

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 and ~~GOY NOLIN~~

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, ~~ELAINE SCHULTZ,~~
CATHERINE RANDALL, KEVIN MACMILLAN, ANNE
MACMILLAN, DAWN BEAUDRY, NATHAN SCHULTZ,
AARON BENNEWEIS, DEIRDRE BENNEWEIS,
STEPHANIE CASE, 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*

**BRIEF OF LAW ON BEHALF OF THE APPLICANT (DEFENDANT),
MILE TWO CHURCH INC.**

APPLICATION FOR FURTHER AND BETTER PARTICULARS



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PART I INTRODUCTION

1. Mile Two Church Inc. (“**Mile Two**”) applies for an order for further and better particulars. Mile Two delivered a Request for Particulars dated October 30, 2023 (the “**Mile Two Request**”). The reply to the Mile Two Request is deficient.

2. Mile Two requires particulars of the allegations made against it for two reasons: 1) to prepare for the anticipated certification application, and 2) to properly defend itself.¹ Mile Two is in a unique position because it is alleged to be both principally liable and vicariously liable for the actions of named and unnamed parties.

PART II FACTS

3. Mile Two is a defendant in a proposed class action (the “**Action**”) brought by Caitlin Erickson, Jennifer Soucy (Beaudry), and Stefanie Hutchinson (the “**Plaintiffs**”). The Action was commenced by Statement of Claim issued August 8, 2022. Subsequent amendments resulted in a Second Amended Statement of Claim dated June 29, 2023 (the “**Claim**”). In addition to John Does and Jane Does, the Claim identifies 25 separate defendants (together, the “**Defendants**”).

4. Pursuant to the September 15 Order,² Mile Two delivered the Mile Two Request. The Plaintiffs delivered a Reply to Request for Particulars dated December 28, 2023 (the “**Reply to Mile Two**”).

5. Mile Two asserts that the Reply to Mile Two is deficient. Mile Two seeks an order directing the Plaintiffs to provide it with further and better particulars.

PART III ISSUE

6. The question on the application is whether the Plaintiffs should be ordered to provide further and better particulars in response to the Mile Two Request.

¹ Although Mile Two is not required to deliver a statement of defence unless the action is certified, given the order of this Honourable Court dated September 15, 2023 (the “**September 15 Order**”), Mile Two is required to apply for further and better particulars to defend both certification and the claim itself now.

² The September 15 Order was issued on October 25, 2023. An amended version of the September 15 Order was issued on October 31, 2023. A typographical error was corrected in the amended version.

PART IV ARGUMENT

(1) Law

(A) The role of the statement of claim in a proposed class action

7. Pleadings play a critical role in defining the matters at issue between litigants. A statement of claim, in particular, must state both the claim being advanced and the basis supporting that claim: see Rule 3-9(d) of *The King's Bench Rules* [Rules]. A statement of claim must set out the material facts on which a plaintiff relies: Rule 13-8(1)(c). Full particulars of the claim must be set out in a statement of claim, where necessary: Rule 13-8(2). Division 3 of Part 13 of the *Rules* sets out a series of technical rules that apply to pleadings.

8. In *Wildeman v Bell Mobility Inc.*, 2015 SKQB 125 at para 12, 473 Sask R 259 [*Wildeman*], Elson J. drew from existing case law in identifying what has been described as the fourfold function of pleadings:

[12] ... In *Ducharme v Davies* (1983), 29 Sask R 54 (CA), Cameron, J.A. referenced W.B. Williston and R.J. Rolls, *The Law of Civil Procedure*, vol 2 (Toronto: Butterworths, 1970) at p 637) when he identified the fourfold function of pleadings as follows, at para. 16:

1. To define with clarity and precision the question in controversy between litigants.
2. To give fair notice of the case which has to be met so that the opposing party may direct his evidence to the issues disclosed by them. A defendant is entitled to know what it is that the plaintiff asserts against him; the plaintiff is entitled to know the nature of the defence raised in answer to his claim.
3. To assist the court in its investigation of the truth of the allegations made by the litigants.
4. To constitute a record of the issues involved in the action so as to prevent future litigation upon the matter adjudicated between the parties.

9. Beyond the general functions that pleadings must serve, certain allegations give rise to heightened requirements. In this regard, Rule 13-9(1) states as follows:

Pleadings: particulars

13-9(1) In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default or undue influence, full particulars must be stated in the pleading.

10. Of note, heightened requirements for particulars may also be associated with claims alleging conspiracy, as discussed in case law interpreting Rule 149 of the previous iteration of *The Queen's Bench Rules*, which was identical to s. 13-9(1) of the current *Rules*: see e.g. *R v A.D.*, 2011 SKQB 314 at para 10, 382 Sask R 108. See also *Luhning v Hnatyshyn*, 2021 SKQB 17 at para 37, aff'd 2021 SKCA 121.

11. While a statement of claim plays a critical role in any civil action, it plays an enhanced role in a proposed class action. In addition to the fourfold function of pleadings, and any heightened pleading requirements triggered by Rule 13-9, a statement of claim in a proposed class action must set out information that will assist the Court in determining whether the action may be certified.

12. The elements that must be established for a proposed class action to be certified are set out in s. 6(1) of *The Class Actions Act*, SS 2001, c C-12.01 [CAA]:

Class certification

6(1) Subject to subsections (2) and (3), the court shall certify an action as a class action on an application pursuant to section 4 or 5 if the court is satisfied that:

- (a) the pleadings disclose a cause of action;
- (b) there is an identifiable class;
- (c) the claims of the class members raise common issues, whether or not the common issues predominate over other issues affecting individual members;
- (d) a class action would be the preferable procedure for the resolution of the common issues; and
- (e) there is a person willing to be appointed as a representative plaintiff who:
 - (i) would fairly and adequately represent the interests of the class;
 - (ii) has produced a plan for the class action that sets out a workable method of advancing the action on behalf of the class and of notifying class members of the action; and
 - (iii) does not have, on the common issues, an interest that is in conflict with the interests of other class members.

13. The role of a statement of claim in a proposed class action was highlighted by the Court in *Wassermann v Saskatchewan (Highways and Infrastructure)*, 2022 SKQB 17 [*Wassermann*]. There, Mitchell J. noted that “the statement of claim should set out information to assist a court to

determine whether there is a genuine cause of action; whether an identifiable class exists, and whether class members share common issues” (*Wasserman* at para 19). He went on to note that “[t]his information will facilitate a determination about whether a class action is the preferable procedure for resolving those common issues, and whether an appropriate person can be identified to act as representative plaintiff” (*Wassermann* at para 19).

14. Justice Mitchell went on to note the significance of the certification stage of a proposed class action:

[20] At the same time, a class action is not an ordinary civil action; rather, it is “an action with ambition” to quote Saunders J.A. in *MacKinnon v Instalcoans Financial Solution Centres (Kelowna) Ltd.*, 2004 BCCA 472 at para 33, [2005] 1 WWR 233. This is because at the certification stage the focus is on the form of the action, itself, and not its merits. As the Supreme Court of Canada stated in *Hollick v Toronto (City)*, 2001 SCC 68 at para 16, [2001] 3 SCR 158: “The question at the certification stage is not whether the claim is likely to succeed, but whether the suit is appropriately prosecuted as a class action”.

15. Similar observations were made by the Court in *Wildeman*. There, Elson J. emphasized the important function of a statement of claim in a proposed class action when stating as follows:

[16] The function of a statement of claim in a putative class action differs somewhat from the function served by an obvious individual claim. This difference, however, does not make its function any less significant. Indeed, it takes on greater importance. Aside from setting out the general issues of fact and law as between the parties, the claim must also plead particulars directed to the propriety of the claim as a class action. The importance of pleadings in this respect was emphasized by Ball J. in *White v GlaxoSmithKline Inc.*, 2010 SKQB 174, 358 Sask R 6 (QB) [*White*], where he said the following at para. 24:

... In a class action brought under *The Class Actions Act* the statement of claim is of central importance: it informs inquiries into whether there is a genuine or authentic cause of action; whether there is an identifiable class in existence; and whether common issues are shared across that class. Those inquiries in turn inform the analysis as to whether a class action is the preferable procedure for the resolution of the common issues and whether there is an appropriate person willing to be appointed as a representative plaintiff.

16. In *White v Glaxosmithkline Inc.*, 2010 SKQB 174, 358 Sask R 6 [*White*], quoted by Elson J. in the excerpt above, Ball J. went on to provide additional insight into the role of pleadings in class proceedings:

[25] The role of the pleadings in defining the issues is of particular importance in class proceedings since they are the only means by which parties can define the proposed common issues. In *Wuttunee et al. v. Merk Frosst Canada Ltd. et al.*, 2009 SKCA 43; (2009), 324 Sask. R. 210 the Saskatchewan Court of Appeal expressed the view (at

paragraphs 62 and 66) that pleadings should set out clearly the precise nature of the claims and articulate the facts on which they are based or the theory of liability asserted. In *Hoy v. Medtronic, Inc.* 2000 BCSC 1902; [2000] B.C.J. No. 2862 (QL), Kirkpatrick J. noted, at paras. 5-6:

5 Counsel for the defendants argues that the general function of pleadings, which is to bring the parties to an issue, is doubly important in the context of a class action because of central importance in a class action is the notion that it is possible to define a common issue or issues. The only means by which the parties can define such issues is through pleadings.

6 There is no question that, in an application to certify a class action, the particulars of the claim are significant because the court is required to assess the suitability of the action as a class action ...

17. The distinct role a statement of claim plays in a proposed class action should not be overlooked. Not only must a statement of claim serve the fourfold functions of pleadings that were highlighted by the Court in *Wildeman*, it must also assist the Court in determining whether the criteria set out in s. 6(1) of the CAA have been satisfied.

(B) The role of particulars in a proposed class action and whether the action is suitable to be certified as a class action

18. Closely related to the requirements associated with pleadings are particulars. Much like a statement of claim, particulars play an enhanced role in a proposed class action.

19. As Elson J. emphasized in *Wildeman* at para 13, “[n]otwithstanding that a pleading may meet the basic requirements and disclose a cause of action or defence, a litigant may still contend that the pleading lacks certain meaningful particulars”.

20. Requests for particulars are governed by Rule 3-71:

Request for particulars

3-71(1) A party on whom a pleading is served may, at any time before the action is set down for trial, serve on the party who served the pleading a request for particulars about anything in the pleading.

(2) If the requesting party does not receive a sufficient response within 8 days after the date on which the request is served, the requesting party may apply to the Court for an order requiring the party who served the pleading to provide the particulars.

(3) If the Court orders particulars to be provided, it may do so on any terms as to costs and otherwise that the Court considers just.

(4) The requesting party must have the same length of time for pleading after delivery of the particulars as the requesting party had when the request for particulars was made.

21. Importantly, material facts and particulars are distinct. Material facts must be set out in a pleading. Particulars serve to inform a party of the case they are required to meet. The distinction between material facts and particulars was noted by Mitchell J. in *Wassermann*:

[34] To begin, I note that material facts are distinct from particulars. Plaintiffs must plead material facts in order to formulate a complete cause of action. Particulars provide information which allows a party to understand the case they must meet. See, for example: *Sidhu v Hiebert*, 2018 BCSC 401 at paras 36-37 and *Stewart* at paras 12-13.

22. The distinction between material facts and particulars was further highlighted by Perell J. in *Pennyfeather v Timminco Limited*, 2011 ONSC 4257 at para 51, 107 OR (3d) 201 [*Pennyfeather*]:

[51] The material facts are to be stated concisely, which is to say that they should be set out with precision and clarity. If a material fact necessary for a cause of action is omitted, the Statement of Claim is bad and the remedy is a motion to strike the pleadings, not a motion for particulars.

23. An order for particulars is discretionary. Particulars “should be ordered only if necessary” (*Wassermann* at para 22). When deciding whether further and better particulars should be ordered, “the court is obliged to exercise its discretion so as to do justice between the parties, in the specific circumstances of the case” (*Wildeman* at para 13).

24. In order to assess when particulars should be ordered, the important role that particulars play must be understood. In *Pennyfeather*, Perell J. adopted the following description of the role of particulars:

[60] In J.W. Morden and P.M. Perell, *The Law of Civil Procedure in Ontario*, 1st ed. (Markham, Ont.: LexisNexis, 2010), at p. 347, I describe the role of particulars as follows:

In between material facts and evidence, is the concept of “particulars”. Particulars are additional details that enhance the material facts, and particulars have a role to play different from just being evidence: *Copland v. Commodore Business Machines Ltd.* (1985), 3 C.P.C. (2d) 77 at 80-81 (Ont. S.C.J.), affd (1985), 3 C.P.C. (2d) 77n (Ont. H.C.J.). Particulars are ordered primarily to clarify a pleading sufficiently to enable the adverse party to frame his or her answer, and their secondary purpose is to prevent surprise at trial: *Steiner v. Lindzon*, (1976), 14 O.R. (2d) 122 (H.C.J.). Particulars have the effect of providing information that narrows the generality of pleadings: *Mexican Northern Power Co. v. Pearson* (1913), 25 O.L.R. 422 (Ont. S.C.). Particulars define the issues, enable preparation for trial, prevent surprise at trial and facilitate the hearing: *Physicians’ Services Inc. v. Cass*, [2001] O.J. No. 369 (S.C.J.) at para. 33. A function of particulars to a statement of claim is to define the claim sufficiently to allow a defendant to respond intelligently to it: *International Nickel Co. v. Travelers Indemnity Co.*, [1962] O.J.

No. 56 (C.A.); *Hou v. Westbild Holdings Ltd.*, [1994] B.C.J. No. 2021 (B.C.S.C.); *Blatt Holdings Ltd. v. Traders General Insurance Co.*, [2001] O.J. No. 949 (S.C.J.)....

25. In *Wildeman*, Elson J. emphasized that the Court's discretion in considering whether to order a party to provide particulars is guided by the functions that particulars are intended to serve. He stated:

[14] The court's discretion is guided by the functions particulars are designed to serve. Not surprisingly, these functions are similar to those for pleadings, generally, albeit somewhat more defined. In *Driscoll v MacBain*, 2002 SKQB 244, at para 7, 221 Sask R 145 [*Driscoll*], Klebuc J. (as he then was) adopted the list of six functions enumerated by the British Columbia Court of Appeal in *Anglo-Canadian Timber Products Ltd. v British Columbia Electric Co. Ltd.* (1960), 23 DLR (2d) 656 (BCCA), which that same court reaffirmed in *Cansulex Ltd. v Perry*, [1982] BCJ No 369 [*Cansulex*]. That list is as follows:

- (1) to inform the other side of the nature of the case they have to meet as distinguished from the mode in which that case is to be proved;
- (2) to prevent the other side from being taken by surprise at the trial;
- (3) to enable the other side to know what evidence they ought to be prepared with and to prepare for trial;
- (4) to limit the generality of the pleadings;
- (5) to limit and define the issues to be tried, as to which discovery is required;
- (6) to tie the hands of the party so that he cannot without leave go into any matters not included.

[15] In *Driscoll*, reference was also made to *Saskatchewan Provincial Court Judges Assn. v Saskatchewan (Minister of Justice)* (1994), 124 Sask R 188 (QB) where Barclay J. observed, at para 15:

Particulars will be ordered:

- (a) For the purposes of pleading, i.e. to enable the opposite party to plead intelligently;
- (b) For the purposes of trial, i.e. to define the issues to be tried so as to save the expense of calling unnecessary witnesses and prevent the opposite party from being taken by surprise.

See also *Pennyfeather* at para 60.

26. In addition to the general principles that apply to particulars, particulars also play a distinct role in the context of a proposed class action. As Elson J. noted in *Wildeman* at para 12, "[o]utside

the purview of *The Class Actions Act*, the importance of particulars is generally well understood". He went on to note that this understanding may be "intrinsically tied to the functions of pleadings, generally" (*Wildeman* at para 12). However, requests for particulars in a proposed class action raise important questions about the nature of the information that must be provided.

27. In *Wildeman*, the plaintiff argued that because "it is typical for defendants in a class action to not file their statements of defence prior to the certification hearing", the need for pre-certification particulars "was not especially critical" (*Wildeman* at para 20). Justice Elson rejected this argument, stating as follows in *Wildeman*:

[21] As I heard them, counsel's remarks contained a premised submission. While I agree somewhat with the submission, I cannot accept the premise. I think counsel is correct in suggesting I attach little or no significance to the stated intentions of a defendant to file a statement of defence prior to the certification hearing. However, his submission was premised on the proposition that the sufficiency of particulars in a proposed class action is exclusively directed at the ability of a defendant to plead it. In my view, the comments of Ball J. in *White*, and the authorities cited therein, say otherwise. Prior to certification, it is necessary for both the defendants and the court to have a clear and reasonably precise understanding of both the plaintiff's claim and his assertion of its suitability as a class action. To the extent particulars are deficient in these respects, they should be ordered.

28. To support his analysis in *Wildeman*, Elson J. drew from *Hoy v Medtronic, Inc.*, 2000 BCSC 1902, [2000] BCTC 1090 [*Hoy*] and *Halvorson v British Columbia (Medical Services Commission)*, 2008 BCSC 1068 [*Halvorson*]. Both cases warrant comment.

29. In *Hoy*, the Court noted that the need for particulars in a class action extend beyond simply permitting a defendant to plead a defence. The Court stated as follows in *Hoy* at para 6:

[6] There is no question that, in an application to certify a class action, the particulars of the claim are significant because the court is required to assess the suitability of the action as a class action. As I noted in *L.R. v. Her Majesty the Queen in Right of the Province of British Columbia* (30 October 1998), Vancouver No. C980463 (B.C.S.C.) at para. 23:

... That exercise requires information traditionally supplied through particulars – the nature of the case and issues to be tried – as well as whether, in the words of s. 4(2)(a) of the Act, "questions of fact or law common to the members of the class predominate over any questions affecting only individual members." That assessment cannot be made in an information vacuum.

30. Similar observations were made by the Court in *Halvorson* at para 13. There, the Court stated as follows:

[13] Despite the plaintiff's apparent reluctance to commit himself to specific positions at this point, he must meet some basic requirements before the defendants can be required to plead. The state of pleadings at the certification stage is important, as it is those pleadings which will inform a consideration of the common issues. The court cannot be expected to determine common issues if the plaintiff is still hoping to keep all his options open. It is not important for the present purposes whether the lawyer for the defendants really knows what the case is about because he has been involved in it for years. What is important, at this stage, as I have said before, is that the issues be pleaded formally and with precision.

(C) Each defendant is entitled to know the case against them

31. In *Pennyfeather*, Perell J. considered an application for particulars made on behalf of several defendants in a proposed class action. The proposed representative plaintiff in *Pennyfeather* sought to advance allegations of negligence, negligent misrepresentation, reckless misrepresentation, and several statutory causes of action on behalf of individuals that purchased securities in Timminco Ltd.: see *Pennyfeather* at paras 13–15. In addition to Timminco Ltd., several other defendants were named in the statement of claim: see *Pennyfeather* at para 1. The defendants requested particulars from the proposed representative plaintiff. This request was refused: *Pennyfeather* at para 2.

32. Among the particulars requested in *Pennyfeather* were particulars concerning allegations made against individual defendants. Justice Perell emphasized that each of the defendants was entitled to know the case against them and ordered many of the particulars sought on this basis. He stated as follows in *Pennyfeather*:

[78] In any event, each individual Timminco defendant is entitled to know the case against him. He is entitled to know what is the basis of his alleged liability be it direct liability for his own words or conduct or be it vicarious liability for the words or conduct of other defendants, including Timminco, which must act through its human agents. Therefore, demand #9 should be answered, and Mr. Pennyfeather should identify (a) the statement(s) alleged to be false and who made them; and (b) the unexpressed qualifying or discrediting information not disclosed by the defendant(s).

[79] Demands #15(b)(c), #16(c), #17, #18, #19, #20(c), #21, #22, #23, #24, #25, #39, #40, #41, #43, #44, #46, #47 and #56 should be answered for similar reasons to those provided for demand #9.

33. Justice Perell also identified instances in which the proposed plaintiff had not sufficiently outlined the discrete acts of each defendant that were alleged to be negligent. Justice Perell stated as follows:

[80] Demand #29 concerns para. 21 of the Statement of Claim, which concludes with the following sentence: “The Misrepresentations were made negligently and recklessly and without regard for the truth of their contents.” Demand #29 asks for “particulars of facts to support allegations that defendants made alleged misrepresentations ‘negligently’”. The third constituent element of a negligent misrepresentation claim is that the representor must have acted negligently in making the misrepresentation. The Timminco defendants are entitled to particulars of the discrete acts of each defendant that are the acts of negligence that would constitute the third constituent element of the tort.

34. Justice Perell’s comment about the entitlement of a defendant to know the basis for its alleged liability, be it direct liability for its own words or conduct, or be it vicarious liability for the words or conduct of other defendants, is particularly apposite to Mile Two in this application.

35. As noted in the preceding subsection of this Brief of Law, a key function of a statement of claim is to alert defendants to the case they are required to meet: see *Wildeman* at para 12. An extension of this obligation is the requirement in multi-party litigation that the statement of claim identify the allegations being made against each defendant. As Strathy J. (as he then was) noted in *Cerqueira v Ontario*, 2010 ONSC 3954 at para 44 [*Cerqueira*], it is “impermissible for the plaintiffs to lump the defendants together with broad allegations”. The Court went on to observe that “[e]ach defendant is entitled to know the specific complaints made against it and is entitled to particulars of the acts or omissions which are claimed to support the cause of action” (*Cerqueira* at para 44).

36. In *Cogema Resources Inc. v Guarantee Co. of North America*, 2004 SKQB 353 at para 11 [*Cogema Resources*], Foley J. emphasized that a plaintiff must provide a “substratum of alleged facts” and refrain from merely casting broad allegations in a pleading. Justice Foley stated:

[11] It does not suffice to paint allegations with a broad brush. There must be a substratum of alleged facts which the plaintiff proposes to establish at trial and thereby remove the pleading from being characterized as vague or speculative to rather one of substantive issue. See: *Piche v. Big C First Nation* (1994), 121 Sask. R. 20 (Q.B.).

37. More fundamentally, unparticularized allegations against a group of defendants will offend the fourfold function of pleadings that were outlined by the Court in *Wildeman* at para 12. After referring to the fourfold function of pleadings and Rule 13-8, Bergbusch J. noted in *Holliday v Saskatchewan (Education)*, 2023 SKKB 273 at para 18 that “[a] statement of claim that contains vague, unparticularized assertions against all defendants collectively does not meet these objectives”. Where a litigant fails to particularize claims made against other parties by identifying the facts that are relied on to ground allegations, those parties are unable “to focus on what the

real issues are in the suit, to investigate the allegations efficiently, to plead intelligently and to manage the litigation in the most economical manner” (*Conexus Credit Union 2006 v Thomas Reckard*, 2012 SKQB 210 at para 12).

38. The Ontario Superior Court of Justice considered an application for particulars in *2441472 Ontario Inc. v Collicutt Energy Services Corp.*, 2016 ONSC 566 [*Collicutt*]. There, the Court determined that allegations in a statement of claim were “so bald and sparse” so as to prevent the defendant from pleading appropriately: *Collicutt* at para 16. The defendant had argued that the statement of claim set out only bare allegations and failed to plead elements of the causes of action that were asserted: *Collicutt* at para 14. The Court agreed.

(D) Particulars may not be refused because they are alleged to be in the knowledge of the party requesting them

39. Of significance, the plaintiff in *Collicutt* resisted the request for particulars for two reasons. First, the plaintiff suggested that the facts in question were within the defendant’s knowledge. Second, the plaintiff argued that the facts would only be provided to the defendant after documentary production had been made: *Collicutt* at para 14. The Court rejected both of these arguments, stating as follows in *Collicutt* at para 15:

[15] I find that [the plaintiff] has so far failed to provide a concise statement of the material facts on which it relies for its claims. [The defendant] cannot properly respond in the abstract to allegations that its work was deficient or that it breached its contract, without knowing what specific aspects of its work were allegedly deficient or what parts of the contract were allegedly breached. It is unable to plead to bald allegations currently found in the Statement of Claim.

40. In *Hardwood Forest Products Co. Ltd. v 4121953 Manitoba Ltd., Gerry Wersch Holdings Ltd. et al.*, 2005 MBQB 42, 191 Man R (2d) 230 [*Hardwood Forest Products*], the Manitoba Court of Queen’s Bench rejected an argument that particulars were not required because the facts in question were within the knowledge of the party that requested the particulars. The Court stated as follows in *Hardwood Forest Products*:

[26] Additionally, while the defendants resisted the request to provide more particulars *inter alia* on the basis that the applicants knew what the facts were and that therefore the facts were “within the plaintiff’s knowledge,” I have not been persuaded that such is a basis on which to deny the application. The applicants are entitled to know not only the material facts, but also the defendants’ position regarding them. Where the defendants’ position on the facts is not apparent from the material, therefore, I have ordered particulars.

41. In *Wildeman*, the plaintiff sought to avoid the obligation to provide particulars by emphasizing that the information sought was within the defendant's knowledge. Justice Elson confronted this argument with reference to MacPherson C.J.Q.B.'s decision in *Koop v Saskatchewan Power Corporation* (1997), 159 Sask R 290 (CanLII) (QB) [*Koop*], stating as follows:

[44] In its motion for further and better particulars, MTS requested further and better replies, without being particularly specific. However, in its brief, the issue of the defendant's knowledge of the requested particulars was specifically addressed. MTS contends that the plaintiff cannot avoid the obligation to provide particulars simply by stating that they are within the defendant's knowledge. In support of this contention, reliance is placed on the decision of this Court in *Koop v Saskatchewan Power Corp.* (1997), 159 Sask R 290 [*Koop*] (QB) where MacPherson, C.J.Q.B. held that a similar statement by a plaintiff did not comply with former Rule 164(2), the predecessor to Rule 3-71(2) of *The Queen's Bench Rules*. In coming to this conclusion, the following comments were made, at paras. 12 and 13:

12 ... in each instance, the plaintiff has simply stated "... that the particulars demanded are wholly within the knowledge of the defendant." The plaintiff does not say that it has no particulars and the defendant is therefore left in the position of not knowing whether the plaintiff has the particulars requested. In my view, this method of replying to a demand for particulars is inappropriate and contrary to the requirements of the Queen's Bench Rule 164(2) ... In my view, to properly comply with this Rule, if the plaintiff has no particulars, in his reply he should so state. Clearly, he is not in compliance by only stating that the particulars are within the defendant's knowledge.

13 The reply to the demand for particulars becomes, in effect, a part of the statement of claim, and in preparing its statement of defence the defendant is entitled to know what particulars, if any, the plaintiff has to support the various clauses in the statement of claim; the defendant requires this information in order to plead intelligently. ... It is difficult to understand how the plaintiff can plead as a fact that a promise was made but when asked to give particulars as to who made the promise and when it was made, the plaintiff's response seems to be that it has no such particulars. This logically raises the question as to how the plaintiff can plead the existence of a certain fact but when asked to give particulars in respect to that fact, simply gives no particulars. If the plaintiff has no knowledge of the promise which he pleads, how can he comply with the Rule by stating only that the particulars of the promise are wholly within the knowledge of the defendant? ...

42. Continuing to draw from *Koop*, Elson J. emphasized that if a responding party lacks the ability to provide a requested particular, it should indicate this to be the case. Justice Elson stated as follows in *Wildeman* at para 46:

[46] I agree with the admonition of McPherson C.J.Q.B. [*sic*] in *Koop* that, where the responding party does not have the requested particulars, it should simply say so in its answer. There is, of course, the risk that such a response will diminish, or even destroy,

the cause of action or defence the responding party asserts. It may also affect the prospect of certification. There is also the prospect that the claim or defence will be unaffected by the answer. In either instance, an answer is required.

(E) Allegations made in a statement of claim inform what particulars must be provided

43. What particulars are required in a given circumstance is context-dependent. However, the nature of the allegations made in a pleading will inform a determination as to what particulars must be provided. Justice Gunn’s decision in *Askar v Said*, 2015 SKQB 218 [*Askar*] serves as an illustrative example.

44. In *Askar*, Gunn considered an application for particulars in relation to a counterclaim. The counterclaim at issue alleged defamation by the plaintiff: *Askar* at para 2. The plaintiff sought particulars in relation “to the dates, places and times and what comments were made to each of the persons listed” in a portion of the counterclaim: *Askar* at para 1. The plaintiff also sought particulars in relation “to the actions and business transactions that were disrupted and what specific actions [were] claimed to have caused the claimed loss” (*Askar* at para 1). The response that was provided to these requests were reproduced in *Askar* at para 4:

[4] The reply as it relates to the application before the court states the following:

...

2. The Defendant says that the dates, places, times and what comments that the Plaintiffs made to the persons named in paragraph 22 are matters of evidence and/or they are within the Plaintiffs’ knowledge.

...

3. The Defendant says the Plaintiffs’ Slanderous Statements have caused damages to the Defendant’s reputation and a resulting loss of business to his operation of his UPS franchise store in Regina, Saskatchewan. The Defendant says that the Plaintiff *Askar* [*sic*] *Askar* specifically threatened to destroy his business in her threats of July 31, 2014. The Defendant says that the specific losses are matters of evidence.

45. Justice Gunn determined that the response to the request for particulars was inadequate: *Askar* at paras 8–10. She determined that while “the pleadings identify the subject matter of the offending communications and the people to whom the communications were made and a general time frame when this is alleged to have occurred”, it was unclear “what form the communications took” (*Askar* at para 8). Further, she concluded that “the response to the demand for particulars is inadequate in that it does not provide any information as to the actions or business transactions which were disrupted or any specifics of the claim of loss” (*Askar* at para 9). Justice Gunn directed

that the plaintiff by counterclaim provide further and better particulars concerning these points:
Askar at para 10.

(2) Argument

(A) Mile Two is entitled to an order requiring the Plaintiffs to provide further and better particulars

46. In advance of certification, both the Court and the Defendants must “have a clear and reasonably precise understanding” of the Claim and of the Plaintiffs’ “assertion of its suitability as a class action” (*Wildeman* at para 21). The Claim and the Reply to Mile Two do not provide Mile Two with this understanding.

47. Although the vast majority of the Reply to Mile Two is inadequate, Mile Two does not take issue with the Plaintiffs’ replies to requests made at paragraphs 1, 3–4, 9–13, 18–21, 23, 25, 27, 31, 59, and 61–62 of the Mile Two Request.

48. At Schedule “A” to this Brief of Law, Mile Two identifies the responses in the Reply to Mile Two that it asserts are deficient. Mile Two also sets out the basis for why each response is deficient. Schedule “A” contains a legend identifying the following grounds supporting the demand for further and better particulars:

1. The requested particulars are not matters of evidence and are properly demanded as particulars;
2. The assertion that Mile Two has knowledge of the particulars requested is an insufficient response;
3. The requested particulars are required by Mile Two to respond to the application for certification;
4. The requested particulars are required by Mile Two to plead intelligently; and
5. The Reply to Mile Two is only partially responsive or is otherwise deficient.

49. Grounds 1–4 apply to each of the requests and responses outlined in Schedule “A”. Ground 5 applies to the requests that received a partial, yet insufficient, response.

50. The analysis below supplements the table set out at Schedule “A”.

(B) The Reply to Mile Two is deficient

51. The Reply to Mile Two begins with a preamble in which the Plaintiffs assert many overarching comments that inform their responses to the individual particulars requested by Mile Two. The comments include the following:

- a. 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 Mile Two sufficient information to enable it 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).
- b. 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.
- c. The Plaintiffs state that the Second Amended Statement of Claim speaks for itself with respect to the allegations.
- d. 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.
- e. 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.

52. These comments misconstrue the nature of the particulars requested by Mile Two. The Mile Two Request did not ask that the Plaintiffs identify each and every allegation on which they may seek to rely. Rather, the Mile Two Request asked for particulars pertaining to specific allegations or categories of allegations pled in the Claim. Contrary to the assertions made in the preamble to the Reply to Mile Two, the Claim does not speak for itself with respect to the allegations made.

53. As stated above, the Plaintiffs did provide a limited number of responses to certain of the individual requests made in the Mile Two Request. However, the responses to a majority of the

requested particulars set out several additional reasons to those set out in the preamble of the Reply to Mile Two that the Plaintiffs rely on to support the contention that they are not required to provide particulars. (This is the case even for certain of the requests to which the Plaintiffs did purport to provide substantive responses.) The Plaintiffs set out the following justification for their refusals to provide particulars:

- a. 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).
- b. Mile Two 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).
- c. The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).
- d. The Statement of Claim affords Mile Two 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).

54. First, this response ignores the September 15 Order requiring the Defendants to serve any and all Requests for Particulars now, and not later. Second, consideration of the Mile Two Request and the adequacy of the Reply to Mile Two requires scrutiny of the Claim itself.

55. The Claim places Mile Two in a unique position amongst the Defendants. The Plaintiffs make allegations for which they say Mile Two is principally liable. However, the Claim also asserts that Mile Two is vicariously liable for the actions of other Defendants as well as unnamed individuals.³ In order to address certification and defend itself, Mile Two must be apprised of not only the allegations made against it, but also of the allegations made against the other Defendants. The unique position of Mile Two prompted it to request particulars not only with respect to allegations leveled directly at it, but also with respect to Defendants whose actions Mile

³ The Claim describes the “Unidentified Parties” as including several subcategories: “Unidentified Corporate Officers”, “Unidentified Church Elders”, “Unidentified School Abusers”, “Unidentified Church Abusers”, “Unidentified School Abuse Planners”, and “Unidentified Church Abuse Planners” (Claim at para 26). The Claim alleges, at paragraph 65, that Mile Two “is vicariously liable for the wrongdoing of its employees, agents, and representatives including the Individually Named Defendants, and Unidentified Parties”. Paragraph 75 of the Claim further states that Mile Two “is vicariously liable for the conduct of the Defendants” as described in the Claim. The Claim defines “Defendants” as referring “to each of the Defendants, whether named or unnamed, in the action” (Claim at para 30).

Two is alleged to be vicariously liable. This is precisely the situation spoken to by Perell J. in *Pennyfeather*, where he concluded that such a defendant is entitled to the kind of particulars Mile Two has requested.

56. The particulars requested by Mile Two are required in order for Mile Two to assess the allegations made against it, prepare for a certification hearing and, if necessary, position itself to defend against the Claim. To the extent that the Reply to Mile Two fails to respond to the Mile Two Request, further and better particulars should be ordered.

i. Mile Two has requested particulars and not evidence

57. Contrary to the suggestion in the Reply to Mile Two, the particulars requested by Mile Two are not matters of evidence. Rather, they are particulars that are necessary for Mile Two to respond to certification and to defend. Mile Two does not seek the evidence that the Plaintiffs will adduce to prove facts pled in the Claim, it seeks particulars concerning those facts. One illustrative example is the particulars requested with respect to paragraph 46.1 of the Claim:

46.1 The integration of the Church and School, the Principal Defendants and Mile Two Church Inc. created a “total institution”: a place where a large number of like situated individuals, cut off from wider society for an appreciable period at a time, together lead an enclosed, formally administered round of life, integrating anti-secularism, conservative Christianity, heterosexuality, subservience to authority and corporal punishment. **The School and Church strove for, demanded and required compliance to its rules by breaking the wills of its students and minor adherents through various forms of violence.**

[Emphasis added]

58. Mile Two requested particulars concerning: (a) the nature of the alleged violence referred to in paragraph 46.1 of the Claim; (b) the identities of the perpetrators of the alleged violence; and (c) the dates or approximate dates on which such alleged violence occurred. In response, the Plaintiffs stated that “[t]he violence allegedly inflicted occurred during the period from 1982 to present” and that the Claim “speaks for itself”.

59. The response leaves Mile Two without any particulars concerning the nature of the alleged violence and the alleged perpetrators. Simply indicating that the Claim – which is replete with untethered allegations – speaks for itself is an insufficient response to the request made. At best, Mile Two is left to guess what forms of violence are being alleged against it in relation to paragraph 46.1 of the Claim. These are not matters of evidence. They are fundamental details that would

narrow the generality of the pleading and facilitate Mile Two's ability to plead intelligently: see *Pennyfeather* at para 60.

60. A further example is the lack of response provided with respect to the particulars requested concerning paragraph 47(d), (e), (g), (l.1), and (o) of the Claim:

47. The Principal Defendants, Individually Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each carried out abuse in the nature of trespass to the person, physical or sexual assault and/or battery of students at the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

...

d. A student was alleged to have cheated on some school work. The student was spanked as a form of discipline. When the student did not cry during the spanking, the student was told to pull down his pants. The student told the school administrator to "fuck off" and was subsequently expelled and excommunicated from the school and the church.

e. A student refused to pray in front of her class, and was subject to spanking or paddling for the refusal;

...

g. Numerous students were subject to additional physical abuse by some or all of the Defendants, for not crying during the administration of corporal punishment, which was stated to be a refusal to accept their punishment;

...

l.1 Forcing at least one student to go in the hallway and do a "wall sit" while holding a medicine ball for multiple hours as a punishment;

...

o. Not permitting children who had urinated or defecated themselves to change into clean, dry clothes, and paddling the child for having urinated or defecated themselves while wearing soiled clothing so that it would hurt more.

61. The Mile Two Request demanded the following particulars concerning the allegations set out above:

29. With respect to paragraph 47(d), (e), (g), (l.1), and (o) of the Claim, particulars of the allegations set out therein, including the:

a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim;

b. Identity or identities of the victim(s) of the alleged conduct; and

c. Dates or approximate dates on which such alleged conduct occurred.

62. The Plaintiffs refused this request for particulars. However, each of the allegations suggest the involvement of particular alleged perpetrator(s) and alleged victim(s). Each of the allegations appear aimed at discrete events that would have occurred at a particular point of time. Yet, while seemingly alluding to specific events, the allegations omit key details. These details are the particulars to which Mile Two is entitled and not merely matters of evidence.

63. The examples set out above are merely illustrative. Mile Two submits that the Mile Two Request properly requests particulars and not evidence. The Plaintiffs' assertion to the contrary is without merit.

ii. The assertion that Mile Two has knowledge of the particulars demanded is no excuse for failing to deliver particulars

64. The Plaintiffs assert in the Reply to Mile Two that Mile Two has better knowledge of the particulars that it demanded. As stated above, similar arguments were considered and rejected in *Collicutt*, *Hardwood Forest Products*, and *Wildeman*. The Plaintiffs cannot avoid their obligation to furnish particulars of the Claim by simply stating that Mile Two is already aware of the particulars in question.

65. Many of the particulars requested by Mile Two are fundamental to the allegations against it. Mile Two has requested particulars concerning the nature of alleged conduct both of itself and others that Mile Two is alleged to be vicariously liable for. The Plaintiffs are not entitled to cast an overly broad net that speculates as to allegations that *could* be made. In *Wildeman*, Elson J. drew from *Koop* in emphasizing that if a party does not have the particulars that are requested of it, "it should simply say so in its answer" (*Wildeman* at para 46). While such a response could impact certification or the ability of the Plaintiffs to advance particular allegations, a substantive response is nonetheless required: see *Wildeman* at para 46.

66. As the Court aptly observed in *Hardwood Forest Products* at para 26, a litigant is entitled not only to material facts raised against it, but also to the positions taken by the party that has raised those facts. Here, the Claim is so deficient that Mile Two is not even in a position to determine if it has any knowledge of many of the allegations made against it.

iii. The particulars requested by Mile Two are required to allow it to plead intelligently

67. The Reply to Mile Two suggests that the particulars demanded in the Mile Two Request are not required for Mile Two to plead intelligently. However, the Claim does not permit Mile Two to plead intelligently. One example is paragraph 47(d), (e), (g), (l.1), and (o), which were quoted above. Aside from a bare denial that the alleged events occurred, Mile Two would not be in a position to plead a substantive response to these allegations. The alleged perpetrator(s), alleged victim(s), and time period(s) in which the conduct in question is alleged to have occurred are left unstated. This leaves Mile Two unable to effectively investigate the allegations at issue with a view to pleading a substantive response to those allegations.

68. In *Ottawa (City) v Cole & Associates Architects Inc.*, 2012 ONSC 3360 at para 28, the Court stated as follows:

[28] Necessity in order to plead cannot be taken too literally. Of course it is always possible to respond to a bald assertion by making a bald general denial. So the question is not whether it is technically possible to respond with some kind of pleading but rather whether the pleading allows issue [*sic*] to be joined in the manner contemplated by the pleading rules. A pleading should allow the responding party to plead intelligently and appropriately.

These comments are instructive in the circumstances. The Plaintiffs are incorrect in their suggestion that the information set out in the Claim is sufficient for Mile Two to plead intelligently. Paragraph 47(d), (e), (g), (l.1), and (o) serve only as illustrative examples of a chronic flaw in the Reply to Mile Two.

iv. The Claim does not set out sufficient information to permit Mile Two to respond to certification or to defend the Action

69. The Plaintiffs suggest that the Claim sets out sufficient information for Mile Two to understand in broad strokes what the case is about. This is not the case.

70. The manner in which the Claim levels broad allegations at both named and unnamed parties leaves Mile Two with insufficient information to respond to certification or to defend the Action. Each Defendant, including Mile Two, “is entitled to know the specific complaints made against [them] and is entitled to particulars of the acts or omissions which are claimed to support the cause of action” (*Cerqueira* at para 44). It is not sufficient “to paint allegations with a broad brush” (*Cogema Resources* at para 11). With respect to pre-certification particulars, Mile Two is

entitled to particulars pertaining to the suitability of the action as a class action (*Wildeman* at para 21, *Hoy* at para 6, and *Halvorson* at para 13). Further, Mile Two is not limited to pre-certification particulars. Pursuant to the September 15 Order, it was required to request any and all of the particulars it requires, including to defend.


71. As noted above, the Claim alleges that Mile Two is both principally liable and vicariously liable for the actions of others. Mile Two requires further and better particulars in order to understand the allegations made against it and the other Defendants whose actions Mile Two is alleged to be vicariously liable for.

PART V CONCLUSION

72. Mile Two submits that the Reply to Mile Two is deficient. Mile Two seeks an order directing the Plaintiffs to provide further and better particulars in response to the Mile Two Request. Mile Two also seeks the costs of its application.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 27th day of February, 2024.

McDOUGALL GAULEY LLP

Per: 
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PART VI LIST OF AUTHORITIES

| Tab | Case Name | Legal Principle | Para | Case Citation |
|------------|---|---|--------------|----------------------------------|
| | <i>Askar v Said</i> | The Court determined that a response to a request for particulars was inadequate. The Court directed that further and better particulars be provided. | 1–2, 4, 8–10 | 2015 SKQB 218 |
| | <i>Cerqueira v Ontario</i> | It is impermissible for plaintiffs to lump defendants together with broad allegations. Each defendant is entitled to know the specific complaints made against it and is entitled to particulars of the acts or omissions which are claimed to support the cause of action. | 44 | 2010 ONSC 3954 |
| | <i>Cogema Resources Inc. v Guarantee Co. of North America</i> | A plaintiff must provide a substratum of alleged facts and refrain from merely casting broad allegations in a pleading. It is not sufficient for a plaintiff to paint allegations with a broad brush. | 11 | 2004 SKQB 353 |
| | <i>Conexus Credit Union 2006 v Thomas Reckard</i> | Where a litigant fails to particularize claims made against other parties by identifying the facts that are relied on to ground allegations, those parties are unable to focus on what the real issues are in the suit, to investigate the allegations efficiently, to plead intelligently, and to manage the litigation in the most economical manner. | 12 | 2012 SKQB 210 |
| | <i>Halvorson v British Columbia (Medical Services Commission)</i> | A plaintiff must meet some basic requirements before defendants can be required to plead. The state of pleading at the certification stage is important as the pleadings will inform consideration of the common issues. The issues must be pleaded formally and with precision. | 13 | 2008 BCSC 1068 |
| | <i>Hardwood Forest Products Co. Ltd. v 4121953 Manitoba Ltd., Gerry Wersch Holdings Ltd. et al.</i> | The Court rejected an argument that particulars were not required because the facts in question were within the knowledge of the party that requested the particulars. | 26 | 2005 MBQB 42, 191 Man R (2d) 230 |

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| | | Litigants are entitled not only to material facts raised against them, but also to the positions taken by the party that has raised those facts. | | |
| | <i>Holliday v Saskatchewan (Education)</i> | A statement of claim that contains vague, unparticularized assertions against all defendants collectively does not meet the fourfold function of pleadings and the requirements imposed by Rule 13-8. | 18 | 2023 SKKB 273 |
| | <i>Hoy v Medtronic, Inc.</i> | The need for particulars in a class action extend beyond simply permitting a defendant to plead a defence. The particulars of a claim are significant because the Court is required to assess the suitability of the action as a class action. | 6 | 2000 BCSC 1902, [2000] BCTC 1090 |
| | <i>Koop v Saskatchewan Power Corporation</i> | It is insufficient for a litigant to assert that particulars are within the knowledge of the party that requested they be provided. If the litigant does not have the particulars that are requested of it, then it should say so. | 12–13 | (1997), 159 Sask R 290 (CanLII) (QB) |
| | <i>Luhning v Hnatyshyn</i> | Claims alleging conspiracy are subject to heightened pleading requirements. | 37 | 2021 SKQB 17 |
| | <i>Ottawa (City) v Cole & Associates Architects Inc.</i> | Necessity in order to plead cannot be taken too literally. The question is not whether it is technically possible to respond with some kind of pleading, but rather whether the pleading allows issues to be joined in the manner contemplated by the pleading rules. A pleading should allow the responding party to plead intelligently and appropriately. | 28 | 2012 ONSC 3360 |
| | <i>Pennyfeather v Timminco Limited</i> | A pleading must contain the material facts necessary for a cause of action. Material facts must be stated concisely and be set out with precision and clarity. Particulars are additional details that enhance material facts. Particulars are ordered primarily | 1–2, 13–15, 51, 60, 78–80 | 2011 ONSC 4257, 107 OR (3d) 201 |

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|--|--|---|------------------|----------------------------------|
| | | <p>to clarify a pleading to enable the adverse party to frame their answer. A secondary purpose of particulars is to prevent surprise at trial.</p> <p>Particulars serve to narrow the generality of pleadings and to facilitate the ability of adverse parties to plead intelligently.</p> <p>Defendants are entitled to know the case against them.</p> | | |
| | <i>R v A.D.</i> | <p>Claims alleging conspiracy are subject to heightened pleading requirements.</p> | 10 | 2011 SKQB 314, 382 Sask R 108 |
| | <i>Wassermann v Saskatchewan (Highways and Infrastructure)</i> | <p>A statement of claim in a proposed class action should set out information to assist the Court to determine whether there is a genuine cause of action, whether an identifiable class exists, and whether class members share common issues. This information will facilitate a determination about whether a class action is the preferable procedure for resolving common issues, and whether an appropriate person can be identified to act as representative plaintiff.</p> <p>Material facts are distinct from particulars. A plaintiff must plead material facts in order to formulate a complete cause of action. Particulars provide information that allows a party to understand the case they must meet.</p> <p>An order for particulars is discretionary. Particulars should be ordered only if necessary.</p> | 19–20, 22, 34 | 2022 SKQB 17 |
| | <i>White v Glaxosmithkline Inc.</i> | <p>Statements of claim in proposed class action proceedings are of central importance.</p> <p>The role of pleadings in defining the issues is of particular importance in class proceedings since they are the only means by which the parties can define the proposed common issues.</p> | 25 | 2010 SKQB 174, 358 Sask R 6 |

| | | | | |
|--|--|---|-----------------------------|--------------------------------------|
| | <p><i>Wildeman v Bell Mobility Inc.</i></p> | <p>The Court described the fourfold function of pleadings.</p> <p>A statement of claim in a proposed class action plays an enhanced role and serves important functions.</p> <p>Notwithstanding that a pleading may meet the basic requirements and disclose a cause of action or defence, a litigant may still contend that the pleading lacks certain meaningful particulars.</p> <p>When determining whether further and better particulars should be ordered, the Court is obliged to exercise its discretion so as to do justice between the parties, in the specific circumstances of the case.</p> <p>In determining whether to order further and better particulars, the Court is guided by the functions that particulars are intended to serve.</p> <p>Prior to certification, it is necessary for both the defendants and the Court to have a clear and reasonably precise understanding of both the plaintiff's claim and their assertion of its suitability as a class action. To the extent particulars are deficient in these respects, they should be ordered.</p> <p>If a party does not have the particulars that are requested of it, it should simply say so in its answer. While such a response could impact certification or the ability of the plaintiff to advance particular allegations, a substantive response is required.</p> | <p>12–16, 20–21, 44, 46</p> | <p>2015 SKQB 125, 473 Sask R 259</p> |
| | <p><i>2441472 Ontario Inc. v Collicutt Energy Services Corp.</i></p> | <p>The Court determined that allegations in a statement of claim were so bald and sparse so as to prevent the defendant from pleading appropriately. The Court agreed that the statement of claim set out only bare allegations and failed to plead</p> | <p>14–16</p> | <p>2016 ONSC 566</p> |

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| | | <p>elements of the causes of action that were asserted.</p> <p>The Court rejected the plaintiff's arguments that the particulars demanded were within the defendant's knowledge and that the facts would be provided only after documentary production had been made.</p> | | |
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Legislation

| Tab | Statutes, Rules and Legislation | Section/Rule | Citation |
|-----|---------------------------------|------------------|--------------------|
| | <i>The Class Actions Act</i> | 6(1) | SS 2001, c C-12.01 |
| | <i>The King's Bench Rules</i> | 3-71, 13-8, 13-9 | |

SCHEDULE "A"

| | | |
|---------------|----------|---|
| Legend | 1 | Requested particulars are not matters of evidence and are properly demanded as particulars. |
| | 2 | Assertion that Mile Two has knowledge of the particulars requested is an insufficient response. |
| | 3 | Requested particulars are required by Mile Two to respond to the application for certification. |
| | 4 | Requested particulars are required by Mile Two to plead intelligently. |
| | 5 | Reply to Mile Two is only partially responsive or is otherwise deficient. |

| Paragraph(s) in Second Amended Statement of Claim | Request by Mile Two and Response by Plaintiffs | Grounds for demanded particulars |
|--|---|----------------------------------|
| <p>22. Nathan Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Nathan Schultz was at various times a Sunday school teacher at the Church, and babysitter promoted and advocated for by some or all of the Defendants.</p> | <p>Request:</p> <p>2. With respect to paragraph 22 of the Claim, particulars of the identity or identities of the individual(s) or entities who allegedly promoted and advocated for Nathan Schultz as a babysitter.</p> <p>Reply:</p> <p>The Plaintiffs state that Nathan Schultz was promoted and advocated for as a babysitter by the Defendants.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> | <p>1, 2, 3, 4, 5</p> |

| | | |
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| | <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>26(c). Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abusers”);</p> | <p>Request:</p> <p>5. With respect to paragraph 26(c) of the Claim, particulars of the physical, sexual, psychological, emotional, mental, or spiritual abuse allegedly perpetrated against the students attending the school operated by Mile Two, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the alleged victims of the alleged conduct; b. Nature of the alleged abuse; c. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> <p>The Plaintiffs state that paragraph 26 of the Second Amended Statement of Claim speaks for itself, in that the paragraph as a whole describes the “[Additional John Does and Jane Does” against whom allegations have been made in the Second Amended Statement of Claim, which include the categories of individuals who are defined as “Unidentified Corporate Officers”, “Unidentified Church Elders”, “Unidentified School Abusers”, “Unidentified Church Abusers”, “Unidentified School Abuse Planners”, and “Unidentified Church Abuse Planners”, all of whom together form the</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>category of individuals defined as “Unidentified Parties”. The particulars of the conduct described in identifying the above noted categories of individuals are set out throughout the Second Amended Statement of Claim.</p> <p>The identity or identities of the alleged victims of the alleged conduct is set out throughout the Second Amended Statement of Claim.</p> <p>The nature of the alleged abuse is set out throughout the Second Amended Statement of Claim.</p> <p>The dates or approximate dates on which such alleged conduct occurred is set out throughout the Second Amended Statement of Claim, and span the period from 1982 to present.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
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| <p>26(d). Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse against minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abusers”);</p> | <p>Request:</p> <p>6. With respect to paragraph 26(d) of the Claim particulars of the physical, sexual, psychological, emotional, mental, or spiritual abuse allegedly perpetrated against the students attending the school operated by Mile Two, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the alleged victims of the alleged conduct; b. Nature of the alleged abuse; c. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> <p>The Plaintiffs state that paragraph 26 of the Second Amended Statement of Claim speaks for itself, in that the paragraph as a whole describes the “[Additional John Does and Jane Does” against whom allegations have been made in the Second Amended Statement of Claim, which include the categories of individuals who are defined as “Unidentified Corporate Officers”, “Unidentified Church Elders”, “Unidentified School Abusers”, “Unidentified Church Abusers”, “Unidentified School Abuse Planners”, and “Unidentified Church Abuse Planners”, all of whom together form the category of individuals defined as “Unidentified Parties”. The particulars of the conduct described in identifying the above noted categories of individuals are set out throughout the Second Amended Statement of Claim.</p> <p>The identity or identities of the alleged victims of the alleged conduct is set out throughout the Second Amended Statement of Claim.</p> <p>The nature of the alleged abuse is set out throughout the Second Amended Statement of Claim.</p> <p>The dates or approximate dates on which such alleged conduct occurred is set out throughout the Second Amended Statement of Claim, and span the period from 1982 to present.</p> | <p>1, 2, 3, 4, 5</p> |
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| | <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>26(e). Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abuse Planners”); or</p> | <p>Request:</p> <p>7. With respect to paragraph 26(e), the particulars of the policies and procedures allegedly formulated for the abuse of students attending the school operated by Mile Two or its predecessors, including:</p> <ul style="list-style-type: none"> a. Identification of the policies and procedures referred to; b. The effective date(s) of such policies and procedures; and c. The identities of the employees, representatives, or agents of Mile Two or its predecessors that are alleged to have formulated the policies and procedures referred to. | <p>1, 2, 3, 4, 5</p> |

Reply:

The Plaintiffs state that paragraph 26 of the Second Amended Statement of Claim speaks for itself, in that the paragraph as a whole describes the “[A]dditional John Does and Jane Does” against whom allegations have been made in the Second Amended Statement of Claim, which include the categories of individuals who are defined as “Unidentified Corporate Officers”, “Unidentified Church Elders”, “Unidentified School Abusers”, “Unidentified Church Abusers”, “Unidentified School Abuse Planners”, and “Unidentified Church Abuse Planners”, all of whom together form the category of individuals defined as “Unidentified Parties”. The particulars of the conduct described in identifying the above noted categories of individuals are set out throughout the Second Amended Statement of Claim.

The policies and procedures referenced at paragraph 26(e) of the Second Amended Statement of Claim are those policies and procedures enacted and utilized in furtherance of the principles referred to throughout the Second Amended Statement of Claim, including without limitation at paragraphs 41, which 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;

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| | <p>8. The breaking up of families where a member of the family was not wholly subservient to the Church;</p> <p>9. Promotion of a distrust and opposition to post-secondary education and authority outside of that offered by the Church and/or School;</p> <p>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;</p> <p>11. Such further and other promulgated principles as are currently unknown, but may be discovered during the course of this litigation; and</p> <p>12. That the above promulgated principles are God's will.</p> <p>The identities of the employees, representatives of agents of Mile Two or its predecessors that are alleged to have formulated the policies and procedures are those individuals alleged to have formulated the policies and procedures as pled in the Second Amended Statement of Claim.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand "at least in broad strokes what the plaintiffs case is about", as is required in a pre-certification application for further particulars (see:</p> | |
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| | <p><i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>26(f). Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abuse Planners”).</p> | <p>Request:</p> <p>8. With respect to paragraph 26(f) of the Claim, particulars of the policies and procedures allegedly formulated for the abuse of minor members of the church operated by Mile Two or its predecessors, including the:</p> <ul style="list-style-type: none"> a. Identification of the policies and procedures referred to; b. The effective date(s) of such policies and procedures; and c. The identities of the employees, representatives, or agents of Mile Two or its predecessors that are alleged to have formulated the policies and procedures referred to. <p>Reply:</p> <p>The Plaintiffs state that paragraph 26 of the Second Amended Statement of Claim speaks for itself, in that the paragraph as a whole describes the “[A]dditional John Does and Jane Does” against whom allegations have been made in the Second Amended Statement of Claim, which include the categories of individuals who are defined as “Unidentified Corporate Officers”, “Unidentified Church Elders”, “Unidentified School Abusers”, “Unidentified Church Abusers”, “Unidentified School Abuse Planners”, and “Unidentified Church Abuse Planners”, all of whom together form the category of individuals defined as “Unidentified Parties”. The particulars of the conduct described in identifying the above noted categories of individuals are set out throughout the Second Amended Statement of Claim, including but not limited to paragraph 42 of the Second Amended Statement of Claim.</p> <p>The policies and procedures referenced at paragraph 26(f) of the Second Amended Statement of Claim are those policies and procedures enacted and</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>utilized in furtherance of the principles referred to throughout the Second Amended Statement of Claim, including without limitation at paragraph 41, which include but are not limited to:</p> <ol style="list-style-type: none">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; and12. That the above promulgated principles are God's will. | |
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| | <p>The identities of the employees, representatives of agents of Mile Two or its predecessors that are alleged to have formulated the policies and procedures are the Principal Defendants.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>46. Witnessing of corporal punishment was calculated to further shame, humiliate and degrade the child being punished. The Individually Named Defendants’, and Unidentified Parties’ observing corporal punishment is and was calculated to, and did in fact, cause additional and severe, psychological, mental, emotional and spiritual harm for which the observing Defendant is said Defendants are liable.</p> | <p>Request:</p> <p>14. With respect to paragraph 46 of the Claim, particulars of the alleged witnessing of corporal punishment that was calculated to further shame, humiliate, and degrade the child being punished, including the:</p> <ul style="list-style-type: none"> a. Identity of the individuals alleged to have calculated that the witnessing of corporal punishment would further shame, humiliate, and degrade the child being punished; and b. Nature of the alleged additional and severe psychological, mental, emotional, and spiritual harm. | <p>1, 2, 3, 4, 5</p> |

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| | <p>Reply:</p> <p>a. The Plaintiffs state that Second Amended Statement of Claim speaks for itself in that “Individually Named Defendants” and “Unidentified Parties” are possessive, and the allegation is against all such Individually Named Defendants and Unidentified Parties.</p> <p>b. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo 34)</p> | |
| <p><u>46.1. The integration of the Church and School, the Principal Defendants and Mile Two Church Inc. created a “total institution”: a place where a large number of like situated individuals, cut off from wider society for an appreciable period at a time, together lead an enclosed, formally administered round of life, integrating anti-secularism, conservative Christianity, heterosexuality, subservience to authority and corporal punishment. The School and Church strove for, demanded and required compliance to its rules by breaking the wills of its students and minor adherents through various forms of violence.</u></p> | <p>Request:</p> <p>15. With respect to paragraph 46.1 of the Claim, particulars of the rules of the school and church operated by Mile Two, and their effective dates.</p> <p>Reply:</p> <p>The rules referenced at paragraph 46.1 of the Second Amended Statement of Claim include those rules furthering the principles referenced throughout the Second Amended Statement of Claim, including without limitation paragraph 41, which include but are not limited to:</p> <p>1. The systematic oppression, intimidation, and abuse of children;</p> | <p>1, 2, 3, 4, 5</p> |

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| | <ol style="list-style-type: none"> 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. <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> | |
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| | <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>46.1. The integration of the Church and School, the Principal Defendants and Mile Two Church Inc. created a “total institution”: a place where a large number of like situated individuals, cut off from wider society for an appreciable period at a time, together lead an enclosed, formally administered round of life, integrating anti-secularism, conservative Christianity, heterosexuality, subservience to authority and corporal punishment. The School and Church strove for, demanded and required compliance to its rules by breaking the wills of its students and minor adherents through various forms of violence.</u></p> | <p>Request:</p> <p>16. With respect to paragraph 46.1 of the Claim, particulars of the allegation that the school and church operated by Mile Two demanded and required compliance to its rules, including how such compliance was demanded and required.</p> <p>Reply:</p> <p>The Plaintiffs state that the Second Amended Statement of Claim speaks for itself.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>46.1. The integration of the Church and School, the Principal Defendants and Mile Two Church Inc. created a “total institution”: a place where a large number of like situated individuals, cut off from wider society for an appreciable period at a time, together lead an enclosed, formally administered round of life, integrating anti-secularism, conservative Christianity, heterosexuality, subservience to authority and corporal punishment. The School and Church strove for, demanded and required compliance to its rules by breaking the wills of its students and minor adherents through various forms of violence.</u></p> | <p>Request</p> <p>17. With respect to paragraph 46.1 of the Claim, particulars of the violence allegedly inflicted, including the:</p> <ul style="list-style-type: none"> a. Nature of the alleged violence; b. Identities of the perpetrators of the alleged violence; and c. Dates or approximate dates on which such alleged violence occurred. <p>Reply:</p> <p>The violence allegedly inflicted occurred during the period from 1982 to present. The Plaintiffs state the Second Amended Statement of Claim speaks for itself.</p> <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
| <p><u>47(b)(i)(4). numerous other instances, where Coy was struck in the area of the buttocks with a paddle by some or all of the Individually Named Defendants, Unidentified Church Abusers and Unidentified School Abusers.</u></p> | <p>Request:</p> <p>22. With respect to paragraph 47(b)(i)(4) of the Claim, particulars of the alleged instances of paddling, including the:</p> <ul style="list-style-type: none"> a. Dates or approximate dates on which such alleged paddling occurred; b. Frequency of the alleged paddling; and c. Identity or identities of the alleged perpetrator(s). <p>Reply:</p> <ul style="list-style-type: none"> a. The paddling occurred throughout the period that Coy Nolin attended the church and school operated by Mile Two (and its predecessor), being approximately 1997 through 2004. b. The paddling occurred with such frequency that Coy Nolin is unable to recall all incidents where he was paddled. c. Paddling was administered by the Individually Named Defendants and Unidentified Defendants. <p>In any event, the Plaintiffs state:</p> | <p>1, 2, 4, 5</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
| <p>47(b.1)(i). <u>Between 2008 and 2013, when Jennifer was 13 to 18 years of age, the Defendant Aaron Benneweis engaged in an inappropriate personal and intimate relationship and sexual touching of Jennifer, which abuse occurred in the School van, in secluded rooms in the School and Church, outside the school at his home, and on School trips out of town;</u></p> | <p>Request:</p> <p>24. With respect to paragraph 47(b.1)(i) of the Claim, particulars of the alleged inappropriate personal and intimate relationship and sexual touching, including the:</p> <ul style="list-style-type: none"> a. Nature of the alleged conduct; b. Frequency of the alleged conduct; and c. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> | <p>1, 2, 3, 4</p> |

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| | <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>47(b.2)(ii). Beaten on the buttocks with a wooden paddle on numerous occasions by the Defendant Lou Brunelle, while Stefanie was in Kindergarten through grade four; and</u></p> | <p>Request:</p> <p>26. With respect to paragraph 47(b.2)(ii) of the Claim, particulars of the alleged instances of paddling, including the:</p> <ul style="list-style-type: none"> a. Frequency of the alleged conduct; b. Dates or approximate dates on which such alleged conduct occurred <p>Reply:</p> <p>Paragraph 47(b.2)(ii) speaks for itself, sufficiently identifying the frequency and time of such battery for Mile Two to plead intelligently.</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> | <p>1, 2, 3, 4</p> |

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| | <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
| <p>47(c). Students and minor adherents and congregants of the Church were physically struck by the individual <u>Individually Named Defendants, Unidentified Church Abusers and Unidentified School Abusers</u> either by hand or with a wooden paddle, as a disciplinary response to, among other things:</p> <ul style="list-style-type: none"> i. Whispering during church service or class; ii. Talking back to teachers, teachers aids, school administrators, Church Elder, pastors, and other employees, agents and representatives of Mile Two Church Inc.; iii. Showing disrespect to teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.; iv. Disobeying directions of teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.; v. Refusing to provide satisfactory answers to inquiries by employees, agents and representatives of Mile Two Church Inc., whether or not the member of the Plaintiff Class knew the answer, and whether or not it would be truthful to provide the answer; vi. Cheating or otherwise being dishonest, particularly to teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.; | <p>Request:</p> <p>28. With respect to paragraph 47(c) of the Claim, particulars of the alleged instances of physical striking by hand or wooden paddle, including the:</p> <ul style="list-style-type: none"> a. Frequency of the alleged conduct; b. Identity or identities of the perpetrator(s) of the alleged conduct; and c. Dates or approximate dates on which such alleged conduct occurred <p>Reply:</p> <ul style="list-style-type: none"> a. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110). <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo 34).</p> | <p>1, 2, 3, 4, 5</p> |

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| <ul style="list-style-type: none"> vii. Being caught within six inches of a student or minor adherent or congregant of the Church who is of the opposite sex; viii. Telling jokes deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.; ix. Making gestures deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.; x. For not crying during administration of corporal punishment; xi. For wearing padding around the area of the buttocks while being subject to corporal punishment; xii. Talking negatively about the School or Church; xiii. Socializing with people who were not students at the School or members of the Church; xiv. Not completing homework; xv. Not telling Church and School leadership when purported wrongdoing was done by other students and minor adherents and congregants of the Church; and xvi. On the mere allegation of any of the foregoing. | <ul style="list-style-type: none"> b. The Second Amended Statement of Claim speaks for itself, identifying the perpetrators of the conduct described in paragraph 47(c) as “the Individually Named Defendants, Unidentified Church Abusers and Unidentified School Abusers”. c. The Plaintiffs state that the conduct described at paragraph 47(c) of the Second Amended Statement of Claim occurred repeatedly and consistently throughout the period from 1982 to present. <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo 34).</p> | |
| <p>47(d), (e), (g), (l.1) and (o).</p> <p>d. A student was alleged to have cheated on some school work. The student was spanked as a form of discipline. When the student did not cry during the spanking, the student was told to pull down his pants. The student told the school administrator to “fuck off” and was subsequently expelled and excommunicated from the school and the church.</p> | <p>Request:</p> <p>29. With respect to paragraph 47(d), (e), (g), (1.1), and (o) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; | <p>1, 2, 3, 4</p> |

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| <p>e. A student refused to pray in front of her class, and was subject to spanking or paddling for the refusal;</p> <p>g. Numerous students were subject to additional physical abuse by some or all of the Defendants, for not crying during administration of corporal punishment, which was stated to be a refusal to accept their punishment;</p> <p>I.1 Forcing at least one student to go in the hallway and do a “wall sit” while holding a medicine ball for multiple hours as a punishment; and</p> <p><u>o. Not permitting children who had urinated or defecated themselves to change into clean, dry clothes, and paddling the child for having urinated or defecated themselves while wearing soiled clothing so that it would hurt more.</u></p> | <p>b. Identity or identities of the victim(s) of the alleged conduct; and</p> <p>c. Dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>47(f). For not finishing assigned homework, Joel Hall took a student to the School office to be paddled three times, which occurred on each school day for a period of two months;</p> | <p>Request:</p> <p>30. With respect to paragraph 47(f) of the Claim, particulars of the allegation set out therein, including the:</p> <p>a. Identity of the victim of the alleged conduct; and</p> <p>b. Dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>47(i) and (j) i. Other employees, agents and representatives of Mile Two Church Inc. engaged in sexual relationships with students and minor adherents and congregants of the Church; j. Employees, agents and representatives of Mile Two Church Inc. engaged in sexual fondling of students and minor adherents and congregants of the Church;</p> | <p>Request:</p> <p>32. With respect to paragraph 47(i) and (j) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged sexual conduct for each alleged victim; b. Identity or identities of the victim(s) of the alleged sexual conduct; c. Nature of the alleged sexual conduct in relation to each alleged victim; and d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>a. The abusers include, but are not limited to, Aaron Benneweis, Darcy Schuster, Nathan Schultz, and Ken Schultz.</p> <p>b. The victims are members of the Abused Student Class and Church Minors Class.</p> <p>c. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo 34).</p> <p>d. The abuse described at paragraphs 47(i) and 47(j) of the Second Amended Statement of Claim occurred during the period from 1982 to present.</p> | |
| <p>47(k). Nathan Schultz, a worker of the Church, induced female minor adherents and congregants of the Church to, during Sunday School, to go with him to the bathroom where he would put candy on his penis and have the girl take the candy with her hands or mouth. On some occasions he cut the pockets out of his pants, and told the girls to reach into the pockets and “see what surprise I have for you”;</p> | <p>Request:</p> <p>33. With respect to paragraph 47(k) of the Claim, particulars of the allegations set out therein, including the:</p> <p>a. Identity or identities of the victim(s) of the alleged conduct;</p> <p>b. Frequency of the alleged conduct for each alleged victim; and</p> | <p>1, 2, 3, 4</p> |

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| | <p>c. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>47(k.1). Darcy Schuster, Children’s Director of the Church, and participant in children’s church on behalf of the Church, removed at least one minor adherent and congregant of the Church, during School, from class and took her to his office, where he would expose his penis to them and force them to perform fellatio on him. This reprehensible activity occurred several times over the minor adherents’ grade 3, 4 and 5 years</p> | <p>Request:</p> <p>34. With respect to paragraph 47(k.1) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the victim(s) of the alleged conduct; and b. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>47(l). Joel Hall imposed repetitive physical tasks to students who, by reason of physical disability or learning disability were unable to achieve unreasonably high performance standards demanded of students in the School;</p> | <p>Request:</p> <p>35. With respect to paragraph 47(1) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the victim(s) of the alleged conduct; b. Nature of the alleged physical and/or learning disability or disabilities for each alleged victim; and c. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> | <p>1, 2, 3, 4</p> |

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| | <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
| <p>47(m). At the direction of John Olubobokun, Garrett Johnson (now Garrett Davis) took a student to a bathroom and force <u>forced him</u> to remove his pants, so that his pants and underwear could be inspected for the presence of padding;</p> | <p>Request:</p> <p>36. With respect to paragraph 47(m) of the Claim, particulars of the allegation set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity of the victim of the alleged conduct; and b. Date or approximate date on which such alleged conduct occurred. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>47(n). On several occasions Ken Schultz, while “praying over” a female student and minor attendee of the church who had been sexually abused in her home, placed his hand between her legs and on her chest, placed his hand under her shirt and down her pants inside her underwear, and placed the child’s hand on his crotch. Ken Schultz was sexually aroused at the time. During these “healing” sessions Ken Schultz put his hand inside her underwear to her buttocks while paddling the student, causing welts and bruising. This occurred while the child was between 4 and 6 years old; and</u></p> | <p>Request:</p> <p>37. With respect to paragraph 47(n) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the victim(s) of the alleged conduct; and b. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> | <p>1, 2, 3, 4</p> |

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| | <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(a)(i), (ii), (iii), (iv), (v) and (vi).</p> <ul style="list-style-type: none"> i. Particularly in the case of the Plaintiff Caitlin Erickson <ul style="list-style-type: none"> i. Yelling and screaming; ii. Forcing Caitlin to listen to peers being beaten; iii. Telling younger students and minor adherents and congregants of the Church that Caitlin was a “bad egg”, which was intended to and was taken by the younger students to mean that Caitlin was worthy of humiliation, scorn and ridicule; iv. Making public, and untruthful, statements to younger students and minor adherents and congregants of the Church that Caitlin was “rebellious”, an offence pursuant to the teachings and principles of the School and Church; v. Interrogating Caitlin to coerce her to divulge information to provide a basis for John Olubobokun to beat other students and minor adherents and congregants of the Church with a paddle; and vi. In response to Caitlin not crying during paddling of her sister, telling her that not crying to signal acceptance of punishment was childish. | <p>Request:</p> <p>38. With respect to paragraph 48(a)(i), (ii), (iii), (iv), (v), and (vi) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct; and b. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | <p>1, 2, 3, 4</p> |
| <p>48(c). The student referred to was expelled and excommunicated from the School and the Church, in the incident referred to in paragraph 47(d);</p> | <p>Request:</p> | <p>1, 2, 3, 4</p> |

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| | <p>39. With respect to paragraph 48(c) of the Claim, particulars of the allegation set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct; b. Identity of the victim of the alleged conduct; and c. Date or approximate date on which such alleged conduct occurred. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34)</p> | |
| <p>48(d). Excommunicating members of the Plaintiff Classes, including the Plaintiffs, or members of their respective families, for deviations from the principles, teachings and purported obligations of <u>imposed by the Church and School</u>;</p> | <p>Request:</p> <p>40. With respect to paragraph 48(d) of the Claim, particulars of the allegations set out therein, including the:</p> | <p>1, 2, 3, 4</p> |

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| | <p>a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim;</p> <p>b. Identity or identities of the victim(s) of the alleged conduct;</p> <p>c. Identification of the principles, teachings, and purported obligations referred to; and</p> <p>d. Dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(e). Imposing isolating individual tasks to students who were unable, by reason of physical disability or learning disability, to achieve unreasonably high performance standards demanded of students at the School;</p> | <p>Request:</p> <p>41. With respect to paragraph 48(e) of the Claim, particulars of the allegations set out therein, including the:</p> | <p>1, 2, 3, 4</p> |

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| | <p>a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim;</p> <p>b. Identity or identities of the victim(s) of the alleged conduct;</p> <p>c. Nature of the alleged conduct in relation to each alleged victim;</p> <p>d. Nature of the alleged physical and/or learning disability or disabilities in relation to each alleged victim;</p> <p>e. Identification of the performance standards referred to; and</p> <p>f. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(f). Provided unqualified, incompetent counselling to students of the School, the true motivation for which was to maintain control, and to conceal and maintain</p> | <p>Request:</p> | <p>1, 2, 3, 4</p> |

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| <p>secrecy respecting sexual abuse of members of the Plaintiff Classes, including the Plaintiffs;</p> | <p>42. With respect to paragraph 48(f) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct; b. Nature of the alleged conduct; and c. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(g)(i), (ii), (iii), (iv), (v) and (vi).</p> <p>g. Insulting, degrading, demeaning and humiliating members of the Plaintiff Classes, including the Plaintiffs, for:</p> <ul style="list-style-type: none"> i. Communicating with individuals excommunicated from the School or the Church; | <p>Request:</p> <p>43. With respect to paragraph 48(g)(i), (ii), (iii), (iv), (v), and (vi) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; | <p>1, 2, 3, 4</p> |

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| <ul style="list-style-type: none"> ii. Socializing with children other than those who attended the School or the Church; iii. Failing or refusing to participate in Church activities, while a student at the School; iv. Failing to achieve academic, athletic or other unreasonably high performance standards demanded by the School or the Church, irrespective of ability or effort; v. Listening to music not approved by the School or the Church; and vi. Questioning decisions made by people in authority in the Church and School; | <ul style="list-style-type: none"> b. Identity or identities of the victim(s) of the alleged conduct; c. Nature of the alleged conduct for each alleged victim; and d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(h), (i), (j), (l), (m), (m.1), (m.2), (m.3), (m.4), (m.5), (m.8) and (m.9)</p> <ul style="list-style-type: none"> h. Threatening separation of members of the Plaintiff Classes, including the Plaintiffs, from their siblings as punishment for not complying with directions and expectations at the School and Church; i. Isolating members of the Plaintiff Classes, including the Plaintiffs, as punishment for alleged misbehavior; | <p>Request:</p> <p>44. With respect to paragraph 48(h), (i), (j), (l), (m), (m.1), (m.2), (m.3), (m.4), (m.5), (m.8), and (m.9) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; | <p>1, 2, 3, 4</p> |

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| <p>j. Refusing to assist students perceived as “bad” with schoolwork, when assistance was required or requested to understand;</p> <p>l. Making loud, unexpected noises to frighten members of the Plaintiff Classes, including the Plaintiffs;</p> <p>m. Sermonizing that homosexuality is immoral, perverse and an abomination;</p> <p>m.1 Forcing at least one student to undress and then redress into her gym clothes while other students watched;</p> <p>m.2 Refusing to allow members of the Plaintiff Classes, to use the washroom, resulting in at least 2 minor students wetting their pants in class;</p> <p>m.3 Forcing members of the Plaintiff Classes, including the Plaintiffs, to witness the Physical Abuse perpetrated on classmates and other students; and</p> <p>m.4 <u>Subjecting members of the Plaintiff Classes, including the Plaintiffs, to the Physical Abuse, Non-Physical Abuse and Intimidation Abuse, calculated to and in fact having effect on the victim of such Physical Abuse, Non-Physical Abuse and Intimidation Abuse as well as on other members of the Plaintiff Classes.;</u></p> <p>m.5 <u>Forcing members of the Plaintiff Classes, including the Plaintiffs, to listen to and observe the Physical Abuse, Intimidation Abuse, and Non-Physical Abuse of other students and minor adherents of the Church;</u></p> <p>m.8 <u>Refusing to allow children to leave class or Church to go to the bathroom;</u></p> <p>m.9 <u>Refusing to allow children who had urinated or defecated themselves to change into clean, dry clothes; and</u></p> | <p>b. Identity or identities of the victim(s) of the alleged conduct; and</p> <p>c. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(k). Refusing to provide assistance to students with learning disabilities;</p> | <p>Request:</p> | <p>1, 2, 3, 4</p> |

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| | <p>45. With respect to paragraph 48(k) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; b. Identity or identities of the victim(s) of the alleged conduct; c. Nature of the alleged learning disabilities for each alleged victim; and d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>48(m.6). <u>Effecting harm on members of the Plaintiff Classes, including the Plaintiffs, by intimidating, coercing, and demanding financial contribution from families of members of the Plaintiff Classes, including the Plaintiffs, including contributions for personal benefits and luxury assets for Keith Johnson, knowing that financial contributions would:</u></p> | <p>Request:</p> <p>46. With respect to paragraph 48(m.6) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; b. Identity or identities of the victim(s) of the alleged conduct; | <p>1, 2, 3, 4</p> |

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| | <p>c. Nature of the alleged conduct for each alleged victim; and</p> <p>d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>48(m.7). In relation to a female student and minor attendee of the Church who had been sexually abused in her home, after Church and School leadership learned of the sexual abuse, repeatedly stating to the girl and to members of the congregation of the Church that the young girl had seduced her abuser, that the young girl needed “healing sessions” to “deliver her from the spirit of lust”, and that Satan had a direct hand in her conception. Some or all of the Individually Named Defendants, Unidentified Church Abusers and Unidentified School Abusers told her that she was impure, caused men to stumble, and would go to hell for eternal punishment. In addition, Keith Johnson laid hands on her and spoke in tongues to “exercise the demons” in front of the congregation of the Church. This all occurred while the girl was 4 to 6 years of age.</u></p> | <p>Request:</p> <p>47. With respect to paragraph 48(m.7) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct; b. Identity of the victim of the alleged conduct; c. Location(s) in which the alleged conduct occurred; and d. Dates or approximate dates on which such alleged conduct occurred. <p>Reply:</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p><u>48(m.10). Randy Donauer threatened children with beating with a wooden paddle if they didn't “praise the Lord” more effectively, by raising their hands, jumping up and down, and singing louder.</u></p> | <p>Request:</p> <p>48. With respect to paragraph 48(m.10) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the victim(s) of the alleged conduct; and b. Dates or approximate dates on which such alleged conduct occurred for each alleged victim. <p>Reply:</p> <p>The Plaintiffs State that the conduct of Donauer as pled at paragraph 48(m.10) of the Second Amended Statement of Claim occurred on or about February 11, 2001 in the presence of a number of minors, including Stefanie Hutchinson, the identities of which are not presently known to the Plaintiffs.</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>49(a)(i) and (iii) a. Particularly in the case of the Plaintiff Caitlin Erickson:</p> <p>i. John Olubobokun screaming in the face of Caitlin while Caitlin was seated in his office;</p> <p>iii. Caitlin observed the School and Church selling paddles, and keeping paddles in plain view as intimidation and threat of future battery with the said paddles;</p> | <p>Request:</p> <p>49. With respect to paragraph 49(a)(i) and (iii) of the Claim, particulars of the allegations set out therein, including the dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> <p>a. With respect to paragraph 49(a)(i) of the Second Amended Statement of Claim: The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> <p>b. With respect to paragraph 49(a)(iii) of the Second Amended Statement of Claim, the Plaintiffs state that the paddles were sold and kept in plain view throughout the period that Caitlin Erickson attended at Mile Two, either as a student or as a minor congregant or adherent of the Church, from 1992 to 2005. More generally, the Plaintiffs state that paddles were sold and kept in plain view throughout the period from 1982 to present.</p> | |
| <p>49(a)(ii) Threatening physical abuse on a regular basis; and</p> | <p>Request:</p> <p>50. With respect to paragraph 49(a)(ii) of the Claim, particulars of the allegations set out therein, including the:</p> <p>a. Identity or identities of the perpetrator(s) of the alleged conduct; and</p> <p>b. Dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> <p>a. With respect to paragraph 49(a)(i) of the Second Amended Statement of Claim: The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> <p>b. The conduct occurred throughout the period that Caitlin Erickson attended at Mile Two, either as a student or as a minor congregant or adherent of the Church, from 1992 to 2005.</p> | |
| <p>49(a.1) Particularly in the case of the Plaintiff, Jennifer Soucy (Beaudry):</p> <p>i. The inappropriate personal and intimate relationship and sexual touching by Aaron Benneweis was known to the Principal Defendants during the period that the abuse was occurring, and the Principal Defendants and some or all of the Individually Named Defendants, and Unidentified Parties discouraged Jennifer from reporting the abuse to police, encouraged Jennifer not to pursue criminal charges against Aaron Benneweis, and coerced Jennifer into lying to police about the nature and extent of the abuse;</p> | <p>Request:</p> <p>51. With respect to paragraph 49(a.1) of the Claim, particulars of the allegations set out therein, including the:</p> <p>a. Identity or identities of the individuals who discouraged Jennifer Soucy (Beaudry) from reporting the alleged abuse to police, discouraged her from pursuing criminal charges, and coerced her into lying to police;</p> <p>b. Nature of the coercion alleged against each alleged perpetrator; and</p> <p>c. Dates or approximate dates on which such alleged conduct occurred by each alleged perpetrator.</p> <p>Reply:</p> <p>a. The Second Amended Statement of Claim speaks for itself.</p> <p>b. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> <p>c. The conduct occurred during and after the period in which Aaron Benneweis engaged in an inappropriate personal relationship and sexual touching of Jennifer Soucy (Beaudry).</p> | |
| <p>49(a.2). Particularly in the case of the Plaintiff, Stefanie Hutchinson:</p> <p>i. Being threatened by the Defendant Randy Donauer that she would be beaten with a wooden paddle if she and other students didn’t “praise the Lord” more effusively by raising her hands, jumping up and down and singing louder;</p> | <p>Request:</p> <p>52. With respect to paragraph 49(a.2) of the Claim, particulars of the dates or approximate dates on which such alleged conduct occurred.</p> <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>49(b), (c), (e), (f), (h), (i), (j), (l), (n), (o), (p) and (q)</p> <p>b. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;</p> <p>c. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;</p> <p>e. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;</p> <p>f. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;</p> <p>h. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for exhibiting or condoning homosexuality and homosexual behaviour;</p> | <p>Request:</p> <p>53. With respect to paragraph 49(b), (c), (e), (f), (h), (i), (j), (l), (n), (o), (p), and (q) of the Claim, particulars of the allegations set out therein, including the:</p> <p>a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim;</p> <p>b. Identity or identities of the victim(s) of the alleged conduct; and</p> <p>c. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>a. The perpetrators of the alleged conduct are the Individually Named Defendants, Unidentified School Abusers, and Unidentified Church Abusers.</p> <p>b. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4, 5</p> |

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| <ul style="list-style-type: none"> i. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for not condemning and demonstrating detestation of homosexuality and homosexual behaviour; j. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they did not divulge misconduct of other members of the Plaintiff Classes, including the Plaintiffs, their families, or other adherents and congregants of the Church; l. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed to others the particulars of discipline meted by the Defendants against the members of the Plaintiff Classes, including the Plaintiffs; n. Telling members of the Plaintiff Classes, including the Plaintiff, that they would be corporally punished at a specific or unspecified future date or time; o. Requiring students to stand in line to be corporally punished, while students ahead of them in line were being corporally punished; p. Selling and displaying paddles around the School and Church, as a threat of future physical abuse.; and q. <u>Demeaning and humiliating a female child who had been sexually abused in her home, with public and private statements that the child had seduced her abuser, required “healing sessions” to “deliver her from the spirit of lust”,when the child was 4 to 6 years of age;</u> | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> <ul style="list-style-type: none"> c. The alleged conduct occurred throughout the period from 1982 to present. | |
| <p>49(d), (g) and (m)</p> <ul style="list-style-type: none"> d. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly not abiding by all principles, teachings and purported obligations of imposed by the Church and School;; | <p>Request:</p> <p>54. With respect to paragraph 49(d), (g), and (m) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim; b. Identity or identities of the victim(s) of the alleged conduct; | <p>1, 2, 3, 4, 5</p> |

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| <p>g. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly not abiding by all principles, teachings and purported obligations of <u>imposed by the Church and School</u>;</p> <p>m. Threatening excommunication or social isolation against members of the Plaintiff Classes, including the Plaintiffs, for deviating from the principles, teachings or obligations of the Church;</p> | <p>c. Identification of the principles, teachings, and purported obligations referred to for each alleged victim; and</p> <p>d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.</p> <p>Reply:</p> <p>a. The perpetrators of the alleged conduct are the Individually Named Defendants, Unidentified School Abusers, and Unidentified Church Abusers.</p> <p>b. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo34).</p> <p>c. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703)</p> | |
| <p>49(k). Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed information deemed by the employees,</p> | <p>Request:</p> | <p>1, 2, 3, 4, 5</p> |

agents, and representatives of Two Mile Church Inc., including the Principal Defendants, to be secrets ~~kept secret~~;

55. With respect to paragraph 49(k) of the Claim, particulars of the allegations set out therein, including the:

- a. Identity or identities of the perpetrator(s) of the alleged conduct for each alleged victim;
- b. Identity or identities of the victim(s) of the alleged conduct;
- c. Nature of the information alleged to have been deemed secret for each alleged victim; and
- d. Dates or approximate dates on which such alleged conduct occurred for each alleged victim.

Reply:

- a. The perpetrators of the alleged conduct are the Individually Named Defendants, Unidentified School Abusers, and Unidentified Church Abusers
- b. 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).

Mile Two 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).

The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] 9 W.W.R. 293).

The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs 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] SJNo34).

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| | <p>c. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo34).</p> <p>d. The alleged conduct occurred against numerous victims from 1982 to present.</p> | |
| <p>54(a) and (b) a. immediate pain and suffering which is, per se, compensable; b. lasting and significant pain and suffering;</p> | <p>Request:</p> <p>56. With respect to paragraph 54(a) and (b) of the Claim, particulars of the nature of the pain and suffering alleged to have been sustained.</p> <p>Reply:</p> <p>The Plaintiffs state that the Second Amended Statement of Claim speaks for itself.</p> <p>In addition:</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>54(t). the need for past and ongoing psychological, psychiatric, medical and spiritual treatment for illnesses and other disorders resulting from the Physical Abuse, Non-Physical Abuse and Intimidation Abuse.</p> | <p>Request:</p> <p>57. With respect to paragraph 54(t) of the Claim, particulars of the allegations set out therein, including the:</p> <ul style="list-style-type: none"> a. Nature of the psychological, psychiatric, medical, and spiritual treatment alleged to have been required in relation to each alleged victim; and b. Nature of the illnesses and other disorders alleged to have been sustained in relation to each alleged victim. <p>Reply:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> | <p>1, 2, 3, 4</p> |

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| | <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>60. The Defendants conspired to inflict harm to the students of the School and minor adherents and congregants of the Church, by lawful and unlawful means of the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse.</p> | <p>Request:</p> <p>58. With respect to paragraph 60 of the Claim, particulars of conspiracy alleged to have been participated in by the Defendants, including the:</p> <ul style="list-style-type: none"> a. Nature of the conspiracy alleged; b. The identities of all parties to the alleged conspiracy; and c. Nature of the lawful and unlawful means alleged to have been employed to advance the alleged conspiracy. <p>Reply:</p> <p>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:</p> <ul style="list-style-type: none"> 1. The systematic oppression, intimidation, and abuse of children; | <p>1, 2, 3, 4, 5</p> |

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| | <ol style="list-style-type: none"> 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. | |
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| | <p>In addition:</p> <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
| <p>63. Mile Two Church Inc. and its directors and officers, including the Unidentified Corporate Officers and Unidentified Elders, created conditions in which the Individually Named Defendants, Unidentified School Abusers, Unidentified School Abuse Planners, Unidentified Church Abusers, and Unidentified Church Abuser Planners could, and would, perpetrate the Physical Abuse, Non-Physical Abuse and Intimidation Abuse, and failed to adequately supervise the employees, agents and representatives to ensure the safety of the students of the School or minor adherents and congregants of the Church.</p> | <p>Request:</p> <p>60. With respect to paragraph 63 of the Claim, particulars of the conditions referred to therein, including the nature of the conditions that are alleged to have been created, and when they were created.</p> <p>Reply:</p> <p>The Second Amended Statement of Claim speaks for itself in that the conduct of Mile Two, and its directors and officers, as pled herein created the said conditions throughout the period of 1982 to present. With respect to the applicable date that such conditions were created:</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJNo 34).</p> | |
| <p>76.2. The Defendants are liable to the Plaintiff Classes, including the Plaintiffs, for conspiracy to injure and conspiracy to injure by unlawful means for the conduct described herein.</p> | <p>Request:</p> <p>63. With respect to paragraph 76.2 of the Second Amended Claim, particulars concerning the conspiracy allegedly participated in by the Defendants, including the:</p> <ul style="list-style-type: none"> a. Nature of the conspiracy alleged; b. The identities of all parties to the alleged conspiracy; and c. Nature of the means alleged to have been employed to advance the alleged conspiracy. <p>Reply:</p> <p>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</p> | <p>1, 2, 3, 4, 5</p> |

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| | <p>without limitation at paragraph 41, which principles include but are not limited to:</p> <ol style="list-style-type: none">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; and12. That the above promulgated principles are God's will. <p>In addition:</p> | |
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| | <p>The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110).</p> <p>Mile Two has better knowledge of the particulars demanded by it (see: <i>Prince Albert Co-Operative Assn. Ltd. v. Lyons</i>, [1984] S.J. No. 110 and <i>Canadian Imperial Bank of Commerce v. Todd</i>, [1987] S.J. No. 703).</p> <p>The particulars demanded are not reasonably required by Mile Two in order to plead intelligently (see: <i>Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)</i>, [1994] 9 W.W.R. 293).</p> <p>The Statement of Claim affords Mile Two sufficient information to enable it to understand “at least in broad strokes what the plaintiffs case is about”, as is required in a pre-certification application for further particulars (see: <i>Wasserman v Saskatchewan (Minister of Highways and Infrastructure)</i>, 2022 SKQB 17, [2022] SJ No 34).</p> | |
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