

Form 6-5
(Subrule 6-5(1))

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*

NOTICE OF APPLICATION

NOTICE TO RESPONDENTS

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where	Court of King's Bench for Saskatchewan 520 Spadina Crescent East Saskatoon, SK S7K 3G7
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Date & Time	On a date and time to be fixed by the Honourable Justice N. Bardai
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(Read the Notice at the end of this document to see what else you can do and when you must do it.)

Remedy claimed or sought:

1. The Applicant/Defendant, James Randall applies for the following relief:
 - a. An Order pursuant to Rule 3-71 of *The King's Bench Rules* requiring the Respondents/Plaintiffs, Caitlin Erickson, Jennifer Soucy (Beaudry), and Stefanie Hutchinson (together, "the Plaintiffs"), to provide further and better responses to certain particulars requested by James Randall in his Request for Particulars dated October 31, 2023 ("the Request") that are identified in **Schedule "A"** to this Notice of Application, within 60 days of the date of the Order; and
 - b. An Order granting James Randall the costs of this application.

Grounds for making this application:

2. James Randall delivered the Request pursuant to the Order of the Honourable Justice N. Bardai, dated September 15, 2023. The Request is with reference to the Second Amended Statement of Claim dated June 29, 2023 ("the Claim").
3. In response to the Request, the Plaintiffs delivered a Reply to Request for Particulars dated December 28, 2023 (the "Reply to James Randall").
4. The Reply to James Randall is deficient. Accordingly, the Applicant/Defendant seeks an Order directing the Plaintiffs to provide him with further and better particulars to certain requests for particulars identified in **Schedule "A"** attached hereto.
5. The position of James Randall amongst the Defendants to the within Action impacts the scope of particulars to which he is entitled. The Claim sets out allegations for which James Randall is alleged to be principally liable. The Claim also asserts that James Randall is vicariously liable for the actions of other Defendants as well as unnamed individuals.
6. James Randall is entitled to know the case against him. A primary purpose of a statement of claim is to alert defendants to the case they are required to meet. The Claim does not alert the Applicant/Defendant to the case that he must meet. Further, the Reply to the Applicant/Defendant does not provide him with particulars that he requires to understand the case against him.

7. James Randall is also entitled to particulars pertaining to the suitability of the within Action as a class action. In this regard, the Applicant/Defendant is entitled to particulars that inform the certification criteria set out in s. 6(1) of *The Class Actions Act*, SS 2001, c C-12.01.

Material or evidence to be relied on:

8. This Notice of Application together with Schedule "A" thereto, with proof of service;
9. Draft Order;
10. The pleadings and proceedings had and taken herein; and
11. Such further and other material as counsel may advise and this Honourable Court may allow.

Applicable rules:

12. Rules 3-9, 3-71, 11-1, 13-8, and 13-9 of *The King's Bench Rules*.

Applicable Acts and Regulations:

13. Sections 6(1), 40, and 44 of *The Class Actions Act*, SS 2001, c C-12.01.

DATED at Saskatoon, Saskatchewan, this 27th day of February, 2024.

VANSTONE LAW

Per:



Mark Vanstone, Solicitors for the Applicant/Defendant, Duff Friesen, Ken Schultz, James Randall and Catherine Randall

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

This document was delivered by:

VANSTONE LAW

1221 – 10th Street East
Saskatoon, SK S7H 0J1

Lawyer in charge of file: Mark Vanstone

address for service: as above

Telephone: 306-667-1988

Email: mvanstone@vanstone.law

SCHEDULE A

1. With respect to paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
 - (a) The identity of all individuals alleged to have been owed a fiduciary duty by James Randall;
 - (b) The relevant dates or timeframe of all alleged breaches of fiduciary duty;
 - (c) The locations where the fiduciary duty was breached by James Randall; and
 - (d) The particulars of the actions or conduct related to the breaches of fiduciary duty of James Randall.

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

3. With respect to paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
 - (a) The identity of all individuals alleged to have suffered from the assault and/or battery by James Randall;
 - (b) The relevant dates or timeframe of any alleged assaults and/or battery;
 - (c) The location where the alleged assaults and/or battery was committed by James Randall; and

- (d) The particulars of the actions or conduct to the alleged assault and/or battery by James Randall.
4. With respect to paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
- (a) The identity of all individuals alleging mental suffering as a result of the actions or conduct of James Randall;
 - (b) The relevant dates or timeframe of any alleged infliction of mental suffering by James Randall;
 - (c) The location where the alleged infliction of mental suffering took place; and
 - (d) The particulars of the actions or conduct to the infliction of mental suffering by James Randall.
5. With respect to paragraph 31(a) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
- (a) The identity of all individuals alleging to have suffered damages or a loss as a result of the claim of alleged conspiracy against James Randall;
 - (b) The relevant dates or timeframe of any alleged conspiracy by James Randall; and
 - (c) The particulars of the actions or conduct of James Randall allegedly giving rise to a claim against James Randall in conspiracy.
6. With respect to paragraph 31(d) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
- (a) The identity of all individuals alleging to be entitled to punitive, exemplary and/or aggravated damages from James Randall;
 - (b) The relevant dates or timeframe of any conduct allegedly giving rise to a claim of punitive, exemplary and/or aggravated damages against James Randall; and
 - (c) The particulars of the alleged conduct of James Randall allegedly giving rise to a claim of punitive, exemplary and/or aggravated damages against James Randall.

7. With respect to paragraph 31(e) of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
 - (a) The identity of all individuals alleging to have been allegedly corporally punished by James Randall;
 - (b) The relevant dates or timeframe of any alleged corporal punishment by James Randall;
 - (c) The location that any alleged corporal punishment took place; and
 - (d) The particulars of the alleged conduct of James Randall giving rise to a claim against James Randall relating to corporal punishment.

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

9. With respect to paragraphs 46 of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
 - (a) The identity of all individuals alleging to have been allegedly physically, psychologically, emotionally and religiously abused by James Randall;
 - (b) The relevant dates or timeframe of any alleged physical, psychological, emotional and religious abuse by James Randall;
 - (c) The location that any alleged physical, psychological, emotional and religious abuse took place; and

- (d) The particulars of the alleged conduct of James Randall giving rise to a claim against James Randall relating to physical, psychological, emotional and religious abuse.
10. With respect to paragraphs 47 of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
- (a) The identity of all individuals alleging physical or sexual assault and/or battery as a result of the actions or conduct of James Randall;
 - (b) The relevant dates or timeframe of any alleged physical or sexual assault and/or battery by James Randall;
 - (c) The location where the alleged physical or sexual assault and/or battery took place; and
 - (d) The particulars of the actions or conduct to the physical or sexual assault and/or battery by James Randall.
11. With respect to paragraphs 48 of the Statement of Claim, full particulars of the allegations that relate to James Randall, including without limitation:
- (a) The identity of all individuals alleging infliction of mental injury including psychological, mental, emotional and spiritual harm as a result of the actions or conduct of James Randall;
 - (b) The relevant dates or timeframe of any alleged infliction of mental injury including psychological, mental, emotional and spiritual harm by James Randall;
 - (c) The location where the alleged infliction of mental injury including psychological, mental, emotional and spiritual harm took place; and
 - (d) The particulars of the actions or conduct to the mental injury including psychological, mental, emotional and spiritual harm by James Randall.
12. With respect to paragraph 49 of the Statement of Claim, full particulars of the allegations that relate to James Randall, including but not limited to:

- (a) The identity of all individuals alleging the threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students as a result of the actions or conduct of James Randall;
 - (b) The relevant dates or timeframe of any alleged threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students by James Randall;
 - (c) The location where the alleged threatened physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students took place; and
 - (d) The particulars of the actions or conduct to the threat of physical abuse and non-physical abuse to emotionally inflict mental injury on and/or intimidate students by James Randall.
13. With respect to the Statement of Claim in general particulars of any alleged incidence of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or intentional infliction of mental injury allegedly observed by James Randall not provided in reply to the requests as set out in paragraphs 1-12 above.
14. With respect to the Statement of Claim in general, particulars of any alleged incidence of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or infliction of mental injury allegedly condoned or conspired to by James Randall not provided in reply to the requests set out in paragraphs 1-12 above.
15. With respect to the Statement of Claim in general, particulars of any alleged threats by James Randall of corporal punishment, physical and/or sexual assault, trespass to the person, battery, and/or infliction of mental injury, and any particulars of any alleged coercion or intimidation not provided in the reply to the requests set out in paragraphs 1-12 above.
16. With respect to the Statement of Claim in general, particulars of any alleged incidents and alleged acts complained of and carried out by others that James Randall, either allegedly had knowledge of, directed or approved not provided in reply to the requests set out in paragraphs 1-12 above.