

COURT FILE NUMBER	2101-14285	Clerk's Stamp
COURT	COURT OF KING'S BENCH OF ALBERTA	
JUDICIAL CENTRE	CALGARY	
PLAINTIFFS	ERYN MACKENZIE, CODY BONKOWSKY and JESSE JOHN RISDON as REPRESENTATIVE PLAINTIFFS	
DEFENDANTS	THE CALGARY BOARD OF EDUCATION, THE ESTATE OF MICHAEL GREGORY and FRED HENRY ARCHER	
DOCUMENT	<u>SETTLEMENT APPROVAL ORDER</u>	
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	HMC Lawyers LLP #1000, 903 - 8 th Ave SW Calgary, AB T2P 0P7 Attention: David J. Corrigan K.C & Meagan Potier Phone: 403-269-7220 Fax: 403-269-9304 File: 2233-001 DJC	

DATE ON WHICH ORDER WAS PRONOUNCED: _____

LOCATION OF HEARING OR TRIAL: Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER: Justice M. Hollins

UPON being advised that the parties have reached a tentative settlement through a mediation process with former Justice Kristine Eidsvik, K.C; and **UPON** being advised that a joint press release advising of the settlement occurred on November 26, 2025; and **UPON** being advised that subsequent radio, television, and print interviews regarding the tentative settlement were widely broadcasted in Alberta and Canada; and **UPON** the Court considering and being satisfied that the publication of notice is sufficiently rigorous and likely to reach the class members; and **UPON** hearing representations by counsel for the plaintiffs and the defendants;

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. The Notice of Proposed Settlement attached as Schedule A to this order is approved.
2. The notice of proposed settlement shall be:
 - a. Attached to a press release by class counsel and sent to a local television and print media, as well as the National Post and Globe and Mail;
 - b. Posted on the HMC Lawyers website;
 - c. Posted on the CBE website, being cbe.ab.ca; and
 - d. Sent to all current class members.
3. The notice must stay up on the HMC Lawyers website and the CBE website until such time as the settlement approval hearing is held.
4. The settlement approval hearing shall proceed on February 26, 2026, at 2pm, before Justice M. Hollins.
5. A class member must submit a claim (the “**Claims Form**”) before 2pm, on February 26, 2026, at which time the claims period will be closed.
6. A class member’s Claims Form must be filed in accordance with the following requirements:
 - a. The claim must be submitted in writing (in English or French);
 - b. The claim must be sent by pre-paid mail, currier, or email to class counsel as follows
<https://hmclawyers.com/john-ware-school-lawsuit-information/>

David J. Corrigan, KC
djcorrigan@hmclawyers.com
403.261.3328

Meagan Potier
mpotier@hmclawyers.com
403.261.3343

Inquiries for the Calgary Board of Education may be made to:

CBE Media Relations
mediarelations@cbe.ab.ca

- c. The claim must contain all of the following information:
 - i. The claimants’ full name, current mailing address, telephone number, and email address;

- ii. The claimants years of attendance at John Ware School; and
 - iii. A brief statement of the nature and reason of the claim.
- d. The claimant must be willing to provide a sworn statement detailing the nature and impacts of the physical and/or sexual assault;
- e. The claimant must be willing to provide access to student records, medical records, and any other documents which are or may be producible under Part 5 of the Alberta Rules of Court, for use by counsel of record on a strictly confidential and privileged basis, for the purposes of evaluating the claim; and
- f. The claim must be received by class counsel on and before February 26, 2026, at 2PM.

7. At the Settlement Approval Hearing on February 26, 2026, the Court will also address the setting of counsel fees and the setting of honorariums for the class representatives.

8. Class counsel shall advise each individual class member as to their individual claim category and approximate monetary entitlement on or before March 12, 2026. These categorizations shall be determined cooperatively between class counsel and CBE counsel.

9. Should a class member wish to have their individual class categorization reviewed, they may do so by filing with class counsel a request for review on or before March 26, 2026. The review process will include:

- a. It will be conducted by a former Justice Kristine Eidsvik, K.C, between March 26, 2026, and April 27, 2026, with the final format of the review to be determined by her if the parties cannot agree;
- b. The class member who requests the review can represent themselves at the review, or hire their own lawyer to do so, at their own cost;
- c. The cost of the review will consist of the regular hourly fees billed by Ms. Eidsvik, and will be paid out by the entitlement of the class member who requested the review; and
- d. Ms. Eidsvik shall finalize the placement of any reviewed class member's claim on or before April 28, 2026.

10. The parties shall attend for final Court approval of the individual category placement of the class member on April 29, 2026, at 10:00am, or the earliest Court date available thereafter.

11. Payment to the individual class member shall occur as soon as practicable after individual Court approval referenced at paragraph 10.



Justice of the Court of King's Bench of Alberta

CONSENTED TO this ____ day of _____, 2026

HMC LAWYERS LLP



David J. Corrigan, KC / Meagan Potier
Counsel for the Representative Plaintiffs, Eryn
MacKenzie, Cody Bonkowsky and Jesse John
Risdon

CONSENTED TO this 16 day of January, 2026

DWF (ALBERTA) LLP



Cory Ryan
Counsel for the Defendant, the Calgary Board of
Education

Notice of the Proposed Settlement of the John Ware School Class Action

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS.

❖ WHO IS THIS NOTICE FOR?

If you are a former student of the Calgary Board of Education who attended John Ware School between 1988-2004 who was assaulted, sexually or physically, by **MICHAEL GREGORY and/or FRED HENRY ARCHER** (i.e. if you are a “**Class Member**”), you may eligible for compensation.

❖ WHY IS THERE A NOTICE?

A lawsuit was filed by several former John Ware School students who survived sexual and physical assault by Gregory and/or Archer on November 26, 2021.

The action was certified as a class proceeding (“**Class Action**”) under the *Class Proceedings Act*, SA 2003, c C-16.5 on January 13, 2025. In November 2025, lawyers for the Representative Plaintiffs (“**Class Counsel**”) attended a mediation with the CBE and its insurers and agreed to settle the Class Action (the “**Settlement**”).

Before distribution can take place, the *Class Proceedings Act* requires the formal “**Settlement Agreement**” to be approved by the Court at a “**Settlement Approval Hearing**”.

This purpose of this Notice is to provide information to eligible Class Members about the Settlement, the Settlement Approval Hearing, and how eligible Class Members must file an Objection or Claim.

The full Settlement Agreement, including the distribution protocol, will be posted on the HMC Lawyers LLP website at least 20 days prior to the Settlement Hearing (<https://hmclawyers.com/john-ware-school-lawsuit-information>). This Notice has been carefully reviewed by legal counsel and approved in substance by the Court. However, if there is a conflict between this Notice and the Settlement Agreement, the latter shall prevail.

❖ WHAT IS THIS CLASS ACTION ABOUT?

From 1988 to 2006, **Michael Gregory** was a physical and outdoor education teacher at John Ware School. Throughout that time, he is alleged to have sexually assaulted female students and to have physically assaulted male students. In 2006, Gregory was investigated and suspended from teaching. He was subsequently charged with multiple sexual offences but died by suicide shortly thereafter.

Fred Henry Archer was also a teacher at John Ware School throughout the 1990's. He is alleged to have sexually and physically assaulted male students during this time. Archer has denied these allegations. However, in 2009, Archer pled guilty to sexually assaulting grade 8 boys as guidance counsellor at Springbank Middle School in the 1980's. More recently, in January 2025, the Calgary Police Service announced that Archer, who was then 80 years old and living in High River, had been charged with five new counts of sexual offences in relation to two grade 7 boys at John Ware School. The proposed Settlement described herein has no impact on the ongoing prosecution of Archer's criminal charges by the Alberta Crown Prosecution Service.

The Calgary Board of Education (the “**CBE**”) is also named as a Defendant. The Class Members have alleged that the CBE is liable under the doctrine of vicarious liability (as the employer of Gregory and Archer). The Class Members also allege that the CBE failed to create a safe environment in its schools, failed to report suspected abuse, and failed to respond properly to many disclosures of abuse made to other teachers and administrators at John Ware School. The CBE denies all such allegations.

❖ THE TERMS OF THE PROPOSED SETTLEMENT

The CBE will pay \$15,770,000.00 (the “**Settlement Amount**”) in full and final settlement of all claims against the CBE in this class action. The Settlement Amount, less administration expenses, class counsel fees, interest, taxes and any other costs or expenses related to the Action or the Settlement (the “**Net Settlement Amount**”), if approved by the Court, will be distributed to the Class Members in accordance with a plan of allocation, to be approved by the Court. If the Settlement is approved, a further notice will be published which will include instructions on how Class Members can file claims to participate in the distribution of the Net Settlement Amount and the deadline for doing so. If approved, the total compensation of each Class Member will depend upon the total number of claimants, the nature of the assault, and the impacts of the assault.

The Settlement provides that, if it is approved by the Court, the claims of all Class Members which were asserted, or which could have been asserted, in the Class Action will be fully and finally released, and the Class Action will be dismissed (unless the Class Member had previously opted out).

❖ SETTLEMENT APPROVAL HEARING – WHO, WHAT, WHEN, AND WHERE

The Court will be asked to approve the proposed Settlement at a hearing to be held **on February 26, 2026, at 2:00 pm at the Calgary Courts Centre (601 5th Street SW)**. **Please note the Settlement Approval Hearing Date has been rescheduled from January 24, 2026 to February 26, 2026**. Class Members who oppose the proposed Settlement may have their opposition heard by filing an Objection in accordance with the procedure outlined further below. Even if a Class Member does not wish to make an Objection, they may still attend the Settlement Hearing and, if the Court so permits, participate in the Hearing. Class Members who consider it desirable or necessary to seek the advice of their own lawyer, or wish for a lawyer to speak on their behalf at the Approval Hearing, may retain one to do so at their own expense.

❖ COURT APPROVAL OF LAWYERS’ FEES

At the Settlement Approval Hearing, lawyers for the Class Members will also ask the Court to approve legal fees in the amount of thirty (30) percent of \$15,770,000.00, plus disbursements, plus taxes. As is customary in cases like this one, Class Counsel conducted the Class Action on a contingent-fee basis. Class Counsel has borne all of the expenses of conducting the litigation to date. This fee request is consistent with the retainer agreements entered into with the Representative Plaintiffs and dozens of individual Class Members. However, the Settlement may still be approved even if the lawyers’ fees are not approved.

❖ HOW TO MAKE AN OBJECTION

At the Settlement Approval Hearing, the Court will consider any **Objections** to the proposed Settlement by the Class Members only if the Objection meets the following criteria:

- 1) The Objection must be submitted in writing (in English or French);
- 2) The Objection must be sent by prepaid mail, courier, or email to Class Counsel (see Contact Information below);
- 3) The Objection must contain all of the following information:
 - a) The Objector’s full name, current mailing address, telephone number and/or email address;
 - b) The Objector’s years of attendance at John Ware School;
 - c) A brief statement of the nature of and reasons for the Objection; and
 - d) Whether the Objector intends to appear at the hearing on their own behalf or by counsel, and if by counsel, the name, address, telephone number, and email address of counsel;
- 4) **The Objection must be received by Class Counsel on or before February 25, 2026, at 5:00 p.m. M.S.T.**

❖ HOW TO MAKE A CLAIM

If you are a former student of the Calgary Board of Education who attended John Ware School between 1988-2004 who was assaulted, sexually or physically, by MICHAEL GREGORY and/or FRED HENRY ARCHER), then you may be an eligible “**Class Member**”.

Class Members who wish to receive compensation, and who have not opted out, must file a **Claim** in accordance with the following requirements:

- 1) The Claim must be submitted in writing (in English or French);
- 2) The Claim must be sent by prepaid mail, courier, or email to Class Counsel (see Contact Information below);
- 3) The Claim must contain all of the following information:
 - a) The claimant's full name, current mailing address, telephone number and/or email address;
 - b) The claimant's years of attendance at John Ware School; and
 - c) A brief statement of the nature of and reasons for the Claim;
- 4) The claimant must be willing to provide a sworn statement detailing the nature and impacts of the assault;
- 5) The claimant must be willing to provide access to student records, medical records, and any other documents which are or may be producible under Part 5 of the *Alberta Rules of Court*, for use by counsel of record on a strictly confidential and privileged basis, for the purposes of evaluating the Claim; and
- 6) The Claim must be received by Class Counsel on or before February 26, 2026 at 2:00 P.M. M.S.T.**

❖ CONTACT INFORMATION:

Objections, Claims, and any questions relating to this Notice shall be sent to:

HMC Lawyers LLP
#1000 – 903 8 Ave SW
Calgary, AB
Attn: Meagan Potier (mpotier@hmclawyers.com) or David Corrigan, K.C. (dcorriigan@hmclawyers.com)

Updates will continue to be posted on the HMC Lawyers LLP website at
<https://hmclawyers.com/john-ware-school-lawsuit-information/>.

Questions about matters in this Notice must not be directed to the Representative Plaintiffs or to the Court.