

Legal Notice re:

Federal Strip Search Class Action Certification

Were you held in a federal penitentiary between June 18, 1992 and December 31, 2024? A class action lawsuit may affect you. Please read this carefully.

A Court has approved a lawsuit as a class action for individuals incarcerated in a federal penitentiary between June 18, 1992 and December 31, 2024. *If you know a current or former inmate who cannot read this notice, please share this information with them.*

The Court has not decided whether Canada did anything wrong, and there still has to be a court case about whether Canada did anything wrong. There is no money available now and no guarantee there will ever be any money. If money or benefits are obtained, there will be notices about how to ask for your share. However, this lawsuit affects your rights, so you must make a choice now. This notice is intended to help you make that choice.

Your options

- Stay in** To stay in the class action, you do not have to do anything. You will be legally bound by all orders and judgments, good and bad, and you will not be able to sue Canada about the legal claims in this case.
- Get out** To get out of the class action, you must do so by December 28, 2025. You will not get any money or benefits from this class action (if any are awarded) but you will be allowed to start or continue your own lawsuit about the legal claims in this case (subject to any applicable time limitation periods). To be removed, send an Opt Out Form to the postal or email address below by December 28, 2025 (mail postmark date or email sent date). You can get an Opt Out Form at proactio.ca/federalstripsearch. Inmates can get an Opt Out Form by asking a CSC employee for a copy. A copy must be provided within 48 hours of any request.

How do I sign up? All individuals imprisoned in a federal penitentiary between June 18, 1992 and December 31, 2024 (the “Class”) are included automatically, unless they opt out. **You do not need to sign up to join the Class.** There is no money available now and no guarantee there will ever be any. If money is awarded, notices will be posted in prisons about how to ask for a share. To receive future notices by email or to postal addresses outside of prison, send your name, birth date, FPS number, and contact information to: proactio.ca/federalstripsearch, (844) 967-3702, federalstripsearch@proactio.ca or at the following mailing address : .

Proactio
Class action – Federal Strip Search
600 de la Gauchetière West, Suite 2000
Montreal (QC) H3B 4L8

If you are in prison and have contact information on the outside, there is no need to provide us with your name and the address of the prison you are being held in.

Questions? See the frequently asked questions on the following page or go to proactio.ca/federalstripsearch, call toll-free (844) 967-3702 or write to the above-mentioned mailing address or to federalstripsearch@proactio.ca.

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Basic Information

1. Why is there a notice?

This lawsuit has been “certified” as a class action. This means that the lawsuit meets the requirements for class actions and may now proceed to trial. If you are included, you may have legal rights and options before the Court decides whether the claims being made against Canada on your behalf are correct. This notice explains all of these things.

A judge of the Ontario Superior Court of Justice is currently overseeing this case. The case is known as *Farrell et al v Attorney General of Canada* (Court File No. CV-20-00643396-00CP). The people who sued are called the Plaintiffs. The Attorney General of Canada is the Defendant.

2. *What is this lawsuit about?*

The lawsuit says suspicionless strip searches conducted by the Government of Canada in the following circumstances are illegal and contrary to the *Canadian Charter of Rights and Freedoms*:

- (1) when leaving a prison;
- (2) when entering or leaving a secure area;
- (3) when entering a family visitation area; and
- (4) in prison-to-prison transfers.

Canada denies these claims. Among other things, the lawsuit asks for orders to stop the allegedly illegal and unconstitutional strip searches and provide compensation for those that were conducted in the past. The Court has not decided whether the Class or Canada is right. The lawyers for the Class will have to prove their claims in Court.

3. *What is a class action lawsuit?*

A “class action” is a lawsuit that is brought on behalf of a group of people who have legal claims with common issues. In a class action, a person called the “representative plaintiff” represents the interests of the group of people who are covered by the lawsuit. In this class action there are two representative plaintiffs, Michael Farrell and Kimberly Major. The people covered by a class action lawsuit are called “Class Members.” The Court resolves the common issues for all class members in one case, except for those who remove themselves from the Class.

4. *Am I a class member? How do I sign up?*

All individuals imprisoned in a federal penitentiary between June 18, 1992 and December 31, 2024 are included automatically, unless they opt out. **You do not need to sign up to join the class.**

There is no money available now and no guarantee there will ever be any. If money is awarded, notices will be posted in prisons about how to ask for a share.

To receive future notices by email or to postal addresses outside of prison, send your name, birth date, FPS number, and contact information to: [proactio.ca/federalstripsearch](mailto:federalstripsearch@proactio.ca), (844) 967-3702, federalstripsearch@proactio.ca or at the following mailing address: .

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If you are in prison and have no contact information on the outside, there is no need to provide us with your name and the address of the prison you are being held in.

Note that the definition of the class is still subject to change, which could impact whether you continue to be a member of the proposed class. Being a class member does not guarantee that you will receive compensation even if the case is successful.

5. *How can I ensure that I will receive future notices?*

See question 4 above.

6. *What are the Plaintiffs asking for?*

The Plaintiffs are asking for orders to stop the allegedly illegal strip searches, money compensation, legal fees, interest, and other relief. See the Statement of Claim for details: [Statement-of-Claim-Amended-June-27-2022.pdf](#)

7. *Is there any money available now?*

No money or benefits are available now because the Court has not yet decided whether Canada did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, there will be notices about how to ask for your share.

8. *How is the Class Proceedings Fund involved?*

The representative plaintiffs have received indemnification against adverse costs awards and support for disbursements from the Class Proceedings Fund (“CPF”), which supports class actions that affect the public interest. The CPF will receive a levy in the amount of 10% of any awards or settlements and a return of any funded disbursements. No legal fees will be owed to the lawyers for the class and no levy owed to the CPF if the lawsuits are unsuccessful.

Your Rights and Options

9. *Is there a deadline to get out of the lawsuit?*

You must decide whether to stay in the class or whether to remove yourself from the lawsuit and send in a notice by December 28, 2025.

10. *What happens if I do nothing at all?*

If you do nothing you will remain in the lawsuit. You will be bound by all Court orders, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

11. *What if I don’t want to be in the lawsuit?*

If you do not want to be in the lawsuit, you must remove yourself – this is sometimes referred to as “opting out.” If you remove yourself, you will no longer be a Class Member and will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders and you keep your right to sue Canada as an individual regarding the issues in this case (subject to applicable time limitation periods).

To be removed, send a completed Opt Out Form to the postal or email address below by December 28, 2025 (mail postmark date or email sent date). You can also get an Opt Out Form at Proactio.ca/federalstripsearch. Inmates can get an Opt Out Form by asking a CSC employee for a copy. A copy must be provided within 48 hours of any request, in the official language of the inmate’s choice.

Call (844) 967-3702 if you have any questions about how to get out of the Class.

12. *How does opting out impact time limitation periods?*

If you wish to start your own lawsuit about claims made in this class action, we recommend that you obtain advice from a lawyer about limitation periods, which are deadlines within which you must start a lawsuit. Note that section 28 of the *Class Proceedings Act, 1992* that was in force when this action was commenced reads as follows:

28 (1) Subject to subsection (2), any limitation period applicable to a cause of action asserted in a class proceeding is suspended in favour of a class member on the commencement of the class proceeding and resumes running against the class member when,

- (a) the member opts out of the class proceeding;
- (b) an amendment that has the effect of excluding the member from the class is made to the certification order;
- (c) a decertification order is made under section 10;
- (d) the class proceeding is dismissed without an adjudication on the merits;
- (e) the class proceeding is abandoned or discontinued with the approval of the court; or
- (f) the class proceeding is settled with the approval of the court, unless the settlement provides otherwise. 1992, c. 6, s. 28 (1).

(2) Where there is a right of appeal in respect of an event described in clauses (1) (a) to (f), the limitation period resumes running as soon as the time for appeal has expired without an appeal being commenced or as soon as any appeal has been finally disposed of.

The Lawyers Representing You

13. *Do I have a lawyer in the case?*

The Ontario Superior Court of Justice has appointed Elson Advocacy, St. Lawrence Barristers PC and Trudel Johnston & Lespérance to represent the Class as “Class Counsel.” You don’t have to pay Class Counsel, or anyone else, to participate. You may hire your own lawyer to appear for you, but if you do, you may have to pay that lawyer.

14. *How will the lawyers be paid?*

The lawyers for the class will be paid legal costs only if the lawsuit is successful, in an amount approved by the Court, or from a cost award for a successful motion. The fees and expenses could be deducted from any money obtained for the Class or paid separately by the Defendant.

Deciding the Case

15. *How will the court decide who is right?*

If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial or a summary judgement motion hearing that will take place in Toronto. A court would hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Attorney General of Canada is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

16. *How long will the case take?*

Class actions typically take multiple years.

17. *Will I get money if the plaintiffs win?*

If the Plaintiffs obtain money or benefits, there will be notices about how to ask for a share or what your other options are at that time. These things are not known right now. For details on how to ensure you receive those notices, see question 4 above. Important information about the case will be posted on the website, stripsearchclassaction.ca, as it becomes available.

Getting More Information

You can get more information at Proactio.ca/federalstripsearch, by calling toll free at (844) 967-3702, or writing to:

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