

## **NOTICE OF CERTIFICATION OF A CLASS ACTION**

**WERE YOU ARRESTED BY A POLICE FORCE IN ALBERTA AND HELD FOR MORE THAN 24 HOURS PENDING A BAIL HEARING, BETWEEN OCTOBER 2016 AND SEPTEMBER 26, 2022?**

**This class action may affect your rights.  
Please read this notice carefully.**

### **What is this notice?**

The Court of King's Bench of Alberta (the "**Court**") has certified a class action lawsuit against the Province of Alberta. The Class Action is known as *M.S. et al. v Alberta*, court file number 1801-06296.

The Court has authorized the publication of this Notice to explain the legal rights and options of Class Members now that this lawsuit has been certified as a class proceeding.

### **Who are the Class Members?**

This class action will only affect the legal rights of Class Members. The Class Members are:

All persons arrested in Alberta from the date set out in the Eligibility Chart based on the location of their arrest, up to the date of certification, who:

- (a) did not receive a bail hearing within 24 hours of their arrest;
- (b) did not consent to an adjournment of their bail hearing within 24 hours of their arrest;
- (c) did not have their bail hearing adjourned by a justice within 24 hours of their arrest;
- (d) were not arrested or charged with an offence listed under s. 469 of the *Criminal Code*;
- (e) were granted bail at a bail hearing, or were released without a bail hearing but not until after 24 hours from the time of their arrest;
- (f) have not received a prison sentence or a sentence based upon time served as a result of charges stemming from their arrest; and
- (g) did not have their bail hearings conducted by the Public Prosecution Service of Canada or any other Federally appointed prosecutor.

Your eligibility to claim compensation depends on the date and location of your arrest in Alberta. The earliest eligibility date is October 25, 2016 for Class Members arrested in Edmonton. The Eligibility Chart setting out the eligible dates for class membership based on location of arrest is set out in truncated form as follows:

<b>Eligibility Start Date</b>	<b>Place of Arrest</b>
October 25, 2016	Edmonton
January 9, 2017	Vegreville

March 15, 2017	Drayton Valley, Edson, Fort Chipewyan, Fort McMurray, Grande Cache, Hinton, Jasper, Whitecourt
March 29, 2017	Beaumont, Breton, Camrose, Devon, Edmonton International Airport, Killam, Leduc, Maskwacis, Ponoka, Rimbey, Thorsby, Wetaskiwin
April 12, 2017	Bassano, Bow Island, Brooks, Medicine Hat, Redcliff
April 26, 2017	Beaverlodge, Blairmore, Blood Tribe Nation, Cardston, Claresholm, Crowsnest Pass, Desmarais, Faust, Foremost, Fort Macleod, Fox Creek, Grande Prairie, High Prairie, Lethbridge, Milk River, Nanton, Picture Butte, Piikani Nation (Brocket), Pincher Creek, Raymond, Red Earth Creek, Slave Lake, Spirit River, Taber, Valleyview, Vauxhall, Vulcan, Wabasca, Waterton Park
May 1, 2017	Calgary
May 24, 2017	Airdrie, Banff, Beiseker, Canmore, Chestermere, Cochrane, Didsbury, Drumheller, Gleichen, Hanna, High River, Kananaskis, Lake Louise, Okotoks, Olds, Oyen, Strathmore, Sundre, Three Hills, Tsuu T'ina Nation Police Service, Turner Valley
June 7, 2017	Bashaw, Blackfalds, Bonnyville, Cold Lake, Cold Lake Military Police, Consort, Coronation, Elk Point, Innisfail, Kitscoty, Lac La Biche, Lacombe Police Service, Lloydminster, Onion Lake, Provost, St. Paul/Saddle Lake, Vermilion, Wainwright, Wainwright Military Police
June 21, 2017	Chateh, Fairview, Fort Vermilion, Grimshaw, High Level, Manning, McLennan, Peace River, Red Deer City, Rocky Mountain House, Stettler, Sylvan Lake

No matter where you were arrested, the eligibility period ends on September 26, 2022.

If you are not sure whether you are a Class Member, please contact Class Counsel at 1-888-453-7914 (toll-free) or [ABbailclassaction@phillipsbarristers.ca](mailto:ABbailclassaction@phillipsbarristers.ca) with questions. Your inquiries will be kept confidential by Class Counsel.

### **What is this class action about?**

The *Charter of Rights and Freedoms* requires that arrested persons receive a timely bail hearing, and the *Criminal Code* requires that, with very few exceptions, a person who is arrested has the right to a bail hearing within 24 hours of arrest.

This action alleges that Alberta mismanaged the province's bail system, such that from October 2016 until September 26, 2022, detainees were systemically denied their right to a bail hearing within 24 hours.

The representative plaintiff, M.S., was held more than 24 hours of arrest before appearing before a justice for a bail hearing. M.S. was ultimately granted bail, and acquitted on the charges for which he was arrested.

This class action seeks monetary compensation from Alberta for M.S. and all other Class Members who were arrested in Alberta and overheld without a bail hearing for more than 24 hours.

**The details of the claims advanced on behalf of the Class Members are set out in the Third Amended Statement of Claim. This document may be viewed or downloaded from <https://phillipsbarristers.ca/class-actions/alberta-bail-class-action/>.**

### **Do I need to do anything now?**

Everyone who fits the Class Member definition is automatically included in the Class Action and is bound by the determination of the certified common issues. The list of certified common issues can be viewed at <https://phillipsbarristers.ca/class-actions/alberta-bail-class-action/>. The resolution of the certified common issues, whether reached by settlement or otherwise and whether favourable or not, will bind all Class Members who do not opt out of this Class Action.

If you are a Class Member and want to stay as part of the Class Action lawsuit, then you do not need to do anything at this stage.

Class Members are not permitted to start or continue with their own lawsuit against Alberta about the same claims that are included in this Class Action. Class Members do not instruct Class Counsel and do not direct the conduct of the Class Action. Class Members are entitled to receive updates from Class Counsel about the progress of the Class Action.

As a Class Member, your name will not be made public. You are also not required to participate in the trial of the common issues.

### **What if I do not want to participate in this Class Action?**

To opt-out of this class action, you must send a message to Class Counsel that is signed by you and states that you are choosing to opt out of the Class Action. This message must be sent by the Opt-Out Deadline, which is June 23<sup>rd</sup>, 2026.

You can use the Opt-Out Form enclosed in this Notice, or you can write, fax or email a message to Class Counsel that includes: your full name, address, a statement that you fit within the definition of a Class Member, a statement that you do not want to be a part of this Class Action lawsuit, and your signature.

If you mail your opt-out request or Opt-Out Form, it must be postmarked by no later than [the Opt-Out Deadline date]. If you email or fax your opt-out request or Opt-Out Form, it must be time-stamped as having been sent on before 5:00 PM PST on June 23<sup>rd</sup>, 2026.

**If you have not excluded yourself from the Class Action by the Opt-Out Deadline, you will automatically be included in the Class Action as a Class Member, and cannot opt out or exclude yourself later.**

Opt-Out Forms are to be sent to Class Counsel, using the following contact information:

Phillips Barristers Professional Corporation 630 – 6th Avenue SW, Suite 600 Calgary, AB T2P 0S8 <a href="mailto:ABbailclassaction@phillipsbarristers.ca">ABbailclassaction@phillipsbarristers.ca</a> 1-888-453-7914 (toll-free) Fax: 403-775-4457
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**How much will this cost?**

Class Members **do not** have to pay any legal fees or court costs out-of-pocket.

Class Counsel have entered into a contingency fee agreement with the representative plaintiff. The contingency fee agreement provides that Class Counsel will be paid a contingency fee of 30%, along with reimbursement of disbursements (the expenses incurred in prosecuting the class action) and taxes.

The Court has approved the contingency fee agreement. The Court will have to separately approve any legal fees before they are ultimately paid to Class Counsel.

A contingency fee agreement means that, unless the lawsuit is successfully decided at trial or settled, Class Counsel will not be paid any of their fees or expenses. If the lawsuit is successful, Class Counsel will ask the Court to approve payment of their fees and expenses from any amount awarded to the Class.

Class Counsel in this action have not collected, and will never collect, any funds from individual Class Members.

**Who are the lawyers prosecuting the Class Action?**

Class Counsel are Phillips Barristers Professional Corporation and Ruttan Bates LLP. These firms are the lawyers for the representative plaintiff, M.S., and are prosecuting the action for the benefit of the Class Members as a whole. Phillips Barristers Professional Corporation has broad experience prosecuting class actions, and Ruttan Bates LLP has broad experience in criminal law.

More information about Class Counsel and their lawyers' experience is available at <<https://phillipsbarristers.ca/class-actions/alberta-bail-class-action/>>.

**What if I have more questions?**

This notice is a short summary of the Class Action. More details and important documents can be viewed at <<https://phillipsbarristers.ca/class-actions/alberta-bail-class-action/>>.

You may contact Class Counsel at:

Phillips Barristers Professional Corporation 630 – 6th Avenue SW, Suite 600 Calgary, AB T2P 0S8 <a href="mailto:ABbailclassaction@phillipsbarristers.ca">ABbailclassaction@phillipsbarristers.ca</a> 1-888-453-7914 (toll-free) Fax:403-775-4457	Ruttan Bates LLP Bradie Building 630 – 6th Avenue SW, Suite 600 Calgary, Alberta T2P 0S8 <a href="mailto:ABbailclassaction@phillipsbarristers.ca">ABbailclassaction@phillipsbarristers.ca</a> 403-237-0025
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*This notice was approved by the Court of King's Bench of Alberta. It is a summary of the terms of the certification order. If there is a conflict between this notice and the certification order, the certification order applies.*