

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

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

REPLY TO REQUEST FOR PARTICULARS

The Plaintiffs, Caitlin Erickson and Coy Nolin, hereby reply as follows to the Defendant's Request for Particulars, dated January 20, 2023:

1. With respect to paragraph 41 & 42 of the Statement of Claim, details of the promulgated principles referred to therein.

Reply:

The Plaintiffs state that the principles which were promulgated by the Principal Defendants are outlined in the Statement of Claim. These principles include, but are not limited to:

- 1. The systematic oppression, intimidation, and abuse of children;**

- 2. The requirement of unquestioning obedience and compliance by children through intimidation, coercion, isolation, fear, and threat of physical abuse;**
- 3. Total control of students' lives both inside and outside of the School and Church setting;**
- 4. The use of corporal punishment on children for all manner of conduct, including trifling and trivial conduct;**
- 5. The vilification and detestation of the LGBTQ+ community;**
- 6. Complete isolationism and condemnation of anything not considered a part of or approved by the Church and its leadership;**
- 7. The vilification and detestation of anyone that is not a member of the Church and/or School;**
- 8. The breaking up of families where a member of the family was not wholly subservient to the Church;**
- 9. Promotion of a distrust and opposition to post-secondary education and authority outside of that offered by the Church and/or School;**
- 10. The promotion of isolationist ideology and practice, including the cover-up of alleged tortious, illegal and other wrongful acts by members of the Church and/or School such as sexual abuse;**
- 11. Such further and other promulgated principles as are currently unknown, but may be discovered during the course of this litigation; and**
- 12. That the above promulgated principles are God's will.**

2. With respect to paragraph 45 & 46 of the Statement of Claim, particulars of the corporal punishment allegedly observed by John, including the:
 - a. Frequency;
 - b. Location;
 - c. Dates and approximate dates on which such alleged conduct was observed; and
 - d. The names of the alleged victims.

Reply:

The Plaintiffs reply as follows:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).
 - 2. Mr. Thuringer has better knowledge of the particulars demanded by him** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
 - 3. The particulars demanded are not reasonably required by Mr. Thuringer in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] S.J. No. 431).
 - 4. The Statement of Claim affords Mr. Thuringer sufficient information to enable him to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, [2022] SJ No 34).
3. With respect to paragraph 47 & 48 of the Statement of Claim, particulars of John’s alleged abuse in the nature of trespass to the person, the intentional infliction of mental injury, physical assault and/or battery of students at the School and minor adherents and congregants of the Church, including the:
- a. Frequency;
 - b. Location;
 - c. Dates and approximate dates on which such alleged conduct was observed; and
 - d. The names of the alleged victims.

Reply:

The Plaintiffs reply as follows:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).
 - 2. Mr. Thuringer has better knowledge of the particulars demanded by him** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
 - 3. The particulars demanded are not reasonably required by Mr. Thuringer in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] S.J. No. 431).
 - 4. The Statement of Claim affords Mr. Thuringer sufficient information to enable him to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, [2022] SJ No 34).
4. With respect to paragraph 49 of the Statement of Claim, particulars of the alleged incidents of John using the threat of Physical Abuse and Non-Physical abuse to intentionally inflict mental injury on, and intimidate and coerce students, minor adherents and congregants of the Church, including the:
- a. Frequency;
 - b. Location;
 - c. Dates and approximate dates on which such alleged conduct was observed; and
 - d. The names of the persons allegedly so threatened.

Reply:

The Plaintiffs reply as follows:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).
- 2. Mr. Thuringer has better knowledge of the particulars demanded by him** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
- 3. The particulars demanded are not reasonably required by Mr. Thuringer in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] S.J. No. 431).
- 4. The Statement of Claim affords Mr. Thuringer sufficient information to enable him to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, [2022] SJ No 34).
5. With respect to paragraph 64 of the Statement of Claim, particulars of the alleged Physical Abuse, Non-Physical Abuse and Intimidation Abuse, that was allegedly carried out by employees, agents, and representatives of Mile Two Church Inc. on the direction, knowledge and approval of John, including the:
 - a. Frequency;
 - b. Location;
 - c. Dates and approximate dates on which such alleged conduct was observed; and
 - d. The names of the victims allegedly abused.

Reply:

The Plaintiffs reply as follows:

- 1. The particulars requested herein are matters of evidence not pleading and are discoverable through a Questioning in this matter** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110).
- 2. Mr. Thuringer has better knowledge of the particulars demanded by him** (see: *Prince Albert Co-Operative Assn. Ltd. v. Lyons*, [1984] S.J. No. 110 and *Canadian Imperial Bank of Commerce v. Todd*, [1987] S.J. No. 703).
- 3. The particulars demanded are not reasonably required by Mr. Thuringer in order to plead intelligently** (see: *Saskatchewan Provincial Court Judges Assn. v. Saskatchewan (Minister of Justice)*, [1994] S.J. No. 431).
- 4. The Statement of Claim affords Mr. Thuringer sufficient information to enable him to understand “at least in broad strokes what the plaintiff’s case is about”, as is required in a pre-certification application for further particulars** (see: *Wasserman v Saskatchewan (Minister of Highways and Infrastructure)*, [2022] SJ No 34).

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 26th of January, 2023.

SCHARFSTEIN LLP

Per: 

Solicitors for the Plaintiffs,
Caitlin Erickson and Coy Nolin

CONTACT INFORMATION AND ADDRESS FOR SERVICE

| | |
|-----------------------------------|--|
| Name of firm: | Scharfstein LLP |
| Name of lawyer in charge of file: | Grant J. Scharfstein, K.C. / Samuel W. Edmondson |
| Address of legal firm: | 200 Princeton Tower 123 - 2 nd Avenue South Saskatoon, SK S7K 7E6 |
| Telephone number: | (306) 653-2838 |
| Fax number: | (306) 652-4747 |
| E-mail address: | gscharfstein@scharfsteinlaw.com / sedmondson@scharfsteinlaw.com |
| File Number: | 21,835.1 |

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