

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

- and -

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

**MOTION RECORD OF THE APPLICANT
ATTORNEY GENERAL OF CANADA IN RESPONSE TO THE
MOTION FOR LEAVE TO INTERVENE**

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**Per: David Taylor and Kiana Saint-
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Per: Aaron Christoff
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Email: achristoff@cochranesinclair.ca

Counsel for the Proposed Intervener,
Confederacy of Treaty Six First Nations

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

- and -

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

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FEDERAL COURT

B E T W E E N :

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

AFFIDAVIT OF JACQUELINE ANDERSON

**I, JACQUELINE ANDERSON, of Winnipeg, in the Province of Manitoba,
SWEAR THAT:**

1. I am employed as a paralegal for the Department of Justice Canada in Winnipeg, Manitoba. In my capacity as a paralegal, I am assisting Alicia Dueck-Read, counsel for the Applicant, the Attorney General of Canada (**Canada**). As such I have personal knowledge of the matters hereinafter deposed to by me, except where they are stated to be based upon information and belief, in which case I believe them to be true.

2. On September 22, 2025, the Court ordered that the application shall proceed as a specially managed proceeding. The Application was referred to the Chief Justice for the

appointment of a case management judge. Attached hereto and marked as **Exhibit A** is the Order.

3. On October 14, 2025, the Court ordered that Associate Judge Sylvie M. Molgat was assigned as case management judge. Attached hereto and marked as **Exhibit B** is of the Order.

4. On October 22, 2025, Canada served the Respondents with the Affidavit of Duncan Farthing-Nichol, affirmed October 22, 2025. Attached hereto and marked as **Exhibit C** is Solicitor's Certificate of Service dated October 22, 2025, along with the confirmation of deliveries.

5. On October 30, 2025, counsel for the Confederacy of Treaty 6 First Nations, Aaron Christoff (**CT6FN**) wrote to the Court stating that CT6FN intended to file a motion to intervene. Attached hereto and marked as **Exhibit D** is that letter.

6. On November 17, 2025, a Direction issued from the Federal Court indicating that the parties were to provide a timetable for further steps by December 4, 2025. Attached hereto as **Exhibit E** is that Direction.

7. On November 26, 2025, I was carbon copied on an email from counsel for Canada, Alicia Dueck-Read, to Aaron Christoff, counsel for the CT6FN. Canada requested that CT6FN confirm whether it remained their intention to file a motion for leave to intervene in this action. Attached hereto and marked as **Exhibit F** is a copy of the email.

8. I confirm that I have found no record of a response from Aaron Christoff or CT6FN to Canada's and Alicia Dueck-Read's email dated November 26, 2025.

9. On December 4, 2025, Canada sent a letter to the Court, pursuant to Associate Judge Molgat's November 17, 2025, direction, outlining a proposed timetable for further steps in the application and the parties' common availability for a case management conference. Canada indicated that Nishnawbe Aski Nation (NAN) had not yet responded with its position on the joint timetable. Attached hereto and marked as **Exhibit G** is a copy of the letter.

10. On December 30, 2025, Canada wrote to counsel for the Caring Society and Assembly of First Nations (AFN), indicating that Canada had not received Motion Records from them. As a result, Canada was not going to be in a position to file a response by January 12, 2026, as was proposed in the letter dated December 4, 2025. Attached hereto and marked as **Exhibit H** is that letter.

11. On January 22, 2026, Canada wrote to the Court to provide an update on the joint availability of the parties for a Case Management Call, should one be required. Attached hereto and marked as **Exhibit I** is that letter.

12. On July 13, 2026, Case Management Judge Molgat issued a decision on the sequencing submission and ordered that the CS's proposed motion to strike would be heard at the hearing of the application. Judge Mogat also requested that the parties provide a proposed timetable by July 24, 2026. Attached hereto and marked as **Exhibit J** is a copy of that Order.

13. On July 23, 2026, the Respondent First Nations Child and Family Caring Society of Canada (**Caring Society**) served the Affidavit of Jasmine Kaur, affirmed July 23, 2026, on Canada. Attached hereto and marked as **Exhibit K** is the covering email.

14. On July 24, 2026, AFN wrote to the Court on behalf of itself and the CS. AFN and the CS were proposing a timetable leading to hearings in December, at the earliest, but requesting a hearing date before October. Canada wrote to the Court on July 24, 2026, advising that despite Canada's best efforts, the parties have been unable to reach agreement with the CS and AFN on a proposal of next steps and a timeline. Attached hereto and marked as **Exhibit L** are the July 24, 2026 letters.

15. On September 2, 2026, Canada wrote to the Court with the parties jointly proposed timetable with next steps in the Application. Attached hereto and marked as **Exhibit M** is that letter.

16. On September 3, 2026, without notice, and almost one year after the Notice of Application was filed, the CT6FN filed their motion seeking leave to intervene in the Application. The CT6FN did not explain, in argument or evidence, why it delayed bringing its motion. Attached hereto and marked as **Exhibit N** to my Affidavit is their letter dated September 3, 2026.

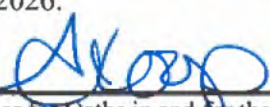
17. On September 9, 2026, in accordance with the parties' jointly proposed timetable, Canada served and filed its Application Record and the Caring Society served and filed its Notice of Motion and motion record to strike the Application. Attached hereto and marked

as **Exhibit O** is Canada's Solicitor's Certificate and Email from the Caring Society, serving their Motion.

18. On September 11, 2026, Canada filed a Draft Order, with the agreement of all parties, setting out the remaining deadlines as reflected in the proposed timetable filed on September 2, 2026. Attached hereto and marked as **Exhibit P** is the letter and Draft Order.

19. I made this affidavit *bona fide*.

SWORN before me at the City of Winnipeg,)
in the Province of Manitoba, this 14th day of)
September, 2026.)



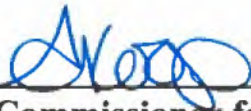
A Commissioner for Oaths in and for the
Province of Manitoba



JACQUELINE ANDERSON

My Commission Expires: July 30, 2028

**This is Exhibit "A" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'Wong', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Federal Court



Cour fédérale

Date: 20250922

Docket: T-3594-25

Ottawa, Ontario, September 22, 2025

PRESENT: The Honourable Madam Justice Blackhawk**BETWEEN:****ATTORNEY GENERAL OF CANADA****Applicant****and**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
 ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
 CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION AND AMNESTY
 INTERNATIONAL CANADA**

Respondents**ORDER**

PURSUANT to Rule 384 of the *Federal Courts Rules*, SOR/98-106, and in accordance with Section A (Dispute Resolution through Dialogue) of Part III of the Practice Guidelines for Aboriginal Law Proceedings (September 2021);

THIS COURT ORDERS that:

1. The application shall proceed as a specially managed proceeding.
2. The application is hereby referred to the Chief Justice for the appointment of a case management judge.

3. The parties shall request a case management conference before bringing any motions for interlocutory relief.

"Julie Blackhawk"

Judge

**This is Exhibit “B” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. Kozlowski', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Federal Court



Cour fédérale

Date: 20251014

Docket: T-3594-25

Ottawa, Ontario, October 14, 2025

PRESENT: The Chief Justice

BETWEEN:

ATTORNEY GENERAL OF CANADA

e-document	
F I L E D	FEDERAL COURT COUR FÉDÉRALE October 14, 2025 14 octobre 2025 Catherine Assoumou
OTT	18

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
 ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
 CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION AND AMNESTY
 INTERNATIONAL CANADA**

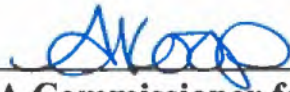
Respondents

ORDER

IT IS ORDERED pursuant to Rule 383 that Associate Judge Sylvie M. Molgat is assigned as case management judge in this matter.

 "Paul S. Crampton"
 Chief Justice

**This is Exhibit “C” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to be 'A. Wong', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
 ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
 CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
 and AMNESTY INTERNATIONAL CANADA**

Respondents

SOLICITOR'S CERTIFICATE OF SERVICE

I, Dayna Anderson, solicitor, certify that I caused the counsel for the Respondents to be duly served with the Affidavit of Duncan Farthing-Nichol, affirmed October 22, 2025 by instructing Jillian Darvill to send a copy via TitanFile, an electronic transfer platform, to the following counsel at the email addresses indicated:

David Taylor and Sarah Clarke	Conway Baxter Wilson LLP and Clarke Child and Family Law	Counsel for the First Nations Child and Family Caring Society of Canada	dtaylor@conwaylitigation.ca sarah@childandfamilylaw.ca
Peter Mantas and Gabrielle Cyr	Fasken Martineau and DuMoulin LLP	Counsel for the Assembly of First Nations	pmantas@fasken.com gcyr@fasken.com
Anshumala Juyal and Khizer Pervez	Canadian Human Rights Commission	Counsel for the Canadian Human Rights Commission	Anshumala.Juyal@chrc-ccdp.gc.ca khizer.pervez@chrc-ccdp.gc.ca

Maggie Wente, Katelyn Johnstone and Eileen Church Carson	Olthius Kleer Townshend LLP	Counsel for the Chiefs of Ontario	mwente@oktlaw.com kjohnstone@oktlaw.com echurchcarson@oktlaw.com
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Stephen Aylward	Stockwoods LLP	Counsel for Amnesty International	stephena@stockwoods.ca

Service was validated by reviewing the TitanFile history, which indicates successful delivery on October 22, 2025, at 1:30 p.m. A copy of the file history and the transfer email is attached to this document.



ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Prairie Regional Office (Winnipeg)
National Litigation Sector
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Per: Dayna Anderson
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Solicitor/Counsel for the Respondent

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90 Sparks Street
Ottawa, Ontario K1P 5A5

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(21 members, last activity: 12:30 pm)

1 Message

1 File



Add



Jillian



Alisia



Jackie



Dayna



Paul



Aman



Alicia

Conversation

Files

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October 22, 2025 1:23 pm

Katherine Quintana-James downloaded "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.

October 22, 2025 1:22 pm

Email delivered successfully to Jillian Darvill at October 22, 2025 3:22 pm EDT

October 22, 2025 1:22 pm

Katherine Quintana-James previewed "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.

October 22, 2025 1:17 pm

Email delivered successfully to Katherine Quintana-James at October 22, 2025 3:17 pm EDT

October 22, 2025 1:17 pm

Katherine Quintana-James was added to "T-3594-25 - The Attorney General of Canada v. The First Nations Caring Society of Canada et al." and notified by email.

October 22, 2025 1:06 pm

Email delivered successfully to Jillian Darvill at October 22, 2025 3:06 pm EDT

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October 22, 2025 12:50 pm	David Taylor downloaded "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.
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October 22, 2025 12:48 pm	David Taylor previewed "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.
October 22, 2025 12:35 pm	Email delivered successfully to Jillian Darvill at October 22, 2025 2:35 pm EDT
October 22, 2025 12:35 pm	Alicia Dueck-Read previewed "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.
October 22, 2025 12:30 pm	Email delivered successfully to Sarah Bird at October 22, 2025 2:30 pm EDT
October 22, 2025 12:30 pm	Email delivered successfully to Eileen Church Carson at October 22, 2025 2:30 pm EDT
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October 22, 2025 12:30 pm	Email delivered successfully to Dayna Anderson at October 22, 2025 2:30 pm EDT
October 22, 2025 12:30 pm	Email delivered successfully to Maggie Wente at October 22, 2025 2:30 pm EDT
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October 22, 2025 12:30 pm	Email delivered successfully to Jackie Anderson at October 22, 2025 2:30 pm EDT

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October 22, 2025 12:30 pm	Email delivered successfully to G. Cyr at October 22, 2025 2:30 pm EDT
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October 22, 2025 12:30 pm	Email delivered successfully to Aman Owais at October 22, 2025 2:30 pm EDT
October 22, 2025 12:30 pm	Email delivered successfully to Alisia Perrault-Werner at October 22, 2025 2:30 pm EDT
October 22, 2025 12:30 pm	Jillian Darvill uploaded "Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf" file.
October 22, 2025 12:30 pm	Jillian Darvill sent a new message with 1 file.
October 22, 2025 12:13 pm	Jillian Darvill added Stephen Aylward.

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October 22, 2025 12:13 pm Jillian Darvill added Meaghan Daniel.

October 22, 2025 12:13 pm Jillian Darvill added Julian N. Falconer.

October 22, 2025 12:12 pm Jillian Darvill added Eileen Church Carson.

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October 22, 2025 12:11 pm Jillian Darvill added Maggie Wente.

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October 22, 2025 12:09 pm Jillian Darvill added Anshumala Juyal.

October 22, 2025 12:08 pm Jillian Darvill added G. Cyr.

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October 22, 2025 12:08 pm Jillian Darvill added Sarah Clarke.

October 22, 2025 12:08 pm Jillian Darvill added David Taylor.

October 22, 2025 12:05 pm Jillian Darvill added Sarah Bird.

October 22, 2025 12:03 pm Jillian Darvill added Alicia Dueck-Read.

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- October 22, 2025 12:02 pm Jillian Darvill added Aman Owais.
- October 22, 2025 12:02 pm Jillian Darvill added Paul Vickery.
- October 22, 2025 12:02 pm Jillian Darvill added Dayna Anderson.
- October 22, 2025 6:38 am Jillian Darvill added Jackie Anderson.
- October 22, 2025 6:37 am Jillian Darvill added Alisia Perrault-Werner.
- October 22, 2025 6:37 am Jillian Darvill removed Alisia Perreault-Werner.
- October 22, 2025 6:36 am Jillian Darvill added Alisia Perreault-Werner.
- October 22, 2025 6:35 am Jillian Darvill created "T-3594-25 - The Attorney General of Canada v. The First Nations Caring Society of Canada et al." channel.

Darvill, Jillian (she her elle la)

From: Jillian Darvill via TitanFile <notifications@app.titanfile.com>
Sent: October 22, 2025 1:30 PM
To: Anderson, Dayna (she her elle la)
Subject: T-3594-25 - The Attorney General of Canada v. The First Nations Caring Society of Canada et al.

EXTERNAL EMAIL - USE CAUTION / COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE

JD

Jillian Darvill

shared 1 file with you

Jillian sent you the following file:

- Affidavit of Duncan Farthing-Nichol affirmed October 22, 2025 (Service Copy).pdf

with the following message:

Sent on behalf of Dayna Anderson

Please find attached for service upon you in accordance with the Rules of the Federal Court, Canada's Affidavit of Duncan Farthing-Nichol, affirmed October 22, 2025.

To access these documents, please scroll to the bottom of this message and click the green "Access Files" button, or in the alternative, copy and paste the link provided under that button into your web browser (TitanFile works best with Chrome or Edge).

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If you are unable to access the documents, please do not hesitate to contact our office.

Thank you,
 Jillian Darvill
 Legal Assistant
 Department of Justice Canada

A green rectangular button with the text "Access Files" in white, centered within a larger white rectangular frame.

Copy and paste link to go directly to "T-3594-25 - The Attorney General of Canada v. The First Nations Caring Society of Canada et al.": <https://nls-prairie.titanfile.com/channels/sV1iSV/>

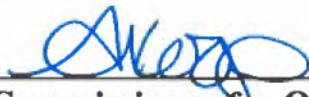
This message was sent to dayna.anderson@justice.gc.ca.

Change your [notification settings](#).

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Toll Free: +1-855-315-6012

**This is Exhibit “D” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to be 'A. Kozak', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



AARON CHRISTOFF
PARTNER
DIRECT: 604 901 3253
EMAIL: achristoff@cochrane-sinclair.ca

PARALEGAL: CAMILLA ARRICA
DIRECT: 604 233 7329
EMAIL: carrica@cochrane-sinclair.ca

October 30, 2025

Submitted via Federal Court e-filing portal

Federal Court
701 West Georgia Street
Vancouver, BC V7Y 1B6

ATTENTION: Registry Officer

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

We represent the Confederacy of Treaty Six First Nations ("CT6FN").

We write on CT6FN's behalf to advise the Court and parties that CT6FN intends to file a motion for leave to intervene in the above-noted proceeding. CT6FN is impacted by the order at issue in this proceeding and had previously applied for interested party status before the Canadian Human Rights Tribunal in relation to the underlying matter.

Subject to any specific direction of the Court, CT6FN anticipates filing its motion for leave to intervene within the next few weeks.

We request that you please bring our letter to the attention of the presiding case management judge, Associate Judge Sylvie M. Molgat.

Yours truly,

COCHRANE SINCLAIR

Per:

AARON CHRISTOFF

AC

cc: counsel for the Applicant, AGC, at: dayna.anderson@justice.gc.ca, paul.vickery@justice.gc.ca, sarah.bird@justice.gc.ca, aman.owais@justice.gc.ca and Alicia.dueck-read@justice.gc.ca
counsel for the Respondent, Canadian Human Rights Tribunal, at: anshumala.juyal@chrc-ccdp.gc.ca and khizer.pervez@chrc-ccdp.gc.ca.
CHRT at: Registry.Office@chrt-tcdp.gc.ca and judy.dubois@tribunal.gc.ca.
counsel for the Respondent, First Nations Child and Family Caring Society of Canada, at: dtaylor@conwaylitigation.ca, ksaintmacary@conwaylitigation.ca, sarah@childandfamilylaw.ca and robin@childandfamilylaw.ca.
counsel for the Respondent, Assembly of First Nations, at: pmantas@fasken.com
counsel for the Respondent, Chiefs of Ontario, at: mwente@oktlaw.com, sdearman@oktlaw.com, jstirling@oktlaw.com, aash@oktlaw.com, kjohnstone@oktlaw.com.
counsel for the Respondent, Nishnawbe Aski Nation at: julianf@falconers.ca, ashaj@falconers.ca, shelbyp@falconers.ca, meaghand@falconers.ca.
counsel for the Respondent, Amnesty International, at: justins@stockwoods.ca and stephenA@stockwoods.ca

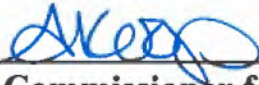
Vancouver
200-1152 Mainland St.
Vancouver, BC
V6B 4X2

Musqueam First Nation
6520 Salish Drive
Vancouver, BC
V6N 2C7

Swan Lake First Nation
115-300 Alpine Way
Headingley, MB
R4H 0E1

Winnipeg
201-211 Bannatyne Ave
Winnipeg, MB
R3B 3P2

**This is Exhibit “E” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'AKO', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Federal Court



Cour fédérale

November 17, 2025

BY E-MAIL

Dayna Anderson
Dayna.anderson@justice.gc.ca

David Schwartz
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Paul Vickery
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Gabrielle Cyr
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Tina Sun
tsun@fasken.com

Dear parties:

RE: AGC v. First Nations Child and Family Caring Society et Al.
Court File No.: T-3594-25

This is to advise of the following Direction of the Associate Judge Molgat dated November 17, 2025:

"Upon a case management conference [CMC] held on this date:

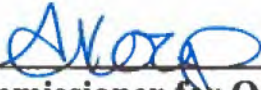
- 1. The Respondent Amnesty International Canada shall, by no later than November 21, 2025, confirm its position regarding the Applicant's proposal to conduct the judicial review in writing.*
- 2. To the extent that it remains unclear to the Applicant whether the October 17th letter from the Canadian Human Rights Tribunal constitutes an objection pursuant to Rules 318(2) and 317(1), the Applicant shall provide the Court with an update by no later than November 24, 2025.*
- 3. The Respondent, First Nations Child and Family Caring Society of Canada, having communicated its intention to bring a motion to strike the Notice of Application, the parties shall provide the Court with submissions on the issue of sequencing by no later than November 27, 2025. Such submissions shall not exceed 5 pages in length.*
- 4. The parties shall, by no later than December 4, 2025, provide dates and times of their common availability for a CMC.*
- 5. A schedule for any motions for leave to intervene shall be included in the timetable for the completion of further steps in the application following consultation between the parties."*

Yours truly,

Jean Lee

Jean Lee
Registry Officer

**This is Exhibit “F” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. O. A.', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Anderson, Jackie (she her elle la)

From: Dueck-Read, Alicia (she her elle la)
Sent: November 26, 2025 12:53 PM
To: Aaron Christoff
Cc: Alexys Santos; Darvill, Jillian (she her elle la); Anderson, Jackie (she her elle la); Perrault-Werner, Alisia (she her elle la); Camilla Arrica; Anderson, Dayna (she her elle la); Vickery, Paul; Bird, Sarah (she her elle); Owais, Aman; anshumala.juyal@chrc-ccdp.gc.ca; khizer.pervez@chrc-ccdp.gc.ca; dtaylor@conwaylitigation.ca; ksaintmacary@conwaylitigation.ca; sarah@childandfamilylaw.ca; robin@childandfamilylaw.ca; pmantas@fasken.com; mwente@oktlaw.com; sdearman@oktlaw.com; jstirling@oktlaw.com; aash@oktlaw.com; kjohnstone@oktlaw.com; julianf@falconers.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; justins@stockwoods.ca; stephenA@stockwoods.ca
Subject: RE: Court File No. T-3594-25; Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al. - Letter to the FC re. motion for leave to intervene

Good afternoon Aaron,

Further to your letter of October 30, can you kindly confirm whether it remains the Confederacy of Treaty Six First Nations' intention to file a motion for leave to intervene in T-3594-25?

Kind Regards,
 Alicia

Alicia Dueck-Read (she her elle la)

Counsel
 Prairie Regional Office (Winnipeg)
 National Litigation Sector
 601 – 400 St. Mary Avenue
 Winnipeg, Manitoba R3C 4K5
 Department of Justice Canada | Government of Canada
Alicia.Dueck-Read@justice.gc.ca | Tel : (431) 337-5147 | Fax: (204) 983-3636

Avocate
 Bureau régional des Prairies (Winnipeg)
 Secteur national du contentieux
 400, avenue St. Mary, pièce 601
 Winnipeg (Manitoba) R3C 4K5
 Ministère de la Justice Canada | Gouvernement du Canada
Alicia.Dueck-Read@justice.gc.ca | Tél: (431) 337-5147 | Fax: (204) 983-3636

This communication contains information that may be confidential, exempt from disclosure, subject to litigation privilege or protected by the privilege that exists between lawyers or notaries and their clients. If you are not the intended recipient, you should not read, rely on, retain, or distribute it. Please delete or otherwise destroy this communication and all copies of it immediately, and contact the sender by phone at (431) 337-5147 or by email at Alicia.Dueck-Read@justice.gc.ca. Thank you.

Ce message contient des renseignements qui pourraient être confidentiels, soustraits à la communication, ou protégés par le privilège relatif au litige ou par le secret professionnel liant l'avocat ou le notaire à son client. S'il ne vous est pas destiné, vous êtes priés de ne pas le lire, l'utiliser, le conserver ou le diffuser. Veuillez sans tarder le supprimer et en détruire toute copie, et communiquer avec l'expéditeur au (431) 337-5147 ou à Alicia.Dueck-Read@justice.gc.ca. Merci de votre collaboration.

From: Camilla Arrica <carrica@cochranesinclair.ca>

Sent: October 30, 2025 6:11 PM

To: Anderson, Dayna (she/her/elle/la) <Dayna.Anderson@justice.gc.ca>; Vickery, Paul <Paul.Vickery@justice.gc.ca>; Bird, Sarah (she/her/elle/la) <Sarah.Bird@justice.gc.ca>; Owais, Aman <Aman.Owais@justice.gc.ca>; Dueck-Read, Alicia (she/her/elle/la) <Alicia.Dueck-Read@justice.gc.ca>; anshumala.juyal@chrc-ccdp.gc.ca; khizer.pervez@chrc-ccdp.gc.ca; CHRT Registry Office <registry.office@chrt-tcdp.gc.ca>; judy.dubois@tribunal.gc.ca; dtaylor@conwaylitigation.ca; ksaintmacary@conwaylitigation.ca; sarah@childandfamilylaw.ca; robin@childandfamilylaw.ca; pmantas@fasken.com; mwente@oktlaw.com; sdearman@oktlaw.com; jstirling@oktlaw.com; aash@oktlaw.com; kjohnstone@oktlaw.com; julianf@falconers.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; justins@stockwoods.ca; stephenA@stockwoods.ca

Cc: Aaron Christoff <achristoff@cochranesinclair.ca>; Alexys Santos <asantos@cochranesinclair.ca>

Subject: Court File No. T-3594-25; Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al. - Letter to the FC re. motion for leave to intervene

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good afternoon counsel,

Please find attached Mr. Christoff's letter to the Federal Court regarding Confederacy of Treaty Six First Nations intention to file a motion for leave to intervene. The attached has been submitted for filing with the Federal Court.

Kind Regards,



Camilla Arrica
Senior Litigation Paralegal
604.233.7329
[cochranesinclair.ca](mailto:carrica@cochranesinclair.ca)

This message should only be read by the person to whom it is addressed.

The text and any attachments are confidential to the addressee, and may be subject to solicitor-client privilege.

If you have received this message in error, please notify me by email reply or telephone at (204) 594-6688 and delete this message immediately.

**This is Exhibit “G” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. K. Oates', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



Department of Justice
Canada

Ministère de la Justice
Canada

Prairie Regional Office
(Winnipeg)
National Litigation Sector
601-400 St. Mary Avenue
Winnipeg, MB R3C 4K5

Bureau régional des Prairies (Winnipeg)
Secteur national du contentieux
400, avenue St. Mary, pièce 601
Winnipeg (Manitoba) R3C 4K5

Telephone/Téléphone: 431-337-5147
Fax /Télécopieur: 204-983-3636
Email/Courriel: Alicia.Dueck-Read@justice.gc.ca

Via E-filing

Our File Number: LEX-500272124

December 4, 2025

Federal Court - Ottawa
90 Sparks Street
Ottawa, Ontario K1P 1B5

Attention: Associate Judge Molgat

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

We write further to Associate Judge Molgat's November 17, 2025 Direction asking the parties to provide a timetable for further steps in the application and their common availability for a case management conference.

The Attorney General of Canada, First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Canadian Human Rights Commission, Chiefs of Ontario, and Amnesty International have jointly agreed to the contents of this letter. At the time of filing this letter, Nishhwabe Aski Nation had not yet responded with their position on the contents of this letter.

A. Proposed Timetable & CMC Date: Motion to strike heard with merits of judicial review

If the Court orders that the proposed motion to strike should be heard with the merits of the judicial review, the parties propose the following:

- i) Parties' availability for a case management conference:

Tuesday, January 13, 2026:

11:00 a.m.-2:00 p.m. EST

3:00-5:00 p.m. EST

Wednesday, January 14, 2026:

9:00 a.m.-1:00 p.m. EST

Canada

ii) Parties' proposed timetable:

Date	Step
December 15, 2025	Motion Records for motion to strike application
January 8, 2026	Respondents' Affidavits and Documentary Evidence
January 8, 2026	Motion Record for motion for leave to intervene, if any OR Informal Motion on the consent of the parties under the Guidelines
January 19, 2026*	Responding Motion Records for motion for leave to intervene (if no consent)
January 22, 2026	Moving party's reply on motion for leave to intervene
January 28, 2026	Cross-examination on affidavits to be complete
February 27, 2026	Applicant's Record (including responding submissions to motion to strike)
March 10, 2026	Intervener's Written submissions (if court grants interested party motion)
March 30, 2026	Respondent's Records (including responding submissions to motion to strike for non-moving parties)
April 9, 2026	Requisition for Hearing (if no request for early hearing date is made)

*10 days from January 8, 2026 is January 18, 2026 (Sunday)

B. Proposed Timetable & CMC Date: Motion to strike heard first

If the Court orders that the proposed motion to strike should be heard first, the parties propose the following:

Date	Step
December 15, 2025	Motion Records for motion to strike
January 12, 2026	Responding Motion Records for motion to strike
January 16, 2026	Hearing

The parties request that the hearing of the motion to strike in this scenario be scheduled for 3 hours. Further, pursuant to the *Amended Consolidated General Practice Guidelines (June 20, 2025)*, para 73, the parties jointly request that the hearing of the motion to strike be conducted remotely because counsel for this matter reside in different cities.

Sincerely,



Alicia Dueck-Read
Counsel

Canada

cc:

David Taylor and
Mohammed Elshafie
Conway Baxter Wilson LLP
400-411 Roosevelt Avenue
Ottawa, Ontario K2A 3X9
Email: dtaylor@conwaylitigation.ca
melshafie@conwaylitigation.ca

Peter N. Mantas, Gabrielle Cyr and
Clive Ngan
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cngan@fasken.com

Maggie Wente, Katelyn Johnstone,
and Eileen Church Carson
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kjohnstone@oktlaw.com
echurchcarson@oktlaw.com

Stephen Aylward and Genevieve Citron
Stockwoods LLP
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Sarah Clarke
Clarke Child and Family Law
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Email: sarah@childandfamilylaw.ca

Anshumala Juyal and Khizer Pervez
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1
Email:
Anshumala.Juyal@chrc-ccdp.gc.ca
khizer.pervez@chrc-ccdp.gc.ca

Julian N. Falconer, Meaghan Daniel and
Erin McMurray
Falconers LLP
10 Alcorn Avenue, Suite 204
Toronto, Ontario M4V 3A9
Email: julianf@falconers.ca
meaghand@falconers.ca
erinm@falconers.ca

**This is Exhibit "H" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. K. P.', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



Department of Justice
Canada

Ministère de la Justice
Canada

British Columbia Region
National Litigation Sector
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Région de la Colombie-Britannique
Secteur national du contentieux
900 - 840 rue Howe
Vancouver (Colombie-Britannique) V6Z 2S9

Telephone/Téléphone: (604) 754-7013
Fax /Télécopieur: (604) 775-5942
Email/Courriel: Sarah.Bird@justice.gc.ca

Via Email

Our File Number: LEX-500272124

December 30, 2025

David Taylor and
Mohammed Elshafie
Conway Baxter Wilson LLP
400-411 Roosevelt Avenue
Ottawa, Ontario K2A 3X9
Email: dtaylor@conwaylitigation.ca
melshafie@conwaylitigation.ca

Sarah Clarke
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Peter N. Mantas, Gabrielle Cyr and
Clive Ngan
Fasken Martineau DuMoulin LLP
55 Metcalfe Street, Suite 1300
Ottawa, Ontario K1P 6L5
Email: pmantas@fasken.com
gcyr@fasken.com
cngan@fasken.com

Dear Counsel:

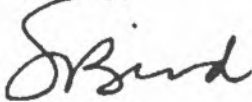
**Re: The Attorney General of Canada v. First Nations Child and Family Caring Society of
Canada et al
Federal Court File No. T-3594-25**

We write on behalf of the Attorney General of Canada (**Canada**) in the above noted proceeding further to our December 4, 2025 letter filed with the Court. The December 4 letter was in response to Associate Judge Molgat's Direction of November 17, 2025 with proposed next steps and deadlines. To date, we have not yet received an order or direction from the Court.

Under that schedule, the Caring Society and Assembly of First Nations (**AFN**) would file their motion records to strike the application by December 15, 2025, whether the motions were to be heard in advance of the application, or not.

We do not have a record of being served with the Caring Society and the AFN motion records. As a result, Canada will not be in a position to file and serve our responding motion record by January 12 as proposed in the December 4 letter.

Sincerely,



Sarah Bird
Counsel for the Applicant

cc.

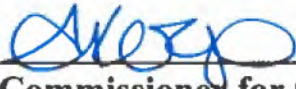
Maggie Wente, Katelyn Johnstone, and Eileen Church Carson, counsel for Chiefs of Ontario (via email)
mwente@oktlaw.com
kjohnstone@oktlaw.com
echurchcarson@oktlaw.com

Julian N. Falconer, Meaghan Daniel and Erin McMurray, counsel for Nishnawbe Aski Nation (via email)
julianf@falconers.ca
meaghand@falconers.ca
erinm@falconers.ca

Anshumala Juyal and Khizer Pervez, counsel for the Canadian Human Rights Commission (via email)
Anshumala.juyal@chrc-ccdp.gc.ca
Khizer.pervez@chrc-ccdp.gc.ca

Stephen Aylward and Genevieve Citron, counsel for Amnesty International (via email)
stephenA@stockwoods.ca
genevievec@stockwoods.ca

**This is Exhibit "I" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. Mayo', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



Department of Justice
Canada

Ministère de la Justice
Canada

British Columbia Region
National Litigation Sector
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Région de la Colombie-Britannique
Secteur national du contentieux
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Vancouver (Colombie-Britannique) V6Z 2S9

Telephone/Téléphone: (604) 754-7013
Fax /Télécopieur: (604) 775-5942
Email/Courriel: Sarah.Bird@justice.gc.ca

Via E-filing

January 22, 2026

Federal Court - Ottawa
90 Sparks Street
Ottawa, Ontario K1P 1B5

Attention: Court Registry Officer

Re: The Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al
Court File: T-3594-25

We write on behalf of the Attorney General of Canada (**Canada**) in the above noted proceeding further to our letter of December 4, 2025. The December 4 letter was filed in response to Associate Judge Molgat's November 17, 2025 Direction requesting the parties provide a timetable for further steps in the application and their joint availability for a case management conference (**CMC**). Since December 4, no further steps have been taken in this judicial review.

By way of an update on the parties joint availability, and in the event the Court would like to schedule a CMC, Canada, the Caring Society, AFN, Chiefs of Ontario, Nishnawbe Aski Nation and Amnesty International are jointly available on February 6, 2026 from 9:00am to 1:30pm (EST). At the time of the filing of this letter, the Canadian Human Rights Commission had not yet responded to Canada with their availability.

We kindly ask that this letter be forwarded to Associate Judge Molgat as the case management judge assigned to this proceeding.

Sincerely,

Sarah Bird
Counsel for the Applicant
Attorney General of Canada

cc:

David Taylor, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Sarah Clarke, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Canada

Our File Number: LE

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E	January 22, 2026		
D	22 janvier 2026		
Jean Lee			
OTT			

Peter N. Mantas, Gabrielle Cyr and Clive Ngan, Counsel for the Respondent, Assembly of First Nations (via email)

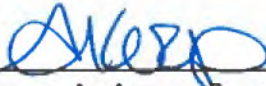
Anshumala Juyal and Khizer Pervez, Counsel for the Respondent, Canadian Human Rights Commission (via email)

Maggie Wenté, Katelyn Johnstone, and Eileen Church Carson, Counsel for the Respondent, Chiefs of Ontario (via email)

Julian N. Falconer, Meaghan Daniel and Erin McMurray, Counsel for the Respondent, Nishnawbe Aski Nation (via email)

Stephen Aylward, Counsel for the Respondent, Amnesty International (via email)

**This is Exhibit “J” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**



**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Federal Court



Cour fédérale

Date: 20260713**Docket: T-3594-25****Ottawa, Ontario, July 13, 2026****PRESENT: Case Management Judge Sylvie M. Molgat****BETWEEN:****ATTORNEY GENERAL OF CANADA**

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July 13, 2026 13 juillet 2026			
Jean Lee			
OTT		23	

Applicant**And**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
 ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
 CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
 and AMNESTY INTERNATIONAL CANADA**

Respondents**ORDER**

UPON the Respondent, First Nations Child and Family Caring Society of Canada [Caring Society] having advised of its intention to bring a motion to strike the Notice of Application on the grounds that it is premature;

UPON hearing the submissions of the parties at a case management conference held to discuss various procedural matters, including whether the proposed interlocutory motion to strike should be dealt with in advance of any other procedural steps in the application;

CONSIDERING the Court's Direction dated November 17, 2025;

CONSIDERING the written submissions of the Caring Society, the Applicant, Attorney General of Canada [Canada] and the Respondent Assembly of First Nations;

CONSIDERING that the Respondents, Canadian Human Rights Commission, Amnesty International Canada, Nishnawbe Aski Nation and Chiefs of Ontario take no position on the issue;

CONSIDERING that applications for judicial review are intended to proceed expeditiously, any objection should, as a general rule, be addressed at the hearing of the application on the merits, and that “motions to strike an application for judicial review should be resorted to only in the most exceptional circumstances, i.e. when the application is bereft of any possibility of success.”: *David Bull Laboratories (Canada) Inc. v. Pharmacia Inc.*, [1995] 1 FC 588 (FCA) at p. 596-98; *Odynsky v. League for Human Rights of B’Nai Brith Canada*, 2009 FCA 82 at paras. 5-7; *Canada (National Revenue) v. JP Morgan Asset Management (Canada) Inc.*, [JP Morgan], 2013 FCA 250 at paras. 47-48; *McCarthy v. Canada (Attorney General)*, 2020 FC 930 at para. 8;

CONSIDERING the general rule is that judicial review should not be brought until all available and adequate administrative recourses have been exhausted: *Canada (Border Services Agency) v. C.B. Powell Limited*, 2010 FCA 61 at paras. 30-32 and 45; *JP Morgan; Lin v. Canada (Public Safety and Emergency Preparedness)*, 2021 FCA 81 [Lin] at para. 5;

CONSIDERING that, in appropriate cases, the general rule against premature judicial reviews can form the basis of a preliminary motion to strike, and that potential bars to judicial review should be raised at the earliest opportunity: *JP Morgan; Lin* at paras. 7-9; *Sahtu Divisional Educational Council v. Canada (Attorney General)*, 2025 FC 1710 at para. 17;

CONSIDERING that a sequencing application is not the forum to determine the merits of a party's motion; rather, the Court must consider the *prima facie* strength of the motion and determine whether allowing it to be heard before the hearing on the merits militates in favour of judicial economy and efficiency: *Berenguer v. WOW Air ehf*, 2019 FC 407 at para. 17;

CONSIDERING that this application arises from a decision by the Canadian Human Rights Tribunal [Tribunal] (2016 CHRT 2) that found that First Nations children and families living on reserve and in the Yukon were denied equal child and family services under paragraph 5(a) of the *Canadian Human Rights Act*, RSC 1985, c H-6 [CHRA] and/or were adversely differentiated under paragraph 5(b) [Merit decision]. The Tribunal's finding of discrimination pertained to Canada's funding of the First Nations Child and Family Services Program [FNCFS Program] and the funding of Jordan's Principle for related health services to First Nations children. The Tribunal ordered that the Applicant immediately cease its discriminatory practices and engage in any reforms needed to bring itself into compliance with the Merit Decision: *Canada (Attorney General) v. First Nations Child and Family Caring Society of Canada*, 2021 FC 969 [First Nations CFCS 2021] at paras. 2 and 24-28;

CONSIDERING that since the Merit decision, the Tribunal has retained jurisdiction, issuing approximately 35 rulings, and Canada has sought judicial review of two (2) of the Tribunal's remedial orders. In dismissing those applications the Court found, in part, that if Canada wanted to challenge certain aspects it should have applied for judicial review of some of the Tribunal's earlier rulings: *First Nations CFCS 2021* at paras. 224, 231, 289 and 304;

CONSIDERING that the present application for judicial review concerns a ruling by the Tribunal released August 20, 2025, and amended on September 17, 2025: 2025 CHRT 80

[Decision] in the matter of *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*, Tribunal file number T1340/7008;

CONSIDERING that the Decision contains at least ten (10) orders made pursuant to sections 48.9(1) and 53(2) of the *CHRA* and the Tribunal's previous orders and retention of jurisdiction: 2025 CHRT 80 at paras. 118-127;

CONSIDERING that the Notice of Application seeks an order in the nature of *certiorari*, setting the aside the Decision, and remitting it to a differently constituted panel of the Tribunal in accordance with such directions as the Court may consider appropriate;

CONSIDERING that Canada pleads that, in issuing the Decision, the Tribunal breached natural justice and the duty of fairness; that the Decision was unreasonable because the Tribunal (a) unreasonably interpreted its statutory authority; (b) ordered unreasonable remedies; (c) unreasonably exercised its discretion; and (d) unreasonably failed to consider evidence and submissions;

CONSIDERING that the Caring Society contends that the application is premature as it challenges an interlocutory decision by the panel of the Tribunal; that the orders are of a procedural case planning nature made in service of the ongoing proceedings before the Tribunal and that Canada cannot have recourse to the Court until the Tribunal makes final orders regarding long-term reform for Canada's FNCFS Program;

CONSIDERING that the Caring Society's submissions do not include a draft notice of motion for the proposed motion to strike;

CONSIDERING that Canada submits that the Decision is wide-ranging and finally determines the timeline, parameters, requirements, parties (including non-party participants) in long-term reform for Canada's FNCFS Program, including evidence and consultations and that it significantly impacts its legal rights and interests;

CONSIDERING that Canada asserts that it has exhausted all effective remedies to challenge the Decision, that there is no statutory appeal mechanism available and that the underlying application is in line with the Court's findings in *First Nations CFCS 2021* at paras. 224 and 289;

CONSIDERING that a motion to strike is a tool that promotes judicial economy by "avoiding burdening the parties and the court system with claims that are doomed from the outset" (*Fitzpatrick v. Kodiak Regional RCMP Force District 12*, 2019 FCA 1040 at para 14), and that a judicial review that is doomed to fail wastes judicial resources "and should be nipped in the bud": *Lin* at para.7;

CONSIDERING that it is not clear that the Notice of Application is fundamentally flawed, such that it is doomed to fail, and that the issue of whether the application for judicial review is premature is, in the Court's view, debatable;

CONSIDERING that "a motion to strike is an exceptional remedy, especially in the context of an application for judicial review". In the circumstances of this case, it would be more appropriate to deal with the issue of alleged prematurity of the application in the context of the hearing on the merits where the application judge will have the benefit of a full grasp of the complex factual and procedural context underlying the Tribunal's remedial oversight to deal with

the Caring Society's objection (*First Nations CFCS 2021* at para. 6; *Esgenoôpetitj (Burnt Church) First Nation v. Canada (Human Resources and Skills Development)*, 2010 FC 1195 at para. 32);

CONSIDERING the very broad powers granted to the Court pursuant to Rule 385(1) of the *Rules: Badawy v. 1038482 Alberta Ltd.*, 2019 FCA 150 at para. 17; *Onischuk v. Canada (Revenue Agency)*, 2021 FC 486 at paras. 16-18;

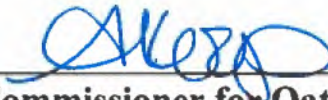
AND CONSIDERING that the Court is not convinced that scheduling the proposed motion to strike prior to the hearing of the application on the merits would ensure the efficient use of judicial resources and promote the just, most expeditious and least expensive determination of the proceeding;

THIS COURT ORDERS that:

1. The issue of the prematurity raised by First Nations Child and Family Caring Society of Canada is left to the hearing of the application for judicial review.
2. The parties shall confer and submit, by no later than **July 24, 2026**, a jointly proposed timetable for next steps, together with their common availability for a case management conference if required.

"Sylvie M. Molgat"
Associate Judge

**This is Exhibit "K" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. K. Oates', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

Anderson, Jackie (she her elle la)

From: Anderson, Dayna (she her elle la)
Sent: July 23, 2026 12:33 PM
To: JUS.L. PRO AFN/Caring Society Team / JUS.L. Équipe PRO APN/Soc
Subject: FW: Court File No. T-3594-25 Attorney General of Canada v First Nations Child and Family Caring Society of Canada et al. | Affidavit of J. Kaur
Attachments: Affidavit of J. Kaur-Respondent-FNCFSC-23-JUL-2026.pdf

From: Jasmine Kaur <JKaur@conwaylitigation.ca>

Sent: July 23, 2026 11:46 AM

To: Anderson, Dayna (she her elle la) <Dayna.Anderson@justice.gc.ca>; Vickery, Paul <Paul.Vickery@justice.gc.ca>; Bird, Sarah (she her elle) <Sarah.Bird@justice.gc.ca>; Owais, Aman <Aman.Owais@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Peter Mantas <pmantas@fasken.com>; Gabrielle Cyr <gcyr@fasken.com>; 'tsun@fasken.com' <tsun@fasken.com>; Juyal, Anshumala (CHRC/CCDP) <anshumala.juyal@chrc-ccdp.gc.ca>; Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>; Eileen Church Carson <echurchcarson@oktlaw.com>; 'Stephen Aylward' <stephena@stockwoods.ca>; 'julianf@falconers.ca' <julianf@falconers.ca>; Asha James <ashaj@falconers.ca>; Shelby Percival <shelbyp@falconers.ca>

Cc: David Taylor <DTaylor@conwaylitigation.ca>; Henna Mohan <hmohan@conwaylitigation.ca>; Sarah Clarke <sarah@childandfamilylaw.ca>; Robin McLeod <robin@childandfamilylaw.ca>; Mohammed Elshafie <melshafie@conwaylitigation.ca>

Subject: Court File No. T-3594-25 Attorney General of Canada v First Nations Child and Family Caring Society of Canada et al. | Affidavit of J. Kaur

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good afternoon,

Please find attached Affidavit of Jasmine Kaur on behalf of the Respondent, First Nations Child and Family Caring Society of Canada, served upon you in accordance with the Federal Courts Rules and Amended Consolidated General Practice Guidelines dated June 20, 2025.

Kindly acknowledge receipt.

Best wishes,

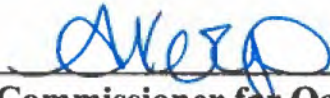
Jasmine Kaur
 Litigation Law Clerk/Legal Assistant
 613.780.2002

CONWAY
conwaylitigation.ca



Conway Baxter Wilson LLP/s.r.l.

**This is Exhibit “L” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'Weig', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

FASKEN

Fasken Martineau DuMoulin LLP
Barristers and Solicitors
Patent and Trade-mark Agents

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Canada

T +1 613 236 3882
+1 877 609 5685
F +1 613 230 6423
fasken.com

July 24, 2026

Peter Mantas

By E-Mail

+1 613 696 6886
pmantas@fasken.com

Federal Court of Canada
90 Sparks Street
Ottawa, ON K1P 1B5
Attn: Jean Lee, Registry Officer

Dear Registrar:

Re: Attorney General of Canada v. First Nations Child and Family Caring Society of Canada, Assembly of First Nations, et al. – T-3594-25

Please bring this correspondence to the attention of Associate Judge Molgat, who is the case management judge in this matter.

The purpose of this correspondence is to address Associate Judge Molgat's Direction found in her Order dated July 13, 2026, asking the parties to provide a timetable and availability for a case conference, if required.

We write on behalf of the Respondent Assembly of First Nations ("AFN") jointly with the Respondent First Nations Child and Family Caring Society of Canada ("Caring Society"). Prior to the delivery of this letter, we have conferred with all the parties and have shared a copy of this letter with them for comment. The Canadian Human Rights Commission, Amnesty International, the Chiefs of Ontario and the Nishnawbe Aski Nation do not intend to take a position on the timetable (nor file responding affidavits). The Applicant has advised that it does not agree with the content of this letter.

The Applicant and the AFN and Caring Society have exchanged draft timetables for the purpose of coming up with a joint proposal for the court. They have not agreed.

We believe that the parties may be able to agree to a timetable if they know the date, or approximate date, of the hearing.

The AFN and Caring Society seek a timetable that brings the parties to a late October hearing date for reasons that are explained below. The Applicant proposes a timetable leading to a hearing in December at the earliest. Depending on the available dates before the Federal Court, this disagreement between the parties may be academic.

Our request for a hearing date before the Court in October is due to a fast-approaching set of critically important dates before the Canadian Human Rights Tribunal.

FASKEN

Starting in January 2027, the parties have a ten-day evidentiary hearing before the tribunal. In March, the parties have three days of oral argument. In addition, the parties must submit substantial written material.

If a decision were to be made by this Honourable Court that impacted the tribunal in the manner sought by the Applicant, it may result in the need to redo all these steps and work noted above. That would be contrary to the principle of judicial economy.

If the tribunal hearing itself were delayed, that would be contrary to the principle of access to justice. This matter has been ongoing for some two decades, and involves the welfare and human rights of Indigenous children and their families across the country. These hearing dates were scheduled earlier this year, and with difficulty, given the number of parties involved and the complexity of the case.

For the reasons above, we respectfully ask that the court provide us a date, or date range for the hearing, and then give the parties another week to try to agree to a proposed timetable.

In the event that the parties cannot agree, we can advise that the AFN and Caring Society are ready to proceed expeditiously. Given that the affidavits in this matter have been served and that the respondents do not seek to cross-examine the Applicant's affiants, the AFN and Caring Society propose the following: (a) Applicant's Record delivered by August 24; (b) Respondents' Records and Requisition for Hearing delivered by September 23. As the Respondent witness is a law clerk providing basic information, we do not expect that person will be examined by the Applicant.

Should the Court be of the view that a case conference is necessary, the AFN, Caring Society, Chiefs of Ontario, and Nishnawbe Aski Nation are available for a case conference on the following days: August 6 except 11:00 a.m. to 12:00 p.m.; August 10 after 11:30 a.m.; August 11 after 12:00 p.m.; and any time on August 12, 13, 14, 17 (except 10:30 a.m.-12 p.m.), 18, 19, 20, or 21 (before 11:30 AM).

Yours truly,

FASKEN MARTINEAU DUMOULIN LLP



Peter Mantas

Cc:

David Taylor, Henna Mohan, and Sarah Clarke – Counsel for the First Nations Child and Family Caring Society of Canada

Dayna Anderson, Paul Vickery, Sarah Bird, Aman Owais and Alicia Dueck-Read – Counsel for

FASKEN

the Attorney General of Canada

Maggie Wente, Katelyn Johnstone, and Eileen Church Carson – Counsel for the Chiefs of Ontario

Julian Falconer and Meaghan Daniel – Counsel for the Nishnawbe Aski Nation

Justin Safayeni, Stephen Aylward and Geneviève Citron – Counsel for Amnesty International

Anshumala Juyal and Khizer Pervez – Counsel for the Canadian Human Rights Commission





Department of Justice
Canada

Ministère de la Justice
Canada

British Columbia Region
National Litigation Sector
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Région de la Colombie-Britannique
Secteur national du contentieux
900 - 840 rue Howe
Vancouver (Colombie-Britannique) V6Z 2S9

Telephone/Téléphone: (604) 754-7013
Fax /Télécopieur: (604) 775-5942
Email/Courriel: Sarah.Bird@justice.gc.ca

Via E-filing

Our File Number: LEX-500272124

July 24, 2026

Federal Court - Ottawa
90 Sparks Street
Ottawa, Ontario K1P 1B5

Attention: Court Registry Officer

Re: The Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al
Court File: T-3594-25

We are counsel for the Applicant, the Attorney General of Canada (**Canada**), and write in response to the Assembly of First Nations (**AFN**) and the First Nations Child and Family Caring Society of Canada (the **Caring Society**) joint letter filed today, July 24, 2026. On July 13, 2026, Associate Judge Molgat ordered the parties to confer and submit a joint proposal of next steps and a timeline in this proceeding and mutual availability for a case management conference (**CMC**), should one be required, by July 24.

We kindly ask that this letter be forwarded to Associate Judge Molgat as the case management judge assigned to the proceeding.

We regret that, despite Canada's best efforts, we have been unable to reach agreement with the Caring Society and AFN on a proposal of next steps and a timeline. We understand that the Respondents Chiefs of Ontario, Nishnawbe Aski Nation, Canadian Human Rights Commission and Amnesty International Canada take no position on scheduling.

Canada's response to the AFN and Caring Society's Request

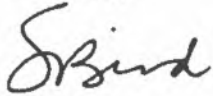
Canada does not agree to AFN and the Caring Society's request to an alternative process that seeks to change the sequence and expedite the timelines prescribed under the *Federal Courts Rules*. It appears that AFN and the Caring Society are seeking an informal motion for an expedited hearing without bringing a motion and without consent.

Canada is of the view that scheduling a hearing at the outset is contrary to the steps and deadlines that are prescribed under the *Federal Courts Rules* which are interpreted to secure the just, most expeditious and least expensive outcome of a proceeding. It is difficult to estimate the time required for the hearing without the benefit of the parties' records. Moreover, Canada was served with the Caring Society's 138-page affidavit on July 23, without notice, and now require time to review and seek instructions. Based on the information provided in their July 24 letter, Canada is now unclear on whether the Caring Society and AFN still intend to bring motions to strike.

Canada

Given the above, Canada is of the view that a CMC may be of assistance in finding a resolution on the steps and dates moving forward. Based on the Respondents' stated availability for a CMC, Canada is also available August 17-21 from 8:00am to 5:00pm (PST).

Sincerely,



Sarah Bird
Counsel for the Applicant
Attorney General of Canada

cc:

David Taylor, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Sarah Clarke, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Peter N. Mantas, Gabrielle Cyr and Clive Ngan, Counsel for the Respondent, Assembly of First Nations (via email)

Maggie Wente, Katelyn Johnstone, and Eileen Church Carson, Counsel for the Respondent, Chiefs of Ontario (via email)

Julian N. Falconer, Meaghan Daniel and Erin McMurray, Counsel for the Respondent, Nishnawbe Aski Nation (via email)

Anshumala Juyal and Khizer Pervez, Counsel for the Respondent, Canadian Human Rights Commission (via email)

Stephen Aylward, Counsel for the Respondent, Amnesty International (via email)

Canada

**This is Exhibit “M” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. Kozko', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



Department of Justice
Canada

Ministère de la Justice
Canada

British Columbia Region
National Litigation Sector
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Région de la Colombie-Britannique
Secteur national du contentieux
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Telephone/Téléphone (604) 754-7013
Fax /Télécopieur (604) 775-5942
Email/Courriel Sarah.Bird@justice.gc.ca

Via E-filing

Our File Number: LEX-500272124

September 2, 2026

Federal Court - Ottawa
90 Sparks Street
Ottawa, Ontario K1P 1B5

Attention: Court Registry Officer

Re: The Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al
Court File: T-3594-25

We write on behalf of the Applicant, the Attorney General of Canada (**Canada**), in the above noted proceeding with respect to the joint proposed timeline with next steps as ordered by Associate Judge Molgat on July 13, 2026.

A copy of this letter was provided to the Respondents in advance for review and comment. The Respondents, the First Nations Child and Family Caring Society (**the Caring Society**) and Assembly of First Nations (**AFN**), agree to the contents of the letter. The Respondents, Chiefs of Ontario (**COO**), Nishnawbe Aski Nation (**NAN**), the Canadian Human Rights Commission (**the Commission**) and Amnesty International Canada (**Amnesty International**), take no position on the proposed timeline of next steps.

We kindly ask that this letter be forwarded to Associate Judge Molgat as the case management judge assigned to this proceeding.

Regrettably, the Parties were initially unable to reach agreement prior to the Court's deadline (July 24) and we apologize for our delay in reaching agreement on a proposed timeline for the Court's consideration.

Following AFN and Canada's correspondence to the Court on July 24, 2026, the Parties engaged in further discussion and have reached agreement on a proposed timeline of next steps going forward:

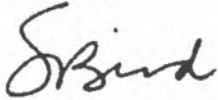
1. September 9, 2026:
 - The Applicant, Canada, will serve and file its record under rule 309,
 - The Respondent, Caring Society, will serve and file its Notice of Motion and motion record (motion to strike);
2. October 9, 2026:

Canada

- The Respondents to serve and file their records under rule 310 that includes any arguments on the Caring Society's motion to strike;
3. October 16, 2026:
 - Canada to serve and file its responding motion record; and
 4. No later than October 19, 2026:
 - Canada to serve and file the requisition for hearing under rule 314.

Should the Court wish to schedule a case management conference, the parties would be pleased to provide dates of availability.

Sincerely,



Sarah Bird
Counsel for the Applicant
Attorney General of Canada

cc:

David Taylor, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Sarah Clarke, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Peter N. Mantas, Gabrielle Cyr and Clive Ngan, Counsel for the Respondent, Assembly of First Nations (via email)

Maggie Wente, Katelyn Johnstone, and Eileen Church Carson, Counsel for the Respondent, Chiefs of Ontario (via email)

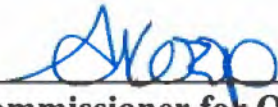
Julian N. Falconer, Meaghan Daniel and Erin McMurray, Counsel for the Respondent, Nishnawbe Aski Nation (via email)

Anshumala Juyal and Khizer Pervez, Counsel for the Respondent, Canadian Human Rights Commission (via email)

Stephen Aylward, Counsel for the Respondent, Amnesty International (via email)

Canada

**This is Exhibit "N" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. Kozko', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



AARON CHRISTOFF
PARTNER
DIRECT 604.901.3253
EMAIL: achristoff@cochrane-sinclair.ca

PARALEGAL: CAMILLA ARRICA
DIRECT 604.233.7329
EMAIL: camica@cochrane-sinclair.ca

September 3, 2026

Submitted via Federal Court e-filing portal

Federal Court
701 West Georgia Street
Vancouver, BC V7Y 1B6

ATTENTION: Registry Officer

RE: Court File No. T-3594-25; Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al.; the Confederacy of Treaty Six First Nations motion for leave to intervene

We represent the Confederacy of Treaty Six First Nations (the "CT6FN").

We write further to our letter of October 30, 2025 wherein we advised the Court that the CT6FN intended to file a motion for leave to intervene. The filed copy of our October 30, 2025 letter is enclosed for your convenience.

We have submitted for filing the following:

1. Affidavit of Sam Hull affirmed August 17, 2026;
2. Notice of Motion dated September 1, 2026; and
3. Written Representations dated September 1, 2026.

We kindly request that you please bring this letter and the CT6FN's motion for leave to intervene materials to the attention of the presiding case management judge, Associate Judge Sylvie M. Molgat. Thank you.

Yours truly,

COCHRANE SINCLAIR

Per:

AARON CHRISTOFF

AC/cma
enclosure

cc: counsel for the Applicant, AGC, at: dayna.anderson@justice.gc.ca, paul.vickery@justice.gc.ca, sarah.bird@justice.gc.ca, aman.owais@justice.gc.ca and Alicia.dueck-read@justice.gc.ca
counsel for the Respondent, Canadian Human Rights Tribunal, at: anshumala.juyal@chrc-ccdp.gc.ca and khizer.pervez@chrc-ccdp.gc.ca.
CHRT at: Registry.Office@chrt-tcdp.gc.ca and judy.dubois@tribunal.gc.ca.
counsel for the Respondent, First Nations Child and Family Caring Society of Canada, at: dtaylor@conwaylitigation.ca, ksaintmacary@conwaylitigation.ca, sarah@childandfamilylaw.ca and robin@childandfamilylaw.ca.

Vancouver
200-1152 Mainland St.
Vancouver, BC
V6B 4X2

Musqueam First Nation
6520 Salish Drive
Vancouver, BC
V6N 2C7

Swan Lake First Nation
115-300 Alpine Way
Headingley, MB
R4H 0E1

Winnipeg
201-211 Bannatyne Ave
Winnipeg, MB
R3B 3P2

counsel for the Respondent, Assembly of First Nations, at: pmantas@fasken.com
 counsel for the Respondent, Chiefs of Ontario, at: mwente@oktlaw.com, sdearman@oktlaw.com,
jstirling@oktlaw.com, aash@oktlaw.com, kjohnstone@oktlaw.com.
 counsel for the Respondent, Nishnawbe Aski Nation at: julianf@falconers.ca, ashaj@falconers.ca,
shelbyp@falcolners.ca, meaghand@falconers.ca.
 counsel for the Respondent, Amnesty International, at: justins@stockwoods.ca and
stephenA@stockwoods.ca

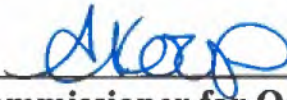
Vancouver
 200-1152 Mainland St.
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 V6B 4X2

Musqueam First Nation
 6520 Salish Drive
 Vancouver, BC
 V6N 2C7

Swan Lake First Nation
 115-300 Alpine Way
 Headingley, MB
 R4H 0E1

Winnipeg
 201-211 Bannatyne Ave
 Winnipeg, MB
 R3B 3P2

**This is Exhibit "O" referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to read 'A. Korp', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**

c-document-6		T-3594-25 ID 73	
F I L E D	FEDERAL COURT COUR FÉDÉRALE		D E P O S É
September 09, 2026 09 septembre 2026			
Lucia Tardioli			
OTT		30	

Court File No. T-3594-25

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

SOLICITOR'S CERTIFICATE OF SERVICE

I, Sarah Bird, counsel, certify that I caused counsel for the Respondents First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Canadian Human Rights Commission, Chiefs of Ontario, Nishnawbe Aski Nation and Amnesty International Canada, to be duly served with the Applicant's Record, dated September 9, 2026, by transmitting the records through TitanFile to the following electronic addresses on September 9, 2026:

David Taylor and Sarah Clarke	Conway Baxter Wilson LLP and Clarke Child and Family Law	Counsel for the First Nations Child and Family Caring Society of Canada	dtaylor@conwaylitigation.ca sarah@childandfamilylaw.ca
Peter Mantas, Gabrielle Cyr and Clive Ngan	Fasken Martineau and DuMoulin LLP	Counsel for the Assembly of First Nations	pmantas@fasken.com gcyr@fasken.com cngan@fasken.com
Anshumala Juyal and Khizer Pervez	Canadian Human Rights Commission	Counsel for the Canadian Human Rights Commission	Anshumala.Juyal@chrc-ccdp.gc.ca khizer.pervez@chrc-ccdp.gc.ca

Maggie Wente, Jessie Stirling-Voss, Benjamin Brookwell, Ashely Ash, Katelyn Johnstone, Sinéad Dearman	Olthius Kleer Townshend LLP	Counsel for the Chiefs of Ontario	mwente@oktlaw.com jestirling@oktlaw.com bbrookwell@oktlaw.com aash@oktlaw.com kjohnstone@oktlaw.com sdearman@oktlaw.com
Julian N. Falconer, Meaghan Daniel, Asha James, Shelby Percival and Erin McMurray	Falconers LLP	Counsel for Nishnawbe Aski Nation	julianf@falconers.ca meaghand@falconers.ca ashaj@falconers.ca shelbyp@falconers.ca ErinM@falconers.ca
Stephen Aylward and Justin Safayeni	Stockwoods LLP	Counsel for Amnesty International	StephenA@stockwoods.ca justins@stockwoods.ca

Service delivery was validated on September 9, 2026 by electronic confirmation.



ATTORNEY GENERAL OF CANADA

Department of Justice Canada
British Columbia Region
National Litigation Sector
900-840 Howe Street
Vancouver, British Columbia V6Z 2S9
Fax: 604-775-5942

Per: Sarah Bird
Telephone: 604-754-7013
E-mail: Sarah.Bird@justice.gc.ca

Solicitor/Counsel for the Applicant

TO: Federal Court – Ottawa
90 Sparks Street
Ottawa, Ontario K1P 5A5

From: Wong, Theresa (she her elle la)
Sent: September 9, 2026 1:28 PM
To: 'DTaylor@conwaylitigation.ca'; 'ksaintmacary@conwaylitigation.ca';
'JKaur@conwaylitigation.ca'; 'sarah@childandfamilylaw.ca';
'robin@childandfamilylaw.ca'; 'pmantas@fasken.com'; 'gcyrfasken.com';
'tsun@fasken.com'; 'cngan@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca';
'khizer.pervez@chrc-ccdp.gc.ca'; 'kayla.jesso@chrc-ccdp.gc.ca'; 'MWente@oktlaw.com';
'bbrookwell@oktlaw.com'; 'SDearman@oktlaw.com'; 'jstirling@oktlaw.com';
'johnstone@oktlaw.com'; 'aash@oktlaw.com'; 'jrogers@oktlaw.com';
'julianf@falconers.ca'; 'ashaj@falconers.ca'; 'ShelbyP@falconers.ca';
'ErinM@falconers.ca'; 'meaghand@falconers.ca'; 'davids@falconers.ca';
'JustinS@stockwoods.ca'; 'StephenA@stockwoods.ca'; 'echurchcarson@oktlaw.com';
'genevievec@stockwoods.ca'
Cc: Anderson, Dayna (she her elle la); Bird, Sarah (she her elle); Dueck-Read, Alicia (she her elle la); Vickery, Paul; Owais, Aman; Anderson, Jackie (she her elle la); Darvill, Jillian (she her elle la); Koop, Anita (she her elle la)
Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al
Attachments: 2026-09-09 LT Respondents - Service of Applicant's Record.pdf

Tracking:**Recipient****Delivery**

'DTaylor@conwaylitigation.ca'
'ksaintmacary@conwaylitigation.ca'
'JKaur@conwaylitigation.ca'
'sarah@childandfamilylaw.ca'
'robin@childandfamilylaw.ca'
'pmantas@fasken.com'
'gcyrfasken.com'
'tsun@fasken.com'
'cngan@fasken.com'
'Anshumala.Juyal@chrc-ccdp.gc.ca'
'khizer.pervez@chrc-ccdp.gc.ca'
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'genevievec@stockwoods.ca'	
Anderson, Dayna (she her elle la)	Delivered: 2026-09-09 1:29 PM
Bird, Sarah (she her elle)	Delivered: 2026-09-09 1:29 PM
Dueck-Read, Alicia (she her elle la)	Delivered: 2026-09-09 1:29 PM
Vickery, Paul	Delivered: 2026-09-09 1:29 PM
Owais, Aman	Delivered: 2026-09-09 1:29 PM
Anderson, Jackie (she her elle la)	Delivered: 2026-09-09 1:30 PM
Darvill, Jillian (she her elle la)	Delivered: 2026-09-09 1:30 PM
Koop, Anita (she her elle la)	Delivered: 2026-09-09 1:30 PM

Hello,

Please find enclosed correspondence of today's date on behalf of the applicant.

The applicant's record will follow shortly via TitanFile.

Kindly acknowledge receipt via return email.

Thank you,

Theresa Wong (*she/her/elle/la*)

Legal Assistant
British Columbia Regional Office
900 - 840 Howe Street, Vancouver, BC V6Z 2S9
National Litigation Sector
Department of Justice Canada | Government of Canada
theresa.wong@justice.gc.ca
Telephone: 778-903-5638 / Facsimile: 1-778-309-6232

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From: postmaster@conwaylitigation.ca
To: DTaylor@conwaylitigation.ca
Sent: September 9, 2026 1:28 PM
Subject: Delivered: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

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DTaylor@conwaylitigation.ca (DTaylor@conwaylitigation.ca)

Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

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To: pmantas@fasken.com
Sent: September 9, 2026 1:29 PM
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Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

From: postmaster@chrc-ccdp.gc.ca
To: Anshumala.Juyal@chrc-ccdp.gc.ca
Sent: September 9, 2026 1:29 PM
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From: postmaster@oktlaw.com
To: MWente@oktlaw.com
Sent: September 9, 2026 1:29 PM
Subject: Delivered: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

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MWente@oktlaw.com (MWente@oktlaw.com)

Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

From: postmaster@stockwoods.ca
To: StephenA@stockwoods.ca
Sent: September 9, 2026 1:29 PM
Subject: Delivered: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

Your message has been delivered to the following recipients:

StephenA@stockwoods.ca (StephenA@stockwoods.ca)

Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

From: postmaster@falconers.ca
To: julianf@falconers.ca
Sent: September 9, 2026 1:29 PM
Subject: Delivered: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

Your message has been delivered to the following recipients:

julianf@falconers.ca (julianf@falconers.ca)

Subject: Federal Court File T-3594-25 - AGC v First Nations Child and Family Caring Society of Canada et al

Anderson, Jackie (she her elle la)

From: Bird, Sarah (she her elle)
Sent: September 9, 2026 3:24 PM
To: JUS.L. PRO AFN/Caring Society Team / JUS.L. Équipe PRO APN/Soc
Subject: FW: FC Court File No. T-3594-25 Attorney General of Canada v First Nations Child and Family Caring Society of Canada et al. | Caring Society's Motion Record
Attachments: Motion Record of the Moving Party-Respondent-FNCFSC-09-SEPT-2026.pdf
Categories: [SharePoint] An attachment was saved in 'LCMS Site > ATTORNEY GENERAL OF CANADA V. FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL - T-3594-25(LEX-500272124) > Pleadings Facta and Other Court Documents > Drafts > Motion Record (motion to str

For LEX. The Caring Society's motion to strike.

From: Jasmine Kaur <JKaur@conwaylitigation.ca>
Sent: 2026-Sep-09 1:21 PM
To: Anderson, Dayna (she her elle la) <Dayna.Anderson@justice.gc.ca>; Vickery, Paul <Paul.Vickery@justice.gc.ca>; Bird, Sarah (she her elle) <Sarah.Bird@justice.gc.ca>; Owais, Aman <Aman.Owais@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Peter Mantas <pmantas@fasken.com>; gcyr@fasken.com; Clive Ngan <cngan@fasken.com>; Anshumala.Juyal@chrc-ccdp.gc.ca; khizer.pervez@chrc-ccdp.gc.ca; Maggie Wente <MWente@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>; Eileen Church Carson <echurchcarson@oktlaw.com>; Stephen Aylward <stephena@stockwoods.ca>; Genevieve Citron <genevievec@stockwoods.ca>; julianf <julianf@falconers.ca>; meaghand <meaghand@falconers.ca>; Erin McMurray <erinm@falconers.ca>
Cc: David Taylor <DTaylor@conwaylitigation.ca>; sarah <sarah@childandfamilylaw.ca>; Mohammed Elshafie <melshafie@conwaylitigation.ca>
Subject: FC Court File No. T-3594-25 Attorney General of Canada v First Nations Child and Family Caring Society of Canada et al. | Caring Society's Motion Record

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good afternoon counsel,

Attached please find the Motion Record of the Moving Party, First Nations Child, and Family Caring Society of Canada, served upon you in accordance with the *Federal Court Rules*.

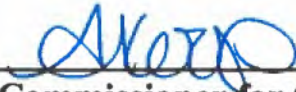
Kindly acknowledge receipt.

Best wishes,

Jasmine Kaur
 Litigation Law Clerk/Legal Assistant
 613.780.2002

CONWAY
conwaylitigation.ca

**This is Exhibit “P” referred to in
the Affidavit of Jacqueline Anderson
sworn before me this 14th day of September, 2026.**

A handwritten signature in blue ink, appearing to be 'M. K. O.', is written over a horizontal line.

**A Commissioner for Oaths
in and for the Province of Manitoba
My Commission Expires: July 30, 2028**



Department of Justice
Canada

Ministère de la Justice
Canada

British Columbia Region
National Litigation Sector
900 - 840 Howe Street
Vancouver, BC V6Z 2S9

Région de la Colombie-Britannique
Secteur national du contentieux
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Vancouver (Colombie-Britannique) V6Z 2S9

Telephone/Téléphone: (604) 754-7013
Fax /Télécopieur: (604) 775-5942
Email/Courriel: Sarah.Bird@justice.gc.ca

Via E-mail

Our File Number: LEX-500272124

September 11, 2026

Federal Court - Ottawa
90 Sparks Street
Ottawa, Ontario K1P 1B5

Attention: Court Registry Officer

Re: The Attorney General of Canada v. First Nations Child and Family Caring Society of Canada et al
Court File: T-3594-25

We are counsel for the Applicant, Attorney General of Canada (**Canada**), in the above noted proceeding. We write in response to Associate Judge Molgat's Direction, dated September 10, 2026, directing the parties to file a draft order with the joint proposed timetable as set out in Canada's letter to the Court dated September 2, 2026. This letter and the attached draft order were provided to the Respondents in advance who all agree to its contents.

Since Canada's letter of September 2, the parties have adhered to the proposed timetable in order to preserve the dates with an intention to move forward in an expeditious manner. As such, Canada served and filed its record pursuant to Rule 309 of the *Federal Courts Rules* and the Respondent, the First Nations Child and Family Caring Society of Canada, served and filed its motion record on their motion to strike, both on September 9, 2026.

We ask that this letter and enclosed draft order be forwarded to Associate Judge Molgat as the case management judge assigned to the proceeding.

Sincerely,

Sarah Bird
Counsel for the Applicant
Attorney General of Canada

cc:

David Taylor, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Sarah Clarke, Counsel for the Respondent, First Nations Child and Family Caring Society of Canada (via email)

Canada

Peter N. Mantas, Gabrielle Cyr and Clive Ngan, Counsel for the Respondent, Assembly of First Nations (via email)

Maggie Wente, Katelyn Johnstone, and Eileen Church Carson, Counsel for the Respondent, Chiefs of Ontario (via email)

Julian N. Falconer, Meaghan Daniel and Erin McMurray, Counsel for the Respondent, Nishnawbe Aski Nation (via email)

Anshumala Juyal and Khizer Pervez, Counsel for the Respondent, Canadian Human Rights Commission (via email)

Stephen Aylward, Counsel for the Respondent, Amnesty International (via email)

Date:
Docket: T-3594-25

Ottawa, Ontario,
Present: Case Management Judge Sylvie Molgat

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

- and -

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

DRAFT ORDER

UPON reading correspondence dated September 2, 2026 submitted by counsel for the Applicant, on behalf of the parties, setting out a proposed timeline of next steps;

AND UPON reading correspondence dated September 11, 2026 submitted by counsel for the Applicant, updating the Court on steps taken by the parties since September 2, 2026;

AND UPON being advised by the Applicant's counsel that the Respondents, First Nations Child and Family Caring Society of Canada (the Caring Society) and the Assembly of First Nations (AFN), consent to the joint proposed timetable;

AND UPON being advised by the Applicant's counsel that the Respondents, Canadian Human Rights Commission (CHRC), Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN) and Amnesty International Canada (Amnesty International) take no position on the joint proposed timetable;

AND UPON being satisfied that the joint proposed timetable regarding next steps will move the proceeding forward in an expeditious manner;

AND UPON being advised by the Applicant's counsel that the Applicant served and filed its record under Rule 309 of the *Federal Courts Rules* on September 9, 2026;

AND UPON being advised by the Applicant's counsel that the Respondent, the Caring Society, served and filed its Notice of Motion and motion record on September 9, 2026;

THIS COURT ORDERS that:

1. By October 9, 2026, the Respondents shall serve and file their records pursuant to Rule 310, that will include the Respondents (CHRC, AFN, COO, NAN and Amnesty International) submissions, if any, in response to the Caring Society's motion to strike, along with proof of service;
2. By October 16, 2026, the Applicant shall serve and file its responding motion record to the Caring Society's motion to strike, along with proof of service;
3. By October 19, 2026, the Applicant shall serve and file the requisition for hearing pursuant to Rule 314, along with proof of service.

4. The parties may request an extension of time of the above deadlines by letter, if on consent or unopposed, or otherwise by requisitioning a case management conference.
-

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

- and -

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION
and AMNESTY INTERNATIONAL CANADA**

Respondents

**WRITTEN REPRESENTATIONS OF THE APPLICANT
ATTORNEY GENERAL OF CANADA
IN RESPONSE TO THE MOTION FOR LEAVE TO INTERVENE**

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Prairie Regional Office
601-400 St. Mary Avenue
Winnipeg, Manitoba R3C 4K5

Per: Dayna Anderson, Paul Vickery, Sarah Bird and Alicia Dueck-Read

Telephone: 204-294-5563 / 604-754-7013 / 431-337-5147

E-mail: dayna.anderson@justice.gc.ca , paul.vickery@justice.gc.ca ,
sarah.bird@justice.gc.ca , alicia.dueck-read@justice.gc.ca

Counsel for the Applicant, the Attorney General of Canada

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OVERVIEW

1. The Confederacy of Treaty 6 Nations (**CT6FN**) seek leave to intervene in the Application for Judicial Review. The Attorney General of Canada (**Canada**) opposes the motion and does not agree that the Court should grant the CT6FN intervention rights.
2. The underlying Application concerns the reasonableness of a decision of the Canadian Human Rights Tribunal (the **Tribunal**) directing a compulsory remedial process for national long-term reform of Canada's First Nations Child and Family Services Program (**FNCFS Program**). The Decision is challenged on the basis that the Tribunal unreasonably interpreted its statutory authority; unreasonably exercised its discretion; unreasonably failed to consider evidence and submissions of the parties; and breached principles of procedural fairness and natural justice.
3. Canada does not agree that the CT6FN has satisfied Rule 109(2) of the *Federal Courts Rules* (**the Rules**). The CT6FN does not explain how it will assist the Court on deciding the issues raised in the Application and does not explain how its submissions will be useful. Instead, the CT6FN raise new issues and rely on extrinsic evidence that was not before the decision-maker, suggesting an intention to adduce new evidence in this judicial review, contrary to the proper role of an intervener. Moreover, the CT6FN have waited almost one year since the Application was filed to bring their motion and they do not explain the extraordinary delay.
4. These factors strongly militate against granting the CT6FN's request for leave to intervene. The CT6FN have failed to show how they would assist the Court in assessing the reasonableness and fairness of the Decision. Granting the CT6FN intervention rights will complicate and delay the proceedings. The interests of justice do not support the CT6FN's intervention.

PART I – FACTS

A. Background

5. The underlying Application concerns a decision of the Tribunal directing a compulsory remedial process for national long-term reform of Canada’s First Nations Child and Family Services Program (**FNCFS Program**). The Tribunal’s August 20, 2025 decision (**Decision**) ordered that:

- a) by August 29, 2025, Canada must notify the Tribunal whether it will meet with the National Children’s Chiefs Commission (**NCCC**), the Assembly of First Nations (**AFN**) and the First Nations Child and Family Caring Society of Canada (**Caring Society**) to discuss national long-term FNCFS Program reform;
- b) the Caring Society and AFN must consult with the NCCC, First Nations Chiefs, First Nations, First Nations organizations, and prospective interested parties to develop an evidence-based long-term FNCFS Program reform plan for outside of Ontario; Canada is urged participate in the consultations;
- c) by December 20, 2025, Canada, AFN and Caring Society must file joint or separate evidence-based long-term FNCFS Program reform plans for outside of Ontario, supported by affidavit evidence (**reform plans**);
- d) Canada, AFN and Caring Society must file monthly updates;¹ and
- e) the reform plans must comply with nine parameters as well as other requirements set out in the Decision.²

6. Additionally, the Tribunal found that its’ Decision, and the parties’ responses to it, would inform other parts of the proceedings before the Panel, including Jordan’s Principle interim and long-term reforms.³

7. The CT6FN did not seek interested party status in the underlying Tribunal proceedings on national, long-term FNCFS Program reform. While the CT6FN brought a

¹ Affidavit of Duncan Farthing-Nichol (affirmed 22 October 2025) [**Farthing-Nichol Affidavit**], Ex CC, paras 118–28 (Application Record of the Attorney General of Canada, filed September 9, 2026 [**ARC**], Tab 2CC, pp 563–64).

² Farthing-Nichol Affidavit, Ex CC, paras 113–14 (ARC, Tab 2CC, pp 561–62).

³ Farthing-Nichol Affidavit, Ex CC, para 115 (ARC, Tab 2CC, pp 562).

motion for interested party status in the Ontario Final Agreement motion on the FNCFS Program in Ontario, the Tribunal dismissed its' motion in September 2025.⁴

B. Procedural history

8. Almost one year ago, on September 19, 2025, Canada filed its Notice of Application for judicial review of the Decision. The issues in the application include whether the Tribunal:

- unreasonably interpreted its statutory authority and ordered unreasonable remedies;
- unreasonably exercised its discretion;
- unreasonably failed to consider evidence and submissions; and
- breached procedural fairness and natural justice.⁵

9. On September 22, 2025, the Court ordered that the matter proceed as a specially managed proceeding and referred it to the Chief Justice for appointment of a case management judge.⁶ Associate Judge Molgat was assigned as the case management judge.⁷

10. On October 22, 2025, Canada served its Affidavit under Rule 306 of the *Rules*.⁸

⁴ [*First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada \(representing the Minister of Indigenous and Northern Affairs Canada\)*, 2025 CHRT 86.](#)

⁵ Notice of Application, filed 19 September 2025 (ARC, Tab 1, p 1–8).

⁶ Document #2, Court File No. T-3594-25 (FC); Affidavit of Jacqueline Anderson, sworn September 14, 2026, para 2 and Ex A [**Anderson Affidavit**] (Motion Record of the Attorney General of Canada [**MRC**], (MRC Tab 1, p 2-3 and pp 6-8).

⁷ Document #20, Court File No. T-3594-25 (FC); Anderson Affidavit, para 3 and Ex B (MRC, Tab 1, p 2 and pp 9-10).

⁸ Document #27, Court File No T-3594-25 (FC); Anderson Affidavit, para 4 and Ex C (MRC, Tab 1, p 2 and pp 11-21).

11. On October 30, 2025, counsel for the CT6FN wrote to the Court stating that it intended to file “its motion to intervene within the next few weeks.”⁹ It did not do so.

12. A case management conference (CMC) was subsequently held on November 17, 2025 following which the Court issued a Direction that included requiring:

- the parties to provide submissions on the sequencing of the Caring Society’s proposed motion to strike by November 27, 2025; and
- the parties to provide a proposed timetable for further steps by December 4, 2025 including a schedule for any motions for leave to intervene and the parties’ common availability for a CMC.¹⁰

13. On November 26, 2025, counsel for Canada wrote to counsel for the CT6FN to confirm whether the CT6FN still intended to file a motion for leave to intervene. No response was received from the CT6FN.¹¹

14. On November 26 and 27, 2025, the parties filed their written submissions on the sequencing of the Caring Society’s proposed motion to strike, in accordance with the Court’s Direction.

15. On December 4, 2025, Canada wrote to the Court with the parties’ jointly proposed timetable that would have the Caring Society and AFN file their motion records to strike the application by December 15, 2025 and any motions for leave to intervene would be filed by January 8, 2026.¹²

⁹ Document #31, Court File No T-3594-25 (FC); Anderson Affidavit, para 5 and Ex D (MRC, Tab 1, p 2 and pp 22-23).

¹⁰ Document #35, Court File No. T-3594-25 (FC); Anderson Affidavit, para 6 and Ex E (MRC, Tab 1, p 2 and pp 24-26).

¹¹ Anderson Affidavit, para 7 and Ex F (MRC, Tab 1, p 2 and pp 27-30).

¹² Documents #52–53; Anderson Affidavit, para 9 and Ex G; the Letter from Alicia Dueck-Read to the Federal Court (4 December 2025) indicated that NAN had not yet responded with its position on the joint timetable. On December 8, 2025 NAN wrote to the Court confirming its consent, (MRC, Tab 1, p 3 and pp 31-33).

16. On December 30, 2025, Canada wrote the Caring Society and AFN noting that they had not filed their motion records to strike as proposed and therefore Canada would not be filing its responding motion record by January 12, 2026 as initially proposed.¹³

17. On January 22, 2026, Canada wrote to the Court providing updated availability of the parties for a CMC should one be required.¹⁴

18. On July 13, 2026, Associate Judge Molgat issued her decision on the parties' sequencing submissions, ordering that the Caring Society's proposed motion to strike would be heard at the hearing of the Application and asked the parties to provide a jointly proposed timetable by July 24, 2026.¹⁵

19. On July 23, 2026, without notice, the Caring Society served Canada with its affidavit.¹⁶

20. On July 24, 2026, the AFN wrote to the Court, with Caring Society's consent, seeking an alternative process for the hearing of the Application. The same day, Canada wrote to the Court advising it did not agree with the AFN's proposal.¹⁷

21. Following further discussion between the parties, on September 2, 2026, Canada wrote to the Court with the parties jointly proposed timetable with next steps in the Application.¹⁸

22. On September 3, 2026, without notice, and almost one year after the Notice of Application was filed, the CT6FN filed their motion seeking leave to intervene in the

¹³ Anderson Affidavit, para 10 and Ex H, (MRC, Tab 1, p 3 and pp 34-36).

¹⁴ Document #55, Court File no T-3594-25 (FC); Anderson Affidavit, para 11 and Ex I, (MRC, Tab 1, p 3 and pp 37-39).

¹⁵ Document #58, Court File no T-3594-25 (FC); Anderson Affidavit, para 12 and Ex J, (MRC, Tab 1, p 3 and pp 40-46).

¹⁶ Document #63, Court File no T-3594-25 (FC); Anderson Affidavit, para 13 and Ex K, (MRC, Tab 1, p 4, pp 47-48).

¹⁷ Documents #60 and 62, Court File no T-3594-25 (FC); Anderson Affidavit, para 14 and Ex L, (MRC, Tab 1, p 4 and pp 49-54).

¹⁸ Document #64, Court File no T-3594-25 (FC); Anderson Affidavit, para 15 and Ex M, (MRC, Tab 1, p 4 and pp 55-57).

Application. The CT6FN did not explain, in argument or evidence, why it delayed bringing its motion.¹⁹

23. On September 9, 2026, in accordance with the parties' jointly proposed timetable, Canada served and filed its Application Record and the Caring Society served and filed its Notice of Motion and motion record to strike the Application.²⁰

24. On the request of the Court, on September 11, 2026, Canada filed a Draft Order, with the agreement of all parties, setting out the remaining deadlines as reflected in the proposed timetable filed on September 2, 2026.²¹

PART III – ISSUES

25. The only issue is whether the CT6FN should be allowed to intervene in the proceedings.

26. Canada takes the position that the answer to that question is no.

PART IV – SUBMISSIONS

27. Canada opposes the CT6FN's motion to intervene. The purpose of the CT6FN's intervention is not to assist the Court on its determination of the issues in this Application. Instead, the CT6FN seek to expand the issues and the evidence beyond the Application and the evidentiary record. Such an approach is contrary to an intervener's role and the purpose of Rule 109. It is Canada's position that the CT6FN has not satisfied the test for intervention.

28. In the alternative, if the Court agrees to the CT6FN's request, it should place limitations on the CT6FN's intervention rights, as described below.

¹⁹ Confederacy of Treaty Six First Nations [CT6FN] Notice of Motion, filed September 3, 2026.

²⁰ Document #71 and #76, Court File no T-3594-25 (FC); Anderson Affidavit, para 17 Ex O (MRC, Tab 1, pp 4-5 and pp 61-72).

²¹ Document #80, Court File No T-3594-25 (FC); Anderson Affidavit, para 18, Ex P (MRC, Tab 1, p 5 and pp 73-78).

A. The CT6FN relies on extrinsic evidence that is not relevant

29. Extrinsic evidence that was not before a decision-maker is not admissible on applications for judicial review, subject to some exceptions.²² On this motion, the CT6FN relies on extrinsic evidence that is not relevant to the issues in the motion or the Application, including new evidence relating to the Loving Justice reform plan, the Administrative Reform Agreement and the NCCC. The CT6FN’s evidence goes far beyond supporting its motion to intervene and signals it does not intend to take the issues or the evidentiary record in the Application as is, contrary to the proper role of an intervener.²³

B. The CT6FN have not satisfied Rule 109 of the *Rules*

30. The only question the Court must decide on a motion to intervene under Rule 109 is whether the intervention “will assist the determination of a factual or legal issue related to the proceeding.”²⁴

31. The CT6FN have not established that they meet the three-part test for the Court to exercise its discretion to grant leave:

- a. Will the proposed intervener will make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues?
- b. Does the proposed intervener have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervener has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?
- c. Is it in the interests of justice that intervention be permitted?²⁵

²² [*Association of Universities & Colleges of Canada v Canadian Copyright Licensing Agency*](#), 2012 FCA 22, paras 19–20.

²³ [*Parkdale Community Legal Services \(DVCLS\) v Canada*](#), 2024 CanLII 28277, para 50 (FC); [*Le-Vel Brands, LLC v Canada \(Attorney General\)*](#), 2023 FCA 66, para 34 [*Le-Vel*]; [*Right to Life Association of Toronto and Area v Canada \(Employment, Workforce and Labour\)*](#), 2022 FCA 67, para 13 [*Right to Life*]; [*Prince Edward Island Fishermen's Association LTD. v Canada \(Attorney General\)*](#), 2024 FC 520, paras 19–20.

²⁴ [*Federal Courts Rules*](#), SOR 98-106, as amended, r 109(2)(b) [*Rules*].

²⁵ *Le-Vel* at para 19.

32. When analyzing the first question, the Court considers four sub-questions:

- a. What issues have the parties raised?
- b. What does the proposed intervenor intend to submit concerning those issues?
- c. Are the proposed intervenor's positions doomed to fail?
- d. Will the proposed intervenor's arguable submissions assist in the determination of the actual, real issues in the proceeding?²⁶
- i. **The CT6FN seek to raise new issues in the application for judicial review**

33. The issues raised on this Application are whether the impugned Decision:

- a. unreasonably interpreted its statutory authority and ordered unreasonable remedies;
- b. unreasonably exercised its discretion;
- c. unreasonably failed to consider evidence and submissions; and
- d. breached procedural fairness and natural justice.²⁷

34. The role of the Court is to assess whether the Tribunal reasonably and fairly rendered the Decision.²⁸ Proposed interveners who understand the Court's role and show how they may assist the Court on the real issues in the proceeding are more likely to be admitted.²⁹ For an intervention to be useful, it must address the actual issues raised by an application, rather than new ones.³⁰

35. Here, the CT6FN do not explain how their intended submissions would address and assist in the determination of the issues that are before the Court. Instead, the CT6FN have raised new and hypothetical issues relating to the challenges posed by the Alberta

²⁶ *Le-Vel*, para [19](#).

²⁷ Notice of Application, filed 19 September 2025 (ARC, Tab 1, p 1–8).

²⁸ *Le-Vel*, para [42](#); *Right to Life*, para [23](#).

²⁹ *Le-Vel*, paras [35](#), [42](#).

³⁰ *Canada (Citizenship and Immigration) v Canadian Council for Refugees*, 2021 FCA 13 at paras [26-27](#) [*Canadian Council for Refugees*].

Administrative Reform Agreement; that the Ontario Final Agreement should not form the basis for national long-term FNCFS Program reform; and insinuate that if the Court quashes the Decision, it would permit Canada to disregard Treaty rights that requires judicial oversight to ensure that Canada meets its legal obligations.³¹ There is no evidence of the CT6FN's assertions and the proposed issues have not been raised in the Application. The CT6FN have not shown that they intend to assist the Court in making a determination on an issue that is before it but instead seek to raise new issues which is contrary to the role of an intervener.

ii. **The CT6FN's proposed submissions will not be useful**

36. The role of the intervener is to make useful and unique submissions that assist the court in determining the issues already present in the case.³² In *Ishaq*, Justice Stratas explained that, “while many of the suggested topics for intervention are important and would be fodder for intervention in a case where they are live on the evidentiary record, this case is not the one.”³³

37. The CT6FN's submissions are framed broadly to address issues that have not been raised to be decided in the judicial review and which are not live on the record before the Court. For example, the CT6FN propose to make submissions on: the importance of regional considerations in long-term FNCFS Program reform; the importance of rights holders being involved in implementing long-term FNCFS Program reform once a reform plan is chosen by the Tribunal; the “wide variety of CFS issues” on First Nations; and the need for long-term FNCFS Program reform to be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples Act* and the Tribunal's orders.³⁴

³¹ CT6FN Written Representations, filed 3 September, 2026 [CT6FN Written Representations], paras 24–25, 31, 33.

³² *Canada (Attorney General) v Kattenburg*, 2020 FCA 164, para 8, leave to appeal to SCC refused, [2021 CanLII 24811](#) (SCC); *Canada (Attorney General) v Clayton*, 2018 FC 436, paras 188–89; *Gitxaala Nation v Prince Rupert Port Authority*, 2020 CanLII 382, paras 53, 55, 57, 60; and *Le-Vel*, paras 16–18.

³³ *Canada (Citizenship and Immigration) v Ishaq*, 2015 FCA 151, paras 39–40.

³⁴ CT6FN Written Representations, para 31.

38. While these are important questions, they are removed from the specific findings in the Decision and the evidentiary record. Proposed interveners are required to identify their intended contributions to the actual, real issues in the proceeding with particularity.³⁵ However, here, the CT6FN puts forward broad topics and asks the Court to recognize them. This is not the Court's role.³⁶ Such advocacy does not assist the court in its task of conducting reasonableness review.³⁷ Intervenors are "guests at a table already set."³⁸ If the CT6FN wants to advance its concerns on long term FNCFS Program reform generally, it may do so through other means, outside of this judicial review proceeding.

39. As the CT6FN has failed to establish that its participation would be useful, the Court can dismiss the motion on this basis alone. As Justice Stratas stated in *Le-Vel*, establishing usefulness "is not a practice advisory or an optional extra. It is part of a binding regulation. It is law on the books. It is to be followed."³⁹ If a proposed intervenor cannot persuade the Court that its participation would be useful in determining the issues on judicial review, the Court must dismiss the motion.⁴⁰

iii. The CT6FN's genuine interest

40. Canada does not dispute that the CT6FN has a genuine interest in how this Court will decide the case. However, a genuine interest in the development of the law because an intervenor may be affected by the Court's decision, without more, is insufficient to meet the test under Rule 109 of the *Rules*.⁴¹

³⁵ *Le-Vel*, para 16.

³⁶ *Le-Vel*, paras 16–18, 20–21.

³⁷ *Le-Vel*, para 18.

³⁸ *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 174 at paras 55–56 [*Tsleil-Waututh*].

³⁹ *Le-Vel*, para 14.

⁴⁰ *Le-Vel*, para 15, citing *Rules*, r 109.

⁴¹ *Right to Life*, para 24.

iv. **Granting the CT6FN’s motion is not in the interests of justice**

41. Canada does not agree that the interests of justice support the CT6FN’s intervention. The CT6FN’s late application and its intended submissions on new issues militate against the interests of justice supporting its intervention.

42. When analyzing whether the interests of justice support intervention, the Court considers these four non-exhaustive questions:

- a. Is the intervention consistent with the imperatives in Rule 3—e.g., will the orderly progression or the schedule for the proceedings be unduly disrupted?;
- b. Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?;
- c. Has the first-instance Court in this matter admitted the party as an intervener?; and
- d. Will adding multiple interveners create the reality or an appearance of “inequality of arms” or imbalance on one side?⁴²

43. Intervenors are limited to addressing the issues raised by the parties based on the evidence already on the record.⁴³ Intervenors may not raise new issues or adduce fresh evidence; they are “guests at the table already set.”⁴⁴

44. The CT6FN’s intervention would not be consistent with Rule 3 as it intends to raise new issues and adduce new evidence which would unfairly further delay and complicate proceedings. The CT6FN seek to raise new issues that are largely theoretical or too generalized that are not supported by the evidentiary record on this Application.

45. Moreover, the CT6FN’s motion is very delayed. The CT6FN informed the Court in October 2025 that it would file a motion to intervene within “the next few weeks.”⁴⁵ Following a CMC, the Court directed the parties to file a joint proposed timetable of next

⁴² *Le-Vel*, para 19.

⁴³ *Right to Life*, paras 13–14.

⁴⁴ *Tsleil-Waututh*, paras 55–56.

⁴⁵ Document #31, Court File No T-3594-25 (FC); Anderson Affidavit, para 5 and Ex D (MRC, Tab 1, pp 3, 22-23).

steps, including a date by which motions to intervene would be filed. Canada emailed the CT6FN on November 26, 2025 seeking confirmation on their intentions to file a motion to intervene, however CT6FN did not respond.⁴⁶ Almost one year later, the CT6FN filed its motion to intervene, without notice or explanation to justify the extraordinary delay.

46. This Court has repeatedly concluded that bringing a motion early demonstrates that an intervener has a keen interest in the subject matter and monitors the area closely.⁴⁷ In *Canadian Council for Refugees*, the Federal Court of Appeal noted that “[t]hose really concerned about a proceeding, who have much to say about it, and who are concerned that no one else will say it, proceed quickly.”⁴⁸ Here, the CT6FN was aware of the Application and should have promptly sought to intervene at the start of this litigation. At this point in the proceedings, the CT6FN’s participation will unfairly delay next steps and increase the complexity and litigation costs for all parties. Granting the intervention is not in the interests of justice.

C. Alternatively, the CT6FN’s intervention rights should be limited

47. In the alternative, if the Court exercises its discretion to grant leave to the CT6FN to intervene, the CT6FN’s intervention should be limited, as follows:

- a. The CT6FN be permitted to file no more than 10 pages of written submissions;
- b. The CT6FN be permitted no more than 30 minutes of oral submissions;
- c. The CT6FN will not make submissions on the outcome of the judicial review, duplicate the submissions of the parties, or introduce any new issues; and
- d. The CT6FN are not permitted to file any evidence nor rely on the evidence filed in their motion record in their submissions.

48. Canada agrees with the CT6FN’s request that they not be liable or eligible for costs in the proceeding.

⁴⁶ Anderson Affidavit, para 7 and Ex F (MRC, Tab 1, p 2 and pp 27-30).

⁴⁷ *Le-Vel*, paras [26–29](#).

⁴⁸ *Canadian Council for Refugees*, para [21](#).

PART V – ORDER SOUGHT

49. The CT6FN's motion to intervene should be dismissed.

50. In the alternative, if the Court grants the CT6FN's leave to intervene, Canada seeks the following order:

- a. The CT6FN are permitted to file no more than 10 pages of written submissions;
- b. The CT6FN are permitted no more than 30 minutes of oral submissions;
- c. The CT6FN will not provide submissions on the outcome of the judicial review, duplicate the submissions of the Parties, or introduce any new issues;
- d. The CT6FN are not permitted to file any new evidence nor rely on the evidence filed in their motion record in their submissions;
- e. Canada, as the Applicant, be permitted to provide 10 pages of written submissions in response to the CT6FN's written submissions;
- f. the Parties will serve any remaining documents on the CT6FN as if they were a party in the proceeding; and
- g. the CT6FN are not liable or eligible for costs in the proceeding.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 14th day of September, 2026.



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PART V – LIST OF AUTHORITIES

Tab	Statutes
1.	<i>Federal Courts Rules</i> , SOR 98-106
2.	Case Law
3.	<i>Association of Universities & Colleges of Canada v Canadian Copyright Licensing Agency</i> , 2012 FCA 22
4.	<i>Atlas Tube Canada ULC v Canada (National Revenue)</i> , 2019 FCA 120
5.	<i>Canada (Attorney General) v Clayton</i> , 2018 FC 436
6.	<i>Canada (Citizenship and Immigration) v Canadian Council for Refugees</i> , 2021 FCA 13
7.	<i>Canada (Citizenship and Immigration) v Ishaq</i> , 2015 FCA 151
8.	<i>Canada (Attorney General) v Kattenburg</i> , 2020 FCA 164
9.	<i>First Nations Child & Family Caring Society of Canada et al. v Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)</i> , 2025 CHRT 86
10.	<i>Gitxaala Nation v Prince Rupert Port Authority</i> , 2020 CanLII 382
11.	<i>Independent Jewish Voices, et al. v. Attorney General of Canada, et al</i> 2021 CanLII 24811 (SCC)
12.	<i>Le-Vel Brands, LLC v Canada (Attorney General)</i> , 2023 FCA 66
13.	<i>Parkdale Community Legal Services (DVCLS) v Canada</i> , 2024 CanLII 28277
14.	<i>Prince Edward Island Fishermen's Association LTD. v Canada (Attorney General)</i> , 2024 FC 520
15.	<i>Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)</i> , 2022 FCA 67
16.	<i>Tsleil-Waututh Nation v Canada (Attorney General)</i> , 2017 FCA 174