

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 MAGDALINE BENUEN

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

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AFFIDAVIT OF MAGDALINE BENUEN

I, Magdaline Benuen, of the Innu Community of Sheshatshiu, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. I am a Proposed Representative Plaintiff in this proposed class action. I have personal knowledge of the matters to which I depose in this affidavit, except where

stated to be on information and belief, in which case I disclose the source of my information, and I believe that such information is true.

2. This affidavit is sworn in support of the Proposed Representative Plaintiffs' motion for the certification of this proposed class action.

My Background and Experiences in School

3. I was born in Sheshatshiu on October 20, 1962. I grew up in Sheshatshiu and on the land until I was sent away to the Girls' Home in Pleasantville in 1977. I came back to Sheshatshiu in August 1978, and live there to this day. I have seven children. I am a member of Sheshatshiu Innu First Nation.
4. I have six sisters and four brothers. We all lived together with my parents, in tents when we were younger, and then in a three-bedroom house built for us by the government. I remember the house was freezing and did not have very good insulation. The tents we lived in before were warmer.
5. In 1968, a new school was opened in Sheshatshiu and it was called Peenamin McKenzie. I went there for kindergarten the year after it opened. I couldn't go the first year because there were not enough chairs for the kindergarteners. I was enrolled in the school from 1969 to about 1977, but towards the end I stopped

going because of how terribly I was treated in school by the teachers. I never felt comfortable in a school setting again.

6. My three older sisters went there before me, and they told me stories of Father Joseph Pirson. He was in charge of the school when they attended, and they said he would fist fight the boys and hit children as he walked by. I believed them, and still do. This scared me and made me not want to go to Peenamin McKenzie. I expected to be treated the same as they were, and I was.
7. It took me a long time to understand what happened to me in school. I was treated very badly at school by the teachers and principal and the adults that ran the school. At first I thought they must have been doing it for good reason, that maybe I deserved their punishments, or that maybe they thought it was funny. I didn't understand how mean and abusive it was and how it was affecting me. In school, other children and I would get punished for the simplest things, like turning to look around if someone knocked on the door. I was always in trouble, always made to sit in the back row and often had to stand in the corner and stare at the wall.
8. I can remember another example of how cruel the punishments often were. At school, we did not wear uniforms, we were in our own clothes. Most of the clothes we owned were given to us by the church. I had this one sweater I loved so much

with bright colours, blue, red, and orange. I wore it all the time and it was very dirty. I was wearing it one day at school when we were making playdough with dye. The dye got on my sweater and when the teacher saw he got upset and cut the sleeves off of my sweater. I was devastated.

9. One day during class I got in trouble with Mr. Gerry Fisher, one of the teachers. For punishment he brought me down to the basement of the school and left me alone in an empty room. I sat down there for maybe 30 minutes. It was cold and dark. Above me, I could hear the footsteps of people leaving. After a while there were no more footsteps. I snuck upstairs and everyone was gone, there were no cars in the parking lot. Mr. Gerry Fisher left me down there. If I hadn't snuck up on my own, I could have been stuck there all night. Mr. Gerry Fisher was waiting for me by my homeroom the next morning, but never acknowledged what he did.
10. Another time, I was getting in trouble and one of the teachers, Mr. Arch Hanrahan tried to grab me and hang me upside down. I was hiding under a desk to stay away from him. He was grabbing my legs and pulling me and I was holding on to my pants and to the leg of the desk. I broke loose and ran away.
11. In grade 7, my homeroom teacher was Mr. Thorne. One day, I was sitting in the back row. He had handed out worksheets and I was not completing the work on the front side. Instead I was drawing a picture on the back of the paper. I drew a

picture of the land outside, what we call Nutshimit. My picture had the mountains and a tent. When Mr. Thorne saw what I was doing he crumpled it up and tried to make me eat the paper. He kept trying to shove it in my mouth. I kept my mouth closed tightly. I was trying not to make noise because I didn't want the other students to see because I was embarrassed.

12. I was not the only one who was abused in school. I witnessed my classmates being abused in similar ways. I often got in trouble for not listening or for standing up for other classmates. I would always say something or stand up and fight back if the teacher or principal was bullying the other students. I believe that because of this, the teachers and principal targeted me and used me to set an example of what happens if you try to stand up to them.
13. I never told my parents about what was happening at school because I thought they would not have believed me. The principal and the teachers were seen as trustworthy and official. My parents and other Innu adults were afraid to go against them.
14. Some mornings my brothers and sisters and I didn't want to go to school so we would stay under the covers on the floor where we slept. A person from the school would come into our house, and into our bedroom and pull the covers off us. I remember being grabbed and forced out of the house to go to school. Sometimes

it was one person, and sometimes it was two. One of the people from the school's name was Bernie Broomfield. Our parents didn't say or do anything because I think they were afraid of people from the school.

15. The abuse we experienced in school was not just physical and mental. It was also related to who we are as Innu. We were kept away from our land and way of life by being forced to spend time in school year-round. We were not taught about Innu culture at school. We were taught in the English language, and our studies focused on Western values and beliefs. We were taught that Innu ways were bad and wrong. This created a lot of shame for me about my culture and identity. In 1975, the high schools started to teach some basic Innu language in one class only. I had one year of that experience before being sent away. I also was not taught to write in Innu-aimun.
16. The negativity and abuse I experienced in school affected my life. It drove me to drop out of school, and my efforts to stand up against abuse gave me a reputation as a troublemaker. Before long I was sent to the Girls' Home in Pleasantville, which was supposed to be for teens who were misbehaving. That place is now the subject of a class action settlement related to abuse, court file number 2017 01G 2568. I do not think I would have ended up there if I had not been mistreated in school.

17. These experiences were deeply traumatizing and affected my adult life in many ways that are hard to describe. I suffered other abuse related to school that had an impact on me, which I may be willing to share with the protection of a pseudonym or sealing order.
18. The effects of the abuse I suffered stayed with me in other ways as well that are more subtle. Because of the size and remoteness of my community, there is only one elementary school. When the time came for my own children to go to school, Peenamin McKenzie was still the elementary school in Sheshatshiu. I had to face the choice of denying them an education or risking that they might face similar abuse to what I suffered. It was re-traumatizing for me to have my children at that school. I was terrified for them, that they would experience some of the same things that I, my classmates, and my siblings experienced.
19. The things the teachers said to me, and the way they treated me, made me believe for years that I was bad and a troublemaker. It has taken me a long time to realize I was simply fighting against injustices and standing up for people. Now I understand that. Fighting injustices and standing up for my people is one of the reasons I decided to be a Representative Plaintiff in this action.

My Involvement in This Action

20. As a Proposed Representative Plaintiff in this proposed class action, I am aware that I have certain duties and responsibilities to the Court and to the Classes. I am aware of the responsibilities of acting as a Representative Plaintiff and am 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.

21. To date, I have taken the following steps in this action:
 - a. Along with the other Proposed Representative Plaintiffs, I have retained the law firms of Olthuis Kleer Townshend LLP and Budden & Associates to act as class counsel;
 - b. As a Proposed Representative Plaintiff, I have met with class counsel to discuss this action;
 - c. I have agreed to act as a Representative Plaintiff and to work with class counsel on this action;
 - d. I have provided information to assist with the preparation of 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.

22. If I am appointed as a Representative Plaintiff, I 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;
 - b. Monitor the class counsel websites with respect to this Class Action; and
 - c. Instruct class counsel in keeping with my obligations as a Representative

Plaintiff.

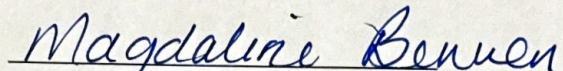
23. I do not have any interest which is in conflict with the interests of any other class member.
24. I believe that I can fairly and adequately represent the interests of the class members if I am appointed as a Representative Plaintiff, and I am committed to assisting other class members in fulfilling those responsibilities.
25. 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.
26. The Innu Governments Class is comprised of Innu Nation, Sheshatshiu Innu First Nation, and Mushuau Innu First Nation.
27. 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.

28. 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-visual technology, with the affiant at Happy Valley Goose Bay, in the Province of Newfoundland and Labrador, this 24th day of June, 2024, before me:



NANCY JONES LSO#84082V
Barrister



MAGDALINE BENUEN