

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, Tracey Johnson's, Request for Particulars, dated October 25, 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 Tracey Johnson 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 31(a) of the Amended Claim, particulars of any incidence of alleged negligence as it relates to the Defendant, Tracey Johnson, including particulars of any alleged breach of any duty of care, and particulars as to any alleged harm caused by the Defendant, Tracey Johnson, and whether the Plaintiffs claim in negligence against the Defendant, Tracey Johnson, for any damages allegedly attributable to any other defendant, and if so, to what degree, and with respect to an alleged claim of negligence against Tracey Johnson:
 - a. The identity of the individual allegedly affected or suffering damage as a result of the alleged negligence; and
 - b. The dates and time frames of any alleged negligence.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(a) of the Amended Claim, particulars of any incidence of alleged gross negligence as it relates to the Defendant, Tracey Johnson, including particulars of any alleged breach of any duty of care, alleged intent to do harm, or wanton or reckless conduct, and particulars as to any alleged harm caused by the Defendant, Tracey Johnson, and whether the Plaintiffs claim in gross negligence against the Defendant, Tracey Johnson, for any damages allegedly attributable to any other Defendant, and if so,

to what degree, and with respect to an alleged claim of gross negligence against Tracey Johnson:

- a. The identity of the individual allegedly affected or suffering damage as a result of the alleged gross negligence; and
- b. The dates and time frames of any alleged gross negligence.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(a) of the Amended Claim, particulars of any incidence of alleged assault and/or battery as it relates to the Defendant, Tracey Johnson, including:
 - a. The identity of the individual or individuals allegedly assaulted or battered;
 - b. The dates or timeframes of any alleged assaults or battery;
 - c. The location that any alleged assaults or battery took place; and
 - d. The particulars of the alleged conduct of Tracey Johnson (*sic*) allegedly giving rise to a claim against Tracey Johnson relating to assault or battery.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. **Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(a) of the Amended Claim, particulars of any incidence of alleged infliction of mental suffering as it relates to the Defendant, Tracey Johnson, including:
- a. The identity of the individual or individuals alleging mental suffering as a result of the actions or conduct of Tracey Johnson;
 - b. The dates or timeframe of any alleged infliction of mental suffering by Tracey Johnson;
 - c. The location that any alleged infliction of mental suffering took place; and
 - d. The particulars of the alleged conduct of Tracey Johnson (*sic*) allegedly giving rise to a claim against Tracey Johnson relating to the infliction of mental suffering.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(a) of the Amended Claim, particulars of any alleged conspiracy involving the Defendant, Tracey Johnson, including particulars of whom she allegedly conspired with, what the alleged conspirators allegedly conspired to do and to whom, the particulars and facts relied upon in alleging that the Defendant, Tracey Johnson intended to cause injury to the Plaintiffs, and as to whether it is pleaded that any alleged conduct by the alleged conspirators was lawful or unlawful, and with respect to an alleged claim of conspiracy against Tracey Johnson:
 - a. The identity of the individual or individuals alleging to have suffered damages or a loss as a result of the claim of alleged conspiracy against Tracey Johnson;
 - b. The dates or timeframe of any alleged conspiracy by Tracey Johnson;

- c. The particulars of the alleged conduct of Tracey Johson (*sic*) allegedly giving rise to a claim against Tracey Johnson in conspiracy.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(d), particulars of any coincidence of conduct by the Defendant, Tracey Johnson, which the Plaintiffs claim entitle them to aggravated or punitive damages against the Defendant, Tracey Johnson, and with respect to an alleged claim of punitive or aggravated damages against Tracey Johnson:
 - a. The identity of the individual or individuals alleging to be entitled to punitive or aggravated damages from Tracey Johnson;
 - b. The dates or timeframe of any conduct allegedly giving rise to a claim of aggravated or punitive damages against Tracey Johnson; and
 - c. The particulars of the alleged conduct of Tracey Johnson (*sic*) allegedly giving rise to a claim of aggravated and/or punitive damages against Tracey Johnson.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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, and who seek, 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 31(e), whether it is alleged that the Defendant, Tracey Johnson administered the corporal punishment to any minor, and if so particulars of the incidence of the same, including:
- a. The identity of the individual or individuals alleging to have been corporally punished by Tracey Johnson;
 - b. The dates or timeframes of any alleged corporal punishment by Tracey Johnson;
 - c. The location that any alleged corporal punishment took place; and
 - d. The particulars of the alleged conduct of Tracey Johnson (*sic*) allegedly giving rise to a claim against Tracey Johnson relating to corporal punishment.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 32 of the Amended Claim, whether the use of the word “Defendants” relates to the Defendant, Tracey Johnson, or whether the use of the word is a misnomer, and if it is alleged that the word “Defendants” does relate to the Defendant, Tracey Johnson, particulars of any incidence described in paragraphs 32(b) and/or 32(c) that relate to or involve the Defendant, Tracey Johnson and, as it relates to any allegations pleaded in paragraphs 32(b) and/or 32(c):
- a. The identity of the individual or individuals alleging to have a claim pursuant to paragraphs 32(b) and/or 32(c);
 - b. The dates or timeframes of any alleged conduct giving rise to a claim against Tracey Johnson 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 the alleged conduct of Tracey Johnson (*sic*) allegedly giving rise to a claim against Tracey Johnson relating to the claims set out in paragraphs 32(b) and/or (32(c) (*sic*).

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 the Amended Claim in general, where the Plaintiffs allege sexual and/or physical assault, particulars of the identities of the alleged perpetrators of those abuses so as to allow the Defendant, Tracey Johnson, to assess the allegations, and any association she may have or not had with any alleged perpetrator and, as it relates to any allegations of sexual and/or physical assault.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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).**

10. With respect to the Amended Claim in general, particulars of any alleged incidence of corporal punishment, physical assault, trespass to the person, battery, and/or intentional infliction of mental injury allegedly perpetrated by the Defendant, Tracey Johnson not provided in reply to the requests set out in paragraphs 1-9 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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).**

11. With respect to the Amended Claim in general, particulars of any alleged incidence of corporal punishment, physical assault, trespass to the person, battery, and/or intentional infliction of mental injury allegedly observed by the Defendant, Tracey Johnson not provided in reply to the requests set out in paragraphs 1-9 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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).**

12. With respect to the Amended Claim in general, particulars of any alleged incidence of corporal punishment, physical assault, trespass to the person, battery, and/or intentional infliction of mental injury allegedly condoned or conspired to by the Defendant, Tracey Johnson not provided in reply to the requests set out in paragraphs 1-9 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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).**

13. With respect to the Amended Claim in general, particulars of any alleged threats by the Defendant, Tracey Johnson, of corporal punishment, physical assault, trespass to the person, battery, or to intentionally inflict mental injury, and any particulars of any alleged coercion or intimidation not provided in reply to the requests set out in paragraphs 1-9 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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).**

14. With respect to the Amended Claim in general, particulars of any alleged incidents and alleged acts complained of and carried out by others that the Defendant, Tracey Johnson, either allegedly had knowledge of, directed or approved not provided in reply to the requests set out in paragraphs 1-9 above.

Reply:

The Plaintiffs reply as follows:

The Second Amended Statement of Claim speaks for itself and outlines the particulars requested herein. Tracey Johnson 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. Mrs. Johnson 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 Mrs. Johnson 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 Mrs. Johnson 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 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

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