Court of Appeal File No. C68407
Superior Court File No. 00-CV-192059CP

COURT OF APPEAL FOR ONTARIO

BETWEEN:

LARRY PHILIP FONTAINE, *et al.*

Plaintiffs

- and –

THE ATTORNEY GENERAL OF CANADA, *et al.*

Defendants/Respondents

**IN THE MATTER OF THE REQUEST FOR DIRECTIONS
BY DR. EDMUND METATAWABIN
AND BY IAP CLAIMANTS T-00185, S-20774 and S-16753
PERTAINING TO ST. ANNE'S INDIAN RESIDENTIAL SCHOOL**

Requestors/Appellants

Proceedings under the *Class Proceedings Act*, 1992, S.O. 1992, C.6

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PART I - OVERVIEW AND STATEMENT OF FACTS

A. Overview

1. The Assembly of First Nations ("AFN"), as a party to the Indian Residential Schools Settlement Agreement ("IRSSA"), makes these submissions on the appeal of Justice Perell's and Justice Brown's direction that the Request for Directions (RFD) filed by Dr. Edmund Metatawabin and Independent Assessment Process (IAP) Claimants T-00185, S-20774 and S-16753 be heard by the British Columbia Supreme Court.

2. The Requestors of the RFD are seeking the enforcement of two IRSSA Ancillary Orders of the Ontario Superior Court of Justice which provide that Canada was to produce certain IAP documents, namely the revised School Narrative Report of St. Anne's Indian Residential School and relevant Person's of Interest (POI) Reports of abusers who worked/resided/visited St. Anne's.

3. The Eastern Supervising Judge of the IRSSA recused himself from hearing the Appellants RFD and assigned it to the Western Supervising Judge in British Columbia to hear the matter.

4. The AFN takes the position that while the administration of the IRSSA enables Supervising Judges to assign an RFD to any jurisdiction, the current RFD relates to the enforcement of two Orders of the Ontario Superior Court of Justice. As such, the matter should be heard in Ontario as it is uncertain if the BC Supreme Court could enforce an Order without it going through the usual processes associated with seeking the enforcement of an order originating outside its jurisdiction.

Secondly, a strict reading of the Court Administration Protocol may require the RFD to be heard in Ontario as the Requestors all originate from Ontario and the Indian Residential School in question was located in Ontario.

B. Statement of Facts

i) IRSSA

5. The IRSSA is the product of extensive negotiations which resulted in the execution of the IRSSA by all parties in May of 2006.

6. The IRSSA seeks to remedy harms and abuses suffered by residential school students by delivering fair resolution, which will promote “healing, education, truth and reconciliation and commemoration”.[1]

7. The IRSSA provides two avenues through which Claimants can receive compensation: the Common Experience Payment (“CEP”) and the IAP. The CEP permits all former Indian Residential School students, who are eligible, to receive $10,000 for one year’s attendance (or part year) and $3,000 for each subsequent year (or part year) attendance at an Indian Residential School covered by the IRSSA.

8. The second form of compensation is the IAP. Claimants may seek compensation for defined categories of serious physical and sexual abuse, or "other wrongful acts," through the negotiated and court-approved process. The IAP employs an inquisitorial process, as opposed to an adversarial process, to adjudicate claims and

[1] IRSSA, at 6B and C.

award compensation.

ii) Court Approval of the IRSSA

9. In implementing the IRSSA, the signatories amended and merged all existing class-action Statements of Claim to establish a common series of class actions. The certification and settlement approval proceeded on a consent basis before the superior courts of nine jurisdictions between August and October of 2006.

10. In December of 2006, each of the nine courts approved the terms of the IRSSA as being fair, reasonable and in the best interest of the class. The nine courts issued respective reasons for decision and identical judgments certifying the class actions and approving the IRSSA, along with all of the accompanying Schedules, including Schedule "D". The Ontario Superior Court of Justice certification judgement noted that the compensation process must be independent of Canada:

> Accordingly, the administration of the plan must be neutral and independent of any concerns that Canada, as a party to the settlement, may otherwise have. In order to satisfactorily achieve this requisite separation, the administrative function must be completely isolated from the litigation function with an autonomous supervisor or supervisory board reporting ultimately to the courts. This separation will serve to protect the interests of the class members and insulate the government from unfounded conflict of interest claims. To effectively accomplish this separation and autonomy it is not necessary to alter the administrative scheme by replacing the proposed administration or by imposing a third party administrator on the settlement. Rather, the requisite independence and neutrality can be achieved by ensuring that the person, or persons, appointed by Canada with authority over the administration of the settlement shall ultimately report to and take direction, where necessary, from the courts and not from the government.[2]

[2] *Baxter v. Canada (Attorney General)*, 83 O.R. 481 [Baxter] at para 38.

11. On March 8, 2007, on consent of the parties, the nine courts issued identical Approval Orders and Implementation Orders. Both the Judgment of the Court and the Approval Order provide that "this Court shall supervise the implementation of the Agreement and this Judgment and, without limiting the generality of the foregoing, may issue such orders as are necessary to implement and enforce the provisions of the Agreement and this judgment."[3]

12. On March 8, 2007, the court issued an Implementation Order for the effective implementation and administration of the Settlement Agreement. That Order provides that any matter arising from the Settlement Agreement that requires direction from the court will be commenced by the filing of a request for direction with the court. The supervising judge is then to determine how the matter will proceed.

13. The Implementation Order also included a Court Administration Protocol with respect to the administration and supervision of the IRSSA. Two designated judges, an Eastern Administrative Judge and a Western Administrative Judge, would determine if a hearing is required and which jurisdiction will hear the matter.[4] The Court Administration Protocol provides:

> [T]he Administrative Judges will make such direction and determine the jurisdiction in which the hearing should be held. In making this determination the Administrative Judges will be guided by the following principles:
>
> (a) Where the issue(s) involve relief for a particular class member or particular class, the hearing will be directed to the supervising court

[3] Implementation Order, December 15, 2006.
[4] Court Administration Protocol at paras 1 & 3.

with jurisdiction over the class member or class pursuant to the terms of the Agreement and the Approval Orders.

(b) Where the issue(s) affect more than one jurisdiction, but not all, the hearing will be directed to a supervising court in one of the affected jurisdictions.

(c) Where the issue(s) will affect all jurisdictions, the hearing may be directed to any court supervising the Agreement.[5]

iii) The IAP

14. The IAP is established by the IRSSA through Article 6 and Schedule "D" to the IRSSA. The IAP provides a customized adjudicative proceeding for the resolution of claims of serious physical abuse, sexual abuse or other wrongful acts suffered while attending an Indian Residential School covered under the IRSSA.[6]

15. The IAP is a form of litigation which is altered in order to meet the adjudicative criteria for testing the evidence, while also considering the Claimants welfare.[7] The IAP was created in order to resolve claims of serious abuse. These abuses could be psychological, physical or sexual in nature.

16. The IAP awards compensation for three kinds of acts: sexual abuse on a scale from SL1 to SL5, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts”, which require a high level of psychological harm.[8]

17. Compensation is not cumulative. However, awards are based on the most severe acts committed on a Claimant. Schedule “D” limits compensation to the amount of $275,000 for abuses suffered and subsequent losses connected to the proven acts

[5] Court Administration Protocol at para 5.
[6] IRSSA, Schedule D.
[7] *Fontaine v Canada (Attorney General)*, 2012 BCSC 839, at para 29-30 & 130.
[8] IRSSA, Schedule D, at p. 3

of abuse. This limit is in addition to any loss of income incurred as a result of the abuse, up to the maximum amount of $250,000.

18. In assessing allegations of abuse, an adjudicator is first required to make a determination as to whether the acts of abuse have been proven on the civil standard of proof. Once the act is proven, the adjudicator has discretion to choose the point level within the pre-set range stipulated by Schedule “D”. The second requirement of an adjudicator is an assessment of the proven consequential harms which flowed from an act of abuse. This is also set out in a scale whereby the lowest level H1 covers a modest detrimental impact and the highest level H5 covers continued harm resulting in serous dysfunction. Only a plausible link between the proven act and harm is required for an order of compensation. Harms up to and including H3 do not require an expert assessment.[9]

19. Once the act(s) of abuse and consequential harms have been established, an adjudicator must then determine whether any of the listed aggravating factors have been proven. These factors include verbal abuse, racist acts, threats, age of the victim, etc.

20. The final steps in the IAP process are an assessment of a loss of opportunity, actual income loss, future care and a final assessment of compensation.

iv) Canada’s Disclosure Obligations

21. Canada’s document disclosure obligations under the IRSSA with respect to the IAP

[9] Schedule D, Appendix IX, Article II, at pgs. 34-35.

are set out in Schedule “D”, Appendix VIII “Government Document Disclosure.” Canada has detailed disclosure obligations with respect to providing information about: IAP Claimants, the residential school attended by the Claimant; documents mentioning sexual abuse at the school; and Persons of Interest.

22. These obligations include the production of a school narrative for each Indian Residential School. Canada is also required to gather documents about the residential school the Claimant attended and will draft a report summarizing those documents.[10]

23. The IRSSA contemplates that in researching residential schools, new some documents may continue to be found that mention sexual abuse by individuals other than those named in an application as having abused the Claimant. The information from these documents is to be added to the narrative.

24. In addition, Canada is required to prepare of reports about Persons of Interest. In particular, Appendix VIII compels the government to:

> search for, collect and provide a report about the persons named in the Application Form as having abused the Claimant, *including* information about those persons' jobs at the residential school and the dates they worked or were there, as well as any allegations of physical or sexual abuse committed by such persons, where such allegations were made while the person was an employee or student.

25. The Persons of Interest report regarding the persons named in the Application Form as having abused the Claimant is to include information about his/her employment,

[10] Schedule D, Appendix VIII.

duties and the dates they worked at the residential school. Allegations of physical or sexual abuse committed by such persons, where such allegations were made while the person was an employee or student, is also to be included in the Person of Interest report.

26. The School Narrative and Persons of Interest Reports are to be made available for the Claimant or their lawyer to review.

v) St. Anne's Records

27. Incidents of sexual and physical abuse of First Nations children occurred at St. Anne's Indian Residential School, which was operated in Fort Albany, Ontario. The process for justice for the children who were abused at St. Anne's started with the 1992 Keykaywin Conference, which sought to bring the abuse to light and promote healing among St. Anne's survivors.[11] The Conference triggered an investigation by the Ontario Provincial Police (OPP), which led to criminal charges, preliminary hearings, trials and/or convictions.[12]

28. The OPP's investigation spanned five years and led to the collection of numerous statements from victims and witnesses as well as the creation of databases and the seizure of thousands of documents from the Catholic Church.[13]

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[11] Affidavit of Claimant S- 20774, sworn on March 14, 2020 at para 11, Appellant's Record Vol 3, Tab 12, pg. 115; also *Fontaine v Canada (Attorney General)*, 2014 ONSC 283 [St. Anne's #1] at para 108.
[12] *Ibid* and Affidavit of Edmund, sworn May 11, 2020 at para 35, Appellant's Record Vol 1, Tab 10, pg. 115
[13] Affidavit of Edmund, sworn May 11, 2020 at para 34-35, Appellant's Record Vol 1, Tab 10, pg. 115.

29. Canada first acknowledged having possession of the OPP records in June 2013.[14] The school narrative and persons of interest report prior to June 2013 did not specifically mention the existence of the OPP records, despite Canada's obligations under the Settlement Agreement to produce all relevant documents.[15]

30. The OPP began its investigation of St. Anne's Indian Residential School in 1992 and completed it in 1996. The investigation led to criminal charges against seven alleged perpetrators based on the evidence of 992 signed witnesses statements.[16] Over the course of its investigation, the OPP obtained and created a large collection of documents regarding St. Anne's Indian Residential School and the abuses that took place there.

31. Canada has not disclosed the OPP's investigative file obtained in the course of certain civil litigation that related to St. Anne's Indian Residential School plaintiffs.[17] This information was obtained through plaintiff productions and a third-party production Order of the Honourable Mr. Justice Trainor, dated August 1, 2003.[18]

32. On January 14, 2014, the Ontario Superior Court of Justice determined that Canada failed to produce documents related to criminal investigations conducted by the OPP

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[14] *St. Anne's #1,* at para 144.
[15] Affidavit of Claimant S- 20774, sworn on March 14, 2020 at paras 16, 23 & 24, Appellant's Record Vol 3, Tab 12. Also *St. Anne's #1* at paras 125-129.
[16] St. Anne's #1, at para 109.
[17] Affidavit of Claimant T-00185, sworn on March 12, 2020 at paras 3, 12 and 13, Appellant's Record Vol 3, Tab 11; Affidavit of Claimant S- 20774, sworn on March 14, 2020 at paras 3 and 18, Appellant's Record Vol 3, Tab 12; Affidavit of Claimant S- 16753, sworn on May 4, 2020 at paras 4, 5 and 11, Appellant's Record Vol 3, Tab 13.
[18] Affidavit of Edmund, sworn May 11, 2020 at para 33, Appellant's Record Vol 1, Tab 10, pg. 115; Exhibit D, Order of the Honourable Mr. Justice Trainor, dated August 1, 2003.

and civil proceedings involving the St. Anne's Indian Residential School.[19]

33. To remedy this non-disclosure, the Eastern Supervising Judge ordered Canada to produce the St. Anne's OPP and Civil proceedings documents and comply with its obligations under the IAP. Canada produced 12,213 source documents for St. Anne's Indian Residential School pursuant to the Order of Justice Perell on January 14, 2014.[20]

34. Canada revised its St. Anne's IRS School Narrative on August 1, 2014. The School Narrative was updated to include all source documents. They provided a 300 page index which organizes the referenced source documents under either, "criminal proceedings documents", "civil litigation documents", or "OPP investigation documents" and then by their identification number.[21]

35. Claimants counsel received the additional disclosure from the St. Anne's Indian Residential Schools Adjudication Secretariat ("Secretariat") by way of an external hard drive on June 30, 2014.[22]

36. The POI Reports provided by Canada were also updated with information pertaining to alleged perpetrators names, years of employment, their role at St. Anne's IRS, and conviction information, as is contained within the source documents. In addition, information regarding physical and sexual abuse has also been updated to reflect

[19] St. Anne's #1, at paras 208-219.
[20] *Fontaine v. Canada (Attorney General),* 2015 ONSC 4061, [St. Anne's #2] at para 37.
[21] *St. Anne's #2*, at para 45.
[22] *St. Anne's #2,* at para 27.

the source documents. Canada attached appendices listing relevant source documents.

37. Claimant counsel had issues with the usefulness of Canada's revised school narrative and persons of interest reports. In 2015, Claimant Counsel alleged that the School Narratives and Person of Interest Reports were incomplete and did not provide an adequate summary of all the allegations of physical and sexual abuse included in the attached source documents.[23] The Persons of Interest Reports provided by Canada is alleged to lack significant information concerning allegations of physical and/or sexual abuse committed by the perpetrators that are found in the source documents provided by Canada.[24]

38. In 2015, the Ontario Superior Court of Justice Ordered Canada to revise the school narratives and the persons of interest reports to clearly identify all of the allegations or incidents of physical or sexual abuse at the school in a meaningful way. This would assist Claimants, not all of whom will be represented by lawyers, to advance their claims and that makes it more efficient for the adjudicators to decide claims.

vi) Claimant's Rights

39. The IRSSA provides Claimants with an opportunity to receive compensation for abuses they suffered while attending IRS in Canada by way of the IAP.

40. By not opting out of the IRSSA, IAP claimants are bound by the settlement terms in that their individual claims were extinguished by the general releases granted upon

[23] St. Anne's #2, at para 58.
[24] St. Anne's #2, at paras 50-57.

court approval of the settlement. Canada and the Churches identified in the IRSSA, as well as any employees or persons working under these entities, were fully released from their liability once these claims are finalized,[25] other than that which is required by the IRSSA.[26]

41. In exchange for the extinguishment of their individual claims, IAP claimants may avail themselves of the IAP to gain access to compensation for the abuses they have suffered. As such, the IAP claimants are all entitled to the complete and accurate school narrative report(s) and POI Report(s) on which they can pursue their claims.

42. IAP claimants expect and demand the completeness and production of the school narrative and POI Reports, as stated by Claimant T-00185:

> I feel that I am entitled to know what new evidence exists about the perpetrators who abused me and about all the abuse that went on at St. Anne's contained in the new report about the school. To heal, I should be able to know everything about the people who abused me… I want to know what is in the new report about widespread abuse at St. Anne's. Since the Government should have revealed everything to the adjudicator for my IAP hearing in 2010, I want to know what new evidence exists…
>
> … I want Ms. Brunning to provide me with advice about the new reports/document compared to the reports/documents that the Government filed in 2010.
>
> …
>
> Once I Have legal advice about the new evidence, I can then decide whether I will try to re-open my IAP claim by going to Court.[27]

[25] *Fontaine v Canada (Attorney General)*, 2014 ONSC 4585 at para 32.
[26] IRSSA, at pgs. 7-8.
[27] Affidavit of Claimant T-00185, sworn on March 12, 2020 at paras 34, 35 and 37, Appellant's Record Vol 3, Tab 11 at p. 387.

PART II - ISSUE

43. The AFN seeks to address one issue raised by the Appellants for determination in this Appeal:

    a) Whether the Request for Direction must be heard in Ontario?

PART III - LEGAL ARGUMENTS ON ISSUES RAISED BY THE APPELLANTS

A. Status of Direction of Supervising Judge

44. On June 5, 2020, Justice Perell issued a Direction in which, on his own motion, he recused himself from hearing the RFD. He directed that the RFD would be heard by Justice Brown of the British Columbia Supreme Court. Justice Brown signed an identical Direction on the same day.

45. This Direction amounts to a final order because it transfers the issues raised in the RFD to another court outside of Ontario and determines the forum for the dispute.[28] As such, the appeal is within this Court's jurisdiction to hear.

B. Standard of Review

46. The AFN submits that the standard of review of the Court's decision is correctness.[29]

47. In Vavilov,[30] the Supreme Court of Canada held:

> The second situation in which the presumption of reasonableness review will be rebutted is where the rule of law requires that the standard of correctness be applied. This will be the case for certain

[28] Fontaine v. Canada (Attorney General), 2018 ONCA 832, para 7.
[29] J.W. v. Canada (Attorney General), 2019 SCC 20 [*J.W.*], paras 110-112.
[30] *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65

> categories of questions, namely constitutional questions, general questions of law of central importance to the legal system as a whole and questions related to the jurisdictional boundaries between two or more administrative bodies.[31]

48. The authority to select a venue for the hearing of an RFD is set out in the Court Administration Protocol that was created and approved by the nine courts supervising the IRSSA. The Court Administration Protocol is not a contractual term of the IRSSA, nor is it something that the parties to the IRSSA agreed to. It was a creation of the supervising courts.

49. The Court Administration Protocol forms part of a court order. Therefore, the Protocol is subject to the law of court order interpretation. When interpreting the provisions of a court order, one must examine the pleadings of the action in which it is made, the language of the order itself, and the circumstances in which the order was granted.[32]

50. The circumstances in which the Administration Protocol was created is referenced in *Baxter* where the Court held that that the administration of the settlement will be under the direction of the courts and they will be the final authority.[33]

C. The appropriate venue for the RFD

51. On June 5, 2020 Justice Perell issued a direction in which he recused himself from hearing the RFD and directed that the RFD would be heard by Justice Brown in the

[31] Ibid, at para 17.
[32] *Yu v. Jordan*, 2012 BCCA 367, at para 53.
[33] *Baxter*, at para 39.

British Columbia Supreme Court.[34] Justice Brown signed an identical direction on the same day.[35]

52. In his Direction, Justice Perell referred to the Administrative Protocol's principles where a Judge has discretion to "be guided by any other consideration that he or she deems to be appropriate in the circumstances."[36]

53. The AFN submits that Direction is based on the erroneous interpretation of the Court Administration Protocol. Both Justice Perell and Justice Brown erroneously overlooked the mandatory principles contained in section 5 of the protocol, namely where:

> the issue(s) involve relief for a particular class member or particular class, the hearing will be directed to the supervising court with jurisdiction over the class member or class pursuant to the terms of the Agreement and the Approval Orders.

54. This principle was applied in several RFDs concerning individual class members. The Spanish,[37] Bishop Horden[38] and St. Anne's Requestors had their matters heard in Ontario. The Grand Council of the Crees had their RFD heard in Quebec.[39] Finally, J.W. the Assembly of Manitoba Chiefs and the Manitoba Form Fillers RFDs were heard in Manitoba.[40] These are but a few examples of RFDs heard by a supervising court in one's home jurisdiction.

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[34] Appellant's Appeal Book, Tab 2, *Fontaine v. Canada (Attorney General)*, 2020 ONSC 3497 ["Order under appeal"] at para 24.
[35] Appellant's Appeal Book, Tab 3, *Fontaine v Canada (Attorney General)*, 2020 BCSC 850, at p. 33
[36] Order under appeal, para. 27, citing the Protocol, para. 5(f).
[37] Fontaine v Canada (Attorney General), 2017 ONCA 26
[38] Fontaine v Canada (Attorney General), 2015 ONSC 3611
[39]; Fontaine v Canada (Attorney General), 2013 QCCS 1293.
[40] J.W; Fontaine v Canada (Attorney General), 2014 MBQB 209; Fontaine v Canada (Attorney General), 2014 MBQB 113.

55. The Court Administration Protocol does establish other relevant factors designed to assist the Supervising Judges in selecting a venue to hear a RFD. These include:

- Where the issue(s) affect more than one jurisdiction:
- Where the issue(s) will affect all jurisdictions;
- If the issue(s) raised are such that the relief requested may result in an order that would constitute an amendment of the Agreement or the Approval Orders; and
- Purely procedural matters, the Administrative Judges may direct that any hearing shall be in writing only.

However, these additional factors cannot override the first principle noted in section 5(a) of the Protocol, nor do they apply to these specific Ontario beneficiaries of the IRSSA.

56. In the recent motion to stay Justice Perell's Order, Justice Simmons' noted that the ordinary meaning of paragraph 5(a) of the Protocol is that the Appellants' RFD is assigned to the Ontario Superior Court:

> The language of para. 5(a) is mandatory: "Where the issue(s) involve relief for a particular class member or particular class, the hearing ***will*** be directed to the supervising court with jurisdiction" [emphasis added]. Arguably, the discretion conferred by para. 5(f) is constrained by principles of contractual interpretation (e.g. the specific overrides the general) as well as its arguably restrictive language (in applying the guiding principles of para. 5, Administrative Judges may be guided by other considerations – but query whether this authorizes them to departing from an arguably mandatory guiding principle such as para. 5(a)).[41]

[41] *Fontaine v. Canada (Attorney General)*, Reasons for Decision, Endorsement of the Motion for a Stay, Ontario Court of Appeal Docket no. M51618 (C68407), 10 July 2020, para. 26 (emphasis in the original).

The AFN submits that section 5(a) of the Protocol is a mandatory assignment of individual class members' RFDs to the courts of their respective jurisdiction.[42]

57. The AFN submits that the Supervising Judge's interpretation of the Court Administration Protocol, whereby judicial economy can be a determining factor, would permit the court to minimize its supervisory function of the IRSSA.

58. In regard to the recusal of Justice Perell, it would be preferable that the matter be referred to the Chief Justice of Ontario for the assignment of an alternative judge to hear this matter.

59. The AFN submits that the St. Anne's class members are entitled to have their matter heard in Ontario. This would conform to basic rules of territorial jurisdiction, civil procedure and the fact that the IRSSA contains no provisions requiring Ontario litigants to seek the enforcement of Orders of the Ontario Superior Court in British Columbia.

60. Finally, if the survivors want the hearing in Ontario, then their request should be respected. After all, the whole IAP process was brought about so that residential school survivors would feel that they were being heard and for their healing and reconciliation to occur.

[42] Protocol, para. 5(a).

PART IV - ORDER SOUGHT

61. The AFN requests the following relief:

i. grant the Appeal and set aside the Order (Direction) under appeal;

ii. make an order that this matter be heard in Ontario; and

iii. award costs payable to AFN.

All of which is respectfully submitted this 21st day of July, 2020.

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ASSEMBLY OF FIRST NATIONS CERTIFICATE

1. The Assembly of First Nations ("AFN") estimates that 45 minutes will be required for the AFN's oral argument.

July 22, 2020

Stuart Wuttke
Counsel for the Assembly of First Nations

SCHEDULE A

List of Authorities

1. *Baxter v. Canada (Attorney General)*, 83 O.R. 481
2. *Fontaine v Canada (Attorney General)*, 2012 BCSC 839
3. Fontaine v Canada (Attorney General), 2013 QCCS 1293
4. *Fontaine v Canada (Attorney General)*, 2014 ONSC 283
5. *Fontaine v Canada (Attorney General)*, 2014 ONSC 4585
6. Fontaine v Canada (Attorney General), 2014 MBQB 209
7. Fontaine v Canada (Attorney General), 2014 MBQB 113
8. Fontaine v Canada (Attorney General), 2015 ONSC 3611
9. *Fontaine v. Canada (Attorney General)*, 2015 ONSC 4061
10. Fontaine v Canada (Attorney General), 2017 ONCA 26
11. Fontaine v. Canada (Attorney General), 2018 ONCA 832
12. *Fontaine v. Canada (Attorney General)*, 2020 ONSC 3497
13. *Fontaine v Canada (Attorney General)*, 2020 BCSC 850
14. J.W. v. Canada (Attorney General), 2019 SCC 20
15. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65
16. *Yu v. Jordan*, 2012 BCCA 367

SCHEDULE B

Not Applicable

METATAWABIN, T-00185, S-20774, S-16753 **And LARRY PHILIP FONTAINE et al. Plaintiffs** **-and-** **THE ATTORNEY GENERAL OF CANADA et al. Defendants**

Court File No: C68407

ONTARIO
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