

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*, SS 2001 c C-12.01

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, Simbo Olubobokun, 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 Simbo Olubobokun in her Request for Particulars dated October 30, 2023 , within 60 days of the date of the Order; and
 - b. An Order granting Simbo Olubobokun the costs of this application.

Grounds for making this application:

2. Simbo Olubobokun delivered her Request pursuant to the September 15, 2023 Order of the Honourable Justice N. Bardai (the "**September 15 Order**"). Simbo Olubobokun's Request concerns the Second Amended Statement of Claim dated June 29, 2023 (the "**Claim**").
3. In response to Simbo Olubobokun Request, the Plaintiffs delivered a Reply to Request for Particulars dated December 28, 2023 (the "**Reply to Simbo Olubobokun**").
4. The Reply to Simbo Olubobokun is deficient. Accordingly, Simbo Olubobokun seeks an Order directing the Plaintiffs to provide her with further and better particulars in respect to those particulars requested at paragraphs 1 and 5 of the Olubobokun Request.
5. Simbo Olubobokun 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 Simbo Olubobokun to the case that she must meet. Further, the Reply to Simbo Olubobokun does not provide her with particulars that she requires to understand the case against her.

6. Simbo Olubobokun is also entitled to particulars pertaining to the suitability of the within Action as a class action. In this regard, Simbo Olubobokun 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:

In support of this application, the Defendant relies on the following documentation:

- (i) This Notice of Application with proof of service;
- (ii) Draft Order;
- (iii) The pleadings and proceedings had and taken herein; and
- (iv) Such further and other material as counsel may advise and this Honourable Court may allow.

Applicable rules:

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

Applicable Acts and Regulations:

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

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

WARDELL GILLIS

Per: _____



DANIEL TANGJERD, Solicitor for the
Applicant/ Defendant, Simbo Olubobokun

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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