

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 MARIE MARTHA ANDREW

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 MARIE MARTHA ANDREW

I, Marie Martha Andrew, 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 on October 15, 1960, in Sheshatshiu, and I have lived there all my life aside from times when I was younger and would live on the land in Labrador with my family. I am a member of Sheshatshiu Innu First Nation.
4. I went to school in Sheshatshiu from about 1965 until about 1975. I stopped going to school after grade ten because that was the highest grade offered in Sheshatshiu. Peenamin McKenzie School was built in 1968 and I attended school there. Before that, I went to a school they used to call Parish Hall. It was located in a building beside the Our Lady of the Snows Church in Sheshatshiu.
5. Parish Hall was run by a priest named Father Joseph Pirson. He was very abusive towards me and the other children. He used to hit us and abuse us in other ways.

6. I remember seeing him abuse other children. I found that very hard to watch. I remember being scared and feeling paralysed from the fear. I remember seeing his face turn very red when he was angry, and I knew something bad was coming.
7. Peenamin McKenzie School was the same. The teachers hit me and the other students and abused us. For example, they would strap us as a punishment.
8. I remember one time, I think I was in grade 4 maybe, I had to use the washroom, but the teacher wouldn't let me go. The teacher had a yardstick, and I knew the teacher would hit me with it if I went to the bathroom. I started to pee in my pants. It was so embarrassing, I felt so ashamed of myself.
9. The teachers and priests had a lot of power over the community and our families. If we didn't go to school, our family could lose the income they got from the government known as family allowance. They used pressure and threats against our families. The teachers and priests forced us to come to school and endure this violence and abuse.
10. These schools also cut us off from our culture and made us feel ashamed of who we are as Innu. We were prevented from going into the country (which we call Nutshimit) because of our requirement to attend school. We were not taught about Innu culture at school. We were taught in the English language in school, and our

studies focused on Western values and beliefs. We were taught that Innu culture and beliefs were wrong. This created a lot of shame for me about my culture and identity. In 1975, the school started to teach some basic Innu language in one class only, but this did not make up for the damage that had been done. I did not attend any Innu language classes, because I had finished grade 10, and was no longer in school when they started teaching the language.

11. It is difficult to think about my time at school. I think I have blocked a lot of it out. It was a very traumatizing experience for me and has caused me a lot of pain over the years. There are aspects of the abuse that I am not willing to talk about publicly at this time. I have described what I am able to discuss while respecting my own needs for healing and recovery. I may be willing to share more details with the protection of a pseudonym or sealing order.

My Involvement in This Action

12. 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.

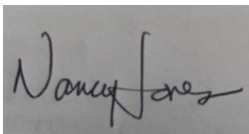
13. To date, I have taken the following steps in this action:

- 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;

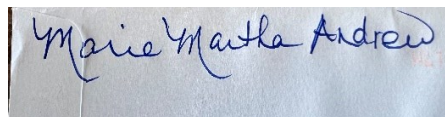
- c. I have agreed to act as a Representative Plaintiff and to work with class counsel on this action;
 - d. I have provided information to assist with the preparation of the Statement of Claim with the court file number 2024 01G CP 0064;
 - e. I reviewed the Statement of Claim; and
 - f. I provided information for the drafting of this affidavit.
14. 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.
15. I do not have any interest which is in conflict with the interests of any other class member.
16. 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.

17. 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.
18. The Innu Governments Class is comprised of Innu Nation, Sheshatshiu Innu First Nation, and Mushuau Innu First Nation.
18. I am not aware of any other class or representative proceeding in this province or am not aware of any fact important to the certification application that has not been disclosed in this affidavit.
19. I swear this affidavit conscientiously believing it to be true and knowing that it is a criminal offence to falsely swear an affidavit.

AFFIRMED remotely via audio-visual technology in accordance with the *Commissioners for Oaths Act R.S.N.L. 1990 c. C-25* and *NL Reg 98/23*, with the affiant at Sheshatshiu in the Province of Newfoundland and Labrador, and the commissioner at Toronto in the Province of Ontario, this 2nd day of July, 2024, before me:



NANCY JONES LSO# 84082V
Barrister



MARIE MARTHA ANDREW