

Federal Court



Cour fédérale

Date: 20210210

**Dockets: T-2111-16
T-460-17**

Citation: 2021 FC 139

Ottawa, Ontario, February 10, 2021

PRESENT: The Honourable Mr. Justice Fothergill

Docket: T-2111-16

BETWEEN:

**SHERRY HEYDER
AMY GRAHAM
NADINE SCHULTZ-NIELSEN**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-460-17

AND BETWEEN:

LARRY BEATTIE

Plaintiff

and

THE ATTORNEY GENERAL OF CANADA

Defendant

**ORDER
(Supplementary Notice Funding)**

UPON the motion brought informally and in writing on behalf of the Attorney General of Canada;

AND UPON reading the materials filed, including the written consent of all parties, signed by their respective counsel and dated January 14, 2021;

AND CONSIDERING that s 3.05 of the Final Settlement Agreement executed by the parties and approved by this Court by Order dated November 25, 2019 provides that Canada shall fund the reasonable costs of the KCC/Ricepoint External Notice Program up to a maximum of five hundred and fifty thousand dollars (\$550,000.00);

AND CONSIDERING that, due to the ongoing COVID-19 pandemic and the resulting delay in the commencement of the claims process, the implementation of the notice plan has been extended over many months, and the parties have agreed to conduct a supplemental notice program in the Winter/Spring of 2021, with Canada providing up to an additional \$100,000.00 (inclusive of tax) to fund this program;

AND UPON being satisfied that it is in the interests of justice to grant the relief sought;

THIS COURT ORDERS that Canada shall fund the reasonable costs of the KCC/Ricepoint Supplementary Notice Program attached as Exhibit “A”, or as that program may

be subsequently amended by agreement between the parties, to a maximum of one hundred thousand dollars (\$100,000.00), inclusive of tax.

“Simon Fothergill”

Judge

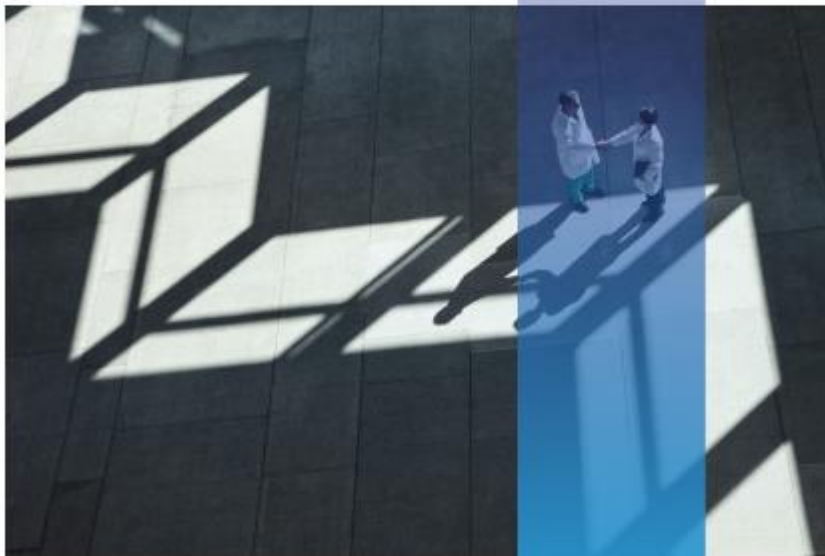
RICEPOINT
A Computershare company.



CLAIMS STIMULATION NOTICE PLAN

Heyder v. The Attorney General of Canada
January 14, 2021
RicePoint Administration Inc.

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For this Claims Stimulation effort, RicePoint recommends an investment of approximately \$88,500 (pre-tax). The total investment, with tax, will be a maximum of \$100,000.

The recommended Claims Stimulation effort includes:

- A television campaign;
- A state-of-the-art digital media campaign;
- A digital publication;
- A public service announcement;
- A multi-media press release; and
- An organizational outreach effort.

Details of the recommended effort are described below.

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TELEVISION NOTICE

Television notices in English and French targeting adults 18 years of age and older may be purchased nationally. Programming was chosen with both women 18+ and general 18+ audiences in mind and includes popular national programming and has a French-language focus in Quebec markets.

Coverage	Duration/Format	Total Ads	A18+ Impressions	Distribution
National (English)	2 weeks 30-second spots	211	8,842,700	CTV, E, History, W, and Showcase placements 208 spots Approx. viewership: 8.6 million CBC News 3 spots Approx. viewership: 227,700
National w/Quebec Focus (French)	2 weeks 30-second spots	61	2,562,200	Series+ placements 58 spots Approx. viewership: 2.48 million RDI (CBC) 3 spots Approx. viewership: 82,200
Total		272	11,404,900	

- CTV Drama, CTV Life, CTV News, E, History, Showcase, and W network programming allow for a wide reach across Canada in English
 - 106 spots week one
 - 102 spots week two
- Series+ is ranked #2 in Quebec for weekly reach and ranks highly among women
 - 29 spots per week
- CBC/RDI broadcasts in over 10 million homes across Canada in English or French
 - 1-2 spots per week

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Approximate audience distribution breakdown:

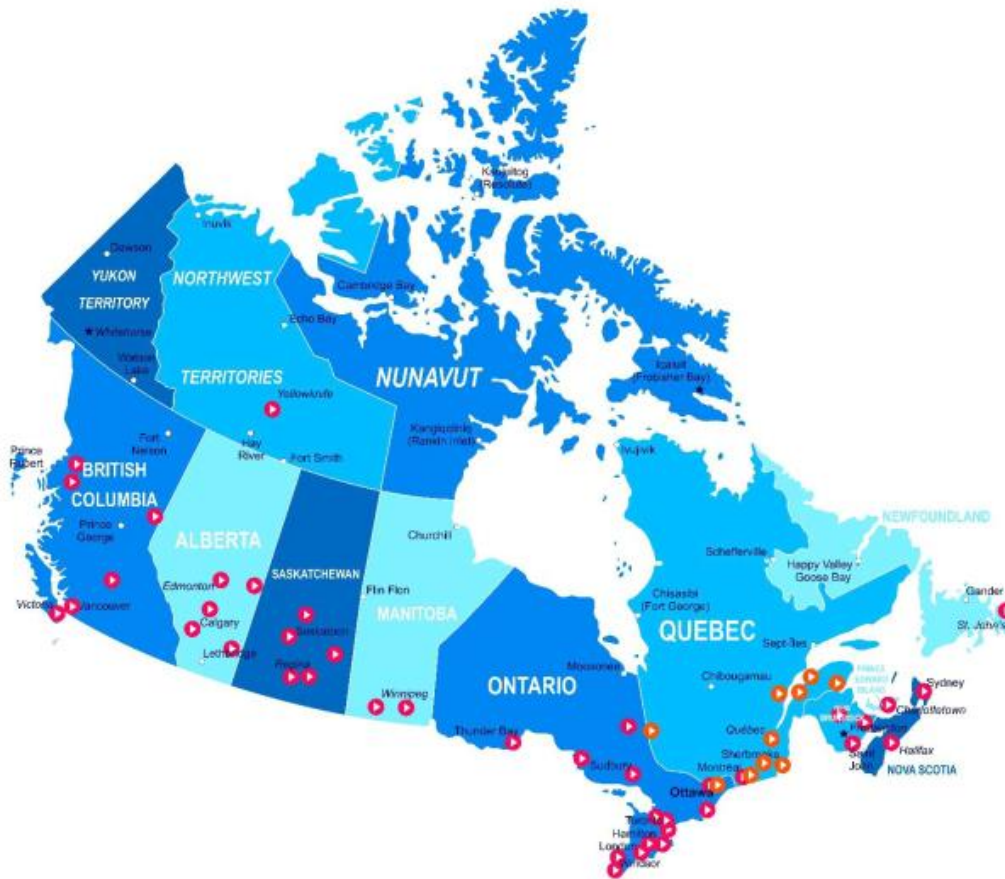
English distribution:			
Toronto/GTA	21.5%	Prince Albert	0.7%
Barrie	2.3%	Prince George/Kamloops	3.1%
Brandon	0.8%	Red Deer	1.4%
Calgary	6.9%	Regina/Moose Jaw	2.2%
Charlottetown	0.9%	Saint John/Moncton	4.5%
Dawson Creek	0.2%	Saskatoon	2.5%
Edmonton	6.9%	St. John's	2.0%
Halifax	3.5 %	Sudbury/Timmins/Sault Ste. Marie/New Brunswick	2.6%
Kingston	2.0%	Sydney	0.9%
Kitchener	4.4%	Terrace/Kitimat	0.4%
Lloydminster	0.8%	Thunder Bay	1.2%
London	4.4%	Vancouver/Victoria	8.6%
Medicine Hat	0.4%	Windsor/Sarnia	1.3%
Montreal (Eng)	2.3%	Winnipeg	5.0%
Ottawa (Eng)	3.4%	Yorkton	0.8%
Peterborough	1.7%		
French distribution:			
Montreal	49%	Rivière-du-Loup	2%
Carleton	2%	Rouyn	3%
Chicoutimi	4%	Sherbrooke	8%
Quebec City	19%	Trois Riv.	5%
Rimouski	4%	Ottawa/Gatineau (Fr)	4%

Prime time slots: 46% of total placements

Off-peak slots: 54% of total placements

*The above numbers are approximations indicative of general goals, distribution, and strategy as actual buys may vary slightly subject to seasonal availabilities on networks.

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DIGITAL NOTICE

A digital media plan, consisting of programmatic display, as well as Facebook, Instagram, Twitter and LinkedIn notices, has been developed based on the information generated during the implementation of the prior phases, as well as information supplied by the parties and claims administrator.

- Digital media impressions will be purchased programmatically and distributed over various websites, and on the social media platforms Facebook, Instagram, Twitter, and LinkedIn over a period of 30 days in English and French. The targeting will be layered to include multiple strategies to effectively reach likely Class members and encourage them to file a claim. The digital media campaign will utilize display banners and native advertising on websites, as well as native in-feed image and Stories ads on Facebook, in-feed photo and Stories ads on Instagram, Promoted Tweets on Twitter, and Text Ads on LinkedIn. IAS verification will also be utilized, where applicable, to minimize fraud.
- The campaign will:
 - Target users in both English and French, as appropriate;
 - Be layered geographically to ensure coverage nationwide, as well as provide pro rata coverage in provinces based on veteran populations;
 - Target Adults 18+ on websites that include content related to news, social issues & advocacy, LGBTQ, government, legal and military;
 - Target Adults 35+ on Facebook and Adults 18-34 on Instagram, as well as Adults 18+ who have shown an interest in, are employed by, or follow pages related to Royal Canadian Air Force, Veterans, Special forces, Armed forces, Canadian Army, Department of Defence, Government of Canada, or Canadian Armed Forces, have shown an interest in or follow pages related to rainbow flag (LGBT movement), LGBT rights by country or territory, pride, genderqueer, LGBT culture, LGBT community, LGBTQ Nation, or LGBT social movements, and/or have shown an interest in, are employed by, or follow pages related to community issues, crisis hotline, rape crisis center, social equality, initiatives to prevent sexual violence, Sexual Assault Awareness Month, National Organization for Women, National Sexual Violence Resource Center, Crisis communication, or self-healing;
 - Target Adults 18+ on LinkedIn based on company or school affiliations such as 113th Field Artillery Regimental Association Inc, 11th Field Artillery Regiment, Royal Canadian Artillery, Canadian Armed Forces, 188 Cobra Squadron, 1913 Ontario Regiment Royal Canadian Army Cadet Corps, 1st Ranger Battalion, 2 Intelligence Company, 2e Compagnie du Renseignement, 2573 6 Engineer Squadron Royal Canadian Army Cadet Corps, 2d Ranger Battalion, 3069 (1 Field Ambulance) Royal Canadian Army Cadet Corps, 30th Field Artillery Regiment, 32 Combat Engineer Regiment, 329 CFHSTC Royal Canadian Army Cadet Corps, 330 Squadron - Royal Canadian Air Cadets, 34 Combat Engineer Regiment, 538

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'Buffalo' Royal Canadian Air Cadet Squadron, 61st Communication Squadron, 77th Field Artillery Regiment Association, 9 EME REGIMENT DU GENIE CLUB DES ANCIENS SAPEURS, AMICALE ARDENNAISE DES ANCIENS DU GENIE ET DUE 3EME REGIMENT DU GENIE, AMICALE DE LA 3EME COMPAGNIE DU 13EME REGIMENT DU GENIE, AMICALE DES ANCIENS DU 406 EME REGIMENT D'ARTILLERIE ANTI AERIENNE, AMICALE DES ANCIENS DU 41E REGIMENT D'ARTILLERIE DE MARINE ET DU 41E REGIMENT D'ARTILLERIE COLONIALE, AMICALE DES OFFICIERS DU 19E REGIMENT DU GENIE, Armée de Terre 31ème Régiment du Génie, ASSOCIATION DES OFFICIERS DU 93E REGIMENT D'ARTILLERIE DE MONTAGNE, Base des Forces canadiennes Valcartier, Black Watch, Canadian Armed Forces, Forces armées canadiennes, Canadian Forces Base 9 Wing Gander, Canadian Forces Base Borden, Canadian Forces Base Cold Lake, Canadian Forces Base Edmonton, Canadian Forces Base Greenwood, Canadian Forces Morale and Welfare Services, Canadian Ranger Service, Canadian Special Operations Regiment, Canadian Special Operations Regiment Association, Collège militaire royal de Saint-Jean / Royal Military College Saint-Jean, Collège militaire royal du Canada (CMR), Department of National Defence, Dragoon ITCN, Edmonton Garrison Military Family Resource Centre, Esquimalt Military Family Resource Centre (MFRC), Forces Canadienne - Recrutement 34 Bataillon des Services du Canada, HMCS Bytown Wardroom, HMCS Discovery, HMCS Halifax, HMCS Sackville - Canadian Naval Memorial Trust, HMCS York, La Légion Royale Canadienne, Légion Royale Canadienne, Légion Royale Canadienne filiale 265, LES AMIS DE LA 5EME ESCADRE, LES EVAT DU 3E REGIMENT D'ARTILLERIE DE MARINE, Mainland BC Military Family Resource Centre, MBA Royal Military College of Canada, Military Family Resource Centre - National Capital Region, Military Family Services, Military Police Regimental Association, Military Police Regimental Association Mile High Chapter, Military Police Regimental Association The Old West Chapter, Petawawa Military Family Resource Centre, Princess Patricia's Canadian Light Infantry (PPCLI), Princess Patricia's Canadian Light Infantry Regimental Museum and Archives, RMC '81 - Royal Military College of Canada Class of 1981, Royal Canadian Air Cadet Alumni, Royal Canadian Air Cadets 521 Squadron, Royal Canadian Air Cadets 655 Squadron, ROYAL CANADIAN AIR FORCE (RCAF), Royal Canadian Air Force Association de l'Aviation royale Canadienne, Royal Canadian Army Cadet Corp 903, Royal Canadian Army Cadets, Royal Canadian Army Cadets-Bcr., Royal Canadian Legion, Royal Canadian Legion Branch 15, Royal Canadian Legion Branch 176, Royal Canadian Legion Branch 258, Royal Canadian Sea Cadets 292 Coverdale, Royal Military College of Canada/Collège militaire royal du Canada, Royal Military College Saint-Jean, The Calgary Highlanders, The Fusiliers, The Rifles, The Royal Canadian Dragoons, The Royal Canadian Legion, The Royal Dragoon Guards Network, Toronto Military Family Resource Centre, Trenton Military Family Resource Centre (MFRC), Voltigeurs de Québec Armoury, Winnipeg Military Family Resource Centre;

- o Target Adults 18+ on Twitter whose online behaviors may be similar to those of followers of accounts in the following summary categories and accounts:
 - o Sexual Assault Assistance—Men Recovering from Military Sexual Trauma (@MR_MST_ORG); It's Just 700 (@ItsJust700); Sexual Assault & Violence Intervention Services of Halton (@SAVISofHalton); Kawartha Sexual Assault Centre (@KawarthaSAC); Kenora Sexual Assault Centre (@KenoraSAC); Womens Sexual Assault Centre Renfrew County (@WSACRenfrew); Timmins & Area

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- Women in Crisis (@TAWCTimmins); Women's Support Network York Region (@WSNYorkRegion); Men and Healing (@MenAndHealing); Men and Families Center (@MenandFamiliesC); Men's Trauma Centre (@Menstrauma); Men Therapy Toronto (@mentherapyTO); Ontario Sexual Assault/Domestic Violence Network (@SADVTC)
- o Military/Veteran—True Patriot Love Foundation (@tpfoundation); The War Amps (@TheWarAmps); RCAF Association (@RCAFAssociation); Wounded Warriors Canada (@WoundWarriorCA); Royal Canadian Air Force (@RCAF_ARC); The Royal Canadian Legion (@RoyalCdnLegion); Canadian Armed Forces (@CanadianForces); Veterans Affairs CA (@VeteransENG_CA); Canadian Army (@CanadianArmy); Solder On/Compte officielle du Sans limites (@SoldierOnCAN); Royal Canadian Navy (@RoaylCanNavy); Canadian Armed Forces Operations (@CFOperations); Support Our Troops (@CDNForceSupport); Canada Army Run (@CanadaArmyRun); VETS Canada (@vetscanada); Canadian Military News (@CanMNNews); National Defence (@NationalDefence); Aviation royale canadienne (@ARC_RCAF); Opérations des Forces armées canadiennes (@operationsFC); Forces armées canadiennes (@ForcesCanada); Armée Canadienne (@Armeecanadienne); La Marine Canadienne (@MarineRoyaleCan)
 - o Men's Support—Men Recovering from Military Sexual Trauma (@MR_MST_ORG); Men and Healing (@MenAndHealing); Men and Families Center (@MenandFamiliesC); Men's Trauma Centre (@Menstrauma); Male Survivorship Partnership (@MaleSurvivorUK); ManKind Initiative (@ManKindInit); Sick Not Weak (@SickNotWeak); CAFÉ (@equalitycanada)
 - o Prevent Sexual Violence—#metoo, #moiaussi, #WeBeleiveYou, #OnVousCroit, #OnTeCroit, #IbeleiveYou, #JeTeCrois, #enough, #assez, #TimesUp, #JamaisAcceptable, #mentoo
 - o Groups for Victim Support: TBD in consultation with Counsel and the Claims Administrator
- The Digital Notices will appear on both desktop and mobile devices, including tablets and smartphones, and include an embedded link to the Claim Form portion of the settlement website.
 - The digital media campaign will be routinely monitored by KCC's digital specialists to analyze key campaign performance indicators (KPIs), such as click-through rates (CTRs) and costs per action (CPAs). This knowledge will be leveraged to allocate placements to sites that have demonstrated successful KPIs throughout the duration of the campaign.
 - Note, one of the many benefits of digital media is that the results may tracked and evaluated in real-time, allowing for the campaign to be paused or stopped at any time. For example, in the event of a substantial claims spike.

Internet Description	Targeting	% Allocation	Impressions
Google Display	Adults 18+ Selected Categories	80% English/ 20% French	3,910,000
Facebook	Adults 35+	80% English/ 20% French	2,000,000
Instagram	Adults 18-34	80% English/ 20% French	2,500,000
Facebook/Instagram	Adults 18+ Military/Veteran Targets	80% English/ 20% French	1,000,000

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Facebook/Instagram	Adults 18+ LGBTQ+ Targets	80% English/ 20% French	1,000,000
Facebook/Instagram	Adults 18+ Sexual Assault/Victim Group Targets	80% English/ 20% French	1,000,000
LinkedIn	Adults 18+ Military Company/Education Member Groups	80% English/ 20% French	50,000
Twitter	Adults 18+ Look-Alike Followers: Sexual Assault/Victim Group Accounts	80% English/ 20% French	40,000
Twitter	Adults 18+ Look-Alike Followers: Military/Veteran Accounts	80% English/ 20% French	150,000
Twitter	Adults 18+ Look-Alike Followers: Men's Support Group Accounts	80% English/ 20% French	150,000
Creative Production	English/French Ads		
		TOTAL	11,800,000

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DIGITAL PUBLICATION

Additional media will consist of a French-language mobile/tablet news platform publication.



- A Notice will appear in French via one weekday placement on the *La Presse+* tablet and mobile news platform within the legal section.
 - Average Readership
 - 186,117 unique tablets read Affaires section daily
 - 160,000 daily impressions for class action notices
 - 0.09% click-through rate for class action notices
 - Audience Profile
 - 60% are male
 - 40% are female
 - 49% have a household income of \$100,000+
 - 23% have a household income of \$60,000-\$99,999
 - 27% have a household income >\$60,000
 - 48% are professionals

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PUBLIC SERVICE ANNOUNCEMENTS

A public service announcement is a message in the public interest disseminated without charge.

- Public Service Announcements will be disseminated digitally to a variety of radio and/or television stations throughout Canada or the top five market areas. RicePoint will work directly with all stations to provide as much information as desired, including additional creative elements and possible interviews with Counsel.
 - Public Service Announcements are not paid advertising; therefore, there is no guarantee that the notices will be broadcast or otherwise disseminated by the stations.
- RicePoint will submit the Public Service Announcement to at least a dozen broadcast stations.

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MULTI-MEDIA PRESS RELEASE

A press release may be distributed nationally and include image and or video clips to entice news coverage.

- A press release will be distributed in both English and French across CNW's comprehensive Canadian Network, including CNW's social media platforms.
- An image and/or videos will be included with the release to make the story more relatable and encourage others to come forward to claim benefits.

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ORGANIZATIONAL OUTREACH

An organizational outreach is recommended to assist in word-of-mouth advertising through trusted groups.

- Information, including a Summary Notice and Digital Notices, will be sent to a variety of relevant organizational groups. The message will be disseminated digitally via email and/or online submission to reduce costs.
- This effort is desirable in reaching veterans and association members, as well as support groups. RicePoint has already identified over 190 organizational branches, for example:
 - The Royal Canadian Legion
 - Army, Navy & Air Force Veterans in Canada (ANAVETS/ANAF)
 - Canadian Airborne Forces Association (CAFA)
 - Canadian Association of Veterans in United Nations Peacekeeping
 - Royal Canadian Air Force Association (RCAFA)
 - Ste. Anne's Hospital
 - True Patriot Love Foundation
 - Veterans' and Active Force
 - The War Amps
 - Canadian Military Police Association (CMPA)
 - Canadian Forces Logistics Association (CFLA)
 - NATO Veterans Organization of Canada
 - It's Just 700
 - The Gatehouse
 - Sherbourne Health
 - TRCC Stop Rape Now MWAR
 - A Time For Men
 - Women In Crisis
 - Huronia Transition Homes
 - Sexual Assault Centre
 - Paths of Courage Healing & Retreat Centre
 - Sexual Assault Centre Of Brant
 - Women's House Serving Bruce & Grey
 - Chatham-Kent Sexual Assault Crisis Centre
 - Sexual Assault Support Services SDG&A
 - Durham Rape Crisis Centre
 - Counselling Centre East Algoma
 - Guelph-Wellington Women In Crisis
 - Savis Of Halton

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- Kawartha Sexual Assault Centre
 - Kenora Sexual Assault Centre
 - SAC Kingston
 - Niagara Sexual Assault Centre
 - Amelia Rising Sexual Violence Support Centre
 - DRCC-Durham Rape Crisis Centre
 - The Sexual Assault Support Centre of Ottawa
 - Ottawa Rape Crisis Centre
 - Hope 24/7: Sexual Assault Centre of Peel
 - Women's Sexual Assault Centre of Renfrew County
 - Sexual Assault Survivors' Centre Sarnia-Lambton
 - Athena's Sexual Assault Counselling & Advocacy Centre
 - Voices for Women Sudbury
 - Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre
 - Timmins and Area Women in Crisis
 - Toronto Rape Crisis Centre
 - Sexual Assault Support Centre of Waterloo Region
 - Sexual Assault Crisis Centre of Essex County
 - Women's Support Network of York Region
 - Cedar Centre
 - Men & Healing
 - Canadian Centre for Men & Families
 - Canadian Centre for Men and Families Ottawa
 - Canadian Centre for Men and Families – Ontario West
 - Canadian Centre for Men and Families – York Region
 - Canadian Centre for Men and Families Calgary
 - Canadian Centre for Men and Families Edmonton
 - Canadian Centre for Men and Families Vancouver
 - Saskatoon Sexual Assault & Information Centre
 - Men's Therapy Centre
 - Association of Alberta Sexual Assault Services
 - British Columbia Society for Male Survivors of Sexual Abuse
 - Men Therapy Toronto
 - Calgary Communities Against Sexual Abuse
 - Institut national de santé publique du Québec
 - Men's Group
 - ManKind Project Canada
 - Canadian Association for Equality
 - The Men's Centre
 - Saskatoon Men's Resource Centre
 - Men's Health Foundation
- Organizational Outreach is not paid advertising; therefore, there is no guarantee that the information will be shared. However, given the nature of the case and the groups that have been identified, this effort is expected to produce substantial results.

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APPENDIX - Translation of General Terms

ENGLISH	FRENCH TRANSLATION
Royal Canadian Air Force (RCAF)	Aviation royale canadienne (ARC)
Veterans	Vétérans, Vétérane, Anciens Combattants, Anciennes Combattantes
Special forces	Unités Spéciales
Canadian Armed Forces (CAF)	Forces Armées Canadiennes (FAC)
Canadian Army	Armée Canadienne (CF)
Department of National Defence (DND)	Département de la Défense Nationale (DND)
Government of Canada	Gouvernement du Canada
Crisis hotline	Ligne de crise
Rape Crisis centers	Centres d'aide pour viols et agressions sexuelles
social equality	Équité sociale, égalité sociale
Military Sexual Trauma (MST)	Traumatisme Sexuel dans le Militaire
MST	NA
Regiment	Régiment
HMCS	NCSM
LGBT	LGBT
LGBTQ	LGBTQ
LGBTIQ2SAA	LGBTIQ2SAA
LGBTQ2S+	LGBTQ2S+
Lesbians	Lesbiennes,
Gays	Gais
Bisexuals	Bisexuels
Transgender	Transgenres
In Questionnement	en Questionnement
2 Spirit	Bispirituels