

**2024 01G CP 0064**  
**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**  
**GENERAL DIVISION**

**BETWEEN:**

**INNU NATION INC., GREGORY RICH,  
MARIE MARTHA ANDREW, AND  
MAGDALINE BENUEN**

**PROPOSED REPRESENTATIVE  
PLAINTIFFS**

**AND:**

**ATTORNEY GENERAL OF CANADA**

**FIRST DEFENDANT**

**AND:**

**HIS MAJESTY THE KING IN RIGHT OF  
THE PROVINCE OF NEWFOUNDLAND  
AND LABRADOR**

**SECOND DEFENDANT**

Brought under the *Class Actions Act*, SNL 2001, c C-18.1

**AFFIDAVIT OF GEORGE RICH**

SUMMARY OF CURRENT DOCUMENT	
<b>Court File Number(s):</b>	2024 01G CP 0064
<b>Date of Filing Documents:</b>	
<b>Name of Filing Party or Person:</b>	Proposed Representative Plaintiffs
<b>Application to which Document being filed relates:</b>	Application pursuant to Rule 7A for Certification of Class Action
<b>Statement of purpose of filing:</b>	To Certify Class Action



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I, George Rich, of the Innu Community of Natuashish, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. I am a land rights negotiator for Innu Nation Inc. ("Innu Nation"), which is a Proposed Representative Plaintiff for the Innu Governments Class in this proposed class action. I swear this affidavit in my personal capacity and in my



capacity as a representative of Innu Nation. I have personal knowledge of the facts and matters stated herein, except those which are stated to be based on information and belief and where so stated I verily believe the same to be true.

2. This affidavit is sworn in support of the Proposed Representative Plaintiffs' motion for the certification of this proposed class action.
3. I have reviewed paragraphs 15 to 18 of Prote Poker's affidavit about Innu Nation, and I agree with and adopt the contents of those paragraphs.

#### **My Background and Experiences in School**

4. I was born in Nain in 1962. Throughout my childhood, I travelled with my parents throughout the northern regions of Labrador. In 1967, my family was relocated to the village of Davis Inlet. We maintained our traditional hunting lifestyle as best we could despite the pressures of settlement, and travelled frequently to Natuashish, where the Mushuau Innu were later relocated in 2003, and that is where I now live.
5. When I was 5 or 6 years old, I attended school in Davis Inlet, which I recall being called the Mushuau Innu School during the time I was there. I completed a grade 8 education there, and that was the end of my formal education.



6. I am a member of the Mushuau Innu First Nation, and have assumed leadership roles within my community and the Innu Nation, serving as Chief of Mushuau Innu First Nation during the approximate years of 1986 to 1987. Prior to being elected Chief, I was a Band Councillor for a few years. I also served as Vice President / Deputy Grand Chief of Innu Nation during the approximate years of 1990 to 1995. I have dedicated nearly three decades to advocating for Innu rights in land claims, healthcare, relocation, and other initiatives in the interests of the Innu people. My commitment to advancing the rights of the Innu has led me to participate in various forums across Canada and internationally, including engagements at the United Nations in Geneva and collaborations with advocacy organizations throughout Europe.
7. While attending school in Davis Inlet I suffered serious abuse and assaults at the hands of the teachers, priests, and nuns who worked there. I remember them being very angry, and they would often scream at me and the other students.
8. I recall sexual, physical, and emotional abuse happening to both male and female students at the school.
9. I may be willing to discuss further information about the abuse I experienced and witnessed if provided with the protection of a pseudonym or sealing order.



10. We were not allowed to speak Innu-aimun at school, except in certain classes where it was permitted, for example, when we were studying the bible in Innu-aimun. It was very difficult for me to read and understand English, as I had not learned it prior to attending school. I had a hard time understanding the teachers. Sometimes they would lock me in a small room as punishment for not understanding English. I witnessed this happening to other students too. To this day, I do not have a fluent grasp of my native language, which is related to what I experienced at school. Other people in my community have a difficult time understanding me when I speak Innu-aimun, and I often have to repeat myself. Before I attended school, I was able to speak Innu-aimun fluently.
11. As a child, I learned most of my traditional knowledge before I attended school, when I was travelling on the land in Labrador with my family. My father would also teach me about traditional Innu tools and how to craft them, such as snowshoes and sleds. The cultural knowledge that I and many others in my community have lost includes many of the Innu names of pre-colonized lands in Labrador, which hold great cultural significance as the Innu are land-based people.
12. We were not taught about Innu practices, traditions, or history in the schools in Innu communities, which we've referred to in this claim as Innu Day Schools. The forced assimilation of the Innu destroyed our culture, language, and traditions,



which resulted in the loss of our cultural and social identity for many Innu people. The separation of Innu from our culture weakened our sense of community, which contributes to intergenerational trauma and the prevalence of mental health issues, substance abuse, violence, and suicides throughout the Innu communities. The Innu Day Schools inflicted deep and lasting harm on Innu Nation and the Innu communities by undermining our culture, autonomy, sovereignty, and well-being.

13. I have spoken many times with other Innu leaders and community members about their experiences at the Innu Day Schools. These things are very hard to talk about, but it is important to acknowledge them. In the 1990s and 2000s, I helped a number of Innu people access a lawyer and provided translation where requested to help bring their cases of sexual abuse forward as individual civil actions, if they chose to do so. The cases at that time were limited to sexual abuse to my knowledge, because we were told that was all that we could bring forward. The defendants varied in those cases and the results varied as well. I do not have full information on the results of them.
14. Bringing those cases forward individually was very hard on us psychologically. It puts a lot of pressure on a person to bring forward an individual case. They are expected to go through an adversarial process about some of the most traumatic experiences of their lives. No supports are set up in the course of individual



proceedings and my people received no support before, during, or after the discovery process. My experience with individuals pursuing individual cases has taught me about how difficult that is, and I see many benefits to pursuing this case as a class action. Together, we are stronger and can work to minimize trauma and protect the most vulnerable class members.

### **My Involvement in This Action**

15. As a representative of Innu Nation, which is a Proposed Representative Plaintiff of the Innu Governments Class in this proposed class action, I am aware that Innu Nation has certain duties and responsibilities to the Court and to the Classes. I and other Innu Nation staff and leadership are aware of the responsibilities of acting as a Representative Plaintiff and are committed to meeting them. These responsibilities include, among other things:

- a. becoming familiar with the issues to be decided by the Court;
- b. reviewing the Statement of Claim and any amendments;
- c. assisting in the preparation and execution of this affidavit in support of the application for certification;
- d. if necessary, attending with counsel for cross-examination on my affidavit;
- e. if necessary, attending with counsel for an examination for discovery where I will be asked questions;
- f. if necessary, assisting in the preparation and execution of a list of documents;



- g. if necessary, attending with counsel at trial and giving evidence regarding this action;
- h. receiving briefings from class counsel;
- i. expressing my opinion to class counsel and to this Court if settlement positions are to be formulated;
- j. expressing my opinion to class counsel and to this Court if offers to settle are made; and
- k. assisting in the preparation and execution of an affidavit in support of this Court's approval of any settlement.

16. To date, Innu Nation has taken the following steps in this action:

- a. Innu Nation retained the law firms of Olthuis Kleer Townshend LLP and Budden & Associates to act as class counsel;
- b. As a representative of Innu Nation, I have met with class counsel to discuss this action;
- c. At the request of the Grand Chief of Innu Nation, I have agreed to act as a representative of Innu Nation to work with class counsel on this action;
- d. I am aware that Innu Nation provided information for the Statement of Claim with the court file number 2024 01G CP 0064;
- e. I reviewed the Statement of Claim; and
- f. I provided information for the drafting of this affidavit.



17. If Innu Nation is appointed as a Representative Plaintiff for the Innu Governments Class, I, as a representative of Innu Nation who has been assigned by Innu Nation to assist with this action, intend to work with the other Representative Plaintiffs to ensure the following steps are taken to represent the interests of the class members fairly and adequately:
- a. Interact with other class members, receive their input, and generally act as a conduit for information for class counsel, or ensure that Innu Nation otherwise does so;
  - b. Monitor the class counsel websites with respect to this Class Action, or ensure that Innu Nation otherwise does so; and
  - c. Instruct class counsel in keeping with my directions from Innu Nation, or ensure that Innu Nation otherwise does so.
18. I do not have any interest which is in conflict with the interests of any other class member. I believe that Innu Nation can fairly and adequately represent the interests of the class members if Innu Nation is appointed as a Representative Plaintiff for the Innu Governments Class, and I am committed to assisting Innu Nation in fulfilling those responsibilities.
19. I have no personal knowledge of the size of the Survivor Class. However, I understand from the affidavit of Gregory Rich that the size of the Survivor Class is approximately 2,000 people and I believe this to be true.



20. The Innu Governments Class is comprised of Innu Nation, Sheshatshiu Innu First Nation, and Mushuau Innu First Nation.
21. I am not aware of any other class or representative proceeding in this province or any other province relating to all or part of the class proposed to be certified. I am not aware of any fact important to the certification application that has not been disclosed in this Affidavit.
22. I swear this affidavit conscientiously believing it to be true and knowing that it is a criminal offence to falsely swear an affidavit.

**SWORN / AFFIRMED** by audio-video technology, with the affiant at Natuashish in the Province of Newfoundland and Labrador, and the commissioner at Toronto in the Province of Ontario, this 12<sup>th</sup> day of June, 2024, before me:



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LSNL: 1678

  

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GEORGE RICH