

2026 01G 4988 CP
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

BETWEEN;

JOHN DOE (SEB 2608)

FIRST PLAINTIFF

AND:

JOHN DOE (SEB 2609)

SECOND PLAINTIFF

AND:

HIS MAJESTY IN RIGHT OF
NEWFOUNDLAND AND LABRADOR

DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*, SNL 2001, c C-18.1

STATEMENT OF CLAIM

Overview

1. The Plaintiffs bring this proposed class proceeding for damages and other relief against the Province of Newfoundland and Labrador arising from physical abuse perpetrated by members of the Irish Christian Brothers against students in schools throughout the Province. The physical abuse was not isolated or incidental, but formed part of a system of discipline in which fear, humiliation and violence were used to compel compliance and obedience.
2. These proceedings also seek certification of a subclass consisting of Plaintiffs whose abuse began or continued on or after December 8, 1975. The Plaintiffs allege that, by that date, the Defendant knew or ought to have known that members of the Irish Christian Brothers posed a danger to children and that its negligent investigation and suppression of credible allegations of abuse at Mount Cashel Orphanage permitted continued physical abuse by Irish Christian Brothers in schools throughout the Province.

The Proposed Class

3. The proposed representative Plaintiffs bring this action on their own behalf and on behalf of the class and subclass defined below:

Class: All persons, except Excluded Persons, who, while enrolled as a student at a school in the Province of Newfoundland and Labrador, suffered a non-sexual assault, battery or trespass to the person perpetrated against them by a member of the Irish Christian Brothers in Canada, whether said Irish Christian Brother was a staff member, teacher, principal, volunteer, or someone the Class Member came into contact with by virtue of the Class Member's enrollment as a student at a school in the Province of Newfoundland and Labrador.

Subclass: All persons who meet the requirements to be a Class Member as defined above, but who suffered the aforementioned non-sexual assault, battery or trespass to the person on or after December 8, 1975.

Definitions:

"Excluded Persons" means all persons who have executed a release to the benefit of the Defendant for the within claims.

The Proposed Representative Plaintiffs

- i. *John Doe (SEB 2608)*
4. The First Plaintiff is a resident of the City of St. John's. His address for service is c/o Bob Buckingham Law, 81 Bond Street, in the City of St. John's, in the Province of Newfoundland and Labrador, A1C 1T2. As a child, he attended St. Patrick's Hall School, on Bonaventure Avenue, beginning in approximately 1972 until approximately 1981.
5. During the period in which the First Plaintiff attended St. Patrick's Hall School in St. John's, Newfoundland and Labrador, he was repeatedly subjected to physical abuse perpetrated by multiple Irish Christian Brothers responsible for his care and education.

6. Brother James Leo Wood was an Irish Christian Brother stationed at St. Patrick's Hall School. Brother Wood regularly and without warning struck students under his care, including the First Plaintiff. The First Plaintiff was taught by Brother Wood in or around Grade 5. Brother Wood frequently punched the First Plaintiff in his head. Brother Wood also subjected the First Plaintiff to humiliating corporal punishment by requiring him to place his head beneath the wooden chalkboard ledge before repeatedly striking him on the buttocks with a metre stick, positioning him so that if he instinctively straightened up in response to the blows, his head would strike the underside of the chalkboard ledge.
7. The First Plaintiff further witnessed acts of extreme violence committed by Christian Brothers against other students. On one occasion, he observed Brother Francis Whitty drag another student to the back of the classroom. The First Plaintiff then heard a loud impact and observed that the student had been thrown into a wall with sufficient force to leave an impression of his body in the wall.
8. The First Plaintiff and other students were also subjected to degrading physical treatment by the Irish Christian Brothers, including being choked with their neckties when the ties were not considered sufficiently tight.
9. The repeated physical abuse perpetrated by Brother Wood caused the First Plaintiff to fear attending school and to live with uncertainty as to when he would next be physically assaulted. As a child, he began suffering headaches from being struck in the head by Brother Wood and reported both the headaches and the abuse to his mother. His father subsequently attended the school and confronted Brother Wood, warning him not to touch the First Plaintiff again. Following that confrontation, the physical abuse perpetrated by Brother Wood against the First Plaintiff ceased.
10. The First Plaintiff ultimately declined to attend Brother Rice High School because he did not want to continue his education in a school operated by the Christian Brothers. He began attending another Catholic school not staffed by the Irish Christian Brothers. However, the extent of the abuse he suffered was of such magnitude that he could not continue with his education. As a result, he was deprived of educational opportunities, which negatively affected his employment prospects as an adult.
11. As a result of the physical abuse, intimidation and fear to which he was subjected, the First Plaintiff suffered psychological injury, including anxiety and sleep disturbance requiring medication. He also struggled with alcohol and drug addiction. The First Plaintiff claims damages, the full particulars of which will be provided prior to trial.

ii. *John Doe (SEB 2609)*

12. The Second Plaintiff is a resident of the City of St. John's. He was born in 1969. His address for service is c/o Bob Buckingham Law, 81 Bond Street, City of St. John's, in the Province of Newfoundland and Labrador, A1C 1T2. Beginning in approximately 1974 he began attending St. Patrick's Hall School, on Bonaventure Avenue. He remained a student there until approximately 1984.
13. During the period in which the Second Plaintiff attended St. Patrick's Hall School in St. John's, Newfoundland and Labrador, he was repeatedly subjected to physical abuse perpetrated by Christian Brothers responsible for his care and education.
14. Beginning in approximately Grade 4, the Second Plaintiff came to understand that arbitrary physical violence was how the Irish Christian Brothers maintained discipline at St. Patrick's Hall. He witnessed students throughout the school being dragged by their ears or hair, struck with metre sticks, punched and otherwise physically assaulted for minor or trivial conduct, and he too became one of their victims.
15. While in Grade 4, the Second Plaintiff recalls an occasion when Brother Wood was supervising his class while the regular teacher had briefly stepped out of the classroom. After the Second Plaintiff giggled about something, Brother Wood, without warning, grabbed him by the head and forcefully slammed it against the classroom's concrete wall. The impact was so severe that the Second Plaintiff immediately saw stars.
16. Brother Harold Pius Thorne repeatedly physically assaulted the Second Plaintiff. During workshop class, in Grade 6 or 7, Brother Thorne struck the Second Plaintiff in the head and told him to "shut up." Thereafter, Brother Thorne excluded the Second Plaintiff from woodshop classes and, for approximately two months, required him to remain on his knees in the hallway outside the classroom rather than permitting him to participate in class. This punishment was intended to humiliate and degrade the Second Plaintiff, and to intimidate other students into compliance. On other occasions, Brother Thorne punched the Second Plaintiff in the head and threw him against a wall.
17. On another occasion, while the Second Plaintiff was showering in the school locker room, Brother Thorne stood watching him shower. The Second Plaintiff asked Brother Thorne what he was looking at. Suddenly and without warning, Thorne grabbed hold of the Second Plaintiff and pushed him against the shower wall. He then grabbed hold of the still-naked Second Plaintiff, dragged him out of the changing room, through the gymnasium in plain sight of his classmates, down the corridor to Brother Murphy's office. Brother Murphy was the school's principal. Murphy proceeded to hit the Second Plaintiff with a strap while

he was nude. The Plaintiff then had to find his way back through the school to the changing room where he could retrieve his clothing and get dressed.

18. In addition to the above incident, Brother Murphy repeatedly physically assaulted the Second Plaintiff over a number of years while he was a student. Brother Murphy strapped the Second Plaintiff and threw him against walls.
19. The Second Plaintiff also witnessed an atmosphere of pervasive physical violence throughout the school. He observed another Irish Christian Brother physically throwing students over classroom chairs and witnessed students being routinely subjected to physical abuse by members of the Irish Christian Brothers.
20. The repeated physical abuse and humiliation caused the Second Plaintiff to fear attending school. When he began high school at Brother Rice, he discovered that several of the Christian Brothers who had taught at St. Patrick's Hall School were now teaching there. Unable to face the prospect of being subjected to further assaults, the Second Plaintiff left school.
21. As a result of the physical abuse, intimidation and humiliation to which he was subjected, the Second Plaintiff suffered psychological injury and other losses and damages, the full particulars of which will be provided prior to trial.

The Defendant

22. The Defendant, His Majesty the King in Right of the Province of Newfoundland and Labrador, was at all times material and relevant to this matter represented by the Minister of Justice, the Minister of Social Services, the Minister of Human Resources and Employment, Minister of Education, the Director of Child Welfare, and the Chief of Police for the Royal Newfoundland Constabulary.
23. As of the filing of this Statement of Claim, the Defendant has dissolved the Newfoundland and Labrador English School District (the "English School District") and assumed its liabilities, pursuant to Section 51.2(1) of the *Schools Act*, 1997, SNL 1997, c S-12.2.
24. The English School District's liabilities included the liabilities of preceding school boards within the Province that were dissolved, amalgamated or otherwise absorbed into the English School District. The Plaintiffs plead that the Defendant has assumed the liabilities of the Roman Catholic school districts that preceded the English School District.

25. The Defendant's address for service is Government of Newfoundland and Labrador, Department of Justice, Civil Division, Confederation Building, 4th Floor, East Block, PO Box 8700, St. John's, NL A1B 4J6.

Facts and Context

26. Pursuant to legislation enacted by the Defendant, children, including Class Members, were required by law to attend school between the ages of five and sixteen years.
27. At all times material hereto, the Roman Catholic School Board oversaw numerous school districts throughout the Province of Newfoundland and Labrador. The board's functions included the hiring (and firing) of employees in its schools. The Board had broad legislative authority to investigate complaints made against teachers related to abuse or inappropriate behaviour. Employees included laypeople and members of religious Orders, including the Irish Christian Brothers.
28. Mount Cashel Orphanage was an orphanage in the City of St. John's, in the Province of Newfoundland and Labrador, and was operated by members of the Irish Christian Brothers. In or around the 1960s, and certainly by the timeframe set out in the proposed class definition, the Defendant, through its Department of Social Services (or at times, other names) had intervened and began to exert control in the operations of Mount Cashel, including the placement of children at the orphanage.
29. According to evidence obtained through the *Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice System to Complaints* (the Hughes Inquiry), the Plaintiffs state the Defendant knew or ought to have known that there was physical and sexual abuse ongoing at Mount Cashel Orphanage by Irish Christian Brothers against the children living there. The Hughes Inquiry also found evidence of suppression of information within the Defendant's Child Welfare Division related to allegations of abuse against the Christian Brothers at Mount Cashel Orphanage. Further facts demonstrating knowledge and suppression of abuse by the Defendant are hereinafter described.
30. In October 1974, several children went to Social Services headquarters on Harvey Road and spoke to the social services representative responsible for liaison with Mount Cashel about extensive physical abuse at Mount Cashel, as well as an incident in which a Christian Brother had attempted to put his hands down the pyjama pants of a young boy. According to evidence given at the Hughes Inquiry, the social services representative indicated to the children that he had already received complaints about the Christian Brothers at Mount Cashel and that the Defendant would be investigating.

31. Subsequently, in October 1975, more serious allegations of sexual abuse were brought to the attention of the same social services representative by two boys who resided at Mount Cashel. According to evidence given at the Hughes Inquiry, the representative informed them that there had been other complaints and that he would look into the matter.
32. On December 8, 1975, a volunteer at Mount Cashel, in whom several children had confided about sexual abuse, attended the Confederation Building to meet with the Director of Child Welfare and discuss the ongoing sexual abuse at Mount Cashel. A police investigation was conducted in December 1975, but subsequent reports contained no allegations of sexual abuse, despite the allegations having previously been reported.
33. The Hughes Inquiry found that all evidence pointed to the conclusion that the handling of the investigation into abuse at Mount Cashel was contrary to police policies in Newfoundland and Labrador, and that ordering the officer in charge of the investigation to alter his reports to remove references to child sexual abuse was a unique departure from accepted policy and practice.
34. The Plaintiffs herein submit that had the complaints made against Christian Brothers at Mount Cashel (several of whom were also school teachers throughout the area) been properly acted on by the Defendant and its various agents, the physical abuse being perpetrated by Christian Brothers throughout the Defendant's schools would have ceased, preventing injuries to Subclass Members.

Causes of Action Arising from Assumed School Board Liabilities

A. Vicarious Liability for the Christian Brothers' Breaches of Fiduciary Duty

35. The Irish Christian Brothers who taught, supervised or exercised disciplinary authority over Class Members stood in fiduciary relationships with those students. The Brothers were entrusted with significant power and discretion over children who were required to submit to their authority and depended upon them for their education, safety and well-being.
36. The Brothers were required to exercise their entrusted authority in good faith and for the purposes for which it was conferred, and not to misuse that authority to punish, humiliate or otherwise harm the students placed under their care.
37. The Brothers breached their fiduciary duties by deliberately misusing their teaching, supervisory and disciplinary authority to subject Class Members to physical assaults, humiliation, intimidation and degrading treatment.

38. The school boards entrusted the Christian Brothers with teaching, supervisory and disciplinary authority over Class Members and thereby placed them in positions of power, trust and control. Those assigned roles materially enhanced the risk that the Brothers would misuse their authority and breach their fiduciary duties to Class Members.
39. The Christian Brothers' breaches of fiduciary duty arose from, and were sufficiently connected to, the teaching, supervisory and disciplinary authority assigned to them that it is fair and just to impose vicarious liability upon the school boards for those breaches.
40. The school boards are therefore vicariously liable for the breaches of fiduciary duty committed by the Christian Brothers.

B. Systemic Negligence

41. The school boards whose liabilities were assumed by the Defendant were responsible for providing education to Class Members. By virtue of their age and development, Class Members were vulnerable.
42. The school boards whose liabilities were assumed by the Defendant owed Class Members a duty to take reasonable care for their safety and protection while they were students. In particular, they owed Class Members a duty to take reasonable steps to protect them from battery and other physical abuse or misconduct.
43. The Defendant's predecessors knew or ought to have known of the physical abuse being perpetrated in their schools, yet took no or inadequate steps to prevent or stop it.
44. The Defendant's predecessors failed to establish or implement management and operational procedures that would reasonably have prevented or stopped the abuse.
45. The abuses perpetrated against Class members were foreseeable, particularly given the absence of adequate supervisory procedures and the heightened vulnerability of Class members.
46. Particulars of the systemic negligence of the Defendant's predecessors include:
 - a. Failing to take reasonable steps, or any steps, to perform necessary supervising, monitoring or investigating the conduct of teachers, staff and principals within its school system, namely those teachers, staff or principals who were Christian Brothers;
 - b. Subjecting Class members to an atmosphere which tolerated physical abuse against children, without corrective action, guidance, or counselling, and overlooking and/or failing to identify said atmosphere;

- c. Subjecting Class Members to a teacher-pupil relationship entirely repugnant to the caring, nurturing, education and security which they were entitled to expect and receive from the Defendant and its agents and employees, and overlooking and/or failing to identify such shortcomings;
- d. Subjecting Class members to the care of individuals whose qualifications by way of formal training and practical experience were never investigated, evaluated or monitored; and
- e. Other such negligence as may be established by the evidence.

C. Vicarious Liability for Physical Assaults by Irish Christian Brothers

- 47. The Plaintiffs plead that they, and proposed Class members, suffered physical assaults rising to the level of a tort, at the hands of the Irish Christian Brothers. The physical assaults were not within the confines of acceptable physical discipline which existed within schools at the time, and in many cases were not connected to discipline at all.
- 48. The Plaintiffs state that the Defendant, who pursuant to section 51.2 of the *Schools Act, 1997*, SNL 1997, c S-12.2, assumed all liabilities of the Newfoundland and Labrador English School District, which, in turn, assumed all liabilities of prior school districts, is vicariously liable for the abuse perpetrated by Irish Christian Brothers in schools within the Province, given that:
 - a. The Defendant's predecessors' direct purpose, role and mandate (to carry on public education in the Province) presented the opportunity for a tortious act connected with that role and mandate;
 - b. The employees who committed the assaults were under the control and direction of the Defendant's predecessors, such that they were acting on the Defendant's predecessors' behalf;
 - c. The actions of the Irish Christian Brothers who abused Class Members were so closely connected with the authority assigned to them by the Defendant's predecessors that it would be fair and just that liability for the assaults properly attach to the Defendant.

Cause of Action Against the Province Directly

A. Systemic Negligence

49. The Plaintiffs repeat the foregoing and plead that the Defendant owed Subclass Members a duty of care. The conduct of government officials failed to meet the standard of care required in the circumstances and amounted to negligence. Particulars of the negligence include:
- a. Failure to properly investigate multiple credible allegations of abuse against boys residing at Mount Cashel by Christian Brothers;
 - b. Actively engaging in an attempt to “cover-up” or otherwise suppress the allegations of abuse occurring at Mount Cashel;
 - c. Failure to abide by their statutory obligations pursuant to child welfare legislation to take steps to report instances wherein a child may be in need of protective intervention;
 - d. Failure to publicize the accusations of abuse at Mount Cashel, thereby preventing Class members, or their families from making further inquiries as to whether there was abuse occurring at schools in the Province which employed Christian Brothers;
 - e. Failure to recognize that multiple Irish Christian Brothers, including certain Irish Christian Brothers who were accused of physical and sexual assault at Mount Cashel were concurrently, or had been, teachers at schools within the Province;
 - f. Other such negligence as may be established by the evidence.
50. The Plaintiffs state that had abuse by Irish Christian Brothers at Mount Cashel not been covered up or inadequately investigated by the Defendant, there would have been widespread knowledge of the possibility of physical abuse by Irish Christian Brothers at schools throughout the Province. This would have led to greater scrutiny within schools and put all parties on notice that such abuse would not be tolerated. The Plaintiffs plead that the cover-up or negligent investigation caused or materially contributed to the continued physical abuse of Subclass Members.
51. The Plaintiffs repeat the foregoing and state that it was reasonably foreseeable by the Defendant that failing to act on credible claims of abuse by Irish Christian Brothers would lead to subsequent physical abuse against others, including Subclass Members.

Damages Suffered

52. The Plaintiffs repeat the foregoing and state that, as a result of the acts and omissions of the Defendant, Class Members have suffered and continue to suffer damages arising from the physical abuse and batteries perpetrated against them, including irreparable psychological harm and other severe impairments and disabilities, particulars of which include, but are not limited to, the following:
- a. Impairment of their opportunity to experience a normal childhood;
 - b. Impairment of their ability and opportunity to obtain an education appropriate to their interests and aptitudes;
 - c. Impairment of their opportunity to earn an income commensurate with their abilities;
 - d. Physical and mental pain, suffering and anguish;
 - e. Impairment of their mental health and well-being;
 - f. Loss of dignity;
 - g. Loss of enjoyment of life;
 - h. Humiliation and betrayal;
 - i. Continuous distress caused by memories of their mistreatment; and
 - j. Interpersonal and relationship difficulties.
53. The Plaintiffs repeat the foregoing and state that:
- a. The acts and omissions of the Defendant caused Class Members to suffer damages; and
 - b. The acts and omissions of the Defendant are of such a morally and otherwise reprehensible nature as to warrant the award to Class Members of punitive damages, in addition to other damages.

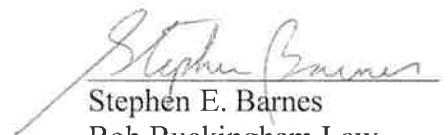
Relief Sought

54. The Plaintiffs repeat the foregoing and seek the following relief on their own behalf and on behalf of the proposed Class:
- a. An order pursuant to the ***Class Actions Act*** certifying this action as a class action and naming the Plaintiffs as Representative Plaintiffs for the Class;
 - b. Costs of providing appropriate notice to Class Members and administering this proposed class action for their benefit;
 - c. An order for an aggregate monetary award pursuant to section 29 of the ***Class Actions Act***, assuming the Court finds it appropriate to award an aggregate award;

- d. Special damages;
- e. General damages;
- f. Aggravated damages;
- g. Equitable compensation for breach of fiduciary duty;
- h. Punitive damages;
- i. Interest under the *Judgment Interest Act*;
- j. Costs as may be awarded; and
- k. Such further and other relief as Counsel for the Plaintiffs may seek and this Honourable Court deems just.

55. The Plaintiffs seek to have the action in this matter tried before the Supreme Court of Newfoundland and Labrador, General Division, sitting at St. John's, Newfoundland and Labrador.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this 27th day of July, 2026.



Stephen E. Barnes
Bob Buckingham Law
Solicitor for the Plaintiffs
Whose address for service is:
81 Bond Street
St. John's, NL A1C 1T2

TO:

Government of Newfoundland and Labrador
Department of Justice, Civil Division
Confederation Building, 4th Floor, East Block
PO Box 8700
St. John's, NL A1B 4J6

ISSUED at the City of St. John's, in the Province of Newfoundland and Labrador this 27 day of July, 2026.



COURT
OFFICER

2026 01G 4908 CP
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GENERAL DIVISION

BETWEEN:

JOHN DOE (SEB 2608)

FIRST PLAINTIFF

AND:

JOHN DOE (SEB 2609)

SECOND PLAINTIFF

AND:

HIS MAJESTY IN RIGHT OF
NEWFOUNDLAND AND LABRADOR

DEFENDANT

NOTICE TO DEFENDANT

You are hereby notified that the plaintiff may enter judgment in accordance with the statement of claim or such order as, according to the practice of the Court, the plaintiff is entitled to, without any further notice to you unless within ten days, after service hereof upon you, you cause to be filed in the Registry of the Supreme Court of Newfoundland and Labrador at 309 Duckworth Street, St. John's, Newfoundland and Labrador, a defence and unless within the same time a copy of your defence is served upon the plaintiff or the plaintiff's solicitors' stated address for service.

Provided that if the claim is for a debt or other liquidated demand and you pay the amount claimed in the statement of claim and the sum of \$_____ (such sum as may be allowed on taxation) for costs to the plaintiff or the plaintiff's solicitors within ten days from the service of this notice upon you, then this proceeding will be stayed.

TO:

Government of Newfoundland and Labrador
Department of Justice, Civil Division
Confederation Building, 4th Floor, East Block
PO Box 8700
St. John's, NL A1B 4J6

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SECOND PLAINTIFF

AND:

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NEWFOUNDLAND AND LABRADOR

DEFENDANT

AFFIDAVIT OF SERVICE

I, _____ of _____, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. On _____ at _____ A.M/P.M., I served _____ with the Statement of Claim by leaving a copy with _____ at _____.
2. I was able to identify the person by means of _____

_____.

SWORN TO at the City of St. John's, in the
Province of Newfoundland and Labrador,
this ____ day of _____, 2026,
in the presence of:
