

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**

DEFENDANTS **KEITH JOHNSON, JOHN OLUBOBOKUN, KEN
SCHULTZ, NATHAN RYSAVY, DUFF FRIESEN,
LYNETTE WEILER, JOEL HALL, LOU
BRUNELLE, JAMES RANDALL, KEVIN
MACMILLAN, DAWN BEAUDRY, NATHAN
SCHULTZ, AARON BENNEWEIS, DARCY
SCHUSTER, RANDY DONAUER, JOHN
THURINGER, MILE TWO CHURCH INC., THE
GOVERNMENT OF SASKATCHEWAN, JOHN
DOES and JANE DOES**

**NOTICE OF APPLICATION FOR CERTIFICATION
BROUGHT PURSUANT TO *THE CLASS ACTIONS ACT***

TAKE NOTICE that the Plaintiffs will make an application for an order pursuant to *The Class Actions Act*. The application is to be heard as shown below:

Where Court of King's Bench, Court House, 520 Spadina Crescent East,
Saskatoon, Saskatchewan

Date On a date to be determined by the Court

Time At a time to be determined by the Court

Unless otherwise defined herein, capitalized terms shall have the same meaning as found in the Second Amended Statement of Claim.

The order is being requested for the following purposes:

- (a) certifying this action as a class action;
- (b) defining the class as:
 - (i) students who attended Valour Academy Incorporated, and/or the school operated by Mile Two Church Inc. or its predecessor, Saskatoon Christian Centre Inc., which school was previously

known as Legacy Christian Academy or its predecessor, Christian Centre Academy (collectively the “**School**”), between the founding of the School in or about 1982 and present (the “**Attending Student Class**”); and

- (ii) minors who were adherents or congregants of the church operated by Mile Two Church Inc., or its predecessor, Saskatoon Christian Centre Inc. (the “**Church**”), who suffered or observed physical, sexual, psychological, emotional, mental or spiritual harm perpetrated by the Individually Named Defendants, Mile Two Church Inc. and Unidentified Parties in the operation of the Church (the “**Church Minors Class**”).

(together the “**Plaintiff Classes**”)

- (c) appointing Caitlin Erickson, Jennifer Soucy (Beaudry) and Stefanie Hutchinson as representative plaintiffs for the Plaintiff Classes;
- (d) stating the nature of the claims, and the remedy claimed, to be as follows:
 - (i) the Plaintiff Classes, including the Plaintiffs, were physically, sexually, psychologically, mentally, emotionally and spiritually traumatized and abused by the Individually Named Defendants and the Unidentified Parties;
 - (ii) Mile Two Church Inc. is vicariously liable for the abuses perpetrated by the Individually Named Defendants and the Unidentified Parties;
 - (iii) Mile Two Church Inc., the Individually Named Defendants, the Unidentified Parties, and the Government of Saskatchewan conspired to harm the Plaintiff Classes and the Plaintiffs;
 - (iv) Mile Two Church Inc. owed a duty of care to the Plaintiff Classes and the Plaintiffs to provide a proper education and keep them safe and to protect them from harm and abuse. Mile Two Church Inc. breached the standard of care it owed to the Plaintiff Classes and the Plaintiffs. Mile Two Church Inc.’s operational characteristics led directly to the harms suffered by the Plaintiff Classes and the Plaintiffs;

- (v) Mile Two Church Inc. owed a fiduciary duty to the Plaintiff Classes and the Plaintiffs, which fiduciary duty it breached;
 - (vi) Mile Two Church Inc. intentionally inflicted mental suffering on the Plaintiff Classes and the Plaintiffs;
 - (vii) the Government of Saskatchewan, through the Ministry of Education, owed a duty of care to the Plaintiff Classes and the Plaintiffs to keep them safe and to ensure they are provided a quality education, and the Government of Saskatchewan failed to do so;
 - (viii) the Government of Saskatchewan owed a fiduciary duty to the Plaintiff Classes and the Plaintiffs, which fiduciary duty they breached;
 - (ix) the Government of Saskatchewan is liable to the Plaintiff Classes and the Plaintiffs for the tort of misfeasance in a public office;
 - (x) the Plaintiff Classes and the Plaintiffs seek damages against the Individually Named Defendants and Unidentified Parties for negligence, breach of fiduciary duty, intentional infliction of mental suffering, intimidation, conspiracy, and trespass to the person, including sexual abuse and battery;
 - (xi) the Plaintiff Classes and the Plaintiffs seek damages against Mile Two Church Inc. for vicarious liability for the wrongful acts of the Individually Named Defendants and Unidentified Parties, negligence, breach of fiduciary duty, conspiracy, and intentional infliction of mental suffering; and
 - (xii) the Plaintiff Classes and the Plaintiffs seek damages against the Government of Saskatchewan for misfeasance in a public office, negligence, breach of fiduciary duty and conspiracy.
- (e) certifying the following issues as common issues:
- (i) did the Individually Named Defendants and/or the Unidentified Parties commit the tort of negligence against the Plaintiff Classes and the Plaintiffs?

- (ii) did the Individually Named Defendants and/or the Unidentified Parties commit the tort of breach of fiduciary duty owed to the Plaintiff Classes and the Plaintiffs?
- (iii) did the Individually Named Defendants and/or the Unidentified Parties commit the tort of intentional infliction of mental suffering on the Plaintiff Classes and the Plaintiffs?
- (iv) did the Individually Named Defendants and/or the Unidentified Parties commit the tort of trespass to the person against the Plaintiff Classes and the Plaintiffs?
- (v) did the Individually Named Defendants and/or the Unidentified Parties commit the tort of intimidation against the Plaintiff Classes and the Plaintiffs?
- (vi) did the Individually Named Defendants and/or the Unidentified Parties sexually abuse the Plaintiff Classes and the Plaintiffs?
- (vii) did the Individually Named Defendants, the Unidentified Parties, Mile Two Church Inc. and/or the Government of Saskatchewan commit the tort of conspiracy to harm the Plaintiff Classes and the Plaintiffs?
- (viii) is Mile Two Church Inc. vicariously liable for the wrongful acts of the Individually Named Defendants and/or the Unidentified Parties?
- (ix) did Mile Two Church Inc. commit the tort of negligence against the Plaintiff Classes and the Plaintiffs?
- (x) did Mile Two Church Inc. commit the tort of breach of fiduciary duty owed to the Plaintiff Classes and the Plaintiffs?
- (xi) did the Government of Saskatchewan commit the tort of negligence against the Plaintiff Classes and the Plaintiffs?
- (xii) did the Government of Saskatchewan commit the tort of breach of fiduciary duty owed to the Plaintiff Classes and the Plaintiffs?
- (xiii) did the Government of Saskatchewan commit the tort of misfeasance in a public office?

- (xiv) did the conduct of the Individually Named Defendants, Mile Two Church Inc., the Unidentified Parties and/or the Government of Saskatchewan cause harm to the Plaintiff Classes and the Plaintiffs
- (xv) is the harm caused by the conduct of Individually Named Defendants, Mile Two Church Inc., the Unidentified Parties and/or the Government of Saskatchewan compensable in favour of the Plaintiff Classes and the Plaintiffs?
- (xvi) does the conduct of the Individually Named Defendants, the Unidentified Parties, Mile Two Church Inc. and/or the Government of Saskatchewan merit an award of exemplary, aggravated, and/or punitive damages?
- (f) directing the manner in which, and the time within which, a class member may opt out of the class action;
- (g) directing the manner in which, and the time within which, a person who is not a resident of Saskatchewan may opt into the class action;
- (h) approving the form and method of notice to be given to the members of the class to notify them of the certification of the class proceedings;
- (i) ordering that the Defendants, or any of them, pay the cost of any notice; and
- (j) making any other orders that this Honourable Court considers appropriate.

The grounds relied on for this application are the following:

- (a) the pleadings in this action disclose a cause of action against the Defendants;
- (b) there is an identifiable class of 2 or more persons;
- (c) the claims of the class members raise common issues respecting the within litigation;
- (d) a class action will be the preferable procedure for resolution of the common issues;
- (e) the Plaintiffs, Caitlin Erickson, Jennifer Soucy (Beaudry) and Stefanie Hutchinson, are willing to be appointed as representative plaintiffs and:
 - (i) will fairly and adequately represent the interests of the class;

- (ii) have produced a litigation plan that sets out a workable method of advancing the action;
- (iii) do not have, on the common issues, an interest that is in conflict with the interests of other class members;
- (f) *The Class Actions Act*, S.S. 2001, c.C-12.01;
- (g) *The King's Bench Rules for Saskatchewan*, including rule 3-94.

Affidavit or other evidence to be used in support of this application:

- (a) Affidavits:
 - (i) the Affidavit of Caitlin Erickson, sworn the 13th day of March, 2025, and filed;
 - (ii) the Affidavit of Jennifer Soucy (Beaudry), sworn/affirmed the 18th day of March, 2025, and filed;
 - (iii) the Affidavit of Stefanie Hutchinson, sworn the 14th day of March, 2025, and filed;
 - (iv) the Affidavit of Coy Nolin, sworn/affirmed the 18th day of March, 2025, and filed;
 - (v) the Affidavit of Mark Drapak, sworn/affirmed the 18th day of March, 2024, and filed;
 - (vi) the Affidavit of Dr. Peter Jaffe and Dr. David Wolfe, sworn/affirmed the 19th day of March, 2025, and filed;
 - (vii) the Affidavit of Dr. David Burgess, sworn/affirmed the 17th day of March, 2025, and filed;
 - (viii) the Affidavit of Janalee Bell, to be filed;
 - (ix) the Affidavit of Kim Goertzen, to be filed;
 - (x) the Affidavit of Dr. Stephen Kent, to be filed;
 - (xi) the Affidavit of Garrett Davis, to be filed;
 - (xii) the Affidavit of Carilyn Nolin, to be filed;
 - (xiii) the Affidavit of Cynthia Anderson, to be filed;
- (b) the pleadings and proceedings in this action; and
- (c) such further material that counsel may advise, and this Honourable Court may allow.

NOTICE

If you wish to oppose the application, an Affidavit in Response must be filed in the Court office and served on each of the parties to this action at least 7 days before the date set for hearing the application.

Dated at Saskatoon, Saskatchewan, this 20th day of March, 2025.

SCHARFSTEIN LLP

Per: _____


Solicitors for the Plaintiffs,
Caitlin Erickson, Jennifer Soucy (Beaudry)
and Stefanie Hutchinson

CONTACT INFORMATION AND ADDRESS FOR SERVICE

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