

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, Ken Schultz's, Request for Particulars, dated October 31, 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 Ken Schultz 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 31(a) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
 - a. The identity of all individuals alleged to have been owed a fiduciary duty by Ken Schultz;
 - b. The relevant dates or timeframes of all alleged breaches of fiduciary duty;
 - c. The locations where the fiduciary duty was breached by Ken Schultz; and
 - d. The particulars of the actions or conduct related to the breaches of fiduciary duty of Ken Schultz.

Reply:

The Plaintiffs reply as follows:

- a. **Ken Schultz owed a fiduciary duty to each and every member of the Plaintiff Classes.**
- d. **The Second Amended Statement of Claim speaks for itself with respect to the fiduciary duty, and breaches thereof.**

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. With respect to paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation.
- a. The identity of all individuals alleged to have suffered from the alleged negligence and/or gross negligence by Ken Schultz;
 - b. The relevant dates or timeframes of all alleged negligence and/or gross negligence;
 - c. The location where the alleged negligence and/or gross negligence was committed by Ken Schultz; and
 - d. The particulars of the actions or conduct related to the alleged negligence and/or gross negligence by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

- a. **Each and every member of the Plaintiff Classes suffered from the alleged negligence and/or gross negligence of Ken Schultz.**
- d. **The Second Amended Statement of Claim speaks for itself with respect to the actions and conduct of Ken Schultz alleged to amount to negligence and/or gross negligence.**

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(a) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleged to have suffered from the assault and/or battery by Ken Schultz;
 - b. The relevant dates or timeframe of any alleged assaults and/or battery;

- c. The location where the alleged assaults and/or battery was committed by Ken Schultz; and
- d. The particulars of the actions or conduct to the alleged assault and/or battery by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

- a. Each and every member of the Plaintiff Classes suffered from the assaults and/or battery committed by Ken Schultz.**
- d. The Second Amended Statement of Claim speaks for itself with respect to the actions and conduct of Ken Schultz alleged to amount to negligence and/or gross negligence.**

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 31(a) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
 - a. The identity of all individuals alleging mental suffering as a result of the actions or conduct of Ken Schultz;
 - b. The relevant dates or timeframe of any alleged infliction of mental suffering by Ken Schultz;
 - c. The location where the alleged infliction of mental suffering took place; and
 - d. The particulars of the actions or conduct to the infliction of mental suffering by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

- d. The Second Amended Statement of Claim speaks for itself with respect to the conduct alleged to have inflicted mental suffering on members of the Plaintiff Classes, including the Plaintiffs.**

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 paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
 - a. The identity of all individuals alleging to have suffered damages or a loss as a result of the claim of alleged conspiracy against Ken Schultz;
 - b. The relevant date or timeframe of any alleged conspiracy by Ken Schultz; and
 - c. The particulars of the actions or conduct of Ken Schultz allegedly giving rise to a claim against Ken Schultz in conspiracy.

Reply:

The Plaintiffs reply as follows:

- a. **Each and every member of the Plaintiff Classes, including the Plaintiffs, suffered damages and/or loss as a result of the conspiracy as pled.**
- c. **The Defendants conspired, by lawful and unlawful means described throughout the Second Amended Statement of Claim, to injure members of the Plaintiff Classes, including the Plaintiffs, by communicating or receiving communication furthering, directed and aimed at carrying out the principles referenced throughout the Second Amended Statement of Claim, including without limitation at paragraph 41, which principles include but are not limited to:**
 1. **The systematic oppression, intimidation, and abuse of children;**
 2. **The requirement of unquestioning obedience and compliance by children through intimidation, coercion, isolation, fear, and threat of physical abuse;**
 3. **Total control of students' lives both inside and outside of the School and Church setting;**
 4. **The use of corporal punishment on children for all manner of conduct, including trifling and trivial conduct;**
 5. **The vilification and detestation of the LGBTQ+ community;**

6. **Complete isolationism and condemnation of anything not considered a part of or approved by the Church and its leadership;**
7. **The vilification and detestation of anyone that is not a member of the Church and/or School;**
8. **The breaking up of families where a member of the family was not wholly subservient to the Church;**
9. **Promotion of a distrust and opposition to post-secondary education and authority outside of that offered by the Church and/or School;**
10. **The promotion of isolationist ideology and practice, including the cover-up of alleged tortious, illegal and other wrongful acts by members of the Church and/or School such as sexual abuse;**
11. **Such further and other promulgated principles as are currently unknown, but may be discovered during the course of this litigation; and**
12. **That the above promulgated principles are God's will.**

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).

6. With respect to paragraph 31(d) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
 - a. The identity of all individuals alleging to be entitled to punitive, exemplary and/or aggravated damages from Ken Schultz;
 - b. The relevant dates or timeframe of any conduct allegedly giving rise to a claim of punitive, exemplary and/or aggravated damages against Ken Schultz; and
 - c. The particulars of the alleged conduct of Ken Schultz allegedly giving rise to a claim of punitive, exemplary and/or aggravated damages against Ken Schultz.

Reply:

The Plaintiffs reply as follows:

- a. **Each and every member of the Plaintiff Classes, including the Plaintiffs, is entitled to punitive, exemplary and aggravated damages from Ken Schultz.**
- c. **The conduct giving rise to a claim of punitive, exemplary and/or aggravated damages against Ken Schultz is described throughout 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. **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).
7. With respect to paragraph 31(e) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleging to have been allegedly corporally punished by Ken Schultz;
 - b. The relevant dates or timeframe of any alleged corporal punishment by Ken Schultz;
 - c. The location that any alleged corporal punishment took place; and
 - d. The particulars of the alleged conduct of Ken Schultz giving rise to a claim against Ken Schultz relating to corporal punishment.

Reply:

The Plaintiffs reply as follows:

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).
8. With respect to paragraphs 32(b) and 32(c) of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleging to have a claim pursuant to paragraphs 32(b) and 32(c);
 - b. The dates or timeframes of any alleged conduct giving rise to a claim against Ken Schultz in relation to the matters pleaded in paragraphs 32(b) and/or 32(c);
 - c. The location that any alleged conduct took place; and
 - d. The particulars of alleged conduct of Ken Schultz giving rise to a claim against Ken Schultz relating to the claims set out in paragraphs 32(b) and/or 32(c).

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself in that the conduct giving rise to the descriptions of the Plaintiff Classes in paragraph 32 of the Second Amended Statement of Claim, and particularly paragraphs 32(b) and 32(c) is described throughout 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. **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).
9. With respect to paragraph 46 of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleging to been allegedly physically, psychologically, emotionally and religiously abused by Ken Schultz;
 - b. The relevant date or timeframe of any alleged physical, psychological, emotional and religious abuse by Ken Schultz;
 - c. The location that any alleged physical, psychological, emotional and religious abuse took place; and
 - d. The particulars of the alleged conduct of Ken Schultz giving rise to a claim against Ken Schultz relating to physical, psychological, emotional and religious abuse.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself in that paragraph 46 of the Second Amended Statement of Claim alleges specific acts against the Defendants, which includes Ken Schultz.

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).
10. With respect to paragraph 47 of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleging physical or sexual assault and/or battery as a result of the actions or conduct of Ken Schultz;
 - b. The relevant date or timeframe of any alleged physical or sexual assault and/or battery by Ken Schultz;
 - c. The location that any alleged physical or sexual assault and/or battery took place; and
 - d. The particulars of the actions or conduct to the physical or sexual assault and/or battery by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself in that paragraph 47 of the Second Amended Statement of Claim alleges specific acts against the Defendants, which includes Ken Schultz.

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).**
11. With respect to paragraph 48 of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:
- a. The identity of all individuals alleging infliction of mental injury including psychological, mental, emotional and spiritual harm as a result of the actions or conduct of Ken Schultz;
 - b. The relevant dates or timeframe of any alleged infliction of mental injury including psychological, mental, emotional and spiritual harm by Ken Schultz.
 - c. The location where the alleged infliction of mental injury including psychological, mental, emotional and spiritual harm took place; and

- d. The particulars of the actions or conduct to the mental injury including psychological, mental, emotional and spiritual harm by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself in that paragraph 48 of the Second Amended Statement of Claim alleges specific acts against the Defendants, which includes Ken Schultz.

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).**
12. With respect to paragraph 49 of the Statement of Claim, full particulars of the allegations that relate to Ken Schultz, including without limitation:

- a. The identity of all individuals alleging the threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students as a result of the actions or conduct of Ken Schultz.
- b. The relevant dates or timeframe of any alleged threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students by Ken Schultz.
- c. The location where the alleged threatened physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students took place; and
- d. The particulars of the actions or conduct to the threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students by Ken Schultz.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself in that paragraph 49 of the Second Amended Statement of Claim alleges specific acts against the Defendants, which includes Ken Schultz.

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).**

13. With respect to the Statement of Claim in general particulars of any incidence of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or intentional infliction of mental injury allegedly observed by Ken Schultz not provided in reply to the requests as set out in paragraphs 1-12 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself as to the particulars requested.

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).

14. With respect to the Statement of Claim in general, particulars of any alleged incidence of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or infliction of mental injury allegedly condoned or conspired to by Ken Schultz not provided in reply to the requests set out in paragraphs 1-12 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself as to the particulars requested.

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).

15. With respect to the Statement of Claim in general, particulars of any alleged threats by Ken Schultz of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or infliction of mental injury, and any particulars of any alleged coercion or intimidation not provided in the reply to the requests set out in paragraphs 1-12 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself as to the particulars requested.

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).**
16. With respect to the Statement of Claim in general, particulars of any alleged incidents and alleged acts complained of and carried out by others that Ken Schultz, either allegedly had knowledge of, directed or approved not provided in reply to the requests set out in paragraphs 1-12 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself as to the particulars requested.

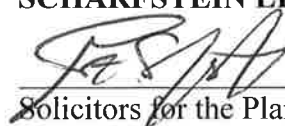
In addition:

- 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

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