

ÎLE-À-LA-CROSSE RESIDENTIAL SCHOOL CLASS ACTION FAQ

How does a class action work?

A class action is a type of lawsuit for a group of people who all have similar legal claims. Instead of each person filing a separate lawsuit, all of the common questions are decided together in one action for the whole group. The group is called a “class,” and each member of the group is called a “class member”.

For a lawsuit to become a class action, a judge must decide that the best way to decide all the issues that are the same or similar for the class members is to proceed with one lawsuit for the benefit of all the class members. This is called “certification”. At the certification hearing, the judge will decide whether the class members’ legal claims are similar enough to be decided together, and what issues the trial judge can decide for everyone. The judge does not decide who will win or lose at this hearing – that comes later.

If a lawsuit is certified as a class action, the judge will appoint representative plaintiffs. These are class members who represent the whole group, and are the people whose names appear on the statement of claim. They are actively involved in the class action. They provide the instructions to the lawyers, and their experiences are used as examples to help the judge understand the case.

Once a lawsuit is certified as a class action, then the opposite parties exchange documents that are relevant to the claim, and they conduct examinations. Once those examinations are done, the parties will prepare for trial. At any time, the two sides can also agree to settle the lawsuit.

What is this class action lawsuit about?

This is a proposed class action lawsuit about the harms and abuses suffered by students (“Survivors”) at the Île-à-la-Crosse residential school (the “School”) in Saskatchewan. The School was staffed by the Roman Catholic Mission, so it was sometimes called the “Île-à-la-Crosse Mission school” or the “Île-à-la-Crosse boarding school”. The School closed in 1976.

The plaintiffs in this lawsuit are suing the Government of Canada and the Government of Saskatchewan for the roles that they played in the operations of the Île-à-la-Crosse School, and for breaching their legal duties to care that they owed to the Survivors.

This lawsuit seeks compensation for the harms endured by the Survivors caused by attending the School. These harms include, but are not limited to: physical and psychological injuries, loss of ability to work, subsequent development of addiction or other mental health issues, and loss of Indigenous language, culture, spirituality and identity. The lawsuit also seeks compensation for the Survivors’ close family members, who suffered intergenerational harm from the Survivors’ school experiences.

Who is included in this class action lawsuit?

This lawsuit is brought on behalf of all persons who attended as students or for educational purposes at the Île-à-la-Crosse residential school at any time (the “Survivor Class Members”). All Student Survivors are included, whether or not they lived at the School or attended the School during the day, and slept somewhere else. The class includes all people who are considered “aboriginal people of Canada” (including First Nations, non-status, Métis and Inuit people).

This lawsuit also includes claims on behalf of close family members of Survivor Class Members (any spouse, parent, child, grandchild, or sibling), and surviving spouses of deceased Survivor Class Members (the “Family Class Members”).

Four of the plaintiffs (Louis Gardiner, Margaret Aubichon, Melvina Aubichon and Emile Janvier) are Survivor Class Members. Two of the plaintiffs (Duane Favel and Donna Janvier) are Family Class Members. This lawsuit is called the “Gardiner Action” because Louis Gardiner is the first named plaintiff in the official title of the lawsuit.

Why was this class action lawsuit started? What about the other class action lawsuit (*Chartier v. Canada*) previously started by the Merchant Law Group?

Back in 2005, the Merchant Law Group started a proposed class action on behalf of Île-à-la-Crosse School Survivors. For some 17 years, the Merchant lawsuit did not move forward. That lawsuit has not even been certified as a class action. Many Survivors died since that action was started.

Because of the delay and lack of action from Merchant, and because it is so important to obtain justice for Survivors before more pass away, Waddell Phillips P.C. was hired to start the Gardiner Action. The Île-à-la-Crosse Boarding School Steering Committee (a Survivor-led group which is dedicated to advocating for Survivors of the Île-à-la-Crosse School) and the Métis Nation of Saskatchewan are working with the named plaintiffs in the Gardiner Action to help with the prosecution of the claim.

Almost all of the surviving plaintiffs from the Merchant lawsuit fired Merchant Law Group and hired Waddell Phillips. These former Merchant clients all support the new Gardiner Action, and want it to go forward as the only class action for the Île-à-la-Crosse School Survivors.

In 2025, Merchant’s Chartier Action was joined with the Gardiner Action, so there is now only one action that is proceeding in the courts.

The lead lawyer at Waddell Phillips joined Sotos LLP and now Sotos LLP and Goldblatt Partners are the lawyers acting for the Class, along with the Merchant firm in a supporting role.

What about the other residential school class actions? Didn’t they already say that Île-à-la-Crosse wasn’t included?

You may know about other residential or day school class action settlements, like the Indian Residential Schools Settlement Agreement (the “IRSSA”), Day Schools (*McLean*), or Day Scholars (*Gottfriedson*). The Île-à-la-Crosse School was not included in any of those settlements, but that doesn’t mean that the Survivors’ claims aren’t legally valid. Those settlements have no legal impact on whether this case will succeed or not.

After the IRSSA was signed in 2006, requests could be made to add schools to the school list. The request to add the Île-à-la-Crosse School was denied, because Canada said that the School was run by the Mission, and not by the federal government, and it was not an “Indian” residential school. That decision isn’t legally binding for this case, and it doesn’t have any legal impact on whether this case will succeed or not. The *Daniels* Supreme Court decision that confirmed that Métis people are aboriginal people to whom the Federal Government owed a fiduciary duty was not decided until a decade after IRSSA was signed, in 2016.

Do I need to do anything to join the class action lawsuit?

No, you do not have to do anything if you are a Survivor Class Member or Family Class Member who wants to be part of the lawsuit. Anyone who meets the class definition will be automatically included in the class action if it is certified. You do not need to “sign up” for a class action.

However, Class Counsel would like to hear from you, so that we can add you to our list of known class members.

In Saskatchewan, once a class action is certified, anyone who fits the class definition is automatically part of the class action lawsuit and they are bound by the outcome, unless they choose to exclude themselves by “opting out” of the class action after certification.

If the lawsuit is certified as a class action, a notice will be published, explaining what happens next, and how to opt out of the lawsuit for anybody who wants to be excluded from the litigation.

If you have any documents that prove that you or a close family member went to the Île-à-la-Crosse School, then please put them in a safe place. Those documents will be needed to help show that you, or members of your family or community are a class member, because the School’s records are incomplete. The documents might be things such as photographs, letters, school records or other school documents, or anything else that would show that you or other people went to the School.

Do I need to pay money to participate in the class action lawsuit? How are the lawyers being paid?

No class member will ever need to pay any money to be part of the class action lawsuit. Class Counsel have been paid by the Métis Nation of Saskatchewan at a reduced hourly rate, and Canada and Saskatchewan will be paying their fees as part of the settlements that have been reached. Class Counsel will never ask the class members to pay any of the expenses that the firm incurs to run the case, nor will it ask the class members to pay its legal fees or court costs out of their own pockets.

Settlements in the lawsuit have been negotiated that will result in compensation for class members. The lawyers have negotiated an amount of money to be paid by Saskatchewan and by Canada for legal fees (this is called a “contingency fee).

What is the current status of the Gardiner class action lawsuit?

The action is ready to be certified on consent as a class action for the purpose of facilitating settlements that have been reached with both Canada and Saskatchewan.

The certification and settlement approval applications will be heard on March 30 and 31, 2026.

What are the terms of the Settlements?

Two separate settlements have been negotiated. One with Canada and one with Saskatchewan.

Under the settlement with Canada, each Survivor Student or their Estate will be paid an “Experience Payment” of up to \$10,000 if they attended the School for 4 years or less. For those

Survivors who attended the School for 5 years or more, they or their Estate will be paid up to \$15,000.

In addition, Canada is paying \$10 million for a Legacy Fund which will pay for projects that support healing, language, culture, education, and commemoration.

Under the Saskatchewan settlement, Saskatchewan is paying an all-inclusive amount of \$40.2 million. After deduction of legal fees, the balance will be used first to pay Survivors who suffered serious physical or sexual injuries. If any amount remains available after those payments are made, then the balance will be paid to Survivors who lived in residence at the School as an additional “Experience” compensation payment.

Details about the settlements can be found in the Notices which will be posted in the Document Section, once approved by the Court.