

COURT FILE NUMBER QBG-SA-00766-2022

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

PLAINTIFFS CAITLIN ERICKSON, JENNIFER SOUCY (BEAUDRY)
and STEFANIE HUTCHINSON

DEFENDANTS KEITH JOHNSON, JOHN OLUBOBOKUN, KEN SCHULTZ,
NATHAN RYSAVY, DUFF FRIESEN, LYNETTE WEILER,
JOEL HALL, FRAN THEVENOT, LOU BRUNELLE, JAMES
RANDALL, TRACEY JOHNSON, SIMBO OLUBOBOKUN,
CATHERINE RANDALL, KEVIN MACMILLAN, ANNE
MACMILLAN, DAWN BEAUDRY, NATHAN SCHULTZ,
AARON BENNEWEIS, DEIDRE BENNEWEIS, DARCY
SCHUSTER, RANDY DONAUER, JOHN THURINGER, MILE
TWO CHURCH INC., THE GOVERNMENT OF
SASKATCHEWAN, JOHN DOES and JANE DOES

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

REPLY TO REQUEST FOR PARTICULARS

The Plaintiffs, Caitlin Erickson, Jennifer Soucy (Beaudry), and Stefanie Hutchinson, hereby reply as follows to the Defendant's, Aaron Benneweis', Request for Particulars, dated October 24, 2023:

The Plaintiffs state generally that the nature of class action litigation is that not all instances of conduct captured by the conduct pleaded in the Second Amended Statement of Claim are, or can be, known to the Plaintiffs and that in this regard the Second Amended Statement of Claim affords Aaron Benneweis sufficient information to enable him to understand “at least in broad strokes what the plaintiff's case is about” with respect to all of the particulars requested (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).

The Plaintiffs state that particulars requiring the identification of perpetrator, victim, and date of each and every incident of abuse carried out by the Defendants against members of the Plaintiff Classes, which occurred over a span of 1982 to present, is not

reasonable, appropriate or consistent with either the general rules of pleadings or the rules of pleadings in a class action. Further, such requests for particulars are contrary to the purpose of class proceedings as a whole, and particularly respecting class proceedings prior to certification. Particularly pre-certification, the Class Plaintiffs do not, and can not, know of all conduct carried out against all of the Plaintiff Classes.

The Plaintiffs state that the Second Amended Statement of Claim speaks for itself with respect to the allegations.

The Plaintiffs state that the Second Amended Statement of Claim speaks for itself with respect to the individuals who were the victims of and suffered damages as a result of the allegations.

The Plaintiffs state that all of the conduct alleged in the Second Amended Statement of Claim occurred in the Province of Saskatchewan during the period from 1982 to present.

1. With respect to paragraph 41, 43 & 45-46 of the Statement of Claim, full particulars that relate to Aaron Benneweis, including without limitation:
 - a. The relevant cause of action alleged against Aaron Benneweis with respect to the allegations;
 - b. The identity of all individuals who were abused or corporally punished;
 - c. The relevant dates and timeframe of all alleged abuse or corporal punishments carried out by Aaron Benneweis;
 - d. The location where Aaron Benneweis carried out the alleged abuse or corporal punishments; and
 - e. The particulars of the actions or conduct related to the alleged abuse or corporal punishments that constitute a cause of action known to law.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. All relevant causes of action are outlined in the Second Amended Statement of Claim. In addition, the definition of the Plaintiff

Classes at paragraph 32 of the Second Amended Statement of Claim defines the individuals that have suffered damages in the action.

In addition:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).**
 - 2. The Defendant has better knowledge of the particulars demanded by it (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).**
 - 3. The particulars demanded are not reasonably required by the Defendant in order to plead intelligently (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).**
 - 4. The Statement of Claim affords the Defendant sufficient information to enable it to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).**
2. Full particulars of the allegations of Physical Abuse, Non-Physical Abuse, Intimidation Abuse, and Harms (as defined in the Statement of Claim) as they relate to Aaron Benneweis, including without limitation:
- a. The relevant cause of action alleged against Aaron Benneweis with respect to the allegations;
 - b. The identity of all individuals alleged to have suffered from the alleged Physical Abuse, Non-Physical Abuse, Intimidation Abuse, and Harms by Aaron Benneweis;
 - c. The relevant dates or timeframes of all alleged Physical Abuse, Non-Physical Abuse, Intimidation Abuse, and Harms;

- d. The location where the alleged Physical Abuse, Non-Physical Abuse, Intimidation Abuse, and Harms were committed by Aaron Benneweis; and
- e. The particulars of the actions or conduct related to the alleged Physical Abuse, Non-Physical Abuse, Intimidation Abuse, and Harms by Aaron Benneweis.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. All relevant causes of action are outlined in the Second Amended Statement of Claim. In addition, the definition of the Plaintiff Classes at paragraph 32 of the Second Amended Statement of Claim defines the individuals that have suffered damages in the action.

In addition:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).**
- 2. The Defendant has better knowledge of the particulars demanded by it (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).**
- 3. The particulars demanded are not reasonably required by the Defendant in order to plead intelligently (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).**
- 4. The Statement of Claim affords the Defendant sufficient information to enable it to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).**

3. With respect to paragraph 31 and paragraphs 60 to 62 of the Statement of Claim, full particulars of the alleged conspiracy to harm by lawful and unlawful means that relate to Aaron Benneweis, including without limitation, the identity of all parties to the conspiracy.

Reply:

The Plaintiffs reply as follows:

The Statement of Claim speaks for itself and outlines the particulars requested herein.

The names of every individual that participated in the alleged conspiracy are not currently known to the Plaintiffs due, in part, to the failure of the Government of Saskatchewan to discharge its statutory obligations pursuant to *The Freedom of Information and Protection of Privacy Act*. Having said that, the individuals that participated in the alleged conspiracy include Ministers, Deputy Ministers, employees, staff members, agents and/or representatives of the Ministry of Education for Saskatchewan as well as employees, staff members, agents and/or representatives of Mile Two Church Inc. since 1982 until present.

In addition:

1. **The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).**
2. **The Defendant has better knowledge of the particulars demanded by it (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).**
3. **The particulars demanded are not reasonably required by the Defendant in order to plead intelligently (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).**

4. **The Statement of Claim affords the Defendant sufficient information to enable it to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).**
4. With respect to paragraph 70 of the Statement of Claim, full particulars of the allegations that relate to Aaron Benneweis, including without limitation:
- a. The identity of all individuals alleged to have suffered from the alleged negligence by Aaron Benneweis;
 - b. The relevant dates or timeframe of all alleged negligence;
 - c. The location where the alleged negligence was committed by Aaron Benneweis; and
 - d. The particulars of the actions or conduct related to the alleged negligence by Aaron Benneweis.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. All relevant causes of action are outlined in the Second Amended Statement of Claim. In addition, the definition of the Plaintiff Classes at paragraph 32 of the Second Amended Statement of Claim defines the individuals that have suffered damages in the action.

In addition:

1. **The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).**

2. **The Defendant has better knowledge of the particulars demanded by it** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
3. **The particulars demanded are not reasonably required by the Defendant in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).
4. **The Statement of Claim affords the Defendant sufficient information to enable it to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).
5. With respect to paragraphs 73 to 74 of the Statement of Claim, full particulars of the allegations that relate to Aaron Benneweis, including without limitation:
 - a. The identity of all individuals alleged to have been owed a fiduciary duty by Aaron Benneweis;
 - b. The relevant dates or timeframe of all alleged breaches of fiduciary duty;
 - c. The locations where the fiduciary duty was breached by Aaron Benneweis; and
 - d. The particulars of the actions or conduct related to the breaches of fiduciary duty Aaron Benneweis.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. All relevant causes of action are outlined in the Second Amended Statement of Claim. In addition, the definition of the Plaintiff Classes at paragraph 32 of the Second Amended Statement of Claim defines the individuals that have suffered damages in the action.

In addition:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).
- 2. The Defendant has better knowledge of the particulars demanded by it** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
- 3. The particulars demanded are not reasonably required by the Defendant in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).
- 4. The Statement of Claim affords the Defendant sufficient information to enable it to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, 2022 SKQB 17, [2022] SJ No 34).

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 28th day of December, 2023.

SCHARFSTEIN LLP

Per:



Solicitors for the Plaintiffs, Caitlin Erickson,
Jennifer Soucy (Beaudry), and Stefanie Hutchinson

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of Firm: Scharfstein LLP
Name of lawyer in charge of file: Grant J. Scharfstein, K.C. / Samuel W. Edmondson
Address of Legal Firm: 200 Princeton Tower
123 – 2nd Avenue South
Saskatoon SK S7K 7E6
Telephone Number: (306) 653-2838
Fax Number: (306) 652-4747
Email address: gscharfstein@scharfsteinlaw.com / sedmondson@scharfsteinlaw.com
File number: 21,835.1