

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 PROTE POKER

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 PROTE POKER

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

1. I am an advisor for the 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.

My Background and Experiences in School

3. I was born in 1962 and I grew up in Davis Inlet, where my family was forced to settle in 1967 when I was five years old. Prior to settling, my family was actively involved in traditional Innu practices such as hunting, fishing, and spending long periods travelling the lands of Labrador. I still participate in land-based cultural activities but not to the same extent as occurred prior to settlement.
4. I attended school in Davis Inlet, which I believe was called Mushuau Innu School during approximately the late 1960s through the 1970s. I completed my grade 8 education there. The curriculum only extended up to that level. Thereafter, I attended Regina High School in Corner Brook. I did not finish grade 9.
5. I am a member of the Mushuau Innu First Nation. From 1997-1998 and then again from 2007-2010, I served as Chief of Mushuau Innu First Nation. Currently, I serve as an advisor for Innu Nation, advising on many different issues such as land

claims and negotiations with the Federal and Provincial governments. I have worked with the Innu Nation and Mushuau Innu First Nation for approximately 42 years in various capacities, including bookkeeping and addictions counselling.

6. While attending school in Davis Inlet I suffered abuse related to the school, which I may be willing to discuss further with the protection of a pseudonym or sealing order. I remember the fear I felt at school.
7. I also witnessed violent abuse of all kinds of other children at the school. I often wonder what my life would have been like if the abuse and mistreatment did not happen to me and those around me. I, like many others in my community, tried to numb the pain and trauma with drugs and alcohol. I have now been sober for over 30 years.
8. My father, who also attended a day school in the early days of schooling in Old Davis Inlet, told me many stories about his experiences in school. He was brutally hit in the head by a priest with a gun barrel. My father never went back to school after this. I witnessed the effect this had on him and on my family. He drank heavily to cope with the trauma, and was angry and abusive towards my mother. I see this cycle of abuse often in my community. This cycle of trauma, addictions, and further abuse stems in large part from the abuse we suffered in the community schools, which we've referred to in the claim as Innu Day Schools.

9. We were not taught about Innu culture at school. Much of my and other Innu people's knowledge of Innu practices, history, and traditions was learned from family and Elders in my community. Sometimes we had to do that learning in secret, as it was prohibited by the priests, nuns, and other non-Innu affiliated with the school, who had enormous power in our community. We were taught in the English language in school, and our curriculum focused on Western values and beliefs. We were taught to fear God and hell. We were taught that our culture and beliefs were evil and wrong, and that we would go to hell if we practiced our ways. As a result, the Innu have experienced, and many continue to experience, a systemic loss of our culture, feelings of shame about our culture and ourselves, and a disconnection from our Innu culture and identity.
10. I recall receiving those messages myself, in many ways. For example, I recall a poster on the wall in a classroom in the school that depicted hell and showed brown-skinned people going to hell, who appeared to be Innu or other First Nations people. The poster showed white people rising to heaven. That is just one example. Many other teachings at the school were designed to show that our culture, beliefs, and way of life were inferior and that white/Western/Christian culture was superior.

11. As a result of the rampant abuse in the Innu Day Schools, including physical, sexual, emotional, and spiritual/cultural abuse, many Innu children missed a lot of school, or dropped out altogether. Many Innu people are poorly educated. Personally, I dropped out without completing grade 9. I was struggling with the trauma from the abuse I went through at school in Davis Inlet. I was also struggling in a foreign culture, language, and location because high school was not offered in my home community.
12. Further, we were mostly taught verbally in the Innu Day Schools, and this increases our difficulty with writing in English. This makes formal communication very difficult for many Innu who attended Innu Day Schools, and Innu Nation often hires consultants to help. Despite all we went through, we did not learn much.
13. There are many people who refuse to acknowledge that the horrors of the Innu Day Schools happened, especially sexual abuse. Many kids cried out for help, but no one would listen. The fear the priests and school authorities instilled among adults in our community left children alone and vulnerable, without help.
14. This case is important for me and other Innu who were forced to attend the day schools, from both communities. It is a chance for our stories to be heard. For

justice and for healing, it is important to ensure that what Innu went through is finally recognized.

Innu Nation

15. Innu Nation is a not-for-profit corporation formed to organize and unite the Innu of Labrador, act on their behalf, and represent the rights and interests of the Innu of Labrador. Innu Nation functions as the governing body of the Innu of Labrador. It is authorized to, among other things, protect, promote, and advance the legal, constitutional, and Aboriginal rights of the Innu of Labrador. It is incorporated under the laws of Newfoundland and Labrador.
16. Innu Nation's role includes, for example, representing the Innu of Labrador as a collective in land claim and self-government negotiations with Canada and the province of Newfoundland and Labrador, and in litigation and other negotiations respecting the rights of the Innu of Labrador.
17. The Innu of Labrador are a people with a population of approximately 3,500. We live primarily in two communities: Natuashish, the Indian reserve for Mushuau Innu First Nation, and Sheshatshiu, the Indian reserve for Sheshatshiu Innu First Nation. These two First Nations collectively comprise the "Innu of Labrador". These First Nations have had capacity of Bands under the *Indian Act*, RSC 1985, c I-5 since 2002, but their existence as Innu government organizations pre-dates 2002

and goes back many generations. The Innu are an Aboriginal people under s. 35 of the *Constitution Act, 1982*, and an Indigenous people under the United Nations Declaration on the Rights of Indigenous Peoples.

18. In addition to the Innu Nation, Mushuau Innu First Nation and Sheshatshiu Innu First Nation each have their own governance structure including elected Chief and Council. The Chief of each First Nation sits on the Innu Nation's board of directors. The three governments often work in collaboration with one another. Together, Innu Nation, Mushuau Innu First Nation, and Sheshatshiu Innu First Nation make up the Innu Governments Class.

My Involvement in This Action

19. 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 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.

20. 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 has 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.

21. 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.
22. I do not have any interest which is in conflict with the interests of any other class member.
23. 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.

24. 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.
25. 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.
26. I swear this affidavit conscientiously believing it to be true and knowing that it is a criminal offence to falsely swear an affidavit.

SWORN TO at Toronto, in the
Province of ONTARIO, this
27 day of JUNE, 2024,
before me:


SARAH GLICKMAN
LPO # 82707D



PROTE POKER