

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

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F I L E D	FEDERAL COURT- COUR FÉDÉRALE
July 24, 2023	
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Between:

**REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS**

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AFFIDAVIT OF DAVID CHEECHOO

I, DAVID CHEECHOO, of the community of Waskaganish, in the Province of Quebec, DO SOLEMNY AFFIRM THAT:

1. I am Executive Director at the Wiichihiiwewin Centre of Waskaganish (“WWC”). The WWC is the applicant in the proposed class action *Wiichihiiwewin Centre of Waskaganish and Anne Smith v. Attorney General of Canada*, in the Quebec Superior Court, District of Montreal, Court File No. 500-06-000812-160 (“*WWC and Anne Smith*”). The proposed *WWC and Ann Smith* class action is related to this proceeding as it is also about the boarding homes program.
2. I am one of the three founding directors of the WWC. The WWC was incorporated as a non-profit in 2018. It was also registered as a charity in 2021.

3. The WWC provides social services and healing support to Cree communities. We offer counselling services, twenty (24) hours, seven (7) days a week upon request, at the center any time from 9:30 a.m. to 5:00 p.m., and in crisis situations. Members can also offer suggestions on the types of services and programs they want. We have programs on grief, trauma, youth and family issues. We give presentations in person and on radio. We organize gatherings and land-based activities to preserve our heritage, our culture, our values, our traditions. We provide our views to the Chief and Council on the needs of our community for healing. Our approach is mainly proactive to promote the health and well-being of our communities.

4. On the advice of then-Chief Darlene Cheechoo, David Schulze asked the WWC to act as representative plaintiff in the proposed class action before the Quebec Superior Court. The purpose was to relieve Anne Smith from the burden of advancing the litigation, which was a regular reminder of the abuse she went through in a boarding home.

5. We agreed to replace Anne Smith as representative plaintiff. On October 19, 2018, the application to authorize a class action was amended to seek the status of representative plaintiff for WWC, with Anne Smith as a representative member of our organization and of the class. At incorporation, WWC adopted by-laws that allowed us to make Anne Smith become a member of our organization without revealing her identity to the WWC, but only to Dionne Schulze.

6. The WWC has cooperated with Dionne Schulze throughout the litigation of *WWC and Anne Smith*. I was examined by the lawyers of Canada.

7. David Schulze told me about the *Percival* class action and we agreed that it was in the best interests of members to advance the boarding homes litigation in a single national class action with a Quebec subclass. As we were advised that the WWC could probably not act as a representative plaintiff for the Quebec subclass before the Federal Court, we helped Dionne Schulze identify Kenneth Weistche to take on that role. We agreed to suspend the *WWC and Anne Smith* proceedings until the *Percival* action was resolved.

8. Dionne Schulze has kept us informed of developments of the *Percival* class action and sought our approval of major decisions.

9. We met in person to discuss the agreement-in-principle reached with Canada. I am pleased with the result that was achieved.

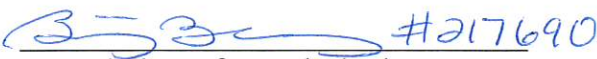
10. One key positive feature of the agreement, from the WWC's perspective, is that survivors will not have to tell their stories at a hearing. It is also important that survivors be able to use existing services to support them as they go through the claims process because they will need assistance from people they trust and who speak Cree.

11. Another promising feature of the agreement is the funding that will be available through the Foundation for the promotion of healing, culture, and language. This will be important to help address the intergenerational impacts of the boarding homes program. The WCC has been part of discussions on how to distribute funding from a similar foundation and we are eager to see the Foundation's work begin under this agreement.

12. David Schulze and his team also helped the WWC create the corporate governance best suited to our needs. In addition, Dionne Schulze helped us obtain a registered charity status. This has helped us greatly to expand our activities and programs. The WWC has grown from Waskaganish to a regional program thanks in large part to this support and I am grateful for their help in that regard.

13. I am content with the results achieved in the boarding homes class action. I understand that the *WWC and Anne Smith* action will be discontinued as part of the proposed settlement agreement in *Percival*. As we move towards implementation of the agreement, the WWC will continue to cooperate with Dionne Schulze to ensure that survivors and their communities receive its benefits.

SWORN BEFORE ME in the
Waskaganish, in the
Province of Quebec
this 20th day of July, 2023

 #217690
Commissioner for Oaths in the
Province of Quebec


David Cheechoo