

Federal Court



Cour fédérale

Date: 20250102

Manitoba Court of King's Bench File No.: CI-19-01-24661

Docket: T-1673-19

Ottawa, Ontario, January 2, 2025

PRESENT: The Honourable Mr. Justice Favel

BETWEEN:

Docket: CI-19-01-24661

**TATASKWEYAK CREE NATION AND CHIEF  
DOREEN SPENCE ON HER OWN BEHALF  
AND ON BEHALF OF ALL MEMBERS OF TATASKWEYAK CREE NATION**

Plaintiffs

and

**ATTORNEY GENERAL OF CANADA**

Defendant

*(Class Proceeding commenced under  
The Class Proceedings Act, CCSM. c. C. 130)*

AND BETWEEN:

Docket: T-1673-19

**CURVE LAKE FIRST NATION AND  
CHIEF EMILY WHETUNG ON HER OWN BEHALF  
AND ON BEHALF OF ALL MEMBERS OF CURVE LAKE FIRST NATION AND  
NESKANTAGA FIRST NATION AND  
CHIEF CHRISTOPHER MOONIAS ON HIS OWN  
BEHALF AND ON BEHALF OF ALL MEMBERS OF  
NESKANTAGA FIRST NATION**

Plaintiffs

and

**ATTORNEY GENERAL OF CANADA**

Defendant

*(Class Proceeding commenced under Part 5.1 of the  
Federal Courts Rules, SOR/98-106)*

**ORDER**

**THIS MOTION** for an Order in respect of administrative matters under the settlement agreement between the Plaintiffs and the Defendant dated September 15, 2021 (the “**Settlement Agreement**”), was heard in writing. Capitalized terms used in this Order have the same meaning as in the Settlement Agreement unless otherwise defined.

**ON READING** the motion record of the Representative Plaintiffs and the Defendants (together, the “**Parties**”);

**THIS COURT ORDERS:**

1. Approving the transfer of \$340,000,000 from the Trust Fund to the First Nations Fund to allow the Administrator to continue to pay First Nations Class members whose members have submitted valid Claims for Individual Damages;
2. Removing Catharine Moore and Renelle Arsenault, and appointing Scott Farlinger and Meghan Hogg to the Settlement Implementation Committee under Article 14.01 of the Settlement Agreement;
3. Approving, per Section 3.04(b) of the Settlement Agreement, payment out of the Trust Fund, for the costs and reasonable disbursements of the Administrator, the Third-Party Assessor, the Trustee, the Auditors, and the Settlement Implementation Committee (except Joint Committee Members), as such aggregate cost will exceed the funds available in the \$50,000,000 administrative trust;

4. Confirming that the Administrator will no longer undertake the Specified Injuries review process, wherein the Administrator shall require supporting documentation, or a reasonable explanation for the lack of supporting documentation, to support Claims for the most serious “Level 2” liver, tumor/cancer, and bloodstream infection Specified Injuries, as provided in 1(e) of the November 24, 2022 Order;
5. Approving and directing payment of legal fees and disbursements totalling \$914,199.36 inclusive of taxes, for ongoing legal services rendered by Class Counsel and the Joint Committee for Q1, Q2, and Q3 2024 in accordance with ss. 18.02(2) and (4) and 15.01(8) of the Settlement Agreement, which fees are to be paid out of funds currently held by Class Counsel for this purpose; and
6. There shall be no Order as to costs.

“Paul Favel”

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Judge

"Glenn D. Joyal"

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C.J.