

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(CLASS ACTION)

No: 500-06-001177-225

████████████████████
-and-

TANYA JONES

Petitioners

v.

ATTORNEY GENERAL OF QUEBEC

-and-

ATTORNEY GENERAL OF CANADA

Respondents

**APPLICATION OF THE ATTORNEY GENERAL OF CANADA FOR
AUTHORIZATION TO FILE RELEVANT EVIDENCE AND EXAMINE THE
PETITIONERS
(Art. 574(3) *Code of Civil Procedure*)**

TO THE HONORABLE JUSTICE MARIE-CHRISTINE HIVON OF THE SUPERIOR COURT OF QUEBEC, BEING THE DESIGNATED JUDGE TO HEAR ALL PROCEEDINGS RELATED TO THE PRESENT PROPOSED CLASS ACTION, SITTING IN AND FOR THE DISTRICT OF MONTREAL, THE RESPONDENT ATTORNEY GENERAL OF CANADA RESPECTFULLY SUBMITS THE FOLLOWING:

I - OVERVIEW

1. The Respondent Attorney General of Canada (hereafter “AGC”), seeks leave to adduce relevant evidence pursuant to art. 574(3) of the *Code of Civil Procedure* (“C.C.P.”) for the purpose of the hearing of the “*Modified Application for authorization to institute a class action and to obtain the status of representative as of September 1, 2022*” (“Application for authorization”).
2. The relevant evidence, which the AGC seeks this Court’s authorization to file, consists of

the following :

a) Exhibits **AGC-1** to **AGC-3**:

- **AGC-1**: *Sixties Scoop Settlement Agreement* (“*Settlement Agreement*”).
- **AGC-2**: Order from the Federal Court approving the Settlement Agreement, June 21, 2018: *Riddle v. Canada*, [2018 FC 641](#).
- **AGC-3**: Order from the Federal Court approving the Settlement Agreement, August 2, 2018: *Riddle v. Canada*, [2018 FC 901](#).

b) The Written Examinations of the Petitioners, [REDACTED] and Tanya Jones, prior to the authorization hearing, on the matters identified at par. 32 below.

3. The herein-above mentioned evidence is relevant and essential to a proper determination of whether the Petitioners’ proposed class action should be authorized as against the Respondent, the AGC, with respect to the satisfaction of the criteria for leave under art. 575 C.C.P.
4. This evidence is limited and proportionate to the nature and magnitude of the proposed class action.
5. The evidence regarding the Settlement Agreement is primarily important to assess whether the claim of the proposed representatives and the proposed Nunavik Child Class, at the very least, are released against the AGC, which impact the analysis of the appearance of right (art. 575(2) C.C.P.) and the representative status (art. 575(4) C.C.P.).
6. The present Application mirrors the Application of the AGC to file relevant evidence granted by the Court in *Ward c. Procureur général du Québec et al.*, [2021 QCCS 109](#), a class action that has some overlaps with this proposed class action and in which the Court gave effect to the release of the Settlement Agreement at the authorization stage.

II - THE APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION

7. This proposed class action is brought against the Attorney General of Quebec (“AGQ”) and the AGC in relation to damages resulting from child and family services that were said to have been offered in a discriminatory manner to all Indigenous children and families living in Quebec, such as off-Reserve First Nations, Métis, and Inuit children, youth and families living in Nunavik.

8. The Petitioners initiated this action on February 21, 2022, on behalf of three classes alleging the discriminatory provision of child and family services to Inuit children, youth and families living in Nunavik.
9. On September 1, 2022, the Petitioners filed a *De Bene Esse Motion for permission to modify the Application for authorization*, which, among other things, extended the proposed class action to other Indigenous, non-Inuit persons in Quebec who allegedly suffered the same harms outside Nunavik. This Motion was granted by the Court on January 19, 2023.
10. The Petitioners now ask the Court to be appointed as representatives on behalf of five (5) classes with different causes of action, namely:

2.1 All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under The James Bay and Northern Québec Agreement (“**JBNQA**”) or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

2.1.1 Were under the age of 18; and

2.1.2 Were reported to, or otherwise brought to the attention of, the Directors of Youth Protection in Nunavik (*recevoir le signalement*), including, but not limited to, all persons taken in charge, apprehended and placed in care, whether through a voluntary agreement, by court order or otherwise; (the “**Nunavik Child Class**”);

2.2 All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under the JBNQA or registered with an Inuit land claim organization who between November 11, 1975 and the date of authorization of this action:

2.2.1 Were under the age of 18; and

2.2.2 needed an essential service but did not receive such service or whose receipt of the service was delayed by either respondent or their departments or agents, on grounds including, but not limited to, lack of jurisdiction or a gap in services (the “**Essential Services Class**”);

2.3 All parents and grandparents who were providing care to a member of the Nunavik Child Class and the Essential Services Class (...) (the “**Nunavik Family Class**”);

2.4 All Indigenous persons in Québec who:

- 2.4.1 Were taken into out-of-home care between January 1, 1992 and the date of authorization of this action;
- 2.4.2 While they were under the age of 18;
- 2.4.3 While they were not ordinarily resident on a Reserve;
- 2.4.4 By Her Majesty the Queen in right of Canada (the “**Federal Crown**”) or Her Majesty in right of Québec (the “**Provincial Crown**”), or any of their agents, and
- 2.4.5 Are not members of the Nunavik Child Class (the “**Québec Child Class**”);

2.5 All parents and grandparents who were providing care to a member of the Québec Child Class when that child was taken into out-of-home care (the “**Québec Family Class**”).

11. The main causes of action raised against the Respondents are breach of fiduciary duty and constitutional rights, discrimination based on art. 7 and 15 of the *Canadian Charter of Rights and Freedoms*, art. 1, 4 and 10 of the *Québec Charter of Human Rights and Freedoms* as well as civil liability under art. 1457 of the *Civil Code of Québec*. The action also grounds liability on the JBNQA and the *Northern Quebec Transfer Agreement*.
12. The Petitioners assert that the discrimination took two forms :
 - First, through systemic underfunding, neglect and avoidance of their constitutional and legal duties to the Class, the Respondents failed generations of Indigenous children and youth who came into contact with the child welfare system, notably by :
 - Withholding funding for basic child welfare prevention services available to non-Indigenous Québécois and Canadian children;
 - Failing to adjust funding of child-welfare services to account for the unique circumstances of the Indigenous people, such as the Inuit in Nunavik;
 - Failing to provide adequate protection services to protect Indigenous people, such as the Inuit children experiencing abuse;
 - Scooping Indigenous children;
 - Second, the Respondents deprived Inuit children who required essential health, social and other services (the Essential Services Class) that were substantively equal to those available to non-Indigenous children in Quebec and Canada.
13. The Petitioners contend that members of the classes sustained bodily and moral injuries as a direct and immediate consequence of the Respondents’ conduct including, but not limited

to, loss of language, culture, community ties and resultant pain and suffering, psychological trauma and substance abuse.

14. The Petitioners seek compensatory, Charter and punitive damages.
15. In support of the Application for authorization, the Petitioners filed twenty (20) exhibits; many of them being reports, notably from public inquiries commissions.
16. The parties have previously advised the Court of proposed and certified class proceedings that have certain and potential overlaps with this action. The AGC remains interested in continuing discussions with all the parties in order to resolve the overlaps and determine the best way to proceed with this Application for authorization, but no mutually agreeable resolution has yet been achieved.

III. THE EVIDENCE THE AGC SEEKS TO ADDUCE

17. The documentary evidence relating to the Sixties Scoop Settlement Agreement and the information sought by the examination of the proposed representatives are necessary in order to assist the Court in determining whether the authorization criteria of art. 575 C.C.P. are satisfied, in particular, whether the proposed representatives have demonstrated an arguable case (art. 575(2) C.C.P.) and whether they are proper representatives (art. 575(4) C.C.P.) for the classes.
18. This evidence would also assist the Court in determining the class definitions and common questions, should the class action be authorized.

A. The documentary evidence of the *Sixties Scoop Settlement Agreement*

19. The Settlement Agreement (Exhibit **AGC-1**) has been recognized as an important step in achieving reconciliation with Indigenous people.
20. This Settlement Agreement was concluded with the objective of a fair, comprehensive and national resolution of the various class proceedings commenced against Canada in provincial superior courts and the Federal Court in connection with the Sixties Scoop.
21. The « Sixties Scoop » is defined in the preamble of the Settlement Agreement as follows:

Between 1951 and 1991, Indian and Inuit children were taken into care and placed with non-Indigenous parents where they were not raised in accordance with their cultural

traditions nor taught their traditional languages.

22. The Settlement Agreement was approved on June 20, 2018 by the Ontario Superior Court, for the class certified in *Brown v. The Attorney General of Canada* [2018 ONSC 3429](#).
23. The Settlement Agreement was also approved by the Federal Court on June 21, 2018, in the nationwide class actions consolidated into one omnibus action, *Riddle, Charlie, and White "Riddle"*, *Riddle v. Canada*, [2018 FC 641](#). (Exhibit **AGC-2**) in which the Class is defined as:

A Indian as defined in the *Indian Act*) and their persons who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and placed in the care of non-Indigenous foster or adoptive parents excluding any members of the class acting in the Ontario Superior Court of Justice styled as *Brown v. The Attorney General of Canada* (Court File Number CV-09-00 72025CP).
24. The parties subsequently amended the Settlement Agreement which was the subject of a new approval order by the Federal Court in *Riddle v. Canada*, [2018 FC 01](#), dated August 1, 2018 (Exhibit **GC-3**).
25. The Settlement Agreement provides for compensation to eligible class members which has been modulated according to the number of claims received during the claim period.
26. In consideration of Canada's obligations and liabilities under this Settlement Agreement, the claims of the class members and the class as a whole have been discontinued and released against Canada in accordance with section 10.01 of the Settlement Agreement.
27. Despite the Settlement Agreement, the class action proposed by the Petitioners in the present case encompasses causes of action already released pursuant to section 10.01 of the Settlement Agreement.
28. Indeed, the proposed *Navik Child Class* is very broad and includes the claim of the Indian persons who were, between November 11, 1975 and December 31, 1991, placed in the care of non-Indigenous foster or adoptive parents.
29. The Settlement Agreement and the Approval Orders (Exhibits **GC 1 to AGC-3**) shall be admitted in evidence to enable the Court to determine whether the claims of a portion of the proposed class action are barred by the doctrine of *res judicata* ("chose jugée"), by virtue of a settlement approved by the Courts.
30. Exhibits **AGC-1 to AGC-3** are therefore essential to the analysis of the criterion set out at art. 575(2) C.C.P. and to allow the Court to better assess and limit the class definitions,

specifically to ensure that the Court is not called upon to authorize a portion of a class action that is manifestly ill-founded.

B. The examination of the Petitioners

31. The AGC seeks leave of the Court to examine the Petitioners in writing to obtain specific and limited information about their personal situation to confirm whether they are bound by the Settlement Agreement and to clarify their appearance of right regarding the Essential Services Class.
32. The examination would consist of approximately ten (10) questions relating to the following subjects:
 - a) Whether the Petitioners opted-out of the Settlement Agreement;
 - b) The date of birth of [REDACTED];
 - c) The dates, duration and type of placement(s) and adoption of the Petitioners (allegations pertaining to [REDACTED] [REDACTED]: par. 4.65-4.66; allegations pertaining to Tanya Jones: par. 4.73-4.74);
 - d) The ethnicity of the Petitioner's adoptive, foster care or foster home parents (whether they are Indigenous, and if so, are they First Nation, Métis or Inuit);
 - e) The services requested and the responses received by the Petitioners (allegations pertaining to [REDACTED]: par. 4.67, 4.70; allegations pertaining to Tanya Jones: par. 4.76).
33. The Petitioners [REDACTED] and Tanya Jones are Inuit persons. They were both removed from their families and placed in the care of foster or adoptive parents, at least partially, between January 1, 1951 and December 31, 1991, which falls within the period covered by the Settlement Agreement.
34. The information sought with regard to their placement in foster care and adoption is necessary in order to provide a more complete picture of their personal situation.
35. These clarifications, combined with the information pertaining to the Settlement Agreement, will also assist the Court in determining whether the Representatives have settled their claim against the AGC. This is not only relevant but essential to determine whether the Petitioners have established an arguable case in light of the facts and the applicable law pursuant to art. 575(2) C.C.P. and to better assess their representative status under art. 575(4) C.C.P.
36. The AGC is also of the view that the Court should be informed of the services requested

and the responses received by the Petitioners.

37. The central characteristic of the Essential Services Class is to have “needed an essential service but did not receive such service or whose receipt of the service was delayed by either respondent or their departments or agents, on grounds including, but not limited to, lack of jurisdiction or a gap in services”.
38. This relevant and factual context is necessary to properly assess the scope of the claim advanced by the Petitioners with respect to the proposed Essential Services Class, to determine if the authorization criteria are met with respect to this class, and if so, to better assess the scope and the composition of this class.
39. Canada proposes that the examination of the Petitioners be conducted in writing, given the limited nature of the questions and answers, which will be brief, or by any other means the Court considers appropriate.
40. The above stated evidence is useful, relevant, necessary and proportionate to the nature and complexity of the class action sought to be authorized by the Petitioners.

FOR THESE REASONS, MAY IT PLEASE THIS COURT TO:

GRANT the present Application;

AUTHORIZE the Respondent Attorney General of Canada to file the following evidence :

- **AGC-1:** *Sixties Scoop Settlement Agreement (“Settlement Agreement”)*.
- **AGC-2:** Order from the Federal Court approving the Sixties Scoop Settlement Agreement, June 21, 2018: *Riddle c. Canada*, [2018 FC 641](#).
- **AGC-3:** Order from the Federal Court approving the Settlement Agreement, August 2, 2018: *Riddle c. Canada*, [2018 FC 901](#).

AUTHORIZE the Respondent Attorney General of Canada to examine the Petitioners [REDACTED] [REDACTED] and Tanya Jones in writing on the matters described at paragraph 32 of the present Application;

DIRECTS the Respondent Attorney General of Canada to communicate the list of questions to the Petitioners’ counsels within 7 days of the judgment to be rendered on the present Application;

DIRECTS the Petitioners to provide their answers to the Respondent Attorney General of Canada within 14 days of the communication of the list of questions;

THE WHOLE without costs, unless the present Application is contested.

Montréal, April 3, 2023

Attorney general of Canada

ATTORNEY GENERAL OF CANADA

Department of Justice Canada

Quebec Regional Office

200, René-Lévesque Blvd West

East Tower, 9th floor

Montréal (Québec) H2Z 1X4

Fax : (514) 283-3856

Email for Notification :

NotificationPGC-AGC.Civil@justice.gc.ca

Per : Me Marie-Eve Robillard

Telephone: (418) 648-7644

Email : marie-eve.robillard@justice.gc.ca

Per : Me Josianne Philippe

Telephone: (514) 283-7142

Email : josianne.philippe@justice.gc.ca

NOTICE OF PRESENTATION

TO: KUGLER KANDESTIN LLP

Me Alexandre Brosseau-Wery
Me William Colish
Me Mélissa Des Groseilliers
1 Place Ville Marie, suite 1170
Montréal, Québec, H3B 2A7
Tel.: 514 878-2861
Fax: 514 875-8424
awery@kklex.com
wcolish@kklex.com
mdegroseilliers@kklex.com

COUPAL CHAUVELOT

Me Louis-Nicholas Coupal
Me Victor Chauvelot
460 Saint-Gabriel, suite 500
Montréal QC, H2Y 2Z9
Tel.: 514 903-3390
Fax: 514 221-4064
victor@coupalchauvelot.com
lnc@coupalchauvelot.com

SOTOS LLP

Mr. David Sterns
Mr. Mohsen Seddigh
Ms. Michelle Logasov
Mr. Adil Abdulla
180 Dundas St. West, Suite 1200
Toronto, Ontario M5G 1Z8
Tel.: 416 977-0007
Fax: 416 977-0717
dsterns@sotos.ca
msteddigh@sotos.ca
mlogasov@sotos.ca
aabdulla@sotos.ca

Attorneys for Petitioners

Bernard, Roy (Justice - Québec)

Me Ruth Arless-Frandsen

Me Valérie Gourvil

Me Brian C. Nel

1, Notre-Dame Street E., bureau 8.00

Montréal (Québec) H2Y 1B6

Tel.: 514 393-2336

Fax: 514 873-7074

bernardroy@justice.gouv.qc.ca

ruth.arless-frandsen@justice.gouv.qc.ca

valerie.gourvil@justice.gouv.qc.ca

brian.nel@justice.gouv.qc.ca

**Attorneys of the Respondent,
The Attorney General of Quebec**

TAKE NOTICE that the foregoing *Application of the Attorney General of Canada for Authorization to file relevant evidence and examine the Petitioners* attached hereto, will be presented for adjudication before to the Honorable Justice Marie-Christine Hivon, sitting in and for the Judicial District of Montréal, at the Montréal Courthouse, situated **at 1 Notre-Dame Street East, Montreal, Quebec, H2Y 1B6, or virtually using the Courthouse Teams link**, on May 4, 2023 or at any other date to be determined by the Court of the Class Action Division.

DO GOVERN YOURSELVES ACCORDINGLY.

Montréal, April 3, 2023

Attorney general of Canada

ATTORNEY GENERAL OF CANADA

Department of Justice Canada

Quebec Regional Office

200, René-Lévesque Blvd West

East Tower, 9th floor

Montréal (Québec) H2Z 1X4

Fax : (514) 283-3856

Email for Notification :

NotificationPGC-AGC.Civil@justice.gc.ca

Per : Me Marie-Eve Robillard

Telephone: (418) 648-7644

Email : marie-eve.robillard@justice.gc.ca

Per : Me Josianne Philippe

Telephone: (514) 283-7142

Email : josianne.philippe@justice.gc.ca

Courte, Gina

De: Courte, Gina
Envoyé: 3 avril 2023 11:10
À: 'awery@kklex.com'; 'wcolish@kklex.com'; 'mdesgroseilliers@kklex.com';
'victor@coupalchauvelot.com'; 'lnc@coupalchauvelot.com'; 'dsterns@sotos.ca';
'mseddigh@sotos.ca'; 'mlogasov@sotos.ca'; 'aabdulla@sotos.ca';
'bernardroy@justice.gouv.qc.ca'; 'ruth.arless-frandsen@justice.gouv.qc.ca';
'valerie.gourvil@justice.gouv.qc.ca'; 'brian.nel@justice.gouv.qc.ca'
Cc: Robillard, Marie-Eve; Philippe, Josianne
Objet: SERVICE BY EMAIL - 500-06-001177-225 APPLICATION OF THE ATTORNEY GENERAL OF
CANADA FOR AUTHORIZATION TO FILE RELEVANT EVIDENCE AND EXAMINE THE
PETITIONERS, LIST OF EXHIBITS AND EXHIBITS AGC-1 TO AGC-3
Pièces jointes: 2023-04-03- [REDACTED] and Jones v. AGQ and AGC - Application of Defendant AGC to
adduce relevant evidence.pdf; 2023-04-03- [REDACTED] and Jones v. AGQ and AGC - List of
Exhibits and Exhibits of the AGC.pdf



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

SERVICE BY EMAIL
(art. 109, 110 and 134 C.c.p.)

Recipients:

KUGLER KANDESTIN LLP

Me Alexandre Brosseau-Wery
Me William Colish
Me Mélissa Des Groseilliers
1 Place Ville Marie, suite 1170
Montréal, Québec, H3B 2A7
Tel.: 514 878-2861
Fax: 514 875-8424
awery@kklex.com
wcolish@kklex.com
mdesgroseilliers@kklex.com

COUPAL CHAUVELOT

Me Louis-Nicholas Coupal
Me Victor Chauvelot
460 Saint-Gabriel, suite 500
Montréal QC, H2Y 2Z9
Tel.: 514 903-3390
Fax: 514 221-4064
victor@coupalchauvelot.com
lnc@coupalchauvelot.com

SOTOS LLP

Mr. David Sterns
Mr. Mohsen Seddigh
Ms. Michelle Logasov
Mr. Adil Abdulla
180 Dundas St. West, Suite 1200
Toronto, Ontario M5G 1Z8
Tel.: 416 977-0007
Fax: 416 977-0717
dsterns@sotos.ca
mseddigh@sotos.ca

mlogasov@sotos.ca
aabdulla@sotos.ca

Attorneys for Petitioners

Bernard, Roy (Justice - Québec)

Ms. Ruth Arless-Frandsen
Ms. Valérie Gourvil
Mr. Brian C. Nel

1, Notre-Dame Street E., bureau 8.00
Montréal (Québec) H2Y 1B6
Tel.: 514 393-2336
Fax: 514 873-7074

bernardroy@justice.gouv.qc.ca
ruth.arless-frandsen@justice.gouv.qc.ca
valerie.gourvil@justice.gouv.qc.ca
brian.nel@justice.gouv.qc.ca

**Attorneys of the Respondent,
The Attorney General of Quebec
ATTORNEY GENERAL OF CANADA**

Department of Justice Canada
Quebec Regional Office
200, René-Lévesque Blvd West
East Tower, 9th floor
Montréal (Québec) H2Z 1X4
Fax : (514) 283-3856

Email for Notification :

NotificationPGC-AGC.Civil@justice.gc.ca

Per : Me Marie-Eve Robillard
Telephone: (418) 648-7644
Email : marie-eve.robillard@justice.gc.ca

Per : Me Josianne Philippe
Telephone: (514) 283-7142
Email : josianne.philippe@justice.gc.ca

Sender:

Cause:

██████████ -and- TANYA JONES v. ATTORNEY GENERAL OF
QUEBEC -and- ATTORNEY GENERAL OF CANADA

Court number:

500-06-001177-225

Court:

SUPERIOR COURT (CLASS ACTION) DISTRICT OF MONTREAL

Our file:

LEX-500082099

Nature of document :

**APPLICATION OF THE ATTORNEY GENERAL OF CANADA FOR
AUTHORIZATION TO FILE RELEVANT EVIDENCE AND EXAMINE THE
PETITIONERS, LIST OF EXHIBITS AND EXHIBITS AGC-1 TO AGC-3**

Date:

April 3, 2023

Time:

Around 11:10 AM

Avis de confidentialité

Le contenu de ce courrier électronique transmis est confidentiel et strictement réservé à l'usage des personnes auxquelles il s'adresse. Ce message peut contenir de l'information privilégiée protégée par le secret professionnel. Si vous avez reçu ce message par erreur, contactez immédiatement l'expéditrice par courriel à gina.courte@justice.gc.ca, afin de confirmer que vous avez détruit le message original et toute copie. Veuillez noter qu'il est strictement interdit de divulguer, reproduire ou diffuser le contenu de ce message ou de prendre des mesures en conséquence. Tout nouvel envoi, reproduction ou usage de ce message par une personne autre que le destinataire est strictement interdit. Merci!

Confidentiality Notice

The contents of this electronic mail message sent are confidential and strictly reserved for the sole use of its intended recipients. This message may contain information protected. If you receive this message in error, please notify the sender immediately by e-mail at gina.courte@justice.gc.ca in order to confirm that the original message as well as all copies have been deleted. Any disclosure, copying, distribution or reliance on the contents of the information is strictly prohibited. Thank you.

N° 500-06-001177-225

**SUPERIOR COURT
(Class Action Division)
District of Montreal**

██████████
-and-

TANYA JONES

Petitioners

v.

ATTORNEY GENERAL OF QUEBEC

-and-

ATTORNEY GENERAL OF CANADA

Respondents

**APPLICATION OF THE ATTORNEY GENERAL OF
CANADA FOR AUTHORIZATION TO FILE
RELEVANT EVIDENCE AND EXAMINE THE
PETITIONERS
(Art. 574(3) Code of Civil Procedure)**

ORIGINAL

ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Quebec Regional Office
200,René-Lévesque Blvd West - East Tower, 9th floor
Montréal (Québec) H2Z 1X4
Fax: (514) 496-7876

Me Marie-Eve Robillard

(418) 648-7644

marie-eve.robillard@justice.gc.ca

Me Josianne Philippe

(514) 283-7142

josianne.philippe@justice.gc.ca

Notification email

NotificationPGC-AGC.Civil@justice.gc.ca

Counsels for the Respondent, the Attorney General of Canada

OP : 0828

BC: 0565