

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) TUESDAY, THE
JUSTICE PAUL M. PERELL) 14th DAY OF DECEMBER, 2021

B E T W E E N :

SARAH DOUCET and L.K. Plaintiffs

- and -

THE ROYAL WINNIPEG BALLET (carrying on business as The Royal Winnipeg Ballet School) and BRUCE MONK Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(FIRST NOTICE APPROVAL)**

THIS MOTION made by the Plaintiffs for an Order approving the form and content of the notices of hearing for settlement approval and class counsel fee approval (the “Notices”) and the method of dissemination of the Notices was heard this day by judicial videoconference at Toronto, Ontario.

ON READING the materials filed, including the Settlement Agreement effective November 15, 2021 (the “Settlement Agreement”), and on hearing the submissions of counsel for the Plaintiffs and counsel for the Defendants;

AND ON BEING ADVISED that the Plaintiffs and the Defendants consent to this Order;

1. **THIS COURT ORDERS** that the Notice Protocol set out in Appendix “A” hereto is approved.

2. **THIS COURT ORDERS** that the Class Members shall be given notice of the hearing for settlement approval and class counsel fee approval in substantially the forms of the Notices set out in Appendix “B” hereto.

3. **THIS COURT ORDERS** that the expenses associated with translating the Notices and disseminating the Notices in accordance with the Notice Protocol may be paid by Class Counsel, and that Class Counsel shall be reimbursed for such expenses from the proceeds of any court-approved settlement made in favour of the Class, and if the settlement is not approved, then such expenses shall be part of the Plaintiffs’ costs of the proceeding.

4. **THIS COURT ORDERS** that Epiq Class Action Services is appointed as the Administrator to perform the functions set out in the Notice Plan.

5. **THIS COURT ORDERS** that the Royal Winnipeg Ballet (“RWB”) shall provide to Class Counsel a complete list, to the extent available from its records, of the names of all known Class Members, including their names, last known mailing and/or email address, the dates of enrollment at the RWB School, to the extent such information is available, and the students’ identified gender at the time of enrollment, if known (the “Student Class Member List”).

6. **THIS COURT ORDERS** that the RWB shall provide to Class Counsel all notices of certification of the action as a class proceeding that were returned to it as undeliverable, and that Class Counsel may edit the Student Class Member List to remove the addresses for all Class Members whose notices of certification were returned as undeliverable, and to add the current contact information for any Student Class Members who have contacted Class Counsel, following which the edited Student Class Member List will be provided to the Claims Administrator.

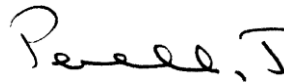
7. **THIS COURT ORDERS** that the Claims Administrator and Class Counsel shall use the information in the Student Class Member List for the sole purpose of effecting the Notice Plan and completing the settlement as contemplated in the Settlement Agreement, and for no other purpose.

8. **THIS COURT ORDERS AND DECLARES** that this Order constitutes an order compelling the production of personal information by the RWB within the meaning of any applicable privacy laws, including common law, statutes, and regulations in relation to the disclosure of personal information, and that the RWB is released from any and all obligations

pursuant to any such applicable privacy laws, in relation to the disclosure of personal information or personal health information required by this Order.

9. **THIS COURT ORDERS** that this Order does and is deemed to comply with any requirement under applicable privacy laws for the RWB to provide any notice to persons of disclosure of the information required by this Order without consent.

10. **THIS COURT ORDERS AND DECLARES** that no person may bring any action or take any proceeding against the RWB, Bruce Monk, Class Counsel, or the Administrator or any of their respective past and current officers, directors, employees, parents, subsidiaries, agents, partners, associates, representatives, predecessors, successors, beneficiaries or assigns for any matter in any way relating to the implementation of the terms of the Notice Plan.

A handwritten signature in black ink, appearing to read "Perell, J". The signature is written in a cursive, flowing style.

The Honourable Justice Paul M. Perell

APPENDIX “A” - NOTICE PROTOCOL

1. Immediately following the execution of the Settlement Agreement, the Royal Winnipeg Ballet (RWB) will provide to Class Counsel the list of all known Student Class Members, including their names, last known mailing and/or email address, the dates of enrollment at the RWB School, to the extent such information is available and known to the RWB, and the students’ identified gender at the time of enrollment, if known (the “Student Class Member List”).
2. The RWB has provided to Class Counsel all notices of certification that were returned as undeliverable. Class Counsel will edit the Student Class Member List to remove the addresses for these Class Members, update the addresses for any Student Class Members who have been in direct contact with Class Counsel, and remove all entries for individuals who have opted out of the class action. Class Counsel will provide the edited Student Class Member List to the Claims Administrator.
3. Class Counsel will publish a national press release in English and in French advising of the proposed settlement, briefly outlining the key features of the settlement, advising of the right to participate in the settlement approval process, including the right to object to the settlement, and will include a link to the Approval Hearing Notice on Class Counsel’s web page dedicated to this proceeding.
4. The Claims Administrator will deliver:
 - a) the Notice of Approval Hearing (English only) by email to any Class Member whose email address is listed on the edited Student Class Member List; and
 - b) the condensed Approval Hearing Notice (English only) by regular mail to all other individuals listed on the edited Student Class Member List.
5. The Claims Administrator will post the Notice of Approval Hearing (English and French) on its website, as well as a copy of the Settlement Agreement, and general information about the settlement.
6. Class Counsel will post the Notice of Approval Hearing in English and French, and the executed Settlement Agreement, on their firm website and on the private Facebook Group Page relating to this matter, along with a brief update advising of the proposed settlement of the action, setting out the key terms of the proposed settlement, and explaining the process for participating in the settlement approval process, including the process for objecting.
7. Class Counsel will post the particulars of the settlement approval hearing on their social media channels and include a link to their webpage containing the Notice of Approval Hearing.
8. Once filed with the court, Class Counsel will also post the Plaintiffs’ motion for settlement approval and Class Counsel’s motion for fee approval on their website.
9. The RWB will post the Notice of Approval Hearing in English and French on the News section of its website.

APPENDIX “B” – NOTICES OF HEARING FOR SETTLEMENT APPROVAL AND CLASS COUNSEL FEE APPROVAL

**IMPORTANT NOTICE ABOUT THE CLASS ACTION AGAINST
ROYAL WINNIPEG BALLET SCHOOL AND BRUCE MONK**

This Notice is for all persons who attended the Royal Winnipeg Ballet School (RWB) from 1984 to 2015 and who, while enrolled at the RWB, were photographed by Bruce Monk in a private setting.

A proposed settlement of a class action against the RWB and Bruce Monk has been reached. The Court must approve the settlement before it can go ahead. The court hearing for settlement approval will take place virtually on February 11, 2022 at 10:00 a.m. At the same time, Class Counsel will be seeking the Court’s approval for the payment of its fees from the settlement fund.

For more information about the proposed settlement, including to view the settlement agreement, or to learn more about the court hearing, please go to <https://waddellphillips.ca/class-actions/royal-winnipeg-ballet-class-action/> or <https://rwbclassaction.ca/>.

You may also call 1-888-684-5545 for more information, and reference the RWB Class Action.

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| IMPORTANT NOTICE ABOUT THE CLASS ACTION AGAINST ROYAL WINNIPEG BALLET SCHOOL AND BRUCE MONK |
| Were you a student at the Royal Winnipeg Ballet School at any time between 1984 and 2015, and were you photographed by Bruce Monk in a private setting? |
| If yes, this Notice is for you, and you are a Class Member. |
| A settlement has been reached in the class action lawsuit against the Royal Winnipeg Ballet School and Bruce Monk, and there will be a court hearing to decide if the settlement should be approved. |

If this settlement is approved, then Class Members who attended the Royal Winnipeg Ballet School and were photographed by Bruce Monk in a private setting can make a claim for compensation.

WHAT IS THIS LAWSUIT ABOUT?

This is a certified class action lawsuit called *Doucet v. Royal Winnipeg Ballet*, court file number CV-16-564335-00CP.

In the action, the Representative Plaintiffs alleged that Bruce Monk photographed RBW students in a private setting, and that many of these photographs were semi-nude or nude. Some of the photographs are alleged to have been posted on the internet. The Representative Plaintiffs alleged that the RWB was responsible at law for Monk's conduct.

Neither the RWB nor Monk has admitted liability. None of the allegations made in the class action have been proven in court. The settlement is a compromise of the parties' positions.

WHAT IS THE PROPOSED SETTLEMENT?

The RWB, on behalf of the Defendants, will pay \$10 million to settle the action. The settlement fund will be distributed to compensate all Eligible Student Class Members, taking into account the impact of the photo shoot(s) on the claimant, and whether images were posted on the internet.

The total compensation each Eligible Student Class Member will receive will depend upon both the total number of claimants, and the severity of the impacts of the photo shoot(s), as well as whether images were posted on the internet.

Each Eligible Student Class Member will be able to claim a one-time payment of CAD \$1,000 for health services (such as counselling).

In addition, Eligible Student Class Members will also be entitled to request a lump sum compensation for their related Family Class Members, which may be valued at up to \$2,500.

Requests for any additional information or questions about the class action or proposed settlement should be directed to Waddell Phillips Professional Corporation by phone at 1-888-684-5545. Class Members may also visit the following website:

<https://waddellphillips.ca/class-actions/royal-winnipeg-ballet-class-action/>

A copy of the Settlement Agreement is posted there.

Compensation is not yet available to Class Members. If the Court approves the settlement, more information will be provided about how to make a claim.

If the settlement is approved, the class action will be dismissed in its entirety. The RWB and Monk will receive a release from all Class Members, whether the Class Member receives compensation or not. This means that no Class Members will be able to sue the RWB or Monk in the future for any harm or damage suffered as a result being photographed by Monk while they were students.

Class Counsel are requesting that \$2,250,000 of the settlement fund be allocated towards their contingency legal fees, taxes, and disbursements, which is equivalent to 25% of \$9 million or 22.5% of the total settlement fund. 10% of the net settlement fund, after deduction of legal fees and expenses, will also be paid to the Class Proceedings Fund, which provided financial support to enable the prosecution of the class action lawsuit.

WHAT'S NEXT?

An Ontario Superior Court judge will decide whether to approve the proposed settlement in an online hearing on **February 11, 2022 at 10:00 a.m.** The judge will decide whether the settlement is fair, reasonable, and in the best interests of the Class Members, and if the requested legal fees are fair. A request will also be made that the Court approve honoraria to be paid to the Representative Plaintiff and to other Class Members who were instrumental in bringing about the action, and prosecuting the claim for the benefit of all Class Members.

WHAT DO YOU HAVE TO DO?

You do not have to do anything at this time. You will receive another notice if the settlement is approved, that will explain how you can make a claim. If you want to audit the settlement approval hearing or make a statement to the court, you can contact us at the address below, and you will be provided with log-in information for the hearing, when it is available.

WHAT IF YOU OBJECT TO THE SETTLEMENT OR COUNSEL FEES?

If you do not think the proposed settlement is fair, reasonable, and in the best interests of the Class Members, or you object to the amount of legal fees that are being sought, you can make an objection to the Court in two ways:

- You can send in a statement, which must include your name, contact information, confirmation that you are a Class Member, and an explanation of why you object to the settlement or counsel fees. Class Counsel will file these with the Court. Statements can be sent by email or mail and must be received by **February 9, 2022** at 11:59 p.m. EST at:

reception@waddellphillips.ca

Waddell Phillips Professional Corporation
Attn: Royal Winnipeg Ballet Class Action
36 Toronto Street, Suite 1120
Toronto, ON M5C 2C5

- You can make submissions to the court in person at the settlement approval hearing. If you want to address the court, email reception@waddellphillips.ca by **February 9, 2022** at 11:59 p.m. EST. Details of how to participate in the virtual hearing will be sent to everyone who wishes to speak.

SARAH DOUCET et al.
Plaintiffs

-and- THE ROYAL WINNIPEG BALLET et al.
Defendants

Court File No.: CV-16-564335-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

**ORDER
(FIRST NOTICE APPROVAL)**

WADDELL PHILLIPS PROFESSIONAL CORPORATION
36 Toronto Street, Suite 1120
Toronto, ON M5C 2C5

Margaret L. Waddell (LSO No.: 29860U)
marg@waddellphillips.ca
Tina Q. Yang (LSO No.: 60010N)
tina@waddellphillips.ca

Tel: 647.261.4486

GILLIAN HNATIW & CO.
67 Yonge Street, Second Floor
Toronto, Ontario M5E 1J8

Gillian Hnatiw (LSO No.: 48530C)
gillian@gillianandco.ca

Tel: 416.825.5659

Class Counsel