

C A N A D A

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N<sup>o</sup> : 500-06-000829-164

S U P E R I O R C O U R T  
(Class Action)

---

MARY-ANN WARD,

*Applicant*

MARIO WABABONIK,

*Applicant*

CLARA HALLIDAY

JULIE SINAVE

*Proposed Applicants*

-vs-

THE ATTORNEY GENERAL OF CANADA,

-and-

THE ATTORNEY GENERAL OF QUEBEC,

*Defendants*

---

**AMENDED 2 MOTION FOR LEAVE TO ADD REPRESENTATIVE PLAINTIFFS AND  
TO AMEND THE AMENDED 3 APPLICATION FOR AUTHORIZATION TO INSTITUTE  
A CLASS ACTION AND TO APPOINT A REPRESENTATIVE PLAINTIFF  
(Articles 206 and 585 C.C.P.)**

---

TO THE HONOURABLE DONALD BISSON, JUSTICE OF THE SUPERIOR COURT  
OF QUEBEC, THE PROPOSED APPLICANT STATES THE FOLLOWING:

1. On December 7, 2016, the Applicant filed an *Application for authorization to institute a class action and to appoint a representative plaintiff* (the “Application for Authorization”), the whole as more fully appears from Court Record herein;
2. The Applicants wish to add an additional Applicant Clara Halliday, as to represent the class members;
3. On October 2, 2020, the Applicant requested this Court for leave to add Mario Wababonik as a representative plaintiff due to some unexplained absence of the Applicant Mrs Ward, which was granted by this Court on January 20, 2021;
4. The Proposed Applicants are members of the proposed sub-group of Non-status Indian and Metis in the *Amended 3 Motion for Authorization*;
5. The Proposed Applicants Clara Halliday and Julie Sinave wish to be granted status of representative plaintiffs and are willing to take all necessary steps in so doing;

#### **Amendments to Application for Authorization**

6. As is more fully detailed in the *Amended 5 Application for authorization to institute a class action and to appoint a representative plaintiff* (“*Amended 4 Application for Authorization*”), hereby filed as **Exhibit-A**, the Proposed Applicant wishes to amend the Amended 3 Application for Authorization in order to:
  - a) Add another Applicant, Clara Halliday and Julie Sinave;
  - b) Add allegations pertaining to the section titled “**FACTS GIVING RISE TO AN INDIVIDUAL HARM BY THE APPLICANT CLARA HALLIDAY**” by her own facts (paragraphs 47 to 59) and to file evidence **EXHIBIT-P1**;
  - c) Add allegations pertaining to the section titled “**FACTS GIVING RISE TO AN INDIVIDUAL HARM BY THE APPLICANT JULIE SINAVE**”, by her own facts (paragraphs 60 to 72), and to file evidence **EXHIBIT-P2**;

7. The Applicant Clara Halliday and Julie Sinave are in a position to properly represent the subgroup of Non-Indian status and Metis and the Proposed Applicants' request to be added to the Petitioners;
8. It is only on February 15, 2022, that the proposed Applicant Julie Sinave contacted Merchant Law Group on February 15, 2022, requesting a lawyer to help her search for her biological parents;
9. Further, the amendment is necessary for the judicial economy, in case this Court retain the defendants arguments for any lack of interest of the Applicants Ward and Wabobonik for representing the class members, and thus failing to meet the authorization criteria of 575(4)CPC.<sup>1</sup>,
10. Any delays to bring this motion was due to the difficulty of finding a non-status Indian or a Metis who agreed to represent the class and having access to computer facilities and internet;
11. This Court has allowed the amendment to add a representative at a later stage of the proceedings at the stage of the authorization, if it is not contrary to the ends of justice, and does not result in an entirely new action;<sup>2</sup>
12. The amendments made do not in any manner change the stated intent of the proceedings. The Proposed Applicant has the right and is justified, on her behalf and on behalf of the proposed Group Members, to amend the *Amended 3 Application for Authorization* in accordance with the *Amended 5 Application for Authorization*;
13. The amendment is not useless or contrary to the ends of justice, and does not result in an entirely new action and is in the interests of all the class members the proposed Applicant represents;

**FOR THESE REASONS, MAY IT PLEASE THE COURT:**

**ADD** the Proposed Applicants Clara Halliday and Julie Sinave as additional

---

<sup>1</sup> As stated in the Defendants Motions for leave to adduce evidence, dated December 4, 2020 and granted by this Court on January 20, 2021;

<sup>2</sup> *Option Consommateurs et Jean-François Gendron c. Novapharm limited et al*, C.S.MONTRÉAL, 2005 CanLII 32752 (QC CS), para13-23.

representative plaintiffs;

**PERMIT** the Applicants to amend the “Amended 3 *Application for authorization to institute a class action and to appoint a representative plaintiff*”, as set forth in the “**Amended 5 Application for authorization to institute a class action and to appoint a representative plaintiff**”, and to file EXHIBIT-P1 and P-2, attached altogether hereto as **EXHIBIT-A** ;

**THE WHOLE** without costs, except in the event of contestation.

**MONTREAL, February 21, 2022**

---

**MERCHANT LAW GROUP LLP**  
Attorneys for Applicants