

**UPDATE ON STIRLAND LAKE AND CRISTAL LAKE RESIDENTIAL
HIGH SCHOOLS' MOTION TO BE ADDED TO THE INDIAN
RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT (IRSSA)**

For the information of all those who attended at either Stirland Lake (Wahbon Bay Academy) and/or Cristal Lake residential high schools, and who are interested in knowing the status of NAN's and Windigo First Nations Council's request to the court to add these schools to the list of Indian residential schools so as to qualify for compensation under the Indian Residential Schools Settlement Agreement (Common Experience Payment and, where appropriate, the Independent Assessment Process), and as the lawyers representing NAN and Windigo in this matter, we are pleased to report as follows:

1. On **October 10th, 2007**, Windigo and NAN delivered a formal Request to Canada to add Stirland Lake and Cristal Lake to Schedule F of the IRSS Agreement. Delivering a formal Request is a mandatory requirement under the IRSS Agreement that must be completed before a court process can be started.
2. In **May, 2008**, Canada rejected Windigo's and NAN's Request. This rejection then permitted Windigo and NAN to challenge this decision before the Superior Court of Justice.
3. A motion by NAN and Windigo to add Stirland Lake and Cristal Lake was filed in **December, 2008**.
4. By Order of Chief Justice Winkler released on **June 2nd, 2009**, Windigo and NAN were appointed as joint representatives on behalf of former students with authority to bring this motion.
5. On **June 29th, 2009**, Canada filed its responding motion record in opposition to NAN's and Windigo's request.
6. Cross-examinations of various witnesses took place in **February and March, 2010**.
7. Written Submissions and a Compendium of Documents were served on **July 21st, 2010** and filed with the Court on behalf of Windigo and NAN. The detailed written argument explains why Stirland Lake and Cristal Lake are "Indian Residential Schools" within the meaning of Article 12 of the Indian Residential Schools Settlement Agreement. The Court has ordered that the hearing will be conducted in writing, with no oral argument (i.e. no court appearance) as is consistent with the current protocol for IRSS Agreement disputes.
8. Canada served and filed its responding written submissions on **August 20th, 2010** explaining why Canada believes Stirland Lake and Cristal Lake were not "Indian Residential Schools";
9. Our written reply argument from Windigo and NAN responding to Canada's arguments was served and filed on or about **August 30th, 2010**;

10. Intervenor submissions, were filed by **November 1st, 2010**. Two requests have been made to the Court. The first is by the *Assembly of Manitoba Chiefs on behalf of the former students of Teulon Residence*, and the second is by *Elders Without Borders on behalf of the survivors of Timber Bay Residential School*. Both are generally supportive of our position.
11. Both NAN and Windigo had until **November 23rd, 2010** to advise the Chief Justice of the Superior Court of Justice as to whether we support, or oppose the intervenors' requests. We were not required to make any further response, as we did not oppose the motions for intervention, and do not take issue with the Submissions made by the Intervenor.
12. Canada filed its Reply to the Intervenor's Submissions on **November 23rd, 2010**.
13. Chief Justice Winkler will review the written arguments, and evidence filed with the Court, and then issue a ruling which will determine whether Stirland Lake and Cristal Lake are "Indian Residential Schools" within the meaning of Article 12 of the IRSSA.
14. If the Chief Justice grants NAN's and Windigo's motion, the former students of Stirland Lake and Cristal Lake will be able to file applications under the IRSS Agreement for the Common Experience Payment and, if eligible, the Independent Assessment Process. Ms. Vella at Rochon Genova LLP has offered to assist all such students who contact her office.

If you have not already contacted us, and/or have questions, please **contact Susan Vella at (416) 363-7627 or 1 (866) 881-2292 (toll free) or svella@rochongenova.com**