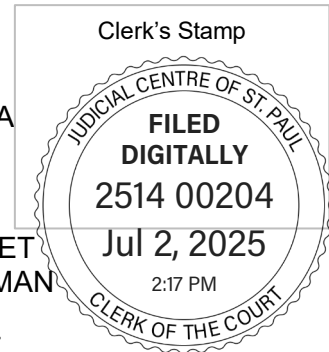


COURT FILE NUMBER
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE ST. PAUL
PLAINTIFFS ERIC RICHARD MARTINEAU, MARGARET
MARTIAL, and JODI VALENTINA CUSHMAN
DEFENDANTS ATTORNEY GENERAL OF CANADA, ST.
DOMINIC ELEMENTARY SCHOOL,
ASSUMPTION JUNIOR/SENIOR HIGH
SCHOOL, LE DIOCÈSE DE SAINT-PAUL
and/or THE DIOCESE OF SAINT-PAUL , ST.
DOMINIC PARISH, and BOARD OF
TRUSTEES OF LAKELAND ROMAN
CATHOLIC SEPARATE SCHOOL DIVISION.



***Proceeding under the Class
Proceedings Act, SA 2003 c.C-16.5***

DOCUMENT **STATEMENT OF CLAIM**

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File No. RES-722

NOTICE TO DEFENDANTS

You are being sued. You are a Defendant.

Go to the end of this document to see what you can do and when you must do it.

TO: ATTORNEY GENERAL OF CANADA
Prairie Regional Office - Edmonton
Department of Justice Canada
10423 101 Street
3rd Floor, Epcor Tower
Edmonton, Alberta T5H 0E7

TO: ST. DOMINIC ELEMENTARY SCHOOL
920 7 St. Cold Lake AB T9M 1M5

TO: ASSUMPTION JUNIOR/SENIOR HIGH SCHOOL
5209- 48 Avenue Cold Lake AB T9M 1S8

TO: LE DIOCÈSE DE SAINT-PAUL and/or THE DIOCESE OF SAINT-PAUL
4609-50 Avenue
St. Paul, Alberta T0A 3A3

TO: ST. DOMINIC PARISH
811 Lakeshore Drive
Cold Lake, Alberta T9M 1H7

TO: BOARD OF TRUSTEES OF LAKELAND ROMAN CATHOLIC
SEPARATE SCHOOL DIVISION
4810-46 Street
Bonnyville, Alberta T9N 2R2

Note: State below only facts and not evidence (Rule 13.6)

Statement of facts relied on:

DEFINITIONS:

1. The following definitions apply for the purposes of this Statement of Claim:
 - (a) **“Aboriginal”** or **“Aboriginal Person(s)”** means 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;
 - (b) **“Agents”** mean the servants, contractors, officers and employees of the Defendants and the operators, managers, administrators, doctors, nurses, clinicians and all other staff members of St. Dominic School or Assumption Schools in Cold Lake, Alberta.
 - (c) **“Class”** or **“Class Members”** means;
 - a. All Aboriginal persons, wherever they may now reside or be domiciled, who attended St. Dominic School or Assumption School, in Cold Lake, Alberta during the Class Period.
 - (d) **“Class period”** means the period from approximately 1961 to 1979.

OVERVIEW OF ACTION

2. This action concerns the Defendants' conduct in operation of St. Dominic Elementary School and Assumption Junior/Senior High School (the "**Schools**") in Cold Lake, Alberta, over an approximate 18 year period between 1961 and 1979.
3. The Defendants jointly and severally established, funded, oversaw, operated, supervised, controlled, maintained and supported the Schools through common national and provincial policies and procedures.
4. Class members were subjected to frequent physical, psychological, and/or sexual abuse.
5. The Defendants were jointly and severely negligent and breached their fiduciary duty owed to the Class Members.
6. The Defendants' negligence and breach of fiduciary duty resulted in substantial harm to the Class.

A. THE PARTIES

7. The Representative Plaintiffs and the Class:
 - (a) The Representative Plaintiff, Eric Richard Martineau ("**Martineau**") of Cold Lake, Alberta attended St. Dominic School from 1961-1974. There he experienced persistent acts of physical, verbal, sexual, and mental abuse.
 - (b) The Representative Plaintiff, Jodi Valentina Cushman ("**Cushman**") of Calgary, Alberta attended Assumption School from approximately 1979-1989. There she experienced persistent acts of physical, verbal, and mental abuse.
 - (c) The Representative Plaintiff, Margaret Martial ("**Martial**") of Cold Lake, Alberta attended St. Dominic School from approximately 1964-1978. There she experienced persistent acts of physical, verbal, sexual, and mental abuse.
 - (d) The Plaintiffs bring this action pursuant to the *Class Proceedings Act*, SA 2003 c.C-16.5 on their own behalf and on behalf of the Class.
8. The Defendants:
 - (a) The Defendant, Attorney General of Canada ("**Canada**"), is represented in the proceeding by the Attorney General of Canada pursuant to section 23 of the *Crown Liability and Proceedings Act*, RSC., 1985, c. C-50 ("**Crown Liability and**

Proceedings Act”).

- i. At all material times, Canada was responsible for the maintenance, funding, operation, oversight and/or management of Canadian Schools.
 - ii. Canada employed and/or authorized its Agents to operate, manage, and oversee indigenous education. It also provided instruction to such Agents as to the manner in which those schools were to operate.
 - iii. Canada’s maintenance, funding, operation, oversight and/or management of indigenous education, through its Agents, breached its duty of care owed to Class Members. Canada was also in breach of its fiduciary duty owed to Class Members.
 - iv. By virtue of its responsibility to ensure the safety, care and protection of Class Members and its authority and control over its Agents, and in accordance with section 3 of the *Crown Liability and Proceedings Act*, Canada is vicariously liable for the acts and omissions of its Agents in respect of the maintenance, funding, operation, oversight and/or management of indigenous education at the Schools.
 - v. Education in Canada is for the most part provided publicly, funded and overseen by federal, provincial, and local governments. Education is within provincial jurisdiction and the curriculum is overseen by the province.
 - vi. Canada’s responsibilities in education are limited to the Royal Military College of Canada, and funding the education of indigenous peoples.
- (b) The Defendant, currently named St. Dominic Elementary School (“**St. Dominic School**”), was constructed and opened in 1957 in Cold Lake, Alberta.
- (c) The Defendant, currently named Assumption Junior/Senior High School (“**Assumption School**”), was opened in 1978 in Cold Lake, Alberta as a kindergarten to grade nine school.
- (d) The Defendant, The Diocese Sancti Pauli Le Diocèse de Saint-Paul and/or The Diocese of Saint-Paul Also known as the Roman Catholic Diocese of Saint Paul (the “**Diocese**”), is a bilingual diocese consisting of 38 parishes and missions in

northeastern Alberta.

- (e) The Defendant, St. Dominic Parish (the “**Church**”) is a Roman Catholic Church parish established in 1915 and situate in the City (then town) of Cold Lake, Alberta, operating under the Diocese. Our Lady of Assumption, a mission church of St. Dominic Parish, was built between 1946 and 1945. A fire consumed the Our Lady Assumption but it was rebuilt in 1964, this time neighbouring Assumption School.
- (f) Board of Trustees of Lakeland Roman Catholic Separate School Division (“**LRCSSD**”) was formed in 1980, and assumed the previously named Lakeland Roman Catholic Separate School District No. 150, Bonnyville School Division No. 46, and Beaver River School District No. 5460 and reports to Alberta Education. The Schools operated under LRCSSD during the class period.

B. THE SCHOOL SYSTEM

a) Background

9. The Indian Day School system was active from approximately 1884 to 1996. The Roman Catholic Church, the Anglican Church, and the United and Presbyterian Churches operated the schools on behalf of the government.

10. In 1943, under Ministerial Order of the Government of Alberta, the Lac La Biche School Division was formed, consisting of the Parent School District No. 4529, Wandering River School District No. 4556, Lyle Lake School District No. 4600, and Amesbury School District No. 4627. Numerous school districts from the Athabasca School Division No. 42, then transferred to the Lac La Biche School Division.

11. In 1971, all public and separate jurisdictions in the Bonnyville-Grande Centre-Cold Lake region dissolved, including Bonnyville School Division No. 46. The Beaver River School District No. 5460 assumed jurisdiction over the dissolved schools and their students.

12. On 25 September 1980, Beaver River School District became the Lakeland School District No. 5460. A separate ministerial order on the same date established the Lakeland Roman Catholic School District No. 150 with coterminous boundaries.

13. Prior to 1953, Indigenous children at or near Cold Lake, Alberta received their education by attending Residential Schools in Onion Lake, Saskatchewan, or St. Paul, Alberta.

14. Canada operated its Indian Day School known as “LeGoff” on Cold Lake First Nation from 1916-1920, 1920-1933, and 1953-1997. Enrollment at LeGoff continued to grow as students were transferred out of the Residential Schools and returned to their homesteads.

15. Beginning in 1969, Band Members of Cold Lake First Nations began a year-long sit-in protest to demand that Indian Affairs construct a new school to replace the dilapidated LeGoff Day School and also to accommodate more students. In 1973, a new school was built and named LeGoff School. In the meanwhile, students sought education at the nearby Schools in Cold Lake, Alberta.

b) The *Indian Act*

16. Indian Day Schools and by extension schools in which indigenous children were students, were funded under the *Indian Act*. Education falls within Provincial Government jurisdiction, but Aboriginal Persons and their treaties fall under Federal Government Jurisdiction.

c) Conditions and Practices

17. The Schools practiced the same policies of physical abuse to discipline as residential schools and day schools. There were also many incidents of sexual and psychological abuse.

i. Physical, psychological, and sexual abuse

18. During the Class Period, the Defendants’ systemic failures resulted in Class Members being subjected to physical, psychological, and sexual abuse.

19. Common incidents of physical abuse incurred by Class Members include, but are not limited to:

- a. Beating with rods, rulers, or straps;
- b. Isolation for misbehavior for prolonged periods of time;
- c. Public whippings;
- d. Pulling earlobes; and
- e. Pulling hair.

20. Common incidents of psychological abuse incurred by Class Members include, but are not limited to:

- a. Verbal degradation;
- b. Emotional manipulation;
- c. Public humiliation; and
- d. Being segregated due to Indigenous Ancestry.

21. In addition to physical and psychological abuse suffered by Class Members, there was sexual abuse perpetrated by staff members who were Agents of the Defendants. The Defendants jointly and severally failed to implement appropriate policies and procedures to prevent such harm and, to the contrary, knowingly permitted its occurrence.

22. The Defendants, jointly and severally, also failed to establish and implement procedures through which Class Members could complain and seek assistance or relief against school staff members, whom were acting as Agents of the Defendants.

23. The Defendants jointly and severally failed to establish and implement adequate policies and procedures to oversee actions of school staff members towards Class Members that could have prevented widespread abuse.

24. The Defendants' failure to establish and implement adequate policies and procedures jointly and severally resulted in Class Members being physically harmed and emotionally traumatized.

C. THE PLAINTIFFS' EXPERIENCE

25. Martineau recalls getting strapped with a thick leather strap across his knuckles by the principal, hit across the hands with scissor handles by a teacher, and derogatory name calling by staff and other students. Martineau was also subjected to sexual grooming and assault by Father Croteau.

26. Cushman recalls being yelled at daily by the teachers and being hit with a yard stick across the palms in front of her classmates by Mrs. Swiderski. Though her actions mimicked those of the caucasian student population, these abuses were inflicted upon only the indigenous students.

27. Martial recalls being being tied to her desk while in grade 1, strapped by the principal when she was in grade 5, and inappropriate touching by Father Croteau while in grade 7.

28. There was generalized racism, degradation, and name calling directed at the Indigenous student population, and other abuses including but not limited to:

- a. Ruler strikes to the back or neck;
- b. Yardstick strikes to the knuckles;
- c. Ear pulling;
- d. Denied use of the bathroom, and;
- e. Verbal abuse.

D. BREACHES OF DUTIES TO THE CLASS MEMBERS

A. Negligence of the Defendant, Canada

29. Canada owed a duty of care to Class Members through its establishment, funding, oversight, operation, supervision, control, maintenance and support of the Schools in Cold Lake, Alberta.

30. During the Class Period, through its Agents, the Defendant Canada exercised care and control over Class members.

31. The Class members were in the care and control of the Defendant's Agents during their time as students at the Schools in Cold Lake, Alberta. The Class members expected that they would not be treated by Canada in a manner that would cause them physical and/or emotional harm.

32. Canada knew or ought to have known through its establishment, funding, oversight, operation, supervision, control, maintenance and support of the Schools, that its negligence would result in compensable harm to the Class members.

33. Canada was obligated to establish, fund and operate schools with a reasonable standard of care.

34. Class members were systematically subjected to sub-standard and inappropriate institutional conditions as described above. Resultantly, Class members suffered physical, emotional, and psychological harm for which compensation is owed.

35. Canada breached its duty in failing to ensure the Class Members were in an abuse-free environment when under their care.

36. Canada breached its duty of care by failing to take reasonable steps to prevent or stop physical, emotional, sexual and psychological harm.

37. Canada breached its duty of care by failing to investigate abuse after it was reported or after Canada knew or ought to have known that abuse was ongoing.

38. Canada breached its duty of care by failing to exercise reasonable supervision and direction over their employees and agents.

39. Had Canada satisfied its duty of care to the Class Members, the harm would have been prevented or at the very least mitigated.

40. It was reasonably foreseeable that by failing to meet its standard of care, Class members would be subjected to abuse for which compensation is owed.

B. Vicarious Liability of the Defendant, Canada

41. Canada is vicariously liable for the wrongful acts of the staff and operators of the Schools (the “**School Staff**”). Having created and enhanced the risk of wrongful conduct by the School Staff, Canada became vicariously liable, even if the wrongful acts were contrary to its intentions.

42. In the interest of providing education to the Class members, Canada gave School Staff the control and opportunity that made it possible for them to prey on, abuse and harm the Class members who were, during the Class Period, vulnerable victims.

43. Even if Canada did not desire the Class members to suffer the physical, emotional, and psychological harm, there is a significant connection between the creation and enhancement of that risk and the harm suffered by the Class members.

44. By placing or permitting the School Staff to assume a position of intimacy and power of the Class members, Canada significantly increased the risk of physical, emotional, and psychological harm to the Class members.

45. Canada provided the School Staff with perceived and actual control over the Class

members within its role as a provider for Indigenous peoples. The opportunity to abuse and harm the Class members was created and substantially enhanced by Canada's deficient management and supervisory structure.

46. Class members were dehumanized and put in a vulnerable position with little to no proper oversight. With the aim of assimilating the Class members, Canada conferred almost complete power to the School Staff.

47. Canada knew or ought to have known through its establishment, oversight, operation, supervision, control, maintenance and support of the Schools, that its negligence would result in compensable harm to the Class members.

48. Holding Canada vicariously liable for the wrongful acts of the School Staff serves the policy considerations of providing an adequate and just remedy and deterrence.

C. Negligence of the Defendants The Diocese Of Saint-Paul and St. Dominic Parish (the "Church")

49. The Church owed a duty of care to Class Members through its support of the Schools in Cold Lake, Alberta.

50. During the Class Period, the Church exercised care and control over Class members. The Church promoted Christian education to Class members to strip them of their own cultural and religious identity.

51. The Church knew or ought to have known through its support of the Schools, that its negligence would result in compensable harm to the Class members.

52. Class members were systemically subjected to sub-standard and inappropriate institutional conditions as described above. Class members suffered physical, emotional, and psychological harm for which compensation is justified.

53. The Church breached its duty in failing to ensure the Class Members were in a safe environment when under their care.

54. Had the Church satisfied its duty of care to the Class Members, the harm would have been prevented or at the very least mitigated.

55. It was reasonably foreseeable that by failing to meet its standard of care, Class members would be subjected to abuse for which compensation is owed.

D. Vicarious Liability of the Defendant Church

56. The Church became vicariously liable, even if the wrongful acts of the School Staff were contrary to its desires.

57. In the interest of providing catholic education to the Class members, the Church gave School Staff the control and opportunity that made it possible for them to abuse and harm the Class members who were vulnerable victims.

58. Even if the Church did not desire the Class members to suffer the physical, emotional, and psychological harm, there is a significant connection between the creation and enhancement of that risk and the harm suffered by the Class members.

59. By putting the School Staff in a position of intimacy and power of the Class members, the Church significantly increased the risk of physical, emotional, and psychological harm to the Class members.

60. Class members were put into a system that belittled, dehumanized and forced assimilation on Indigenous children.

61. Holding the Church vicariously liable for the wrongful acts of the School Staff serves the policy considerations of providing an adequate and just remedy and deterrence.

E. Negligence of the Defendant LRCSSD

62. LRCSSD owed a duty of care to Class Members through its establishment, oversight, operation, supervision, control, maintenance and support of the Schools in Cold Lake, Alberta.

63. During the Class Period, the LRCSSD exercised care and control over Class members. LRCSSD played a significant role in the operation the Schools by setting educational policies and providing general oversight. LRCSSD did so for the Government of Alberta and the Government of Canada, but also for the Church's interest in promoting Christian education to Class members and stripping them of their own cultural and religious identity.

64. The Class members were subject to the LRCSSD's policies and oversight during their time

as students at the Schools. The Class members did not expect to be subjected by the LRCSSD to policies and oversight causing them physical and/or emotional harm.

65. LRCSSD knew or ought to have known through its policies, oversight and support of the Schools, that its negligence would result in compensable harm to the Class members.

66. LRCSSD was obliged to supervise and operate schools with a reasonable standard of care.

67. Class members were systemically subjected to sub-standard and inappropriate institutional conditions and educational policies as described above. Class members suffered resulting physical, emotional, and psychological harm for which compensation is owed.

68. LRCSSD breached its duty in failing to ensure policies were in place that guaranteed the Class Members were in an abuse-free environment when under their care.

69. LRCSSD breached its duty of care by failing to take reasonable steps to prevent or stop physical, emotional, sexual and psychological harm.

70. LRCSSD breached its duty of care by failing to exercise reasonable supervision and direction over its employees and agents, by their negligent hiring, firing and supervision of same and by implementing harmful educational policies.

71. Had LRCSSD satisfied its duty of care to the Class Members, the harm would have been prevented or at the very least mitigated.

72. It was reasonably foreseeable that by failing to meet its standard of care, Class members would be subjected to abuse for which compensation is owed.

F. Vicarious Liability of the Defendant, LRCSSD

73. LRCSSD is vicariously liable for the wrongful acts of the School Staff. Having created and enhanced the risk of wrongful conduct by the School Staff, LRCSSD became vicariously liable, even if the wrongful acts were contrary to its desires.

74. In the interest of providing catholic education to the Class members, LRCSSD gave School Staff the control and opportunity to harm the Class members, who were vulnerable victims.

75. Even if LRCSSD did not desire the Class members to suffer such physical, emotional, and psychological harm, there is a significant connection between the creation and enhancement of that risk and the harm suffered by the Class members.

76. By putting the School Staff in a position of intimacy and power of the Class members, LRCSSD significantly increased the risk of physical, emotional, and psychological harm to the Class members.

77. During the Class Period, LRCSSD provided the School Staff with perceived and actual control over the Class members within its role as a delegated provider for Indigenous peoples and provider of education. The School Staff's opportunity to abuse and harm the Class members was created and substantially enhanced by LRCSSD's deficient management and supervisory structure.

78. LRCSSD's aim was to assimilate and convert the Class members within its schools. The abuse and harm was used, in part, to further this aim.

79. Class members were dehumanized and put in a vulnerable position with little to no proper oversight. With the aim of converting and assimilating the Class members, LRCSSD conferred almost complete power to the School Staff.

80. Class members were put into a system that belittled, dehumanized and forced assimilation on Indigenous children.

81. Holding LRCSSD vicariously liable for the wrongful acts of the School Staff serves the policy considerations of providing an adequate and just remedy and deterrence.

E. BREACHES OF FIDUCIARY DUTY

A. Fiduciary Breach of the Defendant, Canada

82. Canada was in a fiduciary relationship with the Class members because of the relationship of trust, reliance and dependence Canada exerted over Indian Class members. Canada established, funded, oversaw, operated, supervised and controlled the Schools throughout the Class Period. As a result, Canada occupied a trust-like relationship with trust-like duties to the Class members. This required Canada to put the Class members' interests first.

83. At all material times, Class members were within the knowledge, contemplation, power or

control of Canada, and were subject to the unilateral exercise of its Agents' power or discretion.

84. Through its establishment, funding, oversight, operation, supervision, control, maintenance and support of the Schools, Canada undertook the express and implied responsibility to act in the best interests of the Class members at all times.

85. Class members relied upon Canada, to their detriment, to fulfill its fiduciary obligations.

86. Pursuant to Canada's exclusive jurisdiction established in section 91(24) *Constitution Act*, 1867, the common law, and court rulings of high and binding authority, Canada had a fiduciary duty to act in the best interests of Aboriginal students.

87. By virtue of both constitutional and quasi-constitutional obligations under the *Indian Act*, Canada had discretionary control over Aboriginal students and were obligated to act in their best interests at all material times. In particular, Canada was required to protect the physical, emotional, social, spiritual and cultural well-being of Class members because of their rightful status as Aboriginal Persons under the *Constitution Act*, 1867.

88. Due to the *sui generis* relationship with Aboriginal Persons, Canada's fiduciary duty is non-delegable.

89. In failing to ensure that the Schools were free from physical and sexual abuse, and substandard conditions, Canada put its own interests ahead of the interests of the Representative Plaintiffs, and the Class members.

90. In breach of its fiduciary duty, Canada failed and continues to fail to adequately remedy the damage caused by its failures and omissions set out herein. In particular, Canada has failed to compensate Class members for the physical, emotional, psychological and sexual abuse they suffered at the Schools in Cold Lake, Alberta during the Class Period.

91. Canada further violated its fiduciary duty to Class members by robbing Class members of their communities, culture and support and placing them in an environment that fostered abuse. This amounted to dishonest and disloyal conduct.

B. Fiduciary Breach of the Defendant Church

92. The Church was in a fiduciary relationship with the Class members because of the relationship of trust and dependence the Church exerted over Class members. The Church supported the schools throughout the Class Period. As a result, the Church occupied a trust-like relationship with associated duties to the Class members. This required the Church to put the Class members' interests first.

93. At all material times, Class members were within the knowledge, contemplation, power or control of the Church, and were subject to the unilateral exercise of its Agents' and employees' power or discretion.

94. Through its establishment, funding and support of the Schools, the Church undertook the express and implied responsibility to act in the best interests of the Class members at all times.

95. Class members, all of whom were vulnerable children, reasonably expected to receive reasonable educational instruction without subjection to physical, verbal, emotional or sexual harm, or otherwise, the sub-standard conditions described above. Class members relied upon the Church, to their detriment, to fulfill its fiduciary obligations.

96. In failing to ensure that the Schools were free from physical and sexual abuse, and substandard conditions, the Church put its own interests ahead of the interests of the Representative Plaintiffs and the Class members.

97. In breach of its fiduciary duty, the Church failed and continues to fail to adequately remedy the damage caused by its failures and omissions set out herein. In particular, the Church has failed to compensate Class members for the physical, emotional, psychological and sexual abuse they suffered at the Schools during the Class Period.

98. The Church further violated its fiduciary duty to Class members by robbing Class members of their culture and support, and placing them in an environment that fostered abuse. This amounted to dishonest and disloyal conduct.

F. DAMAGES

99. The Defendants knew or ought to have known that as a consequence of its negligence

and breach of fiduciary duty, the Plaintiffs and Class Members would suffer injury and damages including but not limited to:

- (a) Assault and battery;
- (b) Sexual abuse;
- (c) Emotional abuse;
- (d) Psychological abuse;
- (e) Psychological illness;
- (f) Impairment of mental and emotional health amounting to severe and permanent disability;
- (g) Emotional and psychological pain and suffering;
- (h) A propensity to addiction;
- (i) An impaired ability to participate in normal family life;
- (j) An impairment of the capacity to function in the work place and a permanent impairment in capacity to earn income;
- (k) The need for ongoing psychological, psychiatric, and medical treatment for illnesses and other disorders resulting from the school experience;
- (l) Depression, anxiety and emotional dysfunction;
- (m) Suicidal ideation;
- (n) Pain and suffering;
- (o) Loss of self-esteem and feelings of degradation;
- (p) Fear, humiliation and embarrassment as a child and adult, and sexual confusion and disorientation as a child and young adult;
- (q) Loss of ability to fulfill cultural duties;
- (r) Prohibition of the use of Aboriginal language and the practice of Aboriginal religion and culture and the consequential loss of facility and familiarity with Aboriginal language, religion, and culture;
- (s) Loss of ability to live in Aboriginal communities;
- (t) Loss of income;
- (u) Loss of enjoyment of life;
- (v) Such other and further damages as the Plaintiffs may advise and this Honourable Court may consider.

100. Canada and its Agents knew or ought to have known that as a consequence of its negligence and breach of its fiduciary duty, Class Members would suffer the damages above.

G. PUNITIVE AND EXEMPLARY DAMAGES

101. The Defendants and its Agents had specific and complete knowledge of physical, psychological, emotional, cultural and sexual abuses suffered by the Class Members that occurred within the Schools in Cold Lake, Alberta during the Class Period. Despite this, Canada continued to operate the Schools and permit grievous harm to the Class Members.

102. In establishing and operating the Schools during the Class Period, the Defendants acted in a callous manner towards Class Members that warrants a finding of punitive and/or exemplary damages that are reasonable in the herein circumstances. Canada conducted itself with complete and utter disregard for the well-being of the Class Members.

103. The Plaintiffs plead and rely upon the following:

- (a) *Federal Courts Act*, RSC 1985, c F-7;
- (b) *Federal Courts Rules*, SOR/98-106;
- (c) *Constitution Act, 1867*, 30 & 3rd Victoria, c. 3 (U.K.);
- (d) *Constitution Act, 1982*, s. 35(1), being Schedule "B" to the *Canada Act, 1982* (U.K.) c. 11;
- (e) *Crown Liability Act*, SC 1952-53, c. 30;
- (f) *Crown Liability and Proceedings Act*, RSC 1985, c C-50;
- (g) *Indian Act, as amended*
- (h) *School Act, RSA 1955, c 297*
- (i) *School Act, RSA 1970, c329*
- (j) *Charter of Human Rights and Freedoms*, RSQ, c. C-12; and
- (k) *Alberta Rules of Court*.

104. The Plaintiffs propose the following be tried in St. Paul, Alberta.

Remedy sought:

105. The Plaintiffs Claim:

- a. An order certifying this proceeding as a Class Proceeding pursuant to the *Class Proceedings Act* and appointing the Plaintiffs as Representative Plaintiffs for the Class;
- b. A declaration that the Defendants breached their fiduciary duties to the Plaintiffs and the Class by reason of the events described herein;

- c. A declaration that the Defendants breached its common law duties of care owed to the Plaintiffs and the Class by reason of the events described herein;
- d. A declaration that the Defendants violated the Plaintiffs' and the Class' rights as enshrined in and guaranteed by the *Canadian Chart of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being schedule B to the *Canada Act 1982 (UK), 1982*, c 11(the "*Charter*");
- e. Pecuniary damages in the amount of \$50 million or any such amount that this Honourable Court deems appropriate;
- f. Punitive damages in the amount of \$50 million or any such amount that this Honourable Court deems appropriate;
- g. Pre-Judgment interest and post-judgment interest pursuant to the *Judgment Interest Act* RSA 2000, 1.J-1;
- h. Costs of this action on a substantial indemnity basis or in an amount that provides full indemnity to the Plaintiffs;
- i. Costs of notice and of administering the plan of distribution of the recovery of this action, plus applicable taxes, pursuant to section 33 of the *Class Proceedings Act*; and
- j. Such further and other relief as this Honourable Court deems just.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of Queen's Bench at St. Paul, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff(s)' address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.