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Via Email

Our File Number: LEX-500272124

October 17, 2025

WITH PREJUDICE

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Dear Counsel,

**Re: The Attorney General of Canada
v. First Nations Child and Family Caring Society of Canada et al
Court File No.: T-3594-25**

Following the assignment of Case Management Judge Molgat to this proceeding, the Attorney General of Canada proposes that the parties jointly request a case management conference as soon as possible, and request that the underlying judicial review application be determined in writing.

In particular, we propose that we proceed with the judicial review by way of a timely schedule in writing only, on consent, following the usual or truncated timelines pursuant to the *Federal Courts Rules* (Rules), being:

- October 17, 2025 – Tribunal’s response to Rule 317 request
- October 22 – Applicant’s affidavits
- November 21 – Respondents’ affidavits
- December 11 – Deadline to complete cross exams
- January 19, 2026 – Applicant’s Record
- February 9 – Respondents’ Records
- February 19 – Applicant’s Reply

Proceeding in this manner is consistent with Rule 3 of the Rules which requires that the Rules be interpreted and applied “so as to secure the just, most expeditious and least expensive outcome of every proceeding.”¹ A judicial review application in writing is also encouraged by the *Federal Courts June 20, 2025 Practice Directions*, which permit this option where the parties consent to the method of resolution and all documents required for the matter are available electronically. In the Practice Directions, the Federal Court indicates that this option is meant to “streamline proceedings and reduce the time and resources required for resolution.”

In our view, there is no need for an oral hearing as our written submissions can sufficiently address the underlying issues in the judicial review. Proceeding in writing would allow the parties and the Court to save their time and resources, and avoid any delays.

While the Caring Society has indicated an intention to bring a motion to strike based on prematurity, the Court only hears a motion to strike in a judicial review application in exceptional circumstances and the clearest of cases. The Caring Society’s intention to raise a prematurity argument does not fall within the scope of the exceptional circumstances requiring the Court to hear its motion first. Instead, the issue of prematurity can be argued at the same time as the merits of the application.

Would you kindly provide your availability for a case management conference between October 16 and October 31, 2025?

¹ *Federal Courts Rules*, [SOR/98-106](#), Rule 3.

Kindly also advise as to whether you consent to our proposal. If the parties are not in agreement, we nonetheless intend to raise our proposal before Case Management Judge Molgat.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Dayna Anderson', with a long horizontal stroke extending to the right.

Dayna Anderson
Senior General Counsel