

Federal Court



Cour fédérale

**Date: 20240207**

**Docket: T-2169-16**

**Ottawa, Ontario, February 7, 2024**

**PRESENT: Mr. Justice Sébastien Grammond**

**BETWEEN:**

**GARRY LESLIE MCLEAN, ROGER AUGUSTINE, CLAUDETTE COMMANDA,  
ANGELA ELIZABETH SIMONE SAMPSON, MARGARET ANNE SWAN AND  
MARIETTE BUCKSHOT**

**Plaintiffs**

**and**

**HIS MAJESTY THE KING IN RIGHT OF CANADA as represented by  
THE ATTORNEY GENERAL OF CANADA**

**Defendant**

**ORDER**

**UPON READING** the motion record of the Defendant, on consent and in writing;

**THIS COURT ORDERS that:**

- a. Claims asserted to have been submitted before January 13, 2023 (the “Final Deadline”) with no corroborating evidence will be accepted for processing if the Claimant submits an Affidavit in the form attached as Appendix “A” before the deadline for missing information to be established by subsequent motion;

- b. Claims intended to be submitted before the Final Deadline but not submitted due to reliance on a third party who failed to submit claim forms before the Final Deadline will be accepted for processing if the Claimant submits corroborating evidence or an Affidavit in the form attached as Appendix “A” before the deadline for missing information to be established by subsequent motion;
- c. Late claims without a Request For Deadline Extension received before Final Deadline will be accepted for processing; and,
- d. Claim Forms provided before the deadline for missing information (to be determined on separate motion) will be accepted for processing if the Claimant submitted a Request for Deadline Extension prior to the Final Deadline which was approved by the Exceptions Committee; and,
- e. Amending Agreement #2 which extends provision for no charge legal services to individual class members until July 13, 2025, is approved.

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"Sébastien Grammond"

Judge

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APPENDIX "A"

Court File No. T-2169-16

FEDERAL COURT

BETWEEN:

**GARRY LESLIE MCLEAN, ROGER AUGUSTINE, CLAUDETTE COMMANDA,  
ANGELA ELIZABETH SIMONE SAMPSON and  
MARGARET ANNE SWAN AND MARIETTE BUCKSHOT**

Plaintiffs

- and -

**HIS MAJESTY THE KING IN RIGHT OF CANADA  
as represented by THE ATTORNEY GENERAL OF CANADA**

Defendant

**AFFIDAVIT OF [claimant name]**

I, [claimant name], of [city / town / First Nation], [province], MAKE OATH AND SAY AS  
FOLLOWS:

1. I am a Claimant in the Federal Indian Day Schools Class Action Settlement. As such, I have personal knowledge of the facts and matters hereafter deposed to save and except those which are stated to be based on information and belief, and where so stated I verily believe the same to be true, except where stated to be for another purpose.
2. On [date], I caused my Claim Form to be [faxed, emailed, mailed] to the Claims Administrator from [my home / my First Nation's Band Office / a mail courier etc.] located at [address].
3. (I received assistance with completing my Claim Form from [name] at [organization]. [Name] represented to me that they would send my Claim Form to the Claims Administrator prior to the Claims Deadline. [To my knowledge, my Claim Form was sent to the Claims Administrator prior to the Claims Deadline / I have since been informed by [name] that my Claim Form was not sent to the Claims Administrator]).
4. (Upon receipt of payment for delivery services at [mail courier], I obtained a tracking number for the courier package that contained my Claim Form. The tracking number does not show a delivery date for the courier package.)
5. (Other)

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6. I have since been informed by [the Claims Administrator / Class Counsel / other] that the Claims Administrator does not have record of having received my Claim Form.
7. I make this affidavit in support of my Claim under the Claims Process in the Federal Indian Day Schools Class Action Settlement and for no other or improper purpose.

[DATE SIGNED]

**SWORN** remotely by [Claimant Name] from the [CITY / TOWN / FIRST NATION], in the Province of [PROVINCE], before me in the City of X, in the Province of X, on [date].

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\_\_\_\_\_  
Commissioner for Taking Affidavits

\_\_\_\_\_  
[CLAIMANT NAME]