

**2007 01 T 4955 CP
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)**

BETWEEN: Carol Anderson, Allen Webber and Joyce Webber PLAINTIFFS
AND: The Attorney General of Canada DEFENDANT
AND: Her Majesty in Right of Newfoundland and Labrador THIRD PARTY
AND: The International Grenfell Association SECOND THIRD PARTY

2008 01 T.0845 CP

BETWEEN: Sarah Asivak and James Asivak PLAINTIFFS
AND: The Attorney General of Canada DEFENDANT
AND: Her Majesty in Right of Newfoundland and Labrador THIRD PARTY
AND: The Moravian Church in Newfoundland and Labrador SECOND THIRD PARTY
AND: The Moravian Union (Incorporated) THIRD THIRD PARTY

2008 01 T 0844 CP

BETWEEN: Rosina Holwell and Rex Holwell PLAINTIFFS
AND: The Attorney General of Canada DEFENDANT
AND: Her Majesty in Right of Newfoundland and Labrador THIRD PARTY
AND: The International Grenfell Association SECOND THIRD PARTY

2008 01 T 0846 CP

BETWEEN: Edgar Lucy and Dominic Dickman PLAINTIFFS
AND: The Attorney General of Canada DEFENDANT
AND: Her Majesty in Right of Newfoundland and Labrador THIRD PARTY
AND: The Moravian Church in Newfoundland and Labrador SECOND THIRD PARTY
AND: The Moravian Union (Incorporated) THIRD THIRD PARTY

2007 01 T 5423 CP

BETWEEN: Tony Obed, William Adams and Martha Blake PLAINTIFFS
AND: The Attorney General of Canada DEFENDANT
AND: Her Majesty in Right of Newfoundland and Labrador THIRD PARTY
AND: The International Grenfell Association SECOND THIRD PARTY

AFFIDAVIT ON BEHALF OF HER MAJESTY IN RIGHT OF NEWFOUNDLAND AND LABRADOR

**AFFIDAVIT ON BEHALF OF HER MAJESTY IN RIGHT
OF NEWFOUNDLAND AND LABRADOR**

I, M. Gerard Quigley, of the city of St. John's, in the Province of Newfoundland and Labrador, solicitor,
MAKE OATH AND SAY AS FOLLOWS THAT:

01 I am a solicitor with the Department of Justice of Newfoundland and Labrador (Civil Division),
1st 3rd Party in this consolidated class action, and as such have personal knowledge of the matters
to which I hereinafter depose, unless stated otherwise.

02 The Plaintiffs have brought a claim against the Defendant, the Attorney General of Canada
(Canada). The Plaintiffs' Amended Statement of Claim was filed on April 18,
2012.

03 Canada's Defence was filed on November 21, 2012

04 Certification of the Plaintiffs' class action was by order of the Honourable Justice Fowler dated
June 10, 2010.

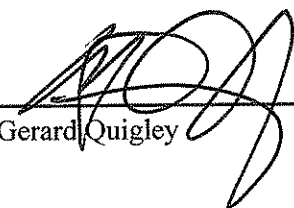
05 Justice Fowler's decision to certify the Plaintiffs' proposed class action was appealed by Canada,
and on December 21, 2011, the Appeal Court of Newfoundland and Labrador decision upheld the
certification order.

- 06 On March 27, 2012 a litigation timetable was established by the Parties and approved by order of the Honourable Justice Butler.
- 07 Newfoundland and Labrador (the Province) first became involved in this matter when, on July 25 and 26, 2012, Canada brought a motion under Rule 7.04(2)(b) of the *Rules of the Supreme Court*, 1986, seeking to add the Moravian Church in Newfoundland and Labrador, the International Grenfell Association, the Western School Board, the Labrador District School Board and Her Majesty in Right of Newfoundland and Labrador as Defendants in the consolidated class action.
- 08 Canada's Rule 7.04(2)(b) application was dismissed on October 17, 2012.
- 09 On November 21, 2012, Canada issued a 3rd Party claim against the Province, alleging it was the Province that created and ran the schools, and seeking contribution and indemnity for any liability arising from the Plaintiffs' claim.
- 10 The Province's 3rd Party Defence was filed on February 1, 2013.
- 11 The Province filed 3rd Party Claims against the Moravian Church in Newfoundland and Labrador and the International Grenfell Association on February 1st, 2013, and its Amended 3rd Party Claims were issued by the Court on April 15th, 2013. Amended 3rd Party Claims name the Moravian Church in Newfoundland and Labrador, the Moravian Union (Incorporated) and the International Grenfell Association. Service abroad was required for the Moravian Union (Incorporated), which is located in London, England.

12 The Province is currently compiling its List of Documents, and five client departments have been instructed to conduct a search for relevant records. Document retrieval was requested of the Department of Education, and the Intergovernmental and Aboriginal Affairs Secretariat on February 21, 2013. The search was expanded on March 19, 2013 with additional requests to the Western District School Board, the Labrador School Board and the Provincial Archives at The Rooms. These searches were expected to be completed by April 15, 2013, to facilitate an April 30, 2013 filing by the Province of its List of Documents. As of today's date, none of the departments have been able to complete their search. Despite best efforts, it appears that the Province will be unable to have its List of Documents ready by April 30, 2013.

13 When the List of Document is complete the Province will begin its review of the record to determine if it will require the testimony of expert witnesses.

14 I make this affidavit on behalf of the Her Majesty in Right of Newfoundland and Labrador, being the 1st 3rd Party in this matter.


M. Gerard Quigley

SWORN BEFORE ME at the
City of St. John's,
in the Province of Newfoundland and Labrador
on April ~~24~~ 2013


Barrister at Law