GymCan Class Action

Update to Class Members

August 10, 2023

Dear Class Members,

It has now been just over one year since we filed the Notice of Civil Claim in British Columbia on May 11, 2022.

At this time, Gymnastics Canada and the Provincial/Territorial Member Organizations have retained lawyers, and we have been assigned a case management judge. The purpose of case management is to set a timetable for the various steps in the litigation (which can be challenging given the number of parties and differing interests!). We have already appeared once before the Court and there will be more attendances in the coming year to work out these details.

When the original Notice of Civil Claim was filed, the Provincial/Territorial Member Organizations for Alberta, B.C., Manitoba, Ontario, Quebec and Saskatchewan were named as Defendants. We have drafted an amended Notice of Civil Claim to add the other Provincial/Territorial member organizations for Prince Edward Island, New Brunswick, Nova Scotia, Newfoundland and Labrador, Northwest Territories and Yukon as Defendants.

As expected, the defendants outside of B.C. have challenged the jurisdiction of the Supreme Court of British Columbia to hear this matter, and at least one defendant, the Fédération de Gymnastique du Québec, is bringing an application challenging jurisdiction prior to the certification hearing. If the judge decides that the B.C. Supreme Court has the jurisdiction and authority to deal with the proposed class action, we will then work towards finalizing certification materials and setting down dates for a certification hearing. The hearing to have the proposed class action certified is the time when the Court will confirm whether the claim can proceed as a class action.

The test for certification is complex. One important element is to show common experiences among gymnasts across Canada to the Court. For this reason, we continue to welcome hearing from potential class members – by email or phone. Not only do we want to support survivors and answer questions, our argument to have the class action certified is strengthened when we can inform the Court of the number of survivors across the country, in addition to the how pervasive this maltreatment has been, and continues to be. There is strength in numbers!

We would like to thank everyone who has come forward and shared their stories and experiences with us so far.

If you have not had opportunity to view the "Town Hall" that the legal team put together last summer to explain the legal process, a link is here: https://www.youtube.com/watch?v=v-o7wPzOCz8&ab_channel=HSHLawyers

Feel free to visit our landing page for additional information: https://hshlawyers.com/expertise/mass-tort-class-action-litigation/provincial-and-gymnastics-canada-sexual-abuse-lawsuit/

If you would like to speak with a member of the legal team, reach out to us by phone or direct email, or by emailing gymcanclassaction@hshlawyers.com

We will update you as things progress, likely again in another six months.

Sincerely,

The GymCan Class Action Team