

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, Randy Donauer'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 Randy Donauer 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 28 of the Second Amended Statement of Claim, particulars as to:
 - a. the policies and procedures the Plaintiffs allege Donauer was instrumental in developing and implementing; and
 - b. the role the Plaintiffs allege Donauer played in the development and implementation of the policies and procedures.

Reply:

The Plaintiffs reply as follows:

The Plaintiffs state that the principles which were promulgated by the Principal Defendants are outlined in the Statement of Claim. These 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).
2. With respect to paragraph 39 of the Second Amended Statement of Claim, particulars as to:
- a. the objectives and teachings of the Church and School that the Plaintiffs say rely heavily on Donauer’s viewpoints and teachings; and
 - b. the specific viewpoints and teachings of Donauer that the Plaintiffs allege were heavily relied upon.

Reply:

The Plaintiffs reply as follows:

The Plaintiffs state that the objectives and teachings of the Church and School which rely heavily on Donauer’s viewpoints and teachings are those objectives and teachings informed by and which further the principles described throughout the Second Amended Statement of Claim, including without limitation paragraph 41, outlined in the Statement of Claim. These 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).**

3. With respect to paragraph 43 of the Second Amended Statement of Claim, particulars as to:
 - a. the abusive policies that the Plaintiffs allege Donauer carried out;
 - b. the abusive policies that the Plaintiffs allege Donauer developed;
 - c. the manner in which the Plaintiffs allege Donauer developed these abusive policies; and
 - d. the manner in which the Plaintiffs allege that Donauer caused other employees, agents, and representatives of Mile Two Church Inc. including all of the Individually Named Defendants, to carry out said abusive policies.

Reply:

The Plaintiffs reply as follows:

The Plaintiffs state that the abusive policies which were promulgated by the Principal Defendants, including Donauer, are all policies in furtherance of the principles described throughout the Second Amended Statement of Claim, including without limitation paragraph 41, outlined in the Statement of Claim.

These 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).

4. With respect to paragraphs 45 and 46 of the Second Amended Statement of Claim, particulars of the corporal punishment allegedly observed by Donauer, including the:
 - a. specific conduct that was allegedly observed by Donauer;
 - b. dates or approximate dates on which such alleged conduct was observed;
 - c. location of the conduct that was allegedly observed by Donauer; and
 - d. the names of the alleged victims.

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 46.2 of the Second Amended Statement of Claim, particulars of the physical, psychological, emotional and religious abuse allegedly suffered and the hands of Donauer, including the:
 - a. specific conduct that was allegedly suffered at the hands of Donauer;
 - b. dates or approximate dates on which such alleged conduct occurred;
 - c. location of the alleged conduct; and
 - d. the names of the alleged victims.

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).
6. With respect to paragraph 47 of the Second Amended Statement of Claim, particulars of Donauer’s alleged abuse in the nature of trespass to the person, physical assault and/or battery of students at the School and minor adherents and congregants of the Church, including the:
- a. specific conduct that was allegedly carried out by Donauer;
 - b. dates or approximate dates on which such alleged conduct occurred;
 - c. location of the alleged conduct; and
 - d. the names of the alleged victims.

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).
7. With respect to paragraph 48 of the Second Amended Statement of Claim, particulars of the intentional infliction of mental injury and conduct in the nature of trespass to the person, including psychological, mental, emotional and spiritual harm to the students at the School and minor adherents and congregants of the Church allegedly engaged in by Donauer, including the
- a. specific conduct that was allegedly engaged in by Donauer;
 - b. dates or approximate dates on which such alleged conduct occurred;
 - c. location of the alleged conduct; and
 - d. the names of the alleged victims.

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).**
8. With respect to paragraph 49 of the Second Amended Statement of Claim, particulars of alleged incidences of Donauer using the threat of Physical Abuse and Non-Physical abuse to intentionally inflict mental injury on, and intimidate and coerce students, minor adherents and congregants of the Church, including the:
- a. specific threats that were allegedly made by Donauer;
 - b. dates or approximate dates on which such alleged threats were made;
 - c. location where the alleged threats were made; and
 - d. the names of the recipients of the alleged threats.

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).**
9. With respect to paragraph 76 of the Second Amended Statement of Claim, particulars of the beliefs, faith, and lifestyle allegedly promoted by Donauer.

Reply:

The Plaintiffs reply as follows:

The Plaintiffs state that the principles which were promulgated by the Principal Defendants are outlined in the Statement of Claim. These 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.**

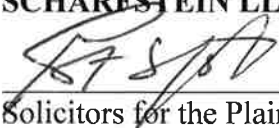
In addition:

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).

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

SCHARESTEN LLP

Per:


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

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File number: 21,835.1