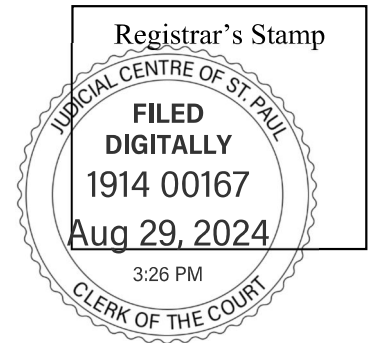


COURT FILE NUMBER 1914 00167
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE ST. PAUL
PLAINTIFFS/APPLICANTS CYNTHIA IRIS YOUNGCHIEF



DEFENDANTS/RESPONDENTS THE ATTORNEY GENERAL OF CANADA, HIS MAJESTY THE KING IN RIGHT OF ALBERTA, LE DIOCÈSE DE SAINT-PAUL and/or THE DIOCESE OF SAINT-PAUL, ST. LOUIS PARISH and BOARD OF TRUSTEES OF LAKELAND ROMAN CATHOLIC SEPARATE SCHOOL DIVISION

DOCUMENT: **WRITTEN SUBMISSIONS OF THE ATTORNEY GENERAL OF CANADA**

ADDRESS FOR **ATTORNEY GENERAL OF CANADA**

SERVICE AND CONTACT INFORMATION Department of Justice Canada
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Overview

1. In order to proceed in a constructive, expeditious and effective manner on this procedural step, the Attorney General of Canada (**Canada**) consents to certification of this claim as a class proceeding pursuant to the provisions of the *Class Proceedings Act (CPA)*¹ as proposed in the Amended Application for Certification of Class Proceeding.²
2. Canada's consent to certification of this action as a class proceeding should in no way be deemed as an admission of any assertion as set out in the Amended Amended Statement of Claim, nor does certification, or Canada's consent thereto, address the merits of the claim.

Agreement to Certification on Plaintiff's narrowed terms

3. On May 14, 2019, the Plaintiff filed the Statement of Claim (**Claim**) as a proposed class action under the *CPA*, and on August 27, 2020, the Plaintiff filed amendments to the Claim. On September 29, 2022, the Plaintiff filed an Application for Certification under the *CPA*, along with a supporting brief. On November 28, 2023, the Plaintiff filed a Supplementary Brief.
4. Following the filing of the Plaintiff's Supplementary Brief, Canada and the Plaintiff reached an agreement for the proposed certification of the Claim. Specifically, the Plaintiff agreed to narrow the terms and particulars of certification, and Canada agreed not to oppose certification on the following, narrowed terms set out in Canada's letter to the Court of March 25, 2024:
 - a. The "Survivor Class" shall 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 Period";
 - b. There shall be no certification in respect of the "Family Class," and the within Action shall not proceed further in respect of the Family Class;

¹ *Class Proceedings Act*, [SA 2003, c C-16.5](#) [*CPA*].

² Amended Application for Certification of Class Proceeding filed June 3, 2024, regarding the Amended Amended Statement of Claim filed June 3, 2024.

- c. The Class Period shall be the period commencing at start of the school year in 1966 and proposed by any of the parties for the start of the 1966 school year and/or the end of the 1974 school year, and Canada shall not oppose those more specific dates;
- d. The Representative Plaintiff shall be Ms. Cynthia Iris Youngchief;
- e. The common questions of law or fact in this proceeding shall be limited to and certified as follows:
 - 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;
- f. Grey Wowk Spencer LLP shall be appointed as Class Counsel for the Survivor Class; and
- g. There will be no costs payable by Canada in respect of this Certification Application.³

Amendments to the Claim and to the Application for Certification

- 5. Following Canada's consent to certification on the above-noted terms, on June 3, 2024, the Plaintiff filed the Amended Amended Statement of Claim and Amended Application for Certification of Class Proceeding. Among other things, the amendments clarify the class period as being from 1 September 1966 to 28 June 1974. The terms on which the Plaintiff now seeks certification of the Claim accord with the terms of Canada's agreement not to oppose certification as set out in Canada's letter to the Court of March 25, 2024.

³ Letter (Alethea LeBlanc) to the Honourable Justice James T. Neilson dated March 25, 2024.

Remedy sought

6. Canada requests that, should this Honourable Court certify this claim as a class proceeding pursuant to the provisions of the *CPA*, there be no costs awarded against Canada in respect of this application, in keeping with the above-noted agreement between Canada and the Plaintiff.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of Edmonton, in the Province of Alberta, this 29th day of August, 2024.



**ATTORNEY GENERAL OF
CANADA**

Per: Alethea LeBlanc / Colin LaRoche /
Laura Klassen Russell

Counsel for the Defendant