



**Tk'emlúps te Secwépemc (Kamloops Indian Band; TteS),
shishálh (Sechelt Indian Band; SIB),
&
Eeyou Istchee (James Bay Cree aka the Grand Council of the Cree's; GCC)**

**Day Scholar Class Action
Historical Background**

- 2007 September 19 - Canada began accepting Common Experience applications for Indian Residential Residents. Day Scholars of Indian Residential Schools that applied for the Common Experience payment were denied.
- 2008 June 11—Prime Minister Stephen Harper offers Federal Apology to Residential School Survivors. Day Scholars are not acknowledged.
- 2010 Chief Shane Gottfriedson presented a Motion to the Assembly of First Nations regarding the exclusion of Day Scholars.

Chief Shane Gottfriedson, Tk'emlúps & Chief Garry Feschuk, Sechelt Nation have a discussion on Boxing Day Dec 26 and jointly agree to address the Day Scholar issue on behalf of their communities. To unite. To seek justice and redress on behalf of their Day Scholars.

- 2011 January –SIB & TteS host a joint meeting with Union of BC Indian Chiefs and Lawyer Len Marchand to begin the litigation process.

March –the Day Scholar Executive was formally struck comprising of 3 representatives from each community to sit at the Day Scholar Executive table.

May—TteS hosted the National Chiefs meeting to address the Day Scholar issue.

- 2012 October 29—SIB holds -1st Community Referendum seek approval of 150k to reach Motion of Certification - community votes in favor –it passes.

August 15—Filed Statement of Claim in the federal courts of Canada. Announcement & Press Conference held at Tsleil-Waututh Community Centre.

December 1—Case Conference held with Justice Harrington. A meeting with Justice Murray Sinclair of the TRC is held.

- 2013 April –SIB holds 2nd Community Referendum to vote on \$765 k to bring the Day Scholar Class Action to Certification– Community votes in favor. Passed.



- May 1—draft Notice of Certification response.
- June – Representative Plaintiffs named, Descendant & Band Class named & Experts.
- July – provide expert names and to review 1st draft.
- December—Final Draft of Motion of Certification.
- 2014 March –Canada abandons their appeal attempts—3 appeals were made on Jurisdiction & 3rd party Claims.
- June 3 & 4– Tk'emlúps Representatives Plaintiffs, Descendant Class are Cross Examined.
- June 24—Tk'emlúps Band Class Representative Cross Examination.
- July 7-10 –SIB Representative Plaintiffs, Descendant Class Cross Examined.
- July 28 –SIB Band Class Representative Cross Examined.
- 2015 April 13 –Chief Justice –ordered that the motion seeking certification begins.
- June 3 –Federal Court in Vancouver certified the residential school “Day Scholars” class-action lawsuit. The TteS SFN & JBC Day Scholar Class Action is in federal court which means that all the day scholars and their descendants plus the 101 Bands that opted into our class action is included.
- 2016 In 2016, three of the Day Scholar Plaintiffs passed away. Resulting in a strong need to settle the Day Scholar Class Action, as soon as possible.
- May –Tk'emlúps te Secwepemc, Sechelt and James Bay Cree are all equal partners in the Certified Day Scholar Class action.
- May 24—TteS, SIB and JBC agreed to enter into negotiations with the Government of Canada.
- October 24 –the announcement of the appointment of a Ministerial Special Representative (MSR) for the purpose of negotiating a settlement. The Minister of Indigenous and Northern Affairs, the Honourable Carolyn Bennett, made the announcement appointing Thomas Isaac the MSR at the BC Assembly of First Nations Annual General Meeting.
- The appointment of an MSR means that the lawsuit will take a new path forward, as both sides prepare their positions for negotiations.



- Any settlement that is reached will also have to be reviewed by his Honour, Justice Sean Harrington. While the process will take some time, both sides, as well as the court.

2017 October 10 –A significant step forward in the Day Scholars litigation with the signing of a “Memorandum of Understanding” between the Tk’emlúps te Secwepemc, Sechelt and James Bay Cree and the Canadian Government.

2018 Currently in negotiations to achieve a settlement on behalf of all Day Scholars, their Descendants and the 101 Bands that opted-in.