

Federal Court



Cour fédérale

Date: 20231116

Dockets: T-402-19

T-141-20

T-1120-21

Citation: 2023 FC 1519

Ottawa, Ontario, November 16, 2023

PRESENT: The Honourable Madam Justice Aylen

CLASS PROCEEDING

Docket: T-402-19

BETWEEN:

**XAVIER MOUSHOOM, JEREMY
MEAWASIGE (BY HIS LITIGATION
GUARDIAN, JONAVON JOSEPH
MEAWASIGE) AND JONAVON JOSEPH
MEAWASIGE**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-141-20

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS, ASHLEY
DAWN LOUISE BACH, KAREN
OSACHOFF, MELISSA WALTERSON,
NOAH BUFFALO-JACKSON (BY HIS
LITIGATION GUARDIAN, CAROLYN**

**BUFFALO), CAROLYN BUFFALO AND
DICK EUGENE JACKSON ALSO KNOWN
AS RICHARD JACKSON**

Plaintiffs

and

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

Defendant

Docket: T-1120-21

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS AND
ZACHEUS JOSEPH TROUT**

Plaintiff

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

UPON MOTION of the Plaintiffs, in writing pursuant to Rule 369 of the *Federal Courts Rules*, for an order approving various appointments contemplated in the First Nations Child and Family Services Jordan's Principle and Trout Class Final Settlement Agreement dated April 19, 2023, as amended by way of Addendum dated October 10, 2023 [Final Settlement Agreement], which was approved by Order of this Court dated October 24, 2023, together with other relief;

CONSIDERING the notice of motion, the affidavit of Naomi Pamela Olivia Denning affirmed on November 8, 2023, the affidavit of Stuart Wuttke sworn November 8, 2023 and the Plaintiffs' written representations;

AND UPON being advised that the Defendant consents to the relief sought;

AND CONSIDERING that the Court is satisfied that a portion of the requested relief should be granted at this time and that the balance of the relief sought should be addressed by way of an oral hearing, now scheduled for November 20, 2023;

AND CONSIDERING that all defined terms in this Order shall have the same meaning as in the Final Settlement Agreement;

THIS COURT ORDERS that:

1. Derek Nepinak is hereby appointed as a Non-Counsel Settlement Implementation Committee Member for a three-year term commencing on the date of this Order.
2. Duke Peltier is hereby appointed as a Non-Counsel Settlement Implementation Committee Member for a five-year term commencing on the date of this Order.
3. David Sterns is hereby appointed as a Counsel Settlement Implementation Committee Member for a five-year term commencing on the date of this Order.
4. Robert Kugler is hereby appointed as a Counsel Settlement implementation Committee Member for a three-year term commencing on the date of this Order.
5. Stuart Wuttke is hereby appointed as a Counsel Settlement implementation Committee Member for a five-year term commencing on the date of this Order.

6. The authority of the Settlement Implementation Committee under the Final Settlement Agreement is hereby approved.
7. The Settlement Implementation Committee shall comply with its annual reporting obligations to the Court, the AFN Executive Committee and the public under Articles 12.03(m) and (n) of the Final Settlement Agreement.
8. The Parties are granted leave to apply to this Court for any further directions or any orders in respect of the implementation of the Final Settlement Agreement, in accordance with the ongoing supervisory role of the Court.
9. The summary report of Eckler Inc.'s recommendation to the Court regarding the initial investment of the Settlement Funds dated October 13, 2023 [Initial Investment Plan] is hereby designated as confidential, shall be treated as confidential by the Registry and shall not be available to anyone other than the parties and appropriate Court personnel.
10. There shall be no costs of this motion.

“Mandy Ayles”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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SOTOS LLP
Toronto, ON

KUGLER KANDESTIN
Montréal, QC

MILLER TITERLE + CO.
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NAHWEGAHBOW, CORBIERE
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FASKEN MARTINEAU
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Attorney General of Canada
Ottawa, ON

FOR THE PLAINTIFFS
XAVIER MOUSHOOM, JEREMY MEAWASIGE (BY
HIS LITIGATION GUARDIAN, JONAVON JOSEPH
MEAWASIGE), JONAVON JOSEPH MEAWASIGE,
AND ZACHEUS JOSEPH TROUT

FOR THE PLAINTIFFS
ASSEMBLY OF FIRST NATIONS, ASHLEY DAWN
LOUISE BACH, KAREN OSACHOFF, MELISSA
WALTERSON, NOAH BUFFALO-JACKSON BY HIS
LITIGATION GUARDIAN, CAROLYN BUFFALO,
CAROLYN BUFFALO, AND DICK EUGENE
JACKSON ALSO KNOWN AS RICHARD JACKSON
FOR THE DEFENDANT
THE ATTORNEY GENERAL OF CANADA