

Editor's Note: A corrigendum was issued on June 2, 2005 for the following judgment; corrections have been made to the text with the corrigendum appended at the end of the decision.

COURT FILE NO.: 00-CV-192059CPA
DATE: 20050530

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

CHARLES BAXTER, SR. AND ELIJAH
BAXTER

)
)
) *Kirk M. Baert, Celeste B. Poltak, Craig*
) *Brown, Alan Farrer and Darcy Merkur for*
) *the Plaintiff*

Plaintiff

- and -

THE ATTORNEY GENERAL OF CANADA

)
) *Paul Vickery and Glynis Evans for the*
) *Defendant*

Defendant

- and -

THE GENERAL SYNOD OF THE
ANGLICAN CHURCH OF CANADA *et al.*

)
) Refer to Schedule "B" attached hereto for
) list of third party counsel

Third Parties

Refer to Schedule "A" attached hereto for
complete list of Third Parties

WINKLER R.S.J.

Introduction

[1] This is a motion in writing regarding the order of procedure in an intended class proceeding brought against the Attorney General of Canada on behalf of a class of aboriginal persons who attended residential schools in Canada from January 1, 1920 to December 31, 1996. The plaintiffs, defendant and third parties were directed to file written submissions regarding their respective positions on the sequencing of motions, including the certification motion.

Background

[2] The issue regarding sequencing of the motions arises because the Attorney General has issued and served Third Party Claims against certain of the religious organizations that had allegedly controlled and operated the residential schools that are the subject of the proceeding. The Third Party Claims were issued on April 24, 2003 and have since been amended. There are currently over 80 religious organizations named as third parties, many of which are outside of Ontario. It is asserted by the Attorney General that the third parties are obligated to indemnify the Government of Canada for liability that may have been incurred in relation to their acts and omissions.

[3] The Third Party Claims are advanced despite the fact that the plaintiffs have since amended their claim to seek only recovery for the several liability of the Attorney General. In the result, the Third Parties have indicated that there are several motions that should be heard in advance of the certification motion. The defendant supports this position. The plaintiffs contend that all such motions should be heard after the certification motion has been heard and determined.

[4] At this juncture, in addition to the certification motion, there are two broad categories of motions that have either been brought or are contemplated by the third parties:

- a) motions to challenge the jurisdiction of this court brought or contemplated by third parties who are situate outside of Ontario (the “Jurisdictional Motions”);
- b) motions to dismiss the action under the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended, brought or contemplated by third parties who are located partially or entirely in Ontario (the “Rule 21 Motions”).

Further, it should be noted that if the court determines that it has jurisdiction over some or all of the non-Ontario third parties, it has been indicated that each such party may then choose to bring its own motion to dismiss under the *Rules of Civil Procedure*.

Submissions of the Parties

[5] The plaintiffs contend that, apart from the general proposition that a certification motion should be the first order of business in a proposed class proceeding, the circumstances of the proposed class members in this proceeding are such as to dictate that the motion be heard in priority to any other. The plaintiffs submit that many of the proposed class members are elderly and dying by the thousands annually, thus creating an urgency to the determination of the certification motion. They rely on section 2 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (the “CPA”), which requires a plaintiff in an intended class proceeding to bring a certification motion in a timely way. In particular, the plaintiffs point to s. 2(3) as supporting their contention that the certification motion should be heard first. It states, in part, that:

2(3) a [certification motion] shall be made:

(a) within ninety days after the later of,

- (i) the date on which the last statement of defence, notice of intent to defend or notice of appearance is delivered, and
- (ii) the date on which the time prescribed by the rules of court for delivery of the last statement of defence, notice of intent to defend or a notice of appearance expires without its being delivered; or

(b) subsequently, with leave of the court.

In addition, the plaintiffs submit that there are a number of cases which, either explicitly or by implication, hold that the determination of the certification motion ought normally to be the first order of business in a class proceeding. (See: *Moyes v. Fortune Financial Corp.* (2001), 13 C.P.C. (5th) 147 (S.C.) at paras. 9 and 12; *McNaughton Automotive Ltd. v. Co-operators General Insurance Co.* (2001), 10 C.P.C. (5th) 1 (C.A.) at para 36 and *Ward-Price v. Mariners Haven Inc.*, [2002] O.J. No. 4260 (S.C.)).

[6] The defendant, on the other hand, argues that the third party motions should be heard prior to the certification motion. The defendant contends that there is no express provision in the CPA directing that certification must be the first step in a proceeding nor should the possibility of delay in a proceeding dictate that the certification motion must be heard in advance of other motions. In support of this position, the defendant further argued that if the court were to certify the action without the participation of the third parties, only to later decide that the third parties were proper parties to the action, the common issues would likely have to be reformulated. Conversely, according to the defendant, if the court were to postpone hearing the Jurisdictional Motions until after the

decision to certify, only to then determine that it does not have jurisdiction to hear a national class action, the action would have to be decertified.

[7] Instead of making individual submissions, many of the third parties adopted the submissions of the Roman Catholic Episcopal Corporation of James Bay, Les Soeurs de la Charite d'Ottawa, and the Missionary Oblates of Marie Immaculate – Province of St. Joseph (now known as Les Oeuvres Oblates de l'Ontario). Most of the third parties seek to have the Rule 21 Motions and the Jurisdiction Motions heard prior to the certification motion. A small number of third parties either did not take a position or only took a position with respect to one or the other of the potential third party motions. None of the third parties argued that the certification motion should be heard first.

[8] The third parties who took positions on the issue of sequencing made arguments on several fronts. A number of them contended that motions to dismiss could be heard expediently and without interfering with the plaintiffs' proposed timetable. Others claimed that the determination of both the jurisdictional motions and the motions to dismiss could simplify the certification motion. Still others noted that third parties who are challenging jurisdiction risk being found to have attorned to the jurisdiction of the court if they first participate in the certification motion without a jurisdictional determination, thus rendering moot their potential jurisdiction motion.

Analysis

[9] Although the CPA does not expressly require the certification motion to be the first order of business, the 90 day time-frame imposed by section 2(3) provides a clear indication that the certification motion should be heard promptly and normally be given priority over other motions. In another case involving the scheduling of motions in a class proceeding, *Attis v. Canada (Minister of Health)*, [2005] O.J. No. 1337 (S.C.), this court held at para. 7 that “as a matter of principle, the certification motion ought to be the first procedural matter to be heard and determined.”

[10] Similarly, in *Moyes*, Nordheimer J. stated at para. 8:

The time limits set out in section 2(3) would strongly suggest that the certification motion is intended to be the first procedural matter that is to be heard and determined. While I recognize that these time limits are rarely, if ever, achieved in actual practice, I do not consider that that reality detracts from the intent to be drawn from the section.

Nordheimer J. ultimately determined that the defendant's motion for summary judgment could not be heard until after the determination of the certification motion. (See also: *Ward-Price v. Mariners Haven Inc.*, [2002] O.J. No. 4260 (S.C.), *supra*, at para 36).

[11] Prior to certification, an action commenced under the CPA is nothing more than an intended class proceeding: *Logan v. Canada (Minister of Health)* (2003), 36 C.P.C. (5th) 176 (S.C.) at para. 23, aff'd 71 O.R. (3d) 451 (C.A.) (See also: *Boulanger v. Johnson & Johnson Corp.* (2003), 64 O.R. (3d) 208 (Div. Ct); *Attis, supra* at para 14.) In the pre-certification period it is not clear whether a proceeding will ultimately be certified. Further there is an element of fluidity in respect of the class definitions and the common issues. Accordingly, motions brought prior to certification may turn out to have been unnecessary, over-complicated or incomplete.

[12] Moreover, courts will not always have sufficient information to adequately determine motions at the pre-certification stage. This is particularly apparent with respect to the Jurisdictional Motions. In several recent cases it has been held that the certified common issues in a class action can serve as a basis for the proper assumption of jurisdiction by the court over extra-provincial parties. (See: *Harrington v. Dow Corning Corp.* (2000), 193 D.L.R. (4th) 67 (B.C. C.A.); *Wilson v. Servier* (2000), 50 O.R. (3d) 219 (S.C.), (2000), 52 O.R. (3d) 20 (Div. Ct.), leave to appeal denied S.C.C. Bulletin, 2001, p. 1539.) The thrust of *Harrington* and *Wilson*, in relation to the jurisdiction determination, is that where a class action involving intra-provincial plaintiffs could be certified, and the common issues forming the basis for the certification are shared by both the resident class and extra-provincial non-residents against the defendant, the existence of such common issues provides a “real and substantial connection” of the non-residents to the forum in relation to the action. Thus, the underpinnings of a successful certification motion could have a direct bearing on the jurisdictional analysis. On the other hand, if the certification motion fails, the jurisdictional motion will in all likelihood be rendered moot. Therefore, it would be pointless to hear the jurisdiction motion in advance of the certification motion in that, at least to this extent, all of the necessary information relevant to jurisdiction is not presently available.

[13] Given its nature, there are other factors present in this proceeding which augur in favour of hearing the certification motion in priority to other motions. The class period spans a period of over 75 years. At this point, a reasonable inference can be drawn that there are elderly potential class members for whom further delay represents significant prejudice. Those members of the potential class are entitled to have a determination of whether this proceeding is certifiable as a class action in a timely manner. As stated in R. 29.09 of the *Rules of Civil Procedure*:

29.09 A plaintiff is not to be prejudiced or unnecessarily delayed by reason of a third party claim, and on motion by the plaintiff the court may make such order or impose such terms, including an order that the third party claim proceed as a separate action, as are necessary to prevent prejudice or delay where that may be done without injustice to the defendant or the third party.

Here, the fact that there are currently over 80 third parties contributes to the potential for delay with its inherent prejudice to the elderly members of the putative class.

[14] Admittedly, there are instances where, as indicated in both *Attis* and *Moyes*, there can be exceptions to the rule that the certification motion ought to be the first procedural matter to be heard and determined. It may be appropriate to make an exception where the determination of a preliminary motion prior to the certification motion would clearly benefit all parties or would further the objective of judicial efficiency, such as in relation to a motion for dismissal under Rule 21 or summary judgment under Rule 20. Such motions may have the positive effect of narrowing the issues, focusing the case and moving the litigation forward. An exception may also be warranted where the preliminary motion is time sensitive or necessary to ensure that the proceeding is conducted fairly. (See: *Moyes*, *supra* at para. 12; *Re Holmes and London Life v. London Life Insurance Co. et al.* (2000), 50 O.R. (3d) 388 (S.C.) at paras. 7-8; *Hughes v. Sunbeam Corp. (Canada) Ltd.* (2002), 61 O.R. (3d) 433 (C.A.), at para. 15, leave to appeal dismissed [2002] S.C.C.A. No. 446; *Segnitz v. Royal and SunAlliance Insurance Co. of Canada*, [2001] O.J. No. 6016 (S.C.); *Stone v. Wellington County Board of Education* (1999), 29 C.P.C. (4th) 320 (C.A.), leave to appeal dismissed, [1999] S.C.C.A. No. 336.); *Vitelli v. Villa Giardino* (2001), 54 O.R. (3rd) 334 (S.C.); *Pearson v. Inco* (2001), 57 O.R. (3d) 278 (S.C)).

[15] However, there is an important distinction between Rule 20 and 21 motions that are brought by the defendant and those that are brought by third parties. In many cases, Rule 20 and 21 motions brought by the defendant have the potential to render the certification motion unnecessary if they are determined prior to certification, thereby furthering the objective of judicial economy. Rule 20 or 21 motions brought by third parties in relation to claims against these third parties do not have the same potential to render the certification motion unnecessary. The proceeding as between the plaintiff and defendant will be unaffected and the determination as to whether the action is a certifiable class proceeding must still be made.

[16] The certification determination remains necessary because the viability of the action as a class proceeding is a function of the claim by the plaintiff against the defendant, rather than the claim of the defendant against the third party. On that basis, the certification determination may be made without regard to any existing third party claim. Indeed, some courts have held that this factor may render third party participation on the certification motion unnecessary or, in any event, subject to the discretion of the court hearing the motion. As stated in *Attis* at para. 14:

...until such time as the action is certified, the nature of the proceeding is not yet crystallized so as to require the third party's participation. In consequence, the third party would have had no standing to participate in the certification motion in any event. See: *Ward-Price v. Mariners Haven Inc.* (2002), 36 C.P.C. (5th) 189 (Sup. Ct.). Indeed, the courts in British

Columbia have on occasion stayed a third party claim until after the common issues trial where there is no valid reason for the third party to participate in the proceeding up to that time and where their involvement may turn out to be academic. See: *Campbell v. Flexwatt Corp.* (1996), 50 C.P.C. (3d) 290 (B.C.S.C.); *Cooper v. Hobart* (1999), 35 C.P.C. (4th) 124 (B.C.S.C.).

In my view, there will rarely be a need for motions relating exclusively to a third party claim to be heard prior to a certification motion as the potential benefits of hearing such motions prior to the certification motion tend to be limited.

[17] In this case, I am not persuaded that there is any compelling reason to hear the third party motions prior to the certification motion. Some of the third parties have argued that the prior determination of the third party motions would simplify the certification motion. This argument, however, is flawed in that it both assumes the participation of the third parties on the certification motion and further assumes that such participation would be permitted in such a manner as to complicate the proceeding. On the other hand, in my view, there is a distinct possibility that the determination of the certification motion, if this motion is heard first, could simplify the third party motions or could render these motions unnecessary.

[18] Similarly, I cannot accede to the argument advanced by some of the third parties that the Rule 21 Motions could be heard on short notice, and that the hearing of those motions would not interfere with the Plaintiffs' proposed timeline for the hearing of the certification motion. Even if this were the case, which seems unlikely, given the number of third parties that have been brought into this proceeding, the determination of any such motions would be potentially subject to appeal, the effect of which could be to significantly delay the determination of the certification motion.

Participation of 3rd Parties in the Certification Motion

[19] The question of the participation of third parties on the certification motion will be dealt with in the fullness of time. Although some parties have made submissions in this regard, others have not. Since only submissions regarding the sequencing of motions were specifically requested, it would be inappropriate to determine this matter at this time.

Result

[20] The certification motion shall be heard and determined prior to the Jurisdiction Motions or the Rule 21 Motions, including those motions that have not yet been brought. All Rule 21 Motions and Jurisdiction Motions that have been brought or that are brought prior to the determination of the certification motion will be stayed until after the certification motion has been heard and determined.

RELEASED May 30, 2005

WINKLER R.S.J.

Page: 9

COURT FILE NO.: 00-CV-192059CPA

DATE: 20050530

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

CHARLES BAXTER, SR. AND ELIJAH
BAXTER

Plaintiff

- and -

THE ATTORNEY GENERAL OF CANADA

Defendant

- and -

SCHEDULE "A"

Third Parties

REASONS FOR JUDGMENT

WINKLER RSJ

Released: May 30, 2005

2005 CanLII 18717 (ON S.C.)

SCHEDULE “A”

THE GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA
THE MISSIONARY SOCIETY OF THE ANGLICAN CHURCH OF
CANADA
THE SYNOD OF THE DIOCESE OF ALGOMA
THE SYNOD OF THE DIOCESE OF ATHABASCA
THE SYNOD OF THE DIOCESE OF BRANDON
THE SYNOD OF THE DIOCESE OF BRITISH COLUMBIA
THE SYNOD OF THE DIOCESE OF CALGARY
THE SYNOD OF THE DIOCESE OF CARIBOO
THE INCORPORATED SYNOD OF THE DIOCESE OF HURON
THE SYNOD OF THE DIOCESE OF KEEWATIN
THE DIOCESE OF MOOSONEE
THE SYNOD OF THE DIOCESE OF WESTMINSTER
THE SYNOD OF THE DIOCESE OF QU’APPELLE
THE DIOCESE OF SASKATCHEWAN
THE SYNOD OF THE DIOCESE OF YUKON
THE COMPANY FOR THE PROPAGATION OF THE GOSPEL IN NEW
ENGLAND (also known as THE NEW ENGLAND COMPANY)
THE PRESBYTERIAN CHURCH IN CANADA
THE TRUSTEE BOARD OF THE PRESBYTERIAN CHURCH IN CANADA
THE FOREIGN MISSION OF THE PRESBYTERIAN CHURCH IN
CANADA
BOARD OF HOME MISSIONS AND SOCIAL SERVICES OF THE
PRESBYTERIAN CHURCH IN CANADA
THE WOMEN’S MISSIONARY SOCIETY OF THE PRESBYTERIAN
CHURCH IN CANADA
THE UNITED CHURCH OF CANADA
THE BOARD OF HOME MISSIONS OF THE UNITED CHURCH OF
CANADA
THE WOMEN’S MISSIONARY SOCIETY OF THE UNITED CHURCH OF
CANADA
THE METHODIST CHURCH OF CANADA
THE MISSIONARY SOCIETY OF THE METHODIST CHURCH OF
CANADA (also known as THE METHODIST MISSIONARY SOCIETY OF
CANADA)
THE CANADIAN CONFERENCE OF CATHOLIC BISHOPS
THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF CALGARY
THE ROMAN CATHOLIC BISHOP OF KAMLOOPS
THE ROMAN CATHOLIC BISHOP OF THUNDER BAY

THE ROMAN CATHOLIC ARCHBISHOP OF VANCOUVER
THE ROMAN CATHOLIC BISHOP OF VICTORIA
THE ROMAN CATHOLIC BISHOP OF NELSON
THE CATHOLIC EPISCOPAL CORPORATION OF WHITEHORSE
LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE
GROUARD
McLENNAN
THE CATHOLIC ARCHDIOCESE OF EDMONTON
LA DIOCESE DE SAINT-PAUL
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF MACKENZIE
THE ARCHIEPISCOPAL CORPORATION OF REGINA
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF KEEWATIN
THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF
WINNIPEG
LA CORPORATION ARCHIEPISCOPALE CATHOLIQUE ROMAINE DE
SAINT
BONIFACE
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF THE
DIOCESE OF SAULT STE. MARIE
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF JAMES BAY
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HALIFAX
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF HUDSON'S
BAY
LA CORPORATION EPISCOPALE CATHOLIQUE ROMAINE DE PRINCE
ALBERT
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF PRINCE
RUPERT
THE ORDER OF THE OBLATES OF MARY IMMACULATE IN THE
PROVINCE OF BRITISH COLUMBIA
THE MISSIONARY OBLATES OF MARY IMMACULATE GRANDIN
PROVINCE
LES OBLATS DE MARIE IMMACULEE DU MANITOBA or THE OBLATES
OF MARY IMMACULATE IN THE PROVINCE OF MANITOBA
LES PERES MONTFORTAINS (also known as THE COMPANY OF
MARY)
JESUIT FATHERS OF UPPER CANADA
THE MISSIONARY OBLATES OF MARY IMMACULATE PROVINCE OF
ST. JOSEPH
LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (also known as
LES
REVERENDS PERES OBLATS DE L'IMMACULEE CONCEPTION DE

MARIE)

THE OBLATES OF MARY IMMACULATE, ST. PETER'S PROVINCE
LES REVERENDS PERES OBLATS DE MARIE IMMACULEE DES
TERRITOIRES DU NORD OUEST
LES MISSIONAIRES OBLATS DE MARIE IMMACULEE (PROVINCE DU
CANADA EST)
THE SISTERS OF SAINT ANNE
THE SISTERS OF INSTRUCTION OF THE CHILD JESUS (also known as
THE SISTERS OF THE CHILD JESUS)
THE SISTERS OF CHARITY OF PROVIDENCE OF WESTERN CANADA
THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERT (also known
as THE SISTERS OF CHARITY (GREY NUNS) OF ST. ALBERTA)
THE SISTERS OF CHARITY (GREY NUNS) OF THE NORTHWEST
TERRITORIES
THE SISTERS OF CHARITY (GREY NUNS) OF MONTREAL (also known
as LES SOEURS DE LA CHARITE (SOEURS GRISES) DE L'HOPITAL
GENERAL DE MONTREAL)
THE GREY SISTERS NICOLET
THE GREY NUNS OF MANITOBA INC. (also known as
LES SOEURS GRISES DU MANITOBA INC.)
THE SISTERS OF ST. JOSEPH OF SAULT STE. MARIE
LES SOEURS DE SAINT-JOSEPH DE ST-HYACINTHE and
INSTITUT DES SOEURS DE SAINT-JOSEPH DE SAINT-HYACINTHE
LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE (also known
as
LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE)
DE NICOLET AND THE SISTERS OF ASSUMPTION
LES SOEURS DE L'ASSOMPTION DE LA SAINTE VIERGE DE
L'ALBERTA
THE DAUGHTERS OF THE HEART OF MARY (also known as LA
SOCIETE
DES FILLES DU COEUR DE MARIE and THE DAUGHTERS OF THE
IMMACULATE HEART OF MARY)
MISSIONARY OBLATE SISTERS OF SAINT-BONIFACE (also known as
MISSIONARY OBLATES OF THE SACRED HEART AND MARY
IMMACULATE, or LES MISSIONAIRES OBLATS DE SAINT-BONIFACE)
LES SOEURS DE LA CHARITE D'OTTAWA (SOEURS GRISES DE LA
CROIX) (also known as SISTERS OF CHARITY OF OTTAWA - GREY
NUNS OF THE CROSS)
SISTERS OF THE HOLY NAMES OF JESUS AND MARY (also known as
THE RELIGIOUS ORDER OF JESUS AND MARY and LES SOEURS DE

JESUS-MARIE)
THE SISTERS OF CHARITY OF ST. VINCENT DE PAUL OF HALIFAX
(also known as THE SISTERS OF CHARITY OF HALIFAX)
LES SOEURS DE NOTRE DAME AUXILIATRICE
LES SOEURS DE ST. FRANCOIS D'ASSISE
SISTERS OF THE PRESENTATION OF MARY (SOEURS DE
LA PRESENTATION DE MARIE)
THE BENEDICTINE SISTERS
INSTITUT DES SOEURS DU BON CONSEIL
IMPACT NORTH MINISTRIES
THE BAPTIST CHURCH IN CANADA

SCHEDULE “B”

Counsel	Party
William K.A. Emsli	The Roman Catholic Archiepiscopal Corporation of Winnipeg
Thomas M. Macdonald	The Sisters of Charity of St. Vincent de Paul of Halifax (also known as The Sisters of Charity of Halifax)
Brian T. Daly	The General Synod of the Anglican Church of Canada The Missionary Society of the Anglican Church of Canada The Synod of the Diocese of Algoma The Synod of the Diocese of Athabasca The Synod of the Diocese of Brandon The Synod of the Diocese of British Columbia The Synod of the Diocese of Calgary The Synod of the Diocese of Cariboo The Incorporated Synod of the Diocese of Huron The Synod of the Diocese of Keewatin The Diocese of Moosonee The Synod of the Diocese of Westminster The Synod of the Diocese of Qu'Appelle The Diocese of Saskatchewan The Synod of the Diocese of Yukon

<p>S. John Page</p>	<p>The Presbyterian Church in Canada</p> <p>The Trustee Board of the Presbyterian Church in Canada</p> <p>The Foreign Mission of the Presbyterian Church in Canada</p> <p>Board of Home Missions and Social Services of the Presbyterian Church in Canada</p> <p>The Women’s Missionary Society of the Presbyterian Church in Canada</p> <p>Les Pères Montfortains</p>
<p>Alex D. Pettingill</p>	<p>The United Church of Canada</p> <p>The Board of Home Missions of the United Church of Canada</p> <p>The Women’s Missionary Society of the United Church of Canada</p> <p>The Methodist Church of Canada</p> <p>The Missionary Society of the Methodist Church of Canada</p>
<p>Ronald F. Caza and Pierre Champagne</p>	<p>The Roman Catholic Episcopal Corporation of James Bay</p> <p>Les Soeurs de la Charité d’Ottawa</p> <p>The Missionary Oblates of Mary Immaculate – Province of St. Joseph (also known as Les Oeuvres Oblates de l’Ontario)</p> <p>Les Missionnaires Oblats de Marie Immaculée (Province du Canada-est)</p>
<p>Frank D. Corbett</p>	<p>The Roman Catholic Bishop of Victoria</p>
<p>Jim Ehmann</p>	<p>The Archiepiscopal Corporation of Regina</p> <p>The Roman Catholic Episcopal Corporation of Keewatin</p>

Guy Lemay	<p>Les Soeurs de Saint-Joseph de St.-Hyacinthe</p> <p>Soeurs de l'Assomption de la Sainte Vierge</p> <p>Soeurs de l'Assomption de la Sainte Vierge de l'Alberta</p> <p>Soeurs de Notre-Dame du Bon-Conseil de Chicoutimi</p> <p>Soeurs de Saint-François d'Assise</p> <p>Religieuses de Jésus Marie</p> <p>Soeurs Notre-Dame Auxiliatrice de Rouyn-Noranda</p>
Hugh Wright	The Roman Catholic Episcopal Corporation of Halifax
Mark R. Frederick	<p>The Daughters of the Heart of Mary</p> <p>Impact North Ministries</p> <p>The Roman Catholic Bishop of Thunder Bay</p>
Wally Zimmerman and Don McLean	Jesuit Fathers of Upper Canada
Peter D. Lauwers	The Roman Catholic Episcopal Corporation of the Diocese of Prince Rupert
Karen M. Trace	<p>La Corporation Episcopale Catholique Romaine de Grouard McLennan</p> <p>The Catholic Archdiocese of Edmonton</p> <p>Le Diocèse de Saint-Paul</p> <p>The Roman Catholic Episcopal Corporation of Mackenzie</p>
Noah Klar	The Sisters of Instruction of the Child Jesus (also known as the Sisters of the Child Jesus)

MEMORANDUM

To: Counsel

From: Regional Senior Justice Winkler

Subject: **Baxter et al. v. The Attorney General et al. –**
00-CV-192059CPA

Reasons Released: May 30, 2005

Date: June 2, 2005

Please find attached four revised pages to be replaced with that which was released in the above matter on May 30, 2005.

The revisions are as follows:

1) Revised cover page.

2) Amended Schedule B:

Page 2

- accent added to Charit"é"
- corrected spelling of Mission"n"aires
- corrected spelling from Auxiliatreice to Auxiliatrice

Page 3

- Corrected La Diocèse to Le de Saint-Paul

WKW/mr