

FEDERAL COURT
CLASS PROCEEDING

BETWEEN:

CHIEF SHANE GOTTFRIEDSON, on behalf of the TK'EMLUPS TE
SECWEPEMC INDIAN BAND and the TK'EMLUPS TE SECWEPEMC
INDIAN BAND, and CHIEF GARRY FESCHUK, on behalf of the SECHELT
INDIAN BAND and the SECHELT INDIAN BAND

Plaintiffs

and

HIS MAJESTY THE KING IN RIGHT OF CANADA
as represented by THE ATTORNEY GENERAL OF CANADA

Defendant

AFFIDAVIT OF JEANINE ALPHONSE

I, Jeanine Alphonse, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am a law clerk with the law firm of Waddell Phillips Professional Corporation, Class Counsel in this litigation, and as such have knowledge of the matters to which I hereinafter depose. Where the information in this affidavit is based on information, I have stated the source of the information, and I believe that information to be true.

Notice to Potential Class Members of Certification and Opportunity to Opt-in

2. This Class Action was certified by Court order dated June 18, 2015. On September 1, 2015, the Court issued an order regarding the form, content and manner of providing notice to potential band class members of certification, and providing bands eligible to become band class members to opt-in. I have marked the September 9, 2015 Order as **Exhibit "A"** to this affidavit.

3. The Court-approved notice regarding the band class stated, amongst other things that bands needed to opt-in by sending in an opt in form or letter in order to become a member of the Band Class. The notice set an opt-in deadline of February 29, 2016.

4. The September 1, 2015 order required, amongst other things, that the Plaintiffs distribute the Court-approved notice regarding the band class in the following manner:

- a. Publication in national newspapers;
- b. Publication in national Aboriginal newspapers;
- c. Publication in local general circulation and Aboriginal newspapers;
- d. Posting on www.justicefordayscholars.ca;
- e. Posting on the websites of both Phillips Gill LLP and Peter Grant & Associates;
- f. Through regional and local meetings with Aboriginal communities;
- g. Direct mailing to all potentially affected bands across Canada;
- h. Direct communication with Class Members in the Representative Plaintiff bands;
- i. Posting on the website of Aboriginal Affairs and Northern Development Canada;
- and
- j. A national media release within 15 days of the signing of the order.

5. I have marked as **Exhibit “B”** the affidavit of Jo-Anne Gottfriedson, sworn June 3, 2016, and its exhibits that confirms that the Plaintiffs distributed the notice as required by the September 9, 2015 order. In addition, the affidavit confirms that the Plaintiffs, with the assistance of the Assembly of First Nations, sent the notice by fax to all First Nations in Canada. In addition, the notice was posted on the Assembly of First Nations’ website, and national media releases were periodically published and circulated by the Assembly of First Nations, the Federation of Saskatchewan Indians, the First Nations Summit, and the Union of BC Chiefs.

6. On July 17, 2017, on motion by the Dene Tha’ First Nation, the Court ordered that Dene Tha’ First Nation be added as a member of the band class. Schedule “A” to that order is a Band Class Opt-In List as amended July 17, 2017 that lists 99 band class members, not including the two Band Class Representative Plaintiffs. A copy of the order of Justice Harrington dated July 17, 2017 is marked as **Exhibit “C”**.

Efforts to Notify Potential Class Members of the Re-opening of the Opt-in Period

7. By order dated February 8, 2022, the Court reopened the opt-in period and approved the form and content of the opt-in notice. Pursuant to the February order, the Representative Plaintiffs were required to provide notice by direct mailing and emailing the notice to all Indian Bands known to Class Counsel, or made known to Class Counsel by the Defendant that were not already class member. A copy of the February 8, 2022 order is marked as Exhibit “G” to the affidavit of Peter Grant sworn in support of the settlement approval motion.

8. I am informed by W. Cory Wanless, a member of the Class Counsel team, that Class Counsel compiled a contact list of all Bands in Canada using a combination of the contact information for First Nations publicly available from Crown-Indigenous Relations and Northern

Affairs Canada (<https://fnp-ppn.aadnc-aandc.gc.ca/fnp/Main/Search/SearchFN.aspx?lang=eng>)

and from the public websites of the First Nations themselves.

9. I am informed by W. Cory Wanless that, pursuant to the February 8, 2022 court order, Class Counsel distributed the court approved notice by mail and email in February 2022 to all First Nations in Canada that were not already Band Class Members.

10. I am informed by Jo-Anne Gottfriedson, a member of Tk'emlúps te Secwépemc hired to assist with outreach to eligible bands, that the notice of the re-opening of the opt-in period was also sent to all the Regional Chiefs and the Assembly of First Nations.

11. I am informed by W. Cory Wanless that Jo-Anne Gottfriedson and other members the Class Counsel team engaged in extensive efforts to speak to representatives of bands that had not yet opted in and their legal counsel by phone, by video-conference, and, in some instances, in person.

Efforts to Notify Potential Class Members of the Extension of the Opt-in Period

12. Beginning in June 2022, I became involved in the efforts to reach out the Potential Class Members.

13. By order dated June 15, 2022, Justice McDonald extended the opt-in deadline from May 31, 2022 to June 30, 2022.

14. On June 20, 2022, I sent an email to all Bands on our email list using MailChimp, advising Potential Class Members of the extended deadline for opting in that the Court had set.

15. At the end of the extended opt-in period, the Band Class consisted of 325 Bands that had opted in, or otherwise been added to the Class by Court order. The 325 Bands included a number

of Bands that, at the request of the Representative Plaintiffs, were authorized by the Court to opt in after the extended deadline. A copy of the final list of Class Members, as amended by order of Justice McDonald dated January 23, 2023, is marked as Exhibit “H” to the affidavit of Peter Grant sworn in support of the settlement approval hearing.

Ongoing Communications with Band Class Members

16. Class Counsel has engaged in ongoing communications with Band Class Members first through the websites www.justicefordayschoars.com and later www.bandreparations.ca and www.bandreparations.com; updates to a designated webpage on Waddell Phillips’ firm website (<https://waddellphillips.ca/class-actions/band-reparations-class-action/>) and a designated toll-free number (1-888-370-1045) and a designated email inbox (bandclass@waddellphillips.ca). A printout of the Waddell Phillips website dedicated to this litigation, accessed February 14, 2023, is marked as **Exhibit “D”**.

17. Class Counsel has also sent out periodic news releases regarding status of the Band Reparations lawsuit over a news wire that sends the news release to all news outlets in Canada, and publishes the news release online. For example, Class Counsel sent out a press releases on August 30, 2022 announcing the start of the Band Reparations trial on September 12, 2022, and on September 20, 2022 announcing the adjournment of the Band Reparations trial to allow for the completion of settlement negotiations. These press releases are attached respectively as **Exhibit “E”** and **Exhibit “F”**.

18. Class Counsel maintained a Band Class Member contact list containing emails, mailing address, phone numbers and in most cases, fax numbers. Class Counsel generally provided updates to the Band Class via email.

19. The Representative Plaintiffs also engage in ongoing communications with Band Class Members, for example, notifying them of the start and adjournment of the common issues trial. Letters from Kúkpi7 Rosanne Casimir of Tk'emlúps te Secwépemc and hiwus Warren Paull of shíshálh Nation, dated September 12 and 20, 2022, collectively marked as **Exhibit "G"**, were sent to the Band Class Member email list maintained by Class Counsel.

Efforts to Notify Band Class Members of the Settlement / Settlement Approval Hearing

20. Beginning January 2023, I became involved in the efforts to reach out to the Band class members regarding the Notice of Settlement and Settlement Approval Hearing.

21. On January 21, 2023, the Representative Plaintiffs and Minister Marc Miller held a joint press conference in order to announce the settlement to the media, and to the Canadian public. A transcription of the statements made at the press conference is marked as **"Exhibit L"**.

22. On January 21, 2023, a press release was published by Class Counsel announcing the Settlement Agreement with Canada. I am informed by W. Cory Wanless that the www.bandreparation.ca webpage was updated on January 21, 2023 to become a standalone website that contained information regarding the settlement and the settlement approval hearing. Printouts of the press release published by Global Newswire and the Bandreparations.ca webpage, accessed February 14, 2023, are marked as **Exhibit "H"** and **Exhibit "I"**.

23. The January 23, 2023 order of Justice McDonald details the Notice Plan for the distribution of the Notice of Settlement Approval and Settlement hearing to all Band class members. A copy of the Notice Plan is marked as **Exhibit "J"**.

24. On January 23, 2023, I sent an email to all 325 Band Class Members on our email list using MailChimp, advising of the Notice of Settlement Approval and Settlement Hearing. Of the emails sent to 333 email addresses, 16 were returned as undeliverable.

25. On January 24, 2023, I sent the Notice to all 325 Band class members by regular mail. Of the Notices sent by mail, three have been sent back to us as returned to sender. The three nations that did not receive the notice by mail received a confirmed fax.

26. Beginning January 25 to January 27, 2023, I and other staff at Waddell Phillips faxed the Notice to all Band class members. Of the 325 Band class members, 34 of the faxed Notices came back as unsuccessful deliveries, the rest were confirmed as received.

27. Pursuant to the Notice Plan, all Band class members who did not confirm receipt that they had received the Notice were contacted by telephone beginning on January 30, 2023. During these calls, I spoke to or left voicemails for members of the Bands asking them to confirm whether the Notice was received and, if not, to provide an alternate email to which to send the Notice.

Class Member Support of and Opposition to the Settlement Agreement

28. I am responsible for receiving and compiling Class Member written submissions, and requests to make oral submissions at the Settlement Approval Hearing. As of the deadline of 11:59pm PT, February 20, 2023, Class Counsel have received five written submissions from representatives from confirmed Band Class Members. Of these, one objects to the Settlement Agreement, and four support the Settlement Agreement. I have attached as **Exhibit "K"** a package of all written submissions received from representatives from confirmed Band Class Members received by the deadline of 11:59pm PT, February 20, 2023.

29. As of the deadline of 11:59pm PT, February 20, 2023, Class Counsel have received requests to make oral submissions at the Settlement Approval Hearing from six representatives from confirmed Band Class Members. Of those, four will make submissions in person, while two will make submissions virtually.

30. Class Counsel will inform the Court of any Class Member that submits written submissions, or requests to make oral submissions, after the deadline set out in the Notice.

31. I have been advised by Jonathan Schacter, a member of the Class Counsel team that, based on his experience as Class Counsel, this is a low number of objections relative to the size of the Band Class. The number of objections is also low relative to the overall number of inquiries that Class Counsel have received regarding the Settlement Agreement since it was announced publicly (which is in the high hundreds). The number of statements of support outnumber the objections.

32. I swear this affidavit in support of the Plaintiffs' motion for settlement approval, and for no other improper purpose.

AFFIRMED by Jeanine Alphonse, at the City of Toronto, in the Province of Ontario, before me on February 22, 2023.



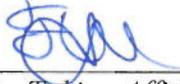
Commissioner for Taking Affidavits
(or as may be)

FLORA YU
(LSO No.: 84025W)



JEANINE ALPHONSE

This is **Exhibit "A"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

Federal Court



Cour fédérale

Date: 20150901

Docket: T-1542-12

Ottawa, Ontario, September 1, 2015

PRESENT: The Honourable Mr. Justice Harrington

CLASS ACTION

BETWEEN:

CHIEF SHANE GOTTFRIEDSON, ON HIS OWN BEHALF AND ON BEHALF OF ALL THE MEMBERS OF THE TK'EMLÚPS TE SECWÉPEMC INDIAN BAND AND THE TK'EMLÚPS TE SECWÉPEMC INDIAN BAND, CHIEF GARRY FESCHUK, ON HIS OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF THE SECHelt INDIAN BAND AND THE SECHelt INDIAN BAND, VIOLET CATHERINE GOTTFRIEDSON, DOREEN LOUISE SEYMOUR, CHARLOTTE ANNE VICTORINE GILBERT, VICTOR FRASER, DIENA MARIE JULES, AMANDA DEANNE BIG SORREL HORSE, DARLENE MATILDA BULPIT, FREDERICK JOHNSON, ABIGAIL MARGARET AUGUST, SHELLY NADINE HOEHNE, DAPHNE PAUL, AARON JOE AND RITA POULSEN

Plaintiffs

and

**HER MAJESTY THE QUEEN
IN RIGHT OF CANADA**

Defendant

ORDER

UPON reading the written submissions filed on behalf of the plaintiffs on August 27, 2015;

AND UPON the consent of the defendant, Her Majesty the Queen in Right of Canada;

THIS COURT ORDERS that:

1. The Notices of Certification in both English and French attached as Schedule "A" to this Order shall be approved for distribution.
2. The manner of distribution shall be by the plaintiffs and shall be implemented as soon as reasonably practicable and, in the case of monthly publications, in the next available issue following the date of this Order as follows:
 - a. Publication in national newspapers;
 - b. Publication in national Aboriginal newspapers;
 - c. Publication in local general circulation and Aboriginal newspapers;
 - d. Posting on www.justicefordayscholars.ca;
 - e. Posting on the websites of both Phillips Gill LLP and Peter Grant & Associates;
 - f. Through regional and local meetings with Aboriginal communities;
 - g. Direct mailing to all potentially affected bands across Canada;

- h. Direct communication with Class Members in the Representative Plaintiff bands;
- i. Posting on the website of Aboriginal Affairs and Northern Development Canada; and
- j. A national media release within 15 days of the signing of this Order.

“Sean Harrington”

Judge

SCHEDULE "A"

1. Notice (Survivor and Descendant Classes)
2. Avis (Groupes des Survivants et des Descendants)
3. Notice (Band Classes)
4. Avis (Groupe des Bandes)

NOTICE (BAND CLASSES)

To Any Aboriginal Band in Canada who had Band members attend an Indian Residential School and has or had an Indian Residential School on or proximate to Band lands or property

A Class Action Lawsuit May Affect Your Rights.

A court authorized this notice. You are not being sued.

- You could be affected by a class action lawsuit involving the Kamloops and Sechelt Indian Residential Schools and additional Indian Residential Schools (the "Schools") (see attached Appendix 'A' for the list of eligible schools).
- A Court has approved the lawsuit as a class action that may include anyone who attended at any Indian Residential School, for any times they attended as a "Day Scholar" (i.e. non-resident student) as well as their children and the bands within communities that contained a Residential School. The Plaintiffs in the class action are suing the Government of Canada ("Canada") claiming that it is responsible for damages arising from attendance at the Schools. Attached to this Notice is a copy of the June 18, 2015 Court Order of Justice Harrington. This Order, and all other decisions related to this lawsuit can also be found on the Federal Court website at:
<http://decisions.fct-ef.gc.ca/fe-ef/en/d/s/index.do?cont=gottfriedson>.
- This claim is different from the Residential Schools Class Action Settlement entered into by Canada. In that settlement, only those who lived at an Indian Residential School were compensated for the fact of having gone to the school. This claim is for compensation relating to time spent attending, but not living in, the Schools.
- The Court has not decided whether Canada did anything unlawful, and the case is currently planned to go to a trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR OPTIONS AT THIS STAGE	
Opt-in	<p>Join this lawsuit. Await the outcome. Share in possible money and benefits. Give up certain rights.</p> <p>By opting in, your band gains the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue Canada, or any religious organizations, on your own about the same legal claims in this lawsuit.</p>
Do Nothing	<p>Get no money or benefits from the lawsuit. Keep rights.</p> <p>If you do nothing your band will not be included in this lawsuit. This does not affect the rights of individual band members to participate as Survivors or Descendants. If money or benefits are later awarded in this lawsuit, you won't share in that money or benefits. But, you keep any rights to sue Canada, or any religious organization, on your own about the same legal claims in this lawsuit.</p>

- Lawyers must prove the claims against Canada at a trial. If money or benefits are obtained you will be notified about how to ask for a share.
- Your options are explained in this notice. To be included, you must act by **February 29, 2016**

**QUESTIONS? CALL TOLL-FREE 1-844-558-5538 OR VISIT
WWW.JUSTICEFORDAYSCHOLARS.COM**

WHAT THIS NOTICE CONTAINS

BACKGROUND INFORMATION 3

 The Purpose of this Notice:..... 3

 The Claims in this Lawsuit..... 3

 Description of a Class Action 3

 Those Belonging to the Class 4

YOUR OPTIONS 4

 Opt - in 5

 Do Nothing..... 5

THE LAWYERS ACTING FOR THE CLASS 5

A TRIAL..... 6

 This Lawsuit may go to Trial..... 6

 Money or Benefits for the Class 6

LEARNING MORE..... 6

BACKGROUND INFORMATION

The Purpose of this Notice:

This lawsuit has been "certified" as a Class Action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included in the Class, you may have legal rights and options before the Court decides whether the claims being made against Canada on your behalf are correct. This notice explains all of these things.

The Honourable Justice Harrington, together with Prothonotary Lafrenière of the Federal Court, is currently overseeing this case. The case is known as *Gottfriedson v. The Attorney General of Canada*, Court File No. T-1542-12. The people who started this lawsuit are the Plaintiffs, and Canada is the Defendant.

The Claims in this Lawsuit

The lawsuit claims that Canada acted unlawfully and harmed those who attended at the Schools, and their children and band communities because the Schools were used to attempt to eliminate aboriginal languages, cultures and traditions. Further, the lawsuit claims that many people who attended the Schools also suffered mental, emotional and spiritual abuse. The Court has not decided this lawsuit and the Plaintiffs' claims still have to be proven in Court.

Relief Sought

The Plaintiffs are seeking a variety of different forms of relief from the Court. In part, they are asking for Declarations by the court that Canada's actions in overseeing the Indian Residential School System, and particularly the treatment of Day Scholars, were wrong. In addition, the Plaintiffs are seeking monetary compensation for surviving Day Scholars, their children and Bands that were home to Residential Schools.

The Defendant's Position

Canada is defending this lawsuit and denies the Plaintiffs' claims including the Plaintiffs' allegations of breaches of rights and duties. Canada also states that, with respect to claims being made by class members who are also class members of the Indian Residential School Settlement Agreement ("IRSSA") and did not opt out of the IRSSA, those claims are barred by the IRSSA. Canada also states that the damages claimed, if they occurred, were caused by the churches and other religious groups and their employees who operated, ran, or otherwise worked at the schools.

Description of a Class Action

In a class action one or more people called "representative plaintiffs" sue on behalf of people who have similar claims. All of these people with similar claims are called the "class" or "class members." The Court resolves the issues for all class members, except for those who remove themselves from the class.

The Representative Plaintiffs in this action are as follows:

For the Survivor Class:

Violet Catherine Gottfriedson (Tk'emlúps te Secwépemc Indian Band)
Charlotte Anne Victorine Gilbert (Tk'emlúps te Secwépemc Indian Band)
Diana Marie Jules (Tk'emlúps te Secwépemc Indian Band)
Darlene Matilda Bulpit (Sechelt Indian Band)
Frederick Johnson (Sechelt Indian Band)
Daphne Paul (Sechelt Indian Band)

For the Descendant Class:

Amanda Deanne Big Sorrel Horse (Tk'emlúps te Secwépemc Indian Band)
Rita Poulsen (Sechelt Indian Band)

For the Band Class:

Tk'emlúps te Secwépemc Indian Band
Sechelt Indian Band

Those Belonging to the Class

Bands can join the class by choosing to 'opt in' to the Action. A Band is eligible to opt in if:

- The Band Members include some who are Survivors (defined below); and
- An Indian Residential School, recognized in the Indian Residential School Settlement Agreement and listed in Appendix "A" to this notice is present on, or proximate to, Band lands or property.

Individuals are included in this lawsuit and a member of a Class if they are:

A Survivor: This Class consists of all Aboriginal persons who attended at one of the Schools, but only for periods that were not compensated for through a Common Experience Payment; or

A Descendant of a Survivor: This Class consists of all persons who are the children of Survivor Class Members or were adopted either legally or traditionally by a Survivor or their spouse.

The Band Class currently consists of the Tk'emlúps te Secwépemc Indian Band and the Sechelt Indian Band. Other bands can join by 'opting-in' to the lawsuit.

YOUR OPTIONS

You have to decide whether to opt into the Class before a possible trial, and you have to decide this by **February 29, 2016**.

Opt – in

If you wish to become a member of the Class you will need to "opt-in". To opt-in complete the Opt In Form included with this notice, or send a letter that says you want to join the Class. Your letter must contain the Band Name, contact name and address, telephone number and a representative's signature. The Opt In Form or letter must be sent to Peter Grant & Associates at the following address:

900 -- 777 Homby Street,
Vancouver, British Columbia
Canada V6Z 1S4
Email: dayscholar@grantnativeclaw.com
Phone: 604-685-1229
Fax: 604-685-0244

You can also get the Opt In Form or complete the form online at www.justicefordayscholars.com.

Your opt in must be received by **February 29, 2016**.

If you are a member of the class you will not be able to pursue your own lawsuit against Canada or any other parties. In a previous ruling in this action, Justice Harrington determined that the Representative Plaintiffs had made a decision not to seek damages from any third parties, which in this lawsuit are the various churches who ran the Residential Schools, and as a member of the class you will be bound by that decision. At the conclusion of this lawsuit you will not be able to sue the churches even if the Court finds that the churches are responsible for any damages you suffered.

This lawsuit is seeking benefits on behalf of the entire class. If any benefit is awarded, you may need to take action in order to receive these benefits.

Call **Karena Williams** at 604-685-1229 or **Patric Senson** at 416-477-6978 if you have any questions about how to opt in to the Class.

Opting in to this Lawsuit will not impact any benefits or services you may receive from the Government of Canada.

Do Nothing

If you decide not to participate in the lawsuit, you do not have to take any actions. However, you will not receive any money or benefit that may be obtained as a result of this lawsuit. You will not be bound by any Court orders and you keep your right to sue Canada regarding the issues in this case. You also maintain the right to sue any other parties, i.e. a Church organization that ran the Residential School on or near your Band property. You cannot change your mind later and opt into the class action.

THE LAWYERS ACTING FOR THE CLASS

The Representative Plaintiffs have retained Class Counsel. The Court has approved Class Counsel to act for the Class. The Class Counsel consists of two firms, Peter Grant & Associates,

and Phillips Gill LLP. As a Class member, you will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense. You will not have to pay the costs of Class Counsel.

A TRIAL

This Lawsuit may go to Trial

If the case is not dismissed or settled, the Plaintiffs will have to prove the claims and the claims of the Class at a trial. The trial would be likely be in Vancouver, British Columbia. At trial, the Court hears evidence from witnesses so that a decision can be reached about whether the Plaintiffs are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

Money or Benefits for the Class

The Representative Plaintiffs will be responsible for legal costs on all common issues. The two Band Class Representatives would like to discuss with you whether or not your Nation will be willing to be responsible for a share of legal costs on the common issues. If you opt in and following the common issues trial there are individual cases involving your Band, you will be responsible for the costs of advancing those individual issues.

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, Class members will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the websites of the Bands and the Class Counsel.

LEARN MORE

You can get more information about this case and opting in:

Karena Williams
900 — 777 Hornby Street,
Vancouver, British Columbia
Canada V6Z 1S4
Phone: 604-685-1229
Email: day scholar@grantnative law.com
Fax: 604-685-0244

Patric Senson
200 – 33 Jarvis Street
Toronto, ON
M5E 1N3
Phone: (416) 477-6978
Email: patric@legaladvocates.com

Jo-Anne Gottfriedson
Tk'emlúps te Secwépmc Day Scholar Co-
ordinator
200-300 Chief Alex Thomas Way
Kamloops, British Columbia
Canada V2H1H1
Phone: 250-828-9788 or 250-318-5628
Fax: 250-372-8833
Email: jo-anne.gottfriedson@kib.ca

Hereditary Chief Garry Peschuk
Sechelt Nation Counsellor
5545 Sunshine Coast Highway
Sechelt, British Columbia
Canada V0N3A0
Phone: 604-885-2273 or 604-230-3415
Fax: 604-885-3490
Email: ggeschuk@sechelt nation.net

Or visit www.justicefordayscholars.com

Please Note:

Do not contact the Federal Court or the Federal Government of Canada with questions about this lawsuit. Rather refer all questions to Plaintiffs' counsel or the Bands as listed above. The Federal Court and the Federal Government of Canada, including the Department of Aboriginal Affairs and Northern Development Canada and its employees and lawyers will not respond to questions about this lawsuit.

AVIS (GROUPE DES BANDES)

À toute bande autochtone au Canada dont certains des membres ont fréquenté un pensionnat indien et qui a ou avait un pensionnat indien sur ses terres ou à proximité des terres ou des biens appartenant à la bande

Un recours collectif peut affecter vos droits.

Un tribunal a autorisé cet avis. Vous n'êtes pas poursuivi en justice.

- Vous pourriez être affecté par une poursuite en recours collectif impliquant les pensionnats indiens de Kamloops et de Sechelt et d'autres pensionnats indiens (les pensionnats) (voir la liste ci-jointe des autres pensionnats à l'Annexe A).
- Un tribunal a autorisé un recours collectif dans cette poursuite pour toute personne ayant fréquenté un pensionnat indien en tant qu'externe, c'est-à-dire en tant qu'élève qui ne vivait pas dans un pensionnat, et également pour leurs enfants et potentiellement les bandes sur les terres desquelles se trouvait un pensionnat. Dans le recours collectif, les demandeurs poursuivent le gouvernement du Canada (le Canada), affirmant qu'il est responsable des préjudices résultant de la fréquentation des pensionnats. Une copie de l'ordonnance du juge Harrington est jointe à cet avis. Cette ordonnance et toutes les autres décisions ayant trait à cette poursuite peuvent être consultées sur le site Web de la Cour fédérale à :
<http://decisions.fct-cf.gc.ca/fc-cl/fr/d/s/index.do?cont=gottfriedson>.
- Cette demande est différente de la Convention de règlement relative aux pensionnats indiens signée par le Canada. Dans cette Convention de règlement, seuls ceux et celles qui avaient vécu dans un pensionnat ont reçu une compensation pour avoir fréquenté un pensionnat. Cette demande d'indemnisation couvre les périodes où des élèves fréquentaient un pensionnat, mais où ils ne vivaient pas dans le pensionnat.
- La Cour n'a pas décidé si le Canada a agi de manière illégale, et l'affaire sera jugée plus tard. Aucune somme d'argent n'est disponible maintenant, et il n'y a aucune garantie qu'une somme d'argent sera disponible plus tard. Cependant, vos droits sont affectés, et vous devez faire un choix maintenant.

VOS OPTIONS À CE STADE	
Joignez-vous à la poursuite	<p>Joignez-vous à cette poursuite. Attendez le résultat. Partagez l'argent et les avantages possibles. Renoncez à certains droits.</p> <p>En se joignant à la poursuite, votre bande conserve la possibilité de recevoir un montant d'argent ou d'autres avantages qui pourraient découler d'un procès ou d'un règlement. Mais vous renoncez à tout droit de poursuivre vous-même en justice le Canada ou tout organisme religieux sur les mêmes revendications juridiques que celles présentées dans cette action en justice.</p>
Ne faites rien	<p>Ne recevez aucun montant d'argent ou avantages qui pourraient découler de cette poursuite. Conservez vos droits.</p> <p>Si vous ne faites rien, votre bande ne sera pas incluse dans cette poursuite. Cela n'affecte pas les droits des membres individuels de la bande de participer en tant que survivants ou descendants. Si plus tard un montant d'argent ou certains avantages étaient accordés, vous n'aurez pas droit à cet argent ou à ces avantages. Mais vous conservez vos droits de poursuivre en justice le Canada ou tout organisme religieux sur les mêmes revendications juridiques que celles présentées dans cette action en justice.</p>

- Les avocats doivent prouver les allégations portées contre le Canada au cours d'un procès. Si un montant d'argent ou des avantages en découlent, vous serez informé de la procédure à suivre pour en bénéficier.
- Vos options sont expliquées dans cet avis. Pour vous joindre à la poursuite, vous devez agir avant le 29 février 2016.

**QUESTIONS? APPELEZ SANS FRAIS LE 1-844-558-5538 OU CONSULTEZ LE SITE
WWW.JUSTICEFORDAYSCHOLARS.COM**

CE QUE CONTIENT CET AVIS

INFORMATIONS GÉNÉRALES	3
<i>Le but de cet avis</i>	3
<i>Les revendications présentées dans cette action en justice</i>	3
<i>Qu'est-ce qu'un recours collectif</i>	3
<i>Les membres du groupe</i>	4
VOS OPTIONS.....	5
<i>Joignez-vous à la poursuite</i>	5
<i>Vous ne faites rien</i>	5
LES AVOCATS AGISSANT AU NOM DU GROUPE.....	6
UN PROCÈS.....	6
<i>Cette poursuite peut donner lieu à un procès</i>	6
<i>L'argent ou les avantages pour les membres du groupe</i>	6
POUR EN SAVOIR PLUS.....	6

INFORMATIONS GÉNÉRALES

Le but de cet avis

Cette poursuite a été autorisée comme recours collectif. Cela signifie que la poursuite répond aux exigences des recours collectifs et pourrait donner lieu à un procès. Si vous faites partie du groupe, vous pourriez avoir des droits juridiques et des options à faire valoir avant que la Cour décide si les allégations portées contre le Canada pour votre compte sont correctes. Cet avis explique tous ces éléments.

L'honorable juge Harrington, conjointement avec le protonotaire Lafrenière de la Cour fédérale, supervise actuellement cette affaire. Le cas est connu sous l'appellation *Gottfriedson c. le Procureur général du Canada*, dossier de la Cour No. T-1542-12. Les personnes qui ont lancé cette poursuite s'appellent les demandeurs, et le Canada est le défendeur.

Les revendications présentées dans cette action en justice

La poursuite allègue que le Canada a agi de manière illégale et a porté préjudice à ceux qui ont fréquenté les pensionnats, à leurs enfants et aux collectivités des bandes parce que les pensionnats ont été utilisés pour tenter d'éliminer les langues, les cultures et les traditions autochtones. En outre, la poursuite prétend que de nombreuses personnes qui ont fréquenté les pensionnats ont aussi été victimes de cruauté mentale, de violence émotionnelle et d'abus spirituel. La Cour ne s'est pas prononcée sur cette poursuite et les revendications des demandeurs restent à être prouvées devant un tribunal.

Redressement demandé

Les demandeurs cherchent à obtenir plusieurs formes de redressement de la Cour. En partie, ils demandent à ce que la Cour déclare que le Canada agissait de manière illégale lorsqu'il supervisait le système scolaire des pensionnats indiens, et en particulier dans le cas du traitement des externes. En outre, les demandeurs réclament une compensation financière pour les externes survivants, leurs enfants et les bandes sur les terres desquelles se trouvait un pensionnat.

La position du défendeur

Le Canada se défend dans cette poursuite et nie les revendications des demandeurs, y compris les allégations des demandeurs en matière de violations de droits et d'obligations. Le Canada déclare également que certaines revendications sont prescrites par la CRRPI, à savoir celles présentées par des membres du groupe qui font également partie de la Convention de règlement relative aux pensionnats indiens (CRRPI) et qui ne se sont pas retirés de la CRRPI. Le Canada affirme également que les préjudices relatifs aux dommages-intérêts réclamés, s'ils se sont produits, ont été causés par les églises et d'autres groupes religieux, et par leurs employés qui faisaient fonctionner ou travaillaient dans les pensionnats.

Qu'est-ce qu'un recours collectif?

Dans un recours collectif, une ou plusieurs personnes, appelées représentants des demandeurs, intentent une action en justice pour le compte des personnes qui ont des revendications similaires. Toutes les personnes ayant des revendications similaires sont désignées comme le groupe ou les membres du groupe. La Cour résout les enjeux pour tous les membres du groupe, à l'exception de ceux et celles qui se sont retirés de la poursuite.

Dans cette action en justice, les représentants des demandeurs sont les suivants :

Pour le groupe des survivants :

Violet Catherine Gottfriedson (bande indienne Tk'emlúps te Secwépemc)
Charlotte Anne Victorine Gilbert (bande indienne Tk'emlúps te Secwépemc)
Diana Marie Jules (bande indienne Tk'emlúps te Secwépemc)
Darlene Matilda Bulpit (bande indienne Sechelt)
Frederick Johnson (bande indienne Sechelt)
Daphne Paul (bande indienne Sechelt)

Pour le groupe des descendants :

Amanda Deanne Big Sorrel Horse (bande indienne Tk'emlúps te Secwépemc)
Rita Poulsen (bande indienne Sechelt)

Pour le groupe des bandes :

Bande indienne Tk'emlúps te Secwépemc
Bande indienne Sechelt

Les membres du groupe

Les bandes peuvent devenir membres du groupe en se joignant à la poursuite. Une bande peut se joindre à la poursuite si :

- Certains des survivants (tels que définis ci-dessous) font partie des membres de la bande; et si
- Un pensionnat indien, tel que reconnu dans la Convention de règlement relative aux pensionnats indiens (dont la liste figure à l'annexe A de cet avis), se trouve ou se trouvait sur ses terres ou à proximité des terres ou des biens appartenant à la bande.

Des membres individuels sont inclus dans cette poursuite et sont considérés comme membres du groupe s'ils sont :

Un survivant : ce groupe se compose de toutes les personnes autochtones qui ont fréquenté un des pensionnats (tel qu'indiqué à l'annexe A de cet avis), mais uniquement pour les périodes qui n'ont pas été couvertes par le paiement d'expérience commune; ou

Un descendant d'un survivant : ce groupe se compose de tous les enfants des membres du groupe des survivants, ou des enfants qui ont été adoptés légalement ou selon les rites traditionnels par un membre du groupe des survivants ou par son conjoint.

La catégorie des bandes comprend à l'heure actuelle la bande indienne Tk'emlúps te Secwépemc et la bande indienne Sechelt. D'autres bandes pourront potentiellement se joindre à la poursuite.

VOS OPTIONS

Vous devez décider si vous souhaitez vous joindre à la poursuite et devenir un membre du groupe avant un éventuel procès, et vous devez vous décider avant le 29 février 2016.

Joignez-vous à la poursuite

Si vous souhaitez devenir un membre du groupe, vous devez vous joindre à la poursuite. Pour vous joindre à la poursuite, remplissez le formulaire d'adhésion inclus avec cet avis ou envoyez une lettre qui indique que vous souhaitez vous joindre à la poursuite. Votre lettre doit inclure votre nom, votre adresse, votre numéro de téléphone et votre signature. Le formulaire d'adhésion ou la lettre doit être envoyé à Peter Grant & Associates à l'adresse suivante :

777, rue Hornby - Bureau 900
Vancouver (Colombie-Britannique)
Canada V6Z 1S4
Courrier électronique : dayscholar@grantnativelaw.com
Télécopieur : 604-685-0244

Vous pouvez également obtenir le formulaire d'adhésion en ligne ou le remplir en ligne à : www.justicefordayscholars.com.

Votre décision de vous joindre à la poursuite doit être reçue au plus tard le 29 février 2016.

Si vous êtes un membre du groupe, vous ne pourrez pas mener votre propre action en justice contre le Canada ou contre toute autre partie. Dans une décision antérieure dans cette affaire, le juge Harrington a décidé que les représentants des demandeurs avaient pris la décision de ne pas réclamer de dommages à des tiers qui, dans cette action en justice, sont les différentes églises qui dirigeaient les pensionnats, et en tant que membre du groupe, vous serez lié par cette décision. À l'issue de cette action en justice, vous ne pourrez pas poursuivre les églises même si la Cour estime que les églises sont responsables des préjudices que vous avez subis.

Cette poursuite demande une action en réparation au nom de tous les membres du groupe. Si un paiement ou des avantages étaient octroyés, vous pourriez avoir à prendre des mesures afin d'en bénéficier.

Appelez Karena Williams au 604 685 1229 si vous avez des questions quant à la façon de procéder pour vous joindre à la poursuite.

Le fait de vous joindre à cette poursuite n'aura aucune incidence sur les prestations ou les services que vous pourriez recevoir du gouvernement du Canada à l'heure actuelle.

Vous ne faites rien

Si vous décidez de ne pas participer à la poursuite, vous n'avez pas besoin de faire quoi que ce soit. Dans ce cas, vous ne recevrez aucun montant d'argent ou aucun avantage qui pourraient être octroyés à l'issue de cette action en justice. Vous ne serez pas lié par une ordonnance quelconque de la Cour concernant cette cause et vous conserverez votre droit de poursuivre le Canada pour toutes les questions relatives à cette affaire. Vous conserverez également le droit de poursuivre d'autres parties, comme par exemple l'organisation religieuse qui gérait le pensionnat qui se

trouvait sur les terres ou à proximité des terres ou des biens appartenant à la bande. Vous ne pouvez pas changer d'avis plus tard et décider de vous réinscrire au recours collectif.

LES AVOCATS AGISSANT AU NOM DU GROUPE

Les représentants des demandeurs ont retenu les services de conseillers juridiques pour les membres du groupe. La Cour a donné son accord pour que ces conseillers juridiques agissent au nom des membres du groupe. Les conseillers juridiques du groupe sont les deux cabinets Peter Grant & Associates, et Phillips Gill LLP. En tant que membre du groupe, vous n'aurez pas à payer les honoraires de ces avocats. Si vous voulez être représenté par un autre avocat, vous pourrez en retenir un qui comparaitra en Cour à vos propres frais. Vous n'aurez pas à payer les coûts des conseillers juridiques du groupe.

UN PROCÈS

Cette poursuite peut donner lieu à un procès

Si l'affaire n'est ni rejetée ni réglée, les demandeurs devront prouver les revendications et les allégations des membres du groupe au cours d'un procès. Le procès se tiendrait probablement à Vancouver, en Colombie-Britannique. Au procès, la Cour entend les déclarations des témoins pour décider si les demandeurs ont raison quant aux revendications relatives à la poursuite. Rien ne garantit que les demandeurs gagneront un montant d'argent ou des avantages quelconques pour les membres du groupe.

L'argent ou les avantages pour les membres du groupe

Les représentants des demandeurs seront responsables des frais juridiques relatifs à toutes les questions communes. Les deux représentants du groupe des bandes aimeraient discuter avec vous pour déterminer si votre Nation serait disposée ou non à assumer la responsabilité d'une partie des frais juridiques relatifs aux questions communes. Si vous vous joignez à cette poursuite, et si à l'issue du procès relatif aux questions communes, il y a des questions individuelles qui concernent votre bande, vous serez responsable des coûts afférents à ces questions individuelles.

Si les demandeurs obtiennent un montant d'argent ou des avantages suite à un procès ou à un règlement, les membres du groupe seront informés de la manière d'y avoir accès ou des autres options disponibles à cette époque. Ces éléments ne sont pas connus à l'heure actuelle. Des renseignements importants seront affichés sur les sites Internet des bandes et des conseillers juridiques du groupe dès qu'ils seront disponibles.

POUR EN SAVOIR PLUS

Vous pouvez obtenir plus de renseignements sur cette cause et sur la possibilité de vous joindre à la poursuite en contactant :

Karena Williams
777, rue Hornby - Bureau 900
Vancouver (Colombie-Britannique)
Canada V6Z 1S4
Téléphone : 604-685-1229
Courrier électronique : dayscholar@grantnativelaw.com
Télécopieur : 604-685-0244

Jo-Anne Gottfriedson
Coordinatrice des externes Tk'emlúps te Secwépemc
300, chemin Chef Alex Thomas - Bureau 200
Kamloops (Colombie-Britannique)
Canada V2H1H1
Téléphone : 250-828-9788
Télécopieur : 250-372-8833
Courrier électronique: [jo-
anne.gottfriedson@kib.ca](mailto:jo-
anne.gottfriedson@kib.ca)

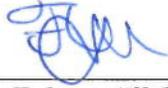
Chef héréditaire Garry Feschuk
Conseiller de la nation Sechelt
5545, Sunshine Coast Highway
Sechelt (Colombie-Britannique)
Canada V0N3A0
Téléphone : 603-885-2273
Télécopieur : 604-885-3490
Courrier électronique :
gfeschk@sechelnation.net

Ou en consultant le site www.justicefordayscholars.com

Veuillez noter ce qui suit :

Ne contactez pas la Cour fédérale ou le gouvernement fédéral du Canada pour des questions relatives à cette poursuite. Adressez plutôt toutes vos questions aux conseillers juridiques des demandeurs ou aux bandes dont la liste figure ci-dessus. La Cour fédérale et le gouvernement fédéral du Canada, y compris Affaires autochtones et Développement du Nord Canada et ses employés et avocats, ne répondront pas aux questions relatives à cette poursuite.

This is **Exhibit "B"** as referred to in the Affidavit of Jeanine
Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

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JUN 6 - 2018

Date _____
Registrar _____
Greffier _____
MUN Y CHAN

Court File No. T-1542-12

CLASS PROCEEDING

FEDERAL COURT

BETWEEN:

CHIEF SHANE GOTTFRIEDSON, on his own behalf and on behalf of all the members
of the TK'EMLUPS TE SECWÉPEMC INDIAN BAND and the TK'EMLUPS TE
SECWÉPEMC INDIAN BAND,

CHIEF GARRY FESCHUK, on his own behalf and on behalf of all the members of the
SECHELT INDIAN BAND and the SECHELT INDIAN BAND,

VIOLET CATHERINE GOTTFRIEDSON, DOREEN LOUISE SEYMOUR,
CHARLOTTE ANNE VICTORINE GILBERT, VICTOR FRASER, DIENA MARIE
JULES, AMANDA DEANNE BIG SORREL HORSE, DARLENE MATILDA BULPIT,
FREDERICK JOHNSON, ABIGAIL MARGARET AUGUST, SHELLY NADINE
HOEHNE, DAPHNE PAUL, AARON JOE and RITA POULSEN

PLAINTIFFS

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANT

AFFIDAVIT #2 OF JO-ANNE GOTTFRIEDSON

I, Jo-Anne Gottfriedson, of Kamloops in the Province of British Columbia, SWEAR THAT:

1. I am a member of the Tk'emlúps te Secwépemc ("TteS") Indian Band and as such have personal knowledge of the facts and matters hereafter deposed to save and except those which are stated to be based on information and belief and where so stated I verily believe the same to be true, except where stated to be for another purpose.

2. I am the Day Scholar Coordinator (“DS Coordinator”) for TteS and co-chair of the Executive Council, a committee created by TteS and Sechelt Indian Band, to administer the Day School class action for TteS and Sechelt.

A. Satisfaction of the Court Approved Notice of Certification

3. A copy of the Notice of Certification (the “Notice”) was published in the Globe & Mail on October 28, 2015. Appended hereto and marked as **Exhibit “A”** to this my affidavit is a copy of the Notice as it appeared in the Globe & Mail.
4. A copy of the Notice was published in the First Nations Drum on November 13, 2015. Appended hereto and marked as **Exhibit “B”** to this my affidavit is a copy of the Notice as it appeared in the First Nations Drum.
5. A copy of the Notice was additionally published in various newspapers and magazines. Appended hereto and marked as **Exhibit “C”** to this my affidavit is a list of the media outlets and date of publication of the Notice.
6. A copy of the Notice was posted on www.justicefordayscholars.com, and remains accessible on this website.
7. With the assistance of the Assembly of First Nations, we provided a copy of the Notice via broadcast fax to all First Nations in the country. Additionally, the Notice was posted on the Assembly of First Nations’ website, sent to each of the Regional Chiefs and the public subscription e-list. Appended hereto and marked as **Exhibit “D”** is an email from the Assembly of First Nations confirming distribution of the Notice nationally.
8. Appended hereto and marked as **Exhibit “E”** to this my affidavit is a list of the communities and/or individuals that either myself, hereditary chief Garry Feschuk, or our legal counsel presented with information on the class action.

- 9. As of at least September 25, 2015, the Notice was posted on the website of Aboriginal Affairs and Northern Development Canada. Appended hereto and marked as **Exhibit "F"** to this my affidavit is a letter dated September 28, 2015, from the Defendant's legal counsel, Michael Doherty, confirming that the Notice was posted on their website.
- 10. National media releases were periodically published, posted on our website and circulated by the Assembly of First Nations, the Federation of Saskatchewan Indians, the First Nations Summit, and the Union of BC Chiefs. Appended hereto and marked as **Exhibit "G"** to this my affidavit are copies of these media releases.

B. Opt-In Forms Received

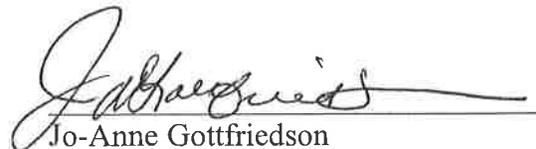
- 11. Ninety six (96) Bands have opted in to this class proceeding within the opt in period said to have ended February 29, 2016. Appended hereto and marked as **Exhibit "H"** to this my affidavit is a copy of the list of Bands who have opted in to the Band Class.
- 12. Two Bands purported to opt in after February 29, 2016. The Cree Nation of Nemaska and Sandy Bay Ojibway First Nation both sent opt in forms on March 1, 2016.

C. Opt-Out Forms Received

- 13. We received two (2) opt out forms. Appended hereto and marked as **Exhibit "I"** to this my affidavit is a copy of the list of individuals who have opted out.

SWORN BEFORE ME at the City of)
 Vancouver, in the Province of British)
 Columbia, this 3rd day)
 of June, 2016.)
 _____)

A Commissioner for taking Affidavits
 within British Columbia



 Jo-Anne Gottfriedson

KARENNA L. WILLIAMS
PETER GRANT & ASSOCIATES
 Barristers and Solicitors
 900 - 777 Hornby Street
 Vancouver, B.C. V6Z 1S4

1

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF #2 Jo Anne Gottfriedson
SWORN BEFORE ME AT Vancouver, B.C.
THIS 3RD DAY OF June, 2012

LDH

A Commissioner for taking Affidavits within
British Columbia

INTERNATIONAL

U.S. BUDGET

GOP, White House agree on debt extension

The accord would extend U.S. borrowing authority until 2017 and prevent a default

JAMES BOWLEY
ERIK WASSON
TERRENCE DOPP

U.S. President Barack Obama and top lawmakers from both parties reached a tentative budget agreement that would avert a U.S. debt default and reduce chances of a government shutdown, easing years of political friction over fiscal policy in Washington.

"It's going to pass with a bi-

partisan majority and I'll be really happy," U.S. House Speaker John Boehner, who is set to give up his gavel this week to the House ways and means committee chairman Paul Ryan, told reporters Tuesday. The House plans to vote Wednesday, a day before the Speaker election, Mr. Boehner said.

The accord also praised by Democratic leaders, would extend U.S. borrowing authority until March 2017, and prevent a

default as soon as next week. It would include a two-year deal on defence and non-defence spending levels, with details to be worked out later before current funds expire Dec. 11.

Mr. Ryan, who is expected to try to satisfy all sides of his fractious Republican caucus, said that while he was reserving judgment on the substance of the deal, he opposed the secretive way the agreement was reached.

The administration embraced the deal, saying it would give U.S. President Barack Obama almost 90 per cent of the additional spending he asked for in his budget. Jason Furman, chairman of the White House Council of Economic Advisers, said the agreement achieves the administration's goals while avoiding cuts to Social Security and Medicare.

Bloomberg News

TICKER

Walgreens closes on Rite Aid deal

Walgreens Boots Alliance Inc., the largest U.S. drugstore chain, is nearing a deal to buy smaller peer Rite Aid Corp. for more than \$10-billion (U.S.), people familiar with the matter said on Tuesday.

The deal would follow CVS Health Corp.'s \$10-billion acquisition of Omnicare Inc. in August. It would further consolidate the U.S. drugstore sector and attract activist scrutiny.

Walgreens and Rite Aid could announce an agreement as early as Wednesday, the people said, requesting anonymity because the negotiations are confidential.

- Reuters

Pfizer beats expectations

Pfizer Inc., finally turning the corner after years of generic competition that slashed revenue from the drug maker's former blockbuster, easily beat Wall Street expectations for the third quarter and raised its 2015 earnings forecast on Tuesday, the second time in barely two months.

The world's second-largest drug maker benefited from surging sales for its newest drugs and key products that are slightly older. These include Eliquis for preventing heart attacks and strokes, cancer drug Ibrance, rheumatoid arthritis drug Xeljanz and Prevnar 13, a vaccine against pneumonia and ear and other infections.

- Associated Press

Deliveries drive Embraer results

Embraer SA rose the most in seven weeks after delivering more aircraft last quarter and reaffirming its financial targets as the Brazilian plane maker develops a new generation of regional jetliners.

The 21 commercial planes and 30 business jets handed over to buyers in the third quarter topped the tally of 31 from a year earlier, the Sao Jose dos Campos, Brazil-based company said in its earnings report Tuesday.

Embraer's results marked a bright spot for Brazil, which is enduring its longest recession since the Great Depression. Embraer shares climbed 4.6 per cent, the most since Sept. 7, to 29.81 reais in Sao Paulo.

- Bloomberg News

DuPont earnings drop in third quarter

E.I. du Pont de Nemours & Co. said weak agricultural sales, a strong dollar and continued weakness in emerging markets contributed to a sharp decrease in third-quarter earnings.

"Amid the current challenging macro environment, our priority is to aggressively manage what is within our control, including taking a fresh look at DuPont's cost structure and capital allocation strategy to identify ways to further improve shareholder return," interim chairman and chief executive officer Ed Breen said.

Mr. Breen took over after the sudden resignation of CEO Ellen Kullman earlier this month.

- Associated Press

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EMAIL: ADVERTISING@GLOBEANDMAIL.COM

LEGLALS

NOTICE (SURVIVOR AND DESCENDENT CLASSES)

To Anyone Who Attended an Indian Residential School or is the Child of Someone Who Did

A Class Action Lawsuit May Affect Your Rights.
A court authorized this notice. You are not being sued.

You could be affected by a class action lawsuit involving the Kamloops and Sechelt Indian Residential Schools and additional Indian Residential Schools (the "Schools") (see attached list at Appendix 'A' for the additional Schools).

A Court has approved the lawsuit as a class action that includes anyone who attended at any Indian Residential School, for any times they attended as a "Day Scholar" (i.e. non-resident student), as well as their children and potentially the bands within communities that contained a Residential School. The Plaintiffs in the class action are suing the Government of Canada ("Canada") claiming that it is responsible for damages arising from attendance at the Schools. Attached to this notice is a copy of the June 18, 2015 Court Order of Justice Harrington, this Order, and all other decisions related to this lawsuit can also be found on the Federal Court website at: <http://fctcm.gc.ca/fctcm/ind/index.do?cont=spilfrdion>.

This claim is different from the Residential Schools Class Action Settlement entered into by Canada. In that settlement, only those who lived at an Indian Residential School were compensated for the fact of having gone to the Schools. This claim is for compensation relating to time spent attending, but not living in, the Schools.

The Court has not decided whether Canada did anything unlawful, and the case is currently planned to go to a trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR OPTIONS AT THIS STAGE

Do Nothing	Stay in this lawsuit. Await the outcome. Share in possible money and benefits. Give up certain rights. By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue Canada, or any religious organizations, on your own about the same legal claims in this lawsuit.
Remove Yourself (Opt Out)	Get out of this lawsuit. Get no money or benefits from it. Keep rights. If you ask to be removed (opt-out) and money or benefits are later awarded, you won't share in that money or benefits. But, you keep any rights to sue Canada, or any religious organizations, on your own about the same legal claims in this lawsuit.

Lawyers must prove the claims against Canada at a trial. If money or benefits are obtained you will be notified about how to ask for a share.
Your options are explained in this notice. To be removed, you must act by November 30, 2015.
QUESTIONS? CALL TOLL-FREE 1-844-558-5538 OR VISIT WWW.JUSTICEFORDAYSCHOLARS.COM

BUSINESS TO BUSINESS

BUSINESS TO BUSINESS
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MEDIA

Twitter shares fall with user growth slower than expected

Twitter Inc. shares fell 12 per cent as the microblogging company gave a disappointing revenue forecast and reported slower user growth than expected, a sign that more time is needed for a turnaround. Twitter on Tuesday forecast fourth-quarter revenue within a range of \$695-million to \$710-million (U.S.), well below analysts' average estimate of \$739.7-million, according to Thomson Reuters I/B/E/S.

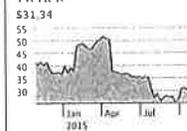
Twitter had 320 million average active monthly users in the third quarter, up from 316 million in the prior quarter, missing analysts' expectations of 324 million. This is Twitter's first earnings report with Jack Dorsey as its permanent chief executive. As interim CEO in the prior quarter, he delivered a downbeat view of the company's earnings and criticized its product lineup.

"People that were making a huge bet on Dorsey's shake-up things up within five months of being there may be disappointed," said Andrew Chanin, CEO of PureFunds and a Twitter shareholder.

"With a company like Twitter, there's a huge risk to making any big changes."

Since becoming permanent CEO earlier this month, Mr. Dorsey has launched Moments, which showcases Twitter's best

TWITTER



tweets and content; laid off more than 300 employees; given back a third of his stock, about 1 per cent, to employees; and hired former Google Inc. executive Omid Kordestani as executive chairman.

The company posted better-than-expected quarterly revenue and adjusted profit.

Revenue rose 57.6 per cent to \$692-million in the quarter. Net loss narrowed to \$1.7-million, or 20 cents a share, in the quarter ended Sept. 30 from \$175.5-million, or 29 cents a share, a year earlier.

Excluding items, it earned 10 cents a share.

Analysts had expected a profit of 5 cents a share on revenue of \$594-million, according to Thomson Reuters I/B/E/S.

Reuters

ENERGY

Oil flowing to Quebec to leave an Oklahoma pipeline empty

DAN MURTAUGH

A pipeline to the largest crude-oil hubs in the United States is about to find itself in an unfamiliar position: not full.

One of the main pipelines that carries crude to Cushing, Okla., will run at less than capacity in December for the first time in nearly 2 1/2 years. The drop in supply coincides with the opening of a pipeline to Quebec, giving shippers the option of diverting some oil from the middle of the United States.

"There will be less light sweet crude available to make its way to Cushing," said Andy Lipow, president of Lipow Oil Associates LLC, in Houston. "There's going to be some significant rebalancing of where oil flows in North America."

Shippers on Enbridge Inc.'s Spearhead pipeline only asked to transport about 165,000 barrels of crude a day in December, below the system's capacity to move about 193,000 to Cushing from Flanagan, Ill. It's the first

time shippers haven't filled the line since August 2013. Some months, shippers request to times more space than is available.

The drop in Spearhead interest comes as Enbridge plans to start another pipeline carrying 300,000 barrels of crude a day from the U.S. Midwest to Montreal by the end of 2015. Suncor Energy Inc. and Valero Energy Corp. have said they plan to use the line to supply refineries in Quebec with crude from Western Canada and the U.S. Midwest.

Crude in Eastern Canada competes with the global benchmark, Brent, which is priced a few dollars higher than West Texas Intermediate in Cushing.

Enbridge next month will also start filling its Southern Access pipeline, which carries crude within Illinois from Flanagan to Patoka, according to a U.S. regulatory filing. The company expects to put the 270-kilometre-long spur in service in December.

Bloomberg News

CIMA CONFERENCE ON TECHNOLOGY AND THE FUTURE OF BUSINESS

Wednesday, 28 October 2015
1:30 p.m. to 5:30 p.m.

Guests of Honor:
Andrew Miskin, FCMA, CGMA, Deputy President of The Chartered Institute of Management Accountants
Arleen Thomas, CPA, CGMA, Senior Vice President, American Institute of Certified Public Accountants

www.cimacanada.org

Chartered Institute of Management Accountants **CIMA**

Keynote speaker:
Michael Hyatt
Tech Entrepreneur, CBC Dragon, President of Canada's Top 40 under 40 Award

Presented in association with:

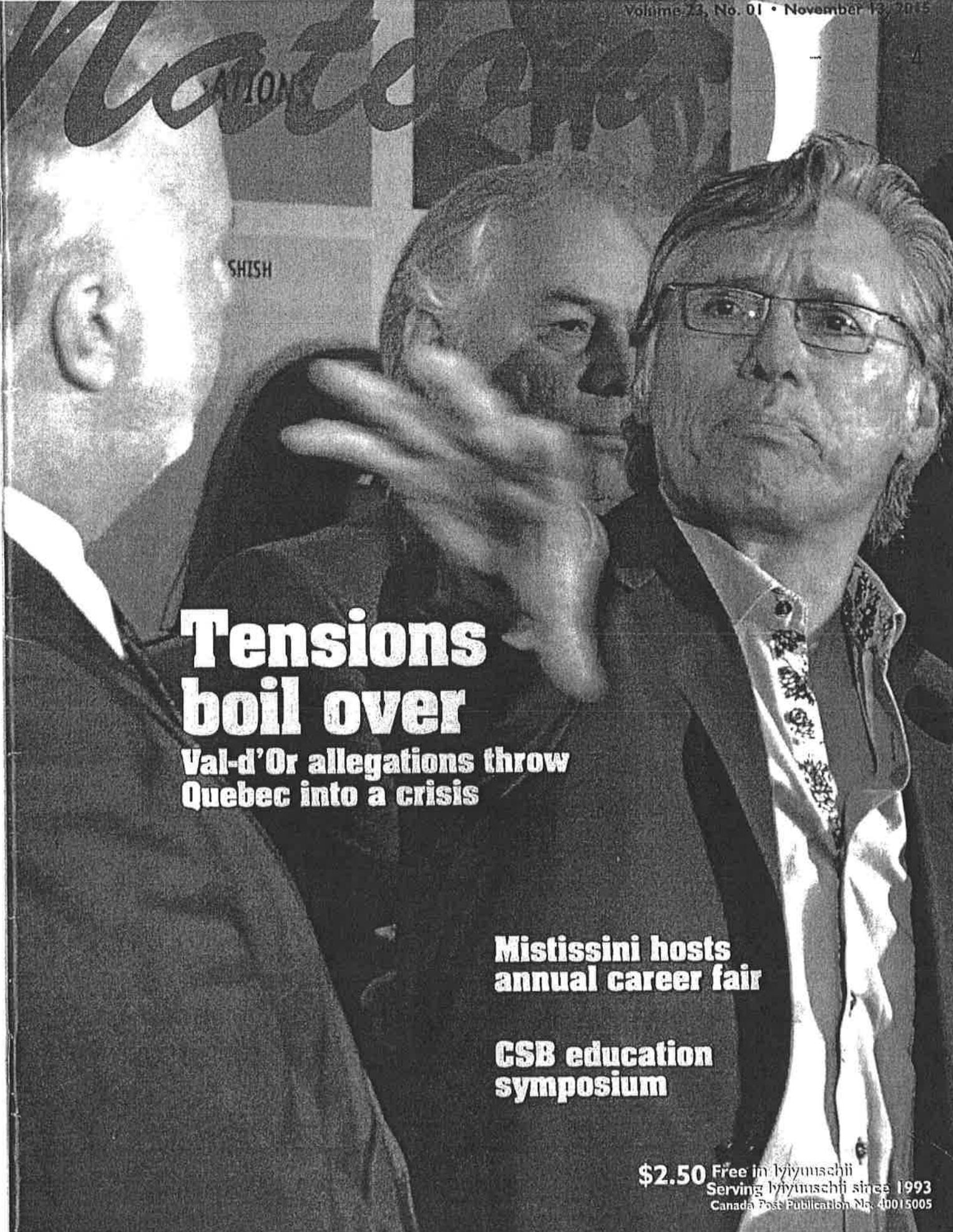
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THIS 31st DAY OF June, 2016



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Tensions boil over

Val-d'Or allegations throw
Quebec into a crisis

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For years the CBHSSJB only provided information on how to eat right and live well through diet and exercise. However, the number of cases of diabetes in Eeyou Istchee continued to grow.

With this in mind, Awashish said that Public Health is working on a new approach to fight diabetes, which is to get the people to come up with their own plan and then have the Health Board facilitate it.

"We are getting back to basics; we want people to tell us what they want and we will do that," said Awashish. "We are asking the com-

munities to set up sub-committees and with this new health committee we will provide the training. In some cases, the training has already been done. Because of the turnover of personnel and people in the communities, every time there is a new leader we have to do another orientation - we are always going back and forth."

Public Health's Paul Linton made a presentation on the latest diabetes numbers for Eeyou Istchee, revealing both good and bad news.

"We now have one in every four Crees who is being diagnosed as dia-

betic. The tricky thing about this is that if you look at information from the World Health Organization, the Canadian Diabetes Association, the American Diabetes Association and even those in Europe, they all say that for every case that is diagnosed, there is another one that you don't know about and so that puts us up to 50% according to what they are saying," said Linton.

He said that the good news is that the number of cases being diagnosed per year has pretty much stabilized to an average of about 136 annually.

NOTICE (SURVIVOR AND DESCENDENT CLASSES)

To Anyone Who Attended an Indian Residential School or is the Child of Someone Who Did

A Class Action Lawsuit May Affect Your Rights. A court authorized this notice. You are not being sued.

- You could be affected by a class action lawsuit involving the Kamloops and Sechelt Indian Residential Schools and additional Indian Residential Schools (the "Schools") (see attached list at Appendix 'A' for the additional Schools).
- A Court has approved the lawsuit as a class action that includes anyone who attended at any Indian Residential School, for any times they attended as a "Day Scholar" (i.e. non-resident student), as well as their children and potentially the bands within communities that contained a Residential School. The Plaintiffs in the class action are suing the Government of Canada ("Canada") claiming that it is responsible for damages arising from attendance at the Schools. Attached to this Notice is a copy of the June 18, 2015 Court Order of Justice Harrington. This Order, and all other decisions related to this lawsuit can also be found on the Federal Court website at:
www.decisions.fct-cf.gc.ca/fc-cf/en/d/s/index.do?cont=gotfriedson.
- This claim is different from the Residential Schools Class Action Settlement entered into by Canada. In that settlement, only those who lived at an Indian Residential School were compensated for the fact of having gone to the Schools. This claim is for compensation relating to time spent attending, but not living in, the Schools.
- The Court has not decided whether Canada did anything unlawful, and the case is currently planned to go to a trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR OPTIONS AT THIS STAGE

Do Nothing	<p>Stay in this lawsuit. Await the outcome. Share in possible money and benefits. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement. But, you give up any rights to sue Canada, or any religious organizations, on your own about the same legal claims in this lawsuit.</p>
Remove Yourself (Opt Out)	<p>Get out of this lawsuit. Get no money or benefits from it. Keep rights.</p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you won't share in that money or benefits. But, you keep any rights to sue Canada, or any religious organization, on your own about the same legal claims in this lawsuit.</p>

- Lawyers must prove the claims against Canada at a trial. If money or benefits are obtained you will be notified about how to ask for a share.
- Your options are explained in this notice. To be removed, you must act by **November 30, 2015**.

QUESTIONS? CALL TOLL-FREE 1-844-558-5538 OR VISIT WWW.JUSTICEFORDAYSCHEOLARS.COM

Among Eeyouch, rates are higher in women than in men: 29.2% vs. 20.2%. This is the inverse of the rest of Quebec and Canada, where men have a higher diabetes rate than women.

Linton addressed this issue in his presentation, discussing what may be behind these numbers. Rates in women may be higher because of complications during pregnancy, gaining more weight when they take standard tests for diabetes. Men, he said, may be "too chicken to get tested."

"Even when we look at those who go for blood tests, it is almost

always women and never men and so in any given month you will have 50 women who will get tested and two men. Why we ask? Where are the other 48 men who should be getting tested? We are trying to make changes. One of them is we are encouraging men to go with their pregnant partners for their gestational diabetes test and do a sugar test at the same time," explained Linton.

The idea behind this is that knowing about your health is the best way to move forward in starting a family. Until the cycle is broken, Eeyou Istchee will contin-

ue to have a diabetes problem, Linton said.

"We have to ask the question, is this just genetics? The answer is yes and no. Yes, there is a genetic disposition but most of your lifestyle like what you cook and what you eat and the amount of activity that you do are all things that you have learned from your parents and your grandparents. So, if your parents and grandparents are diabetic and you continue with the same lifestyle and eating habits, chances are you will end up diabetic too!"

AVIS (GROUPES DES SURVIVANTS ET DES DESCENDANTS)

À toute personne ayant fréquenté un pensionnat indien ou étant l'enfant de quelqu'un qui a fréquenté un pensionnat indien

Un recours collectif peut affecter vos droits. Un tribunal a autorisé cet avis. Vous n'êtes pas poursuivi en justice.

- Vous pourriez être affecté par une poursuite en recours collectif impliquant les pensionnats indiens de Kamloops et de Sechielt et d'autres pensionnats indiens (les pensionnats) (voir la liste ci-jointe des autres pensionnats à l'Annexe A).
- Un tribunal a autorisé un recours collectif dans cette poursuite pour toute personne ayant fréquenté un pensionnat indien en tant qu'externe, c'est-à-dire en tant qu'élève qui ne vivait pas dans un pensionnat, et également pour leurs enfants et potentiellement les bandes sur les terres desquelles se trouvait un pensionnat. Dans le recours collectif, les demandeurs poursuivent le gouvernement du Canada (le Canada), affirmant qu'il est responsable des préjudices résultant de la fréquentation des pensionnats. Une copie de l'ordonnance du juge Harrington est jointe à cet avis. Cette ordonnance et toutes les autres décisions ayant trait à cette poursuite peuvent être consultées sur le site Web de la Cour fédérale à : <http://decisions.fct-cf.gc.ca/fc-cf/fr/d/s/index.do?cont=gottfriedson>.
- Cette demande est différente de la Convention de règlement relative aux pensionnats indiens signée par le Canada. Dans cette Convention de règlement, seuls ceux et celles qui avaient vécu dans un pensionnat ont reçu une compensation pour avoir fréquenté un pensionnat. Cette demande d'indemnisation couvre les périodes où des élèves fréquentaient un pensionnat, mais où ils ne vivaient pas dans le pensionnat.
- La Cour n'a pas décidé si le Canada a agi de manière illégale, et l'affaire sera jugée plus tard. Aucune somme d'argent n'est disponible maintenant, et il n'y a aucune garantie qu'une somme d'argent sera disponible plus tard. Cependant, vos droits sont affectés, et vous devez faire un choix maintenant.

VOS OPTIONS À CE STADE

Ne faites rien	Continuez à faire partie de cette poursuite. Attendez le résultat. Partagez l'argent et les avantages possibles. Renoncez à certains droits. En ne faisant rien, vous conservez la possibilité de recevoir un montant d'argent ou d'autres avantages qui pourraient découler d'un procès ou d'un règlement. Mais vous renoncez à vos droits de poursuivre vous-même en Justice le Canada ou tout organisme religieux sur les mêmes revendications juridiques que celles présentées dans cette action en Justice.
Retirez-vous de la poursuite (option de retrait)	Retirez-vous de cette poursuite. Ne recevez aucun montant d'argent ou avantages qui pourraient en découler. Conservez vos droits. Si vous demandez à être exclu de la poursuite, et si plus tard un montant d'argent ou certains avantages sont accordés, vous n'aurez pas droit à cet argent ou à ces avantages. Mais vous conservez vos droits de poursuivre vous-même en Justice le Canada ou tout organisme religieux sur les mêmes revendications juridiques que celles présentées dans cette action en Justice.

- Les avocats doivent prouver les allégations portées contre le Canada au cours d'un procès. Si un montant d'argent ou des avantages en découlent, vous serez informé de la procédure à suivre pour en bénéficier.
- Vos options sont expliquées dans cet avis. Pour vous retirer de la poursuite, vous devez agir avant le **30 novembre 2015**.

QUESTIONS? APPELEZ SANS FRAIS LE 1-844-558-5538 OU CONSULTEZ LE SITE WWW.JUSTICEFORDAYSCHOLARS.COM

7

THIS IS EXHIBIT " C "REFERRED TO IN THE
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SWORN BEFORE ME AT Vancouver, B.C
THIS 3RD DAY OF June, 2016

V. Kida 3

A Commissioner for taking Affidavits within
British Columbia

PUBLICATION COSTS FOR THE OPT-OUT NOTIFICATONS – FOR YOUR CONSIDERATION

Publication Outlet	Ad size:	Issue: One weekday ad	Optional to publish on weekend cost	Cost to publish ad:	
Toronto Star	3x5	October 27, 2015		n/a	
Globe & Mail	2col x 108agate	October 28, 2015		n/a	
The Vancouver Sun	3x5	October 26, 2015		n/a	
Newspaper/Magazines	Options:	Issues:			
Native Publication Outlets	Ad size		Optional to publish longer	n/a	
First Nations Drum	5x7.5	October issue			
First Nations Drum	Published article	October issue	Opt-Out deadline & update on DS process		
The Nation	1/2 page	English		n/a	
		November issue			
The Nation	Will run in Francophone	French language uses double space	So therefore we can double the cost	n/a	
		November issue			

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THIS 3rd DAY OF June, 2016.

LDKMS

A Commissioner for taking Affidavits within
British Columbia

Karenna Williams

From: Karen Campbell <kcampbell@afn.ca>
Sent: Wednesday, September 16, 2015 11:53 AM
To: Jo-Anne Gottfriedson
Cc: Jenna Young; Jon Thompson
Subject: Information you requested

Hello Jo-Anne, here is the information you requested when we spoke last week.

The opt-in and opt-out notices were sent to our Chiefs email list (which has 226 subscribers) and our public list (which has 1079 subscribers) on August 31, 2015. When people subscribe to these lists they do not provide consent for their names or addresses to be shared externally.

The notices were posted on our website on August 31, 2015. I am also going to ask that the powerpoint you provided be posted for additional information. The link to that posting is here:
<http://www.afn.ca/index.php/en/news-media/current-issues/8-31-15-attention-day-scholars-descendants-and-first-nations>

The notices were also faxed this morning to all First Nations by our office.

You had asked for national media contacts and I have copied Jenna Young Castro, AFN communications officer on this message so you can speak with her directly about what you require.

Please let me know if you have any questions.

Karen

Karen Campbell
Director, Research and Policy Coordination
Assembly of First Nations

ph: (613) 241-6789 x. 263
fax: (613) 241-5808

Toll-free: 1-866-869-6789

55 Metcalfe Ave., Suite 1600
Ottawa, ON K1P 6L5



Please print this email only when necessary.

THIS IS EXHIBIT " E "REFERRED TO IN THE
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THIS 30 DAY OF June, 2016.

1/2/16

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TteS -SIB Certified Day Scholar Presentations

DATE	Nation	Contact	Address
June 4/15	TRC	Denis Guertin	TRC-Ottawa
June 4/15	Member of Parliament	Hon. Carolyn Bennett	613-995-9666
June 4/15	NDP CRITIC	Romeo Saganish	819-824-2942
June 10/15	UBCIC	Maureen Grant 604-684-0231	Floor - 342 Water Street, Vancouver
June 25/15	BC AFN Regional	Jody Wilson Raybould	
July 9/15	AFN NATIONAL ASSEMBLY	Montreal - Bobbi Herriea	613-241-6789
July 10/15	Chief Real McKenzie /Billy A-Ted Quewezance	Montreal - Bobbi Herriea	"
June 25/15	Nisga'a Lisims	Reginald Percival	250-633-2652
July 14/15	Ttes Nation	Kamloops	Chief Shane Gottfreidson
July 15/15	Squamish Nation	Deb Baker	604-789-4765
Sept 3/15	Nazko Nation	Chief Stuart Alec	205-992-9085
Sept 3/15	Williams Lake Indian Band	Rick Gilbert	
Sept 28/15	SNTC	Chief Wayne Christain	778-471-8200
Sept 9/15	Mikmaq Shubenacadie	Chief Rufus Copage	902-758-2049
Sept 28/15	Summitt		
Sept 9/15	Carcross First Nation	Ruth Massie	867-393-9200
Sept 15/15	NUU-CHAH-NULTH	Garry Dawson	250-724-3939
Sept 16/15	UBCIC	Musqueam Nation	
Sept 25/15	YellowKnife	Chief Edward Singers	867-873-4307
Sept 26/15	Lower Nicola	Chief Harvey McLeod	
Nov-10-15	Cat Lake First Nation	Chief Russell Wesley	807-347-2100
	Piikani Nation	Chief Stanley Grier	rwesley@catlake.ca
Oct 7/15	Saddle Lake Ab	Eric Large	780-614-0064
Oct 7/15	Good Fish Ab	Bernedene Koluk	780-573-6734
Oct 8/15	Treaty 7	Leonard Bastine	403-297-3450
Oct 8/15	Edmonton Ab	Harvey Youngchief	780-645-4288
Oct 14/15	First Nations Summit		



TteS -SIB Certified Day Scholar Presentations

DATE	Nation	Contact	Address
Oct 15/15	Squamish Nation	Deb Baker	604-789-4765
Oct 17/15	Chipewen of the Thames	Brend Young	byoung@cottfn.com
Oct 18/15	Shuswap Tribal Council	Chief Wayne Christain	kukpi7_christian@splatsin.ca
Oct 27/15	Canoe Lake-Butch Iron	Butch Iron	1-306-344-5165
Oct 29/15	Onion Lake -	Bernadene Harper	bernadene.harper@onionlakewellness.org
Oct 29/15	Ahatahkoop First Nations	Chief Larry Ahenkew	
Oct 29/15	Federation of Saskatchewan First Nations	Chief Dutch LeRat	306-665-1215
Sept 29/15	Senator Ted Quewezance	Cote First Nation	
Nov 2 /15	Alert Bay	Verna Ambers	VernaA@namgis.bc.ca
Nov 13/15	Onion Lake Sask	Bernadene Harper	bernadene.harper@onionlakewellness.org
Nov 20/15	Squamish Nation	Deb Baker	604-789-4765
Nov 25/15	Treaty 3	Delores Kelly	807-548-8446
Dec 7/15	Musqueam Indian Band	Faye Michel	fmitchell@musqueam.bc.ca
Dec 8/15	AFN	Karen Campbell	kcampbell@afn.ca
Dec 8/15	Romeo Saganish MP	Ana Collins	613-992-3030
Dec 8/15	Chippewans of Thames	Brenda Young	519-289-5555
Dec 10/15	Neskonlith First Nation	Chief Judy Wilson	250-679-3295
Jan 7/16	Regina Sask	Corrine Macnab	306-835-2937
Jan 11/16	Lethbridge Alberta	Jackie Red Crow	403-382-7278
Jan 25/16	Musqueam Indian Band		
Jan 5/16	Blood First Nations	Chief C Weasel Head	
Jan 4/16	Sisikia Zfirst Nations	Leonard Benstien	403-325-0539
Jan 4/16	Chief Bobby Cameron	FSIN	
Jan 6/16	Chief Robin Billy	Adams Lake First Nation	250-679-8841
Jan 8/16	Kahkewistahaw First Nation	Darci	306-696-3291
Jan 25/16	Sagkeeng First Nation	David Henerdson	204-909-2037



TteS -SIB Certified Day Scholar Presentations

DATE	Nation	Contact	Address
Jan 26/16	Cowessess First Nation	Allen DELORME	615-776-0733
Feb 9/16	Thunder Bay	Mzarthia Lui	807-622-1413
Feb 15/16	Chief Ryan Day	Bonaparte First Nations	250-457-9624
Feb 15/16	Simpimw First Nations	Chief Nanthan Mathew	250-672-9995
Feb 15/16	Steetcheten	Chief Ron Ignace	250-373-2493
Feb 15/16	Dehcho 1st Nation	Chief Greg Newly	excutiveassistant@dehcho.org
Feb 16/16	Kitamat First Nation	Councilor Brenda Duncan	250-639-9361
Feb 17/16	Chief Bill Erasmes	NWT AFN Reg Chief	780-298-6585
Feb 16/16	ulkatcho 1st nation	Chief Zach Parker	250-742-2090
Feb 22/16	Burrard First Nation TWN	Jen Thomas	604-354-2090
Feb 25/16	Chief Charlie Weasal Head	Blood First Nation	403-315-4711
Feb 25/16	Okanagan First Nations	Chief Byron Louis	
Feb 25/16	Chief Louie Pausbley	Fort Resoultion NWT	867-394-5407
Feb 26/16	Penticton Indian Band	B Louie	
Feb 26/16	APTN	Cheryl McKenzie	204-947-9331

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THIS 3RD DAY OF June, 2016

[Signature]

A Commissioner for taking Affidavits within
British Columbia



British Columbia Regional Office
Public Safety Defence and Immigration
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Telephone: (604) 666-6057
Facsimile: (604) 666-2639

September 28, 2015

By E-mail

Peter Grant & Associates
Barristers & Solicitors
900 - 777 Hornby Street
Vancouver, BC V6Z 1S4

Attention: Peter R. Grant

Dear Sir:

Re: Gottfriedson, Chief Shane et al. v. HMTQ
Court No.: T-1542-12
Our File: 4382759

We write at this time to inform you that the Notices are now "live" on the website of Aboriginal Affairs and Northern Development Canada. The specific Notices can be found under the "What's New" section of the Reconciliation tab.

For your convenience we include the English and French hyperlinks.

<http://www.aadnc-aandc.gc.ca/eng/1443037172649/1443037220181>

<http://www.aadnc-aandc.gc.ca/fra/1443037172649/1443037220181>

Yours truly,

Michael P. Doherty
General Counsel

MD/lgr

cc: John Kingman Phillips

THIS IS EXHIBIT " G " REFERRED TO IN THE
AFFIDAVIT OF #2 To Anne Gottfriedson
SWORN BEFORE ME AT Vancouver, B.C
THIS 3RD DAY OF JUNE, 2016.

[Signature]

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British Columbia



Tk'emlúps te Secwepemc



shíshálh

First Nations Bands across Canada are Opting in daily!

Momentum is building for the Day Scholars Class Proceeding. In addition to the original two Bands, twenty two other First Nations Bands have opted into the action and several more have committed to joining. The deadline for other First Nation Bands to opt in is February 29, 2016.

In 2012 Tk'emlúps te Secwépemc and shíshálh Indian Bands launched, the Day Scholars Class Action lawsuit which seeks compensation on behalf of all Aboriginal who attended an Indian Residential School, but who did not sleep there. The case also seeks declarations regarding Canada's role in the failure to protect Aboriginal language and culture, we are certified at three levels: Survivor, Descendent and Band Class. The day scholar class action is seeking compensation for the children of survivors, and the bands to which survivors belong.

Canada has, for several years now, recognized that the Indian Residential Schools had a profound impact not just on those who resided at the schools, but also on their communities and families. Until the new Liberal Government was elected Canada failed to recognition of "cultural genocide" Canada has refused to provide compensation for those who did not sleep at the schools. This lawsuit aims to rebalance that difference.

In addition to seek compensation for individuals who attended the Indian Residential Schools, an important part of the lawsuit is includes Indian Bands that were affected by the presence of an Indian Residential School on or near their lands. Individual Bands can decide whether or not they wish to opt-in, or be a part of the lawsuit. Only those Bands that opt in will be eligible for compensation if any is awarded by the Courts.

Chief Calvin Craigan stated “Nation to Nation standing together we can show the Canadian Government that they can no longer ignore the predicament of those who lost our sacred language and culture at the Government’s hands. Needless to say that is not just an isolated story of a few children in British Columbia, it is a national issue.”

Chief Fred Seymour “We thank the bands that have joined us already and we continue to encourage our follow nations to come on board to show strength, unity and a commitment to moving our day scholar class action forward. Now is the critical time to address the remaining legacy of the Residential Schools and their effects not just on people. Together we can speak to the Government with one voice, representing Aboriginal people from coast to coast to coast.”

Bands have until February 29, 2016 to decide if they wish to opt-in. Individual survivors, and their first descendents as of November 30, 2015 are now “in”.

For more information contact:

Jo-Anne Gottfriedson
 Tk'emlúps te Secwépemc Day Scholar Coordinator
 200-300 Chief Alex Thomas Way
 Kamloops, British Columbia
 Canada V2H1H1
 Phone: 250-828-9788
 Fax: 250-372-8833
 Email : jo-anne.gottfriedson@kib.ca

Hereditary Chief Garry Feschuk
 Sechelt Nation Counsellor
 5545 Sunshine Coast Highway
 Sechelt, British Columbia
 Canada V0N3A0
 Phone: 603-885-2273
 Fax: 604-885-3490
 Email : gfeschkuk@secheltnation.net

Karena Williams
 900 - 777 Hornby Street,
 Vancouver, British Columbia
 Canada Y6Z 1S4
 Phone: 604-685-1229
 Email : dayscholar@grantnativelaw.com

“Healing one heart, one mind and one Spirit at a time”



Tk'emlúps te Secwepemc



shíshálh

First Nations Bands across Canada have Opted In!

As of February 26, 2016 First Nations Bands across Canada have Opted into the Tk'emlúps Te Secwepemc and Sechelt First Nations Certified Day Scholar Class action. The deadline for other First Nation Bands to opt in is February 29, 2016.

The First Nations Bands across Canada share the common heart string of the loss of their sacred language and culture. More importantly the Bands who Opted in are committed to obtain justice on behalf of their nations members who attended an Indian Residential School, during the day and returned home daily.

The Ttes and SFN is certified as a class action at three levels: Survivor, Descendent and Band class.

Canada has recognized that the Indian Residential Schools had caused overwhelming impacts on the former students but failed to confirm the devastating impacts on Day Scholars due to the simple fact that the Day Scholar did not "sleep" at the residential school.

The First Nations who decided to fully support and who have opted into the Day Scholar Class action also share the TK'emlúps te Secwepemc and Sechelt First Nations directive to seek justice and compensation for their nation members. Only the bands that opted in are eligible for compensation that may come from settlement.

Chief Calvin Craigan, Sechelt First Nation stated "Nation building is strongly expressed from the kind caring nations who have decided to opt in with us. We are grateful for their support and we look forward to working with them for the betterment of all our nations. At this time we encourage other nations to join our justice journey the deadline is February 29, 2016.

Chief Fred Seymour , Tk'emlúps te Secwepemc stated: with leap year upon us we are very thankful for the first nations who jumped on board with us. We will continue to strive to heal our people at any cost. Let us stay united, strong and stand together for justice for our nations.

Bands have until February 29, 2016 to decide if they wish to opt-in. Individual survivors, and their first descendents as of November 30, 2015 are now "in".

For more information contact:

Jo-Anne Gottfriedson
 Tk'emlúps te Secwepemc Day Scholar Coordinator
 200-300 Chief Alex Thomas Way
 Kamloops, British Columbia
 Canada V2H1H1
 Phone: 250-828-9788
 Fax: 250-372-8833
 Email : jo-anne.gottfriedson@kib.ca

Hereditary Chief Garry Feschuk
 Sechelt Nation Counsellor
 5545 Sunshine Coast Highway
 Sechelt, British Columbia
 Canada V0N3A0
 Phone: 603-885-2273
 Fax: 604-885-3490
 Email : ggeschuk@secheltnation.net

Karena Williams
 900 - 777 Hornby Street,
 Vancouver, British Columbia
 Canada Y6Z 1S4
 Phone: 604-685-1229
 Email : dayscholar@grantnativelaw.com

"Healing one heart , one mind and one spirit at a time"



Tk'emlúps te Secwépemc



shíshálh Nation

Ttes and SIB Day Scholar Class Action

VANCOUVER- For Immediate Release

April 13, 2015 marks the opening day for a ground breaking hearing in the Federal Court of Canada on the rights of Aboriginal Canadians from coast to coast to coast.

His Honour, Justice Sean Harrington will start hearing arguments that day from lawyers for the Tk'emlúps te Secwépemc and shíshálh Indian Bands. The two bands are seeking certification of a class proceeding on behalf of all Aboriginal children who attended Indian Residential Schools as day scholars – returning home every night to their families.

Since 1989, the stories of abuse and mistreatment of students who attended Indian Residential Schools have begun to come to light. The widespread harm was recognized by the Canadian government and ultimately led to the Indian Residential Schools Settlement Agreement, an agreement that saw payment of compensation to those who had lived at Canada's Residential Schools across Canada.

But one group of students was never compensated under the agreement. That was the Day Scholars who attended alongside residential students, and returned home at the end of the day.

The proposed class action law suit seeks compensation for those Day Scholars, alleging that as students participating in classes and the social life of the Indian Residential Schools, these Day Scholars suffered the same loss of language and connection to culture as those who were resident at the schools. The suit alleges that these losses were an intentional aspect of Canada's education policy and caused serious and life-long harm to the survivors.

The hearing in April 2015, is a certification hearing. Justice Harrington will hear argument from the Bands' lawyers and Canada's lawyers in order to determine whether the two bands can represent all Canadian Aboriginal Day Scholars in a law suit against Canada. If the bands are successful the law suit will move to the next stage – the gathering of evidence in preparation for a trial. At trial the bands will present evidence to show that Canada both intended and caused the harm, or at a minimum did nothing to prevent the harm, that Day Scholars have suffered, and continue to suffer after their time at the Indian Residential Schools.

Chief Shane Gottfriedson stated “This is an important step in our fight for justice for those who suffered through being punished for speaking their language at the Indian Residential Schools, but were not recognized in the Indian Residential Schools Settlement. Success at this stage will mean we can start the real work of getting compensation and absolute wellness for the residential school survivors who have been left out.”

Chief Calvin Craigan stated “This has been a long fight it has taken us 3 years just to get to this stage. But it is a crucial battle to hold Canada responsible for how our people have been treated. The losses aren’t just to individuals, our bands have suffered as well, and we will keep working to ensure that all aboriginal Canadians receive a fair result out of this lawsuit.”

The hearing will be held at the Federal Court in Vancouver, and is scheduled to last for five days, finishing on Monday April 20. The court is not sitting on April 14, 2015. It is anticipated that Mr. Justice Harrington will reserve his judgment and issue reasons at some point during the summer.

Representatives of both bands will be present at the hearing on April 13, 2015 and available for interviews and questions.

For more information please contact:

Chief Shane Gottfriedson
T’kemplups te Secwepemc
Office(250) 828-9711 Cell (250)318-8527

Councilor Garry Feschuk
shishálh Nation
Telephone (604) 885-2273 cell (604) 230-3415
Email: gfeschk@seheltnation.net

Jo-Anne Gottfriedson BGS CED
T’kemplups te Secwepemc
Day Scholar Coordinator
200-330 Chief Alex Thomas Way
Kamloops.BC V2H 1H1
Office: 250-828-9788 Cell: 250-318-5628 Fax 250-372-8833
jo-anne.gottfriedson@kib.ca

“Healing one heart, one mind & one spirit at a time”



Tk'emlúps te Secwépemc



shíshálh Nation

VANCOUVER –APRIL 20 2015

For Immediate Release

The theme of reconciliation flowed through the closing submissions of lawyers for the Tk'emlúps and Sechelt First Nations at the recent Federal Court of Canada hearing to determine whether or not their class action was to be certified.

“They asked for a hand, and got a fist,” submitted Karena Williams to the Court, responding to earlier comments of government lawyers who had argued that Indian Residential Schools came about in response to First Nation’s peoples own requests for education.

The two bands are now awaiting the decision of Justice Sean Harrington of the Federal Court who is expected to rule within the next few months on whether to allow their lawsuit to continue as a class action. The bands are seeking to represent all Aboriginal persons who attended Indian Residential Schools as day students (leaving the school property at night) for compensation for their losses of language and culture.

The bands launched their lawsuit almost 3 years ago, by issuing a statement of claim in which they allege that Canada was responsible for ensuring the preservation of Aboriginal languages and cultures, but through their own policy has failed completely in that duty. The bands now seek compensation for all those who lost their birthright through day to day attendance at the Indian Residential Schools.

If certification is successful, the lawsuit will move to the evidentiary stage, where both Canada and the bands will produce evidence relating to day scholars who attended the Indian Residential Schools and the treatment those students received. If there is no negotiated settlement of the suit, the matter would then move to trial.

The certification seeks to extend the lawsuit to cover all Aboriginal people who attended an Indian Residential School recognized in the Settlement Agreement anywhere in Canada, who attended but did not reside at the school. The lawsuit also proposes to seek compensation for the descendants of those people.

“Successful certification of this lawsuit is an important step towards reconciliation between our peoples and the Canadian Government,” says Chief Shane Gottfriedson. “Canada needs to understand that an apology is needed for all Aboriginal people, not just those who were residents at the Indian Residential Schools. These schools affected our entire communities and this lawsuit will help start the healing for those who felt left out by the Government’s actions to date.”

“This reconciliation needs to happen now. Our people are dying, and the legacy of the Indian Residential Schools is still with us,” says Chief Calvin Craigan. “We hope that the court comes to a swift decision and realizes that certification of this lawsuit needs to happen now, so that we can move forward with Canada to put this legacy behind us once and for all and help rebuild the communities that have been destroyed by Canada’s actions.”

The hearing concluded on Thursday April 16th, 2015. Justice Harrington reserved his judgment and can be expected to render a decision sometime before the end of the year.

Healing one heart, one mind & one spirit at a time!

For more information please contact:

Chief Shane Gottfriedson	250-314-0797
Elected Council Member Gary Feschuk	604-230-3415
Jo-Anne Gottfriedson Coordinator	250-318-5628



Tk'emlúps te Secwépemc

(Kamloops Indian Band)



shíshálh

VANCOUVER: For Immediate Release

Momentum is building for the Day Scholars Class Proceeding. In addition to the original two Bands, three others have already opted into the action and several more have committed to joining. This despite the deadline to opt in being February 29, 2016.

Launched in 2012 by the Tk'emlúps te Secwépemc and shíshálh Indian Bands, the Day Scholars Class Action lawsuit seeks compensation on behalf of all Aboriginal Canadians who attended an Indian Residential School, but who did not sleep there. The case also seeks declarations regarding Canada's role in the failure to protect Aboriginal language and culture, and looks for compensation for the children of survivors, and the bands to which survivors belong.

Canada has, for several years now, recognized that the Indian Residential Schools had a profound impact not just on those who resided at the schools, but also on their communities and families. But for all its recognition of a 'cultural genocide' Canada has refused to provide compensation for those who did not sleep at the schools. This lawsuit aims to rebalance that difference.

In addition to seeking compensation for individuals who attended the Indian Residential Schools, an important part of the lawsuit is including Indian Bands that were affected by the presence of an Indian Residential School on or near their lands. Individual Bands can decide whether or not they wish to opt-in, or be a part of the lawsuit. Only those Bands that opt in will be eligible for compensation if any is awarded by the Courts.

Chief Shane Gottfriedson This much interest this soon after Certification of the lawsuit shows how important this action is for Aboriginal people across Canada. By standing together we can show the Canadian Government that it can no longer ignore the plight of those who lost their language and culture at the Government's hands. This is not just an isolated story of a few children in British Columbia, it is a national issue."

Hereditary Chief Garry Feschuk “We thank the bands that have joined already and encourage those remaining to come on board to show strength, unity and a commitment to moving forward. It is time to address the remaining legacy of the Residential Schools and their effects not just on residents, but on entire communities. Together we can speak to the Government with one voice, representing Aboriginal people from coast to coast to coast.”

Bands have until February 29, 2016 to decide if they wish to opt-in. Individual survivors, Aboriginals who attended the Indian Residential Schools, but did not spend the night there, can opt out of the lawsuit if they wish before November 30, 2015.

For more information please call:

Jo-Anne Gottfriedson
 Tk'emlúps te Secwépemc Day Scholar Coordinator
 200-300 Chief Alex Thomas Way
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 Email: jo-anne.gottfriedson@kib.ca

Hereditary Chief Garry Feschuk
 Sechelt Nation Counsellor
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 Email: gfeschk@secheltnation.net

Karena Williams
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 Vancouver, British Columbia ,Canada V6Z 1S4
 Phone: 604-685-1229
 Email: dayscholar@grantnativelaw.com
 Fax: 604-685-0244

www. Justicefordayscholars.com
toll free : 1-844-558-5538

“Healing one heart, one mind & one spirit at a time”

THIS IS EXHIBIT " H "REFERRED TO IN THE
AFFIDAVIT OF #2 To Anne Gottfriedson
SWORN BEFORE ME AT Vancouver B.C.
THIS 3rd DAY OF June, 2016.

V. Gillis

A Commissioner for taking Affidavits within
British Columbia

Band Class Opt-In List

	Date	Province	Band/First Nation
1.	February 29, 2016	NT	Deninu K'ue First Nation
2.	February 29, 2016	NT	Lutsel K'e Dene First Nation
3.	February 26, 2016	NT	Liidlii Kue First Nation
4.	February 26, 2016	NT	Deh Gah Got'ie First Nation
5.	January 20, 2016	NT	Smith's Landing First Nation
6.	February 26, 2016	NT	Nahanni Butte Dene Band
7.	February 29, 2016	NT	Deline First Nation
8.	February 29, 2016	NT	Katloodeche First Nation

9.	September 28, 2015	BC	Waywayseecappo First Nation
10.	October 28, 2015	BC	Williams Lake First Nation
11.	December 14, 2015	BC	Neskonlith Indian Band
12.	January 22, 2016	BC	Sliammon First Nation
13.	January 25, 2016	BC	Soowahlie Indian Band
14.	January 25, 2016	BC	Penelakut Tribe
15.	January 26, 2016	BC	Adams Lake Indian Band
16.	January 26, 2016	BC	Halalt First Nation
17.	February 1, 2016	BC	Homalco Indian Band

18.	February 17, 2016	BC	Musqueam Indian Band
19.	February 18, 2016	BC	Sts'ailes
20.	February 19, 2016	BC	Cowichan Tribes
21.	February 22, 2016	BC	Squamish Nation
22.	February 24, 2016	BC	Ulkatcho Indian Band
23.	February 24, 2016	BC	Skeetchestn Indian Band
24.	February 25, 2016	BC	Okanagan Indian Band
25.	February 25, 2016	BC	Bonaparte Indian Band
26.	February 25, 2016	BC	Simpco First Nation

27.	February 25, 2016	BC	Red Bluff Indian Band
28.	February 26, 2016	BC	Yekooche First Nation
29.	February 26, 2016	BC	Nadleh Whut'en Band
30.	February 26, 2016	BC	Stellat'en First Nation
31.	February 26, 2016	BC	Tseshah First Nation
32.	February 29, 2016	BC	Gitxaala Nation
33.	February 29, 2016	BC	Nakazdli Band
34.	February 29, 2016	BC	Tla-o-qui-aht First Nations
35.	February 29, 2016	BC	Leq'a:mel First Nation

36.	February 29, 2016	BC	Haisla Nation Council
37.	February 29, 2016	BC	T'Sou-ke First Nation
38.	February 29, 2016	BC	Nazko First Nation
39.	February 29, 2016	BC	Da'naxda'xw/Awaetlala Nation
40.	February 29, 2016	BC	Nisga'a Village of New Aiyansh
41.	February 29, 2016	BC	Tsleil-Waututh Nation
42.	February 29, 2016	BC	Chawathil First Nation
43.	February 24, 2016	AB	Siksika Nation
44.	October 30, 2015	AB	Saddle Lake Cree Nation

45.	November 6, 2015	AB	Piikani Nation
46.	February 25, 2016	AB	Ermineskin Tribe
47.	February 26, 2016	AB	Blood Tribe
48.	February 29, 2016	AB	Samson Cree Nation
49.	February 29, 2016	AB	Sturgeon Lake Cree Nation
50.	February 29, 2016	AB	Stoney First Nation
51.	February 29, 2016	AB	Louis Bull Tribe
52.	February 29, 2016	AB	Alexis Nakota Sioux Nation
53.	February 29, 2016	AB	Horse Lake First Nation
54.	February 29, 2016	AB	Whitefish Lake Band

55.	November 24, 2015	SK	Onion Lake
56.	January 21, 2016	SK	Cowessess First Nation #73
57.	January 28, 2016	SK	Kahkewistahaw First Nation
58.	February 23, 2016	SK	Keeseekoose First Nation
59.	February 26, 2016	SK	Key First Nation
60.	February 29, 2016	SK	Cote First Nation
61.	February 29, 2016	SK	Carry The Kettle First Nation
62.	February 29, 2016	SK	Lac La Ronge
63.	February 2, 2016	MB	Fort Alexander Indian Band (Sagkeeng)
64.	February 16, 2016	MB	Pine Creek First Nation
65.	February 23, 2016	MB	Norway House Cree Nation
66.	February 29, 2016	MB	Bloodvein River First Nation

67.	February 29, 2016	MB	St. Theresa Point First Nation
68.	February 29, 2016	MB	Roseau River Anishinabe First Nation
69.	February 29, 2016	MB	Long Plain First Nation
70.	February 29, 2016	MB	Swan Lake First Nation
71.	November 10, 2015	ON	Cat Lake First Nation
72.	February 23, 2016	ON	Aroland First Nation
73.	February 19, 2016	ON	Moose Cree First Nation
74.	February 26, 2016	ON	Nautkamegwanning First Nation
75.	February 29, 2016	ON	Oneida Nation of the Thames
76.	February 29, 2016	ON	Alderville First Nation
77.	February 29, 2016	ON	Aamjiwnaang First Nation – Chippewas of Sarnia
78.	February 29, 2016	ON	Fort Albany First Nation

79.	February 29, 2016	ON	Naicatchewenin First Nation
80.	February 29, 2016	ON	Pikangikum First Nation
81.	February 29, 2016	ON	Grassy Narrows First Nation
82.	February 29, 2016	ON	MoCreebec Eeyoud Council of the Cree
83.	February 29, 2016	ON	Chippewas of The Thames First Nation
84.	February 29, 2016	ON	Ojibways of Ongaming
85.	February 12, 2016	QC	Innu Takuaikan Uashat mak Mani Utenam
86.	February 12, 2016	QC	Cree Nation of Chisasibi
87.	February 23, 2016	QC	Cree Nation of Mistissini
88.	February 25, 2016	QC	Conseil Des Innu De Ekuanitshit
89.	February 23, 2016	QC	Cree Nation of Wemindji
90.	February 26, 2016	QC	Pekuakamiulnuatsh Takuhikan

91.	February 29, 2016	QC	Listuguj Mi'gmaq Gouvernement
92.	February 29, 2016	QC	Conseil des Ancinapek de Kitcisakik
93.	February 10, 2016	QC	Waskaganish First Nation
94.	February 26, 2016	NS	Sipekne'katik Band
95.	February 29, 2016	AB	Montana First Nation
96.	February 29, 2016	BC	Nuxalk First Nation

THIS IS EXHIBIT " I "REFERRED TO IN THE
AFFIDAVIT OF #2 Jo Anne Gottfriedson
SWORN BEFORE ME AT Vancouver, B.C.
THIS 3RD DAY OF June, 2016.

[Signature]

A Commissioner for taking Affidavits within
British Columbia

Opt-Out Record List for Individual Contacts

Day Scholar Survivor (SS) or Descendant Class Members (DC)

Name	Date [year/month/day]	Phone Number(s)	Email	Band/First Nation	Class Membership	Opt-Out [Yes/No]
1 Ryan Jason Hunter	2015/11/29 & 30	403-721-2262 or 403-844-6419			Survivor	Yes
2. Sidney Beaverbones	2015-11-30	403-418-7772			Descendant	Yes

This is **Exhibit "C"** as referred to in the Affidavit of Jeanine
Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

Federal Court



Cour fédérale

Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur

TO / DESTINATAIRE(S):

(Waddell Phillips)

1. Name / Nom : John Kingman Phillips | Diane H. Soroka | Peter Grant (Grant Huberman)

Facsimile / Télécopieur : 514-939-4014 ² 604 685-0244 Telephone / Téléphone : As requested / tel que demandé Left voice message / suite au message vocal

2. Name / NOM Michael P. Doherty | Nicholas Claridge, DOJ (Vancouver, BC)

Facsimile / Télécopieur : 604-666-2710

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal

3. Name / Nom : Jessica Labranche, Pape Salter Teillet LLP (Toronto, ON)

Facsimile / Télécopieur : 416-916-3726

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal

4. Name / Nom :

Facsimile / Télécopieur :

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocalFROM / EXPÉDITEUR :

Sheila de Santos, Registry Officer

Telephone / Téléphone : (604) 666-3232

Facsimile / Télécopieur : (604) 666-8181

DATE: July 17, 2017

TIME / HEURE : 12:26 PM

Total no. of pages (including this page) / Nombre de pages (incluant cette page) : 10

SUBJECT / OBJET :

Court File No. / N° du dossier de la Cour : T-1542-12

Between / entre Chief Shane Gottfriedson et al v. Her Majesty the Queen in Right of Canada

Enclosed is a true copy of Order / Judgment / Reasons of / Vous trouverez ci-joint une copie conforme de l'ordonnance / jugement / motifs de : The Honourable Mr. Justice Harrington

dated / date : July 17, 2017

COMMENTS / REMARQUES :

Please note that Rule 395 of the *Federal Courts Rules* has changed and the Registry will not be sending certified copies of decisions of the Court, unless a copy is requested by the party. If you do require a copy, please advise the Registry in writing.

Pursuant to section 20 of the *Official Languages Act* all final decisions, orders and judgments, including any reasons given therefore, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.

Conformément à l'article 20 de la *Loi sur les langues officielles*, les décisions, ordonnances et jugements définitifs avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.

Federal Court



Cour fédérale

Date: 20170717

Docket: T-1542-12

Vancouver, British Columbia, July 17, 2017

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

CHIEF SHANE GOTTFRIEDSON, ON HIS OWN BEHALF AND ON BEHALF OF ALL THE MEMBERS OF THE TK'EMLÚPS TE SECWÉPEMC INDIAN BAND AND THE TK'EMLÚPS TE SECWÉPEMC INDIAN BAND, CHIEF GARRY FESCHUK, ON HIS OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF THE SECHELT INDIAN BAND AND THE SECHELT INDIAN BAND, VIOLET CATHERINE GOTTFRIEDSON, DOREEN LOUISE SEYMOUR, CHARLOTTE ANNE VICTORINE GILBERT, VICTOR FRASER, DIENA MARIE JULES, AMANDA DEANNE BIG SORREL HORSE, DARLENE MATILDA BULPIT, FREDERICK JOHNSON, ABIGAIL MARGARET AUGUST, SHELLY NADINE HOEHNE, DAPHNE PAUL, AARON JOE AND RITA POULSEN

Plaintiffs

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Defendant

ORDER

UPON motion on behalf of the Dene Tha' First Nation to be added as a member of the band class;

UPON the plaintiff taking no position and the defendant consenting;

UPON reviewing the record, including the Order of June 18, 2015, and noting the applicant falls within the definition of the "Band Class", and that the Court retained discretion to extend the time for a Band to opt-in.

THIS COURT ORDERS:

1. The motion is granted.
2. Schedule A to the Order of May 24, 2017 is further amended to add the applicant
3. A further fresh as amended Schedule "A" is attached hereto.

"Sean Harrington"

Judge

**Schedule "A" to the Order of Justice Harrington
Band Class Opt-In List**

As amended July 17, 2017

	Date	Province	Band/First Nation
1.	February 29, 2016	NT	Deninu K'ue First Nation
2.	February 29, 2016	NT	Lutsel K'e Dene First Nation
3.	February 26, 2016	NT	Liidlii Kue First Nation
4.	February 26, 2016	NT	Deh Gah Got'ie First Nation
5.	January 20, 2016	NT	Smith's Landing First Nation
6.	February 26, 2016	NT	Nahanni Butte Dene Band
7.	February 29, 2016	NT	Deline Got'ine First Nation
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33.	February 29, 2016	BC	Nakazdli Band
34.	February 29, 2016	BC	Tla-o-qui-aht First Nations
35.	February 29, 2016	BC	Leq'a:mel First Nation
36.	February 29, 2016	BC	Haisla Nation Council
37.	February 29, 2016	BC	T'Sou-ke First Nation

38.	February 29, 2016	BC	Nazko First Nation
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40.	February 29, 2016	BC	Nisga'a Village of New Aiyansh
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42.	February 29, 2016	BC	Chawathil First Nation
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45.	October 30, 2015	AB	Saddle Lake Cree Nation
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50.	February 29, 2016	AB	Sturgeon Lake Cree Nation

51.	February 29, 2016	AB	Stoney First Nation
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54.	February 29, 2016	AB	Horse Lake First Nation
55.	February 29, 2016	AB	Whitefish Lake Band
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72.	February 29, 2016	MB	Swan Lake First Nation
73.	February 29, 2016	MB	Sandy Bay Ojibway First Nation
74.	November 10, 2015	ON	Cat Lake First Nation
75.	February 23, 2016	ON	Aroland First Nation
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84.	February 29, 2016	ON	Grassy Narrows First Nation

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86.	February 29, 2016	ON	Chippewas of The Thames First Nation
87.	February 29, 2016	ON	Ojibways of Ongaming
88.	February 12, 2016	QC	Innu Takuaikan Uashat mak Mani Utenam
89.	February 12, 2016	QC	Cree Nation of Chisasibi
90.	February 23, 2016	QC	Cree Nation of Mistissini
91.	February 25, 2016	QC	Conseil Des Innu De Ekuanitshit
92.	February 23, 2016	QC	Cree Nation of Wemindji
93.	February 26, 2016	QC	Pekuakamiulnuatsh Takuhikan
94.	February 29, 2016	QC	Listuguj Mi'gmaq Gouvernement
95.	February 29, 2016	QC	Conseil des Ancinapek de Kitcisakik
96.	February 10, 2016	QC	Waskaganish First Nation
97.	February 29, 2016	QC	Cree Nation of Nemaska
98.	February 26, 2016	NS	Sipekne'katik Band
99.	July 17, 2017	AB	Dene Tha' First Nation

This is **Exhibit "D"** as referred to in the Affidavit of Jeanine
Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)



CLASS ACTIONS

Band Reparations Class Action —

This is a certified class action proceeding in Federal Court. The representative plaintiff Bands in the class action, Tk'emlúps te Secwépemc Indian Band and shishalh Band are suing the Government of Canada claiming that it is responsible for damages to Bands arising from Indian Residential Schools, and in particular, the collective harm suffered by Bands due to loss of language and culture. There is a proposed settlement agreement - please go to <https://bandreparations.ca/> for more information.

Jump To

Summary	Updates
Documents	Ask a question

Case Overview

There is a proposed settlement in this lawsuit. For more information regarding the proposed agreement and the settlement approval hearing, go to <https://bandreparations.ca/>

The Band Reparations Class Action is a lawsuit against the Government of Canada. The lawsuit is about the collective harm suffered by Indigenous communities as a group as a result of Indian Residential Schools. The lawsuit says that the Government of Canada is responsible for damages to Indigenous communities caused by the Indian Residential School system, and in particular, the collective harm suffered by Indigenous communities due to the loss of language and culture because of Indian Residential Schools.

This lawsuit is not about harms suffered by individual survivors who attended Indian Residential Schools – instead it is about the collective harm suffered by Indigenous communities as a group as a result of Indian Residential Schools.

This lawsuit was brought by representative plaintiff First Nations Tk'emlúps te Secwépemc and shíshálh Nation, with the support of the Grand Council of the Crees (Eeyou Istchee).

Settlement Agreement



best interests of the class before it becomes final.

Each of the 325 First Nations that have joined the lawsuit and are class members have the right to make submissions to the court at the Settlement Approval Hearing about whether the proposed settlement is fair, reasonable and in the best interests of the class as a whole.

For more information regarding the lawsuit, the settlement agreement or the settlement approval hearing, see: www.bandreparations.ca, or contact

Tel.: 1-888-370-1045

Email: bandclass@waddellphillips.ca

[← BACK TO CLASS ACTIONS](#)

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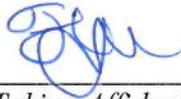
OUR LAWYERS

CONTACT US

647.261.4486

36 Toronto St, Suite 1120, Toronto, On. M5C 2C5

This is **Exhibit “E”** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)



WADDELL PHILLIPS

Source: Waddell Phillips Professional Corporation

August 30, 2022 13:00 ET

Waddell Phillips Professional Corporation, Peter Grant Law, and Diane Soroka Avocate Inc. - Band Class Reparations Trial for Collective Damages Caused by Canada's Indian Residential School Policies Begins on September 12, 2022

VANCOUVER, British Columbia, Aug. 30, 2022 (GLOBE NEWSWIRE) -- On September 12, 2022 a trial regarding the collective losses suffered by Aboriginal communities as a result of Canada's Indian residential school system will commence before the Federal Court of Canada in Vancouver.

325 First Nations from across Canada have joined this class action and are standing together and asking that Canada be accountable to the nations it worked so hard to destroy in its attempted assimilation of Aboriginal peoples through the residential school system.

This case is intended to address the reality of the destruction of the languages and cultures of the Aboriginal peoples of Canada. Canada has now recognized in public statements the damages it caused the Aboriginal peoples of this country through its residential school policy, but has nonetheless left them alone to rehabilitate their languages and cultures which have been so impacted by Canada's conduct.

When this case was commenced on August 15, 2012, then Chief Garry Feschuk of shíshálh Nation stated:

The government has acknowledged that it set out to remove the culture of our people, and the harm it caused by forcing our people to turn away from their traditions. The residential schools were an attempt to destroy our traditions and cultures for day students as well as residential students. As our people and our communities work to rebuild from the effects of the residential schools, the government must step forward and take responsibility.

Former Federal Court judge Justice Harrington referred to the stated intention to destroy Aboriginal languages which was a foundation of the Indian residential school policy at paragraph 63 of his decision certifying the lawsuit as a class action:

The Annual Report of the Department of Indian Affairs of 1895 deems the acquisition of the English (or French) language to be a necessity: "So long as he keeps his native tongue, so long he will remain a community apart." The policy was to be executed "with as much vigor as possible". Educated English speaking Indians would be enfranchised, and become accustomed to the ways of civilized life. This would bring about rapidly decreased expenditures "until the same should forever cease, and the Indian problem would have been solved."

In June 2015, Justice Harrington found that the Band Class claim was an appropriate means to seek the collective damages for loss of language and culture to Aboriginal Nations arising from Canada's residential school policies.

In the last two years, Canada's Prime Minister and Minister of Indigenous Relations have spoken out repeatedly about the need for reconciliation and to redress the wrongs of the Indian residential schools.

On June 25, 2021, Prime Minister Trudeau on behalf of the government of Canada stated:

"[the residential school policy] was an incredibly harmful government policy that was Canada's reality, for many, many decades and Canadians today are horrified and ashamed of how our country behaved. It was a policy that ripped kids from their homes, from their communities, from their culture and their language and forced assimilation upon them."

On January 27, 2021, Minister of Indigenous Relations, Marc Miller, acknowledged:

“To suggest that residential schools were anything other than to assimilate, layered with a religious fervour at the time to convert peoples who still have vibrant cultures-in some cases that have been ripped away from them, the trauma has been passed on for generations – not to acknowledge that that exists and there are carry-on effects, is the product of a twisted and closed mind.”

Former Chief Shane Gottfriedson of Tk'emlúps te Secwépemc has responded to the support of 325 First Nations who have joined the court action as class members:

“With over half of the First Nations in Canada now being part of our court case, Canada now needs to recognize the collective damages to our Nations caused by Canada’s efforts for over 100 years to destroy our Nations’ languages and culture.”

Former Chief Garry Feschuk asks:

“When is Canada going to stop denying in the court what we have suffered? When will Canada provide the support needed to First Nations to allow us to take charge of language and cultural revitalization and provide us with the means to rehabilitate our language and culture?”

It appears that 12 years after shíshálh Nation and Tk'emlúps te Secwépemc first sought a remedy for the damages caused to Indigenous peoples across Canada, that Canada is still, in Justice Harrington’s words “talking the talk but not walking the walk”.

Kúkpi7 Rosanne Casimir of Tk'emlúps te Secwépemc says:

“325 First Nations have joined with us to demand that Canada repair the damage done by residential schools by providing compensation to help restore and revitalize our rich languages and cultures which were decimated by residential schools. Canada has already recognised in public statements that it caused this damage; now it needs to stop denying it in the courts. Reconciliation demands that action be taken to restore what was lost.”

Hiwus Warren Paull of shíshálh Nation says:

“Intergenerational harms that are the direct result of residential school policies continue to decimate our communities today. Our communities are being ravaged by drug and alcohol abuse and overdoses, lateral violence, and suicides, all of which are a direct and continuing result of the abuse, displacement, and mistreatment suffered by survivors of residential schools. It is a continuing genocide. It is time that Canada take action to repair the damage done.”

For further information please contact:

Councillor Selina August, shíshálh Nation: saugust@shishalh.com

This is **Exhibit "F"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)



WADDELL PHILLIPS

Source : Waddell Phillips Professional Corporation

20 sept. 2022 18h09 HE

Waddell Phillips Professional Corporation, Peter Grant Law, and Diane Soroka Avocate Inc. - Band Reparations Trial Adjourned to Allow for Completion of Settlement Negotiations

VANCOUVER, British Columbia, Sept. 20, 2022 (GLOBE NEWSWIRE) -- The Representative Plaintiffs of the Band Reparations Class Action, shíshálh Nation and Tk'emlúps te Secwépemc, have announced today the adjournment of the Band Reparations trial to allow for the completion of settlement discussions with Canada. Canada and the Representative Plaintiffs are currently working on the specifics of a Settlement Agreement that would resolve the claims of the Band Class. The Class Action is regarding collective harm suffered by Indigenous communities as a result of Canada's role in the Indian residential school system.

Because this is a class action, any proposed Settlement Agreement will not be finalized until it is approved by the Federal Court after a Settlement Approval Hearing, which will not be heard for a few months.

The next steps are as follows:

- Over the next few weeks, Canada and the Representative Plaintiffs will engage in continued negotiations regarding the terms of a proposed Settlement Agreement.
- If a proposed Settlement Agreement is reached, the Representative Plaintiffs will provide notice of the full details of the proposed Settlement Agreement to all 326 Class Members and the public.
- If a proposed Settlement Agreement is reached, the Federal Court will hold a Settlement Approval Hearing to decide whether the proposed Settlement Agreement is fair, reasonable and in the best interests of the Class. At the Settlement Approval Hearing, the 326 Band Class members will have the opportunity to express their views regarding the proposed settlement.

For more information, please contact lawyers for the Band Class at bandclass@waddellphillips.ca, or by calling 1-888-370-1045.

This is **Exhibit "G"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)



Dear Chief and Council:

Re: Update on the Band Reparations Class Action – trial starts Monday September 12, 2022 in Vancouver, B.C.

Thank you for standing shoulder to shoulder with representative plaintiffs shíshálh Nation and Tk'emlúps te Secwépemc in our fight for compensation for the collective harm suffered by our nations as a result of the residential school system, including in particular the loss of and damage to our languages and cultures. In total, 326 First Nations across Canada, including your First Nation, have joined the Band Reparations lawsuit as class members.

The trial starts on September 12, 2022 at 10:30 a.m. at the Federal Court in Vancouver, BC, and is expected to last six to eight weeks. The trial will be broadcast live online on the Zoom platform. Those wishing to watch will need to register with the Federal Court here: https://cas-satj.zoom.us/webinar/register/WN_p-zrAg2WSfqtFS-ZBPWK-g

At the trial in September, the court will decide whether Canada is legally responsible for the collective harms suffered by bands as a result of residential schools, including in particular loss of language and culture.

If the court decides that Canada is legally responsible, there will be a process later to determine how much in damages is owed to each band – it is possible that individual bands will need to participate at this stage in the lawsuit by submitting evidence of the extent of harms caused to their community because of residential schools.

If successful this lawsuit will provide the resources needed to allow us as First Nations to take charge of language and cultural revitalization.

The representative plaintiffs are expecting to call the following individuals as witnesses:

- Phil Fontaine, former National Chief of the AFN
- Matthew Coon Come, former National Chief of the AFN
- Shane Gottfriedson, former Chief of Tk'emlúps te Secwépemc
- Garry Feschuk, former Chief of shíshálh Nation
- Dr. Marianne Ignace, an expert in Indigenous languages, language loss, and the Secwépemc language
- Dr. Onowa Mclvor, an expert in Indigenous language loss and language revitalization

- Dr. John Milloy, an expert in the history of Indian Residential Schools, and author of the book “A National Crime”
- Dr. Andrew Woolford, an expert sociologist on the topics of Indian Residential Schools and genocide
- Elders, including Elders from shíshálh Nation and Tk'emlúps te Secwépemc

We encourage all class members to speak out in support of the lawsuit. With over half of the First Nations in Canada now being part of our court case, it's time for Canada to recognize the collective damages to our Nations caused by Canada's efforts for over 100 years to destroy our Nations' languages and cultures.

Canada has already recognized in public statements that it caused this damage; now it needs to stop denying it in the courts. Reconciliation demands that action be taken to restore what was lost.

For more information, please contact class counsel at bandclass@waddellphillips.ca.

Sincerely,

Kúkpi7 Rosanne Casimir Tk'emlúps te Secwépemc Representative Plaintiff	Hiwus Warren Paull Shíshálh Nation Representative Plaintiff
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Want to change how you receive these emails?

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Gottfriedson V. Her Majesty The Queen - Band Reparations Trial Adjourned

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Dear Chief and Council:

Re: Update on the Band Reparations Class Action – Band Reparations Trial adjourned to allow for completion of settlement negotiations

The trial originally scheduled to start on September 12, 2022 was adjourned last week to allow for meaningful settlement talks between Canada and the Representative Plaintiffs shíshálh Nation and Tk'emlúps te Secwépemc, with support from the Grand Council of the Crees.

Those settlement talks have borne fruit, and the Representative Plaintiffs are pleased to announce that the parties are currently working the details of a Settlement Agreement that would resolve the claims of the Band Class. The Band Class claim is regarding the collective harm suffered by Indigenous communities as a result of the Indian residential school system.

Because this is a Class Action, any proposed Settlement Agreement **will not be finalized** until it is approved by the Federal Court after a Settlement Approval Hearing. That Settlement Approval hearing would not be heard for a few months. Full details of any proposed settlement will be provided to all Class Members well before the Settlement Approval hearing.

The next steps are as follows:

- Over the next few weeks, Canada and the Representative Plaintiffs will engage in continued negotiations regarding the terms of a proposed Settlement Agreement.
- If a proposed Settlement Agreement is reached, the Representative Plaintiffs will provide notice of the full details of the proposed Settlement Agreement to all 326 Class Members.
- If a proposed Settlement Agreement is reached, the Federal Court will hold a Settlement Approval Hearing to decide whether the proposed Settlement Agreement is fair, reasonable and in the best interests of the Class. At the Settlement Approval Hearing, the 326 Band Class members will have the opportunity to express their views regarding the proposed settlement.

The press release announcing the adjournment of the band class trial, which contains the same information as above, can be found: <https://www.globenewswire.com/news-release/2022/09/20/2519744/0/en/Waddell-Phillips-Professional-Corporation-Peter-Grant-Law-and-Diane-Soroka-Avocate-Inc-Band-Reparations-Trial-Adjourned-to-Allow-for-Completion-of-Settlement-Negotiations.html>

For more information, please contact lawyers for the Band Class at bandclass@waddellphillips.ca, or by calling 1-888-370-1045.

Sincerely,

Lawyers for the Band Class
Peter Grant, John Phillips and Diane Soroka



This is **Exhibit "H"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)



WADDELL PHILLIPS

Source: Waddell Phillips Professional Corporation

January 21, 2023 13:03 ET

Waddell Phillips Professional Corporation, Peter Grant Law, and Diane Soroka Avocate Inc. - First Nations sign historic settlement agreement with Canada to address collective harms caused by Indian Residential Schools

VANCOUVER, British Columbia, Jan. 21, 2023 (GLOBE NEWSWIRE) -- Tk'emlúps te Secwépemc, shíshálh Nation and the Grand Council of the Crees (Eeyou Istchee) are pleased to announce that they have reached a historic \$2.8 billion settlement with Canada that recognizes the collective harms suffered by Indigenous communities caused by Indian Residential Schools.

Gottfriedson v. His Majesty the King in Right of Canada, also known as the Band Reparations Class Action, is a class action against the Government of Canada. The lawsuit says that the Government of Canada is responsible for the collective damages to Indigenous communities caused by the Indian Residential School system, including collective loss of language and culture and damage to the social fabric.

325 First Nations Bands are part of the lawsuit. In order to participate, Bands had to “opt-in” or “join” the class action. The opt-in period is now closed, and it is no longer possible to join the lawsuit. For a complete list of Bands that joined the lawsuit and are band class members, go to www.bandreparations.ca

This lawsuit was brought by representative plaintiff First Nations Tk'emlúps te Secwépemc and shíshálh Nation, with the support of the Grand Council of the Crees (Eeyou Istchee).

The settlement agreement is based on the Four Pillar Principles:

- Revival and protection of Indigenous languages;
- Revival and protection of Indigenous cultures;
- Wellness for Indigenous communities and their members;
- Promotion and protection of heritage.

The key terms of the settlement agreement are:

- The Government of Canada will make a payment of \$2.8 billion (the “Fund”) to a Trust/Not-For-Profit to fully and finally resolve the Band Reparations Class Action.
- The Trust/Not-For-Profit will be responsible for prudently investing the Fund for a period of 20 years, distributing investment income from the Fund to the band class members, and, at the end of 20 years, distributing the remaining Fund to the band class members to support programs and activities which further the Four Pillar principles.
- The Trust/Not-For-Profit will be Indigenous-led and Indigenous controlled. The Trust/Not-For Profit will be governed by a board of nine Indigenous directors.

The settlement agreement must be approved by the Federal Court as being fair, reasonable and in the best interests of the class before it becomes final. A Settlement Approval Hearing will start in Vancouver on February 27, 2023 at 9:30 a.m. (Pacific Time) for up to three days. Band class members have the right to participate in the hearing.

For more information, including the full Settlement Agreement, go to www.bandreparations.ca

QUOTES:

Shane Gottfriedson, Representative Plaintiff and Former Chief of Tk'emlúps te Secwépemc: “Our Nations started this lawsuit because we saw the devastating impacts that residential schools had on our Nations as a whole. The residential school system decimated our languages, profoundly damaged our cultures, and left a legacy of social harms. The effects go beyond my generation. It will take many generations for us to heal. This settlement is about taking steps towards undoing the damage that was done to our Nations.”

Garry Feschuk, Representative Plaintiff and Former Chief of shíshálh: “It has taken Canada far too long to own up to its history, own up to the genocide it committed and recognize the collective harm caused to our Nations by Residential Schools. It is time that Canada not only recognize this harm, but help undo it by walking with us. This settlement is a good first step.”

hiwus Warren Paul, shíshálh Nation: “As a result of residential schools, within a few generations, sháshíshálhem went from being the first language of nearly everyone in our Nation to being on the verge of disappearing forever. We lost our last fluent speakers over the past few years. Much of this harm cannot be undone. With today’s announcement, First Nations will be able to continue restoring and revitalizing some of what was lost.”

Kúkpi7 Rosanne Casimir, Tk'emlúps te Secwépemc: “Canada spent over 100 years trying to destroy our languages and cultures through Residential Schools. Canada did not succeed, but it did cause profound damage. It is going to take incredible efforts by our Nations to restore our languages and culture – this settlement gives Nations the resources and tools needed to make a good start.”

Dr. Matthew Coon Come, former Grand Chief of, and representative for, the Grand Council of the Crees (Eeyou Istchee): “The Grand Council of the Crees is proud to have stood with Tk'emlúps te Secwépemc and shíshálh Nation in this historic struggle for recognition of the harms done to our Nations as a result of Residential Schools. My hope is that this settlement will help this generation and future generations reclaim our cultures and languages.”

CONTACT (media only):

Cory Wanless
Waddell Phillips PC
Email: cory@waddellphillips.ca
Phone: 647-874-2555

This is **Exhibit "I"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

i There is a proposed **settlement** in the Band Reparations Class Action. Bands that have joined the lawsuit have the right to participate at the Settlement Approval Hearing. **Read the Notice here.**

Key information available in six Indigenous languages:

- James Bay Cree | ᐃᓕᓴᓴᓴᓴ
- Plains Cree | Nēhiyawēwin
- Ojibwe | Anishinaabemowin
- Denesuline | Déně Sųłíné
- Inuktitut (South Baffin) | ᐃᓄᓴᓴᓴᓴ (ᐃᓄᓴᓴᓴᓴ ᐃᓄᓴᓴᓴᓴ)
- Mi'kmaq | Mi'kmaw

The Band Reparations Class Action

Gottfriedson v. His Majesty the King in Right of Canada
(Court File No. T1542-12)

The Band Reparations Class Action is a lawsuit against the Government of Canada. The lawsuit is about the collective harm suffered by Indigenous communities as a group as a result of Indian Residential Schools. The lawsuit says that the Government of Canada is responsible for damages to Indigenous communities caused by the Indian Residential School system, and in particular, the collective harm suffered by Indigenous communities due to the loss of language and culture because of Indian Residential Schools.

This lawsuit is not about harms suffered by individual survivors who attended Indian Residential Schools – instead it is about the collective harm suffered by Indigenous communities as a group as a result of Indian Residential Schools.

This lawsuit was brought by representative plaintiff First Nations Tk'emlúps te Secwépemc and shishálh Nation, with the support of the Grand Council of the Crees (Eeyou Istchee).



Band Class Members

325 Bands are part of the lawsuit; [click here](#) to see the full list of class members. In order to participate in the lawsuit, Bands were required to “opt-in” or “join” the lawsuit by the extended June 30, 2022 opt-in deadline. The opt-in period is now closed, and it is no longer possible to join the lawsuit.

The First Nations that are part of the lawsuit are:

Settlement

A settlement agreement has been reached between the Representative Plaintiff Bands and the Government of Canada, which fully and finally resolves the Band Reparations Class Action.

The settlement agreement needs to be approved by the Federal Court as being fair, reasonable and in the best interests of the class before it becomes final.

Each of the 325 First Nations that have joined the lawsuit and are class members have the right to make submissions to the court at the [Settlement Approval Hearing](#) about whether the proposed settlement is fair, reasonable and in the best interests of the class as a whole.

Proposed Settlement Agreement

[Full Settlement Agreement](#)

The key terms of the settlement agreement are:

- The government of Canada will make a payment of **\$2.8 billion** (the "Fund") to a Trust/Not-For-Profit to fully and finally resolve the Band Reparations Class Action.
- The Trust/Not-For-Profit will be responsible for prudently investing the Fund, and for distributing the Fund to the 325 class members to support the Four Pillar principles in accordance with the Disbursement Policy.
- The Four Pillars are:
 - Revival and protection of **Indigenous languages**;
 - Revival and protection of **Indigenous cultures**;
 - **Wellness** for Indigenous communities and their members;
 - Promotion and protection of **heritage**.
- The Disbursement Policy will include the following:
 - **Planning funds**: Each Band Class member will receive an initial one-time payment of \$200,000 for the purposes of developing a plan to carry out one or more of the objectives and purposes of the Four Pillars;
 - **Initial Kick-Start Funds**: Upon receipt and review of a plan from a band, the Fund shall disburse the Initial Kick-Start Funds, which shall be equal to the Band's proportionate share of \$325 million,

with 40% attributable for base rate, with the remaining 60% to be used to adjust for population. The base rate is an equal amount payable to each Band. The Board will determine an appropriate adjustment for remoteness for the Initial Kick-Start Funds, with any such funds required to account for remoteness being in addition to the \$325 million;

- **Annual Entitlement:** Each Band will receive a share of annual investment income that is available for distribution. That share will be equal to the Band's proportionate share, adjusted for population and remoteness.
- All monies that remain in the Fund after the payment of the Planning Funds and the Kick-Start Funds will be prudently invested by the Trust/Not-For-Profit in accordance with professional investment advice.
- The Fund will operate for a period of 20 years.
- For the 20 year life of the Fund, the Annual Entitlement payments will be made from the investment income earned from the Fund; the capital of the Fund will be maintained.
- At the end of the 20 year life of the Fund, the remaining funds consisting of the capital of the Fund and any undisbursed investment income will be disbursed to the Class. Each Band's share shall be equal to the Band's proportionate share of the remaining funds.
- The Trust/Not-For-Profit will be responsible for determining the Disbursement Policy, which will consist of a base rate, a population adjustment, and a remoteness adjustment. That formula will allocate 40% to base rate, and 60% to population and remoteness adjustments.
- The Trust/Not-For-Profit will be governed by a board of nine Indigenous directors, eight of which will be selected through a process involving the Representative Plaintiff Bands, and, in the case of Regional Directors, the Class Members, and one of which will be chosen by Canada.
- The Trust/Not-For-Profit will have regional representation.
- In exchange for the benefits of the agreement, the Band Class members are deemed to agree to a release which will prevent them from bringing legal claims in future against Canada regarding the collective harms caused to them by the creation and operation of Indian Residential Schools. For greater clarity, this release does not relate to, and will not impact, any possible claims regarding children who died or disappeared while in attendance at Residential Schools.
- Lawyers' fees and expenses incurred over the course of the lawsuit will be paid by the Government of Canada and will not be deducted from the compensation paid to the Band Class. Canada has agreed to pay for all legal fees and expenses. These fees and expenses must be approved by the court, and will be the subject of a fee approval hearing, which will take place immediately after the settlement approval hearing.

Settlement Approval Hearing

A settlement approval hearing will be heard by the Federal Court, located at 701 West Georgia Street, Vancouver BC V7Y 1B6, commencing on **February 27, 2023 at 9:30 AM PDT** for up to three days.

The hearing is open to the public and will be available to be viewed via real-time webcast. Access details will be posted here when they become available.

The Federal Court judge will decide whether to approve the settlement agreement. The test that the judge will apply is whether the settlement is fair, reasonable, and in the best interests of the Class Members. The

judge will consider the entire settlement agreement all together as a complete package. The judge is not allowed to pick and choose which parts of the settlement to approve or not approve.

Band Class Members have the right to participate in the settlement approval process by telling the Court whether the settlement agreement should be approved or not, and whether the settlement agreement is fair, reasonable and in the best interests of the class.

Band Class Members can participate by making written submissions in advance of the hearing, oral submissions at the hearing, or both. Written or Oral Submissions must be made by individuals authorized to speak on behalf of their Band.

Written Submissions

Written submissions must include the name of the Band Class Member, contact information, confirmation that the person making the submission has the authority to speak on behalf of the Band, a statement that the Band supports or objects to the proposed settlement, and the reasons for the Band's position.

Written submissions should be no more than 10 pages in length. Written submissions can be sent by email, mail, or fax, and must be received by **February 20, 2023 at 11:59 PM PDT** at:

Waddell Phillips Professional Corporation
Att'n: Band Reparations Class Action
36 Toronto Street, Suite 1120
Toronto, ON M5C 2C5
bandclass@waddellphillips.ca
Fax: 416-477-1657

Oral Submissions

Band Class Members wishing to make oral submissions at the Federal Court in Vancouver on **February 27, 2023** must register in advance by sending a request to bandclass@waddellphillips.ca by **February 20, 2023 at 11:59 PM PDT**.

Individuals making oral submissions must be authorized to speak on behalf of a Band Class Member.

Oral submissions can be made in person in court in Vancouver, BC, or remotely via video conference. Please indicate whether you wish to participate in person, or virtually.

Documents

Key documents:

- [Settlement Agreement](#), signed January 18, 2023
 - [Schedule A: Second Re-Amended Statement of Claim](#), filed February 11, 2022
 - [Schedule B: Certification Order](#), June 18, 2015
 - [Schedule B.1: September 24, 2021 Order \(order only\)](#) + [Schedule G of the Settlement Agreement](#)
 - [Schedule B.2: February 8, 2022 Order \(order only\)](#)
 - [Schedule C: List of Opted-In Band Class Members](#)
 - [Schedule D: Investment Policy](#)
 - [Schedule E: Disbursement Policy and Disbursement Formula](#)

- [Schedule F: The Four Pillars](#)
- [Notice of Proposed Settlement and Settlement Approval Hearing](#)

For other legal documents, please contact class counsel at bandclass@waddellphillips.ca

Frequently Asked Questions

- ⊕ What is the Band Reparations Class Action about?
- ⊕ How was this settlement achieved?
- ⊕ Are individual members of the Bands entitled to compensation from this settlement?
- ⊕ Which Bands are included in this settlement?
- ⊕ My Band is not on the list. Is it too late for my Band to join?
- ⊕ Does this settlement affect the rights of my Band or its members with respect to harms caused by churches or religious orders?
- ⊕ Does this settlement affect Aboriginal or Treaty rights?
- ⊕ Can the Government use this settlement to stop future claims relating to children who died or disappeared while attending an Indian Residential School?
- ⊕ Is there an opportunity for my Band to tell the Court what it thinks about this settlement?
- ⊕ I still have questions.

Class Counsel

Class Counsel in this lawsuit are:

Peter R. Grant
Peter Grant Law Corporation

Contact

Phone: 1-888-370-1045 (toll-free)
Fax: 416-477-1657

John K. Phillips
Waddell Phillips Professional Corporation

Diane Soroka
Diane Soroka Avocate Inc.

Email: bandclass@waddellphillips.ca
Att'n: Band Reparatons Class Action
36 Toronto Street, Suite 1120
Toronto, ON
M5C 2C5

This is **Exhibit "J"** as referred to in the Affidavit of Jeanine
Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

Schedule “C”

Gottfriedson et al. v. His Majesty the King in Right of Canada

(Court File No. T-1542-12)

NOTICE PLAN

Notice of Settlement Agreement and Settlement Approval Hearing

The notice of Settlement Agreement and Settlement Approval Hearing (“**Notice**”) will be sent directly to all Class Members. Class Counsel will take further steps to confirm that Class Members have received the Notice.

A comprehensive List of Class Members is attached as Schedule “A” to the Order of Justice McDonald dated September 6, 2022. Because this is an opt-in class action, all 325 Class Members are known to Class Counsel, and further, Class Counsel has had direct contact with each Class Member as part of the opt-in process.

Class Counsel have maintained a comprehensive spreadsheet of contact information for each Class Member, including email addresses, mailing addresses, fax numbers (where available) and phone numbers.

DIRECT CONTACT

The court-approved Notice will be sent directly to the administrative and/or political office of each Class Member by email, mail and, where available, fax by January 27, 2023. The Notice requests that Class Members confirm receipt of the Notice with Class Counsel to ensure that Notice is effective.

Class Counsel will contact the administrative and/or political office of each Class Member that does not confirm receipt of the Notice directly by phone to ensure that all Class Members have, in fact, received the Notice.

WEBSITE

The information in the Notice will be posted at www.bandreparations.ca by January 27, 2023.

LANGUAGES

The Notice will be sent to the Class Members in English and French. Key information from the Notices will also be made available in six of the most commonly used Indigenous languages – James Bay / Eastern Cree, Plains Cree, Ojibwe, Dene, Inuktitut, and Mi’kmaq – as soon as practicable on www.bandreparations.ca.

CLASS COUNSEL CONTACT

Class Counsel have established a dedicated toll-free number and email address in order to receive inquiries from Class Members and from the general public. Class Counsel will use the toll-free number and email address to communicate the information contained in the Notice.

This is **Exhibit "K"** as referred to in the Affidavit of Jeanine
Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

FEDERAL COURT

CLASS PROCEEDING

B E T W E E N :

**CHIEF SHANE GOTTFRIEDSON, on behalf of the TK'EMLUPS TE
SECWEPEMC INDIAN BAND and the TK'EMLUPS TE SECWEPEMC
INDIAN BAND, and CHIEF GARRY FESCHUK, on behalf of the SECHELT
INDIAN BAND and the SECHELT INDIAN BAND**

Plaintiffs

and

**HIS MAJESTY THE KING IN RIGHT OF CANADA
as represented by THE ATTORNEY GENERAL OF CANADA**

Defendant

BAND CLASS MEMBER WRITTEN STATEMENTS

TABLE OF CONTENTS

TAB	DESCRIPTION	PAGE NO.
1	STATEMENTS IN SUPPORT	001-018
A	ELSIPOTOG BAND COUNCIL	001-003
B	STAR BLANKET CREE NATION	004-005
C	TAKU RIVER TLINGIT FIRST NATION	006-015
D	TOOTINAOWAZIIBEENG TREATY RESERVE	016-018
2	STATEMENTS OF OBJECTION	019-029
A	WAUZHUSHK ONIGUM NATION	019-029



ELSIPOGTOG BAND COUNCIL

373 Big Cove Road, Elsipogtog, N.B. E4W 2S3
Telephone: (506) 523-8200 Fax: (506)-823-8230

February 19, 2023

Via Email: bandclass@waddellphillips.ca

Waddell Phillips Professional Corporation
Attn: Band Reparations Class Action
36 Toronto Street, Suite 1120
Toronto, ON
M5C 2C5

To Whom it May Concern:

RE: Band Class Reparations Settlement - Letter of Support from Elsipogtog First Nation

On behalf of the Elsipogtog Chief, Council and members of the Elsipogtog First Nation, I write this letter to confirm support of the Band Class Reparations Settlement and the benefits it offers to Elsipogtog First Nation as a Band collectively impacted by the operation of Indian Residential Schools.

The Elsipogtog First Nation, formerly known as Big Cove Band or Richibucto Tribe of Indians (#003) have suffered shared collective harms to the community, to the Mi'kmaq language, and to Mi'kmaq culture, spirituality and traditions. Members of the Elsipogtog First Nation were taken away from the community as small children and forced to attend the Shubenacadie Indian Residential School. Although a single residential school is too many, the Shubenacadie Indian Residential School was the only one in operation in the Maritimes.

The Shubenacadie Indian Residential School was located in Shubenacadie, Nova Scotia and was run by the Roman Catholic church and operated from 1930 to 1967. Many children from Elsipogtog First Nation attended the Shubenacadie Indian Residential School. Many residential school survivors were from big families that went on to have large families; the survivors suffered horrific abuse and the trauma experienced was, and continues to be, passed on intergenerationally.

The late Rita Joe was a prominent member of the Mi'kmaq Nation whose legacy strongly endures. A member of the We'koqma'q First Nation, she attended the Shubenacadie Indian Residential School. She wrote a famous poem that described the changes within her while attending the residential school. A passage in her poem states, "I lost my talk. The talk you took away. When I was a little girl at Shubenacadie school. You snatched it away: I speak like you, I think like you, I create like you."

Like the late Rita Joe, many children had the same experiences at Shubenacadie Indian Residential School. They lost their Mi'kmaq language and began thinking in synch with the



ELSIPOGTOG BAND COUNCIL

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ideology of the Roman Catholic Church, which despised Mi'kmaq ways and ways of knowing. Thinking like members of the Roman Catholic church meant adopting and internalizing the mindset that Indigenous people were savages and unworthy of dignity unless and until fundamentally transformed into euro-centric ideologies, ways and ways of knowing. Survivors of the residential schools felt self-hatred and returned to the community despising their ways, language, culture and traditions, resulting in devastating impacts on their family and community. Residential school survivors felt isolated from the community, no longer able, or willing, speaking the Mi'kmaq language and/or loathing their culture and traditions. Without their own culture and language, residential school survivors were unable to pass knowledge on to their children, of which impacts are still sorely felt today in Elsipogtog. A memorial for the Shubenacadie Indian Residential School sits in front of the Elsipogtog band office - a somber reminder of the hard work that lies ahead to revitalize the buried culture, traditional practices, spirituality and language.

Elsipogtog supports the Band Class Reparations Settlement and believes that the four pillars named in Schedule F, namely, the revival and protection of Indigenous language, the revival and protection of Indigenous language culture, protection and promotion of heritage and wellness for Indigenous communities and people will give rise to a measure of needed repair over time.

Language revitalization and the establishment of Mi'kmaq language and cultural programs are very important to the essence of Elsipogtog in current times, and to our future. Elsipogtog First Nation sees the Band Class Reparations Settlement as a set of instruments to commence collectively healing harms done to the community and to revitalize the deeply affected cultural knowledge base.

Further, Elsipogtog First Nation is supportive of the settlement's relatively innovative structure as a Trust/Not-For-Profit responsible for prudently investing the 2.8 billion-dollar fund. The distribution policy appears to align with the fundamental tenant of fairness and recognizes the ongoing nature of the work as ongoing in nature by setting forth an annual entitlement based on proportionality grounded in the formula of population and remoteness. As a relatively large Band, and generally, initial payments will be put towards thoughtful programming and approaches to address immediate needs and their companions spurred by the collective harms. With the 20-year plan, Elsipogtog First Nation will be in a position to take a long-term approach to planning and have the capacity to calibrate programming taking into account initial and compounding outcomes from previous years. The long-term nature of the plan, viewed from an internal and planning perspective, is more trauma-informed than other settlements.

Further, the Trust/Not-For-Profit's board composition is regionally representative, which gives rise to a greater measure of balance based on need and experience.

Even further, the law firm's approach to the payment of its fees has not gone unnoticed and should be viewed as a practice preferential to previous practices. We know that much resources and deliberations arise from law firms debating on how much they should be paid for the work



ELSIPOGTOG BAND COUNCIL

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they did, and in our experience, that payment has always come from settlement proceeds. The fee amount is not insignificant, and neither is the work required to arrive at this point. However, it is appreciated that the firm and Canada worked the costs of resolving the action among themselves this time. Further, the firm's payment appears to be in decimal proportionality to the settlement, which strikes us as fair and reasonable, from a comparative perspective. It is perfectly acceptable for law firms and lawyers to be paid for the work they do to resolve important matters. However, their payment cannot be so disproportionate to the compensation of the class members such as to steepen grievances and compound harm, as it has in other cases. In our view, the competent conduct of matters to resolution by lawyers is not worthy of windfall rewards – it is an expectation of the legal profession, which is foremost just that - a profession, not a business.

In brief, this settlement will be good for us. We will be able to address some of the improvements we need to make because of residential schools because of it. Because the settlement's structure provides for it, we will have resources to continue to address and lift up those improvements on a compounding basis, with consistent and focused programming and other forms of interventions designed to stimulate improvements.

Elsipogtog First Nation can be reached at the Elsipogtog Band Council office:

Elsipogtog Band Council
 373 Big Cove Road
 Elsipogtog, NB
 E4W 2S3

Regards,
ELSIPOGTOG FIRST NATION


 Per: Sagamao Arren Sock
 Chief of Elsipogtog First Nation

cc. Alisa Lombard and Paula Sock, Lombard Law (via email: alombard@lombardlaw.ca;
psock@lombardlaw.ca)



Star Blanket Cree Nation
 Box 456
 Balcarres, SK S0G-0C0
 Phone (306) 334.2206
 Fax (306) 334.2606

February 17, 2023

Waddell Phillips Professional Corporation
 Attn: Band Reparations Class Action
 36 Toronto Street, Suite 1120
 Toronto, ON.
 M5C 2C5
bandclass@waddellphillips.ca

Waddell Phillips:

This letter confirms that I have authorization of Council and membership as Chief of the Star Blanket Cree Nation to support the proposed settlement. We support the proposed call action settlement and strong statement; “collective harm suffered by Indigenous communities due to loss of language and culture because of Indian Residential Schools.”

The Star Blanket Cree Nation is of Plains Cree Nehiyawewin ancestry with many of our family relatives attending reluctantly the Qu’Appelle Indian Residential School – St. Paul’s Indian Residential School – White Calf Collegiate in Lebrét, Saskatchewan. The former site of that residential school was situated at one of our communities called Wahpiimoostosis reserves (White Calf) land base. It was closed in 1998 and demolished in 2000. We are currently in the I.R.S. process of doing the important work, searching for unmarked graves.

The Star Blanket Cree Nation is looking forward to developing a long-term strategic plan utilizing the four pillars of this class action settlement. This long-term funding will enhance and support on going Plains Cree Language revitalization and sustainability into the future. With only one fluent Cree speaker remaining in our nation, this work will be vitally important.

The educational concept of land base learning will continue the enhancement of our traditional ways of life, instilling our Cree ancestral culture beliefs and values into our young people. On-going programming and active practise to carry on ceremonial songs and dancing/regalia styles. Survival skills and protocols of hunting, fishing, and gathering including the knowledge of animal, plant medicines and food we utilized for sustenance.

As we continue to enhance our indigenous epistemologies and ways of life, building a strong Health and Wellness Plan is important. With a vision of a healthy, vibrant and self-determine children, families and communities with in our nation. We hope to take a holistic approach in ongoing wellness programs to remove harmful social addictions from our people. We hope to create an understanding of Nehiyawewin natural law and the teachings associated with treaties into our programs and most importantly, into our educational systems.

In closing, we are honoured to be a part of this class action settlement journey. Through unity and resilience, we will work together to overcome the negative impacts caused by Indian Residential Schools.

Respectfully



Chief Michael G. Starr
Star Blanket Cree Nation
Box 456
Balcarres, SK S0G 0C0
Bus. (306)334-2206
Cell (306)331-6885
michael.starr@starblanketcreenation.com



Statement on behalf of the Taku River Tlingit First Nation re: Day School Settlement

By Spokesperson Charmaine Thom

Introduction

On behalf of the Clan Director's Council and the citizens of Taku River Tlingit First Nation, I, Spokesperson Thom, make the following written submissions.

The Taku River Tlingit First Nation's citizens have been deeply and thoroughly impacted by the historically destructive actions of the Government of Canada and the Catholic Church through residential school and day schools forced upon First Nations peoples.

I know I can never truly put into words the level of hurt and devastation my community has experienced from the imposition of residential schools and day schools on us. It is a level of hurt that has caused families to shatter and crumble under the weight of the sadness, loss and historical trauma caused by these schools. It is a level of devastation that has caused too many members of this community to struggle with addiction to drugs and alcohol to try and numb the pain of having the branches of their family tree hacked and torn off by the very institutions that promised to protect us. It is a level of dehumanization that our families, our children, and multiple generations have had to carry with them for far too long, and unfortunately, it is a burden that most of us will continue to carry to some degree for the rest of our lives.

While these settlement funds serve as a first step towards reconciling the dark history between First Nations people and non-First Nations people in Canada, we must remember that reconciliation is not about forgetting the lasting impact of these schools on our community and

our people, but about acknowledging the true extent of the wrongfulness of what occurred at these schools without using euphemisms and soft language to minimize what happened. True reconciliation can only occur without censoring our history so that present and future generations can learn from the past and break the cycle of historical trauma, violence and cultural suppression so that the evil inflicted on First Nations people is never again repeated.

History of the Taku River Tlingit First Nation

The Taku River Tlingit First Nation is located in Atlin, British Columbia. Our Nation is a small, remote community which is currently made up of about 400 people, although this number was once much higher. Our traditional territory covers approximately 40,000 square kilometers and covers land that is now known as British Columbia, the Yukon Territory, and parts of the state of Alaska. This territory is full of beautiful mountains, rich, dense forest area and diverse wildlife and natural resources that our community has relied on for many generations.

Atlin is located about 2.5 hours south of Whitehorse by road. Before the construction of the Atlin Road was completed by the Canadian Military in 1951, our community was not easily accessible. To visit our community before this time, a person would have to travel over land by horseback or on foot, and would often require a local guide to avoid getting lost.

When the government first came for our children, it was not a simple matter of driving down a highway and scooping our children into the back of vehicles to take them to school. The government had to travel for days through treacherous terrain and extreme weather. They had to plan and prepare and strategize about how they would steal our children. This was no accident or crime of opportunity. They made multiple trips. They had to drag building supplies into the wilderness to build schools they insisted we needed, while dragging our children out of their homes and away from their families to put them into these institutions that were designed to

teach them that everything they had learned about their culture, their communities, and their histories was inferior, wrong and shameful.

The Lower Post Residential School operated from 1951 to 1975. During these 25 years, countless children from our community and surrounding communities were subjected to unimaginable physical, emotional, cultural, spiritual and sexual violence. To call this collective violence perpetrated against these children “torture” still fails to capture the magnitude of the deplorable treatment these children experienced. Disease, starvation and abuse were rampant.

We must remember that these atrocities are not ancient history. While the imposition of residential schools and day school on First Nations people began in the 1800’s, many people are not aware that some residential schools and day schools continued to operate in Canada until the 1990’s. While many children perished in residential schools and day schools, many of those that survived were never the same. Their bodies may have been alive, but their spirits, their language and many parts of their cultural identity were as cold and lifeless as the dead bodies of their classmates and communities members who were discarded like trash and buried in unmarked graves, which are still being discovered across Canada today.

The life that many of the survivors returned to was nothing like the lives they had been torn away from. Many of those broken children returned to broken parents and broken grandparents, who were devastated by the trauma of having their babies and grandbabies torn from their arms by people claiming they were there to “help”. They grew into broken adults who eventually had their own children, and in many cases, these broken adults struggled to provide a life for their children that could spare them from the effects of the trauma they had endured.

The Seventh Generation Principle

There is a concept in many First Nations cultures called the “seventh generation principle.” While the history of this principle is complex and challenging to trace¹, it is believed that the principle dates back to a period between 1142 and 1500 A.D. and may have developed initially within the Iroquois Nation before being shared with and adopted by other First Nations groups.

The seventh generation principle is a philosophy that holds that the decisions we make today should result in a better, more sustainable world for the next seven generations – not just for First Nations people, but for everyone. The seventh generation principle encourages us to think of ourselves as more than individuals, but as part of a greater community that considers the impact our actions will have on future generations who must live with the consequences of the things we do today.

Did the government workers who ripped children away from the communities and the loving arms of their families consider how those actions would affect the next seven generations? Did the teachers and staff in the residential and day schools think about how traumatic it would be for children to have the bond with their families trampled, discarded and undermined? About how it would feel for these children to have their tiny hands and other body parts slapped with rulers, books, and closed fists as punishment for speaking their native language or crying because they were terrified of what was happening to them?

Whether these people thought about the consequences of these actions or not, we are all seeing and feeling the ripple effects of this abuse on First Nations peoples, and unsurprisingly, these effects are devastating.

The Lasting Impact of Residential Schools and Day Schools

¹ Source: <https://www.ictinc.ca/blog/seventh-generation-principle>

For First Nations people, our historical trauma has in many ways become our present trauma. These concepts are deeply intertwined. Systemic racism has disenfranchised our communities in fundamental ways, and in order for true reconciliation to ever occur, we must acknowledge the fundamental truth that residential schools and day schools were a failed attempt at cultural genocide perpetuated on First Nations peoples by the Government of Canada and the Catholic Church. Anything less fails to acknowledge the true scope of what happened to my community and other First Nations communities, and only serves to minimize the impact these schools have had on generations of First Nations people.

The impacts of these schools continue to present day. First Nations people are disproportionately incarcerated across Canada – despite forming about 4 to 6% of the population in Canada, First Nations adults make up approximately 32 to 42% of the incarcerated population across Canada. First Nations youth represent between 48 to 68% of juveniles who are convicted of criminal offences.² It should come as no surprise that many of these people who eventually return to the community after being incarcerated are as broken as their parents and grandparents who survived their time in residential and day schools, or forcible “adoptions” that occurred as a result of the 60’s Scoop.

First Nations infants and children are also disproportionately over-represented in the child “welfare” system. Approximately 54% of the children in the Canadian foster system are First Nations, despite forming less than 8% of the population of children in Canada.³ Far too many of these children are taken away from their families based on speculation and rumors without adequate investigation, and are placed in foster families who are not always adequately vetted. In some cases, children in the foster care system experience abuse similar to the

² Source: Statistics Canada website.

³ Source: <https://www.sac-isc.gc.ca>

violations their parents and grandparents experienced in residential and day schools. It is a sickening reality.

First Nations people in all age groups disproportionately struggle with access to health care and die in unfathomable numbers from preventable diseases compared to non-First Nations people. Even those who are lucky enough to see a doctor often face harmful stereotyping and assumptions, where their symptoms and pain are not treated seriously and are written off as fabrications and lies in order to obtain medications that the doctor assumes will be misused. This is just another sad example of systemic discrimination that perpetuates and magnifies the shame and trauma that contribute to serious health issues, and cause many First Nations people not to even attempt to seek care at all.

It should come as no surprise that First Nations people also face disproportionate rates of alcohol and drug dependency in our communities. One Canadian study⁴ found that First Nations youth were more likely than other youth demographics to struggle with alcohol and drug abuse. These substances problems contribute to the horrific cycles and perpetuation of historical trauma within our communities. There are no easy answers about how to break these cycles, especially when certain people believe that First Nations people have somehow brought these issues on themselves, rather than seeing these problems as the natural and predictable outcome of a focus effort to “kill the Indian in the child” under the guise of “education.”

Reconciliation and Breaking the Cycle of Violence and Trauma

As I wrote in the beginning of this statement, receiving settlement funds from the Government of Canada is a first step in addressing these historical wrongs caused by residential

⁴ Source: <https://www.canada.ca/en/public-health/services/reports-publications/health-promotion-chronic-disease-prevention-canada-research-policy-practice/vol-39-no-6-7-2019/tobacco-alcohol-marijuana-use-indigenous-youth-off-reserve-schools.html>

schools and day schools, but there is still so much work to do. Prime Ministers Stephen Harper and Justin Trudeau have issued apologies to First Nations peoples for the atrocities which occurred in the residential and day school systems, yet the federal government continues to fight First Nations groups seeking compensation in court. Is it any wonder that many First Nations people remain highly skeptical of the government?

In 2022, Pope Francis issued an apology to First Nations Canadians during a visit to Alberta, on behalf of “some” members of the Roman Catholic Church who abused and harmed children in these schools. While some people found a degree of comfort in this apology, many others like myself found it inadequate, especially given Pope Francis’ previous refusal⁵ to apologize for the unimaginable damage caused to First Nations people victimized through their attendance at residential schools and day schools.

The Catholic Church has been very slow to apologize or acknowledge any wrongdoing caused by residential schools, leaving First Nations people to question whether the Church really understands or appreciates how much lasting harm it has caused. Many Catholic Churches and groups continue to fight First Nations people in court while we seek some redress and compensation for our communities that have been largely abandoned by the institutions that inflicted this trauma upon us and then spent decades blaming First Nations people who have been left to grapple with the damage.

The United Nations Declaration on the Rights of Indigenous People (UNDRIP) was drafted with the intention of establishing a human rights framework that would allow First Nations people to have dignity, agency and their own voice in regaining an ability to self-govern, which is a critical component in working towards reconciliation.

⁵ Source: <https://globalnews.ca/news/4110276/canada-residential-school-pope-francis-church-apology/>

The Truth and Reconciliation Commission (TRC) issued 94 Calls to Action when the Commission completed their report in 2015. While all of these Calls to Action serve an important purpose, Calls to Action 27, 28, 42, 43, 44, 45, 48, 50, 57, 67, 69, 70, 86 and 92 specifically address the importance of Canada fully adopting and implementing the framework in UNDRIP, within the provincial and federal governments, as well as institutions which has historical harmed and excluded First Nations people, including the public service, law school and societies, the medical profession and health care industry, journalism and the media, and the business world. First Nations people possess a wealth of knowledge and resources which would benefit all of these spaces if only First Nations people could have fair opportunities to contribute to these spaces and industries, which have historically been very unwelcoming for them.

Section 35 of the *Constitution Act* also specifically recognizes and affirms the rights of First Nations people, yet this constitutional duty – the duty to consult – is often treated as just another hurdle to overcome, rather than an essential and meaningful process that is enshrined in the foundational laws of Canada. How can First Nations people trust in the reconciliation process when their history and their rights are still so often treated as an inconvenience? As an afterthought? As nothing more than a box to be checked?

In order for reconciliation between First Nations and non-First Nations people to be possible, the government and other institutions which have historically failed First Nations people need to appreciate and understand that First Nations people are not artifacts in a museum or textbook. We are a resilient and vibrant people who can and will overcome the historical traumas we have endured, but it will take time and resources to achieve.

One of the ways this must happen is to recognize and restore First Nations peoples' right to sovereignty and self-government and to decolonize the very institutions which continue to be

plagued with systemic racism and discrimination. These institutions include the child welfare sector, the justice system, the education system, and the broader economic system, including the food industry, energy industry, and natural resources industries.

First Nations people must have a real voice in these conversations that affect them, their communities, their resources, and the next seven generations who will have to live with the decisions that are made today. Only when this occurs can we truly begin to break the cycle of historical trauma and violence and build a future of strength and innovation for future generations.

Looking Towards the Future while Remembering the Past

As I wrote at the beginning of this statement, receiving these settlement funds will serve as an important first steps towards reconciliation, but we must acknowledge that many of the individuals who endured the abuse, neglect and horror of residential school and day schools firsthand are no longer alive to benefit from these funds or to experience any sense of justice or acknowledgement for the terrible things that happened to them. Many of these people – our parents, uncles, aunties, cousins, grandparents and friends – died at these schools, and even those that returned could barely be described as alive, having already experienced a spiritual death that left their physical bodies as empty shells that struggled to comprehend what had happened to them as children. Where is their justice? Perhaps the only justice for them is keeping their memories alive.

While our First Nations culture and spirituality were severely impacted by residential and day schools and other demeaning policies and programs inflicted on our people, I have come to believe that to achieve reconciliation, we must return our focus to the seventh general principle, and ensure that the decisions First Nations and Non-First Nations people make from here onward

consider the impact on future generations. The heart and soul of our communities must be restored by having meaningful conversations about our collective past, present, and future. Only through cooperation, consultation and conversation can we achieve reconciliation.

On behalf of the Taku River Tlingit First Nation Clan Director's Council and our citizens, I am honored and grateful for the opportunity to make this statement.

A handwritten signature in cursive script that reads "Charmaine Thom".

Spokesperson Charmaine Thom, February 27, 2023

Chief Barry McKay
Councillor Derek Mancheese
Councillor Caroline Mintuck
Councillor Sharon Ironstand-Cloude
Councillor Grant Rattlesnake

Tootinaowaziibeeng Treaty Reserve #292

B6x 1

Tootinaowaziibeeng, Manitoba

ROL 2L0

PH: (204) 546 – 3334

FAX: (204) 546 – 3090



February 16, 2023

Federal Court Judge
Federal Court
701 West Georgia Street
Vancouver, BC
V7Y 1B6

Dear Federal Court Judge,

We, the Chief and Council of Tootinaowaziibeeng Treaty Reserve #292, elected November 24, 2021, have held a duly convened meeting on February 16, 2023. Please accept this letter as confirmation that Jessica Ironstand-Nelson has authorization to speak on behalf of the Band Class Member Tootinaowaziibeeng Treaty Reserve #292 as to participate in the settlement approval hearing regarding the Indian Residential School Band Reparations Class Action Settlement.

If you should have any questions, please call 204-546-3334.

Respectfully,

Quorum of three (3)



Chief Barry McKay



Councillor Caroline Mintuck



Councillor Derek Mancheese

Councillor Sharon Ironstand-Cloude

Councillor Grant Rattlesnake

C.C. Admin File

As long as the river flows and the grass grows

February 16, 2023

Jessica Ironstand-Nelson
Tootinaowaziibeeng Treaty Reserve #292
Box 1
Tootinaowaziibeeng, MB
R0L 2L0

Federal Court Judge
Federal Court
701 West Georgia Street
Vancouver, BC
V7Y 1B6

Dear Federal Court Judge:

I am writing to participate in the settlement approval process for Indian Residential Schools Band Reparations Class Action Settlement Approval Hearing that is to take place on February 27, 2023, on behalf of Tootinaowaziibeeng Treaty Reserve #292.

Enclosed you will find a letter from Tootinaowaziibeeng Treaty Reserve #292 Chief and Council that confirms that I have authority to speak on behalf of the Band Class Member, Tootinaowaziibeeng Treaty Reserve #292.

Tootinaowaziibeeng Treaty Reserve #292 fully supports the proposed settlement between the Representative Plaintiff Bands and the Government of Canada. The reasoning behind this support is due to the past and ongoing collective harm that is suffered by our Indigenous community as a direct result of our lost Language and Culture that was stripped from us because of Residential School. Our Elders that attended these heinous institutions suffered unimaginable and at times, fatal consequences for speaking our Language and it resulted in their apprehension of passing the Language onto their children or they completely lost their Language altogether. As it trickled down the generations, the new generations do not know or speak our Language, but not for lack of wanting.

Our loss of Culture has led to many irreparable damages to our people. There are high numbers of drug and alcohol abuse that take place in our communities. The children are suffering to this day as a result of Residential Schools. Everyone in our community either has parents, grandparents, or they themselves have attended Residential Schools. This is not something that happened hundreds of years ago. With some institutions being closed in the 90's, the direct harm is still carried by some of our people; the coping of their deteriorated mental health with self medicating with drugs and alcohol continues to harm our community, our people, and our children.

Another significant reasoning of support is that this settlement being approved can lead to wonderful initiatives such as reviving our Language and Cultural practices so that we can begin to heal as a community. We can begin to build meaningful practices to help those suffering directly and as a community, we all suffer directly. There is not a corner of our community that has not been touched with the awfulness that Residential School was and remains to this day. As Indigenous peoples, there is not a day that goes by where you do not encounter someone that has a terrible opinion of us whether it is in person, on the phone, or online due to the misunderstanding of Residential School Survivors. Those encounters linger with us and we carry that with us into our homes.

Lateral violence also runs rampant in our community as a direct result of Residential School. Lateral violence is displaced violence and our people that hurt from their Residential School experiences end up hurting their own people because their anger and frustration has no outlet. They have every right to be angry but perhaps if they receive the opportunities to feel safe to practice their Language and Culture and embrace their Heritage, they can heal and feel pride in being Indigenous.

With funding meant for Cultural and Language revival and protection, wellness for our community and its members, and promotion of Heritage, there can be great change achieved. Our people can begin to revert to the old ways that were stolen from us and we can make a better community for our children and the future generations.

Sincerely,



Jessica Ironstand-Nelson

Tootinaowaziibeeng Treaty Reserve #292 Representative

Court File No. T-1542-12

**FEDERAL COURT
CLASS PROCEEDING**

BETWEEN:

CHIEF SHANE GOTTFRIEDSON, on behalf of the TK'EMLUPS TE SECWEPEMC INDIAN BAND and the TK'EMLUPS TE SECWEPEMC INDIAN BAND, and CHIEF GARRY FESCHUK, on behalf of the SECHELT INDIAN BAND and the SECHELT INDIAN BAND

PLAINTIFFS

and

HIS MAJESTY THE KING IN RIGHT OF CANADA as represented by THE ATTORNEY GENERAL OF CANADA

DEFENDANT

**WRITTEN REPRESENTATIONS OF WAUZHUSHK ONIGUM NATION
POSITION ON SETTLEMENT**

PART I – STATEMENT OF FACTS

1. Wauzhushk Onigum Nation (“Wauzhushk Onigum”) is part of the Anishinaabe Nation in Treaty #3, and is a band under the *Indian Act*. Wauzhushk Onigum was formally known as Rat Portage.¹

2. The centre of the Wauzhushk Onigum community and its main reserve, Indian Reserve Kenora 38B (“IR 38B”), are located on Lake of the Woods in Ontario.²

The Discovery of Potential Burial Sites on IR 38B

3. Canada and the Roman Catholic Church operated St. Mary’s Indian Residential School (“St Mary’s”) on IR 38B from 1897 to 1972.³ The school changed names three times. It was previously known as the Rat Portage Boarding School, the Kenora Boarding School, and St. Anthony’s Roman Catholic School, before it was renamed St. Mary’s in 1938.⁴

4. During the 1960s, St. Mary’s began integrating students into the local day school system.⁵

5. In its 75 years of operation, over 6,000 Indigenous children attended St. Mary’s. This included many members of Wauzhushk Onigum. Wauzhushk Onigum has over 50 survivors who were forced to attend St. Mary’s during the 1940s, 50s, and 60s.⁶

6. In 2021, Wauzhushk Onigum received funding from Canada and Ontario for the Residential Schools Survivor Project (the “Project”).⁷

7. As part of the Project, Wauzhushk Onigum is currently undertaking Ground Penetrating Radar (“GPR”) field surveys in the vicinity of what was previously St. Mary’s.⁸

8. In November and December 2022, using the GPR, Wauzhushk Onigum discovered 171 potential burial sites on IR 38B near St. Mary’s (the “Discovery”).⁹

¹ Affidavit #1 of Chris Skead sworn on February 19, 2023 at para. 2 [Skead Affidavit].

² Skead Affidavit at para. 3.

³ Skead Affidavit at para. 9.

⁴ Skead Affidavit at para. 10.

⁵ Skead Affidavit at para. 11.

⁶ Skead Affidavit at para. 12.

⁷ Skead Affidavit at para. 13.

⁸ Skead Affidavit at para. 14.

⁹ Skead Affidavit at para. 15.

9. The Discovery retraumatized members of Wauzhushk Onigum. The Nation's efforts since the Discovery have focused on supporting survivors and members whose family members attended St. Mary's.¹⁰

The Class Action

10. The Certification Order in this proceeding (the "Band Reparations Class Action") was made by Harrington J. on June 18, 2015 (the "Certification Order").¹¹ The Certification Order explicitly sets a period during which Indigenous groups may opt into the Band Class. Further, in relation to the Survivor and Descendent Classes, it sets out a period during which individuals may opt out of the proceeding. However, it is silent as to whether, how, or at what time an Indigenous group that opts into the proceeding may change its mind and rescind its decision to opt in.

11. The Certification Order was amended on February 8, 2022.¹² That amendment extended the time for Indigenous groups to opt into the proceeding to May 31, 2022. Again, it did not address whether, how, or at what time an Indigenous group who has opted in may re-evaluate and rescind its election to opt in.

12. Wauzhushk Onigum received notice of the Band Reparations Class Action in or around February 8, 2022.¹³

13. Wauzhushk Onigum joined the Band Reparations Class Action on May 30, 2022. This was the second to last day to opt into the class action.¹⁴

14. Wauzhushk Onigum received notice that a potential settlement (the "Potential Settlement Agreement") had been reached in the Band Reparations Class Action on January 23, 2023.¹⁵

15. The Potential Settlement Agreement includes the broad release that will be given by Band Class Members in the Band Reparations Class Action, which includes releasing as against His Majesty the King in Right of Canada and its servants, agents, officers, and employees (defined in both the Potential Settlement Agreement and this document as the "Release"):

¹⁰ Skead Affidavit at para. 16.

¹¹ Affidavit #1 of Sylvie Canning sworn on February 19, 2023, Exhibit A [Canning Affidavit].

¹² Canning Affidavit, Exhibit B.

¹³ Skead Affidavit at para. 4.

¹⁴ Skead Affidavit at para. 5.

¹⁵ Skead Affidavit at para. 7.

... any and all actions, causes of action, common law, international law, Quebec civil law, and statutory liabilities, contracts, claims, and demands of every nature or kind and in any forum (“Claims”) available against Canada that were asserted or could have been asserted in relation to those asserted in the Second Re-Amended Statement of Claim regarding the purpose, creation, planning, establishment, setting up, initiating, funding, operation, supervision, control and maintenance of Residential Schools, the obligatory attendance of Survivors at Residential Schools, the Residential Schools system, and/or any Residential Schools policy or policies (the “Release”) and all such claims set out herein are dismissed on consent of the Parties as if determined on their merits.¹⁶

16. The Proposed Settlement Agreement further stipulates that: “[f]or greater clarity, and without limiting the forgoing, the Claims do not relate to, or include any claims regarding, children who died or disappeared while in attendance at Residential School.”¹⁷

17. Wauzhushk Onigum did not turn its mind to the impact that the Discovery would have on its participation in the Band Reparations Class Action until after it was notified of the Potential Settlement Agreement.¹⁸

18. Wauzhushk Onigum may not have elected to opt into the Band Reparations Class Action had it known at the time it opted in of the potential burial sites revealed in the Discovery.¹⁹ The Discovery has caused a significant change in Wauzhushk Onigum’s circumstances.²⁰

The Motion

19. On February 20, 2023, Wauzhushk Onigum expects to file a motion seeking to amend the Certification Order to afford it the option to rescind its election to opt into the Band Reparations Class Action (the “Motion”).

PART II – ISSUES

20. Should the Potential Settlement Agreement be approved?

PART III – ARGUMENT

21. Wauzhushk Onigum has filed two written arguments relevant to its position on the Potential Settlement Agreement: these submissions and its submissions in support of the Motion.

¹⁶ Canning Affidavit, Exhibit D, s. 27.01.

¹⁷ Canning Affidavit, Exhibit D, s. 27.02.

¹⁸ Skead Affidavit at para. 19.

¹⁹ Skead Affidavit at para. 21.

²⁰ Skead Affidavit at para. 20.

22. Wauzhushk Onigum's primary position is that Canada should clarify in a legally binding way that the Release will in no way affect Wauzhushk Onigum's ability to bring a claim arising out of the Discovery. If Canada can provide certainty in a legally binding form on this point, Wauzhushk Onigum will not oppose the settlement.

23. However, if Canada cannot provide such binding certainty, the Proposed Settlement Agreement should not be approved because it unreasonably covers claims that are outside the scope of the Second Re-Amended Statement of Claim.

24. Further, as an alternative position, if:

- (1) Wauzhushk Onigum's position on the reasonableness of the scope of the Release is not accepted, and
- (2) this Court does not grant the relief sought in the Motion, i.e., granting Wauzhushk Onigum an option to rescind its election to opt-in,

the settlement should be rejected for unreasonably failing to accommodate Indigenous groups who have experienced a material change in circumstances since opting in by providing an opportunity to rescind the election to participate.

Approval of a Class Action Settlement

25. The law on how a Court is to approach the approval of a class action is well settled. The test is whether, in all of the circumstances, the settlement is fair, reasonable, and in the best interests of the class as a whole, taking into account the claims and defences and any objections to the settlement by class members.²¹

26. The terms and conditions of the settlement is recognized as a factor to consider when assessing a settlement.²² Wauzhushk Onigum's concerns touch on key issues inherent to the exceptional context of this case as being an attempt to further reconciliation in relation to residential schools.

The Scope of the Release

27. Wauzhushk Onigum's primary difficulty regarding the Potential Settlement Agreement is in relation to the scope of the Release. Specifically, Wauzhushk Onigum is concerned that the scope of the Release will be interpreted by Canada or by the Courts as barring a claim that may be brought by it against Canada as a result of the Discovery. At present, Wauzhushk Onigum

²¹ *Condon v. Canada*, [2018 FC 522](#) at para. 17 (T.D.).

²² *Ibid* at para. 19.

cannot fully assess what claims it may have against Canada arising from the Discovery. However, it may be confirmed that there are gravesites on IR 38B that exist as a consequence of Canada's Residential School Policy. If so, Canada's actions will have permanently limited and interfered with Wauzhushk Onigum's use of its reserve land, and this will require compensation from Canada.

28. Wauzhushk Onigum understands that the Band Reparations Class claim was never intended to address claims related to graves on reserve land. Rather, Wauzhushk Onigum understood that the claim was limited to addressing the cultural, linguistic, and social harm suffered by First Nations as a result of residential schools. Wauzhushk Onigum does not read the Second Re-Amended Statement of Claim as having in any way raised the harm that may be caused by Canada or its servants burying children, or anyone else, on reserve lands.

29. However, the scope of the Release leaves ambiguity on whether a claim related to the Discovery would be covered and released. Specifically, s. 27.01 of the Potential Settlement Agreement provides that each Band Class Member will release His Majesty the King in Right of Canada of all claims of every nature that "~~were asserted or could have been asserted in relation to those asserted~~ in the Second Re-Amended Statement of Claim regarding the... operation, supervision, control... of Residential Schools... and/or any Residential Schools policy or policies" (emphasis added).

30. Wauzhushk Onigum is concerned that if it brings a claim for harm caused as a result of the burying of remains on IR 38B, it will face an argument that this claim has been released. Specifically, it is concerned the Crown will say the claim could have been asserted in the Second Re-Amended Statement of Claim and is in regards of the operation, supervision, or control of residential schools or a residential school policy or policies.

31. Wauzhushk Onigum recognizes that s. 27.02 of the Potential Settlement Agreement may provide some comfort, in that it states that the released claims "do not relate to, or include any claims regarding, children who died or disappeared while in attendance at Residential School." However, Wauzhushk Onigum is concerned that this provision will be interpreted as relating only to claims about the specific children who died or disappeared, rather than claims about the practice of disposing of remains on IR 38B and its impact on Wauzhushk Onigum's use of its reserve. Indeed, it may be the case that the remains are not only of children, but also of adults

associated with the school whose bodies were buried in unmarked or poorly marked graves on IR 38B, which would fall outside s. 27.02. At this point it is simply not known what further investigation will reveal.

32. To the extent that the parties did not intend to release claims related to the impact to a Nation from having bodies buried on reserve lands, then Wauzhushk Onigum's concerns should be addressed through Canada clarifying the scope of the Release in a legally binding way. However, if Canada cannot provide adequate binding clarity to confirm that any potential claim arising from the Discovery will not be released, then the proposed settlement is unreasonable.

33. Specifically, it is unreasonable to include in a class action settlement an overly broad release that extends beyond the scope of the issues litigated in that action. As explained by Hall J., in rejecting a proposed settlement as overly broad:

[15] Were I to approve those words in the description of Released Matters, I would be venturing outside this certified class action and approving more than I have certified.²³

34. In the present case, damages arising from the existence of human remains on reserve lands was not part of the Second Re-Amended Statement of Claim. Accordingly, it cannot be part of what is released.

35. Further, the Courts have recognized that it can be unfair and unreasonable to attempt to bar future claims that have not yet arisen through a class action release.²⁴

36. In the present case, Wauzhushk Onigum's potential claims arising from the Discovery are not known, and could not be known, by it. While any claim that arises will relate to past wrongs, it will not crystalize until Wauzhushk Onigum is aware of what the Discovery means.

37. Given that the Wauzhushk Onigum's potential claims arising from the Discovery are not contemplated in the Second Re-Amended Statement of Claim and are not at present known by it, it would be manifestly unreasonable for such claims to be released. If the Proposed Settlement Agreement would have the effect of releasing such claims it is unreasonable and should be rejected.

²³ *Walter v. WHL*, [2020 ABQB 631](#).

²⁴ *2038724 Ontario Ltd. v. Quizno's Canada Restaurant Corporation*, [2014 ONSC 5812](#), at paras. 54-55.

Alternative Position

38. As an alternative position, if
- (1) the settlement is approved despite potentially impacting claims arising from the Discovery,
 - (2) neither the Certification Order nor the Potential Settlement Agreement have the effect of allowing a Nation whose circumstances have changed from rescinding its election to opt-in; and
 - (3) the relief sought in the Motion is denied;

then the settlement should be rejected for unreasonably failing to allow Wauzhushk Onigum a period to rescind its election to opt-in if it so chooses.

39. There is jurisprudence from this Court that suggests it is essential in a class action of a similar nature that plaintiffs be afforded an opportunity to review the settlement terms and determine if they wish to be bound by them. In *McLean v. Canada*, a case concerning a settlement agreement reached in a class action involving Indian Day Schools, Phelan J. observed:

[49] An important right enshrined in this Court’s class action rules is the right of any class member to opt out of the Settlement after which they may pursue their own claim independent of the Settlement.

[50] The original opt-out period was amended from 60 days after Court approval of the Settlement to 90 days.²⁵

40. A process that allows plaintiffs to know the terms of settlement before electing to be bound by them was also followed in the *Tataskweyak Cree* class action related to drinking water (Court File T-1673-19). The *Tataskweyak Cree* class action followed a similar procedural model to the present case, whereby First Nation organizations were permitted to “opt-in” to the Class Action prior to settlement.²⁶ Only such Nations as had opted-in were permitted to participate in the settlement. In that matter First Nations were required to individually accept the settlement before they would be bound by its terms and entitled to share in its benefit. As explained by this Court:

[51] To participate in the Settlement, First Nation Class Members must give notice of acceptance to the Administrator.²⁷

41. The settlement agreement set out that:

²⁵ *McLean v. Canada*, [2019 FC 1075](#)

²⁶ *Tataskweyak Cree Nation v. Canada (Attorney General)*, [2021 FC 1415](#) at para. 98.

²⁷ *Ibid* at para. 51.

If a First Nation Class Member does not give notice of Acceptance by the Acceptance Deadline, this Agreement will not bind the First Nation Class Member and the First Nation Class Member will not be entitled to any benefit hereunder unless the Courts order otherwise.²⁸

42. The settlement agreement in that matter contemplates that the acceptance by a First Nation of the settlement will be communicated through a Band Council resolution.²⁹

43. In both *McLean* and *Tataskweyak Cree*, the plaintiffs were not asked to accept a settlement blindly. Whether it is always necessary that a party be afforded an opportunity to opt out of a settlement is an issue that jurisdictions have split on, with that being the practice in Quebec but not apparently in other provinces.³⁰

44. Wauzhushk Onigum respectfully submits that it may be appropriate for this Court to determine whether, as is stated in *McLean* and as is done in Quebec, it is necessary (either as a matter of general practice or in class actions dealing with historical wrongs against First Nations) to provide an opportunity to opt-out at settlement once the terms are known. However, at a bare minimum, Wauzhushk Onigum says that it is unreasonable that, despite having experienced a material change in circumstances since its election to opt in, the Potential Settlement Agreement does not permit it an opportunity to determine not to be bound.

Self-Determination

45. Indigenous self-determination is a key concept recognized both by s. 35 of the *Constitution Act, 1982* and by UNDRIP.³¹ The proposition is put in its clearest and plainest terms in UNDRIP, which declares “Indigenous peoples have the right to self-determination.”³²

46. When there is a material change in circumstances that dramatically changes whether it is good and wise for a Nation to continue as a plaintiff in a class action, the right of self-determination strongly suggests that the Court ought to allow the Nation time to consult with its members and determine a way forward. If the Nation decides that it continues to make sense to participate in the class action it should be allowed to do so. But if it determines that the class action is no longer is a sensible way to achieve redress, respecting the principle of self-

²⁸ Canning Affidavit, Exhibit E, s. 2.01.

²⁹ Canning Affidavit, Exhibit E, s. 1.01, definition of “Acceptance”.

³⁰ *Macaronies Hair Club and Laser Center Inc v. BofA Canada Bank*, [2019 ABQB 181](#) at paras. 32, 35.

³¹ *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, [2020 CHRT 20](#); *Pilot v. McKenzie*, [2021 FC 296](#) at para. 27.

³² *United Nations Declaration on the Rights of Indigenous Peoples Act*, [S.C. 2021, c. 14](#), Annex Article 3.

determination requires respecting the will of the Nation. This is especially so in the present circumstance, given the subject matter at issue.

Allowing Nations whose Circumstances Have Changed to not be Bound Will Not Frustrate the Spirit or Purpose of the Settlement

47. The exceptional and rare circumstances of this case require care to ensure that the settlement process heals some of the historical and ongoing devastation of residential schools, rather than further harms Indigenous people and groups. There is a potential of great harm if a Nation is required to be bound by a settlement when it may not have entered the action at all had it known at the time of its election of a development as serious as the Discovery. Proceeding in such a fashion has the potential to undermine trust between the Nation and Canada, between members and their leadership, and in the settler legal system as a whole.

48. Conversely, allowing a Nation that has had a material change in circumstances to leave the class action will have no significant bearing on the overall effectiveness of the action. While 326 Indigenous groups have opted into this action, there are over 630 First Nation bands recognized by Canada.³³

49. The representative plaintiff and the defendant agreed that this class action would proceed on an opt-in basis, despite the accepted principle that opt-out models ensure that as many plaintiffs as possible are covered by the class.³⁴ Indeed, it seems likely that had this proceeded as an opt-out action, many more Indigenous groups would have participated.

50. The clear implication from this is that it was contemplated that some sacrifice of the total number of plaintiffs was reasonable so as to ensure that the process allowed Nations to maintain self-determination and autonomy by only being included if they opted-in. Canada clearly never expected to settle all claims of the nature raised in the pleadings in this action. Consequently, to allow a Nation to evaluate whether it makes sense to participate in a settlement in light of a material change in circumstances, as opposed to binding a Nation to a decision made on incomplete knowledge, furthers the broad goals of this action.

Conclusion

51. Wauzhushk Onigum does not know what will happen as a result of the Discovery. It does not know what further investigation into the potential burial sites will reveal.

³³ Canning Affidavit, Exhibit F.

³⁴ *British Columbia v Apotex Inc.*, [2022 BCSC 2147](#) at paras. 17-18.

52. The settlement should have no bearing on Wauzhushk Onigum's rights arising in relation to the Discovery. It concerns an issue that was not raised in the Second Re-Amended Statement of Claim, and any potential claim that Wauzhushk Onigum may have remains uncrystallized at present.

53. However, the language of the Potential Settlement Agreement may be construed such that the Release would affect Wauzhushk Onigum's ability to bring a claim in the future. If Canada cannot give a legally binding assurance that this will not be the case, then the settlement should be rejected as unreasonable.

54. In the alternative, if the Proposed Settlement Agreement is to be approved despite a lack of assurance this will not affect Wauzhushk Onigum's rights arising in relation to the Discovery, then it needs an opportunity to consider rescinding its election to opt-in. Wauzhushk Onigum requires time to investigate the Discovery, process the findings, and determine the best path forward. Such relief could be granted in the context of the Motion, but if it is not and this right is not provided by the Proposed Settlement Agreement then that agreement should be rejected as unreasonable.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: February 20, 2023



Bruce McIvor
Melissa Rumbles
Oliver Pulleyblank

Solicitors for Wauzhushk Onigum

This is **Exhibit "L"** as referred to in the Affidavit of Jeanine Alphonse sworn before me on this 22nd day of February, 2023



Commissioner for Taking Affidavits (or as may be)

FLORA YU
(LSO NO.: 84025W)

**TRANSCRIPTION/TRANSCRIPTION
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DATE/DATE: January 21, 2023 9:30 a.m. (PST)
LOCATION/ENDROIT: Fairmount Hotel Vancouver, 900 Georgia Street West,
VANCOUVER, BC
PRINCIPAL(S)/PRINCIPAUX: Hon. Marc Miller, Minister of Crown-Indigenous
Relations
Ann Whonnock, Spokesperson, Squamish Nation
Chief Jen Thomas, Tsleil-Waututh Nation
Chief Wayne Sparrow, Musqueam Nation
Shane Gottfriedson, Former Chief, Band class
representative
Hiwus Warren Paul
Matthew Coon Come, Former Grand Chief
Peter R. Grant, Class Counsel

SUBJECT/SUJET: Minister of Crown-Indigenous Services Marc Miller, joined by the
Band Class representative plaintiffs, holds a news conference to make an
announcement on the Gottfriedson Band Class Settlement.

Moderator: Good morning. Hello everyone. I would like to
begin by acknowledging that the land on which we gather is located on the traditional
unceded territory of the Musqueam, Squamish and Tsleil-Waututh Nations. Welcome
elders, host nations, former Chief Shane Gottfriedson, former Chief Gary Feschuk,
who's joining us virtually today and Minister of Crown-Indigenous Relations Marc Miller.
Amongst our head table guests today are going to be Rosanne Casimir, former Grand
Chief Dr. Matthew Coon Come, Coon Come, Hiwus Warren Paull and class counsel
Peter.

I now invite Chief Wayne Sparrow of Musqueam Nation, Chief Jen Thomas of
Tsleil-Waututh and Syexwáliya Ann Whonnock of Squamish Nation to join us on stage
to open today's event in a good way.

Ann Whonnock: (Indigenous language)

I'd like to welcome each and every one of you, all of you our friends and elders to the
ancestral territories of (Indigenous language) Squamish Nation, my nation,
Tsleil-Waututh and Musqueam. Raising our hands to you in welcome on this historic
day. And of all the good work that's been done on behalf of many of our residential
school survivors, day scholars; also I have to mention and those who didn't make it
home, and raising our hands to all that here today.

(Indigenous language)

Chief Jen Thomas: Good morning. My ancestral name is (Indigenous language) and I just want to thank every one of you guys for being here. You know, it's been a long time coming. I remember the day when Sechelt and Kamloops came to our community and, you know, they wanted our community to join this class action suit. You know it's been how many years since that day. We've lost survivors since then, you know. So I want to thank all of you on behalf of the ones who aren't with us today. You know, they could be here in these empty seats, sitting here with us. I'm grateful for all of you being here and honoured ones, you know, so I raise my hands to all of you. Thank you.

Chief Wayne Sparrow: (Indigenous language)

My name's Wayne Sparrow, I'm elected Chief of the Musqueam First Nation. My traditional name is (Indigenous).

I just want to echo my cousin's comments. Welcome each and every one of you here, but I want to do a big shout out, you know, for the day scholars. I want to thank – I don't call them former Chiefs – Chief Shane and Chief Gary. I want to personally thank Chief Gary, who's a very good friend of mine, very good friend of our community, and when he reached out to us, we gave the support that we needed. We had, they got forgotten and if we didn't have these individuals and these communities stepping forward on behalf of all of the day scholars, they would have been forgotten. And it's their leadership that brought us to where we are today. And so many times in politics and representing communities, they don't get the credit that they deserve.

I know Gary for a long time and I know his health took its toll and I can't wait now, he's back on the sideline, where we're arguing with each other, screaming at each other and having the fun that we do in sports and then shaking hands and, and carrying on life. So once again, on behalf of our community, I want to thank everybody that was involved. Now that's a very, it's a very good day. And, you know, our language, I can't speak our language. It's so important. I'm going to a cultural event in Musqueam after and that was our vision from our community that we get fluent speakers again within the next two years. Now, that's all the hard work that these individuals have that hopefully will help us accomplish some of those things in our journey to, to recover and once again, (Indigenous language), thank you.

I do apologize; I have to leave pretty quick because of a cultural event in our community. So I just wanted to make sure I was down here to say those words. (Indigenous language). Thank you.

Ann Whonnock: Great Wayne. We also want to raise our hands and thank the Minister Miller for being here today and all the dignitaries and nations that were part of this class action. Squamish Nation was one of them, as well as Tsleil-Waututh and Musqueam, so we thank all those who did the hard work that got us here today. (Indigenous language) Those are our words.

Moderator: Thank you very much for that welcome. I am now inviting Minister Miller, Minister of Crown-Indigenous Relations, to speak.

Hon. Marc Miller: (Indigenous language) kwe kwe, ullaakkut, tansi, hello, bonjour, (Indigenous language).

Thank you Chief Wayne Sparrow, Chief Jen Thomas, Syexwáliya Ann Whonnock for your warm welcome on the territory of the Musqueam, the Squamish and the Tsleil-Waututh today.

Today, with band class representatives, former Chief Shane Gottfriedson, former Chief Gary Feschuk on, online on Zoom, Kukpi Rosanne Casimir, Dr. Matthew Coon Come, Hiwus Warren Paull, we're announcing that we've reached a settlement agreement of the band class litigation, one that builds on the 2021 Gottfriedson Day Scholar settlement. I've already gotten into legalese, so let me try to say it a little plainer. In, in 2021, Canada and the, and the people you see here today representing their nations and their peoples agreed to separate class action that was separate from survivors and dependents that were entitled to individual compensation for the pain and suffering that they had suffered to the extent financial compensation can even adequately replace, replace it.

We knew that compensation had to get out quickly but it left some unfinished business. Especially in the last two years, our government, I and the Prime Minister has had the opportunity to meet with many survivors, leadership and communities and hear directly from them and the experiences they've had, the trauma, the tragedy they suffered. Take a moment to salute their courage for speaking up because we do know that there are people still holding things in. Some may take it with them forever and we have to salute the courage of those who are still holding those on the inside and not speaking up, but there are those that are speaking up and they've shared that with the Prime Minister, shared it with me, shared it with other Ministers, other officials. They're instrumental to this day in, in making their words resonate around the Cabinet table.

Durant les deux dernières années, j'ai rencontré plusieurs survivants, tout autant que le premier ministre, des chefs dans les communautés. On nous a dit à, souvent à quel point il est important pour les survivants d'un âge avancé de pouvoir guérir et d'être témoins des efforts du Canada pour aborder les conséquences du système des pensionnats, système tragique qui a ses séquelles aujourd'hui dans la perte de langue et de culture. Ces gens-là surtout méritent de voir des actions et de pouvoir guérir, de pouvoir en sorte tourner la page.

And while settlements that are being announced like these today do not erase or make up for the past, and I will leave it up to the speakers today to even begin to think whether this actually constitutes justice. What it can do is help address the collective harm caused by Canada's past, a deeply colonial one, and the loss of language, the loss of culture and the loss of heritage.

La revitalisation de la langue et de la culture est au centre de notre travail vers la réconciliation et contribue à la préservation du patrimoine autochtone pour que toutes les générations futures présentes puissent connaître leur héritage, être fier de leur culture, être fier de leur culture et leur langue.

It's why, over the past several months, we've been engaged in those negotiations in a respectful fashion, out of the public eye, around the negotiation table and reengaged negotiations in a way to resolve this case in a fair, compassionate and respectful way. As part of this settlement, Canada will provide \$2.8 billion in a not-for-profit, independent of the government trust. It'll be guided by, by four pillars that were developed by these people here today and you'll hear more about this, as a resolution to support healing, wellness, education and commemoration activities and can be, contribute, contribute to the revitalization of Indigenous languages, cultures and heritage.

These four pillars explicitly are the revival and protection of Indigenous language, the revival and protection of Indigenous cultures, the protection and promotion of heritage and the wellness of Indigenous communities and their members. This is the first time Canada is compensating bands and communities as a collective for this type of harm in regards to residential schools. It represents our continual and ongoing commitment to filling the gaps left from the Indian Residential School Settlements Agreement, Day School Agreement and the Day Scholars Settlement, one that places language and culture at the centre of healing to address the legacy of institutions that were aimed at destroying Indigenous heritage, Indigenous culture, Indigenous languages and Indigenous identity.

This agreement is a testament to the diligence, dedication and resilience of the people you see here today and many that have passed and to Canada's commitment to revitalize Indigenous languages, cultures and heritage. As we prepared to appear before the Federal Court on February 27th to seek approval of the terms of the settlement, I want in particular to thank Shane and Gary for their dedication and resolve over the last 10 years on behalf of the band class. This historic settlement wouldn't be possible without their efforts.

Cet accord ne signifie en aucun cas que notre travail est terminé. Aujourd'hui, le Canada n'a pas à se féliciter. Aujourd'hui, il ne s'agit pas de moi, il ne s'agit pas du gouvernement du Canada ni du premier ministre. Aujourd'hui, il s'agit des survivants, de leurs communautés, les peuples autochtones et la guérison qu'ils méritent.

Today isn't about me or the Prime Minister, the Government of Canada. It doesn't mean the work of Canada's finished. It isn't about Canada congratulating itself. It's about survivors, communities, Indigenous peoples and the health and wellness that they deserve and they fought for for far too long, sometimes against people that have held my position. There's always more to do and I think that's important. You'll hear from it today and I think to any Canadian listening here today, it's less important to pay attention to my words today than the ones that will follow. We can all learn from this.

Reconciliation isn't free. This is a lot of money. Is it enough? I think only time will tell, but we know there's a heck of a lot more to do.

I also want to honour those language and culture teachers who have been doing this without any money over the last few years, and fighting for the preservation of their language and their people and their heritage and culture and have trained generations of teachers to revitalize culture, sometimes outside the eyes, the prying eyes of the government. They've done some without money and I think today, the cards are a little less stacked against them.

Today's an important step forward against the harmful past and a work towards addressing it in the present in hopes for the future of this country and the generations to come.

La réconciliation, comme vous le voyez aujourd'hui, n'est certainement pas gratuite. Aujourd'hui, nous franchissons une étape majeure, une réalisation qui reconnaît un passé pénible, qui s'efforce de répondre à ce passé dans le présent et qui donne de l'espoir pour le future pour l'avenir de notre pays et de nos enfants et pour les générations à venir.

I really look forward to continuing the work alongside new survivors, families, indigenous leadership and the provinces and territories to resolve a lot of the remaining claims as well. And we can't forget those.

(Indigenous language), miigwetch, (Indigenous language), marsi, thank you et merci.

Moderator: Thank you Minister. We'll now turn to former Chief Shane Gottfriedson for remarks.

Chief Shane Gottfriedson: (Indigenous language). Former Chief Shane Gottfriedson of Kamloops. You know, I would first of all like to thank our, our elder for the blessing this morning in the room and you know, acknowledge the, the three, three nations that we're on here today. Very powerful moment for you to be witness to the work that we're doing here today. I'd also like to acknowledge, you know, our Chief, Rosanne Casimir and Chief Warren for, you know, their patience, dedication and commitment to this ongoing work. I'd also, you know, like to, you know, acknowledge, you know, all of our ancestors that didn't make it as well, all of our day scholars that, you know, signed on to the fight that didn't live to see the end result and have moved on to the spirit world.

You know, I haven't been up on a stage in quite some time so I'm, I was a little bit nervous coming into today and, you know, travelling down last night and, you know, thinking about the journey that we've been on here for, you know, the last 15 years and the journey that our people have been on for many, many generations, you know, looking at, you know, that word called reconciliation and looking at, you know, building a, a better way forward for our people, you know. And I remember very clearly and

vividly when Harper did the announcement and the public apology, you know, for Indian residential school settlement and apology, and you know, at that time, you know, the Leadership Council, the AFN and Canada got together and there was this huge gathering in Ottawa and, and all the Chiefs wanted to be in the room, in the meeting with the Prime Minister, but there was only a limited amount of people that were allowed.

So I, I decided I wanted to stay home with our people and, and I remember that day very, very clearly when the announcement happened where our people were left out of that announcement, and sitting with some of our people that have now moved on to the spirit world, and they said that we were left out. And, you know, so, so the journey began and, you know, and I'm here today because of, you know, our council believed that, you know, we wanted to, you know, make sure that our people were looked after and compensated and, you know, and I remember, you know, when we were moving forward, it was Chief Gary Feschuk was the only Chief that actually reached out to, to our community and, you know, the fight began.

And, you know, both Gary and I, you know, led our respective communities. You know, in 2008, the Indian Residential School Settlement, as I mentioned, excluded our people and our communities and we saw the need to stand up for our people. So we did, we stood up and, you know, and, and brought this plan into action and, you know, and it was finally 10 years later, after that fight that we, we did receive, you know, resolution for individual day scholars 10 years after the fact. But it was, you know, which was one step in, in what we thought could be a good relationship and building reconciliation with Canada. And, you know, being a leader in, in First Nations politics, it's a tough business. You know, both Gary and myself, you know, like Chief Paull and Chief Casimir, you know, they live, we live, you know, dysfunction in our communities. You know, we suffered deeply from lateral violence and, you know, dysfunction, you know, in our own communities on a daily basis. And it hasn't changed much.

But what does this mean in looking at, you know, moving forward, you know, we had, you know, a hard time in governing ourselves in our communities and making good decisions for our people. You know, we had people that, you know, were so frustrated that they would protest the band office or do roadblocks and, you know, cause, you know, all sorts of, you know, problems for our people, you know, over the years. And, you know, what happened with our people being excluded, you know, you know, it meant that they wanted to fight with us, you know, and that's the common problem amongst our First Nations governance is everybody runs to the band office thinking that the band office is going to fix everything. And, you know, I think today, you know, I think our leadership still fights with that issue.

But it was very difficult for us to look after the interest of our communities in our nations and both Gary and I, you know, saw that, you know, the outside non-Indigenous governments from Canada, you know, in Ottawa and our local and regional and city governments distrusted our governments in many different ways and didn't take us seriously. For many generations, our people have suffered. Gary and I agreed that

Canada's policy of attacking our languages and culture for over 120 years had devastated our own system of government, government law, government and laws and seriously impacted our language. As Chief Sparrow talked about, he doesn't speak the language and neither do I, unfortunately. There's a lot of our people that, you know, lost their language and these impacts on our people were damages caused by Canada with their policy of destruction of our language and culture, later relabelled assimilation policy and then an effort to integrate Indigenous people, as we all know, through the Indian school.

That no nation in Canada had taken this on, but Gary and I decided with our councils that we would stand together for our own day scholars and also for all of the Indigenous people in Canada who live with Canada's racist legacy and tried to govern our nations and our small pieces of land as reserves. When we first started, you know, we really had, you know, not a lot of resources and we called on a friend of ours by the name of Len Marchand, Jr., who's a Syilx (Indigenous language) Okanagan lawyer and I remember that meeting very vividly because we met in the bottom of the Indian Residential School in the kitchen and, you know, and it was, we told, we told Len we don't have no money to pay you, but we believe this fight is worth, worth, worth every, every, every bit of value for our people, and he agreed. Like, he, he worked for probably about a year before we actually got enough money to pay him.

And, you know, we moved forward with Len and, you know, Len recommended that this was a big, big piece of work to take on, and Len recommended that we, we get Peter Grant and, and John Phillips who could advance, you know, our unprecedented case forward, you know. There had been no class action for collective damages before or based on collective rights to the language and culture in the history of Canada. Canada fought us all the way to the courthouse steps and on, and into the halls outside the courtroom. Right, Tom? Where's Tom? And then 10 days before the trial was to start, Canada offered to settle. So today, we are representing 325 Indigenous nations across Canada and have developed a settlement plan to allow for the nations to work towards the four pillars.

The four pillars are revitalizations of our language, revitalization of our culture, wellness for our people and heritage, heritage and commemora-, commemoration (sic) for our communities how we see fit. What is different in this settlement, it allows our indigenous nations to control this process, not the Indigenous governments. We will manage and distribute the funds. We will provide it to all 325 nations in a fair and objective manner and taking into account added costs for larger populations and remoteness. The nations will decide which of the four pillars that they will focus on, that the nations will decide how to invest for the use, the uses of the money and will develop three 10-year plans for implementation.

This is the beginning of a new era in Canada for our people. When the government in Ottawa is saying we're giving over the authority to care for Indigenous people and right the wrongs that we as a government created back to the Indigenous nations of Canada. Now it's up to us to do the work. It's up to, for our people to take these tools and move

forward.

I want to thank Minister Miller and his government for seeing our vision and working in collaboration with us. I know it was tough negotiations, but in the end, if it was easy, you know, where would we all be? I'm very honoured to be able to live to see this day because I think historically when we look at the fights when it comes to our human rights, our land claims fights and our way of life as Indian, Indian people, it's always been a fight with government, you know. And this took 15 years and I never thought, you know, you know, it would take this long, but we got through it. And I've known that other people and other nations that have had fights that never lived to see an end resolution.

So with this, I want to say a big shout out to my brother Gary, who's on video who couldn't be here today, you know, Gary, I hold my hands up to you, brother. I thank you for always believing and never giving up and always, you know, keeping a positive but firm hold on the direction that we were going in. And I want to thank Sechelt and Chief Matthew and the James Cree, Cree First Nation for also believing in us and all the other 325 First Nations that put languages, language and culture as a priority. With that, I say all my relations. Thank you.

Moderator: Thank you for those words former Chief Gottfriedson. Now, over to Hiwus Warren Paull.

Chief Warren Paull: Thank you all for coming today and to sharing this, this announcement. I greatly appreciate it. Thank you for the, the blessing on this and for getting us started in a good way.

My name is Warren Paull. My given name is (Indigenous language). I am the current elected Chief of the Sechelt Nation, but I'm also a Hereditary Chief as well. I'd like to thank the Minister for being here, to have this conversation with us and do this announcement because it's been a long, long, long journey that's gotten us to this place. This is all for the people that really didn't, didn't make it here, and I really look forward to doing what's necessary, like, like Chief Sparrow has done and like Chief Gottfriedson has said and I don't speak the language. My grandmother told me when I was young I don't want you to go through what I went through. So this is for them.

This has been a long battle and Gary has said himself that it's taken far too long for us to get to this place where we can have this conversation. But we're here and it's a great day for that. As a result of the gen-, of generational trauma, residential schools, ours didn't close until 1974. Our administration building is sitting right on top of where our residential school was. Our language went from our first spoken to we no longer have any fluent speakers in our community. And, but we are working really hard to try and resolve that issue, and it's coming. We've hired several MBAs and several people who are capable of putting together a language program that's going to put us in a good place to be able to start getting our language back, getting our culture back.

I have to say at this particular point in time that when we had our first initial meeting with Mr. Phillips and Ms. Soroka and with Mr., Mr. Grant, when they said that this thing was, was coming forward and they were having a conversation about it and said what do we want to do? I said I want to carry on. I want to keep the fight going, I want to take it to the next level and do what they got to do to get, to get us to that place. They prevailed upon me, well, Tk'emlups prevailed upon me, Gary prevailed upon me and said we have to do this for those who are still here and need that closure. So here we are.

In my conversation with Minister Miller today, I was, it isn't just this agreement that convinced me to withdraw and carry on. It was the collaborative fiscal policy table piece that, that we're in with the other LCAC groups, the 27 First Nations who signed self-government treaties were in a fiscal policy review process and their language and culture is going forward for, for Cabinet approval and for the budget this year. And it's a significant bite, it's a significant piece and it's a significant commitment. So this commitment, with the 325 is one step. The other part is coming. So it shows to me that Canada's seriously committed to going forward and, with, to try and right the wrongs of what, what has happened and I, and I look forward to the day.

To quote Gary, it is time for Canada to not only recognize the harm, but help by walking with us along the trail. The settlement is a great first step and I look forward to starting that walk with Canada. I don't have to say that it has been a tough journey. It has been. It's been a long, long haul. But with the help of James Bay Cree, with the help of Tk'emlups, we got to this day and that's, that's a good first step and we look forward to the rest of the journey with everyone.

(Indigenous language)

Moderator: Thank you Hiwus Warren Paull. Over to former Grand Chief, Dr. Matthew Coon Come.

Dr. Matthew Coon Come: (Indigenous language)

Mr., Minister Miller, I agree with you – nous sommes ici pour tourner la page. How's my French? Not bad, eh? (Laughter) I'm just saying that I agree with Mr. Minister for saying that we're here to, to turn the page. I'll send the bill to him for translation.

We're here, of course, to make an announcement. I'm glad to be here with Minister Miller, Chiefs, Shane and Gary and guests. I would like to acknowledge the three host nations in whose territory we are meeting: Musqueam, Tsleil-Waututh and Squamish. I would like to thank Canada for the efforts made to arrive at a solution for this case. It took them a while to come to the table, but we are finally here. For the 325 band class members, it was not enough that Canada settled this court action with First Nations. Canada must act to help First Nations recover as well as commit to never repeating their destructive policies. The settlement agreement shows that Canada is taking responsibility for past actions and is resolving to do better on this journey of reconciliation.

I would particularly like to thank and to honour Gary Feschuk and Shane Gottfriedson. Twelve years ago as Chiefs of their respective nations, they met to discuss what they were seeing in their communities. As leaders, they saw how the pain of the individual survivors of residential schools impacted their nations' cultures, their social structures and their ability to function. And it was this wisdom that pushed them to start this court case and to claim reparations not only for individuals but also for the nations as collectives.

This was the first time such a claim had been made, but they were determined to see it through. It was their determination, the continued work of the leaders of Sechelt and Kamloops who followed, including Chief Warren Paull and Chief Rosanne who are here today, which got us to this moment. The Grand Council of the Crees of Eeyou Istchee has always believed in the importance of supporting ground breaking litigation to advance Indigenous rights. We are glad to have had the opportunity to stand with our brothers and sisters in this.

We have all heard that the purpose of the residential schools was to take the Indian out of the child. To carry out that intent, Canada instituted a policy designed to wipe out aboriginal cultures by breaking the links between family members, between individuals and their communities, and between communities and their lands. They did this by removing us as children from our homes and sending us to institutions as residential schools in which we were forbidden to speak our languages, were severely punished for doing so. Our cultures were integrated as savage and heathen and we were taught to despise those who continued their traditional cultural practices, our own parents and grandparents.

This settlement is about giving our nations the support they need to pick up the broken pieces and to start healing our communities. It is about overcoming the pain of past oppression and rebuilding our societies. This is about restoring wellness in our communities. Programs and projects developed by governments without First Nations involvement usually fail. The Band Reparations Agreement will allow First Nations to develop their own incentive to support healing, to restore language, to restore culture, to restore traditions destroyed through past government actions. This is not going to be easy. It will take years. Rebuilding our languages, our cultures, our social institutions, is complicated but it is work we need to do for our young people.

Our young people need to know what it means to belong to proud vibrant cultures and to be secure in their identities. With this ground breaking, they can face the future of optimism instead of despair, with confidence instead of overwhelming hopelessness. This court case has been a long fight, but the truth is it's just the beginning. I want to thank you very much, miigwetch, merci beaucoup.

Moderator: Thank you to all the speakers today for your words. We will now begin the Q&A portion of this event. To answer your questions, we have the Honourable Marc Miller, Minister of Crown-Indigenous Relations, and Peter Grant, class counsel here to answer any technical questions.

Pour répondre à vos questions sont ici présents l'honorable Marc Miller, ministre des Relations Couronne-Autochtones, ainsi que Peter Grant, avocat du recours collectif pour répondre à toutes les questions techniques.

We'll begin with media attending virtually and then those joining in person. For those in person, I'll ask that you line up at the microphones so that we can hear your questions through the feed. Please be sure to identify yourself and your media outlet.

Veillez vous identifier ainsi que le média pour lequel vous travaillez.

Please also mention who your question is directed to. We'll please start with one question and one follow-up and if time allows, we'll take more.

On va commencer avec une question et une question de suivi chacun, et si le temps le permet, on prendra plus de questions.

First question, for those joining virtually.

If you'd like to ask a question, please put your hand up virtually. Any questions? Okay. We'll move to the room. If you'd like to ask a question, please step to the mic.

Question: Can I really just ask on that one? It's okay? Sorry. Brieanna Charlebois, Canadian Press. I'm just a little confused on the breakdown, so I was wondering if you could go over that again. I know the nations are going to be distributing it, but initially, there's \$20,000 that's being – I'm just wondering if you could break that down for me again a little bit, more clearly? Sorry.

Hon. Marc Miller: I don't know if Peter wants to speak to it, but –

Peter R. Grant: I can speak to that. The, the, after the settlement approval, if the judge approves the settlement, which is going to take place in February 27th, 28th, March 1st, then the judge will decide, then there will be an appeal period of 60 days. And if there is no appeals, 30 days after that period of time, the \$2.8 billion will be transferred to, as Minister Miller said, a not-for-profit trust for, invested, which will have directors. The initial directors will be from the three nations that are here, and then there will be regional directors determined within one year. The first task of the initial directors and why it has to be set up for the time of the implementation of the investment is to have investment advice so that the money is invested immediately. The money will not be going through any legal trust accounts or anything like that.

And then, the second task of the first directors will be there will be an initial payment of \$200,000 to each of the 325 First Nations. That will happen as soon as possible after receipt of the funds. That will be, that is called a planning, planning funds. Those funds will be to give the nations the opportunity to develop their first 10-year plan and that 10-year plan will be for them to implement a plan relating to language, one or more of the four pillars. And so, each of the nations will determine that. And as soon as

that plan is brought forward, then there will be an initial what is called colloquially a kick start fund, \$325 million from the fund will immediately be distributed to the nations. It, although that is, looks like an equal amount, what it will be is there will be a base rate and then there will be a rate based on population, percentage based on population.

Also, there's an issue about some nations are remote so the cost for them to implement is much higher. And so that remoteness will be, be paid an additional amount for those remote communities, say, fly-in communities north of 60, etc. However, and that will be determined by the board, but that will be in addition to the \$325 million. So at the very beginning, that is what will happen. The timing of the delivery of that first installment will be, depend on each nation. Some will have their plans in place right away, some may take some time. Then, the money, as I said, is invested and that money will be earning income every year. the intention is it will be the income earned on that money will be tax protected – that is part of the settlement – and Canada will, and therefore, the investment on that money, that is, the interest on that money will be distributed to each of the 325 First Nations, again on the basis of the formula.

There will be a base rate, that is every nation gets the same amount. There will be an increase, or there will be a population basis, so over and above the base rate, there will be a base, an amount that will be proportional to population and there will then be the remoteness factor, which will have been determined by the board. The base rate and the population rate is set out in the disbursement policy of the settlement agreement. I must underline that the disbur-, investment policy and the disbursement policy, as with the four pillars, was all created by these nations that are before you. None of this was imposed by the government. They, these policies were developed and then tabled to the government as that, that's how it will go.

So the, there will be a reporting requirement to meet the minimum standard to the board of directors, which is all Indigenous except for, well, it may well be an Indigenous person, but Canada will have one representative. There will be one from each of the five regions and the other three, so a total of nine board members. The, they will get reports back from each of the nations as to how they're doing. A nation may want a cultural centre, another nation may be hiring language teachers. There is very, the, the four pillars are defined very broadly in the settlement agreement so that it is not tying the hands of any of the 325 nations.

And, but each nation will get those monies. If a nation says I, we need more time to develop our plan, their portion can be held in interest bearing, held in a trust in the trust and they can get it later. In other words, a nation may say we don't want this right this year, we're not ready yet. But that money will be held for them. That will be their decision. After 10 years, there will be a follow-up 10-year plan and that plan will be distributed. The intention is after 20 years, all of the funds from the trust will be disbursed, which will be as I've told you, the interest on the investment will be being given out to the nations each year, and then after the 20 years, the, the principal will be distributed.

The trust itself will be wound up. But the not-for-profit will continue as necessary just to have the monitoring, solely for the monitoring that the money is used for up to 10 years for one of the four pillars. The intention of both Canada and the plaintiffs here is this money is for revitalization of language, revitalization of culture, wellness and heritage and commemoration. Those pillars are also defined in the settlement agreement in a schedule, but very broadly.

If a nation, for example, at 20 years says we want to invest the money in our own trust, our share of the \$2.8 billion, in our own trust and we will take care of it and it'll be for the four pillars, that will, there won't be any more need for monitoring of that nation. Other nations may have a two-year plan, etc. The idea is that the whole matter, the, the, it's not to create an institutional structure that lives forever. It's to create a process by which nations will be able to move forward. As one of the Chiefs – he didn't say it today, but he's at this table, one of the founding Chiefs, not the one on the monitor – said to me Peter, if we can't get this done in 20 years, then there's something wrong. So that is the position that the founding nations had.

Now obviously, for rehabilitation of language, it may take longer for some nations than others. That, that is all under control. The key here is first of all, the investment is going to be controlled by the Indigenous people. Secondly, the disbursement policy has been created by the Indigenous people, not by government. Thirdly, the four pillars was created by Indigenous people. And the decisions as to how any of the 325 nations use the money is not controlled by the board, it'll be controlled by that nation and they will be able to do it. So this is, as I believe Chief, former Chief Gottfriedson stated, this is controlled, this has, this has never been done. This is where the government is saying you take care and you're in charge of how you wish to start to repair the damage.

Hope that may, sorry it was a longwinded answer, but I hope it answered your question. I am legally trained, so I end up taking too long, that's why they threw me at the end of the table. (Laughter)

Moderator: Any questions or follow-ups for those in person today?

Question: (Off microphone) want to make sure we got your name on camera. And official title.

Peter R. Grant: I'm Peter Grant, class counsel. I'm one of the class counsel, together with John Phillips and Diane Soroka, who prosecuted the action for the nations of Sechelt, Kamloops and the Cree.

Question: Yasmin Gandham, CBC News. I just wanted to ask, you know, you've spoken about the four pillars and that's where the money is going to be going towards. One of those things is preserving languages. For some of the, you know, Chiefs that are here today, can you speak to what that might look like and, and

what you hope to see when you have this settlement?

Chief Shane Gottfriedson: Thank you for your question. Shane Gottfriedson. I think when you talk about the four pillars of revitalizing our language, culture, our wellness plan for people, heritage and commemoration, I think our communities all have their own strategic plan and looking at, you know, what it's going to take to revitalize our language by, you know, maybe hiring more fluent speakers, maybe starting by maybe even possibly, you know, looking at going for possibly a full immersion school, you know, teaching the language for our kids.

And when we talk about our culture and revitalizing our culture, I think there's a lot of, you know, people that don't understand or know our culture because they were always taught it was, you know, a bad thing, not to, to practise that. So we're going to be looking at revitalizing a lot of our cultural programs within our community. And I think each First Nation is unique and different in their own way in how they, the different cultures all across Turtle Island. So I think we're unique in that way, but I think when we talk about wellness for our people as well, I think there's lots of different, I think, wellness and traditional practices is that we can do in our own community that, you know, we don't, like, for example, you know, part of our culture and wellness is, you know, going out and picking berries or going out and picking roots or going out hunting or going out to a fish camp or, you know, going to, you know, spend time with elders or, or learn our, our creation stories, you know.

And I think part of that other four pillars is looking at our, our heritage. We could, you know, maybe put heritage markers in our territory talking about significant timelines and our history of, of, you know, what was important to each nation and whether it's a traditional territory or whether, you know, it's a monument or whether it's, you know, a healing centre or a wellness centre. So it's, you know, pretty dynamic in the way, I think, that we, we created those four pillars because I think, you know, when you live and breathe and live a res life, I call it res life, you know, it's not, there's not a lot of these programs that exist today. So I think that's why we put a lot of effort and thought because I think the people that did practice, you know, they weren't big on sharing because, you know, of how, you know, bad our language was thought of by government, by getting the Indian out of the child and that was part of it.

So I think there's been a lot of thought in these four pillars. I think it was that, that ability in our leadership, the ability to do, to be dynamic and create, you know, what's important to us, not what's important to government, but what's important to us as Indigenous people.

Moderator: Any follow-up?

Question: Yeah. Just, you know, I think – thank you for answering my question – but, you know, I know that it was mentioned that the timeline for different nations might look a little different, but what do you kind of envision when you mentioned some of those ideas of somewhat of a timeline?

Chief Shane Gottfriedson: Well, I mean, I think, you know, the step one is, you know, looking at what, what Peter talked about and looking at, you know, the kick start funds to be able to, you know, start the planning process of, you know, you know, what each pillar would look like. I think there are some communities that have the administrative support and there are other communities that don't have the administrative support. There are some communities that are ahead and some people that are very active in these four pillars already and there's others that aren't.

So I think it gives, you know, communities, you know, you know, the ability to, you know, take as much time as required to be able to build these steps, but I think there is a timeline, you know, of 20 years on this. So I'm a firm believer, like, let's not fart around here and let's, let's get the work done. I think we know what we want, we know what we need in our communities so it, it's not going to take as much time, I don't think and I think it'll be First Nations driven. I think that's the most important thing, is Canada allowed us that space to be able to, you know, be creative and dynamic in the way that we want to move forward on these four pillars. It's led by us not by, not by our friends over here.

Question: Thank you.

Moderator: Do we have any more questions for media in the room? I'm just going to turn over to the Zoom again to see if there are any questions virtually. Please raise your hand. If there are no more questions, this concludes our press conference.

S'il n'y a pas plus de questions, ceci conclut notre conférence de presse.

I will now welcome elder Gene Harry to help us close. Please note this will be off-camera. For media in attendance, we ask that you turn your cameras off now and stop all recording devices.