

# RCMP MEDICAL EXAMINATION CLASS ACTION – NOTICE OF CERTIFICATION – FEDERAL COURT OF CANADA

***IF YOU APPLIED TO WORK AT AND/OR WITH THE RCMP THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.***

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## THE NATURE OF THIS CLASS ACTION

This class action seeks damages and other relief as a result of the alleged failure by the RCMP to take reasonable measures in providing the Class (as defined below) with a mandatory applicant's medical examination free from sexual assault and battery, and inappropriate and unnecessary procedures. The plaintiff claims that the defendant, Her Majesty the Queen, is vicariously liable.

## CERTIFICATION

By Order dated March 26, 2021 the Federal Court certified this action as a class action and appointed Sylvie Corriveau as the representative plaintiff. The Court also appointed Kim Spencer McPhee Barristers P.C. as Class Counsel.

The allegations made by the plaintiff have not been proven in Court. The Court has made no determination of the merits of the plaintiff's claims. The defendant may deny some or all of the allegations made by the representative plaintiff, which remain to be determined at a future trial. This notice is being provided because you may be a member of the Class whose rights may be affected by the lawsuit.

## THE CLASS

The class action has been certified on behalf of the following individuals:

- all persons who underwent an Applicant's Examination by a Designated Physician (the "Class");
- all individuals who are entitled to assert a claim pursuant to the *Family Law Act*, R.S.O. 1990, c. F.3, and equivalent or comparable legislation in other provinces and territories (the "Family Class"); and
- excluded from the Class are individuals whose Applicant's Examination occurred when they were members of the Class certified in *Janet Merlo and Linda Gillis Davidson v. Her Majesty the Queen*, court file T-1685-16 or *Tiller v. Her Majesty the Queen*, court file T-1673-17 and individuals who are or were, at the time of their Applicant's Examination, able to grieve under s. 208 of the *Federal Public Sector Labour Relations Act*, SC 2003, c 22, s 2.

Please note that this action applies only to medical examinations of Applicants.

## PARTICIPATION AND EXCLUSION FROM THE CLASS

If you are a Class Member, **you will automatically be included** in this class action and are not required to take any further steps at this stage.

If you have an ongoing lawsuit with respect to assault and/or inappropriate and/or unnecessary medical procedures suffered during a medical examination required by the RCMP as part of the employment application process to work at or with the RCMP, and you wish to participate in this proposed class action, you must discontinue your lawsuit before October 29, 2021. If you do not, you will be deemed by s. 334.21(2) of the Federal Courts Rules, SOR/98-106 to have opted out of this class action. Please contact your lawyer to discuss your options.

**IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS ACTION** ("opt out") you must deliver a written notice specifying your desire to opt out of the class action to the Notice Administrator at:

Dewar Communications Inc.  
Attn: Deborah Bowden-Jones  
9 Prince Arthur Ave., Toronto ON M5R 1B2

Notice of your decision to opt out must be received by the Notice Administrator above no later than October 29, 2021. No person may opt out a minor or mentally incapable person without permission of the Court, after notice to the Children's Lawyer or Public Guardian and Trustee, as applicable to Class Members resident in Ontario, and to comparable or equivalent entities in the other provinces and territories, as applicable to Class Members resident in other provinces and territories.

Where any Class Member opts out, that person's family members will also be deemed to have opted out. Members of the Family Class shall have no independent right to opt out.

**ANY JUDGMENT OBTAINED ON THE COMMON ISSUES IN THIS ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL OF THE CLASS MEMBERS WHO DO NOT OPT OUT OF THIS PROCEEDING.**

## FINANCIAL CONSEQUENCES

There is no cost to be a class member with respect to the common issues. If the common issues are determined in favour of the class, individual Class Member participation may be required in order to establish individual claims. If this is necessary, each member of the Class may have to bear costs of such individual proceedings. Class Members will have the opportunity at that time to decide whether to make an individual claim.

Class Counsel has entered into an agreement with the representative plaintiff with respect to legal fees and disbursements. This agreement provides that Class Counsel will not receive payment for their work unless and until the class action is successful or monies are recovered from the defendants. This agreement must be approved by the Court.

## FOR MORE INFORMATION PLEASE CONTACT CLASS COUNSEL:

Kim Spencer McPhee Barristers P.C. 1200 Bay Street Suite 1203 Toronto, ON M5R 2A5 www.complexlaw.ca	Attn: Megan B. McPhee Phone: (416) 596-1414 Email: rcmpdoctors@complexlaw.ca www.rcmpdoctorsclassaction.com
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Information can also be obtained from the website:  
www.rcmpdoctorsclassaction.com

Any questions about the matters in this Notice should **not be directed to the Court, because its administrative structure is not designed to address this type of inquiry.**