

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

COURT FILE NUMBER KBG-SA-00766-2022

COURT OF KING’S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

APPLICANT/DEFENDANT THE GOVERNMENT OF SASKATCHEWAN

RESPONDENTS/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, DEIDRE BENNEWEIS, STEPHANIE
CASE, DARCY SCHUSTER, RANDY DONAUER,
JOHN THURINGER, MILE TWO CHURCH INC., JOHN
DOES and JANE DOES

Brought under *The Class Actions Act*

**NOTICE OF APPLICATION ON BEHALF OF THE GOVERNMENT OF
SASKATCHEWAN**

NOTICE TO RESPONDENTS

This application is made against you. You are the Respondents. 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 House, 520 Spadina Crescent East, Saskatoon SK S7K 3G7

DATE/TIME: At a date and time to be set 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, The Government of Saskatchewan [Government], applies for 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, to provide further and better replies to each of the following particulars requested in the Government's Request for Particulars dated February 28, 2023 [Request]:

- a. paragraph 3 of the Request,
- b. paragraph 4 of the Request,
- c. paragraph 5 of the Request, and
- d. paragraph 6 of the Request.

2. Such further and other relief as counsel for the Government may request and this Honourable Court may award.

Grounds for making this application:

3. Paragraphs 3 to 6 of the Request seek particulars regarding the following allegations made by the Plaintiffs against the Government:

- a. The Plaintiffs and Plaintiff Classes were allegedly in a relationship of financial, emotional, physical and/or other dependency with the Ministry of Education and in a relationship "akin to that of a guardian-ward and/or parent and child" (Request at paragraph 3).
- b. The Government allegedly committed misfeasance in public office against the Plaintiffs and Plaintiff Classes (Request at paragraph 4).
- c. The Government allegedly committed intentional infliction of mental harm and trespass to the person against the Plaintiffs and Plaintiff Classes (Request at paragraph 5).

d. The Government allegedly committed conspiracy against the Plaintiffs and Plaintiff Classes (Request at paragraph 6).

4. The Plaintiffs replied to the Request on June 2, 2023 [Reply]. The Reply is deficient with respect to paragraphs 3 to 6 of the Request. In some respects, the Reply fails to provide any of the particulars sought. In other respects, the Reply provides only partial or otherwise incomplete particulars.

5. As with any defendant, the Government is entitled to know the case against it. Further and better particulars are required for the Government to know the case it is being asked to meet and to assess, investigate, and intelligibly defend against the Plaintiffs' allegations. Further and better particulars are also required for the Government to respond to the Plaintiffs' pending application to certify this proceeding as a class action.

Material or evidence to be relied on:

6. This Notice of Application, with proof of service thereof;
7. Request for Particulars by The Government of Saskatchewan dated February 28, 2023;
8. Plaintiffs' Reply to Request for Particulars dated June 2, 2023;
9. Brief of Law on behalf of The Government of Saskatchewan, dated February 28, 2024;
10. Draft Order;
11. The pleadings and proceedings herein; and
12. Such further and other materials as counsel may advise and this Honourable Court deems just.

Applicable rules:

13. Rules 3-9, 3-71, 13-8, and 13-9.

Applicable Acts and Regulations:

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

DATED at Regina, Saskatchewan, this 28th day of February, 2024.

**Deputy Attorney General and Deputy
Minister of Justice**

Per: 
Counsel for the Applicant/Defendant,
The Government of Saskatchewan

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**

This document was prepared and delivered by:

Ministry of Justice and Attorney General
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