

ONTARIO

SUPERIOR COURT OF JUSTICE

**THE HONOURABLE
CHIEF JUSTICE
WARREN WINKLER**

) *Wendy* DAY, the *16* day *25*
)
) of November, 2011.
)

BETWEEN:

LARRY PHILIP FONTAINE et al

Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA et al

Defendants

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

ORDER

THIS MOTION, made by Windigo First Nations Council and Nishnawbe Aski Nation, for an Order that Stirland Lake High School, also known as Wahbon Bay Academy, and Cristal Lake High School be added to Schedule "F" of the Indian Residential Schools Settlement Agreement was heard in writing at the Court House, 361 University Avenue, Toronto, Ontario.

AND WHEREAS pursuant to Article 12 of the Indian Residential Schools Settlement Agreement and the particular facts in relation to Stirland Lake High School and Cristal Lake High School, and as set out in the affidavits referred to below, Reasons for Decision were rendered on August 16, 2011;

ON READING the Affidavits of Rebecca Maki, sworn October 24th, 2008, Richard Morris, sworn October 17th, 2008, James Cutfeet, sworn October 18th, 2008, Jeanette Beardy, sworn on October 6th, 2008, Paul Johnup, sworn October 7th, 2008, Dr. Clair Schnupp, sworn October 2nd, 2008 and December 14th, 2009, respectively, Al Krausaukas, sworn June 17th, 2009 and David Russell, sworn June 16th, 2009, and all Exhibits attached thereto, together with the transcripts of the cross-examinations of Rebecca Maki, Richard Morris, James Cutfeet, Dr. Clair Schnupp, Al Krausaukas, and David Russell, filed, and on reading the written submissions of the Moving Parties, the Responding Party, Canada, and of the Intervenors, The Assembly of Manitoba Chiefs and Elders Without Borders, respectively,

1. **THIS COURT DECLARES THAT** Stirland Lake High School (also known as Wahbon Bay Academy) and Cristal Lake High School (collectively the “Institutions”), satisfy the requirements of Article 12 of the Indian Residential Schools Settlement Agreement;

2. **THIS COURT ORDERS THAT** the Institutions be added forthwith to Schedule F of the Indian Residential Schools Settlement Agreement as follows:

Stirland Lake High School (a.k.a. Wahbon Bay Academy) (for the period September 1971 – June 1991); and

Cristal Lake High School (for the period September 1976 – June 1986);

3. **THIS COURT FURTHER ORDERS THAT** former students of the Institutions may file their applications for the Common Experience Payment, in relation to the Institutions, during the 6 month period of November 24th, 2011 to May 21st, 2012, subject to further Order of the Court;

4. **THIS COURT FURTHER ORDERS THAT** the Moving Parties are to deliver submissions with respect to costs not to exceed 3 pages in length by August 21st, 2011 and Canada's responding submissions are to be delivered by September 23rd, 2011;
5. **THIS COURT FURTHER ORDERS THAT** Notice of this Order shall be in the form and substance attached as Schedule "A" to this Order;
6. **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; and
7. **THIS COURT FURTHER ORDERS THAT** production of documents necessary to verify the attendance of former residents/students may be the subject of supplementary Orders.



WINKLER CJO

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

NOV 17 2011

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:

PER / PAR:



SCHEDULE "A"

NOTICE

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

**STIRLAND LAKE HIGH SCHOOL (ALSO KNOWN AS WAHBOB BAY
ACADEMY) AND CRISTAL LAKE HIGH SCHOOL HAVE BEEN ADDED TO
SCHEDULE F OF THE INDIAN RESIDENTIAL SCHOOLS SETTLEMENT
AGREEMENT ("IRSS AGREEMENT")**

*To all who attended Stirland Lake High School (also known as "Wahbon Bay
Academy") and/or Cristal Lake High School in Northwestern Ontario*

BE ADVISED that pursuant to a motion brought by Windigo First Nations Council and Nishnawbe Aski Nation before the Ontario Superior Court of Justice, Chief Justice Winkler of the Superior Court of Justice has ordered Stirland Lake and Cristal Lake High Schools to be added to the list of "Indian Residential Schools" under the IRSS Agreement. As a result, former residents/students of either or both of these schools are eligible to apply for compensation in the form of a Common Experience Payment (CEP). As well, those former residents/students who suffered sexual and/or serious physical abuses, or other abuses that caused serious psychological effects, while at either of these high schools, may apply for additional compensation under the Independent Assessment Process (IAP).

All **CEP** applications relating to either of these schools must be filed with the Secretariat **on or before May 14th, 2012**. The **IAP** applications must be filed **on or before September 19th, 2012**.

If you already applied for the CEP with respect to either of Stirland Lake or Cristal Lake High Schools prior to **November 14th, 2011**, you must re-apply now.

This Notice extends only to applications relating to attendances at Stirland Lake High School and Cristal Lake High School. ***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. The Administrator will send the Notice in the form attached as Schedule "A" (the "Notice") to the approximately 220 former students for whom Rochon Genova LLP and Canada have current direct contact information, by ordinary mail.
2. The Administrator will purchase air time on the Wawatay radio station to broadcast the Notice on a once a day basis (in each language) over a 4 week period. The radio messages will be broadcasted each day in Ojibwe, Cree, and Oji-Cree, as well as English. These broadcasts will take place over the course of four consecutive weeks, namely, the weeks of November 21st, November 28th, December 5th and December 12th, 2011.
3. The Administrator will place articles and/or advertisements containing the text of the Notice in the Wawatay newspaper, Sioux Lookout Bulletin and a major local newspaper in each of Thunder Bay and Winnipeg on a weekly basis over the course of 4 consecutive weeks, namely, the weeks of November 21st, November 28th, December 5th and December 12th, 2011.
4. The Notice will be posted on the Court website at www.residentialschoolsettlement.ca

LARRY PHILIP FONTAINE et al
Plaintiffs

-and-

THE ATTORNEY GENERAL OF CANADA ET AL
Defendants

Court File No. 00-CV-192059CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

ORDER

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Council and Nishnawbe Aski Nation