



**Remedy claimed or sought:**

1. The Applicant (Defendant), Mile Two Church Inc. ("**Mile Two**"), applies for the following relief:
  - a. An Order directing that the Stay Applications (as that term is defined herein) be heard and decided prior to any other step in the Action being taken;
  - b. An Order granting Mile Two the costs of this application as against the Respondents (Plaintiffs), Caitlin Erickson, Jennifer Soucy (Beaudry), and Stefanie Hutchinson (together, the "**Plaintiffs**"); and
  - c. Such further and other relief as counsel may request and this Honourable Court may allow.

**Grounds for making this application:**

**The Stay Applications, the Particulars Applications, and application for certification**

2. Thirteen Defendants, including Mile Two, have applied to stay the within Action as an abuse of process as a consequence of the Plaintiffs' failure to immediately disclose settlement agreements they entered into with certain former Defendants (the "**Stay Applications**").<sup>1</sup>
3. The same thirteen Defendants have pending individual applications seeking further and better particulars (the "**Particulars Applications**") with respect to the allegations made against them in the Second Amended Statement of Claim dated June 29, 2023 (the "**Claim**").

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<sup>1</sup> The Stay Applications are:

- a. An application by Mile Two, dated November 1, 2024;
- b. An application by The Government of Saskatchewan, dated November 28, 2024; and
- c. An application by James Randall, Duff Friesen, Ken Schultz, Joel Hall, Randy Donauer, John Olubobokun, John Thuringer, Lou Brunelle, Nathan Rysavy, Aaron Benneweis, and Kevin MacMillan, dated November 29, 2024.

4. Despite the Statement of Claim having been issued on August 8, 2022, no application for certification has been served.

**The Stay Applications should be heard and decided prior to any other step in the Action being taken**

5. This Honourable Court has the power to manage the course of a proceeding, including a proposed class action, under its inherent jurisdiction to control its own process.

6. Rule 3-89 of *The King's Bench Rules* [Rules] provides that the general procedure and practice of the Court applies to actions and applications brought under *The Class Actions Act*, SS 2001, c C-12.01 [CAA]. Rule 1-3(1) provides that the purpose of the Rules is to provide a means by which claims can be justly resolved by the Court in a timely and cost effective way.

7. The Court retains discretion on the sequencing of applications in a proposed class action. Sequencing must be considered on a case-by-case basis.

8. Sequencing in the class action context must be informed by consideration of delay, cost, the prospect of multiple rounds of proceedings, judicial efficiency, and fairness.

9. Other than the within application, the only extant applications before the Court are the Stay Applications and the Particulars Applications. No application for certification has been made despite the Claim having been issued more than two years ago.

10. The nature of the Stay Applications dictate that they be heard and decided prior to any other step in the Action being taken. The Stay Applications allege that the Action constitutes an abuse of process. If successful, the Stay Applications will dispose of the whole proceeding.

11. The following factors weigh in favour of the Stay Applications being heard and decided before any other step in the Action is taken:

- a. **Delay:** No application for certification has been made. The hearing of the Particulars Applications and, consequently certification, cannot be delayed where no application for certification has yet been brought (and the Court has previously

ordered that Statements of Defence are not required until after certification has been determined);<sup>2</sup>

b. **Cost:** The Stay Applications could dispose of the whole proceeding. Hearing the Stay Applications first has the potential to entirely avoid the cost of hearing and determining the Particulars Applications, the application, hearing and determination of certification, and any other pre-certification applications that could arise;

c. **The prospect of multiple rounds of proceedings:** If the Stay Applications are successful, no further applications need be determined. If the Particulars Applications precede the Stay Applications, the Stay Applications will need to be considered no matter the result of the Particulars Applications;

d. **Judicial efficiency:** The Stay Applications are unrelated to the Particulars Applications or certification. There is no factual or legal interplay between the Stay Applications and the Particulars Applications or the certification criteria set out in s. 6(1) of the CAA. These considerations, along with the fact that the Stay Applications could dispose of the whole proceeding, point decisively to the conclusion that the Stay Applications should precede the Particulars Applications and any other step in the Action; and

e. **Fairness:** It would be unfair to require the Defendants to argue the Particulars Applications and defend certification of what may be an abusive action. The basis of the Stay Applications is the assertion that the Plaintiffs' own actions have shifted the litigation landscape without immediate notice to the Defendants. Fairness dictates that the Stay Applications be determined before any other step in the Action is taken.

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<sup>2</sup> By Fiat dated September 15, 2023, the Honourable Justice Bardai (as he then was) found that the Defendants should not be required to file their Statements of Defence until a reasonable time after certification is determined.

**Costs**

12. Rule 11-1 of the *Rules* grants this Honourable Court broad discretion with respect to awards of costs.

**Material or evidence to be relied on:**

13. Mile Two relies on the following material and evidence in support of its application:
- a. This Notice of Application with proof of service;
  - b. Draft Order
  - c. Brief of Law;
  - d. The pleadings and proceedings had and taken herein; and
  - e. Such further and other material as counsel may advise and this Honourable Court may allow.

**Applicable rules:**

14. Rules 1-3, 3-89, and 11-1 of the *Rules*.

**Applicable Acts and regulations:**

15. *The Class Actions Act*, SS 2001, c C-12.01.

DATED at Regina, Saskatchewan, this 16th day of December, 2024.

**McDOUGALL GAULEY LLP**

Per: 

GORDON J. KUSKI, K.C. and  
AMANDA M. QUAYLE, K.C.,  
Solicitors for the Defendant,  
Milé Two Church Inc.

**NOTICE**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) 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**

**If prepared by a lawyer for the party:**

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