

Federal Court



Cour fédérale

Date: 20210610

Dockets: T-402-19
T-141-20

Citation: 2021 FC 581

Ottawa, Ontario, June 10, 2021

PRESENT: The Honourable Mr. Justice Phelan
Madam Justice St-Louis

Docket: T-402-19

PROPOSED CLASS PROCEEDING

BETWEEN:

**XAVIER MOUSHOOM and JEREMY MEAWASIGE
(by his litigation guardian, Maurina Beadle)**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-141-20

PROPOSED CLASS PROCEEDING

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS,
ASHLEY DAWN LOUISE BACH,
KAREN OSACHOFF, and MELISSA WALTERSON**

Plaintiffs

and

**HER MAJESTY THE QUEEN
AS REPRESENTED BY THE ATTORNEY GENERAL OF CANADA**

Defendant

ORDER

FURTHER TO NOTICE to the parties of the Court's intention to appoint an *amicus curiae* [Amicus] in these proceedings;

AND CONSIDERING that nothing in this Order shall be interpreted as reflecting adversely on counsel for any party;

THIS COURT ORDERS that:

1. Brian Gover of Stockwoods LLP, Toronto, is appointed as Amicus. The mandate of Amicus is to assist the Court in safeguarding the interests of class members throughout these proceedings, including but not limited to their consolidation and bifurcation into the Consolidated Proceeding (on behalf of, among others, the Jordan's Principle class members whose claims arose from December 12, 2007 onward) and the Separated Proceeding (on behalf of the Jordan's Principle class members whose claims arose from April 1, 1991 to December 11, 2007), given that the same counsel act for the plaintiffs in both proceedings. For greater certainty, this mandate
 - a) begins with assisting the Court in determining whether, coupled with uncontested certification of the Consolidated Proceeding and the parties' agreement to enter into mediation in relation to it, the bifurcation would place the plaintiffs' counsel in an actual or potential conflict of interest, such that bifurcation should be refused or other court intervention should be warranted; and
 - b) continues thereafter as the Court may require.

2. Without limiting the scope of the mandate described in paragraph 1, the Amicus is to provide such written and oral submissions on the matter as are in his opinion objective, appropriate and helpful to the Court.
3. The Amicus is neither counsel to the Court nor for any party or interested person. He may request such information from and otherwise communicate with the parties' counsel as is reasonable and appropriate.
4. The Amicus' normal fees and expenses are to be approved by the Court and are to be paid by the Defendant on the terms as approved.
5. The Court may expand, limit or terminate this mandate at any time by further order.

“Michael L. Phelan”

Judge

“Martine St-Louis”

Judge