



CLASS ACTION INFORMATION

XAT'SULL FIRST NATION WOULD LIKE TO UPDATE YOU ON THREE CLASS ACTION LAWSUITS CONCERNING: DRINKING WATER, RESIDENTIAL SCHOOL AND CHILD WELFARE. THIS BOOKLET WILL PROVIDE FURTHER INFORMATION ON ALL THREE AND CONTACT INFORMATION SHOULD YOU HAVE ANY QUESTIONS.

Drinking Water Class Action

Canada has settled a class action lawsuit to address the harms from longterm drinking water advisories existing in First Nations communities across Canada.

The \$8 billion settlement, which the Court has approved, includes:

- \$1.8 billion to impacted First Nations and individuals.
- \$50 million for eligible individuals who experienced

Specified Injuries due to drinking water advisories that lasted at least one year in the specified period

- \$6 billion to support construction, upgrading, operation and maintenance of water infrastructure on First Nations Land

The settlement also refers to a Canada's commitment to

an Action Plan for the lifting of all long-term Drinking Water Advisories in First Nation communities, planned modernization of legislation, the creation of a First Nations Advisory Committee on Safe Drinking Water and support for First Nations to develop their own safe drinking water by-laws and initiatives.

What does it mean for Xatsúll Members?

There's potential benefit for individual members if you lived on reserve from August 8, 2001 to September 27, 2002 or from September 17, 2004 to November 4, 2005, when there was a drinking water advisory at Xatsúll.

The opt out period for individuals to opt out of the class action has passed. Xatsúll members who lived on reserve on the applicable dates and did not opt out of the

class action are now part of the settlement.

Compensation may be available for Xatsúll members who make a claim, including:

- Persons under disability
- Minor children
- Members who lived on reserve during the applicable time but passed away
- Individuals who experienced injuries related to one of the

two above advisories.

To learn more information about the class action or to apply as an individual member, please visit firstnationsdrinkingwater.ca/index.php/making-a-claim/

If you have questions about individual compensation under the settlement, please contact counsel@firstnationsdrinkingwater.ca or call 1-833-265-7589.

What does it mean for Xatsúll First Nation?

In addition to compensation for individual members, First Nations can also join the settlement to receive compensation on behalf of the nation.

- If Xatsúll chooses to agree to the settlement, it would mean:
- Xatsúll will receive a base payment of \$500,000
- Xatsúll will receive an amount equal to 50% of the total damages (paid in

installments), not including specified injuries to applicable individuals

Xatsúll has until December 2, 2022 to make a decision on whether to join the settlement. There will be further discussion about the band joining. If you have questions about this please contact Chief Sheri Sellars at 250-267-7464 or Band Administrator Norman Champagne at 250-989-2323 ext. 106.



Residential School Class Action

Tk'emlúps te Secwépemc and the shíshálh Nation (representative plaintiffs) have brought a class action against Canada that seeks damages on behalf of:

- Individual Day Scholars (people who attended Residential Schools but did not sleep there

overnight) and their descendants

- Bands that had students attend Residential Schools and that suffered, amongst other harms, a loss of the Band's language and culture as a result of Canada's establishment, operation and management of Resident

Schools.

The individual claims of the day scholars has been settled by Canada. If you'd like more information about how to make a claim, either as a day scholar survivor or as one of their descendants, please go to www.justicefordayscholars.com.

Xatsúll has joined the Band part of the class action

Xatsúll has joined the Class Action along with at least 101 other bands and so are now part of the band class.

The Class Action hasn't yet been resolved and is continuing to be

litigated in the Federal Court of Canada. The case is currently scheduled to go to trial in September 2022 in Vancouver to address liability issues (who is held responsible).



What does Xatsúll Joining the Band Class mean?

By joining the Class Action, Xatsúll has agreed to the decisions made in the case.

Now that Xatsúll has opted in:

- It gains the possibility of getting money or other benefits that may come from a trial or settlement but gives up any rights to sue about the same legal claims as this lawsuit.
- If any damages are awarded,

Xatsúll may need to take further action in order to receive those benefits, but it will benefit from the findings of the common issues trial.

- Xatsúll does not have to initiate its own lawsuit, meaning it doesn't have to instruct counsel, pay legal fees, retain experts etc.
- Despite opting in, Xatsúll is not required to pay counsel's

legal fees.

- Xatsúll does not need to play an active role in the litigation and is not involved in making day-to-day decisions regarding the lawsuit, including potential settlement.
- Opting into this lawsuit will not impact any benefits or services Xatsúll may receive from the Government of Canada.

Further questions?

If you have questions about why Xatsúll decided to opt in, please contact Chief Sheri Sellars at 250-267-7464 or Band Administrator

Norman Champagne at 250-989-2323 ext. 106.

For any questions about the case, call 1-888-370-1045.

Child Welfare Class Action

Another class action that may impact Xatsúll members and the Band deals with Indigenous children who were taken into care by child welfare services. This settlement of this class Action is being negotiated.



Background

This class action is related to the First Nations Child & Family Caring Society and AFN's human rights complaint against Canada for discriminating against First Nations Children by underfunding child and family services on reserve.

On Jan. 26, 2016, the Canadian Human Rights Tribunal substantiated the discrimination, and ordered Canada to immediately reform the FNCFS Program. In 2019, the CHRT order compensation to address First

Nations children on reserve taken into care. Two related class action lawsuits were also filed, including by the AFN, seeking compensation for the underfunding of the FNCFS Program. In fall 2021, Canada agreed to enter into negotiation so settle the class actions. On December 31, 2021, the AFN, the Government of Canada, and other parties reached two Agreements-in-Principle (AIP)—one on compensation and one on long-term reform.

In the compensation AIP, \$20 billion has been agreed to for compensating individuals who have been discriminated against in the FNCFS Program and Jordan's Principle. This compensation is not yet available.

To find out more about whether you might be able to receive compensation, when it becomes available, go to www.fnchildcompensation.ca/

Long Term Reform

The Assembly of First Nations' negotiations Canada will be guided and informed by engagement with First Nations.

The AFN will meet with leadership and First Nations to hear

their views on reform.

The AFN has shared the AIPs with Chiefs and First Nations. Once there is a Final Settlement Agreement on long-term reform, it will be shared with the AFN

Chiefs-in-Assembly. the AFN are aiming for this to take place by the AFN Annual General Assembly in July 2022, or at a Special Chiefs Assembly called for this purpose at a later date.