

# Teen mayor seeks recount after losing on a draw from a hat

## ELECTIONS

tion in Paradise, outside St. John's, ended in a tie. According to the province's Elections Act, the resolution to a tie vote is to put both candidate's names on slips of paper — the winner being the one whose name is drawn. That gave the election to the incumbent, Ralph Wiseman. Mr.

Coombs is objecting to one of the ballots turned over to Mr. Wiseman's favour during the recount. If the matter goes to a judicial recount, that ballot could potentially shift the pendulum. *Canwest News Service*



# Transgendered teacher files complaint over work loss

## WOMAN NOW A MAN

### Catholic board says move goes against Church

BY JODIE SINNEMA

EDMONTON • An Edmonton teacher has filed a human-rights complaint against a local Catholic school district after the district stopped employing him as a substitute teacher because he was changing his gender.

"In discussions with the Archbishop of the Edmonton Diocese, the teaching of the Catholic Church is that persons cannot change their gender," wrote Steve Bayus, the Greater St. Albert school district's deputy superintendent, in a letter to Jan Buterman dated Oct. 14, 2008.

"One's gender is considered what God created us to be."

Mr. Buterman, who worked as a substitute teacher in the district — which covers the Edmonton area of St. Albert, Morinville and Legal — from March to June 2008, told the district at the end of that school year that he was transitioning from female to male. He said he wanted his

paperwork changed so that he would be known as Mr. Buterman instead of Mrs. Buterman.

Mr. Buterman said that after resuming teaching in September 2008, he received a phone call from Mr. Bayus, asking more detailed questions about his medical condition. At that time, the superintendent counselled Mr. Buterman to teach only in the younger grades while the matter was worked out, because of the confusion it could create in adolescents, Mr. Buterman said.

"Your gender change is not aligned with the teachings of the Church and would create confusions and complexity

“One’s gender is considered what God created us to be

with students and parents as a model and witness to Catholic faith values," Mr. Bayus subsequently wrote in a letter that informed Mr. Buterman that he had been taken off the substitute-teacher list. "I understand that you have served the schools well in your role as a substitute teacher."

Mr. Buterman, whose background is Lutheran, said he was shocked.

"It brings back horror, fear," he said. "It felt like my existence was being questioned .... I believe we are all part of creation."

Mr. Buterman said his is a diagnosed medical condition — equivalent to someone having cancer, for instance — upon which employment should not depend.

He said the Greater St. Albert Catholic district, which receives public funding, has a right to its beliefs about transgendered people, but "that doesn't mean they get to ignore human rights."

Mr. Buterman had one year in which to file his complaint with the Alberta Human Rights Commission. He said he waited to file in the hope that the school district would change its stance, and because he needed to seek legal advice on how to move forward.

He is currently living full time as a man, and has been working as a substitute teacher with schools in the Sturgeon County public school system. He said he has an official medical diagnosis of gender identity disorder, and doctors have given approval for him to receive gender reassignment surgery, which can cost up to \$80,000.

*Canwest News Service*



LARRY WONG / CANWEST NEWS SERVICE

A Catholic school board in Alberta stopped employing Jan Buterman as a substitute teacher after being informed the teacher was undergoing a sex change from female to male.

### NOTICE OF APPROVAL OF THE SETTLEMENT OF CLASS PROCEEDING ROBERTSON V. THOMSON AND OTHERS

If you are a writer, artist or photographer, wherever you live, please read this notice carefully as it may affect your rights.

This is a court-approved notice to people who may be members of the Class in the above class proceeding. It describes the class proceeding, the class of people affected, and the court-approved settlement of this class proceeding.

In 1996, Heather Robertson (the "Plaintiff"), a freelance writer, commenced an action against The Thomson Corporation (now, Thomson Reuters Corporation), Thomson Canada Limited (now, Thomson Reuters Canada Limited), Thomson Affiliates and Information Access Company (now, The Gale Group, Inc.). In 2001, the action was amended to include Bell Globemedia Publishing Inc. (now CTVglobemedia Publishing, Inc.) as a defendant (collectively, the "Defendants"). In the action, the Plaintiff alleges that the Defendants infringed the rights of creators or assignees of original literary or artistic works published in print media in Canada ("Works") by disseminating or authorizing the dissemination of copies of the Works through electronic databases, contrary to the Canadian Copyright Act. The Plaintiff sought compensatory, punitive and exemplary damages, as well as injunctive relief, on behalf of writers, artists and photographers who created the Works ("Creators"), their estates and assigns. The Defendants denied the Plaintiff's claims. In 1999, the Ontario Superior Court of Justice certified this action as a class proceeding, on behalf of the creators of original literary and artistic Works, their estates or assigns, wherever they live. By further Order of the Court dated August 12, 2009, the action was limited to Works published in print prior to May 1, 2009.

#### SETTLEMENT APPROVAL

The parties attended before the Ontario Superior Court of Justice on June 16, 2009, and obtained court approval of the settlement agreement reached between the parties, as well as Class Counsel fees in the amount of \$4,000,000.

Under the terms of the approved Settlement, the Defendants will pay C\$11,000,000, inclusive of legal and settlement administration fees, to provide benefits to Class Members. The Settlement includes a compensation plan for freelance Works, an alternative take-down benefit for freelance Works that appeared in The Globe and Mail, as well as a donation to the Professional Writers Association of Canada, The Writers' Union of Canada and the Canadian Association of Photographers and Illustrators in Communications, to the general benefit of all Creators of written and artistic Works. The settlement includes a release of all claims, as well as a license in respect of Works that are not taken down.

The case has been financially supported by the Class Proceedings Fund operated by the Law Foundation of Ontario, and as required by law 10% of the net proceeds of the case will be paid to the Class Proceedings Fund.

Eligible Class Members may complete and submit a claim form to the Claims Administrator, listing freelance Works for which compensation is sought. The Claims Administrator processes the claims and establishes entitlements of individual Class Members, according to the distribution scheme outlined below. For Works that appeared in The Globe and Mail, Eligible Class Members may choose to forego compensation, and instead request that those Works be removed from the commercial databases maintained by the Defendants. A member's entitlement to compensation will be calculated on the basis of a points system which takes into account various factors, including whether the Class Member was remunerated for the Work, the length of the Work, and the circulation of the publication in which the Work initially appeared. No class Member will be entitled to compensation in excess of 1% of the total Compensation Fund.

The fees of the Claims Administrator will be deducted from the Settlement Funds.

#### TO MAKE A CLAIM FOR COMPENSATION

The Court appointed William Dovey of Cole & Partners as Claims Administrator. The Claims Administrator's contact information is as follows:

80 Richmond Street West, Suite 2000, Toronto, Ontario, M5H 2A4

Tel: (416) 361-2590 Fax: (416) 364-2904

To receive compensation, each Class Member must submit a completed Claim Form and supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010. The Claim Form is available at Class Counsel's website, [www.kmlaw.ca/robertsonvthomson](http://www.kmlaw.ca/robertsonvthomson), or by calling Cole and Partners, at (416) 361-2590 or by visiting their website at [www.coleandpartners.com](http://www.coleandpartners.com), or by email to [claimsadministrator@coleandpartners.com](mailto:claimsadministrator@coleandpartners.com).

The Claim Form should be submitted by mailing, emailing or faxing the Claim Form and supporting documents to the Claims Administrator at the above-noted address. If you fail to submit a Claim Form and the supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010, you will not receive any part of the net settlement monies unless the Court extends the deadline.

#### OPTING OUT

If you are a person falling within the Class described above and you did not opt out when the action was certified in 1999, you will automatically be included in the Class unless you opt out now. Class Members who do not opt out may seek the settlement benefits described above.

To opt out of the Class you must fill out the Form below and send it to Koskie Minsky LLP (at the address listed below), the lawyers for the Class. The deadline for opting out is November 2, 2009. If your written request to opt out is not received by that date you will remain a member of the Class.

#### FURTHER INFORMATION

If you are a Class Member and wish to obtain additional information about the Settlement, please contact Koskie Minsky LLP at the address below:

Koskie Minsky LLP  
Barristers & Solicitors  
20 Queen St. West, Suite 900, Box 52  
Toronto, ON, M5H 3R3, Tel: 1-866-777-6323  
Re: Robertson v. Thomson et al.

In addition, information is available on Class Counsel's website at [www.kmlaw.ca/robertsonvthomson](http://www.kmlaw.ca/robertsonvthomson).

PLEASE DO NOT CONTACT THE COURT OR THE REGISTRAR OF THE COURT ABOUT THIS CLASS PROCEEDING. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.

Dated: October 3, 2009

#### OPT OUT FORM

THIS IS NOT A REGISTRATION FORM OR CLAIM FORM. IT EXCLUDES YOU FROM THE SETTLEMENT CLASS.

To: Koskie, Minsky LLP  
900 - 20 Queen St. West, Box 52  
Toronto, ON M5H 3R3  
Attn: Robertson v. Thomson, et al.

I \_\_\_\_\_ (please print full name) am a/the: (please check the applicable boxes)

- writer;  artist;  photographer (or author as per the Canadian Copyright Act);
- estate or assignee of any of the above; of Works as defined in the Notice.

I confirm that:  
 my Works were not created under a collective agreement that governed the use of the Works in electronic media;  
 I have not given written permission to make my Works available in commercial online databases operated by or authorized by the defendants

I wish to opt out of the Robertson v. Thomson class action. I understand that by opting out, I will not be entitled to any of the benefits of the settlement.

Signature \_\_\_\_\_

Address: \_\_\_\_\_

Postal code: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Note: To opt out, this form must be completed and received at the above address before November 2, 2009**

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*Vancouver, British Columbia*

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**Dr. Badri (Bud) Rickhi, MD**  
*Calgary, Alberta*

*Dr. Rickhi established the Research Centre for Alternative Medicine, now the Canadian Institute for Natural and Integrative Medicine (CINIM), with emphasis on mental health and autoimmune diseases. His current work is focused on teen depression.*



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