

Federal Court



Cour fédérale

Date: 20240620

Docket: T-402-19

T-141-20

T-1120-21

Ottawa, Ontario, June 20, 2024

PRESENT: The Honourable Madam Justice Ayles

CLASS PROCEEDING

BETWEEN:

**XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his
litigation guardian, Jonavon Joseph Meawasige) AND
JONAVON JOSEPH MEAWASIGE**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

T-141-20

BETWEEN:

**ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN
OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON (by his
litigation guardian, Carolyn Buffalo), CAROLYN BUFFALO AND DICK EUGENE
JACKSON also known as RICHARD JACKSON**

Plaintiffs

and

**HIS MAJESTY THE KING
AS REPRESENTED BY THE ATTORNEY GENERAL OF CANADA**

Defendant

T-1120-21

BETWEEN:

ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

(Claims Approval Process – Removed Child Class and Removed Child Family Class)

UPON MOTION by the Settlement Implementation Committee, heard at a special sitting of the Court on June 19, 2024, for:

- (a) An order approving the proposed claims process for the Removed Child Class and the Removed Child Family Class and its associated draft claim forms substantially in the form appended as Schedule A to the Notice of Motion, subject to the right of the Plaintiffs or the Settlement Implementation Committee, as the case may be, to make non-material amendments thereto as may be necessary or advisable; and
- (b) Such further and other relief as counsel may request and this Court may deem just;

AND CONSIDERING the motion materials filed by the parties, the motion materials filed by the First Nations Child and Family Caring Society [Caring Society] and the submissions of counsel for the parties and the Caring Society at the hearing of the motion;

AND CONSIDERING that the Defendant consents to the relief sought;

AND CONSIDERING that the Caring Society supports the approval of the proposed claims process but seeks directions from the Court as to whether the Settlement Implementation Committee should be compelled to submit additional items to the Court for approval, as set out in the Caring Society's written representations;

AND CONSIDERING that, for reasons to be issued separately, the Court is satisfied that the claims process should be approved;

AND CONSIDERING that a determination on the Caring Society's requested directions is reserved and shall be addressed by way of a separate order;

THIS COURT ORDERS that:

1. The proposed claims process for the Removed Child Class and the Removed Child Family Class and its associated draft claim forms substantially in the form appended as Schedule A to the Notice of Motion is approved, subject to the right of the Plaintiffs or the Settlement Implementation Committee, as the case may be, to make non-material amendments thereto as may be necessary or advisable.

2. There shall be no costs of this motion.

“Mandy Ayleen”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-402-19

STYLE OF CAUSE: XAVIER MOUSHOOM, JEREMY MEAWASIGE (by his litigation guardian, Jonavon Joseph Meawasige), JONAVON JOSEPH MEAWASIGE v THE ATTORNEY GENERAL OF CANADA

DOCKET: T-141-20

STYLE OF CAUSE: ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN LOUISE BACH, KAREN OSACHOFF, MELISSA WALTERSON, NOAH BUFFALO-JACKSON by his Litigation Guardian, Carolyn Buffalo, CAROLYN BUFFALO, and DICK EUGENE JACKSON also known as RICHARD JACKSON v THE ATTORNEY GENERAL OF CANADA

DOCKET: T-1120-21

STYLE OF CAUSE: ASSEMBLY OF FIRST NATIONS and ZACHEUS JOSEPH TROUT v THE ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: JUNE 19, 2024

ORDER AND REASONS: AYLEN J.

DATED: JUNE 20, 2024

APPEARANCES:

David Sterns
Mohsen Seddigh

FOR THE PLAINTIFFS
Xavier Moushoom, Jeremy Meawasige (by his litigation guardian, Jonavon Joseph Meawasige), Jonavon Joseph Meawasige, and Zacheus Joseph Trout

Stuart Wuttke

FOR THE PLAINTIFFS
Assembly of First Nations, Ashley Dawn Louise Bach,
Karen Osachoff, Melissa Walterson, Noah Buffalo-
Jackson by his Litigation Guardian, Carolyn Buffalo,
Carolyn Buffalo, and Dick Eugene Jackson also known
as Richard Jackson

Paul Vickery
Sarah-Dawn Norris

FOR THE DEFENDANT

Sarah Clarke
David P. Taylor

FOR THE FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA

SOLICITORS OF RECORD:

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FOR THE FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY OF CANADA