

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, Fran Thevenot's, Request for Particulars, dated October 30, 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 Fran Thevenot sufficient information to enable her 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 45 and paragraph 46 of the Claim, full particulars of the incidents of corporal punishment specifically observed by Fran Thevenot, including when and where it occurred, who administered the corporal punishment and who received the corporal punishment.

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of 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. **Fran Thevenot has better knowledge of the particulars demanded by her** (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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. With respect to paragraph 46.2 of the Claim, particulars of the physical, psychological, emotional and religious abuse allegedly committed by Fran Thevenot, including when and where it occurred and the names of the alleged victim(s).

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of 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. Fran Thevenot has better knowledge of the particulars demanded by her** (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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 47 of the Claim generally, particulars of specific conduct alleged against the Individual Defendants that were committed by Fran Thevenot specifically and which are not otherwise addressed by the Requests for Particulars in paragraphs 4-6 below.

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of 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. Fran Thevenot has better knowledge of the particulars demanded by her** (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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 47(a)(i)(1) of the Claim, please provide particulars of the alleged “beratement” by Fran Thevenot, including:
- a. Dates or approximate dates on which such alleged conduct was observed;
  - b. The names of the alleged victims;
  - c. The words of beratement allegedly spoken by Fran Thevenot.

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of the Second Amended Statement of Claim.**

**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. Fran Thevenot has better knowledge of the particulars demanded by her (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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 paragraph 47(a)(i)(1) of the Claim, provide particulars of any paddling administered directly by Fran Thevenot during the incident described. Please provide particulars of any words spoken by Fran Thevenot during that paddling.

**Reply:**

**The Plaintiffs reply as follows:**

**The paddling was administered by John Olubobokun.**

**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. Fran Thevenot has better knowledge of the particulars demanded by her** (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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).
6. With respect to paragraph 47(a)(i)(3) of the Claim,
  - a. Particulars of who administered the paddles that struck Caitlin Erickson on the leg and when it occurred, relative to the time of the volleyball practice, and when and where it occurred;
  - b. Particulars of who was present for the paddling that struck Caitlin Erickson on the leg;
  - c. Particulars of when and how Caitlin Erickson advised Fran Thevenot that she had been injured by a paddling prior to the volleyball practice;
  - d. Particulars of the individual, and isolating, additional strenuous exercise which Fran Thevenot allegedly required Caitlin Erickson to do as a result of her limping;

- e. Dates or approximate dates on which all such alleged conduct occurred,

**Reply:**

**The Plaintiffs reply as follows:**

- a. **The paddling was administered by John Olubobokun the day of, and immediately preceding, the volleyball practice.**
- e. **The incidents at issue occurred in or about the 2004-2005 school year.**

**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. **Fran Thevenot has better knowledge of the particulars demanded by her (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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).**
- 7. With respect to paragraph 48 and 49 of the Claim, particulars of any specific conduct that are listed as pertaining to Caitlin Erickson, which Fran Thevenot is alleged to have engaged in.



**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of 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. Fran Thevenot has better knowledge of the particulars demanded by her (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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).**
8. With respect to paragraph 49(a)(i) of the Claim; particulars of whether Fran Thevenot is alleged to be one of the Individual Defendants who discouraged Jennifer Soucy (Beaudry)

from reporting abuse by Aaron Benneweis to police and if so, particulars of when she allegedly did this and particulars of any such discouragement.

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of “Individually Named Defendants” in paragraph 29 of the Second Amended Statement of Claim, and in the definition of “Defendants” in paragraph 30 of the Second Amended Statement of Claim.**

**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. Fran Thevenot has better knowledge of the particulars demanded by her (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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).**

9. With respect to paragraphs 60-62 of the Claim, particulars of Fran Thevenot's alleged involvement in the conspiracy, including:
- a. Dates or approximate dates on which such alleged conduct was observed;
  - b. Who else Fran Thevenot allegedly conspired with; and
  - c. What acts were committed in furtherance of the alleged conspiracy, by Fran Thevenot and when?

**Reply:**

**The Plaintiffs reply as follows:**

**The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Fran Thevenot is included in the definition of "Individually Named Defendants" in paragraph 29 of the Second Amended Statement of Claim, and in the definition of "Defendants" in paragraph 30 of the Second Amended Statement of Claim.**

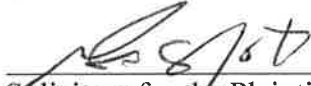
**In addition:**

- 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. Fran Thevenot has better knowledge of the particulars demanded by her (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 Fran Thevenot 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 Fran Thevenot sufficient information to enable her 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 28<sup>th</sup> day of December, 2023.

**SCHARFSTEIN LLP**

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

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File number: 21,835.1