

## 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 be 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 5<sup>th</sup> Street SW). 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 2:00pm 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](mailto:mpotier@hmclawyers.com)) or David Corrigan, K.C. ([dcorrigan@hmclawyers.com](mailto:dcorrigan@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.**