

SEAL  
02-Mar-23

Vancouver  
REGISTRY



NO. S225194  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

JAKE PHILLIP LOPEZ SMITH and RACHELLE LYNN DESCHAMPS

PLAINTIFFS

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA and ATTORNEY GENERAL

DEFENDANTS

Brought pursuant to the Class Proceedings Act, RSBC 1996, c 50

**ORDER MADE AFTER CASE PLANNING CONFERENCE**

BEFORE THE HONOURABLE ) TUESDAY THE 7TH DAY  
JUSTICE WILKINSON ) OF FEBRUARY, 2023

ON THE APPLICATION of the Plaintiffs coming on for hearing at Vancouver, B.C. on 7/FEB/2023 and on hearing Angela Bessflug, Caitlin Ohama-Darcus, and Allison Sproule, counsel for the Plaintiffs; Cherisse Friesen, Luciana Brasil, Graham Rudyk, and Shaun Ramdin, counsel for the Defendant His Majesty the King in Right of the Province of British Columbia (the "Province"); and Catharine Moore, Travis Henderson, Stephanie Dion, and Heather Thompson, counsel for the Defendant Attorney General of Canada ("Canada");


AND UPON THIS COURT BEING ADVISED that the law firms of Gowling WLG (Canada) LLP, Murphy Battista LLP, Sotos LLP, Miller Titerle Law Corporation, and Cochrane Saxberg LLP (collectively, the "Consortium") are working together in the prosecution of the claims advanced in this action, as well as the claims advanced in *Neal et al v Attorney General of Canada et al*, British Columbia Supreme Court Action No. S-224088, Vancouver Registry (the "*Neal Action*");


AND UPON THIS COURT FURTHER BEING ADVISED that the Province consents to the orders being sought and that Canada takes no position on the orders being sought;

THIS COURT ORDERS that:

1. The law firms of Gowling WLG (Canada) LLP, Murphy Battista LLP, Sotos LLP, Miller Titerle Law Corporation, and Cochrane Saxberg LLP (collectively, the "Consortium") are jointly granted carriage in British Columbia of the claims advanced in this proposed national class action proceeding (the "*Smith Action*") and in the *Neal Action*;
2. Other than the *Neal Action*, and the *Smith Action*, which may be the subject of a consolidation application and order in the future, no action similar in substance or raising similar claims relating to the funding and delivery of child and family programs and services for Indigenous children who reside off-reserve in British Columbia shall be issued or continued without leave of this Honourable Court, on notice to the Consortium and the parties in the *Neal Action* and the *Smith Action*; and
3. Within seven days of this order, members of the Consortium will provide a copy of this Order to the Canadian Bar Association National Class Action Registry (the "Registry").


THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

  
\_\_\_\_\_  
Lawyer for the Plaintiffs,  
Allison Sproule

  
\_\_\_\_\_  
Lawyer for the Defendant, the Province  
J. Cherisse Friesen

Digitally signed by  
Wilkinson, J  
**BY THE COURT**  
Digitally signed by  
Leung, Winnie  
\_\_\_\_\_  
**REGISTRAR**

THE FOLLOWING PARTY TAKES NO POSITION ON THIS ORDER:

  
\_\_\_\_\_  
Lawyer for the Defendant, Canada  
Stéphanie Dion for: **Catharine Moore**