

COURT FILE NUMBER QBG-SA-"00766"-2022

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

PLAINTIFFS CAITLIN ERICKSON and COY NOLIN

DEFENDANTS KEITH JOHNSON, JOHN OLUBOBOKUN, KEN SCHULTZ, NATHAN RYSAVY, DUFF FRIESEN, LYNETTE ~~WHEELER~~ 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., THE GOVERNMENT OF SASKATCHEWAN, JOHN DOES and JANE DOES

FILED IN THE OFFICE OF THE
LOCAL REGISTRAR, THE 12
DAY OF December 22
T. Hanhins
LOCAL REGISTRAR

Brought under *The Class Actions Act*, SS 2001 c C-12.01

NOTICE TO DEFENDANT

1. The plaintiff may enter judgment in accordance with this Statement of Claim or the judgment that may be granted pursuant to *The Queen's Bench Rules* unless, in accordance with paragraph 2, you:
 - (a) serve a Statement of Defence on the plaintiff; and
 - (b) file a copy of it in the office of the local registrar of the Court for the judicial centre named above.

2. The Statement of Defence must be served and filed within the following period of days after you are served with the Statement of Claim (excluding day of service):
 - (a) 20 days if you were served in Saskatchewan;
 - (b) 30 days if you were served elsewhere in Canada or in the United States of America;
 - (c) 40 days if you were served outside Canada and the United States of America

3. In many cases a defendant may have the trial of the action held at a judicial centre other than the one at which the Statement of Claim is issued. Every defendant should consult a lawyer as to his or her rights.
4. This Statement of Claim is to be served within six (6) months from the date on which it is issued.
5. This Statement of Claim is issued at the above-named judicial centre the “8th” day of August, 2022.

“N. WATIER”

“DEPUTY LOCAL REGISTRAR (SEAL)”

Local Registrar

AMENDED STATEMENT OF CLAIM

(amended this 12th day of December, 2022)

Parties

1. Caitlin Erickson is an individual, residing in the Province of Saskatchewan, who attended Legacy Christian Academy, formerly Christian Centre Academy, as a student from 1992 to 2005, and attended Mile Two Church, formerly Saskatoon Christian Centre, as a minor, over that same period.
2. Coy Nolin is an individual, residing in the Province of ~~Saskatoon~~ Saskatchewan, who attended Legacy Christian Academy, formerly Christian Centre Academy, as a student from 1997-2004, and attended Mile Two Church, formerly Saskatoon Christian Centre, as a minor, over that same period.
3. Mile Two Church Inc. is a body corporate, duly registered in the Province of Saskatchewan, with a registered office at 102 Pinehouse Drive, in the City of Saskatoon, Saskatchewan, as a non-profit charitable corporation in the business of a religious organization. Mile Two Church Inc. previously operated under the name Saskatoon Christian Centre Inc..
4. Mile Two Church Inc. operates a registered qualified independent K-12 school within the meaning of *The Saskatchewan Education Act*, 1995, SS 1995 c E-0.2 and *The Registered Independent Schools Regulations*, c E-0.2 Reg 27, and their respective predecessors (the “School”). The School is known as Legacy Christian Academy, previously known as Christian Centre Academy. In addition to the operation of a K-12 school, Mile Two Church Inc. conducts and holds itself out as a church (the “Church”).
 - 4.1 The Defendant, the Government of Saskatchewan, as represented by the Ministry of Education (the “Ministry”) is responsible for the education, well-being and safety of all students attending a qualified independent school, an independent school or any school authorized to operate or allowed to operate in the Province of Saskatchewan.

5. Keith Johnson is an individual who was at relevant times resident in the Province of Saskatchewan, and presently believed to be resident in Texas, in the United States of America. Keith Johnson was at various applicable times the pastor of the Church, director of the School, and principal of the School.
6. John Olubobokun is an individual who was at relevant times resident in the Province of Saskatchewan. John Olubobokun was an Elder of the Church from approximately 1998 to 2009, and the director of the School from approximately 2003 to 2009.
7. Ken Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Ken Schultz was an Elder of the Church from approximately 1982 to present, and vice-principal of the School, and director of the School.
8. Nathan Rysavy is an individual who was at relevant times resident in the Province of Saskatchewan. Nathan Rysavy was at various applicable times a teacher at the School from approximately 1993 to 2007.
9. Duff Friesen is an individual who was at relevant times resident in the Province of Saskatchewan. Duff Friesen was at various applicable times a teacher at the School, and Principal at the School.
10. Lynette ~~Wheeler~~ Weiler is an individual who was at relevant times resident in the Province of Saskatchewan. Lynette ~~Wheeler~~ Weiler was at various applicable times a coach at the School.
11. Joel Hall is an individual who was at relevant times resident in the Province of Saskatchewan. Joel Hall was at various applicable times a teacher at the School.
12. Fran Thevenot is an individual who was at relevant times resident in the Province of Saskatchewan. Fran Thevenot was at various applicable times a coach at the School.
13. Lou Brunelle is an individual who was at relevant times resident in the Province of Saskatchewan. Lou Brunelle was a director or teacher of the School at various applicable times, including approximately 1992 to 2002, and approximately 2014 to present.

14. James Randall is an individual who was at relevant times resident in the Province of Saskatchewan. James Randall was at various applicable times an Elder in the Church.
15. Tracey Johnson is an individual who was at relevant times resident in the Province of Saskatchewan. Tracey Johnson purported to be a counsellor to students at the School and members of the Church, including the members of the Plaintiff Classes, from approximately 1982 to present and was a teacher at the school at various times.
16. Simbo Olubobokun is an individual who was at relevant times resident in the Province of Saskatchewan. Simbo Olubobokun purported to be a counsellor to students at the School from approximately 1998 to 2009.
17. Elaine Schultz is an individual who was at relevant times resident in the Province of Saskatchewan. Elaine ~~Schutz~~ Schultz was a drama teacher at the School, and purported to be a counsellor to students and minor adherents and congregants of the Church from approximately 1982 to present.
18. Catherine Randall is an individual who was at relevant times resident in the Province of Saskatchewan. Catherine ~~Hall~~ Randall was at various applicable times the nursery director at the School and/or Church.
19. Kevin MacMillan is an individual who was at relevant times resident in the Province of Saskatchewan. Kevin MacMillan was involved as a music teacher at the School and Elder of the Church from approximately 1982 to present.
20. Anne MacMillan is an individual who was at relevant times resident in the Province of Saskatchewan. Anne MacMillan was involved as a music teacher at the School and the music programming at the Church from approximately 1982 to present.
21. Dawn Beaudry is an individual who was at relevant times resident in the Province of Saskatchewan. Dawn Beaudry was at various applicable times a teacher of the School.
22. Nathan Schultz is an individual who was at relevant times resident in the Province of

Saskatchewan. Nathan Schultz was at various times a Sunday school teacher at the Church, and babysitter promoted and advocated for by some or all of the Defendants.

23. Aaron Benneweis is an individual who was at relevant times resident in the Province of Saskatchewan, and presently resides in Edmonton, Alberta. Aaron Benneweis was at various applicable times a coach of sporting activities at the School.

24. Deidre Benneweis is an individual who was at relevant times resident in the Province of Saskatchewan, and presently resides in Edmonton, Alberta. Deidre Benneweis was a teacher at the School from approximately 2002 to 2014.

25. Stephanie Case is an individual who was at relevant times resident in the Province of Saskatchewan. Stephanie Case was a teacher at the School from approximately 2001 until after 2006.

25.1 Darcy Schuster is an individual who was at relevant times resident in the Province of Saskatchewan. Darcy Schuster was at relevant times the Children's Director of the Church and participated in children's church activities on behalf of the Church.

25.2 Randy Donauer is an individual who was at relevant times resident in the Province of Saskatchewan. Randy Donauer was at various applicable times an employee, leader and/or agent of the Church and participated in children's church activities on behalf of the Church, including activities located off the Church's property.

25.3 John Thuringer is an individual who was at relevant times resident in the Province of Saskatchewan. John Thuringer was at various applicable times the Principal at the School.

26. Additional John Does and Jane Does are individuals who were at relevant times resident in the Province of Saskatchewan, the names of which are presently unknown to the Plaintiffs. The John Does and Jane Does are one or more of the following:

- a. Directors or officers of Mile Two Church Inc., or its predecessors (the "Unidentified Corporate Officers");

- b. Pastors and Elders of the Church (the “Unidentified Church Elders”);
 - c. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abusers”);
 - d. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who engaged in physical, sexual, psychological, emotional, mental or spiritual abuse against minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abusers”);
 - e. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of students attending K-12 education at Legacy Christian Academy and its predecessors (the “Unidentified School Abuse Planners”); or
 - f. Employees, representatives or agents of Mile Two Church Inc. or its predecessors who formulated policies and procedures for the abuse of minors who were adherents or congregants of the church operated by Mile Two Church Inc. or its predecessors (the “Unidentified Church Abuse Planners”).
27. Keith Johnson, John Olubobokun, Ken Schultz, Duff Friesen, Lou Brunelle, Randy Donauer and James Randall are referenced herein as the “Principal Defendants”, each of whom was at various times a director or officer of Mile Two Church Inc. or its predecessors, director or principal of the School, Elder of the Church, and/or employee, representative or agent of Mile Two Church Inc. or its predecessors, the School and/or the Church.
28. The Principal Defendants were instrumental in the development and implementation of the policies and procedures undertaken by Mile Two Church Inc. and its employees, agents and representatives in the Church and the School.

29. Together Keith Johnson, John Olubobokun, Ken Schultz, Nathan Rysavy, Duff Friesen, Lynette ~~Wheeler~~ 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, ~~and~~ Stephanie Case, Darcy Schuster, Randy Donauer and John Thuringer are referred to herein as the “Individually Named Defendants”, each of whom was at various times an employee, representative or agent of Mile Two Church Inc. or its predecessors, the School and/or the Church and a member of the Church.

30. Herein “Defendants” refers to each of the Defendants, whether named or unnamed, in this action.

Claim

31. The Plaintiffs representing the Plaintiff Classes herein described claim as against the Defendants:

- a. Compensation and/or damages for breach of fiduciary duty, negligence, gross negligence, assault, battery, infliction of mental suffering, and conspiracy to injure the students of the School and minor adherent and congregants of the Church, in an amount in excess of \$25,000,000.00;
- b. Direction for the payment of the moneys payable pursuant to this action to members of the Plaintiff Classes, including the Plaintiffs, on such terms as this Honourable Court deems just, fair and equitable;
- c. In the alternative, directing individual assessment of damages;
- d. Punitive, exemplary and/or aggravated damages against each of the Defendants in an amount in excess of \$1,000,000.00;
- e. A temporary and permanent injunction against the Individually Named Defendants, enjoining each of them from engaging in corporal punishment of any minor;

- f. A temporary and permanent injunction against the Individually Named Defendants enjoining each of them from being a director, officer, or supervisor at any business or organization which carries out the operation of a school with students who are minors;
- g. A temporary and permanent injunction against Mile Two Church Inc. enjoining it from operating a school with students who are minors;
- h. Compensation and/or damages against the Ministry for misfeasance in a public office;
- h. i. Costs of this action on a substantial indemnity basis;
- h. j. Pre-judgment interest pursuant to *The Pre-judgment Interest Act*, SS 1984-85-86 c P- 22.2; and
- h. k. Such further and other relief as this Honourable ~~Just~~ Court may deem just, fair and equitable.

Plaintiff Classes

32. The Plaintiffs propose that the Plaintiff Classes be defined as follows:

- a. Students who attended ~~school~~ the School at Legacy Christian Academy, or its predecessor, between the founding of the ~~school~~ School in or about 1982 and present, including members of the ~~Disciplined~~ Abused Student Class (the “Attending Student Class”);
- b. Students who attended ~~school~~ the School at Legacy Christian Academy, or its predecessor, between the founding of the ~~school~~ School in or about 1982 and present, who suffered or observed physical, sexual, psychological, emotional, mental or spiritual abuse perpetrated by the Defendants in the Defendants’ operation of the School (the “Abused Student Class”); and
- c. Minors who were adherents or congregants of ~~church~~ the Church operated by

Mile Two Church Inc., or its predecessors, who suffered or observed physical, sexual, psychological, emotional, mental or spiritual harm perpetrated by the Defendants' operation of the Church (the "Church Minors Class").

(altogether the "Plaintiff Classes")

History of Legacy Christian Academy

33. In 1977 Saskatchewan Christian Centre Inc. was incorporated. In 2018 it changed its registered name to Mile Two Church Inc..
34. In the intervening years, the corporate entity operated the Church and in or about 1982 began providing educational programming under the name Christian Centre Academy- with the approval of, or acquiescence by, the Ministry. ~~It~~ Christian Centre Academy has since rebranded its educational programming and operations as Legacy Christian Academy.
35. Mile Two Church Inc. continues to operate Legacy Christian Academy, providing K-12 education as a registered qualified independent school, and is a member of the Saskatchewan Association of Independent Church Schools.
36. In the early years of operation, the School was operated in the former Richmond Heights School in Saskatoon. The operation of the School, and Church, have since relocated to 102 Pinehouse Drive, in the City of Saskatoon.
37. The School curriculum is and was based heavily on programs developed or promoted by Accelerated Christian Education.
38. The School and Church are deeply integrated, with students compelled to carry out activities and efforts of and for the benefit of the Church, attendance at Church programming being compulsory for all students, and with education, influence, and authority of the School and Church, and their respective representatives, exercised over the students at all times. As stated by the Defendant Ken Schultz, "The church is the school and the school is the church."

39. The objectives and teachings of the Church and School rely heavily on the Principal Defendants' viewpoints and teachings, particularly those of its founder Keith Johnson. These objectives and teachings permeated the policies and procedures of the School and the Church. The Ministry knew, or ought to have known, these viewpoints, teachings and objectives.
40. Integral to the objectives, policies and procedures of the School and of the Church was the concept and practice of ensuring unquestioning obedience and compliance ~~of~~ by the children attending the School or Church, through intimidation, coercion, isolation, fear, and threat of physical abuse.
41. The principles promulgated by the Principal Defendants, and particularly Keith Johnson, and carried out by the Individually Named Defendants, promoted corporal discipline of children for all manner of conduct, including trifling and trivial conduct.
42. Such principles are expressed in publications by Keith Johnson and Mile Two Church Inc. (publications the Ministry knew of, or ought to have known of), and include, but are not limited to:
- a. "If you desire for your child to become obedient and willing to accept God's standards as his own, you will have to utilize the process that God designed to obtain those results.";
 - b. "Susanna Wesley said she disciplined each of her children until their will was broken. The liberal humanists of our day would go into immediate shock at such a statement. But in Ps. 143:10, the psalmist prayed for God to teach him to do His will. Jesus said, "I came not to do my will, but to do the will of my Father."";
 - c. "A baby cries. Mommy rushes over to the crib and coos: "What's the matter with Little Precious? Mommy doesn't want Little Precious to cry." So mommy holds Little Precious, and Little Precious stops crying. Shortly, mommy realizes that she's got work to do, so she puts Little Precious down.

The minute she does, what happens? Right! Little Precious starts crying again.

The question is: is there anything the matter with Little Precious? The answer is: Nothing but wanting mommy to cater to it's senses. The sad thing is, many mommies do just that: cater to the senses of their infants. Without realizing it, parents thus teach their babies to be controlled by their senses, while at the same time failing to develop self-control in their children.”;

- d. “When I was a child, I often wanted to run through the house, jump on the furniture, yell at my parents, and be ill-mannered at the table. But my dad hadn't been trained in the handling of hyper-active children. At such times, how I would have loved some medication! But dad didn't know he was supposed to give me medication! Instead, he gave me a spanking. I wasn't nearly as hyper-active after he got through with me.

We apply the same standards of response to hyper-active children in our Christian school, and the problem isn't a problem for long.”;

- e. “Because of this, God has commanded parents to discipline their children – spank them, counsel them, teach them the awfulness of sin and the results of doing wrong.”;
- f. “2. Sometimes spankings will leave marks on the child.

If some liberal were to hear this, they'd immediately charge us with advocating child-beating. Child beating is when an enraged parent who doesn't love his child begins to beat up on him/her. Is that what I am advocating? Is that what the Bible tells us to do?

What is the purpose in spanking our children? Primarily, it is to teach them that sin is wrong, that sin is always punished, and that sin always hurts them more than anyone else.

Therefore, if we're going to make a believer out of them, we're going to need

to ensure that the punishment is severe enough to make a lasting impression. Occasionally, proper discipline may leave welts.”;

g. “An undisciplined child is unteachable, repulsive, rebellious, and foolish. If we didn’t have discipline in our Academy, we couldn’t control our students at all.”;

h. “5. Spanking should be a ritual

A ritual is any practice regularly repeated in a set, precise manner.”;

i. “Have him bend over and apply the paddle firmly. Don’t permit any wiggling around or jumping around. Don’t allow any pre-discipline howling and sniveling. Don’t let his crying and begging diminish the degree or severity of punishment.”; and

j. “As the head of the household, it is the father’s responsibility to see to it that the mode and method and rules of discipline are carried out as agreed upon. Never keep secrets from one another. Be sure not to gripe at and verbally harass your children. Mothers particularly need to guard against this.”

43. The Principal Defendants and other Unidentified School Abuse Planners and Unidentified Church Abuse Planners, were at various times during the operation of the School, principals of the School, pastors of the Church, and elders of the Church and developed and carried out the abusive policies of the School and of the Church, and/or ~~and~~ caused other employees, agents and representatives of Mile Two Church Inc., including all of the Individually Named Defendants, to carry out the said abusive policies.

44. At all material times the School had numerous students, with enrollment varying from time to time and at times exceeding 250 students, ranging from kindergarten to grade 12.

Role and Duties of the Defendant, the Ministry

44.1 The Government of Saskatchewan, through the Ministry (hereafter referred to as the “Ministry”), is charged with the duty to ensure that all Saskatchewan children enrolled in a school (including the School) authorized to operate in Saskatchewan, from pre-kindergarten to grade 12 inclusive, are safe, healthy, properly educated and able to develop to their full potential. The objects and purposes of the Government of Saskatchewan through the Ministry of Education include:

- (a) Support the growth and development of children and youths;
- (b) Co-ordinate, develop, implement, promote and enforce policies and programs related to education in Saskatchewan; and
- (c) Co-ordinate, develop, implement, promote, and enforce policies and programs related to curriculum for all School children in Saskatchewan.

44.2 An independent school in Saskatchewan can only operate by holding a certificate of registration from the Ministry. To qualify for a certificate of registration an independent school must:

- (a) Be owned or operated by a Corporation registered in Saskatchewan;
- (b) Have a board that operates similar to a board of education comprised of a minimum of three adults representing 3 separate households; and
- (c) Have goals of education that are not inconsistent with the Goals of Education for Saskatchewan.

44.3 To qualify as a “Qualified Independent School” the School must:

- (a) Be owned or operated by a non-profit corporation registered in

Saskatchewan;

- (b) Conform to provincial curriculum policy;
- (c) Provide approved programs and approved courses in accordance with the provincial curriculum policy;
- (d) Employ only registered teachers who hold valid certificates pursuant to *The Registered Teachers Act, SS 2015, c.R-15.1*;
- (e) Submit annual financial statements to the Ministry in prescribed form;
- (f) Keep full and accurate record of the proceedings, transcripts and financial affairs in the School;
- (g) Prepare reports and returns concerning statistical data, budgetary information and operation of the School that may be required by the minister;
- (h) Agree to be supervised and inspected by Ministry officials;
- (i) Comply with Ministry policies and directives;
- (j) Subscribe to the Goals of Education for Saskatchewan;

44.4 The “goals of education” for each Registered Independent schools, including the School, must include:

- (a) A preamble which includes the Schools philosophy of education and purpose;
- (b) Stated in terms of student outcomes embodying a student-centered

approach to learning that recognizes the inherent worth and potential of each individual student;

(c) Address the spiritual, ethical, intellectual, emotional and physical aspects set out in the Goals of Education in Saskatchewan;

(d) Be inclusive, not exclusive-encompassing all legitimate perspectives in a pluralistic and multicultural society;

(e) Embody a commitment to fundamental democratic values in our society and respect for the person;

(f) Embody a commitment to tolerance based upon the affirmed worth of each individual and recognize that people differ in their values, behaviours and lifestyles; and

(g) Encourage the development of values such as honesty, integrity, compassion and justice.

44.5 The Ministry has jurisdiction over the registration of independent schools, including the School, and the authority to suspend or cancel such registration and/classification on the basis of any facts or circumstances which would make it inappropriate or undesirable for the School to continue to operate, including issues related to the health and safety of students, their physical and mental well-being or their overall educational interests.

44.6 A qualified independent school, including the School, is required to submit their programs for review and approval to the Minister prior to any student being enrolled in the course.

44.7 Ministry inspection of all independent schools, including the School, is the major way in which the Government of Saskatchewan meets its duty in protecting the interests of society at large with respect to the education of the children enrolled

in the schools. Inspection is concerned with the intellectual, emotional and physical well-being of children in independent schools, including the School.

44.8 Ministry inspection of registered independent schools, including the School requires checking compliance with:

- (a) The Education Act, 1995, SS 1995 c. E-0.2 and Regulations; and
- (b) The operational requirements which apply to the School, such as school calendar, maintenance of school records, employment criteria of teachers and instruction in the required areas of study.

44.9 Independent schools, including the School, are to incorporate the Ministry supporting initiatives with curriculum, such as gender equity, resource-based learning and a needs-based model. When visiting and supervising a registered independent school with students with intensive needs the Ministry supervisor is to check for compliance with the regulations.

44.10 The Goals of Education for Saskatchewan that registered independent schools, including the School, must abide by include the following:

- (a) Recognize the inherent worth and value of each individual;
- (b) Develop the potential of each person to the fullest extent;
- (c) Enhance the ability of each individual to cope effectively in a changing physical, economic and social environment;
- (d) Act on the belief that each individual is worthwhile;
- (e) Base actions on the recognition that people differ in their values, behaviours and lifestyles;
- (f) Interact and feel comfortable with others who are different in race,

religion, status or personal attributes;

- (g) Develop a sense of responsibility toward others;
- (h) Develop an awareness of career opportunities;
- (i) Develop interests and abilities in relation to vocational expectations;
- (j) Adapt to shifts in employment patterns and technology;
- (k) Make informed consumer decisions;
- (l) Respect the rights and property of others;
- (m) Act with honesty, integrity, compassion and fairness;
- (n) Work toward greater social justice;
- (o) Assume responsibility for dependent persons in a manner consistent with their needs;
- (p) Respect law and authority;
- (q) Perceive themselves in a positive way;
- (r) Appreciate own abilities and limitations;
- (s) Set and work toward personal goals;
- (t) Assess praise and criticism realistically;
- (u) Present themselves with confidence;
- (v) Express themselves creatively; and
- (w) Respect family, religion and culture in a pluralistic society.

44.11 It is a policy of the Ministry that they were committed to ensure safe school environments where all students feel included, protected and respected and to foster acceptance for sexually and/or gender diverse students based on the principles enunciated in the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, R.S.C., 1985, c. H-6, the Criminal Code of Canada, R.S.C., 1985, c. C-46, The Saskatchewan Human Rights Code, SS 1979, c. S-24.1, The Saskatchewan Education Act, SS 1995, c. E-0.2, the Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child.

Liability of the Defendant, the Ministry

44.12 The Ministry was, and is aware that the School had, and has, teachers in the School that are not certified as required and the Ministry chose not to intervene as required.

44.13 The Ministry has misled the public by stating that they visit and inspect the independent schools and the School a minimum of three times a year over the past many years when, in fact, no such visits or inspections occurred.

44.14 The Ministry owed, and owes, the Plaintiffs and the Plaintiff Classes a duty of care as set out in paragraphs 44.1 – 44.11 herein. The Ministry breached the standard of care owed to the Plaintiffs and the Plaintiff Classes, some particulars of which include, but are not limited to, the following:

- (a) A failure to ensure that the Plaintiffs and the Plaintiff Classes were safe, healthy, properly educated and able to develop to their full potential;
- (b) A failure to ensure that the School supports the growth and development of the Plaintiffs and the Plaintiff Classes;
- (c) A failure to co-ordinate, develop, implement, promote and enforce proper policies and programs related to education at the School;

- (d) A failure to co-ordinate, develop, implement, promote and enforce policies and programs related to the curriculum at the School;
- (e) A failure to ensure that the School had a board that operated similar to a board of education at the School as required;
- (f) A failure to ensure that the School had goals of education that are not inconsistent with the Goals of Education for Saskatchewan including, but not limited to:
 - (i) Recognizing the inherent worth and value of the Plaintiffs and the Plaintiff Classes;
 - (ii) Developing the potential of the Plaintiffs and the Plaintiff Classes to the fullest extent;
 - (iii) Enhance the ability of the Plaintiffs and the Plaintiff Classes to cope effectively in a changing physical, economic and social environment;
 - (iv) Act on the belief that each individual is worthwhile;
 - (v) Base actions on the recognition that people differ in their values, behaviours and lifestyles;
 - (vi) Interact and feel comfortable with others who are different in race, religion, status and/or personal attributes;
 - (vii) Develop a sense of responsibility towards others;
 - (viii) Develop an awareness of career opportunities;
 - (ix) Develop interests and abilities in relation to vocational expectations;

- (x) Respect the rights and property of others;
 - (xi) Act with honesty, integrity, compassion and fairness;
 - (xii) Work toward greater social justice;
 - (xiii) Perceive themselves in a positive way;
 - (xiv) Appreciate own abilities and limitations;
 - (xv) Assess praise and criticism realistically; and
 - (xvi) Respect family, religion and culture in a pluralistic society.
- (g) A failure to ensure the School conforms with provincial curriculum policy;
- (h) A failure to ensure the School provides approved programs and approved courses in accordance with the provincial curriculum policy;
- (i) A failure to ensure the School employ qualified teachers;
- (j) A failure to ensure the School submits annual financial statements to the Minister of Education in prescribed form;
- (k) A failure to ensure the School keeps full and accurate records of the proceedings, transactions and financial affairs at the School;
- (l) A failure to ensure the School prepares reports and returns concerning statistical data, budgetary information and operation of the School as required by the Ministry;
- (m) A failure to supervise and inspect the School by the Ministry;
- (n) A failure to ensure the School comply with the Ministers policies and

directives; and

(o) A failure to ensure the School subscribe to the Goals of Education for Saskatchewan.

(p) The Ministry totally and deliberately failed to ensure the School committed to create an environment where all students were included, protected and respected and to foster acceptance for sexually and/or gender diverse students based on the principles enunciated in the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6, the *Criminal Code of Canada*, R.S.C., 1985, c. C-46, *The Saskatchewan Human Rights Code*, SS 1979, c. S-24.1, *The Saskatchewan Education Act*, SS 1995, c. E-0.2, the *Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of the Child*.

44.15 The Ministry failed to suspend and/or cancel the registration of the School on the basis of facts and circumstances (as set out in paragraphs 44.11 (a) to (o)) of this Amended Statement of Claim which clearly make it inappropriate that the School continue to operate, including issues related to the health and safety of students, their physical and mental well-being and/or the overall educational interests.

44.16 The Ministry totally and deliberately failed in the proper inspection of the School to ensure compliance with *The Education Act, 1995*, SS 1995 c. E-0.2, *The Education Regulations, 2019*, c E-0.2 Reg 29 and *The Registered Independent Schools Regulations*, c E-0.2 Reg 27, its predecessor and successor and the rules and policies governing the School and the Ministry's duties in overseeing and supervising the School.

44.17 The actions and failures of the Ministry as set out in paragraphs 44.11 to 44.13 of this Amended Statement of Claim were willful misconduct and a marked departure from the standard by which responsible and competent agencies in

charge of education habitually govern themselves, elevating the negligence of the Ministry to gross negligence, such gross negligence constituting misfeasance in a public office by the Ministry.

44.18 The actions and failure of the Ministry as set out in paragraphs 44.11 to 44.13 of this Amended Statement of Claim were intended, or were reckless or wilfully blind to the fact that same would cause, and did cause, harm to the Plaintiffs and to the members of the Plaintiff Classes, and the members of the Plaintiff Classes, including the Plaintiffs, were physically, sexually, psychologically, mentally, emotionally and spiritually traumatized by the experience during their attendance at the School. The harm suffered by the Plaintiffs and the Plaintiff Classes are as set out in paragraphs 54-56 inclusive of this Amended Statement of Claim.

44.19 The actions, inactions and failings of the Ministry as set out in paragraphs 44.11 to 44.13 inclusive of this Amended Statement of Claim rise to the level of carelessness and/or recklessness. The actions and failures of the Ministry, establishes a fundamental breakdown of the proper exercise of authority establishing clear and obvious bad faith on behalf of the Ministry. This failure of the Ministry is inexplicable and incomprehensible. The actions and failures of the Ministry were so markedly inconsistent with the relevant legislation, regulations, and policies that it was performed in bad faith.

44.20 The actions and the failures of the Ministry as set out in paragraphs 44.11 to 44.13 inclusive of this Amended Statement of Claim was reckless and constitutes willful blindness on the part of the Ministry. The Ministry acted with reckless indifference to the unlawfulness of its acts and failures and the likelihood that it would, and did, injure the Plaintiffs and the Plaintiff Classes. As such the failures of the Ministry as represented as set out in paragraphs 44.11 to 44.13 inclusive of this Amended Statement of Claim constitute clear and obvious misfeasance in public office for which the Ministry is liable.

44.21 The Ministry owed and owes a fiduciary duty to the Plaintiffs and the Plaintiff

classes. The Ministry is required to act with absolute loyalty toward the Plaintiffs and the Plaintiff Classes to keep them safe and ensure a quality education. The Ministry had and has scope for the exercise of some discretion or power in protecting the Plaintiffs and the Plaintiff Classes. The Ministry unilaterally exercised/or omitted to exercise, that power so as to affect the safety and well-being of the Plaintiffs and the Plaintiff Classes. The Plaintiffs and the Plaintiff Classes were particularly vulnerable to or at the mercy of the Ministry.

44.22 The Ministry had a duty to exercise its authority in the best interest of the Plaintiffs and the Plaintiff Classes, as set out in paragraphs 44.1 to 44.10 of this Amended Statement of Claim. The Ministry undertook to act in accordance with its duty of loyalty and trust reposed on it. The duty the Ministry owed was to the Plaintiffs and the Plaintiff Classes. The Ministry's fiduciary power does, in fact, affect the legal and substantial practical interests of the Plaintiffs and the Plaintiff Classes, that being their safety, well-being and right to a proper education.

44.23 The duty owed by the Ministry to protect the Plaintiffs and the Plaintiff Classes is paramount and the Ministry must put the best interest of the Plaintiffs and the Plaintiff Classes before their own. Their role is akin to that of a guardian-ward and/or parent and child.

44.24 The actions and failures of the Ministry as set out in paragraphs 44.11 to 44.13 of this Amended Statement of Claim identify some of the breaches of the fiduciary duty owed by the Ministry to the Plaintiffs and the Plaintiff Classes.

44.25 The Plaintiffs and Plaintiff Classes were in a relationship of financial, emotional, physical and/or other dependency with the Ministry.

Tortious Conduct of the Individually Named Defendants, Unidentified School Abusers and Unidentified Church Abusers

45. Corporal punishment as correction of perceived wrongful behaviour by children is and was a central tenet of the teachings of the School and the Church. ~~At times an~~

An element of the corporal punishment was that it be observed by other employees, agents and representatives of Mile Two Church Inc., or its predecessor, the School and the Church-, including the Individually Named Defendants, the Unidentified School Abusers and the Unidentified Church Abuser.

46. Witnessing of corporal punishment was calculated to further shame, humiliate and degrade the child being punished. The Individually Named Defendants' observing corporal punishment is and was calculated to, and did in fact, cause additional and severe, psychological, mental, emotional and spiritual harm for which the observing Defendant is liable.

47. The Principal Defendants, Individually Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each carried out abuse in the nature of trespass to the person, the intentional infliction of mental injury, physical or sexual assault and/or battery of students at the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

a. Particularly in the case of the Plaintiff Caitlin Erickson:

i. Beaten on the buttocks or thighs on numerous occasions, including:

1. In response to an allegation of whispering and giggling during church service at the Church in the fall of 2003, on the Monday following the alleged whispering and giggling during church service, a majority of the students on the female volleyball team were lined up in the auditorium and berated by the director John Olubobokun, School principal Duff Friesen and coach Fran Thevenot. Caitlin Erickson was taken into a side room, as were all other students on the female volleyball team, and stricken repeatedly on the buttocks with a wooden paddle within earshot of the other volleyball players.

2. One or two days following the incident described at paragraph 47(b)(i)(2), in response to Caitlin refusing to identify the nurse

who had kicked John Olubobokun out from Coy Nolin's hospital room, John Olubobokun spanked or paddled Caitlin six times.

3. For allegedly “not trying hard enough” or “having an attitude”, six paddles were administered on each of two or three occasions during Caitlin's grade 12 year. On one occasions Caitlin was struck on the leg which caused her to limp during volleyball practice after being assaulted. The coach of the volleyball practice, Fran Thevenot forced Caitlin to perform individual, and isolating, additional strenuous exercise as a result of her limping.

b. Particularly in the case of the Plaintiff Coy Nolin:

i. beaten on the buttocks or thighs on numerous occasions, including:

1. when he was 11 years old, by Duff Friesen, then principal of Christian Centre Academy, who bent him over a chair and struck him hard on the buttocks three times for telling “inappropriate jokes”, while Nathan Rysavy observed as a witness;
2. when he was 15 years old, following hospitalization for illness, by John Olubobokun, who was then principal of Christian Centre Academy, who spanked him six times for asking John Olubobokun to leave the hospital room to stop John Olubobokun for sermonizing to him while he was hospitalized, while Garrett Johnson, now known as Garrett Davis, observed as a witness to the discipline;
3. when he was 15 years old, following revelation that Coy is homosexual, and at Coy's home, Coy was paddled by John Olubobokun with Simbo Olubobokun, Garrett Johnson (now

Garett Davis) and Avril Johnson observing as witnesses;

3.1 when he was 16 years old, Randy Donauer accused him of gossiping and making jokes about fellow camp counsellors dating, and Coy was paddled by Randy Donauer; and

4. numerous other instances, where Coy was struck in the area of the buttocks with a paddle by some or all of the Individually Named Defendants.
- ii. subject to physical contact during a purported exorcism, by John Olubobokun, Simbo Olubobokun, Garett Johnson (now Garett Davis) and Avril Johnson.
- c. Students and minor adherents and congregants of the Church were physically struck by the individual Defendants, either by hand or with a wooden paddle, as a disciplinary response to, among other things:
 - i. Whispering during church service or class;
 - ii. Talking back to teachers, teachers aids, school administrators, Church Elder, pastors, and other employees, agents and representatives of Mile Two Church Inc.;
 - iii. Showing disrespect to teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
 - iv. Disobeying directions of teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
 - v. Refusing to provide satisfactory answers to inquiries by employees, agents and representatives of Mile Two Church Inc., whether or not the member of the Plaintiff Class knew the answer, and whether or

not it would be truthful to provide the answer;

- vi. Cheating or otherwise being dishonest, particularly to teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
 - vii. Being caught within six inches of a student or minor adherent or congregant of the Church who is of the opposite sex;
 - viii. Telling jokes deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.;
 - ix. Making gestures deemed inappropriate by the employees, agents or representatives of Mile Two Church Inc.;
 - x. For not crying during administration of corporal punishment;
 - xi. For wearing padding around the area of the buttocks while being subject to corporal punishment;
 - xii. Talking negatively about the School or Church;
 - xiii. Socializing with people who were not students at the School or members of the Church;
 - xiv. Not completing homework;
 - xv. Not telling Church and School leadership when purported wrongdoing was done by other students and minor adherents and congregants of the Church; and
 - xvi. On the mere allegation of any of the foregoing.
- d. A student was alleged to have cheated on some school work. The student was spanked as a form of discipline. When the student did not cry during the spanking, the student was told to pull down his pants. The student told the

school administrator to “fuck off” and was subsequently expelled and excommunicated from the school and the church.

- e. A student refused to pray in front of her class, and was subject to spanking or paddling for the refusal;
- f. For not finishing assigned homework, Joel Hall took ~~at~~ a student to the School office to be paddled three times, which occurred on each school day for a period of two months;
- g. Numerous students were subject to additional physical abuse by some or all of the Defendants, for not crying during administration of corporal punishment, which was stated to be a refusal to accept their punishment;
- h. Aaron Benneweis, a director of athletics at the School, engaged in sexual relationships with students and minor adherents and congregants of the Church;
- i. Other employees, agents and representatives of Mile Two Church Inc. engaged in sexual relationships with students and minor adherents and congregants of the Church;
- j. Employees, agents and representatives of Mile Two Church Inc. engaged in sexual fondling of students and minor adherents and congregants of the Church;
- k. Nathan Schultz, a worker of the Church, induced female minor adherents and congregants of the Church to, during Sunday School, to go with him to the bathroom where he would put candy on his penis and have the girl take the candy with her hands or mouth. On some occasions he cut the pockets out of his pants, and told the girls to reach into the pockets and “see what surprise I have for you”;
- k.1 Darcy Schuster, Children’s Director of the Church, and participant in children’s church on behalf of the Church, removed at least one minor

adherent and congregant of the Church, during School, from class and took her to his office, where he would expose his penis to them and force them to perform fellatio on him. This reprehensible activity occurred several times over the minor adherents' grade 3, 4 and 5 years.

1. Joel Hall imposed repetitive physical tasks to students who, by reason of physical disability or learning disability were unable to achieve unreasonably high performance standards demanded of students in the School;

1.1 Forcing at least one student to go in the hallway and do a "wall sit" while holding a medicine ball for multiple hours as a punishment; and

- m. At the direction of John Olubobokun, Garrett Johnson (now Garrett Davis) took a student to a bathroom and force to remove his pants, so that his pants and underwear could be inspected for the presence of padding.

(the "Physical Abuse")

48. The Individually Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each engaged in the intentional infliction of mental injury and conduct in the nature of trespass to the person, including psychological, mental, emotional and spiritual harm to the students at the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

- a. Particularly in the case of the Plaintiff Caitlin Erickson
 - i. Yelling and screaming;
 - ii. Forcing Caitlin to listen to peers being beaten;
 - iii. Telling younger students and minor adherents and congregants of the Church that Caitlin was a "bad egg", which was intended to and was taken by the younger students to mean that Caitlin was worthy of humiliation, scorn and ridicule;

- iv. Making public, and untruthful, statements to younger students and minor adherents and congregants of the Church that Caitlin was “rebellious”, an offence pursuant to the teachings and principles of the School and Church;
- v. Interrogating Caitlin to coerce her to divulge information to provide a basis for John Olubobokun to beat other students and minor adherents and congregants of the Church with a paddle; and
- vi. In response to Caitlin not crying during paddling ~~that~~ of her sister, telling her that not crying to signal acceptance of punishment was childish.

b. Particularly in the case of the Plaintiff Coy Nolin:

- i. In the spring of 2004, before church service at the Church, Coy was called in to John Olubobokun’s office as principal, in response to a rumor that Coy was engaged in a consensual sexual relationship with another male student. Garrett Johnson, now known as Garrett Davis, was present. John Olubobokun:
 1. intimidated and coerced Coy into revealing the identity of the other student;
 2. informed Coy that he was forbidden from returning to the ~~school~~ School, without just cause;
 3. informed Coy that if he tried to contact any other student of the School, that he would call the police.

A few days later John Olubobokun attended at Coy’s home. Simbo Olubobokun, wife of John Olubobokun, Garrett Johnson, now Garrett Davis, and his wife Avril Johnson were present as witnesses. John Olubobokun segregated Coy from his mother. John Olubobokun referred to Coy’s homosexuality as “abomination”, for which Coy

would “go to hell”. Following the assault referred to in paragraph 47(b)(i)(3), John Olubobokun, Simbo Olubobokun, Garrett Johnson and Avril Johnson placed their hands on Coy, began speaking in tongues and praying for the “gay demons” to leave Coy. This continued for over an hour.

A few days later John Olubobokun instructed Coy’s mother that Coy needed to move to Edmonton to go to a “special church” that could “help fix his problem”. The “problem” in question being Coy’s homosexuality.

- c. The student referred to was expelled and excommunicated from the School and the Church, in the incident referred to in paragraph 47(d);
- d. Excommunicating members of the Plaintiff Classes, including the Plaintiffs, or members of their respective families, for deviations from the principles, teachings and purported obligations of the Church;
- e. Imposing isolating individual tasks to students who were unable, by reason of physical disability or learning disability, to achieve unreasonably high performance standards demanded of students at the School;
- f. Provided unqualified, incompetent counselling to students of the School, the true motivation for which was to maintain conceal and maintain secrecy respecting sexual abuse of members of the Plaintiff Classes, including the Plaintiffs;
- g. Insulting, degrading, demeaning and humiliating members of the Plaintiff Classes, including the Plaintiffs, for:
 - i. Communicating with individuals excommunicated from the School or the Church;
 - ii. Socializing with children other than those who attended the School or the Church;

- iii. Failing or refusing to participate in Church activities, while a student at the School;
 - iv. Failing to achieve academic, athletic or other unreasonably high performance standards demanded by the School or the Church, irrespective of ability or effort;
 - v. Listening to music not approved by the School or the Church; and
 - vi. Questioning decisions made by people in authority in the Church and School;
- h. Threatening separation of members of the Plaintiff Classes, including the Plaintiffs, from their siblings as punishment for not complying with directions and expectations at the School and Church;
 - i. Isolating members of the Plaintiff Classes, including the Plaintiffs, as punishment for alleged misbehavior;
 - j. Refusing to assist students perceived as “bad” with schoolwork, when assistance was required or requested to understand;
 - k. Refusing to provide assistance to students with learning disabilities;
 - l. Making loud, unexpected noises to frighten members of the Plaintiff Classes, including the Plaintiffs; ~~and~~
 - m. Sermonizing that homosexuality is immoral, perverse and an abomination;
- m.1 Forcing at least one student to undress and then redress into her gym clothes while other students watched;
 - m.2 Refusing to allow members of the Plaintiff Classes, to use the washroom, resulting in at least 2 minor students wetting their pants in class;
 - m.3 Forcing members of the Plaintiff Classes, including the Plaintiffs, to witness

the Physical Abuse perpetrated on classmates and other students; and

m.4 The Physical Abuse.

(the “Non-Physical Abuse”)

49. The Individually Named Defendants, Unidentified School Abusers and Unidentified Church Abusers each used the threat of Physical Abuse and Non-Physical Abuse to intentionally inflict mental injury on, and intimidate and coerce students of the School and minor adherents and congregants of the Church, including the Plaintiffs. Examples include:

- a. Particularly in the case of the Plaintiff Caitlin Erickson:
 - i. John Olubobokun screaming in the face of Caitlin while Caitlin was seated in his office;
 - ii. Threatening physical abuse on a regular basis; and
 - iii. Caitlin observed the School and Church selling paddles, and keeping paddles in plain view as intimidation and threat of future battery with the said paddles;
- b. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;
- c. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
- d. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for allegedly not

abiding by all principles, teachings and purported obligations of the Church;

- e. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for communicating with individuals excommunicated by the Church or School;
- f. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly exhibiting disrespect for teachers, teachers aids, school administrators, Church Elders, pastors and other employees, agents and representatives of Mile Two Church Inc.;
- g. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, for allegedly not abiding by all principles, teachings and purported obligations of the Church;
- h. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for exhibiting or condoning homosexuality and homosexual behaviour;
- i. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for not condemning and demonstrating detestation of homosexuality and homosexual behaviour;
- ~~j. Berating, demeaning, degrading, dehumanizing, intimidating and harassing members of the Plaintiff Classes, including the Plaintiffs, for not condemning and demonstrating detestation of homosexuality and homosexual behaviour;~~
- ~~k.~~ j. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they did not divulge misconduct of other members of the Plaintiff Classes, including the Plaintiffs, their families, or other adherents and congregants of the Church;
- ~~l.~~ k. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed information deemed by the employees, agents, and representatives of Two Mile Church Inc., including

the Principal Defendants, to be kept secret;

- ~~m.~~ l. Threatening physical violence against members of the Plaintiff Classes, including the Plaintiffs, if they disclosed to others the particulars of discipline meted by the Defendants against the members of the Plaintiff Classes, including the Plaintiffs;
- ~~n.~~ m. Threatening excommunication or social isolation against members of the Plaintiff Classes, including the Plaintiffs, for deviating from the principles, teachings or obligations of the Church;
- ~~o.~~ n. Telling members of the Plaintiff Classes, including the Plaintiff, that they would be corporally punished at a specific or unspecified future date or time;
- ~~p.~~ o. Requiring students to stand in line to be corporally punished, while students ahead of them in line were being corporally punished;
- ~~q.~~ p. Selling and displaying paddles around the School and Church, as a threat of future physical abuse.

all being abuse in the nature of trespass to the person, assault or battery and intentional infliction of mental injury.

(the “Intimidation Abuse”)

50. The Intimidation Abuse constitutes a threat of physical, psychological, emotional, mental and spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs together with the ability to immediately carry out the threat, and therefore constitutes assault. The harm caused to the Plaintiffs and Plaintiff Classes is serious, prolonged and rise above the ordinary annoyances, anxieties and fears that people living in society routinely accept.
51. Physical, psychological, emotional, mental and spiritual harm to the students at the School and minor adherents and congregants of the Church were foreseeable as a result of the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse.

52. The Defendants knew of and intended, or were reckless or ~~willfully~~ wilfully blind to the fact that, the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse would cause harm to the students at the School and minor adherents and congregants of the Church, including the members of the Plaintiff Classes.
53. Members of the Plaintiff Classes, including the Plaintiffs, were physically, sexually, psychologically, mentally, emotionally and spiritually traumatized by their experiences, and particularly the Physical Abuse, Non-Physical Abuse and Intimidation Abuse during their attendance at the School and the Church.
54. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were calculated to produce harm, and did, in fact, produce physical, emotional, psychological, mental injury and spiritual harm to members of the Plaintiff Classes, including the Plaintiffs, including but not limited to:
- a. immediate pain and suffering which is, *per se*, compensable;
 - b. lasting and significant pain and suffering;
 - c. isolation from friends and family;
 - d. impairment of self-worth, confidence and self esteem;
 - e. fear and intimidation;
 - f. psychological disorders including, but not limited to, depression, anxiety, and suicidal ideation;
 - g. self harm;
 - h. post traumatic stress disorder;
 - i. impairment of the ability to express emotions in a normal and healthy manner;
 - j. impairment of the ability to control anger and rage;

- k. impairment of personal identity;
- l. impairment of sexual identity and expression;
- m. impairment of the ability to trust individuals in positions of authority;
- n. difficulties in parenting, and maintaining positive relationships;
- o. substance abuse and a propensity for substance abuse;
- p. impairment of the ability to enjoy and participate in recreational, social, athletic, employment and education activities;
- q. inability to complete or pursue their education;
- r. deprivation of the love and guidance of parents, siblings, family members and friends;
- s. impairment of capacity to function in the work place and earn income; and
- t. the need for past and ongoing psychological, psychiatric, medical and spiritual treatment for illnesses and other disorders resulting from the Physical Abuse, Non-Physical Abuse and Intimidation Abuse.

(the “Harms”)

55. The conduct of the Defendants caused the members of the Plaintiff Classes, including the Plaintiffs, to blame themselves for the abuse endured at the hands of the Defendants.

56. Members of the Plaintiff Classes, including the Plaintiffs, lived in fear and anxiety during their attendance at the School and the Church, and for years after, as a consequence of the conduct of the Defendants, for which the Defendants are in law responsible.

57. The Harms were each intended, foreseeable and expected consequences of the wrongful acts of the Defendants, or unintended but foreseeable and expected

consequences for which the Defendants were ~~willfully~~ wilfully blind.

58. The foreseeable and expected consequences of the wrongful acts of the Defendants amount to the Defendants having intentionally inflicted mental harm on the members of the Plaintiff Classes, including the Plaintiffs.
59. The Physical Abuse, Non-Physical Abuse and Intimidation Abuse all amount to trespass to the person, for which the Defendants are liable.
60. The Defendants conspired to inflict harm to the students of the School and minor adherents and congregants of the Church, by lawful and unlawful means of the Physical Abuse, Non-Physical Abuse, and Intimidation Abuse.
61. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were carried out by the Defendants for a common purpose of carrying out the policies and procedures of the School, Church and other objects of Mile Two Church Inc., including but not limited to those set out above at paragraph 42.
62. The Defendants, including the Ministry for its actions and failures as set out herein, are ~~therefore~~ liable for conspiracy to harm by lawful and unlawful means.
63. Mile Two Church Inc. and its directors and officers, including the Unidentified Corporate Officers, created conditions in which the Individually Named Defendants, Unidentified School Abusers, Unidentified School Abuse Planners, Unidentified Church Abusers, and Unidentified Church Abuser Planners could, and would, perpetrate the Physical Abuse, Non-Physical Abuse and Intimidation Abuse, and failed to adequately supervise the employees, agents and representatives to ensure the safety of the students of the School or minor adherents and congregants of the Church.
64. The Physical Abuse, Non-Physical Abuse and Intimidation Abuse were carried out by employees, agents and representatives of Mile Two Church Inc. on the direction of and with the knowledge and approval of the directors and officers of Mile Two Church Inc..

65. Mile Two Church Inc. is vicariously liable for the wrongdoing of its employees, agents, and representatives including the Individually Named Defendants, Unidentified School Abusers, Unidentified School Abuse Planners, Unidentified Church Abusers and Unidentified Church Abuse Planners.
66. Each of the Defendants owed a duty of care to the members of the Plaintiff Classes, including the Plaintiffs, as children in ~~the~~ their care and supervision.
67. Mile Two Church Inc., the Individually Named Defendants, the Principal Defendants, ~~and~~ the Unidentified Corporate Officers and the Ministry breached the standard of care owed to the members of the Plaintiff Classes, including the Plaintiffs, by, among other things:
- a. failing to have in place any, or adequate, systems to protect the members of the Plaintiff Classes from physical, sexual, psychological, emotional, mental or spiritual abuse while attending the School or participating in activities of the Church;
 - b. failing to adequately supervise or train the employees, agents and representatives of Mile Two Church Inc., including each of the other Defendants;
 - c. failing to provide a safe and secure school or church environment to the members of the Plaintiff Classes which was free of physical, sexual, psychological, emotional, mental or spiritual abuse, particularly abuse perpetrated by employees, agents and representatives of Mile Two Church Inc.; and
 - d. failing to report to appropriate authorities children in need of protection;
 - e. failing to comply with statutory, regulatory and other requirements of an ~~qualified~~ independent school pursuant to *The Education Act, 1995*, SS 1995 c E-0.2, *The Registered Independent Schools Regulations*, ~~RRS~~ RSS c E-0.2 Reg 27, and their respective predecessors;

- f. failing to have a system by which members of the Plaintiff Classes, including the Plaintiffs, could raise complaints or concerns to be addressed;
- g. failing to provide any, or adequate, treatment or resources to members of the Plaintiff Classes, including the Plaintiffs, known to them to have been harmed by the Physical Abuse, Non-Physical Abuse, ~~and~~ Intimidation Abuse; and the abuse in the nature of trespass to the person;
- h. failing to provide any, or adequate, remedial training to the employees, agents and representatives of Mile Two Church Inc. who were known to them to have engaged in the Physical Abuse, Non-Physical Abuse, ~~and~~ Intimidation Abuse; and the abuse in the nature of trespass to the person;
- i. failing to report the Physical Abuse, Non-Physical Abuse and Intimidation Abuse to the Minister responsible for education, the Ministry of Education, or the Government of Saskatchewan;
- j. actively encouraging commission of the Physical Abuse, Non-Physical Abuse, ~~and~~ Intimidation Abuse and abuse in the nature of trespass to the person by the employees, agents and representatives of Mile Two Church Inc.;
- k. encouraging and/or requiring parents of the members of the Plaintiff Classes, including the Plaintiffs, to commit physical, psychological, emotional, mental and spiritual abuse of children outside of the School and Church; and
- l. failing to discourage and denounce the Physical Abuse, Non-Physical Abuse, ~~and~~ Intimidation Abuse and abuse in the nature of trespass to the person perpetrated by other Defendants when they had knowledge of such abuse occurring.

68. Each of the Defendants breached the standard of care owed to the members of the Plaintiff Classes, including the Plaintiffs, by, among other things:

- a. intentionally causing physical, sexual, psychological, emotional, mental and

spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs;

- b. causing physical, sexual, psychological, emotional, mental and spiritual harm to the members of the Plaintiff Classes, including the Plaintiffs by inattention or neglect;
- c. failing to exercise due care and attention to ensure that their conduct did not cause physical, sexual, psychological, emotional, mental or spiritual harm;
- d. failing to observe and prevent the Physical Abuse, Non-Physical Abuse and Intimidation Abuse perpetrated by other Defendants;
- e. failing to report to appropriate authorities children in need of protection, as required by *The Child and Family Services Act*, SS 1989-90 c C-7.2, and its predecessors;
- f. failing to discourage and denounce the Physical Abuse, Non-Physical Abuse and Intimidation Abuse perpetrated by other Defendants when they had knowledge of such abuse occurring;
- g. promoting and advocating for members of the Church to engage specific individuals as babysitters, knowing that some or all of the individuals were not qualified, and knowing or wilfully blind or indifferent as to whether the individuals had, and continued to, abuse children while they were babysitting; and
- h. promoting and advocating for members of the Church to engage only other members of the Church for services, knowing or ~~wilfully~~ wilfully blind or indifferent as to whether the individuals were unqualified and had, and continued to, commit wrongful acts described herein.

69. The members of the Plaintiff Classes, including the Plaintiffs, suffered the Harms described herein as a result of the Defendants' breaches of the standard of care.

70. The Defendants are therefore liable to the members of the Plaintiff Classes for negligence.
71. The Defendants, as principals, teachers, pastors and elders stood in a position of authority and total control over the members of the Plaintiff Classes, including the Plaintiffs, who were children in their care and supervision. The members of the Plaintiff Classes, including the Plaintiffs, were subject to the unilateral exercise of the Defendants' power or discretion.
72. The members of the Plaintiff Classes, including the Plaintiffs, were in a position of dependance, trust and reliance on the Plaintiffs.
73. The Defendants therefore owed a fiduciary duty to the members of the Plaintiff Classes, including the Plaintiffs.
74. By the conduct set out herein, the Defendants breached their fiduciary duty to the members of the Plaintiff Classes, including the Plaintiffs.
75. Mile Two Church Inc. is vicariously liable for the conduct of the Defendants described herein.
76. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse were carried out against the members of the Plaintiff Classes, including the Plaintiffs, as a pattern of pervasive, systematic abuse of vulnerable children by the Defendants as a central tenet of the beliefs, faith and lifestyle promoted by Mile Two Church Inc. and the Principal Defendants.
77. The Physical Abuse, Non-Physical Abuse, and Intimidation Abuse are depraved, abhorrent, reprehensible, and malicious conduct by the Defendants, acting individually and together, to inflict harm upon children. Such conduct warrants deterrence, denunciation, and approbation by the Court, by way of punitive, aggravated and exemplary damages.
78. The Defendants' conduct, as pled herein, prevented the Plaintiffs from discovering the wrongfulness of the Defendants' actions, the nature of their injuries, and/or the

nexus between their injuries and the abuse. The Defendants' conduct was calculated to, and in fact did cause, the members of the Plaintiff Classes, including the Plaintiffs, to blame themselves for the abuse.

79. The members of the Plaintiff Classes, including the Plaintiffs, have received no or inadequate meaningful therapy regarding the abuse described herein. They are still in the process of coming to understand and appreciate the full extent of the injuries caused to them by the abuse and the nexus between the abuse and the injuries caused by the abuse. The Plaintiffs require therapy and medical attention.

80. As victims of abuse perpetrated by the Defendants, to whom the members of the Plaintiff Classes, including the Plaintiffs, stood in a position of dependence, the members of the Plaintiff Classes, including the Plaintiffs, are only now discovering the necessary connection between their injuries and the wrong done to them by the Defendants.

81. The Plaintiffs were incapable of commencing the proceeding before now because of their physical, mental or psychological condition.

82. The Plaintiffs state that the within action:

- a. Makes out at least one cause of action;
- b. Identifies a class of plaintiffs;
- c. The claims herein raise common issues among the Plaintiff Classes;
- d. Is a preferable procedure as a class action, in view of the common issues and access to justice by the members of the Plaintiff Classes;
- e. Is brought by Caitlin Erickson and Coy Nolin, who:
 - i. Would fairly and adequately represent the interests of the Plaintiff Classes;
 - ii. Have a workable plan for advancing the action on behalf of the

Plaintiff Classes and notifying the members of the Plaintiff Classes;
and

iii. Do not have an interest that is in conflict with other members of the
Plaintiff Classes; and

f. Is in the interest of justice to be certified as a class action, pursuant to *The
Class Actions Act*, SS 2001 c C-12.01.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 9th of August, 2022.

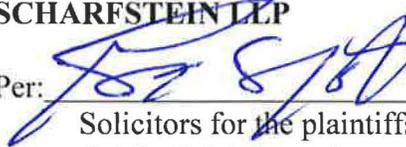
SCHARFSTEIN LLP

Per: "Samuel W. Edmondson"

Solicitors for the plaintiffs,
Caitlin Erickson and Coy Nolin

AMENDED at the City of Saskatoon, in the Province of Saskatchewan, this 12 day of
December, 2022.

SCHARFSTEIN LLP

Per: 

Solicitors for the plaintiffs,
Caitlin Erickson and Coy Nolin

CONTACT INFORMATION AND ADDRESS FOR SERVICE

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