

COURT FILE NUMBER QBG-SA-766-2022

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

PLAINTIFF CAITLIN ERICKSON and COY NOLIN

DEFENDANTS KEITH JOHNSON, JOHN OLUBOBOKUN, KEN SCHULTZ, NATHAN RYSAVY, DUFF FRIESEN, LYNETTE WHEELER, JOEL HALL, FRAN THEVENOT, LOU BRUNELLE, JAMES RANDALL, TRACEY JOHNSON, SIMBO OLUBOBOKUN, ELAINE SCHULTZ, CATHERINE RANDALL, KEVIN MACMILLAN, ANNE MACMILLAN, DAWN BEAUDRY, NATHAN SCHULTZ, AARON BENNEWEIS, DEIDRE BENNEWEIS, STEPHANIE CASE, MILE TWO CHURCH INC., JOHN DOES and JANE DOES

Brought under *The Class Actions Act*, SS 2001 c C-12.01

NOTICE TO DEFENDANT

1. The plaintiff may enter judgment in accordance with this Statement of Claim or the judgment that may be granted pursuant to *The Queen's Bench Rules* unless, in accordance with paragraph 2, you:
 - (a) serve a Statement of Defence on the plaintiff; and
 - (b) file a copy of it in the office of the local registrar of the Court for the judicial centre named above.

2. The Statement of Defence must be served and filed within the following period of days after you are served with the Statement of Claim (excluding day of service):
 - (a) 20 days if you were served in Saskatchewan;
 - (b) 30 days if you were served elsewhere in Canada or in the United States of America;
 - (c) 40 days if you were served outside Canada and the United States of America

3. In many cases a defendant may have the trial of the action held at a judicial centre other than the one at which the Statement of Claim is issued. Every defendant should consult a lawyer as to his or her rights.
4. This Statement of Claim is to be served within six (6) months from the date on which it is issued.
5. This Statement of Claim is issued at the above-named judicial centre the 8th day of August, 2022.

N. WATIER
DEPUTY LOCAL REGISTRAR

(Signature)

Local Registrar

STATEMENT OF CLAIM

Parties

1. Caitlin Erickson is an individual, residing in the Province of Saskatchewan, who attended Legacy Christian Academy, formerly Christian Centre Academy, as a student from 1992 to 2005.
2. Coy Nolin is an individual, residing in the Province of Saskatchewan, who attended Legacy Christian Academy, formerly Christian Centre Academy, as a student from 1997-2004.
3. Mile Two Church Inc. is a body corporate, duly registered in the Province of Saskatchewan, with a registered office at 102 Pinehouse Drive, in the City of Saskatoon, Saskatchewan, as a non-profit charitable corporation in the business of a religious organization. Mile Two Church Inc. previously operated under the name Saskatoon Christian Centre Inc..
4. Mile Two Church Inc. operates a registered qualified independent K-12 school within the meaning of *The Saskatchewan Education Act*, 1995, SS 1995 c E-0.2 and *The Registered Independent Schools Regulations*, c E-0.2 Reg 27, and their respective predecessors (the "School"). The School is known as Legacy Christian Academy, previously known as Christian Centre Academy. In addition to the operation of a K-12 school, Mile Two Church Inc. conducts and holds itself out as a church (the "Church").
5. Keith Johnson is an individual who was at relevant times resident in the Province of Saskatchewan, and presently believed to be resident in Texas, in the United States of America. Keith Johnson was at various applicable times the pastor of the Church, director of the School, and principal of the School.
6. John Olubobokun is an individual who was at relevant times resident in the Province of Saskatchewan. John Olubobokun was an Elder of the Church from approximately 1998 to 2009, and the director of the School from approximately 2003 to 2009.

7. Ken Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Ken Schultz was an Elder of the Church from approximately 1982 to present, and vice-principal of the School, and director of the School.
8. Nathan Rysavy is an individual who was at relevant times resident in the Province of Saskatchewan. Nathan Rysavy was at various applicable times a teacher at the School from approximately 1993 to 2007.
9. Duff Friesen is an individual who was at relevant times resident in the Province of Saskatchewan. Duff Friesen was at various applicable times a teacher at the School, and Principal at the School.
10. Lynette Wheeler is an individual who as at relevant times resident in the Province of Saskatchewan. Lynette Wheeler was at various applicable times a coach at the School.
11. Joel Hall is an individual who was at relevant times resident in the Province of Saskatchewan. Joel Hall was at various applicable times a teacher at the School.
12. Fran Thevenot is an individual who was at relevant times resident in the Province of Saskatchewan. Fran Thevenot was at various applicable times a coach at the School.
13. Lou Brunelle is an individual who was at relevant times resident in the Province of Saskatchewan. Lou Brunelle a director or teacher of the School at various applicable times, including approximately 1992 to 2002, and approximately 2014 to present.
14. James Randall is an individual who was at relevant times resident in the Province of Saskatchewan. James Randall was at various applicable times an Elder in the Church.
15. Tracey Johnson is an individual who was at relevant times resident in the Province of Saskatchewan. Tracey Johnson purported to be a counsellor to students at the School and members of the Church, including the members of the Plaintiff Classes, from approximately 1982 to present and was a teacher at the school at various times.

16. Simbo Olubobokun is an individual who was at relevant times resident in the Province of Saskatchewan. Simbo Olubobokun purported to be a counsellor to students at the School from approximately 1998 to 2009.
17. Elaine Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Elaine Schutlz was a drama teacher at the School, and purported to be a counsellor to students and minor adherents and congregants of the Church from approximately 1982 to present.
18. Catherine Randall is an individual who was at relevant times resident in the Province of Saskatchewan. Catherine Hall was at various applicable times the nursery director at the School and/or Church.
19. Kevin MacMillan is an individual who was at relevant times resident in the Province of Saskatchewan. Kevin MacMillan was involved as a music teacher at the School and Elder of the Church from approximately 1982 to present.
20. Anne MacMillan is an individual who was at relevant times resident in the Province of Saskatchewan. Anne MacMillan was involved as a music teacher at the School and the music programming at the Church from approximately 1982 to present.
21. Dawn Beaudry is an individual who was at relevant times resident in the Province of Saskatchewan. Dawn Beaudry was at various applicable times a teacher of the School.
22. Nathan Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Nathan Schultz was at various times a Sunday school teacher at the Church, and babysitter promoted and advocated for by some or all of the Defendants.
23. Aaron Benneweis is an individual who was at relevant times resident in the Province of Saskatchewan, and presently resides in Edmonton, Alberta. Aaron Benneweis was at various applicable times a coach of sporting activities at the School.
24. Deidre Benneweis is an individual who was at relevant times resident in the Province of Saskatchewan, and presently resides in Edmonton, Alberta. Deidre Benneweis a

teacher at the School from approximately 2002 to 2014.

25. Stephanie Case is an individual who was at relevant times resident in the Province of Saskatchewan. Stephanie Case was a teacher at the School from approximately 2001 until after 2006.
26. Additional John Does and Jane Does are individuals who were at relevant times resident in the Province of Saskatchewan, the names of which are presently unknown to the Plaintiffs. The John Does and Jane Does are one or more of the following:
 - a. Directors or officers of Mile Two Church Inc., or its predecessors (the “Unidentified Corporate Officers”);
 - b. Pastors and Elders of the Church (the “Unidentified Church Elders”);
 - c. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abusers”);
 - d. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abusers”);
 - e. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abuse Planners”); or
 - f. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abuse Planners”).

27. Keith Johnson, John Olubobokun, Ken Schultz, Duff Friesen, Lou Brunelle and James Randall are referenced herein as the “Principal Defendants”, each of whom was at various times a director or officer of Mile Two Church Inc. or its predecessors, director or principal of the School, Elder of the Church, and/or employee, representative or agent of Mile Two Church Inc. or its predecessors, the School and/or the Church.
28. The Principal Defendants were instrumental in the development and implementation of the policies and procedures undertaken by Mile Two Church Inc. and its employees, agents and representatives in the Church and the School.
29. Together Keith Johnson, John Olubobokun, Ken Schultz, Nathan Rysavy, Duff Friesen, Lynette Wheeler, Joel Hall, Fran Thevenot, Lou Brunelle, James Randall, Tracey Johnson, Simbo Olubobokun, Elaine Schultz, Catherine Randall, Kevin MacMillan, Anne MacMillan, Dawn Beaudry, Nathan Schultz, Aaron Benneweis, Deidre Benneweis and Stephanie Case are referred to herein as the “Named Defendants”, each of whom was at various times an employee, representative or agent of Mile Two Church Inc. or its predecessors, the School and/or the Church and a member of the Church.
30. Herein “Defendants” refers to each of the Defendants, whether named or unnamed, in this action.

Claim

31. The Plaintiffs representing the Plaintiff Classes herein described claim:
- a. Compensation and/or damages for breach of fiduciary duty, negligence, assault, battery, infliction of mental suffering, and conspiracy to injure the students of the School and minor adherent and congregants of the Church, in an amount in excess of \$25,000,000.00;
 - b. Direction for the payment of the moneys payable pursuant to this action to members of the Plaintiff Classes, including the Plaintiffs, on such terms as

this Honourable Court deems just, fair and equitable;

- c. In the alternative, directing individual assessment of damages;
- d. Punitive, exemplary and/or aggravated damages against each of the Defendants in an amount in excess of \$1,000,000.00;
- e. A temporary and permanent injunction against the Named Defendants, enjoining each of them from engaging in corporal punishment of any minor;
- f. A temporary and permanent injunction against the Named Defendants enjoining each of them from being a director, officer, or supervisor at any business or organization which carries out the operation of a school with students who are minors;
- g. A temporary and permanent injunction against Mile Two Church Inc. enjoining it from operating a school with students who are minors;
- h. Costs of this action on a substantial indemnity basis;
- i. Pre-judgment interest pursuant to *The Pre-judgment Interest Act*, SS 1984-85-86 c P-22.2; and
- j. Such further and other relief as this Honourable Just may deem just, fair and equitable.

Plaintiff Classes

32. The Plaintiffs propose that the Plaintiff Classes be defined as follows:

- a. Students who attended school at Legacy Christian Academy, or its predecessor, between the founding of the school in or about 1982 and present, including members of the Disciplined Student Class (the “Attending Student Class”);
- b. Students who attended school at Legacy Christian Academy, or its

predecessor, between the founding of the school in or about 1982 and present, who suffered or observed physical, sexual, psychological, emotional, mental or spiritual abuse perpetrated by the Defendants in the Defendants' operation of the School (the "Abused Student Class"); and

- c. Minors who were adherents or congregants of church operated by Mile Two Church Inc., or its predecessors, who suffered or observed physical, sexual, psychological, emotional, mental or spiritual harm perpetrated by the Defendants' operation of the Church (the "Church Minors Class").

(altogether the "Plaintiff Classes")

History of Legacy Christian Academy

- 33. In 1977 Saskatchewan Christian Centre Inc. was incorporated. In 2018 it changed its registered name to Mile Two Church Inc..
- 34. In the intervening years, the corporate entity operated the Church and in or about 1982 began providing educational programming under the name Christian Centre Academy. It has since rebranded its educational programming and operations as Legacy Christian Academy.
- 35. Mile Two Church Inc. continues to operate Legacy Christian Academy, providing K-12 education as a registered qualified independent school, and is a member of the Saskatchewan Association of Independent Church Schools.
- 36. In the early years of operation, the School was operated in the former Richmond Heights School in Saskatoon. The operation of the School, and Church, have since relocated to 102 Pinehouse Drive, in the City of Saskatoon.
- 37. The School curriculum is and was based heavily on programs developed or promoted by Accelerated Christian Education.
- 38. The School and Church are deeply integrated, with students compelled to carry out activities and efforts of and for the benefit of the Church, attendance at Church

programming being compulsory for all students, and with education, influence, and authority of the School and Church, and their respective representatives, exercised over the students at all times. As stated by the Defendant Ken Schultz, “The church is the school and the school is the church.”

39. The objectives and teachings of the Church and School rely heavily on the Principal Defendants’ viewpoints and teachings, particularly those of its founder Keith Johnson. These objectives and teachings permeated the policies and procedures of the School and the Church.

40. Integral to the objectives, policies and procedures of the School and of the Church was the concept and practice of ensuring obedience and compliance of the children attending the School or Church, through intimidation, coercion, isolation, fear, and threat of physical abuse.

41. The principles promulgated by the Principal Defendants, and particularly Keith Johnson, promoted corporal discipline of children for all manner of conduct, including trifling and trivial conduct.

42. Such principles are expressed in publications by Keith Johnson and Mile Two Church Inc. and include, but are not limited to:

a. “If you desire for your child to become obedient and willing to accept God’s standards as his own, you will have to utilize the process that God designed to obtain those results.”;

b. “Susanna Wesley said she disciplined each of her children until their will was broken. The liberal humanists of our day would go into immediate shock at such a statement. But in Ps. 143:10, the psalmist prayed for God to teach him to do His will. Jesus said, “I came not to do my will, but to do the will of my Father.””;

c. “A baby cries. Mommy rushes over to the crib and coos: “What’s the matter with Little Precious? Mommy doesn’t want Little Precious to cry.” So

mommy holds Little Precious, and Little Precious stops crying. Shortly, mommy realizes that she's got work to do, so she puts Little Precious down. The minute she does, what happens? Right! Little Precious starts crying again.

The question is: is there anything the matter with Little Precious? The answer is: Nothing but wanting mommy to cater to it's senses. The sad thing is, many mommies do just that: cater to the senses of their infants. Without realizing it, parents thus teach their babies to be controlled by their senses, while at the same time failing to develop self-control in their children.”;

- d. “When I was a child, I often wanted to run through the house, jump on the furniture, yell at my parents, and be ill-mannered at the table. But my dad hadn't been trained in the handling of hyper-active children. At such times, how I would have loved some medication! But dad didn't know he was supposed to give me medication! Instead, he gave me a spanking. I wasn't nearly as hyper-active after he got through with me.

We apply the same standards of response to hyper-active children in our Christian school, and the problem isn't a problem for long.”;

- e. “Because of this, God has commanded parents to discipline their children – spank them, counsel them, teach them the awfulness of sin and the results of doing wrong.”;
- f. “2. Sometimes spankings will leave marks on the child.

If some liberal were to hear this, they'd immediately charge us with advocating child-beating. Child beating is when an enraged parent who doesn't love his child begins to beat up on him/her. Is that what I am advocating? Is that what the Bible tells us to do?

What is the purpose in spanking our children? Primarily, it is to teach them that sin is wrong, that sin is always punished, and that sin always hurts them

more than anyone else.

Therefore, if we're going to make a believer out of them, we're going to need to ensure that the punishment is severe enough to make a lasting impression. Occasionally, proper discipline may leave welts.”;

g. “An undisciplined child is unteachable, repulsive, rebellious, and foolish. If we didn't have discipline in our Academy, we couldn't control our students at all.”;

h. “5. Spanking should be a ritual

A ritual is any practice regularly repeated in a set, precise manner.”;

i. “Have him bend over and apply the paddle firmly. Don't permit any wiggling around or jumping around. Don't allow any pre-discipline howling and sniveling. Don't let his crying and begging diminish the degree or severity of punishment.”; and

j. “As the head of the household, it is the father's responsibility to see to it that the mode and method and rules of discipline are carried out as agreed upon. Never keep secrets from one another. Be sure not to gripe at and verbally harass your children. Mothers particularly need to guard against this.”

43. The Principal Defendants and other Unidentified School Abuse Planners and Unidentified Church Abuse Planners, were at various times during the operation of the School, principals of the School, pastors of the Church, and elders of the Church and developed and carried out the abusive policies of the School and of the Church, and caused other employees, agents and representatives of Mile Two Church Inc. to carry out the said abusive policies.

44. At all material times the School had numerous students, with enrollment varying from time to time and at times exceeding 250 students, ranging from kindergarten to grade 12.

Tortious Conduct

45. Corporal punishment as correction of perceived wrongful behaviour by children is and was a central tenet of the teachings of the School and the Church. At times an element of the corporal punishment was that it be observed by other employees, agents and representatives of Mile Two Church Inc., or its predecessor, the School and the Church.
46. Witnessing of corporal punishment was calculated to further shame, humiliate and degrade the child being punished. The Defendants' observing corporal punishment is and was calculated to, and did in fact, cause additional psychological, mental, emotional and spiritual harm for which the observing Defendant is liable.
47. The Principal Defendants, Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each carried out physical or sexual assault or battery of students at the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:
- a. Particularly in the case of the Plaintiff Caitlin Erickson:
 - i. Beaten on the buttocks or thighs on numerous occasions, including:
 - 1. In response to an allegation of whispering and giggling during church service at the Church in the fall of 2003, on the Monday following the alleged whispering and giggling during church service, a majority of the students on the female volleyball team were lined up in the auditorium and berated by the director John Olubobokun, School principal Duff Friesen and coach Fran Thevenot. Caitlin Erickson was taken into a side room, as were all other students on the female volleyball team, and stricken repeatedly on the buttocks with a wooden paddle within earshot of the other volleyball players.
 - 2. One or two days following the incident described at paragraph

47(b)(i)(2), in response to Caitlin refusing to identify the nurse who had kicked John Olubobokun from Coy Nolin's hospital room, John Olubobokun spanked or paddled Caitlin six times.

3. For allegedly "not trying hard enough" or "having an attitude", six paddles were administered on each of two or three occasions during Caitlin's grade 12 year. On one occasion Caitlin was struck on the leg which caused her to limp during volleyball practice after being assaulted. The coach of the volleyball practice, Fran Thevenot forced Caitlin to perform individual, and isolating, additional strenuous exercise as a result of her limping.

b. Particularly in the case of the Plaintiff Coy Nolin:

i. beaten on the buttocks or thighs on numerous occasions, including:

1. when he was 11 years old, by Duff Friesen, then principal of Christian Centre Academy, who bent him over a chair and struck him hard on the buttocks three times for telling "inappropriate jokes", while Nathan Rysavy observed as a witness;
2. when he was 15 years old, following hospitalization for illness, by John Olubobokun, who was then principal of Christian Centre Academy, who spanked him six times for asking John Olubobokun to leave the hospital room to stop John Olubobokun from sermonizing to him while he was hospitalized, while Garrett Johnson, now known as Garrett Davis, observed as a witness to the discipline;
3. when he was 15 years old, following revelation that Coy is homosexual, and at Coy's home, Coy was paddled by John Olubobokun with Simbo Olubobokun, Garrett Johnson (now

Garett Davis) and Avril Johnson observing as witnesses; and

4. numerous other instances, where Coy was struck in the area of the buttocks with a paddle by some or all of the Named Defendants.
 - ii. subject to physical contact during a purported exorcism, by John Olubobokun, Simbo Olubobokun, Garett Johnson (now Garett Davis) and Avril Johnson.
- c. Students and minor adherents and congregants of the Church were physically struck by the individual Defendants, either by hand or with a wooden paddle, as a disciplinary response to, among other things:
 - i. Whispering during church service or class;
 - ii. Talking back to teachers, teachers aids, school administrators, Church Elder, pastors, and other employees, agents and representatives of Mile Two Church Inc.;
 - iii. Showing disrespect to teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
 - iv. Disobeying directions of teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
 - v. Refusing to provide satisfactory answers to inquiries by employees, agents and representatives of Mile Two Church Inc., whether or not the member of the Plaintiff Class knew the answer, and whether or not it would be truthful to provide the answer;
 - vi. Cheating or otherwise being dishonest, particularly to teachers, teachers aids, school administrators, Church Elders, pastors and other

employees, agents and representatives of Mile Two Church Inc.;

- vii. Being caught within six inches of a student or minor adherent or congregant of the Church who is of the opposite sex;
 - viii. Telling jokes deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.;
 - ix. Making gestures deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.;
 - x. For not crying during administration of corporal punishment;
 - xi. For wearing padding around the area of the buttocks while being subject to corporal punishment;
 - xii. Talking negatively about the School or Church;
 - xiii. Socializing with people who were not students at the School or members of the Church;
 - xiv. Not completing homework;
 - xv. Not telling Church and School leadership when purported wrongdoing was done by other students and minor adherents and congregants of the Church; and
 - xvi. On the mere allegation of any of the foregoing.
- d. A student was alleged to have cheated on some school work. The student was spanked as a form of discipline. When the student did not cry during the spanking, the student was told to pull down his pants. The student told the school administrator to “fuck off” and was subsequently expelled and excommunicated from the school and the church.
- e. A student refused to pray in front of her class, and was subject to spanking or

paddling for the refusal;

- f. For not finishing assigned homework, Joel Hall took a student to the School office to be paddled three times, which occurred on each school day for a period of two months;
- g. Numerous students were subject to additional physical abuse by some or all of the Defendants, for not crying during administration of corporal punishment, which was stated to be a refusal to accept their punishment;
- h. Aaron Benneweis, a director of athletics at the School, engaged in sexual relationships with students and minor adherents and congregants of the Church;
- i. Other employees, agents and representatives of Mile Two Church Inc. engaged in sexual relationships with students and minor adherents and congregants of the Church;
- j. Employees, agents and representatives of Mile Two Church Inc. engaged in sexual fondling of students and minor adherents and congregants of the Church;
- k. Nathan Schultz, a worker of the Church, induced female minor adherents and congregants of the Church to, during Sunday School, to go with him to the bathroom where he would put candy on his penis and have the girl take the candy with her hands or mouth. On some occasions he cut the pockets out of his pants, and told the girls to reach into the pockets and “see what surprise I have for you”;
- l. Joel Hall imposed repetitive physical tasks to students who, by reason of physical disability or learning disability were unable to achieve unreasonably high performance standards demanded of students in the School; and
- m. At the direction of John Olubobokun, Garrett Johnson took a student to a bathroom and force to remove his pants, so that his pants and underwear

could be inspected for the presence of padding.

(the “Physical Abuse”)

48. The Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each engaged in psychological, mental, emotional and spiritual harm to the students at the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

a. Particularly in the case of the Plaintiff Caitlin Erickson

- i. Yelling and screaming;
- ii. Forcing Caitlin to listen to peers being beaten;
- iii. Telling younger students and minor adherents and congregants of the Church that Caitlin was a “bad egg”, which was intended to and was taken by the younger students to mean that Caitlin was worthy of humiliation, scorn and ridicule;
- iv. Making public, and untruthful, statements to younger students and minor adherents and congregants of the Church that Caitlin was “rebellious”, an offence pursuant to the teachings and principles of the School and Church;
- v. Interrogating Caitlin to coerce her to divulge information to provide a basis for John Olubobokun to beat other students and minor adherents and congregants of the Church with a paddle; and
- vi. In response to Caitlin not crying during paddling that her sister, telling her that not crying to signal acceptance of punishment was childish.

b. Particularly in the case of the Plaintiff Coy Nolin:

- i. In the spring of 2004, before church service at the Church, Coy was

called in to John Olubobokun's office as principal, in response to a rumor that Coy was engaged in a consensual sexual relationship with another male student. Garrett Johnson, now known as Garrett Davis, was present. John Olubobokun:

1. intimidated and coerced Coy into revealing the identity of the other student;
2. informed Coy that he was forbidden from returning to the school, without just cause;
3. informed Coy that if he tried to contact any other student of the School, that he would call the police.

A few days later John Olubobokun attended at Coy's home. Simbo Olubobokun, wife of John Olubobokun, Garrett Johnson, now Garrett Davis, and his wife Avril Johnson were present as witnesses. John Olubobokun segregated Coy from his mother. John Olubobokun referred to Coy's homosexuality as "abomination", for which Coy would "go to hell". Following the assault referred to in paragraph 47(b)(i)(3), John Olubobokun, Simbo Olubobokun, Garrett Johnson and Avril Johnson placed their hands on Coy, began speaking in tongues and praying for the "gay demons" to leave Coy. This continued for over an hour.

A few days later John Olubobokun instructed Coy's mother that Coy needed to move to Edmonton to go to a "special church" that could "help fix his problem". The "problem" in question being Coy's homosexuality.

- c. The student referred to was expelled and excommunicated from the School and the Church, in the incident referred to in paragraph 47(d);
- d. Excommunicating members of the Plaintiff Classes, including the Plaintiffs,

or members of their respective families, for deviations from the principles, teachings and purported obligations of the Church;

- e. Imposing isolating individual tasks to students who were unable, by reason of physical disability or learning disability, to achieve unreasonably high performance standards demanded of students at the School;
- f. Provided unqualified, incompetent counselling to students of the School, the true motivation for which was to maintain conceal and maintain secrecy respecting sexual abuse of members of the Plaintiff Classes, including the Plaintiffs;
- g. Insulting, degrading, demeaning and humiliating members of the Plaintiff Classes, including the Plaintiffs, for:
 - i. Communicating with individuals excommunicated from the School or the Church;
 - ii. Socializing with children other than those who attended the School or the Church;
 - iii. Failing or refusing to participate in Church activities, while a student at the School;
 - iv. Failing to achieve academic, athletic or other unreasonably high performance standards demanded by the School or the Church, irrespective of ability or effort;
 - v. Listening to music not approved by the School or the Church; and
 - vi. Questioning decisions made by people in authority in the Church and School;
- h. Threatening separation of members of the Plaintiff Classes, including the Plaintiffs, from their siblings as punishment for not complying with

directions and expectations at the School and Church;

- i. Isolating members of the Plaintiff Classes, including the Plaintiffs, as punishment for alleged misbehavior;
- j. Refusing to assist students perceived as “bad” with schoolwork, when assistance was required or requested to understand;
- k. Refusing to provide assistance to students with learning disabilities;
- l. Making loud, unexpected noises to frighten members of the Plaintiff Classes, including the Plaintiffs; and
- m. Sermonizing that homosexuality is immoral, perverse and an abomination.

(the “Non-Physical Abuse”)

49. The Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each used the threat of Physical Abuse and Non-Physical Abuse to intimidate and coerce students of the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

- a. Particularly in the case of the Plaintiff Caitlin Erickson:
 - i. John Olubobokun screaming in the face of Caitlin while Caitlin was seated in his office;
 - ii. Threatening physical abuse on a regular basis; and
 - iii. Caitlin observed the School and Church selling paddles, and keeping paddles in plain view as intimidation and threat of future battery with the said paddles;
- b. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;

- c. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
- d. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly not abiding by all principles, teachings and purported obligations of the Church;
- e. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;
- f. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
- g. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly not abiding by all principles, teachings and purported obligations of the Church;
- h. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for exhibiting or condoning homosexuality and homosexual behaviour;
- i. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for not condemning and demonstrating detestation of homosexuality and homosexual behaviour;
- j. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for not condemning and demonstrating detestation of homosexuality and homosexual behaviour;

- k. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they did not divulge misconduct of other members of the Plaintiff Classes, including the Plaintiffs, their families, or other adherents and congregants of the Church;
- l. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed information deemed by the employees, agents, and representatives of Two Mile Church Inc., including the Principal Defendants, to be kept secret;
- m. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed to others the particulars of discipline meted by the Defendants against the members of the Plaintiff Classes, including the Plaintiffs;
- n. Threatening excommunication or social isolation against members of the Plaintiff Classes, including the Plaintiffs, for deviating from the principles, teachings or obligations of the Church;
- o. Telling members of the Plaintiff Classes, including the Plaintiff, that they would be corporally punished at a specific or unspecified future date or time;
- p. Requiring students to stand in line to be corporally punished, while students ahead of them in line were being corporally punished;
- q. Selling and displaying paddles around the School and Church, as a threat of future physical abuse.

(the “Intimidation Abuse”)

50. The Intimidation Abuse constitutes a threat of physical, psychological, emotional, mental and spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs together with the ability to immediately carry out the threat, and therefore constitutes assault.

51. Physical, psychological, emotional, mental and spiritual harm to the students at the School and minor adherents and congregants of the Church were foreseeable as a result of the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse.
52. The Defendants knew of and intended, or were reckless or willfully blind to the fact that, the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse would cause harm the students at the School and minor adherents and congregants of the Church, including the members of the Plaintiff Classes.
53. Members of the Plaintiff Classes, including the Plaintiffs, were physically, sexually, psychologically, mentally, emotionally and spiritually traumatized by their experiences, and particularly the Physical Abuse, Non-Physical Abuse and Intimidation Abuse during their attendance at the School and the Church.
54. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were calculated to produce harm, and did, in fact, produce physical, emotional, psychological, mental and spiritual harm to members of the Plaintiff Classes, including the Plaintiffs, including but not limited to:
- a. immediate pain and suffering which is, *per se*, compensable;
 - b. lasting and significant pain and suffering;
 - c. isolation from friends and family;
 - d. impairment of self-worth, confidence and self esteem;
 - e. fear and intimidation;
 - f. psychological disorders including, but not limited to, depression, anxiety, and suicidal ideation;
 - g. self harm;
 - h. post traumatic stress disorder;

- i. impairment of the ability to express emotions in a normal and healthy manner;
- j. impairment of the ability to control anger and rage;
- k. impairment of personal identity;
- l. impairment of sexual identity and expression;
- m. impairment of the ability to trust individuals in positions of authority;
- n. difficulties in parenting, and maintaining positive relationships;
- o. substance abuse and a propensity for substance abuse;
- p. impairment of the ability to enjoy and participate in recreational, social, athletic, employment and education activities;
- q. inability to complete or pursue their education;
- r. deprivation of the love and guidance of parents, siblings, family members and friends;
- s. impairment of capacity to function in the work place and earn income; and
- t. the need for past and ongoing psychological, psychiatric, medical and spiritual treatment for illnesses and other disorders resulting from the Physical Abuse, Non-Physical Abuse and Intimidation Abuse.

(the “Harms”)

55. The conduct of the Defendants caused the members of the Plaintiff Classes, including the Plaintiffs, to blame themselves for the abuse endured at the hands of the Defendants.

56. Members of the Plaintiff Classes, including the Plaintiffs, lived in fear and anxiety during their attendance at the School and the Church, as a consequence of the

conduct of the Defendants, for which the Defendants are in law responsible.

57. The Harms were each intended, foreseeable and expected consequences of the wrongful acts of the Defendants, or unintended but foreseeable and expected consequences for which the Defendants were willfully blind.
58. The foreseeable and expected consequences of the wrongful acts of the Defendants amount to the Defendants having intentionally inflicted mental harm on the members of the Plaintiff Classes, including the Plaintiffs.
59. The Physical Abuse, Non-Physical Abuse and Intimidation Abuse all amount to trespass to the person, for which the Defendants are liable.
60. The Defendants conspired to inflict harm to the students of the School and minor adherents and congregants of the Church, by lawful and unlawful means of the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse.
61. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were carried out by the Defendants for a common purpose of carrying out the policies and procedures of the School, Church and other objects of Mile Two Church Inc., including but not limited to those set out above at paragraph 42.
62. The Defendants are therefore liable for conspiracy to harm by lawful and unlawful means.
63. Mile Two Church Inc. and its directors and officers, including the Unidentified Corporate Officers, created conditions in which the Named Defendants, Unidentified School Abusers, Unidentified School Abuse Planners, Unidentified Church Abusers, and Unidentified Church Abuser Planners could perpetrate the Physical Abuse, Non-Physical Abuse and Intimidation Abuse, and failed to adequately supervise the employees, agents and representatives to ensure the safety of the students of the School or minor adherents and congregants of the Church.
64. The Physical Abuse, Non-Physical Abuse and Intimidation Abuse were carried out by employees, agents and representatives of Mile Two Church Inc. with the

knowledge and approval of the directors and officers of Mile Two Church Inc..

65. Mile Two Church Inc. is vicariously liable for the wrongdoing of its employees, agents, and representatives including the Named Defendants, Unidentified School Abusers, Unidentified School Abuse Planners, Unidentified Church Abusers and Unidentified Church Abuse Planners.
66. Each of the Defendants owed a duty of care to the members of the Plaintiff Classes, including the Plaintiffs, as children in their care and supervision.
67. Mile Two Church Inc., the Principal Defendants, and the Unidentified Corporate Officers breached the standard of care owed to the members of the Plaintiff Classes, including the Plaintiffs, by, among other things:
 - a. failing to have in place any, or adequate, systems to protect the members of the Plaintiff Classes from physical, sexual, psychological, emotional, mental or spiritual abuse while attending the School or participating in activities of the Church;
 - b. failing to adequately supervise or train the employees, agents and representatives of Mile Two Church Inc., including each of the other Defendants;
 - c. failing to provide a safe and secure school or church environment to the members of the Plaintiff Classes which was free of physical, sexual, psychological, emotional, mental or spiritual abuse, particularly abuse perpetrated by employees, agents and representatives of Mile Two Church Inc.; and
 - d. failing to report to appropriate authorities children in need of protection;
 - e. failing to comply with statutory, regulatory and other requirements of a qualified independent school pursuant to *The Education Act, 1995*, SS 1995 c E-0.2, *The Registered Independent Schools Regulations*, RRS c E-0.2 Reg 27, and their respective predecessors;

- f. failing to have a system by which members of the Plaintiff Classes, including the Plaintiffs, could raise complaints or concerns to be addressed;
- g. failing to provide any, or adequate, treatment or resources to members of the Plaintiff Classes, including the Plaintiffs, known to them to have been harmed by the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse;
- h. failing to provide any, or adequate, remedial training to the employees, agents and representatives of Mile Two Church Inc. who were known to them to have engaged in the Physical Abuse, Non-Physical Abuse and Intimidation Abuse;
- i. failing to report the Physical Abuse, Non-Physical Abuse and Intimidation Abuse to the Minister responsible for education, the Ministry of Education, or the Government of Saskatchewan;
- j. actively encouraging commission of the Physical Abuse, Non-Physical Abuse and Intimidation Abuse by the employees, agents and representatives of Mile Two Church Inc.;
- k. encouraging parents of the members of the Plaintiff Classes, including the Plaintiffs, to commit physical, psychological, emotional, mental and spiritual abuse of children outside of the School and Church; and
- l. failing to discourage and denounce the Physical Abuse, Non-Physical Abuse and Intimidation Abuse perpetrated by other Defendants when they had knowledge of such abuse occurring.

68. Each of the Defendants breached the standard of care owed to the members of the Plaintiff Classes, including the Plaintiffs, by, among other things:

- a. intentionally causing physical, sexual, psychological, emotional, mental and spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs;

- b. causing physical, sexual, psychological, emotional, mental and spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs by inattention or neglect;
- c. failing to exercise due care and attention to ensure that their conduct did not cause physical, sexual, psychological, emotional, mental or spiritual harm;
- d. failing to observe and prevent the Physical Abuse, Non-Physical Abuse and Intimidation Abuse perpetrated by other Defendants;
- e. failing to report to appropriate authorities children in need of protection, as required by *The Child and Family Services Act*, SS 1989-90 c C-7.2, and its predecessors;
- f. failing to discourage and denounce the Physical Abuse, Non-Physical Abuse and Intimidation Abuse perpetrated by other Defendants when they had knowledge of such abuse occurring;
- g. promoting and advocating for members of the Church to engage specific individuals as babysitters, knowing that some or all of the individuals were not qualified, and knowing or wilfully blind or indifferent as to whether the individuals had, and continued to, abuse children while they were babysitting; and
- h. promoting and advocating for members of the Church to engage only other members of the Church for services, knowing or willfully blind or indifferent as to whether the individuals were unqualified and had, and continued to, commit wrongful acts described herein.

69. The members of the Plaintiff Classes, including the Plaintiffs, suffered the Harms described herein as a result of the Defendants' breaches of the standard of care.

70. The Defendants are therefore liable to the members of the Plaintiff Classes for negligence.

71. The Defendants, as principals, teachers, pastors and elders stood in a position of authority and total control over the members of the Plaintiff Classes, including the Plaintiffs, who were children in their care and supervision. The members of the Plaintiff Classes, including the Plaintiffs, were subject to the unilateral exercise of the Defendants' power or discretion.
72. The members of the Plaintiff Classes, including the Plaintiffs, were in a position of dependance, trust and reliance on the Plaintiffs.
73. The Defendants therefore owed a fiduciary duty to the members of the Plaintiff Classes, including the Plaintiffs.
74. By the conduct set out herein, the Defendants breached their fiduciary duty to the members of the Plaintiff Classes, including the Plaintiffs.
75. Mile Two Church Inc. is vicariously liable for the conduct of the Defendants described herein.
76. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were carried out against the members of the Plaintiff Classes, including the Plaintiffs, as a pattern of pervasive, systematic abuse of vulnerable children by the Defendants as a central tenet of the beliefs, faith and lifestyle promoted by Mile Two Church Inc. and the Principal Defendants.
77. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse are depraved, abhorrent, reprehensible, and malicious conduct by the Defendants, acting individually and together, to inflict harm upon children. Such conduct warrants deterrence, denunciation, and approbation by the Court, by way of punitive, aggravated and exemplary damages.
78. The Defendants' conduct, as pled herein, prevented the Plaintiffs from discovering the wrongfulness of the Defendants' actions, the nature of their injuries, and/or the nexus between their injuries and the abuse. The Defendants' conduct was calculated to, and in fact did cause, the members of the Plaintiff Classes, including the

Plaintiffs, to blame themselves for the abuse.

79. The members of the Plaintiff Classes, including the Plaintiffs, have received no or inadequate meaningful therapy regarding the abuse described herein. They are still in the process of coming to understand and appreciate the full extent of the injuries caused to them by the abuse and the nexus between the abuse and the injuries caused by the abuse. The Plaintiffs require therapy and medical attention.

80. As victims of abuse perpetrated by the Defendants, to whom the members of the Plaintiff Classes, including the Plaintiffs, stood in a position of dependence, the members of the Plaintiff Classes, including the Plaintiffs, are only now discovering the necessary connection between their injuries and the wrong done to them by the Defendants.

81. The Plaintiffs were incapable of commencing the proceeding before now because of their physical, mental or psychological condition.

82. The Plaintiffs state that the within action:

- a. Makes out at least one cause of action;
- b. Identifies a class of plaintiffs;
- c. The claims herein raise common issues among the Plaintiff Classes;
- d. Is a preferable procedure as a class action, in view of the common issues and access to justice by the members of the Plaintiff Classes;
- e. Is brought by Caitlin Erickson and Coy Nolin, who:
 - i. Would fairly and adequately represent the interests of the Plaintiff Classes;
 - ii. Have a workable plan for advancing the action on behalf of the Plaintiff Classes and notifying the members of the Plaintiff Classes; and

iii. Do not have an interest that is in conflict with other members of the Plaintiff Classes; and

f. Is in the interest of justice to be certified as a class action, pursuant to *The Class Actions Act*, SS 2001 c C-12.01.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 9th of August, 2022.

SCHARFSTEIN LLP

Per: 

Solicitors for the plaintiffs,
Caitlin Erickson and Coy Nolin

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