

**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 COY 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
Date & Time	On a date and time to be fixed by the Honourable Justice N. Bardai

*(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, Deidre Benneweis (“**Mrs. Benneweis**”) 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 Mrs. Benneweis in her Request for Particulars dated October 24, 2023 (“**Mrs. Benneweis 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 Mrs. Benneweis the costs of this application.

### **Grounds for making this application:**

2. Mrs. Benneweis delivered the Mrs. Benneweis Request pursuant to the September 15, 2023 Order of the Honourable Justice N. Bardai (the “**September 15 Order**”). The Mrs. Benneweis Request concerns the Second Amended Statement of Claim dated June 29, 2023 (the “**Claim**”).
3. In response to the Mrs. Benneweis Request, the Plaintiffs delivered a Reply to Request for Particulars dated December 28, 2023 (the “**Reply to Mrs. Benneweis**”).
4. The Reply to Mrs. Benneweis is deficient. Accordingly, Mrs. Benneweis seeks an Order directing the Plaintiffs to provide her with further and better particulars to certain requests for particulars identified in **Schedule “A”** to this Notice of Application.
5. Mrs. Benneweis is entitled to know the case against her. A key function of a statement of claim is to alert defendants to the case they are required to meet. The Claim does not alert Mrs. Benneweis to the case that he must meet. Further, the Reply to Mrs. Benneweis does not provide Mrs. Benneweis with particulars that she requires to understand the case against her.
6. Mrs. Benneweis is also entitled to particulars pertaining to the suitability of the within Action as a class action. In this regard, Mrs. Benneweis 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:**

7. This Notice of Application together with Schedule “A” thereto, with proof of service;
8. Draft Order;
9. Brief of Law;
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 28<sup>th</sup> day of February, 2024.

**MILLER THOMSON LLP**

Per:

  
\_\_\_\_\_  
Scott R. Spencer, Solicitors for the  
Applicant/ Defendant, Deidre  
Benneweis

**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.

## CONTACT INFORMATION AND ADDRESS FOR SERVICE

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File Number:	0271692.0001

**SCHEDULE "A"**

<b>Paragraph in Request for Particulars of Deidre Benneweis dated October 24, 2023</b>	<b>Paragraphs in Second Amended Statement of Claim dated June 29, 2023</b>
1	41, 43, and 45-46
2	47, 48, 49, and 54
3	31, and 60-62
4	70
5	73-74