

**ROYAL WINNIPEG BALLET SCHOOL and BRUCE MONK
CLASS ACTION**

**NOTICE OF SETTLEMENT APPROVAL and
CLAIMS PROCESS**

If you were a student at the Royal Winnipeg Ballet School (RWB) at any time between 1984 and 2015, and you were photographed by Bruce Monk while you were a student, then you are entitled to make a claim for a payment from the settlement of this class action.

PLEASE READ THIS NOTICE CAREFULLY.

**YOU MAY NEED TO TAKE PROMPT ACTION TO RECEIVE A PAYMENT IN
THIS SETTLEMENT.**

Summary

The Ontario Superior Court of Justice has approved the settlement of a class action lawsuit against the RWB and Bruce Monk (Monk). The class action is called *Doucet v. Royal Winnipeg Ballet and Monk*, Court File No. CV-16-564335-00CP.

The Class includes:

All persons who attended the Royal Winnipeg Ballet School (the "School") from 1984 to 2015 and who, while enrolled at the School, were photographed by Bruce Monk in a private setting (the Student Class),

including a subclass of:

All members of the Student Class whose intimate photographs taken by Bruce Monk were posted on the internet, sold, published or otherwise displayed in a public setting (the Privacy Subclass); and

All dependents of members of the Student Class, as defined by section 61 of the *Family Law Act*, R.S.O. 1990, c. F.3 (the Family Class).

If you previously opted out of this class action, then you are not a Class Member, even if you fit the above definition, and you are not entitled to receive a portion of the settlement funds.

The class action alleged that, from 1984 to 2015, Monk was an employee of the RWB and improperly photographed RWB students in a private setting and, on some occasions, he sexually assaulted the students. Monk also posted intimate images of the students onto the internet and/or sold the photographs. The class action included several legal claims, including claims that Monk's conduct was a breach of fiduciary duty, that the Defendants were negligent, and that the RWB was liable for Monk's misconduct and that it failed in its duty to protect the well-being of its students.

The RWB has agreed to pay the all-inclusive amount of \$10,000,000 (the "Settlement Fund") to settle the class action, in return for releases and a dismissal of the class action. The Settlement Fund includes \$1,000,000 for court costs, which has been allocated towards Class Counsel's legal fees.

The Court has approved payment of Class Counsel's legal fees and disbursements in the amount of \$2,260,000 plus HST of \$292,500. The fees, exclusive of HST, are 22.5% of the total Settlement Fund. These amounts will be deducted from the Settlement Fund, and paid to Class Counsel.

The Class Proceedings Fund will also be paid \$716,500 as its levy for providing financial support to this proceeding.

The Settlement Agreement is a compromise of disputed claims. The RWB and Monk have not admitted liability or wrongdoing. The Defendants deny that they are liable to the Class. Had a settlement not been reached, the action would have proceeded to a trial in February 2022.

This Notice provides a summary of the Settlement Agreement. The full Settlement Agreement may be viewed at: <https://www.rwbclassaction.ca/> or at: <https://waddellphillips.ca/class-actions/royal-winnipeg-ballet-class-action/>.

IMPORTANT

If you are a Class Member, you have until **February 28, 2023**, to make a claim for a payment from the Settlement Fund. If you do not make a claim **by February 28, 2023**, then you will not qualify to receive a payment from the Settlement Fund. You will not be allowed to make your own claim against the RWB or Monk, as the Settlement provides them with a full and final release on behalf of all Class Members.

BASIC INFORMATION

1. Why is there a Notice?

This action was certified as a class action by court order dated June 27, 2018.

The parties entered into a settlement on November 15, 2021. The Court has now approved the Settlement Agreement, finding that it is fair, reasonable, and in the best interests of the Class.

Class Members may now make a claim to receive a portion of the Settlement Fund.

2. What are the settlement benefits?

The RWB will pay \$10,000,000 (the "Settlement Fund") in full and final settlement of all claims made against both the RWB and Monk in the class action. The Settlement Fund has been allocated first to pay the Class Counsel fees approved by the Court in the amount of \$2,552,500, then the levy payable to the Class Proceedings Fund of \$716,500, a payment to the provincial & territorial health insurers of \$50,000, and the costs of administering the settlement. The rest will be paid to the Student Class Members who make a claim for compensation **before the claims deadline of February 28, 2023**.

In return, the Defendants have received a comprehensive release from the Class and the class action has been dismissed.

The net Settlement Fund will be distributed by an independent Claims Administrator, based upon the rules set out in the Distribution Protocol, which is Schedule "F" to the Settlement Agreement. The Settlement Agreement, including the Distribution Protocol, can be viewed at <https://www.rwbclassaction.ca/> or at <https://waddellphillips.ca/class-actions/royal-winnipeg-ballet-class-action/>.

Student Class Members who complete a valid claim form before the claims deadline of February 28, 2023, will be “Eligible Student Class Members”. They may be eligible to receive one or more of the following payments:

A. The Health Services Fund

Any Eligible Student Class Member may make a request for a payment from the Health Services Fund. Its intended purpose is to reimburse Eligible Student Class Members for past counselling expenses or to pay for future counselling expenses in respect of the harms arising from being photographed by Bruce Monk. No proof of harms or of how the payments will be used is required.

One payment of \$1000 will be paid immediately to each Eligible Student Class Member who requests a payment from the Health Services Fund, until the total \$500,000 Health Services Fund is fully disbursed or until all Eligible Student Class Members have been finally determined by the Claims Administrator, whichever is first.

B. The Student Fund

The Student Fund will make up the majority of the net Settlement Fund and will also include any undisbursed funds from the Health Services Fund and the FLA Fund.

Eligible Student Class Members will have their claims assessed by the Claims Administrator, which will assign a point total to each claim, on the following basis:

- i. If the Eligible Student Class Member was touched by Bruce Monk in the genital, buttock, and/or breast areas during the photo shoot while they were either unclothed or partially unclothed, and their photos were published on the internet or elsewhere without the Eligible Class Member’s consent: 7 points.
- ii. If the Eligible Student Class Member was touched by Bruce Monk in the genital, buttock, and/or breast areas during the photo shoot while they were either unclothed or partially unclothed, or their photos were published on the internet or elsewhere without the Eligible Class Member’s consent: 6 points.
- iii. If Bruce Monk took photos of the Eligible Student Class Member while they were unclothed, or partially unclothed, or while they were clothed but the photographs were intimate, and the Eligible Student Class Member has suffered a severe degree of harm as a result of the photo shoot, such that it has impacted on their quality of life, employability, family relationships or otherwise: 5 points.
- iv. If Bruce Monk took photos of the Eligible Student Class Member while they were unclothed, partially unclothed, or while they were clothed but the photographs were intimate, and the Eligible Class Member has suffered a significant degree of harm as a result of the photo shoot, which has impacted on their quality of life, employability, family relationships or otherwise: 3 points.
- v. If Bruce Monk took photos of the Eligible Student Class Member while they were unclothed, partially unclothed, or while they were clothed but the photographs were intimate, and the Eligible Student Class Member has suffered a moderate degree of harm as a result of the photo shoot, which has impacted on their quality of life: 1 point.

The total points allocated will be divided into the total Student Fund to determine the value of one point, and then each Eligible Student Class Member will receive a payment based upon the number of points they were allocated.

C. The FLA Fund

The close family member(s) of each Eligible Student Class Member who have been affected by the harms suffered by the Eligible Student Class Member are entitled to make a claim for compensation from the \$500,000 FLA Fund.

The Eligible Student Class Member shall designate one family member to receive a single lump sum payment of no more than \$2,500, which is to be distributed by that designated family member to the Eligible Student Class Member's family members as the designate deems fit.

3. What is this lawsuit about?

In 2016, the Plaintiffs commenced this class action against the Royal Winnipeg Ballet and Bruce Monk. The Plaintiffs alleged that, from 1984 - 2015, Bruce Monk (an employee of the RWB) took improper and intimate photographs of students in a private setting, and in some cases he sexually assaulted them, and in some cases he posted and/or sold the photographs on the Internet or published them in other locations. The Plaintiffs alleged that the RWB failed to protect its students from the actions of Bruce Monk, and that the Defendants breached their fiduciary duties owed to the Student Class Members, and that they were negligent, among other things.

The Defendants dispute these allegations and have not admitted liability.

However, the RWB has issued an [apology](https://www.rwb.org/news/article/rwb-apology-to-all-class-action-members/), which can be accessed on the RWB's website here: <https://www.rwb.org/news/article/rwb-apology-to-all-class-action-members/>.

4. Who is a member of the Class?

If you meet the Class definition, and if you did not opt out of the class action before the opt-out deadline of November 20, 2018, then you are a member of the Class. The Class definition is:

All persons who attended the Royal Winnipeg Ballet School (the "School") from 1984 to 2015 and who, while enrolled at the School, were photographed by Bruce Monk in a private setting (the Student Class),

including a subclass of:

All members of the Student Class whose intimate photographs taken by Bruce Monk were posted on the internet, sold, published or otherwise displayed in a public setting (the Privacy Subclass); and

All dependents of members of the Student Class, as defined by section 61 of the *Family Law Act*, R.S.O. 1990, c. F.3 (the Family Class).

HOW TO MAKE A CLAIM

5. How do I make a claim?

To be eligible to receive part of the Settlement Fund, Class Members must submit a completed Claim Form to the Claims Administrator, Epiq Class Action Services Canada Inc., **no later than February 28, 2023**. Claim Forms are available for download on the [Claims Administrator's website](#), and on [Class Counsel's website](#).

The completed Claim Form must be sent to the Claims Administrator at:

Epiq Class Action Services Canada Inc.

Attention: RWB Class Action

P.O. 507 – STN B

Ottawa ON K1P 5P6

Fax: 1-866-262-0816

Email: info@rwbcassaction.ca

If you have questions about how to complete the Claim Form, please contact the Claims Administrator using the details below.

If you need help completing the Claim Form, please contact Class Counsel using the details below and they will assist.

THE LAWYERS REPRESENTING YOU

6. How are Class Counsel paid?

You will not have to pay any of the fees and expenses of Class Counsel. The Court granted Class Counsel's fee request, and Class Counsel's fees and expenses have been deducted from the Settlement Fund, in the total amount of \$2,552,500, as approved by the Court.

If you require assistance in completing your Claim Form, or in answering any additional questions that the Claims Administrator may have, Class Counsel will assist you with that, for no additional fee. These services are included in the fees that have been received.

GETTING MORE INFORMATION

7. How do I get more information?

You can obtain more information about this settlement by contacting Class Counsel or the Claims Administrator using the contact details listed below.

Claims Administrator:

Epiq Class Action Services Canada Inc.

Attention: RWB Class Action

P.O. 507 – STN B

Ottawa ON K1P 5P6

Fax: 1-866-262-0816

Phone: 1-833-871-5362

Email: info@rwbcassaction.ca

Class Counsel:

Waddell Phillips PC

Royal Winnipeg Ballet Class Action

36 Toronto St., Suite 1120

Toronto ON M5C 2C5

Fax: 416-477-1657

Phone: 647-261-4486

Email: reception@waddellphillips.ca