

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. 500-06-000293-056
 550-06-000021-056 (Hull)

DATE: March 27, 2013

BY: **THE HONOURABLE FRANCOIS ROLLAND, CHIEF JUSTICE**

LARRY PHILIP FONTAINE in his personal capacity and in his capacity as the Executor of the estate of Agnes Mary Fontaine, deceased, MICHELLINE AMMAQ, PERCY ARCHIE, CHARLES BAXTER SR., ELIJAH BAXTER, EVELYN BAXTER, DONALD BELCOURT, NORA BERNARD, JOHN BOSUM, JANET BREWSTER, RHONDA BUFFALO, ERNESTINE CAIBAIOSAI-GIDMARK, MICHAEL CARPAN, BRENDA CYR, DEANNA CYR, MALCOLM DAWSON, ANN DENE, BENNY DOCTOR, LUCY DOCTOR, JAMES FONTAINE in his personal capacity and in his capacity as the Executor of the Estate of Agnes Mary Fontaine, deceased, VINCENT BRADLEY FONTAINE, DANA EVA MARIE FRANCEY, PEGGY GOOD, FRED KELLY, ROSEMARIE KUPTANA, ELIZABETH KUSIAK, THERESA LAROCQUE, JANE McCULLUM, CORNELIUS McCOMBER, VERONICA MARTEN, STANLEY THOMAS NEPETAYPO, FLORA NORTHWEST, NORMAN PAUCHEY, CAMBLE QUATELL, ALVIN BARNEY SAULTEAUX, CHRISTINE SEMPLE, DENNIS SMOKEYDAY, KENNETH SPARVIER, EDWARD TAPIATIC, HELEN WINDERMAN and ADRIAN YELLOWKNEE

Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA, THE PRESBYTERIAN CHURCH IN CANADA, THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA, THE UNITED CHURCH OF CANADA, THE BOARD OF HOME MISSIONS OF THE UNITED CHURCH OF CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE PRESBYTERIAN CHURCH, THE BAPTIST CHURCH IN CANADA, BOARD OF HOME MISSIONS AND SOCIAL SERVICES OF THE PRESBYTERIAN CHURCH IN BAY, THE CANADA IMPACT NORTH MINISTRIES OF THE COMPANY FOR THE PROPAGATION OF THE GOSPEL IN NEW ENGLAND (also known as THE NEW ENGLAND COMPANY), THE DIOCESE OF SASKATCHEWAN, THE DIOCESE OF THE SYNOD OF CARIBOO, THE FOREIGN MISSION OF THE PRESBYTERIAN CHURCH IN CANADA, THE INCORPORATED SYNOD OF THE DIOCESE OF HURON, THE METHODIST CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE ANGLICAN CHURCH OF CANADA, THE MISSIONARY SOCIETY OF THE METHODIST

CHURCH OF CANADA (ALSO KNOWN AS THE METHODIST MISSIONARY SOCIETY OF CANADA), THE INCORPORATED SYNOD OF THE DIOCESE OF ALGOMA, THE SYNOD OF THE ANGLICAN CHURCH OF THE DIOCESE OF QUEBEC, THE SYNOD OF THE DIOCESE OF ATHBASCA, THE SYNOD OF THE DIOCESE OF BRANDON, THE ANGLICAN SYNOD OF THE DIOCESE OF BRITISH COLUMBIA, THE SYNOD OF THE DIOCESE OF CALGARY, THE SYNOD OF THE DIOCESE OF KEEWATIN, THE SYNOD OF THE DIOCESE OF QU'APPELLE, THE SYNOD OF THE DIOCESE OF NEW WESTMINSTER, THE SYNOD OF THE DIOCESE OF YUKON, THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA, THE BOARD OF HOME MISSIONS AND SOCIAL SERVICE OF THE PRESBYTERIAN CHURCH OF CANADA, THE WOMEN'S MISSIONARY SOCIETY OF THE UNITED CHURCH OF CANADA, SISTERS OF CHARITY, A BODY CORPORATE ALSO KNOWN AS SISTERS OF CHARITY OF ST. VINCENT DE PAUL, HALIFAX, ALSO KNOWN AS SISTERS OF CHARITY HALIFAX, ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX, LES SOEURS DE NOTRE DAME-AUXILIATRICE, LES SOEURS DE ST. FRANCOIS D'ASSISE, INSITUT DES SOEURS DU BON CONSEIL, LES SOEURS DE SAINT-JOSEPH DE SAINT-HYANCITHE, LES SOEURS DE JESUS-MARIE, LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE, LES SOEURS DE L'ASSOMPTION DE LA SAINT VIERGE DE L'ALBERTA, LES SOEURS DE LA CHARITE DE ST.-HYACINTHE, LES OEUVRES OBLATES DE L'ONTARIO, LES RESIDENCES OBLATES DU QUEBEC, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE LA BAIE JAMES (THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF JAMES BAY), THE CATHOLIC DIOCESE OF MOOSONEE, SOEURS GRISES DE MONTRÉAL/GREY NUNS OF MONTREAL, SISTERS OF CHARITY (GREY NUNS) OF ALBERTA, LES SOEURS DE LA CHARITÉ DES T.N.O., HOTEL-DIEU DE NICOLET, THE GREY NUNS OF MANITOBA INC.-LES SOEURS GRISES DU MANITOBA INC., LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE LA BAIE D'HUDSON - THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HUDSON'S BAY, MISSIONARY OBLATES - GRANDIN PROVINCE, LES OBLATS DE MARIE IMMACULEE DU MANITOBA, THE ARCHIEPISCOPAL CORPORATION OF REGINA, THE SISTERS OF THE PRESENTATION, THE SISTERS OF ST. JOSEPH OF SAULT ST. MARIE, SISTERS OF CHARITY OF OTTAWA, OBLATES OF MARY IMMACULATE -ST. PETER'S PROVINCE, THE SISTERS OF SAINT ANN, SISTERS OF INSTRUCTION OF THE CHILD JESUS, THE BENEDICTINE SISTERS OF MT. ANGEL OREGON, LES PERES MONTFORTAINS, THE ROMAN CATHOLIC BISHOP OF KAMLOOPS CORPORATION SOLE, THE BISHOP OF VICTORIA, CORPORATION SOLE, THE ROMAN CATHOLIC BISHOP OF NELSON, CORPORATION SOLE, ORDER OF THE OBLATES OF MARY IMMACULATE IN THE PROVINCE OF BRITISH COLUMBIA, THE SISTERS OF CHARITY OF PROVIDENCE OF WESTERN CANADA, LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE GROUARD, ROMAN CATHOLIC EPISCOPAL CORPORATION OF KEEWATIN, LA CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE ST. BONIFACE, LES MISSIONNAIRES OBLATES SISTERS DE ST. BONIFACE-THE MISSIONARY OBLATES SISTERS OF ST. BONIFACE, ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG, LA CORPORATION EPISCOPALE

CATHOLIQUE ROMAINE DE PRINCE ALBERT, THE ROMAN CATHOLIC BISHOP OF THUNDER BAY, IMMACULATE HEART COMMUNITY OF LOS ANGELES CA, ARCHDIOCESE OF VANCOUVER – THE ROMAN CATHOLIC ARCHBISHOP OF VANCOUVER, ROMAN CATHOLIC DIOCESE OF WHITEHORSE, THE CATHOLIC EPISCOPALE CORPORATION OF MACKENZIE-FORT SMITH, THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF PRINCE RUPERT, EPISCOPAL CORPORATION OF SASKATOON, OMI LACOMBE CANADA INC. and MT. ANGEL ABBEY INC.

Defendants

Proceeding under Articles 999 – 1051 of the *Code of Civil Procedure (Québec)*;

CONSENT ORDER

THIS MOTION, made by The Grand Council of the Crees for an Order regarding applications for the Common Experience Payment (“CEP”) and the Independent Assessment Process (“IAP”) in relation to former residents of the Mistassini Hostels, was heard in writing at the Court House in Montreal, Quebec.

ON the Attorney General of Canada having added the Mistassini Hostels to Schedule F of the Indian Residential Schools Settlement Agreement on August 22, 2012, for the time period of September 1, 1971 to June 30, 1978, pursuant to a request made under Article 12.01 of the Indian Residential Schools Settlement Agreement;

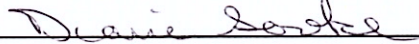
AND UPON noting the consent of counsel,

1. **THIS COURT ORDERS THAT** pursuant to Article 5.04(3) of the Indian Residential Schools Settlement Agreement, the Trustee will consider applications for the CEP from former residents of the Mistassini Hostels who resided there during the period of September 1, 1971 to June 30, 1978, only in relation to these Institutions, filed by September 2, 2013;
2. **THIS COURT FURTHER ORDERS THAT** applications for the IAP received by September 2, 2013 will be deemed to have been received on or before September 19, 2012;

3. **THIS COURT FURTHER ORDERS THAT** Notice of this Order shall be in the form and substance attached as Schedule "A" and Schedule "C" to this Order;
4. **THIS COURT FURTHER ORDERS THAT** Notice of the Order be distributed in accordance with the terms set out in the Notice Plan attached as Schedule "B" to this Order;
5. **THIS COURT FURTHER ORDERS THAT** legal fees and disbursements in the sum of \$24,265.09 will be paid to the Applicant;
6. **THIS COURT FURTHER ORDERS THAT** Canada will pay the costs associated with the Notice Plan; and
7. **THIS COURT FURTHER ORDERS THAT** production of documents necessary to verify the attendance of former residents may be the subject of supplementary Orders.

CONSENTED to this 7 day of March, 2013.

DIANE SOROKA AVOCATE INC.

Per: 
Diane Soroka

Solicitor for the Applicant, Grand
Council of the Crees

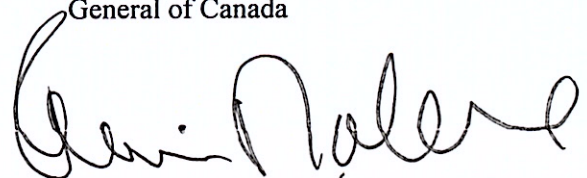
CONSENTED to this 1 day of March, 2013.

DEPARTMENT OF JUSTICE CANADA

WILLIAM F. PENTNEY
Deputy Attorney General of Canada

Per: 
Dalal Mouallem

Solicitor for the Defendant, the Attorney
General of Canada



THE HONOURABLE FRANÇOIS ROLLAND,
CHIEF JUSTICE

SCHEDULE “A”

NOTICE

**THIS NOTICE HAS BEEN APPROVED BY
THE QUEBEC SUPERIOR COURT OF JUSTICE**

**THE MISTASSINI HOSTELS HAVE BEEN ADDED TO SCHEDULE F OF THE
INDIAN RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT (“IRSS
AGREEMENT”) FOR THE PERIOD OF SEPTEMBER 1, 1971 TO JUNE 30, 1978**

*To all who resided at the Mistassini Hostels in Northern Quebec between
September 1, 1971 and June 30, 1978*

BE ADVISED that the Mistassini Hostels have been added to the list of “Indian Residential Schools” under the IRSS Agreement for the period of September 1, 1971 to June 30, 1978. Justice Rolland of the Superior Court of Justice has ordered that former residents of the Mistassini Hostels who resided there during the period of September 1, 1971 to June 30, 1978 are eligible to apply for compensation in the form of a Common Experience Payment (CEP). As well, those former residents who suffered sexual and/or serious physical abuses, or other abuses that caused serious psychological effects while at these hostels, may apply for additional compensation under the Independent Assessment Process (IAP).

All **CEP** applications relating to the Mistassini Hostels must be filed **on or before September 2, 2013**. All **IAP** applications relating to the Mistassini Hostels filed **on**

or before September 2, 2013 will be considered to have been received by September 19, 2012.

This Notice extends only to applications relating to residence at the Mistassini Hostels. ***It does not alter the existing deadlines under the IRSS Agreement in place for other eligible Indian Residential Schools.***

For more information on both processes, please call toll free, 1.866.879.4913, or go to www.residentialschoolsettlement.ca to read the Settlement Agreement and other Court approved notices, or write to Residential Schools Settlement, Suite 3-505, 133 Weber Street North, Waterloo, Ontario N2J 3G9. The IRS Crisis Line (1.866.925.4419) provides immediate and culturally appropriate counselling support to former students who are experiencing distress.

SCHEDULE “B”

NOTICE PLAN

1. Hilsoft Notifications will send the Notice to 9 James Bay Cree First Nation offices and to the 4 offices of the Cree Regional Authority to post in a visible area. These are:

Cree Regional Authority 81 Metcalfe St. Suite 900, Ottawa, Ontario K1P 6K7 □ Tel: (613) 761-1655, Fax: (613) 761-1388

Cree Regional Authority □ 2 Lakeshore Road, Nemaska, Quebec, J0Y 3B0; □ Tel: (819) 673-2600; Fax: (819) 673-2606.

Cree Regional Authority □ 277 Duke Street, Suite 100, Montreal, Quebec, H3C 2M2 □ Tel: (514) 861-5837, Fax (514) 861-0760.

Cree Regional Authority □ 200 Grande Allee Est, □ Quebec, QC □ G1R 2H9 □ Tel: (418) 691-1111 □ Fax: (418) 523-8478

Cree Nation of Chisasibi, P.O. Box 150, Chisasibi, QC. J0M 1E0,
Tel: 819-855-2878, Fax: 819-855-2875

Cree Nation of Eastmain, 76 Nouchimi, P.O. Box 90, Eastmain, QC. J0M 1W0,
Tel: 819-977-0211, Fax: 819-977-0281

Cree Nation of Mistissini, Isaac Shecapio Sr. Administration Building, 187 Main Street, Mistissini, QC, G0W 1C0, Tel: 418-923-3461, Fax: 418-923-3115

Cree Nation of Nemaska, 1 Lakeshore Road, Nemaska, QC, J0Y 3B0, Tel: 819-673-2512, Fax: 819-673-2542

Cree Nation of Oujé-Bougoumou, 207 Opemiska Meskino, Oujé-Bougoumou, QC. G0W 3C0, Tel: 418-745-3911, Fax: 418-745-3426

Waskaganish First Nation, 70 Waskaganish St., Waskaganish, QC, J0M 1R0,
Tel: 819-895-8650, Fax: 819-895-8901

Cree First Nation of Waswanipi, Diom Blacksmith Building, Waswanipi, QC.
J0Y 3C0, Tel: 819-753-2587, Fax: 819-753-2555

Whapmagoostui First Nation, P.O. Box 390, Whapmagoostui, QC., J0M 1G0,
Tel: 819-929-3384, Fax: 819-929-3203

Cree Nation of Wemindji, 16 Beaver Road, P.O. Box 60, Wemindji, QC, J0M
1L0, Tel: 819-978-0264, Fax: 819-978-0258

2. Hilsoft Notifications will purchase air time on the James Bay Cree Communications Network radio station to broadcast the Notice on a once a day basis during the first week of each month of the notice period and again during the last week of the notice period. The radio messages will be broadcasted each day in Cree and English. These broadcasts will take place every day of the first week of each month of the notice period and every day during the last week of the notice period.
3. Hilsoft Notifications will place articles and/or advertisements containing the text of the Notice in the The Nation newspaper over the course of two consecutive publications in the first month of the notice period and in one publication in each of the other months of the notice period.
4. The Notice will be posted on the Court website at www.residentialschoolsettlement.ca

SCHEDULE "C"



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Hilsoft Notifications
Indian Residential Schools Settlement
Mistassini Hostels
English Radio Script, 0:30 Seconds
December 7, 2011, Version 1.0

This is an important announcement about the Indian Residential Schools Settlement. The Mistassini Hostels have been added to the list of schools included in the settlement. If you resided at the Mistassini Hostels between September 1, 1971 and June 30, 1978, you may now be eligible for a payment. To learn more, call 1-866-879-4913, or visit www.residentialschoolsettlement.ca.