

## **NOTICE OF CERTIFICATION**

**IF YOUR NAME WAS ENTERED ON THE BAND LIST FOR THE SAMSON CREE NATION AT ANY TIME ON OR AFTER JUNE 29, 1987 AND YOU WERE NOT PAID A *PER CAPITA* DISTRIBUTION THAT WAS MADE BY THE NATION AFTER YOU BECAME A MEMBER**

**YOU MAY HAVE LEGAL RIGHTS IN A CLASS ACTION LAWSUIT.**

**READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.**

### ***What's this about?***

The Alberta Court of King's Bench has authorized a Class Action to proceed against the Chief and Council of the Samson Cree Nation and the Samson Cree Nation (collectively, "Samson Cree Nation"). The Representative Plaintiff for the Class is Bonnie Lee Bruno. The claim alleges that the Samson Cree Nation excluded individuals who became band members pursuant to Bill C-31, from *per capita* distributions ("PCDs") that the Samson Cree Nation paid to its members from time to time after June 29, 1987 (the "Class"). The claim asserts damages, a constructive trust in favour of the Class over the unpaid PCDs and other relief for breach of fiduciary duty by the defendants and for unjust enrichment of the Samson Cree Nation. Samson Cree Nation has denied the allegations made in the claim.

The Court has also granted partial judgment in favour of the Class on some of the common issues that were certified for trial. The Court has not yet made a decision on whether any of the Class members are entitled to succeed in their claims for relief, however.

### ***Who is included?***

The Court has defined the Class as follows:

All persons whose names were recorded on the "Band List", as that term is defined by the *Indian Act*, RSC 1985, c I-5, as amended, for Samson Cree Nation maintained by the Minister of Indian Affairs and Northern Development (the "Samson Band List"), at any time on or after June 29, 1987, and from whom Samson Cree Nation withheld payment of *per capita* distributions and Special Pays at any point after the person's name was added to the Samson Band List, until August 31, 2020, or, where such person is deceased, the personal representative of the estate of the deceased person (the "Class Members").

If you are not sure whether you are a member of the Class, you should speak to Class Counsel, whose contact information is set out below.

### ***What do I need to do?***

If you are a Class Member, **you do not need to do anything to be included** in the Class Action. You will be bound by any decisions on the common issues for the Class and you will be entitled to share in any benefits that Class members may ultimately receive. It is recommended that you contact Class Counsel to confirm your contact information, however, so that they can notify you from time to time of developments in the lawsuit.

### ***What do I need to do if I do not want to be bound?***

If you do not want to be bound by the determinations that are reached in this lawsuit you must opt out of this Class Action (exclude yourself) by sending a written opt-out form, which you have signed, stating that

you opt out of the Class Action. The written opt-out form can be obtained from Class Counsel and you must return it to them by pre-paid mail, courier, fax or by email, using the contact information below:

Dentons Canada LLP  
Attention: PCD Claim  
2500 Stantec Tower,  
10220 – 103 Avenue NW  
Edmonton, Alberta T5J 0K4  
Telephone: 780-423-7235  
Facsimile: 780-423-7276  
Email: [pcdclaim@dentons.com](mailto:pcdclaim@dentons.com)

The written opt-out form must be received by Class Counsel by no later than **APRIL 26, 2024 and no Class Member will be permitted to opt out of the Class Action after that date, without the leave of the Court.** If you opt out of the Class Action you will not be represented by Class Counsel in the claim, you will not be bound by any rulings in the lawsuit and you will not be eligible to receive any benefit from its resolution.

***What are the costs to me of being part of this Class Action?***

Class Members will not be personally liable to pay any legal fees or disbursements to Class Counsel. If the Class Action is successful in obtaining a ruling that the Class Members are entitled to relief, further determination may be made including which Class Members may be entitled to benefit, and how the benefits should be distributed to those Class Members.

***Who pays the lawyers?***

If the Class Action is successful, legal costs will be deducted from the amounts recovered on behalf of the Class Members. All legal costs must be approved by the Court.

The Representative Plaintiff has retained Class Counsel to conduct the Class Action on behalf of herself and the Class on a contingent fee basis. Class Counsel will only be paid legal fees if the lawsuit is successful. If the lawsuit is successful, Class Counsel will request that legal fees be set by the Court. The Representative Plaintiff's retainer agreement with Class Counsel provides that Class Counsel will be paid a percentage of the total amount they obtain for the Class Members.

***Where can I get more information?***

Do **not** direct your questions about this Notice to the Court. They should be directed to Class Counsel, using the contact information above. More information about the Class Action can also be found at [www.SCNClassAction.ca](http://www.SCNClassAction.ca).

Do **not** contact Samson Cree Nation Chief and Council about your possible claim until after April 26, 2024, if at all. Members of Chief and Council are not allowed to speak to you about this claim until after the Notice period is over. All questions should be directed to Class Counsel.

*This Notice contains a summary of some of the terms of the Certification Order in the Class Action. If there is a conflict between the provisions of this notice and the Certification Order, including the Schedules to the Certification Order, the terms of the Certification Order shall prevail.*

**THIS NOTICE, AND DISTRIBUTION OF IT, HAS BEEN AUTHORIZED BY  
THE COURT OF KING'S BENCH OF ALBERTA**