. It was one of the first boarding schools in Canada established for Indigenous children. The students were primarily Métis, as well as First Nations children from Northern Saskatchewan.

This proposed class action lawsuit is called *Gardiner v The Attorney General of Canada and the Province of Saskatchewan* (Court File Number KBG 936 of 2025). There was another proposed class action lawsuit about the Île-à-la-Crosse School (*Aubichon v The Attorney General of Canada and the Province of Saskatchewan* – this was the lawsuit started in 2005 by the Merchant Law Group), but the two actions have now been combined and there's only one lawsuit moving forward.

The plaintiffs in this case are Survivors and Intergenerational Survivors. In the claim, they argue that the Governments of Canada and Saskatchewan contributed to the funding, oversight, management, and control of the Île-à-la-Crosse School. They argue that Canada and Saskatchewan were obligated to care for the students who attended the School, and that the Governments failed to protect them from harm, so the Governments should pay compensation to the Survivors. These allegations have not been proven in Court.

Both Canada and Saskatchewan have acknowledged that Survivors of the Île-à-la-Crosse School suffered cultural harms and, in some cases, abuses.

3. Who is included in the lawsuit?

There are two types of Class Members:

- (1) **Survivor Class:** a person who was alive on December 9, 2003, and who attended as a student or for educational purposes at the Île-à-la-Crosse School during the class period, including day students/“day schoolers”.
- (2) **Family Class:** All persons who are a spouse, parent, child, grandchild, or sibling of a Survivor Class Member.

This lawsuit is limited to things that happened at, or because of, the Île-à-la-Crosse School and residence from when it opened until it closed around 1975-76 (that is the “class period”). This includes things that happened at temporary facilities that were used when the School or residence were shut down because of damage, before 1975-76.

4. What if I or my family members only attended the Rossignol School?

This lawsuit doesn't include anything that happened at the Rossignol School that has been run by the Île-à-la-Crosse School Board since 1975-76.

5. What is in the proposed settlement with Canada?

Canada has agreed to pay \$27.335 million for “Experience Payments”, to reflect that Survivors all experienced harmful effects from attending the School. Each Survivor will get an Experience Payment of either:

- up to \$10,000 for a Survivor who attended the School for one to four school years; or
- up to \$15,000 for a Survivor who attended the School for five or more school years.

This includes partial school years, no matter how short the part was.

Experience Payments are for all Survivors (or their estates or heirs, if they died on or after December 9, 2003). They are not for Family Class Members.

If there isn't enough money to pay all the Experience Payments in full, each Experience Payment will be reduced proportionately. If there's money left over, the rest of the \$27.335 million will go to the Legacy Fund.

In addition to the \$27.335 million for Experience Payments, Canada has agreed to pay \$10 million to establish a Legacy Fund.

The Legacy Fund will be used for projects that promote healing, wellness, reconciliation, education, Indigenous language preservation, and/or commemoration for Survivors, their families and communities.

Canada will also pay up to \$5 million for the costs of implementing and providing notice to the Class about the settlement agreement.

The legal fees to be paid by Canada are \$8,500,000 plus tax, inclusive of disbursements, and will not come out of the Experience Payments or Legacy Fund. The lawyers negotiated the legal fees separately from the settlement with Canada, and Canada will pay them separately. Part of these fees will be paid to the Métis Nations-Saskatchewan to reimburse legal fees that it advanced for the prosecution of this lawsuit.

If you would like to read a full copy of the Settlement Agreement with Canada, you can access it online at www.ILEXSettlement.ca or receive a copy by emailing info@ILEXSettlement.ca or calling 1-833-700-7458.

Compensation is not yet available. A judge needs to approve the settlement before anyone can submit a claim for compensation.

On **March 30 and 31, 2026**, there will be a hearing at the Court of King's Bench in Saskatoon, where the judge will decide whether to approve one or both of the proposed settlements. The test for approving a settlement is whether it is fair, reasonable, and in the best interests of the class. The judge might approve one settlement, both settlements, or neither settlement. The judge can't change the proposed settlements; she can only decide whether to approve them or not.

6. What is in the proposed settlement with Saskatchewan?

Saskatchewan has agreed to pay \$40.2 million to settle the lawsuit against it.

The \$40.2 million will be split up as follows:

- to pay legal fees and settlement administration costs;
- to pay compensation to students who experienced serious physical abuse or sexual abuse at the Île-à-la-Crosse School; and, if any amount remains, then
- to top up Experience Payments only for boarding/residential students (Survivors who stayed overnight in the residence).

Compensation for serious physical abuse or sexual abuse claims will be paid out at four different levels, ranging from up to \$50,000 to \$235,000, depending on how often and how severe the abuse was, and how severe its effects have been on the Survivor. If there is not enough money to pay all the abuse Survivors the full amount allocated to the abuse levels, then each abuse compensation payment will be reduced proportionately.

Abuse compensation payments are for all eligible Survivors (or their estates or heirs, if they died on or after December 9, 2003). They are not for Family Class Members.

The amount of the Experience Payment top-up will depend on how much is paid out in serious physical abuse or sexual abuse claims. The top-up payment will only be for Survivors (or their estates or heirs) who were boarding/residential students, to reflect the additional harms they endured at the Île-à-la-Crosse School residence, and will be paid proportionately based on the number of years each student attended the School.

For settlement administration, it's estimated that \$1 million will be needed for additional costs of administering this settlement, which will be paid from the settlement money. The legal fees will also be deducted from the settlement money because this settlement is "all-inclusive" (unlike the settlement with Canada). The lawyers will be asking the court to approve legal fees for this settlement in the total amount of \$8.5 million, including all taxes and disbursements.

You can read a full copy of the Settlement Agreement with Saskatchewan online at www.ILEXSettlement.ca or you can email info@ILEXSettlement.ca or call 1-833-700-7458 to get a copy.

Compensation is not yet available. A judge needs to approve the settlement before anyone can submit a claim for compensation.

On **March 30 and 31, 2026**, there will be a hearing at the Court of King's Bench in Saskatoon, where the judge will decide whether to approve one or both of the proposed settlements. The test for approving a settlement is whether it is fair, reasonable, and in the best interests of the class. The judge might approve one settlement, both settlements, or neither settlement. The judge can't change the proposed settlements; she can only decide whether to approve or not.

7. How will I get compensation if one or both of the settlements is approved?

If the judge approves one or both settlements, the people who can get compensation (Survivors, their estate representatives, or their heirs) will submit a claim form. There will be a deadline of

one year to claim for an Experience Payment, and a deadline of two years to claim for abuse compensation.

The claim form isn't ready yet, but it will be as simple and straightforward as possible. The lawyers for both sides and the Claims Administrator (the company that's going to be reviewing the applications) all recognize the serious nature of the harm that students endured at the Île-à-la-Crosse School. If one or both settlements are approved by the judge, the settlements will be implemented in a way that respects Survivors' trauma and minimizes, wherever possible, the hardship of submitting a claim. There will be free supports available throughout the claims process, including legal advice, mental health supports, language supports in Cree, Dene and Michif, and accessibility accommodations (e.g. assistance with transforming oral evidence into a written claim).

For more information about how the claims process will work, you can read the Settlement Agreements online in the Documents section or at www.ILEXSettlement.ca.

8. Can a claim be submitted for a Survivor who died AFTER December 9, 2003?

For Survivors who were alive on December 9, 2003, but have died since then, claims for Experience Payments and/or abuse compensation can be submitted by their estate representatives or heirs. The requirements for submitting a claim on behalf of a deceased Survivor are included in the Estates Protocol, which is set out in the Settlement Agreements.

If a claim by a deceased Survivor is approved, compensation will be paid to their estate, to be distributed by the estate executor/administrators. If the Survivor died without a will, and there was never an estate administrator appointed, then the compensation will go to the Survivor's living heirs, who will be their spouse, or their children if they didn't have a spouse when they died, or their siblings if there are no living children, based on the Estate Protocol, if the heirs can prove the Survivor's claim.

9. Can a claim be submitted for a Survivor of Île-à-la-Crosse who died BEFORE December 9, 2003?

No. Claims under this settlement are limited only to those Survivors of Île-à-la-Crosse who were alive on December 9, 2003, their estate representatives, or their heirs.

This does not mean that Survivors who died before December 9, 2003 did not suffer harm, or that their experiences are not worth remembering. Saskatchewan law makes it challenging to bring a lawsuit based on the types of harms addressed in this class action if a Survivor has died.

The December 9, 2003, date is two years before the first class action about the Île-à-la-Crosse School was started. A similar two-year limit has existed in settlements of other class actions on behalf of survivors of institutions that harmed Indigenous peoples.

Descendants of Survivors who died before December 9, 2003, may still benefit from the programs and initiatives supported by the Legacy Fund, which will be established if the settlement with Canada is approved. The Legacy Fund will be used for projects that promote healing, wellness, reconciliation, education, Indigenous language preservation, and/or commemoration for Survivors, their families and communities. Canada will pay \$10 million into the Legacy Fund (plus any leftover money from the Experience Payments fund).

10. I am a member of the Family Class. Am I entitled to compensation from the settlement?

If you are a member of the Family Class, you are not entitled to an Experience Payment or abuse compensation. However, you may be the recipient of a Survivor's compensation if they passed away after December 9, 2003, depending on the administration of their estate and your relation to the Survivor.

- If the Survivor passed away after December 9, 2003, their compensation would go to the Survivor's estate, where it will be distributed by the estate executors or administrators.
- If the Survivor passed away after December 9, 2003, without a will and no estate administrator was ever appointed, compensation will go to the Survivor's living heirs, who will be their spouse, or their children if they didn't have a spouse when they died, or their siblings if there are no living children, based on the Estate Protocol if the heirs can prove the claim.

Members of the Family Class may also benefit from the programs and initiatives supported by the Legacy Fund, which will be established if the settlement with Canada is approved. The Legacy Fund will be used for projects that promote healing, wellness, reconciliation, education, Indigenous language preservation, and/or commemoration for Survivors, their families and communities. Canada will pay \$10 million into the Legacy Fund (plus any leftover money from the Experience Payments fund).

11. Do I need to be Métis to be eligible to make a claim under the settlement?

No. This settlement applies to anybody who meets these criteria:

(1) Survivor Class: a person who was alive on December 9, 2003, and who attended as a student or for educational purposes at the Île-à-la-Crosse School between 1860 and 1976, including day students/“day schoolers”, and not including anybody who only attended the Rossignol School run by the Île-à-la-Crosse School Board.

(2) Family Class: All persons who are a spouse, parent, child, grandchild, or sibling of a Survivor Class Member.

12. What is the Steering Committee, and what is its role in this class action?

The Île-à-la-Crosse Boarding School Steering Committee is a not-for-profit association that advocates for the collective interests of the Île-à-la-Crosse School Survivors. The twelve members of the Steering Committee were chosen through an election process that took place with the administrative assistance of the Métis Nation-Saskatchewan. The members of the Steering Committee are all Survivors or Intergenerational Survivors.

In addition to the plaintiffs in the class action, who are also members of the Steering Committee, the Steering Committee has been active in representing and advocating for the interests of Survivors in the litigation and negotiation processes.

13. Will I have to pay legal fees?

Survivor Class Members and Family Class Members will not have to pay any legal fees out-of-pocket. The claims process is designed so that you don't need a different lawyer to participate. Free assistance will be available from the lawyers for the plaintiffs, who have been working on this class action over the years.

14. How much are the lawyers being paid?

The plaintiffs' lawyers have been working for reduced fees, or no fees, for the years since the lawsuit was started, based on an agreement that they would receive a “contingency fee”. A contingency fee means that a percentage of any financial success in the lawsuit for the Survivors would be set aside for the lawyers' fees. This is how most class action lawsuits work in Canada.

If the settlements are approved, the plaintiffs' lawyers will ask the judge to approve their legal fees request:

- \$8.5 million, plus taxes, to be paid by Canada separately from the Canada settlement money; and
- \$8.5 million, all-inclusive, to be paid by Saskatchewan from the Saskatchewan settlement money.

The judge may approve the fees as requested, award a different amount, or not award any fees. She will make her decision based on what is fair, reasonable. None of the legal fees described in this section will be paid until and unless the judge approves them.

15. Is the money for the lawyers' fees coming from the settlement?

Legal fees for the plaintiffs' lawyers that relate to the settlement with Canada will not come out of the Experience Payments or Legacy Fund. There will be no deductions at all from the Experience Payments or Legacy Fund. The lawyers negotiated legal fees separately, after the Settlement Agreement was already finalized, and Canada will pay whatever legal fees are approved by the judge directly to the plaintiffs' lawyers.

The settlement with Saskatchewan is different: it's "all-inclusive", meaning that any legal fees approved by the judge that are paid by Saskatchewan will come out of the \$40.2 million settlement fund. They will be deducted first from the total fund, so that there will be no deduction from any individual award of compensation.

16. What are honoraria?

In class actions in Saskatchewan, the lawyers may request an honorarium award (payment) for plaintiffs or Class Members who make a substantial contribution to the litigation. The honorarium is a symbolic recognition of those contributions.

The judge may approve the honoraria as requested, award different amounts, award some people but not others, or not approve any honoraria at all. She will make her decision based on what is fair, reasonable, and in the best interests of the Class Members. No honoraria will be paid unless the judge approves them.

17. Is the money for honoraria coming from the settlement?

Any honoraria that are approved by the judge will be paid by Canada directly. The money will not come out of the Experience Payments, Legacy Fund, or settlement with Saskatchewan. There will be no deductions at all from the compensation to be received by Class Members. The lawyers negotiated an agreement to fund the honoraria separately with Canada, after the Settlement Agreement was already finalized.

18. What happens next?

On **March 30 and 31, 2026**, there will be a hearing at the Court of King's Bench in Saskatoon, where the judge will decide whether to approve one or both of the proposed settlements. The test for approving a settlement is whether it is fair, reasonable, and in the best interests of the class. The judge might approve one settlement, both settlements, or neither settlement. The judge can't change the proposed settlements; she can only decide whether to approve them or not.

If the judge approves a settlement with only one Government, it will end the lawsuit against that Government. If the judge approves both settlements, it will end the whole lawsuit.

The judge will also decide whether to approve the legal fees requested by the plaintiffs' lawyers (and whether they're fair and reasonable). The judge can change the amount of fees, so she might approve the request, reduce the request, or not approve the request at all.

If the settlement is approved, there will be a notice distributed to Class Members which will explain the details for making a claim.

19. What are my rights and options?

1. Do nothing

If you agree with the proposed settlements, the legal fees requested by the plaintiffs' lawyers, and the honoraria requested for the plaintiffs and members of the Steering Committee, you don't have to do anything now. If the judge approves one or both settlements, you'll get more information about what happens next and how to apply for compensation.

If you don't want to be part of the lawsuit at all (in other words, you want to "opt out" and be excluded, so that you have the right to start your own individual lawsuit), there will be time to do that after the approval process. You don't need to do anything right now if you plan to opt out. Details about how to opt out will be included in the notice if one or both settlements are approved by the court, and will be available on www.ILEXSettlement.ca.

2. Object to one or both settlements or the legal fees request

If you don't agree with either the proposed settlement with Canada or with Saskatchewan, or the amount of legal fees requested by Class Counsel, or the honoraria requested for the plaintiffs and members of the Steering Committee, and you don't want the judge to grant her approval, you can make an objection to let her know that you object. The judge will read or listen to all the objections and consider them as part of her decision.

To submit an objection in writing, you have to fill out an Objection Form and send it to the Claims Administrator by March 15, 2026. The Objection Form is online [here](#) or you can email info@ILEXSettlement.ca or call 1-833-700-7458 to get a copy.

To make an objection directly to the judge during the hearing, you can come to court in person, online, or over the phone on **March 30-31, 2026**. You're free to share however you feel about the proposed settlements, the legal fees request, and/or the honoraria requests.

To confirm that you plan to speak during the hearing online or over the phone, please email info@ILEXSettlement.ca or call 1-833-700-7458. This is so that the Claims Administrator can send you the link or phone number before the hearing.

3. Attend or watch the hearing.

If you want to watch the settlement approval hearing, you can watch in person at the courthouse at **520 Spadina Cres E, Saskatoon**, on **March 30-31, 2026, starting at 10 a.m.** There will also be a link to watch online.

20. How can I watch the settlement approval hearing online?

To get the link to watch or to speak online, check www.ILEXSettlement.ca, email info@ILEXSettlement.ca or call 1-833-700-7458 after **March 24, 2026**. The settlement approval hearing will begin at **10 a.m.** on **March 30-31, 2026**.

21. I want to speak directly to the judge about the settlements or lawyers' fees. How can I do so?

Survivors or Family Class Members who want to speak directly to the judge can come to court in person or online on **March 30-31, 2026**. You're free to share however you feel about the proposed settlements, the legal fees request, and the honoraria requests.

To get the link to watch or to speak online, check www.ILEXSettlement.ca or email info@ILEXSettlement.ca or call 1-833-700-7458 after **March 24, 2026**.

22. How do I get more information?

For more information about the proposed settlements, visit www.ILEXSettlement.ca or email info@ILEXSettlement.ca or call 1-833-700-7458.

If you'd like to speak with a lawyer, the plaintiffs' lawyers can also give you more information. There's no cost for speaking with them about the class action or the proposed settlements.

Sotos LLP

55 University Avenue, Suite 600

Toronto, ON M5J 2H7

Email: namaya@sotos.ca

Phone: 1-888-684-5545 (toll-free)

Goldblatt Partners LLP

20 Dundas Street West, Suite 1039

Toronto, ON M5G 2C2

Email: esmith@goldblattpartners.com

Phone: 1-855-214-7557 (toll-free)

Merchant Law Group LLP

2401 Saskatchewan Drive, Suite 100

Regina, SK S4P 4H8

Email: ilex@merchantlaw.com

Phone: 306-271-2896