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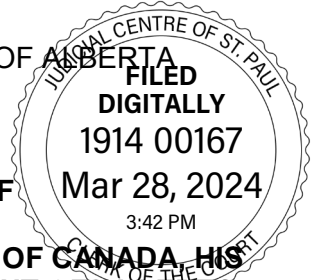
ST. PAUL

PLAINTIFF/APPLICANT

CYNTHIA IRIS YOUNGCHIEF

DEFENDANT/RESPONDENT

**THE ATTORNEY GENERAL OF CANADA, HIS
MAJESTY THE KING IN RIGHT OF ALBERTA,
DIOCESE SANCTI PAULI, ST. LOUIS PARISH,
and LAKELAND ROMAN CATHOLIC
SEPARATE SCHOOL DISTRICT NO. 150**



**Proceeding under the *Class Proceedings Act*,
S.A. 2003 c. C16.5**

DOCUMENT

**BRIEF OF LAW AND ARGUMENT OF THE
RESPONDENT, LAKELAND ROMAN CATHOLIC
SEPARATE SCHOOL DISTRICT NO. 150, IN
RESPONSE TO THE PLAINTIFF'S
APPLICATION FOR CERTIFICATION**

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**BRIEF OF LAW AND ARGUMENT OF THE RESPONDENT (DEFENDANT), LAKELAND
ROMAN CATHOLIC SEPARATE SCHOOL DISTRICT NO. 150, IN RELATION TO THE
PLAINTIFF'S APPLICATION FOR CERTIFICATION TO BE HEARD IN CASE
MANAGEMENT ON APRIL 23-24, 2024 BEFORE THE HONOURABLE
MR. JUSTICE JAMES T. NEILSON**

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I. INTRODUCTION

1. This brief is submitted on behalf of the defendant named as Lakeland Roman Catholic Separate School District No. 150 in opposition to the plaintiff's application for certification. The correct name for this defendant is now "Lakeland Roman Catholic Separate School Division" (hereinafter "**Lakeland Catholic**").
2. The plaintiff, Cynthia Iris Youngchief, sues five defendants she alleges established, funded, oversaw, operated, supervised, controlled, maintained, and supported Ecole Notre Dame Schools through common national and provincial policies and procedures.¹
3. Ms. Youngchief's lawsuit is a proposed class action pursuant to the *Class Proceedings Act*, SA 2003, c C-16.5 ("**CPA**"). The statement of claim was filed on May 14, 2019. An amended statement of claim was filed on August 27, 2020 ("**ASOC**").
4. The application before the Court is Ms. Youngchief's application for certification of the action as a class proceeding (the "**Certification Application**").
5. Lakeland Catholic, formerly Lakeland Roman Catholic Separate School District No. 150, was established pursuant to a Ministerial Order dated September 25, 1980 as a separate school district within the Lakeland School District No. 5460, formerly Beaver River School District No. 5460.
6. In the ASOC, Ms. Youngchief sues as the proposed representative plaintiff on behalf of a class comprising two distinct classes, the "Survivor Class" and the "Family Law Class".
7. Recently, counsel for the parties engaged in discussions seeking to narrow some of the issues in dispute in the Certification Application. As discussed by counsel during a Case Management Conference on March 19, 2024, Lakeland Catholic understands that the plaintiff will be amending the Certification Application to reflect the following changes to the definitions of the class and the class period:
 - (a) The "Survivor Class" will be defined as "all Aboriginal persons, wherever they may now reside or be domiciled, who attended Ecole Notre Dame Elementary School and/or Ecole Notre Dame High School in Bonnyville, Alberta, during the Class

¹ ASOC, para 3

Period.”

- (b) The plaintiff will not be pursuing a claim or certification on behalf of the Family Class.
 - (c) The Class Period will be defined as “the period from the start of the school year in 1966 to the end of the school year in 1974.”
8. The ASOC defines “Aboriginal” or “Aboriginal Person(s)” to mean “any person whose rights are recognized and affirmed by the *Constitution Act*, 1983, s. 35, being Schedule B to the *Canada Act*, 1982(U.K), 1982. C. 11, specifically Indian, Inuit and Metis peoples of Canada”.²
9. Ms. Youngchief sues the defendants, collectively, for physical, psychological, sexual, spiritual, linguistic and cultural abuse / harms suffered by the class members.³ The ASOC identifies two causes of action advanced against the collective of the defendants, namely (a) negligence⁴ and (b) breach of fiduciary duty.⁵ The ASOC also identifies a cause of action advanced against the defendant, The Attorney General of Canada, for breach of fiduciary duty⁶ and for vicarious liability.⁷
10. The certification of an action as a class proceeding is guided by the test set out in section 5(1) of the *CPA*.⁸ The Court must be satisfied as to each of the following:
- a) the pleadings disclose a cause of action;
 - b) there is an identifiable class of two or more persons;
 - c) the claims of the prospective class members raise a common issue, whether or not the common issue predominates over issues affecting only individual prospective class members;
 - d) a class proceeding would be the preferable procedure for the fair and efficient

² ASOC, para 1(a)

³ ASOC, paras 4, 21-23, 26, 32-33, 35, 39, 44, 48

⁴ ASOC paras 5-6, 30-35, 45, 47

⁵ ASOC paras 5-6, 36-45, 47

⁶ ASOC, paras 40-44

⁷ ASOC, para 9(d)

⁸ *Class Proceedings Act*, SA 2003, c C-16.5 s 5 [*CPA*] [TAB1]

resolution of the common issues;

- e) there is a person eligible to be appointed as a representative plaintiff who, in the opinion of the Court,
 - i. will fairly and adequately represent the interests of the class,
 - ii. has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the class and of notifying class members of the proceeding, and
 - iii. does not have, in respect of the common issues, an interest that is in conflict with the interests of other prospective class members.

- 11. A court cannot certify an action on consent, unless the court is satisfied that all the certification criteria are satisfied.⁹
- 12. Lakeland Catholic opposes the Certification Application (as it understands it will be amended by the plaintiff). The application does not satisfy the cause of action criterion in s. 5(1)(a) of the *CPA* and thus does not get past the first part of the test for certification.
- 13. Lakeland Catholic submits that the Certification Application must therefore be dismissed as against it.

II. **THE ISSUE**

- 14. There is only one issue to be determined: whether the plaintiff has satisfied the test for certification of this Action as a class proceeding pursuant to s. 5(1) of the *CPA*.

III. **BRIEF RESPONSE**

- 15. The plaintiff has not satisfied the test for certification of this Action as a class proceeding pursuant to s. 5(1) of the *CPA*.

⁹ *CPA*, s 5(4) [TAB1]; *Osmun v. Cadbury Adams Canada Inc.*, 2009 CarswellOnt 8132, 183 A.C.W.S. (3d) 918 (ONSC) at para 20 [TAB2]; *Fischer v. IG Investment Management Ltd.*, 2010 CarswellOnt 7015, 2010 ONSC 5132 at para 10 [TAB3]; *Corless v. KPMG LLP*, 2008 CarswellOnt 4708, 170 ACWS (3d) 464 (ONSC) at paras 30-31 [TAB4]; *Coleman v. Bayer Inc.*, 2004 CarswellOnt 1889, 131 ACWS (3d) 413 (ONSC) at paras 28, 60, 73-78 [TAB5]; *Garipey v. Shell Oil Co.*, 2002 CarswellOnt 3472, 117 ACWS (3d) 690 (ONSC) at para 27 [TAB6].

IV. LAW AND ARGUMENT

A. **Section 5(1)(a): A Cause of Action Against Lakeland Catholic Is Not Disclosed by the Pleadings**

16. Section 5(1)(a) of the *CPA* requires that in order for an action to be certified as a class proceeding, the pleadings must disclose a cause of action. In determining whether the pleadings disclose a cause of action, no evidence is permitted; the court assumes that the facts pleaded are true, and only assesses whether a cause of action exists based on those facts. The test to be applied is whether it is plain and obvious, assuming the facts pleaded to be true, that each of the plaintiff's pleaded claims disclose no reasonable cause of action.¹⁰ For the purposes of this test, the pleadings are construed generously and liberally allowing for deficiencies that do not disclose radical defects.¹¹
17. The pleadings must disclose a cause of action against each proposed defendant in order to satisfy the criterion in s. 5(1)(a) of the *CPA*.¹²
18. The plaintiff says she has pleaded causes of action for negligence and breach of fiduciary duty,¹³ but the ASOC is seriously deficient. It is plain and obvious, assuming the facts pleaded in the ASOC to be true, that the pleadings disclose no reasonable cause of action as against Lakeland Catholic.
19. For the purposes of determining whether the pleadings disclose a cause of action, it must be accepted as proved that this action concerns conduct undertaken pursuant to common national and provincial policies and procedures.¹⁴ Canada's¹⁵ central organizing responsibility in this regard is emphasized throughout the pleadings. The pleadings refer:
- (a) to federal statutes requiring that the government educate Aboriginal persons and integrate them into Canadian society, and requiring that Aboriginal children attend

¹⁰ *Klassen v. Canadian National Railway Company*, 2023 CarswellAlta 1143, 2023 ABCA 150 at para 25 [*Klassen*] **[TAB7]**

¹¹ *Flesch v. Apache Corporation*, 2022 CarswellAlta 3318, 2022 ABCA 374 at paras 30-31 [*Flesch*] **[TAB8]**; *LC v. Alberta*, 2017 CarswellAlta 1608, 2017 ABCA 284 at para 14 **[TAB9]**

¹² *Gillespie v. Gessert*, 2006 CarswellAlta 429, 2006 ABQB 949 at paras 30, 36 **[TAB10]**

¹³ ASOC paras 5, 6

¹⁴ ASOC paras 2, 3

¹⁵ "Canada" is defined in para 1(c) of the ASOC as meaning "the Defendant in the proceeding as represented by the Attorney General of Canada".

a day school, industrial school or residential school;¹⁶

- (b) to the government's policy of "aggressive assimilation" with regard to educating Aboriginal persons; and
- (c) to an Indian Day School system operated by certain religious organizations on the government's behalf.¹⁷

20. In relation to the Attorney General of Canada, it is alleged Canada breached *sui generis*, non-delegable constitutional and quasi-constitutional fiduciary obligations to the Survivor Class members¹⁸ with the result that the proposed class, comprised exclusively of Aboriginal persons, suffered physical, psychological, sexual, emotional, verbal, social, spiritual, and cultural abuse at Ecole Notre Dame Schools in Bonnyville, Alberta, for which Canada is liable.
21. The role played by Lakeland Catholic in these activities is nowhere described in the pleadings. The only factual allegations specific to Lakeland Catholic are those set out in paragraph 13 of the ASOC:

Lakeland Roman Catholic Separate School District No. 150

- a. Was formed in 1980, and assumed the previously named Bonnyville School Division No. 46 and Beaver River School District No. 5460 and reports to Alberta Education.
22. These are not material facts that establish a cause of action against Lakeland Catholic.
23. A defendant is entitled to know the precise nature of what it is alleged to have done or failed to do. The way the causes of action are advanced against the defendants in the ASOC, however, fails to in any way set out which defendant did what in connection with the Ecole Notre Dame Schools. The pleadings simply lump them together as one, as a collectivity of "Defendants" who "established, funded, oversaw, operated, supervised, controlled, maintained, and supported Ecole Notre Dame Schools"¹⁹ and allege that

¹⁶ ASOC para 14

¹⁷ ASOC para 15

¹⁸ ASOC paras 9 (c), 39 - 44

¹⁹ ASOC paras 3, 9

together as a group they are liable to the members of the class for each cause of action.

24. This approach to the pleadings is aggravated by the grammatically incoherent approach, repeated throughout the pleadings, of referring to the collectivity of defendants as a single entity.²⁰ Still other allegations concerning “the Defendant’s” conduct do not implicate any particular defendant.²¹
25. The result of this approach to the pleadings is that they fail to identify the specific acts undertaken by each defendant which support the causes of action the plaintiff is advancing. There is no pleaded conduct that is personal to any of His Majesty the King in Right of Alberta, the defendant identified as The Diocese Sancti Pauli, St. Louis Parish or Lakeland Catholic of any involvement in or responsibility for the occurrences at the Ecole Notre Dame Schools School(s). Instead, the plaintiff attributes liability to the defendants en masse. This bald assertion of liability is deficient for two basic reasons.
26. First, as a matter of pleading, it is inappropriate to simply “lump together” the five defendants and to generalize the various allegations as applicable to all defendants indiscriminately.²² Such a pleading does not disclose any reasonable cause of action. A plaintiff’s pleading cannot simply lump defendants together without pleading the allegations against each. A pleading must contain a concise statement of the material facts on which the party relies for the claim. A pleading must adequately identify the role of each defendant in relation to each cause of action, must state how each defendant has harmed the plaintiff, and state the nature of the harm.
27. Second, this bald pleading, unsupported by any material facts, is insufficient to establish an agency relationship as a basis for a defendant’s liability.²³ No facts are pleaded by the plaintiff in the ASOC so as to support a conclusion of law that any of His Majesty the King in Right of Alberta, the defendant identified as The Diocese Sancti Pauli, St. Louis Parish or Lakeland Catholic was Canada’s agent “in respect of the maintenance, funding,

²⁰ ASOC paras 5, 6, 30 (“The *Defendants* owed a duty of care... through *its* establishment, funding, oversight, operation, supervision, control, maintenance and support of Ecole Notre Dame Schools...” (emphasis added)); 33, 38, 45 (“The *Defendants* knew or ought to have known that as a consequence of *its* negligence and breach of fiduciary duty, the plaintiff and Survivor Class members would suffer injury and damages...”)

²¹ ASOC paras 21, 32, 36

²² *Alberta Rules of Court*, Alta Reg 124/2010 Rule 13.6 [TAB11]; *Martin v. Astrazeneca Pharmaceuticals PLC*, 2012 CarswellOnt 6210, 2012 ONSC 2744, aff’d 2013 ONSC 1169 at para 120 [Martin][TAB12]; *Burns v. RBC Life Insurance Company*, 2020 CarwellOnt 7624, 2020 ONCA 347 at paras 16-17, 19 [TAB13]

²³ *Martin*, supra note 22 at para 126 [TAB12].

operation, oversight, and / or management of Ecole Notre Dame Schools.”²⁴

28. Accordingly, the defendants cannot be liable for one another's conduct on this pleading; distinct institutions or entities that do not make up a single corporate group cannot be sued as if they constituted a single institution or enterprise.²⁵ This is a radical deficiency, since no specific conduct is alleged against any of His Majesty the King in Right of Alberta, the defendant identified as The Diocese Sancti Pauli, St. Louis Parish or Lakeland Catholic at all.
29. The requirements for a negligence claim are well-established, and include the presence of a duty of care, a breach of the standard of care, and damages caused by the breach.²⁶ The ASOC does not state any material facts that underpin a negligence claim against Lakeland Catholic aside from the particulars of alleged abuses suffered by the Survivor Class members. The ASOC does not specifically identify the duty owed to the plaintiffs by Lakeland Catholic, nor does it state how that duty was breached, in respect of each of the causes of action pleaded. The pleadings simply assert “the defendants” owed a duty of care to Survivor Class members through “its” conduct which is nowhere particularized in the pleadings.²⁷ All of the defendants are alleged to have owed and to have breached the same duties of care to the Survivor Class members. This makes it impossible for them to know who is alleged to have done what, how each of them is said to have harmed the Survivor Class members, and the nature of that harm.
30. The ASOC makes bald allegations of breaches of the standard of care comprising “the Defendant’s systemic failures” that are similarly not asserted against any particular identifiable defendant.²⁸
31. For the same reasons, it is plain and obvious that the ASOC does not satisfy the cause of action criterion for a claim of breach of fiduciary duty.²⁹ The ASOC fails to plead the facts on which a fiduciary relationship arises, the extent and content of the fiduciary duty owed

²⁴ ASOC para 9(d).

²⁵ *Carcillo v. Canadian Hockey League*, 2023 CarswellOnt 14900, 2023 ONSC 886 at paras 246, 273, 299-306 [Carcillo][**TAB14**]

²⁶ *1688782 Ontario Inc. v. Maple Leaf Foods Inc.*, 2020 CarwellOnt 16022, 2020 SCC 35 at para 18 [**TAB 15**]

²⁷ ASOC paras 30 and 34

²⁸ ASOC para 5

²⁹ The elements of a claim for breach of fiduciary duty are discussed in *Carcillo*, supra note 25 at paras 233-241 [**TAB14**]

by Lakeland Catholic to the members of the proposed Survivor Class, and the specific breach of duty.

32. In conclusion, for the foregoing reasons the ASOC does not disclose a reasonable cause of action in relation to Lakeland Catholic. Although this brief will offer some very limited comments concerning some aspects of some of the certification criteria that require “some basis in fact”, it is not necessary or possible to consider the other preconditions to certification, nor is it necessary or possible to review the suitability of the common issues.³⁰ The requirement in section 5(1)(a) of the *CPA*, which requires that “the Court must be satisfied [that]... the pleadings disclose a cause of action” is not satisfied. The Court must not certify the proceeding as a class proceeding, per s. 5(4) of the *CPA* and the Certification Application must be dismissed as against Lakeland Catholic.

B. Section 5(1)(b): The definition of the proposed Class

33. The second certification criterion is the identifiable class criterion. The definition of an identifiable class serves three purposes: (1) it identifies the persons who have a potential claim against the defendant; (2) it defines the parameters of the lawsuit so as to identify those persons bound by the result of the action; and (3) it describes who is entitled to notice. In defining the persons who have a potential claim against the defendant, there must be a rational relationship between the class, the cause of action, and the common issues.
34. Lakeland Catholic does not oppose the proposed amendments by the plaintiff to the Certification Application to reflect the changes to the definitions of the proposed class and the proposed class period discussed in the introductory section above. Had the proposed class action been otherwise certifiable, those amendments would be appropriate, although in Lakeland Catholic’s view, for the reasons discussed in the next paragraph below, they would not be sufficient to satisfy the identifiable class aspect of the certification test.
35. More particularly in this regard, there is no evidentiary foundation to support the determination that an Ecole Notre Dame High School existed at any material time. Cynthia Youngchief has deposed that she attended Ecole Notre Dame, a school occupying a single building that served grades 1 through 6. No evidence has been adduced of another

³⁰ *Klassen*, *supra* note 10 at para 54 [TAB7]; *Brown v. Canada (Attorney General)*, 2013 CarswellOnt 206, 2013 ONCA 18 at para 44 [TAB16]

school, whether connected to the Ecole Notre Dame Elementary School in some way relevant to the issues the plaintiff proposes be certified or at all. Accordingly, the definition of the proposed Class should not refer to an Ecole Notre Dame High School and would have to be limited to “all Aboriginal persons, wherever they may now reside or be domiciled, who attended Ecole Notre Dame Elementary School in Bonnyville, Alberta, during the Class Period.”

C. Section 5(1)(c): The evidence does not support the proposed common issues

36. There must be a basis in the evidence to establish the existence of common issues. From a factual perspective, the plaintiff must show that there is some basis in fact that: (i) the proposed common issue actually exists; and, (ii) the proposed issue can be answered in common across the entire class. In other words, the Plaintiff must adduce some evidence demonstrating that there is a colourable claim or a rational connection between the class members and the proposed common issues.³¹
37. A class member’s claim must share a substantial common ingredient to justify a class action and an issue will only be “common” if “its resolution is necessary to the resolution of each class member’s claim”.³²
38. Commonality is a substantive fact that either exists on the evidentiary record, or does not. Commonality is not to be semantically manufactured by overgeneralizing; *i.e.*, by framing the issue in general terms that will ultimately break down into issues to be resolved by individual inquiries for each class member.³³
39. The Certification Application filed September 29, 2022 identified eight proposed common issues. Lakeland Catholic understands, based on an agreement of the plaintiff to narrow the terms and particulars of the proposed certification referred to in the Brief of the Diocese of Saint-Paul and St. Louis Parish,³⁴ that the issues the plaintiff seeks to certify are limited to the following:

³¹ *Spring v. Goodyear Canada Inc.*, 2021 CarswellAlta 1208, 2021 ABCA 182 at para 27 [*Spring*] [TAB17]

³² *Bruno v. Samson Cree Nation*, 2021 CarswellAlta 2956, 2021 ABCA 381 at para 103 [TAB18]

³³ *McCracken v. Canadian National Railway*, 2012 CarswellOnt 8010, 2012 ONCA 445 at para 132 [TAB19]; *Rumley v. British Columbia*, 2001 CarswellBC 2166, 2001 SCC 69 at para 29 [TAB20]

³⁴ Brief of the Defendants / Respondents, The Diocese of Saint-Paul and St. Louis Parish for the Certification Application Returnable April 22, 2024, para 2, more particularly para 2e.

- i. *Whether and to what extent, each of the Defendants were involved in the operation and management of the schools;*
 - ii. *Whether each of the Defendants owed a duty to the Plaintiffs; and*
 - iii. *Whether there was a breach of that duty.*
40. The applicant has demonstrated “some basis in fact” that an abuse may have been perpetrated as against a student in Ecole Notre Dame Elementary School. There is no evidentiary foundation to support the determination that any defendant was involved in the operation and management of the Ecole Notre Dame Elementary School, as an Indian Day School or at all, such that they may have acquired legal obligations to the Survivor Class members as a matter of the substantive law of tort, fiduciary obligation, or by statute. The issues the plaintiff seeks to certify would not be certifiable common issues.³⁵

Section 5(1)(d): A class action is not the preferable procedure

41. The test for determining the preferability requirement in s. 5(1)(d) of the *CPA* involves a comparative exercise that considers the extent to which the proposed class action might achieve the goals of the *CPA*.³⁶ The analysis requires consideration of two core concepts: (1) whether or not the class proceeding would be a fair, efficient, and manageable method of advancing the claim; and (2) whether a class proceeding would be preferable to other reasonably available means of resolving the claims of class members (such as joinder, test cases, or consolidation).³⁷ The proper assessment of preferability requires a contextualized view of the claim, taking into account both the common and individual aspects. The ultimate question is whether other available means of resolving the claim are preferable.³⁸

³⁵ *Spring*, *supra* note 31 at para 40 [TAB17]

³⁶ *Flesch*, *supra* note 11 at para 63 [TAB8]; *CPA*, *supra* note 8 [TAB1]

³⁷ *Ibid*

³⁸ *Pro-Sys Consultants Ltd. v. Microsoft Corporation*, 2013 CarswellBC 3257, 2013 SCC 57 at para 137 [TAB21]; *Fischer v IG Investment Management Ltd.*, 2013 CarswellOnt 17258, 2013 SCC 69 at paras 22-23, 48 [TAB22]; *Hollick v. Metropolitan Toronto (Municipality)*, 2001, CarswellOnt 3577, 2001 SCC 68 at para 28 [TAB23]

42. It is not possible to analyze how a class action in this matter might advance the claims of the members of the class fairly, efficiently or manageably through the court process for the parties or the court, or enhance the ability of class members to attain access to justice through such a procedure. Determining whether a class proceeding is “preferable” starts with an identification of the potential common issues that could be resolved in the class action, which in this Certification Application are missing.
43. One might note that as a negligence case, for the Class Members to achieve compensation they will have to proceed to individual issues trials after any common issues are resolved, assuming there are common issues and assuming they are resolved in the plaintiff’s favour. This claim was filed in May 2019, this Certification Application is only being heard in 2024 and the underlying events are already a half century old. It seems likely that an individual claim could have been responded to and addressed more quickly.

D. Section 5(1)(e): The Representative Plaintiff may not adequately represent the interests of the Class

44. The fifth and final criterion for certification as a class action is that there is a representative plaintiff who would adequately represent the interests of the class without conflict of interest and who has produced a workable litigation plan.
45. Whether the representative plaintiff can provide adequate representation depends on such factors as: his or her motivation to prosecute the claim; his or her ability to bear the costs of the litigation; and the competence of his or her counsel to prosecute the claim.³⁹ While a litigation plan is a work in progress, it must correspond to the complexity of the particular case and provide enough detail to allow the court to assess whether a class proceeding is (a) the preferable procedure; and (b) manageable including the resolution of the common issues and any individual issues that remain after the common issues trial.⁴⁰ The litigation plan in this case is vague.

³⁹ *Western Canadian Shopping Centres Inc. v. Dutton*, 2001 CarswellAlta 884, 2001 SCC 46 at para 41 [TAB24]

⁴⁰ *Cloud v. Canada (Attorney General)*, 2004 CarswellOnt 5026, 135 ACWS (3d) 567 (ONCA), leave to appeal to SCC refused at [2005] S.C.C.A. No. 50 at para 95 [TAB25]; *Caputo v. Imperial Tobacco Ltd.*, 2004 CarswellOnt 423, 128 ACWS (3d) 874 (ONSC) at paras 75-76 [TAB26]; *Griffin v. Dell Canada Inc.*, 2009 CarswellOnt 560, 174 ACWS (3d) 32 (ONSC) at para 100 [TAB 27].

V. NATURE OF RELIEF SOUGHT

46. Lakeland Catholic requests an order dismissing the Certification Application as against it with costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 28th day of March, 2024.

DENTONS CANADA LLP

DocuSigned by:
Philip Tinkler
Per: _____
D0CDB88E55E2412
Cristina Wendel, Philip Tinkler,
Counsel for the Respondent (Defendant),
Lakeland Roman Catholic Separate School
District No. 150 (properly named as Lakeland
Roman Catholic Separate School Division)

LIST OF AUTHORITIES

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