

BETWEEN:

LARRY PHILIP FONTAINE AND OTHERS

Plaintiffs

-and-

THE ATTORNEY GENERAL OF CANADA ET AL

Defendants



Proceeding under the *Class Proceedings Act*, 1992 S.O. 1992, C. 6 in respect of the Indian Residential Schools Settlement Agreement, May 8, 2006

CONSENT ORDER

BEFORE)
)
) THE HONOURABLE JUSTICE PERELL ► DATE June 19, 2014
)
)

ON THE APPLICATION OF the Chief Adjudicator of the Independent Assessment Process, Schedule D of the Indian Residential Schools Settlement Agreement [“the IRSSA”], and following review of the Affidavit of J. Trueman, including without limitation, the Completion Strategy Report and the Lost Claimants Protocol, as attached thereto as Exhibits A and H respectively, and on consent and unanimous approval of both the National Administration Committee, as established pursuant to s. 4.11 of the IRSSA and the Independent Assessment Process [“IAP”] Oversight Committee as established pursuant to Schedule D of the IRSSA.

THIS COURT ORDERS, that:

1. Any entity, institution or agency, private or public, operating in any Province or Territory of Canada [a “Holding Institution”], whether subject to federal, provincial and/or municipal/regional law or legislation, who is requested by the Indian Residential Schools Adjudication Secretariat [“the IRSAS”], to provide to the IRSAS, contact information (i.e. addresses, telephone numbers, electronic addresses or other information respecting the whereabouts of or for a named individual or individuals) [“the Contact Information”], is hereby authorized to do so and shall do so forthwith and without delay. A copy of this Order is to be provided, by the IRSAS, to any Holding Institution from whom Contact Information is requested.

2. In requesting the Contact Information from a Holding Institution, the IRSAS is hereby authorized and permitted to disclose to the Holding Institution the Name, Date of Birth and the Contact Information, held by the IRSAS, regarding the IAP claimant/claimants in respect of whom it is making the request.
3. In receiving the Contact Information from the Holding Institution, the IRSAS is hereby authorized to utilize the Contact Information for the sole and exclusive purpose of locating the individual/individuals with a view to fulfilling the mandate of the IAP, as established pursuant to Schedule D of the IRSSA, which may include, without limitation, reconnecting the Claimant with their legal counsel. Such purposes are recognized by this Court to be in the broader public interest.
4. For further clarity, this Order constitutes and is to be recognized as an Order mandating disclosure of personal information by any Holding Institution, pursuant to the governing legislation, whether Federal, Provincial or Regional, as may be in place in respect of the holding, access and/or release of personal information by that institution.
5. Any clarification request or objection, sought by a Holding Institution who is in receipt of a request for Contact Information, by the IRSAS, pursuant to this Order, shall be by made by way of a Request to Direction to this Court, pursuant to the Court Administration Protocol, Appendix "A" to the March 8th, 2007 Orders, issued by the supervising courts of nine provinces, implementing the Indian Residential Schools Settlement Agreement in *Fontaine et al v. Attorney General of Canada et al.*

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Catherine Coughlan
Counsel for Canada's Representatives

Rod Donlevy, Q.C.
Counsel for the Catholic Entities

Alex Pettingill
Counsel for the Protestant Entities

Kathleen Mahoney, Q.C.
Counsel for the Assembly of First Nations

Hugo Prud'homme
Counsel for the Inuit Representatives

Jon Faulds
Counsel for the National Consortium of Counsel

Peter Grant
Counsel for the Independent Counsel

Jane Ann Summers
Counsel for the Merchant Law Group

By the Court:



The Honourable Justice P. Perell

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JUL 15 2014

PER / PAR:



FONTAINE et al.
Plaintiffs and AG CANADA et al.
Defendants

Court File No. 00-CV-192059CP

ONTARIO
SUPERIOR COURT OF JUSTICE

CONSENT ORDER

**HICKS MORLEY HAMILTON
STEWART STORIE LLP**
150 rue Metcalfe Street
Suite 2000
Ottawa, ON K2P 1P1

Charles V. Holfey
Leanne N. Fisher
Tel: 613-234-0386
Fax: 613-234-0418

Lawyer for the Chief Adjudicator