

SUPERIOR COURT OF JUSTICE

B E T W E E N:

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LISA CAVANAUGH, ANDREW HALE-BYRNE,  
RICHARD VAN DUSEN, TIMOTHY BLACKLOCK  
and MARGARET GRANGER

Plaintiffs

10

- and -

J. ALASTAIR HAIG, MARY HAIG,  
GRENVILLE CHRISTIAN COLLEGE,  
THE INCORPORATED SYNOD OF THE DIOCESE OF ONTARIO,  
CHARLES FARNSWORTH, BETTY FARNSWORTH  
and JUDY HAY

Defendants

20

T R I A L P R O C E E D I N G S

BEFORE THE HONOURABLE JUSTICE J. LEIPER on  
September 16, 17, 18, 2019, at TORONTO, Ontario

25

APPEARANCES:

L. MERRITT	Counsel for the Plaintiffs
S. LOMBARDI	Counsel for the Plaintiffs
G. ADAIR	Counsel for the Defendants
D. BOGHOSIAN	Counsel for the Defendants
N. READ-ELLIS	Counsel for the Defendants

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30	Transcript Ordered:	May 15, 2020
	Transcript Completed:	May 26, 2020
	Ordering Party Notified:	June 4, 2020

MONDAY, SEPTEMBER 16, 2019

U P O N C O M M E N C I N G :

THE COURT: Good morning, counsel.

MR. ADAIR: Good morning, Your Honour.

5 THE COURT: I understand there was some technical adjustments being made. Is everything working for counsel?

10 MS. MERRITT: Well, we do have some audio/visual issues, but I think we'll be able to sort that out with material - equipment for our office...

THE COURT: Right.

15 MS. MERRITT: ...and I think it'll be done in a sufficiently timely manner that it won't interfere with our schedule.

THE COURT: All right, very well then. Are the parties ready to proceed?

MS. MERRITT: We are.

MR. ADAIR: We are, Your Honour.

20 THE COURT: All right, and so in terms of - before we make any necessary orders. In terms of scheduling and timing, just to let counsel know, I propose to sit from 10 until 1 for the mornings, with a morning break around 11:30 and to provide a lunch break and a planning break  
25 from 1 to 2:30. And then to sit from 2:30 to 4:30 with a brief afternoon health break. So, just to give you a sense of the planning. And the other thing I wanted to mention is on  
30 Thursday I have a continuing motion, so we will begin a bit late Thursday morning. Probably at 11 a.m., but I will keep you posted on the time. And finally, in terms of ongoing trial scheduling

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to make sure that we are on track, I propose that we meet in chambers Friday mornings from 9 until 10. Is that acceptable for all counsel?

MS. MERRITT: It is, certainly.

5

MR. ADAIR: It is, Your Honour.

THE COURT: All right, very good. All right, perhaps counsel, you can introduce yourselves to me?

10

MS. MERRITT: Good morning, Your Honour. Loretta Merritt, counsel for the plaintiff. My friend is Sabrina Lombardi, also for the plaintiffs. Geoffrey Adair and David Boghosian and - I'm sorry, I've...

15

MR. READ-ELLIS: Nathaniel Read-Ellis, Your Honour.

MS. MERRITT: I've just met him.

THE COURT: Can you spell your name, Mr. Read-Ellis?

20

MR. READ-ELLIS: First name is Nathaniel. My last name is Read-Ellis, R-E-A-D-hyphen-E-L-L-I-S.

THE COURT: Thank you.

25

MR. BOGHOSIAN: Do you need my spelling, Your Honour?

THE COURT: I have your spelling.

MR. BOGHOSIAN: You have my spelling.

THE COURT: Thank you. All right and Mr. Perlis (ph) and Mr. Haber are not here, although they're shown on the trial record.

30

MS. MERRITT: They're not here at the moment. Oh, Mr. Haber is here. He's in the body of the courtroom, but he's not robed.

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MR. HABER: Good morning, Your Honour.

THE COURT: Good morning, Mr. Haber. All right, very good. All right, orders?

5 MS. MERRITT: I thought maybe I could start with giving you the motion materials and the trial briefs and get that out of the way and then we can move to the order, if that's acceptable...

THE COURT: That would be great.

10 MS. MERRITT: All right. The first thing I'll hand up are the materials for the motion on admissibility of documents and there are four things there; the notice of motion, the factum, the brief of authorities and the supplementary exhibit book. And then I will give you the trial  
15 briefs, which are the Agreements brief which is red, the expert's brief, which is green, the joint exhibit book which is in buff and the legal memos brief which is pink. The actual briefs of authorities are still being copied and should be  
20 here shortly. All of this material has been provided to my friends as well as the court electronically and if there is anything missing, anyone can let us know, but I think it should be complete. And the last thing I have for Your  
25 Honour is a USB key with all of the material on it, if that makes things more convenient.

THE COURT: That would be helpful. Did you want to have the joint exhibit books marked as exhibits at this moment?

30 MS. MERRITT: Perfect.

THE COURT: It probably makes sense. All right, so Madam Registrar, if you could have the joint

exhibit books one and two made Exhibit 1 and 2?

EXHIBIT NUMBER 1: Joint Exhibit Book Volume 1 -  
produced and marked.

5

EXHIBIT NUMBER 2: Joint Exhibit Book Volume 2 -  
produced and marked.

10

THE COURT: And maybe we'll deal with the notice  
of motion in a moment when we get to the argument  
of the motion. So, I have those materials here.  
Is there anything else being jointly filed that  
should be marked as an exhibit on the trial  
proper at this moment?

15

MS. MERRITT: No.

THE COURT: All right.

20

MS. MERRITT: Unless we want to mark the  
agreements. I don't know. I don't know that  
they need to be marked as an exhibit. I don't  
think we'll be referring to them.

THE COURT: These are the agreements respecting  
duties of care?

25

MS. MERRITT: Right. Well, it is agreed - we've  
got an Agreed Statement of Facts. I think that's  
also in...

THE COURT: It is in the agreements brief, yeah.  
I don't think there's a problem with marking this  
as an exhibit given that it is an agreement.

MS. MERRITT: Okay.

30

THE COURT: I guess it's an agreement as to law,  
but let's mark this as Exhibit 3 and then it's...

MS. MERRITT: Clearly part of the record.

EXHIBIT NUMBER 3: Agreements and Issues -  
produced and marked.

5 MS. MERRITT: And it isn't usual to mark the  
expert reports as exhibits. They're really just  
for Your Honour's reference to follow along...

THE COURT: Yeah.

10 MS. MERRITT: ...when the experts testify, so I  
think we choose not to mark them unless my friend  
cross-examined them on - seeks to have them  
marked at that time.

THE COURT: I tend to agree. Do you agree,  
counsel?

15 MR. ADAIR: I agree, Your Honour.

MS. MERRITT: And the only other thing I think  
you should have, Your Honour, is the amended  
trial record which was served and filed...

20 THE COURT: Yes. The trial record is here. I  
have it, okay.

MS. MERRITT: All right, so I think then you have  
all of the material that you'll need subject to  
whatever else we mark as exhibits through the  
course of the proceedings. So, the first motion  
25 is for an order excluding witnesses. I  
understand my friend has no objection to this  
motion and the plaintiff is seeking exceptions  
for the five representative plaintiffs who are  
named in the title of proceedings and as well our  
30 two experts, Dr. Barnes and Dr. Axelrod.

THE COURT: And is there any other exceptions to  
the order being sought by either party?



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MS. MERRITT: Not that I'm aware of.

THE COURT: No, all right. So, Madam Registrar, there will be an order made excluding witnesses except for the - sorry, counsel?

5

MR. ADAIR: I'm sorry, Your Honour. I was momentarily asleep at the switch. The one exception we seek is Donald Farnsworth, who is an officer of Grenville Christian College.

10

THE COURT: And will he be excluded on the basis that he will be assisting and giving you instructions?

MR. ADAIR: Correct.

THE COURT: All right. Any objection to that, at all?

15

MS. MERRITT: No, that's fine.

THE COURT: All right, so Madam Registrar, in that case, the order will be made except for the five representative plaintiffs, Dr. Barnes, Dr. Axelrod and Mr. Donald Farnsworth. If you wish to read it out?

20

COURT REGISTRAR: By direction of Her Honour, all witnesses in the case with the exception of the parties and expert witness, are to be excluded from the courtroom until called. While waiting to be called, you will not attempt to communicate in any way with any witness who has previously testified in this case. If you are being called as a witness, you will leave the courtroom at this time and be available to come to the court when required. Thank you.

25

30

THE COURT: I want to make sure that everyone in the courtroom is able to hear, both my voice and

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the voice of the Registrar. Could anyone indicated by a hand if you could not hear what was just read? All right, Madam Registrar, would you kindly read it out again loudly.

5

COURT REGISTRAR: Yes, Your Honour.

THE COURT: Thank you.

10

COURT REGISTRAR: By direction of Her Honour, all witnesses in the case with the exception of the parties and expert witness, are to be excluded from the courtroom until called. While waiting to be called, you will not attempt to communicate in any way with any witness who has previously testified in this case. If you are being called as a witness, you will leave the courtroom at this time and be available to come to the court when required. Thank you.

15

THE COURT: Thank you very much, Madam Registrar.

20

MS. MERRITT: The other motion is the motion for the order to continue and I haven't yet heard from Mr. Adair whether he's objecting to the order being made or not, so perhaps he could let us know that.

MR. ADAIR: I will.

25

THE COURT: And it would assist me to know whether there is a court appointed representative for the estate as well, at the time that you bring forward the order.

MS. MERRITT: Yes.

30

THE COURT: All right, so when you're able to address that, I'll hear that application. Or do - do you take the position that has to be done before we begin?

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MS. MERRITT: Well, technically, the action's stayed against the defendant Charles Farnsworth. So, I think we need to deal with that now.

THE COURT: All right.

5

MR. ADAIR: Well, here's - here's the problem from my perspective. First of all, I'm not objecting really to dealing with it later. This is something that Mr. Farnsworth died a few years ago. It could have been dealt with a long time ago. It's been an incredibly busy weekend getting set for today. I just haven't had time to address that one thing. I'm happy to have it dealt with *nunc pro tunc*, if necessary, at some point during the trial.

10

15

THE COURT: I may need counsel's assistance in whether that possess any jurisdictional issues at all with - if that's not done at the outset. I don't know if it's a matter that could take you a few minutes to consider, but if you need more time than that, tell me.

20

MR. ADAIR: All right, well, I'm not sure where that leaves us. Do you want the decision - you want it dealt with right now?

25

THE COURT: I - I wouldn't mind submissions on whether it needs to be dealt with right now. If it - if it doesn't and we can proceed without prejudice to either parties' position, we should proceed...

MR. ADAIR: Yeah.

30

THE COURT: I'm - I'm not trying to railroad you into making a decision hastily. You'll probably have to take some instructions, but I'd like

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counsel's assistance with the question.

5 MR. ADAIR: Well, it's - it's a serious matter and requires some consideration and some research and it is hard for me to imagine that there could be any justice when I stand up and say, we have no problem whatsoever dealing with it over the course of the trial in the next few weeks. We will not raise any objection in this court or any higher court to the contrary.

10 THE COURT: Ms. Merritt, does that satisfy you in terms of timing?

15 MS. MERRITT: Well, the difficulty I'm having with this, Your Honour, is that the interest of Charles Farnsworth was transmitted to his estate upon his death; right? And no motion is required, no leave is required, there's no discretion in the court. It's simply done by the Registrar on a requisition with affidavit evidence saying the man died, here are the  
20 executors of the estate. Unfortunately, for some reason unbeknownst to me, the Registrar in this case said they'd like to see a copy of the will or a certificate of probate. Totally not needed, not required by the Rules, no practice direction to that effect. This - this requisition is done  
25 without notice to the defendant. It's an administrative matter only. Only because the Registrar refused to sign it and I thought it easier to deal with it before the trial judge then to incur the time and cost of a motion, did  
30 I delay it until now. So, it's - the Registrar is doing something that is very difficult for a

plaintiff.

5 When the defendant dies, we don't have the will  
and if they don't take out probate, we can't  
produce that document either. It - I'm reluctant  
to say my friend ought not to have time to  
consider this, but I'm really struggling to  
understand on an administrative matter which  
normally he would not get notice of, which would  
10 have been signed in the ordinary course by the  
Registrar, why this would be an issue. Now, if  
he is giving his personal undertaking that this  
will never be raised, that satisfies me for this  
proceeding, but what if the defendant, the  
15 estate, somehow changes counsel in the future on  
an appeal? I - I don't know the jurisdictional  
issue about whether you can do this  
retroactively. That's my problem, that's my  
concern. I just don't know what the potential  
20 implications are of that.

THE COURT: I - I think the concern from my  
perspective is not knowing whether this is the  
most recent will and perhaps that was the concern  
of the Registrar. There's not been a court  
25 appointed - a court appointed representative on  
which a third party can rely, but perhaps I could  
look at your materials?

MR. ADAIR: I - I can explain what my concern is  
because I am not intending to waste anybody's  
30 time. First of all, I might add, that it is an  
administrative order, but that can be set aside.  
This is different where there's a motion before

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5 the court on the merits. My concern is that the  
death of Charles Farnsworth was some time ago and  
I am not entirely certain that one can seek a  
transmission of interest after limitation periods  
expire against an estate. And I would like the  
time to consider that and, if necessary, argue  
it. And the fact that it's arising at this point  
is not really on me given the fact this could  
have been done a long time ago.

10 MS. MERRITT: I don't have the exact date we  
asked Mr. Adair who the trustees were, but I do  
believe that took some time to get. In any  
event, if Mr. Adair wants to adjourn this - I  
don't want to adjourn the trial, obviously. We  
15 have a lot of people and this is most  
inconvenient. It would have been nice if we had  
known the nature of the objection before this  
morning. I will certainly give you the materials  
and my inclination, in the face of what Mr. Adair  
20 is now raising, that somehow a delay in - in  
obtaining the order to continue would effect  
things, which is does not because the interest  
was transmitted upon the death. That's a matter  
of operation of law as opposed to anything we  
25 here are doing today, but I will certainly give  
you these materials and in these circumstances, I  
think the best we can do is give Mr. Adair some  
time to consider this issue and hopefully advise  
us of his position sooner rather than later, if  
30 he wants to object to this, and we could  
certainly proceed with the motions. We can  
proceed with the opening statements and I would

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suggest we start the evidence.

THE COURT: All right, I'll take the material on that basis then.

5 MS. MERRITT: What I've given you is the Registrar's note together with the requisition which had a draft order and my affidavit attached to it which simply attaches the proceeding and sets out the death.

10 THE COURT: All right, so to keep the material orderly, I will make this package Exhibit 1 on the motion to continue and we will stand down argument at this moment. I'll revisit with counsel or I invite counsel to revisit with me as soon as you are able to, in any event.

15

EXHIBIT NUMBER 1 ON THE MOTION FOR TRANSFER:

Package of materials regarding the death of Charles Farnsworth - produced and marked.

20

THE COURT: All right, so we can move to your motion for the admissibility of documents, Ms. Merritt.

MS. MERRITT: Yes, and Ms. Lombardi is going to argue that motion.

25

THE COURT: Are there any responding materials from...

MR. ADAIR: No.

THE COURT: ...the defence? Okay.

30

THE COURT: Ms. Lombardi, do you anticipate that we would enter into a voir dire and are you calling any evidence to establish the business records?

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5

MS. LOMBARDI: I'm not calling any - any evidence, Your Honour. I have a few submissions on a point of law on necessity and reliability, ultimately, as the basis for allowing the contentious documents to be admitted. So, no, I don't intend to call witnesses at this time. I can advise Your Honour, though, that just this morning Mr. Adair advised of some documents that he is in agreement with, so I can I guess reidentify - I can either give you the list of all the ones that we're fine with or I can just focus on the ones in issue and tailor my motion to just those few subset documents.

10

15

THE COURT: All right. Well, let's - let's start with marking the two exhibits book as Exhibit 1 and 2. Are these - these the same?

20

MS. LOMBARDI: I think you have two copies, Your Honour.

25

THE COURT: I have two copies. So, there's an exhibit copy and this will be Exhibit 1 on the motion. Sorry, mark the book I just handed to you Exhibit 1. We're now on a second motion, Madam Registrar. This is the motion for admissibility of documents, so the yellow supplementary exhibit book will be Exhibit 1 on the motion to admit.

30

EXHIBIT NUMBER 1 ON THE MOTION FOR ADMISSIBILITY:  
Book of Exhibits Volume 1 - produced and marked.

THE COURT: So, some of the documents are no longer in issue?



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MS. LOMBARDI: That's right.

THE COURT: So, if you wanted to go by tab, did you want to indicate, are there many?

MS. LOMBARDI: That are not in issue?

5

THE COURT: Yes.

MS. LOMBARDI: Yes, there are. So, I don't know if it's easier to focus on the ones that are in issue or are not in issue. We can go tab-by-tab, maybe that's the easiest way to do it.

10

THE COURT: Did you say you had a list of all of the tabs that are not in issue now?

MS. LOMBARDI: Yes.

THE COURT: That would be helpful.

MS. LOMBARDI: Okay.

15

THE COURT: If you wanted to pass that up to me.

MS. LOMBARDI: I - I can write them out...

THE COURT: Oh, if it's just handwritten...

MS. LOMBARDI: It's handwritten, I apologize. Again, it was just this morning.

20

THE COURT: Well, let's do this; since I have my own copy, just give me the tab numbers and I'll mark on my copy which ones are no longer in issue and then we'll go to your argument.

MS. LOMBARDI: Okay, perfect.

25

THE COURT: That seems orderly enough.

MS. LOMBARDI: Yes, so tab 4 is no longer in issue. Tab 17; tab 20; tab 23 to 26; tab 28; tab 31; tab 32; tab 33; tab 39; tab 44; tab 46; tab 49; and I missed one earlier, tab 13.

30

THE COURT: And is the basis of agreement that these are business records made in the ordinary course of business or is there any stipulation as

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to source and why they're admissible?

MS. LOMBARDI: I was not given any kind of stipulation of that sort. My friend simply said that those are no longer in contention and we agreed to admit those documents fully.

5

THE COURT: Mr. Adair, are you able to assist us as to the nature of why they're admissible?

MR. ADAIR: Well, most involve - most of them do not concern me which is the primary reason - at all. A few of them are business records properly. So, I'm - I'm now satisfied and it is one or the other....

10

THE COURT: Either business records or you're - you're satisfied they can go in on consent?

15

MR. ADAIR: Exactly. I - I specifically will tell the court I do not object to the admissibility of these documents.

THE COURT: All right, thank you.

20

MS. LOMBARDI: So, that leaves us now with another subset of documents. And it goes to what my friend just said. He admits that some of these are rightfully business documents. If we were to just look on the face of some of the ones in issue, they appear to be the same type of document and so that is essentially where my submissions are focused on - on this motion. So, initially the - the documents, all of them, had been refused on the basis of uncertainty, but all of these documents that - that were pointed to had some kind of authentication, presumably, because many of them anyways came from the defendants themselves in their own productions -

25

30

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own productions, and were believed to be business records of - of the Grenville School. So, again on their face, they appear to be prepared in the ordinary course of business.

5

In one instance we have something that did not come from the defendants and that would be tab 15 which is a - a publically available autobiography of one of the two headmasters that are also named defendants in this proceeding. But - it's headmaster Mr. Alastair Haig who is now deceased. He died in 2009. This autobiography includes many details about the formation of Grenville Christian College, its philosophies, influences and intentions and so on that basis, we would say that it is both necessary and reliable in this - in this case.

10

15

Similarly, there is a tape recording at tab 12 also by Mr. Haig. This tape recording did come from the defendant's productions. They provided it to us and the title of that audio recording is twofold. It's "The Story of - of GCC" and "The Way I See It." So, again, these are Mr. Haig's own recorded recounting of his involvement in the founding of Grenville, its underlying philosophies and methodologies. And so, we say they aren't necessarily - necessary and reliable on that basis as well.

20

25

30

In a more general sense, our submission on the - on the contested documents in issue now are that

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5 they're all necessary and reliable because they  
are all material to the issues to be determined  
in this class action. And we would submit, Your  
Honour, that the principle or proposed approach  
to determining their admissibility be employed  
here particularly given the historical nature of  
the case and the abuses alleged. This case is  
not dissimilar to the child abuse case in the  
10 1980s that brought about this purposive approach  
because the application - the strict application  
of those hearsay Rules prior to that was deemed  
to be unjust and justice would not be served.

15 So, the hearsay rule is meant to exclude  
unreliable, out of court statements, but we say  
that these - these are exceptions to that. So,  
again, the vast majority of the records in issue  
are business records on their face. They appear  
to be written in the ordinary course of business  
20 of the school.

25 They were provided by the defendants or they were  
created by or at the direction of the two  
headmasters of the school during our class  
period. So, in our class period of 1973 to 1977,  
there are two headmasters who are heading up  
those school. They are both named defendants in  
this action and they are both deceased. The  
school itself is now defunct. It was no longer  
30 operational as of 2007.

Our friends have not made any kind of submission

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5 that they think these documents are fraudulent in  
any way or in fact that they really differ in any  
material respect from those that have already  
been admitted. Not just the ones agreed to this  
morning, but including the ones that were in the  
joint exhibit - exhibit book.

10 My friend has, you know, said this morning that  
essentially, he's refused to admit them because  
they might be adverse and my respectful  
submission is, prejudice is different than  
adversity. Again, in a historical case such as  
15 this and perhaps more so, all of the evidence is  
important to be before the court because all of  
the evidence in its totality, the evidence that's  
been agreed to that can be used, the evidence  
that will be coming from the witnesses  
themselves, all of it will act to test the other  
and so there is that ability to test the  
20 evidence.

25 And of course, through this application of  
testing, it ultimately comes to the court's  
discretion to weight all of the evidence in  
context against the other in its totality in  
order to come to its determination on the issues  
at hand. This is not a case where we have a  
single document that's going to prove the entire  
case on either side. These documents are - are  
30 simply the necessary context for the court to  
assess, again, the totality of the evidence  
before it.

5 So, just by way of example, the two documents  
that I mentioned being the autobiography and the  
tape recordings of the headmaster, Al Haig,  
they're being contested and yet the - the parties  
came to an agreement on a transcript of a tape  
recording by Charles Farnsworth, who is the other  
headmaster in this case. We agreed to include  
that in the joint exhibit book because we knew  
10 that ultimately its - its reliability or its  
credibility or its weight would be weighed by  
this court in the context of all the evidence  
that was about to be put before it.

15 And so, I guess my - my final submission on this  
would be to say that if we cannot have the  
autobiography and the tape recordings admitted,  
then I would suggest that that other document  
needs to also be excluded as well.

20 THE COURT: When it comes to the autobiography  
and the tape, what is the use that you propose to  
make of those documents? In other words, are you  
tendering them for proof of the truth or for the  
proof that they were made and...

25 MS. LOMBARDI: For their truth, Your Honour.

THE COURT: That what they say is true?

MS. LOMBARDI: Or at least what those individuals  
who say it believe it to be true.

30 THE COURT: So, that's different. Proof of the  
truth is what they said is true. It's gospel,  
but if it's what they believed or their  
philosophy of how the school would be operated,

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that would not, wouldn't think, be proof of the truth. It's proof of a belief system.

MS. LOMBARDI: Yes, Your Honour.

5

THE COURT: So, it's very important for the analysis for me to understand exactly how you propose to use them.

10

MS. LOMBARDI: That - the second iteration, Your Honour, is how I propose to use them and how I would propose, I think a lot of this evidence has to be used. It's - it's coming from either individuals or from a certain perspective and a lens and it isn't until all of the evidence is put together, I think, that we can weight it and understand. It's, you know, what's - what's credible and what's not.

15

THE COURT: So - so, if we follow that line of reasoning and it's not being proffered for proof of the truth, then it's not a hearsay problem for you. It may be a different problem.

20

MS. LOMBARDI: Right.

25

THE COURT: It will be of great assistance for me to understand and it will be helpful to know, document by document, what they're being tendered for, is there a hearsay problem? If it is not, what's the objection? And it - maybe this is the first time your friend has heard it's not a hearsay issue and it may be that you're able to agree further on some of these records if you look at them together. I appreciate you worked on this over the weekend and you - you may just not have had the time given everything else you had to do to prepare the case. So, in terms of

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5 efficiency and I know you'd like to get to your  
openings, it might be worth while at the morning  
break for counsel to have a further conversation  
about it. It sounds like you're getting close to  
the end of your submissions, at least at this  
point.

MS. LOMBARDI: I am Your Honour and I'd be very  
happy to do that with my friend at the break.

10 THE COURT: All right, well, let me call on Mr.  
Adair and - and we'll see where we're at in terms  
of what's the most efficient way to address the  
documents.

MS. LOMBARDI: Thank you.

15 MR. ADAIR: Your Honour, I - I don't want to  
appear as an obstruction as to throw a monkey  
wrench in things, but I've gone over each and  
every document very carefully and in my  
submission - it will be my submission there is a  
complete absence of proof that they're business  
20 records and on their face, they obviously don't  
come within a country mile of being business  
records. Since when is an autobiography a  
business record? So, I don't think, with great  
respect, that there's any purposive approach in  
25 sitting down. I've conceded a number of  
documents, having carefully considered them, or  
because I didn't care, but I'm also a believer in  
not tossing a lot of stuff at the court unless  
it's properly admissible.

30 THE COURT: That's helpful, thank you.

MS. LOMBARDI: Perhaps, Your Honour, then it  
would be instructive to just, with you right now,



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go through some of those documents in contention and make my submission on each one. That might be the most efficient...

5 THE COURT: I think - I think that would have to happen because each one is different.

MS. LOMBARDI: Yes.

THE COURT: So, the autobiography?

10 MS. LOMBARDI: We - we can start at the beginning, chronologically, if that makes sense Your Honour or we can jump to - in my submissions and I apologize to my friend if my motion was unclear. I wasn't suggesting that the - that the autobiography was a business record. For me, that is something that I say is necessary and  
15 reliable and that in that more purposive approach to the admissibility of evidence ought to be considered in that - in that light.

20 THE COURT: Right. I'm just trying to avoid you having to repeat your submissions on tab 15, which is the book.

MS. LOMBARDI: Yes.

THE COURT: And tab 12 which is the tape recording.

25 MS. LOMBARDI: Correct. Now, that tape recording did come from the defendant's - to the - I don't know to what extent that influences things in terms of reliability, but the submissions are ultimately the same.

30 THE COURT: All right, so - but again, if you're not seeking to tender it for the proof of the truth, it's not hearsay. So, then the question becomes, is it relevant? Is it probative? Are

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5 there any other exclusionary rules that should prevent those two documents from coming in? So, I leave it to you as to whether you're going to give me more submissions on those points. If you want to come back to those, we can - we can start at the top with the documents that you propose to...

MS. LOMBARDI: Sure.

10 THE COURT: ...put in and - and take me through your argument as to why they're relevant, admissible and whether there's any exclusion.

15 MS. LOMBARDI: Okay. So, the - the first document is at tab 1. This is a document titled "Community of Jesus Vow of Service." I would submit, Your Honour, you're going to hear a lot about this community and its influences on Grenville Christian College, even its - its direction in terms of Grenville's methods that it employed with its students. And so, I believe  
20 that having that - again, that understanding in that context is important.

THE COURT: Is this - where does this document come from? It doesn't seem to have a date.

25 MS. LOMBARDI: This - it does not have a date and I'm - I'm happy to put this one to one of my witnesses who can more properly authenticate it.

THE COURT: All right, so does it make sense to put this one aside until it arises in the...

MS. LOMBARDI: Sure, we can...

30 THE COURT: ...evidence?

MS. LOMBARDI: We can do that, yes.

At tab 3, this...

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THE COURT: You're skipping tab 2? You don't want to talk about tab 2?

MS. LOMBARDI: Tab 2, oh, I'm sorry. Tab 2 is in issue. It's - it's just a photograph. I'm - I'm not concerned about that.

THE COURT: So, put that one aside?

MS. LOMBARDI: Yes, please.

THE COURT: Okay.

MS. LOMBARDI: Tab 3, again on its face, this one I would say is a business record. We have the name of someone up top and we have some academic comments. This to me looks like it's a - it's a file on a student kept by the school. And again, for my purposes, again going back to my idea of putting all of the evidence forward to put it in context with witnesses. This is one that - that I would like to be able to use with a witness, to comment on, so this one I - I do believe is a business record. It's an exception to hearsay and not - and it should be admitted for the truth of its contents.

THE COURT: So, in terms of the test - so you want to use what's in this record for, again, the truth of what's written here?

MS. LOMBARDI: Yes.

THE COURT: These are the courses being taken, these were the marks, these are the comments made by the teachers, this is a record of something that happened at the school?

MS. LOMBARDI: Yes, Your Honour.

THE COURT: And it's undated and it's unclear where it came from.

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MS. LOMBARDI: It came from the defendants. This came from the defendant's productions.

THE COURT: And in terms of evidence that it was made in the ordinary course of business of running the school, where do I find that?

MS. LOMBARDI: We - we submit that, again, with these documents being provided to us by the defendants in their affidavit of documents in response to the litigation, we believe that these documents were made in the ordinary course during the operation of the school during the class period in question. We - we - on their face, it's a student record. This was a boarding school. We believe that - and we don't have a witness to speak to it. I mean, again the boarding school is no longer in operation. The person who either - you know, made this, we don't - we don't know who that is. I don't even know if it's in the defendant's knowledge, so again on its face, it appears to be a business record and we say it ought to be included.

THE COURT: And so then in terms of being able to establish a duty to keep a record such as this, there's no evidence capable of establishing that part of the test?

MS. LOMBARDI: That - that records of this nature on - on students would be - would be kept in the normal course?

THE COURT: Well, right. Section 35...

MS. LOMBARDI: Right.

THE COURT: ...of the Ontario Evidence Act has two components and one of them speaks to the

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duty, I believe.

5 MS. LOMBARDI: We - we don't have a witness that  
can speak to that, Your Honour. Again, those -  
those are in the - those are with the defendants.  
We don't know - the headmasters are dead, so  
again on its face, we believe it to be a record  
created and - or directed under the operating  
minds of the headmasters of the school during the  
class period.

10 THE COURT: All right.

MS. LOMBARDI: The next record is tab 5.

THE COURT: Yes?

15 MS. LOMBARDI: This record again came to us from  
the defendants in their productions. When - when  
we get into the document and read what it says,  
it's clearly talking about the school, its  
principles, its policies, its methods. It seems  
to be almost like a PR piece a little bit about  
one of the headmasters sort of extolling the  
20 virtues of the school. Again, we say it is  
sufficiently reliable having come from the  
defendants in the answers with their productions  
and also that it's - it's necessary. And again,  
this is a document that's going to be tested, so  
25 maybe it's not strictly, you know, being admitted  
for the truth of its contents. Only that the  
author being Grenville made this statement and  
again, it'll be weighted and tested in and  
amongst the other evidence to be heard during the  
30 trial.

THE COURT: Do we know whose writing this is?

MS. LOMBARDI: Its type written. I - I don't

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5 know. We don't have that information, Your Honour. Again, it wasn't provided. These - again, these are historical documents covering a time span from 1973 to 1997. The school was out of business in 2007. It's just not - on its - on its face again if we look into it, it appears to be written by one of the headmasters that - that....

10 THE COURT: How - how do we know that from looking at this? Couldn't it have been written by any number of people who worked at the school? It looks like it could be a speech.

15 MS. LOMBARDI: It is and there may be a reference to who wrote it, if you just give me a moment Your Honour? This document does not appear to have that reference, but in the right - in the first paragraph, it's describing a visit by someone coming to this College and - and saying things about the College that "greatly impressed me." So, I don't know who "me" is, but its - this "me" person is - is at Grenville and speaking of the school as its - as its school. So, presumably this someone is at the school. It does not appear to be written by a student, 20 certainly the tone and the content of this appears very much to be written either by the headmaster, perhaps a teacher, but it is again outlining what the school is about and - and that is the heart of this case; what this school was about and how it operated over the class period. 25

30 THE COURT: So, that - that was my question. What would this document be probative of?

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5 MS. LOMBARDI: To at least show the school's own  
sense of itself. The next document is at tab 6.  
It is very similar to the one that we were just  
discussing. This one has quotes that are - or  
appear to be attributed to Al Haig, one of the  
headmasters, again, during the class period.  
There's - there's a stamp up top that says "For  
immediate release." The title is "Discipline is  
not a dirty word," and if we turn to page two,  
10 we'll see at the beginning of the second  
paragraph there's a quote that says, "That all  
sounds good," says Haig," and then he goes on to  
say something else. So, this - this does clearly  
seem to be attributable to Mr. Haig. Again, it's  
15 provided to us by the defendants and we say that  
it is - it is probative. And - and relevant  
again because it's speaking to what the school  
is, the views of the operating minds of the  
school in terms of its direction and the kinds of  
20 methods and philosophies that it's implying.

THE COURT: And it is admissible as what? So, is  
this record some other recording?

25 MS. LOMBARDI: I believe it's a business record,  
Your Honour. I think these kinds of releases  
would be something that would, in the normal  
course, be kept by a school. It's talking about  
the school. It almost sounds promotional, in  
some ways.

30 Ultimately, Your Honour, these - these last two  
documents that we looked at, for example, these -  
these are - these are admissions. These aren't

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third parties. We have the school as a party and the two headmasters are parties. So - so these are the words of that school which is, you know, they are then too, along with the headmasters.

5

The next document is document 12 and that was the, again, this tape recording that we spoke of earlier. And I think I would simply add that this is - this is probative, like these other documents that we've been looking at. It is the perspective of one of the parties. It is in fact an admission, at least in respect to his own views on how Grenville came to be and what it was all about. It's probative. It's not

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15

determinative. None of the evidence is, but it is probative and we believe to be weighted fairly amongst all the other evidence that will be brought forward, not just by the plaintiffs, but by the defendants as well.

20

THE COURT: How long is the tape recording?

MS. LOMBARDI: Let me check my notes. I believe it's about half an hour in length.

THE COURT: Is there a transcript prepared of it?

25

MS. LOMBARDI: There is not a - an official transcript, but we can certainly put on together, either of just the excerpts that we would like to discuss along with timestamps or - or - or the whole record. I'm sure we can put that together. I have a document now that is a - a transcript with some timestamps to some excerpts of it, but not the entire recording.

30

THE COURT: And you weren't proposing to play it



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as part of the motion, I presume?

MS. LOMBARDI: I - I was going to play it.

THE COURT: You were going to play it?

MS. LOMBARDI: Those - those excerpts, but I'm...

5

MS. MERRITT: Not in the motion.

MS. LOMBARDI: Oh, sorry, not in the motion, no.

THE COURT: All right.

10

MS. LOMBARDI: And if we go to 15, this is the autobiography that we spoke of earlier and again the only thing to add is that we do believe it's relevant and probative and - and necessary, again, as essentially an admission of Mr. Haig, of his understanding, his knowledge of the formation of Grenville, its philosophies and its methods.

15

20

The next one is at tab 16. This one is dated as March 1981. Again, this came from - this came to us from the defendants. Prima facia it looks like a speech that was given about the school. It refers to "our school," so by someone at Grenville. And it - and it speaks to, again, the methods and the philosophies that are employed at the school. And we believe it to be probative.

25

30

The next document's document 17. This one is also dated March 27, 1981. Again, it's a historical document. The title in and of itself leads me to believe - "How do we here at Grenville nurture Christian Values?" We say this is clearly written by the school with respect to communicating what it believes to its values are.

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5 And again, our submission on that would be that  
it is both probative and relevant and necessary  
to understand - to understanding what the school  
itself thought itself to be versus what we might  
hear otherwise.

THE COURT: There's some handwriting at the top.  
Can you assist me with what that says?

MS. LOMBARDI: It says, "For Haig presentation."

10 THE COURT: And the highlighting is in the  
original?

MS. LOMBARDI: That is how we received the  
document. From the defendants, that's how - with  
those highlights.

15 THE COURT: Let me just - did you skip over tabs  
9, 10, 11?

MS. LOMBARDI: Tabs 8, 9, 10 and 11, Your Honour,  
I've skipped over because I will propose to use  
those documents with witnesses and have them  
authenticate them.

20 THE COURT: All right, so for the moment, those  
are set aside to produce in evidence?

MS. LOMBARDI: Yes, Your Honour.

THE COURT: All right, thank you.

MS. LOMBARDI: Also, tab 7.

25 THE COURT: Tab 7 as well, all right.

MS. LOMBARDI: Yeah.

THE COURT: Thank you.

30 MS. LOMBARDI: So, I'm - I'm taking Your Honour  
through now just the ones that we are seeking to  
have admitted at this moment.

THE COURT: Okay, so just...

MS. LOMBARDI: I've already gone over the ones

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that our friends have agreed with and then the remainder will be brought in in the usual way.

THE COURT: So, is 14 as well going to be put to witnesses? It's set aside.

5 MS. LOMBARDI: Yes.

THE COURT: Okay.

MS. LOMBARDI: Eighteen as well.

THE COURT: Set aside?

MS. LOMBARDI: Set aside, yes.

10 THE COURT: Okay.

MR. ADAIR: Sorry, 18? I just missed where we're at. Is 18 being put aside, so to speak or....

MS. LOMBARDI: Yes, it's going to be put before a...

15 MR. ADAIR: Okay.

MS. LOMBARDI: ...witness.

MR. ADAIR: Thank you.

MS. LOMBARDI: Nineteen remains in contention.

20 We'll turn to tab 19. This on its face is a letter dated July the 29th, 1987. It is to - it says, "Dear Father Farnsworth." Charles

Farnsworth was referred to as Father Farnsworth at the school. It - if we - if we look to the document a little bit, we see that they're referring to their child that's attending the school. It - and it is signed, you know, by the

25 parent and is talking about the communications they've had back and forth with the school with respect to their - to their child. And so, we say this is something that - a communication back and forth with parents would absolutely be a

30 business record. And again, having come from the

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defendants themselves, we believe it to be necessary or rather believe it to be reliable on that basis.

5

THE COURT: And the content of this letter, how would you seek to use that information?

MS. LOMBARDI: I would seek to use that information for - for the truth of its contents that - that those issues were the things discussed between the parent and the school.

10

THE COURT: Well, so there's a difference between the fact of the discussion and the content. In other words, if you're using it for the truth of what's in here, you - you would be tendering it to say, "your academic standards are beyond reproach, that's true. The moral standards which permeate the atmosphere of the school and the dedication of the personnel to uphold them are commendable. That's true." So, in terms of proof of the truth, there are a number of assertions made by the parents....

15

20

MS. LOMBARDI: I wouldn't put it forward for the - the truth in that sense. Again, I - I apologize to Your Honour, to be confusing these things. I would say that it's probative. There is some information here that I will put to witnesses.

25

30

THE COURT: I think it's just important and I appreciate it's tricky to tease out always exactly when it's a document with a number of assertions in it, that it's important from the start to think about how - how does this advance your case. Is it capable of doing so? And is

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there anything that should exclude it? So - and I don't know if the student here is going to be testifying?

5

MS. LOMBARDI: They are not, Your Honour, and so I - I guess I have - I have to step back from what I just said. I - I would put this forward for the truth of its contents. The topic of this letter is discipline. Discipline will be one of the features that we'll be discussing in our trial and again, this - this is happening contemporaneous when this discipline was supposedly effected with their child and they're responding to it and so I would put it forward for the truth of its contents under the exception that it is a business record.

10

15

THE COURT: So, you're saying that this is a business record that someone was in the duty of creating that was being kept in the ordinary course of the business of the school. That's the effect of your submission as to its....

20

MS. LOMBARDI: It certainly was received, I think, by the school.

25

THE COURT: So, you'll be seeking to use it not just to show this is an unhappy parent whose child was being taken out of the school. That's in the final paragraph, but you're also seeking to prove the fact of the discipline that's described in the letter, is that....

30

MS. LOMBARDI: Yes, Your Honour.

THE COURT: All right. And are you also seeking to tender it on the strength of necessity and reliability?

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MS. LOMBARDI: Yes, Your Honour.

THE COURT: So, what evidence is there that it's necessary? In other words, that Mr. Leeman's not able to come and testify about this?

5 MS. LOMBARDI: It's necessary, again, because it's material to one of the core issues in this trial. So, we're talking here today about Grenville, the methods it used, the philosophies it had, the way it implemented discipline on its  
10 students. So, we believe it to be necessary because again it's contemporaneous to what was happening at this time. It's dated 1987. There's this exchange between the parent and the  
15 headmaster confirming the kind of discipline that was being meted out at this time period.

THE COURT: But wouldn't the direct evidence - I mean, if - if Ron, this student, is available to come and say this is the discipline that happened and I'm the person that experienced it...

20 MS. LOMBARDI: Right.

THE COURT: ...if that person's available, doesn't that rebut the fact that it's necessary to call this by way of a document?

25 MS. LOMBARDI: Well, Your Honour, I made the submission to say this is a historical case and so, on that basis there is - there is something to be said for - for having a more prospective, more flexible approach rather than applying the strict Rules, and I would repeat that submission  
30 in the context of this being a class proceeding. This isn't a case - this isn't a mass tort proceeding where we have every single individual

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5 who has a claim against the school available to  
come forward and - and have their particular  
issue tried. This is a representative action and  
so in order for us to proceed as a class  
proceeding in this way, we're trying to show  
cases to show systemic negligence over this  
entire class period and these documents go to  
speak to that and fill in those time gaps because  
it would be impossible, really, to have  
10 absolutely every person that had touched this to  
come forward to give evidence. And again, these  
- these documents are not things that we, you  
know, dug up somewhere. They came from the  
defendants, presumably because they were in the  
15 school's possession and control.

THE COURT: Fair enough, however if the documents  
are produced, it's not necessarily following that  
they're admissible; correct?

MS. LOMBARDI: I understand that, Your Honour.

20 THE COURT: So, in a class action, are the Rules  
of Evidence as in an ordinary action?

MS. LOMBARDI: They are the same, and I would say  
- but they are the same in the sense of needing -  
requiring this purposive approach.

25 THE COURT: Well, the purposive approach - the  
principle approach to hearsay...

MS. LOMBARDI: Sorry.

THE COURT: ...necessity and reliability still  
requires evidence of what the necessity is. It  
has to fill - necessity's not the same as  
30 relevance.

MS. LOMBARDI: Right.

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5 THE COURT: It may be relevant, but if it's  
necessary normally it's because a witness has  
recanted, a witness has died, a witness no longer  
has mental capacity and in addition, there are  
the reliability indicia that go along with the  
document that's sought to be tendered and this is  
one that's pure hearsay because you are seeking  
to use this to say, this is the discipline Ron  
suffered.

10 MS. LOMBARDI: Right.

15 THE COURT: But I'm not hearing from you that  
Ron's not available. So, that's -- I'm just  
probing a little bit to understand why you say  
it's necessary in the sense of the test set out  
in *Khelawon*.

20 MS. LOMBARDI: So, I believe that it's necessary,  
Your Honour, again in the context of this being a  
class proceeding and we're - we're not - it's a  
representative action. We have five  
representative plaintiffs who - their stories are  
meant to stand-in for things and then we have  
documents that are put forward that appear to be  
business records on their face that would have  
been kept in the ordinary course of the school,  
25 speaking to the issues at hand. And again,  
they're probative in the sense of providing more  
context to weighting all of the evidence that  
will be put forward from the witnesses in the  
witness stand from the documents that are not in  
30 contention.

THE COURT: All right, so business records is one  
route to admissibility, but we were talking about



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*Khelawon* and the principled approach, necessity and reliability. So, do I have all your submissions on why it's necessary?

MS. LOMBARDI: Yes, Your Honour.

5

THE COURT: Okay, so let's go to your next document.

10

MS. LOMBARDI: The next document is document 21 and I would - this is essentially the same type of document that we were just discussing. It - it is addressed, "To Whom it May Concern," but it's addressed to Grenville Christian College and it is discussing this person's child who was a student at the school.

15

THE COURT: So, again it appears to be a letter of complaint by a parent about their child?

MS. LOMBARDI: Yes, Your Honour.

THE COURT: And can you say anything about why this is necessary or whether this witness is available?

20

MS. LOMBARDI: I guess I would repeat my submissions from earlier, Your Honour, that it's - it's not - it's not practical. It would be - it would be impossible. The resources that it would take to call absolutely every person that wrote a letter, that from business records that are historic and to find these people and bring them into court is - is overly burdensome and again, in the context of a case where we're talking about historical child abuse.

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THE COURT: All right, thank you.

MS. LOMBARDI: The next document is document 27.

THE COURT: Tab 22, are you leaving that aside?

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MS. LOMBARDI: Tab 22 was covered - that was agreed to by my friends.

THE COURT: Okay.

MS. LOMBARDI: Yes...

5

MR. ADAIR: Where...

MS. LOMBARDI: Tabs 23 to - oh sorry, no, not 23. I'm sorry.

MR. ADAIR: Excuse me.

10

MS. LOMBARDI: So, 22 is a videotape recording that, again, we received from the defendants in their productions. And when you watch the videotape recording, it is someone who is attending Grenville in their - it appears to be some kind of auditorium or dining room, perhaps, giving a talk on sexuality and chastity to the students. They're introduced by Mr. Farnsworth and then at the end of their presentation, he comes back to the podium and - and thanks this presenter from coming and giving this information to the students.

15

20

THE COURT: And it's probative and relevant?

25

MS. LOMBARDI: It's - it's probative because it speaks to the kind of messages these students were receiving on the topic of sexuality. And it's relevant because that is something that is also in issue in the case.

THE COURT: How does that connect to the issues? Breach of fiduciary duty? Breach of duty of care?

30

MS. LOMBARDI: It connects to breach of duty of care, we say, because the messages that were being imparted on the topic of sexuality in

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particular were, in and of themselves, abusive.  
They were a (indiscernible) of sexual abuse.

5 THE COURT: And in this videotape, is - are  
either of the headmasters present during the  
giving of this - this talk?

MS. LOMBARDI: I know that the headmaster  
introduces them and - and appears to stay through  
- through to the end because of the comments that  
10 he makes when he is thanking her for her  
presentation. He's making specific comments on  
some of the things that she talked about and sort  
of reviewing it. I'm not entirely sure now in my  
mind how much he is in the actual frame of the  
picture, though he may be there in the background  
15 sitting on the stage behind her where she's  
giving this talk.

THE COURT: And the date is April 18th, 1993?

MS. LOMBARDI: That's what we are told, yes.

20 THE COURT: And to - again, you're seeking to put  
this in as a record of it taking place rather  
than for the truth of the contents?

MS. LOMBARDI: The truth only that those messages  
were imparted to the students.

25 THE COURT: So, that would not be the truth of  
the contents.

MS. LOMBARDI: Right.

THE COURT: Okay. Okay.

MS. LOMBARDI: The next document is document 27.

THE COURT: What is this document?

30 MS. LOMBARDI: This document is a - a letter from  
an organization known as the Community of Jesus,  
which we say had incredible influence and the -

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5 the letter is not so much as important to me as -  
as the pages that accompany it which set out some  
of the tenants of that community's belief system.  
Now, this document I am happy to simply before a  
witness and have them qualify whether or not they  
agree that these were the philosophies of that  
community to which they were apart and a member.

THE COURT: So, that's an aside to be...

MS. LOMBARDI: Yes.

10 THE COURT: ...put in through a witness, all  
right.

MS. LOMBARDI: Yes.

THE COURT: All right.

MS. LOMBARDI: The next document is number 30.

15 THE COURT: You skipped 20; it's an aside, is it?  
It's skipped.

MS. LOMBARDI: Sorry, just one moment, Your  
Honour.

20 So 29, Your Honour, my friend advised that so  
long as we intend to call the - the drafter of  
the document he doesn't have an issue with it.  
He agreed to some of the documents authored by  
this Margot individual, but not all of them.

25 So....

THE COURT: Sorry, I'm looking at tab 29 which is  
a transcript.

MR. ADAIR: My - I think there may be some  
misunderstanding here. We're dealing with this  
two-page transcript from....

30 THE COURT: That's what I was just asking,  
counsel.

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MS. LOMBARDI: Sorry, Your Honour, I got confused with some of the documents. That one is a transcript and I'll put to that - I'll put to that witness. We can just skip over that one.

5

MR. ADAIR: I don't have a problem with that.

THE COURT: You don't have a problem with the transcript?

MR. ADAIR: I must have overlooked that in my telling my friend in what I agreed to.

10

THE COURT: So - so very good, tab 29 is then agreed.

MS. LOMBARDI: Agreed, okay. Thank you. Sorry. And tab 30 is one that I can put to a witness who will be testifying, Joan Childs. She is -

15

appears to be the author of the documents and the recipient of the exchange of information here.

So, I can just put that to Ms. Childs.

THE COURT: All right.

20

MS. LOMBARDI: The next contested document, I believe, is tab 34.

25

MR. ADAIR: You know, part of the problem here, if I can interject. I don't know whether it'll make things go more quickly or not, but as I said to my friend, the motion record seems to divide documents into two categories; one which they seek the admissibility of. There's a group of documents, they seek to have admitted into evidence, presumably for the truth of their content and then there's a second category where they want to have the documents admitted for identification purposes. And in going through the documents which I said I will agree to or

30

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5 have no problem with and the ones I object to, I  
only dealt with that first category because I'm  
uncertain what they want to do with having  
documents identified if - if - and I have assumed  
and perhaps my friend could correct this because  
it'll substantially reduce the number of  
documents, if the purpose of the exercise is to  
say here's some documents which collectively we  
10 want to have marked as a lettered exhibit for  
identification then we are going to have them  
properly proven through various witnesses, then I  
have no problem with that. With that whole  
block.

THE COURT: All right. Thank you.

15 MR. ADAIR: But they - they have to understand  
that I'm doing this on the basis that they will  
properly prove them and the only reason I may  
appear to be fussy about that is because I really  
am a great believer in not overloading the court  
20 with a bunch of stuff that, at the end of the  
day, isn't proven and has no relevance.

THE COURT: So, I take that as a - you're not -  
if there's any outstanding that you haven't  
25 agreed to, but have been identified as for  
identification only as a lettered exhibit, having  
putting them through a witness, there's no  
objection to any of those and we need not make  
arguments on those set of documents.

30 MS. LOMBARDI: That - that's right, Your Honour,  
and I didn't think I was.

THE COURT: I don't think you were either.

MR. ADAIR: Well, we were just on - which number

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were we just on?

MS. LOMBARDI: We - we had just turned up number 34.

5

MR. ADAIR: Yeah, that - that's one of them, for example. If you want to mark that as an exhibit for identification...

MS. LOMBARDI: Right I was just going to state that on the record...

10

MR. ADAIR: The only ones that I have a problem with other than for identification were 3, 5, 6, 11, 12, 14, 15, 16, 18, 19, 21, 22 and 37.

THE COURT: All right, so I think we're at 37 and then the rest can be dealt as - being put before our witnesses and then I'll hear argument.

15

MS. LOMBARDI: Thank you, Your Honour.

MR. ADAIR: And I'm sorry, even 37 is not a problem because I see it's from Margaret Mayberry and my friends have agreed to call her. So, that's not an issue. They can put it in through her.

20

THE COURT: Okay. All right. So, any other submissions on any of the documents that you think we've missed or that I need to hear about now?

25

MS. LOMBARDI: No, Your Honour, that's everything.

30

THE COURT: So, in terms of practicality, this is - the universe of potentially discussed documents filed on the motion. I don't propose to file it in any sense on the trial proper. I'll leave it to counsel to sort out the most efficient to put the documents in, but if you want to put in a

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supplementary volume, perhaps, with the ones that you all agree on, that can be filed at your convenience and the rest can go in through the witnesses. Does that make sense?

5 MS. LOMBARDI: Definitely, Your Honour.

MR. ADAIR: I would respectfully suggest in order to hopefully keep things organized that when my friends have an opportunity, they prepare a joint - or an exhibit book volume three with the ones that I either have no objected to or that Your Honour has ruled are admissible. And then we have things clear...

THE COURT: Sure.

MR. ADAIR: ...and please exclude from that the ones for identification only. They can go in a separate volume which we can then presumably mark a lettered exhibit.

THE COURT: That makes perfect sense. So, I think it's over to you, Mr. Adair then, to make argument on the outstanding documents in dispute.

MR. ADAIR: Sure. The - the problem as I see it with respect to my friend is that her argument overlooks some fundamental concepts. What the plaintiffs are seeking to do is have certain documents admitted primarily for the truth of the content in most cases, on the basis that those documents for one reason or another, constitute an exception to the hearsay rule. And it seems that the exceptions are primarily business records and/or what I might loosely call the expanded hearsay rule, necessity and reliability.



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5 And the problem with my friend's submission on  
these documents is, number one, that they offer  
no proof whatsoever that these are business  
records. The proper and accepted method of  
dealing with business records is to call the  
keeper of the records to establish that those  
business records meet the criteria under the  
*Evidence Act* for admissibility and/or to call  
10 evidence and have evidence as to necessity and  
reliability. And necessity - sorry, necessity  
and reliability. And there's no evidence  
whatsoever in support of either categorization  
and the second major problem my friend faces,  
aside from that, and has not dealt with in any  
15 way or even mentioned, is that because these are  
exceptions to the hearsay rule, there are certain  
criteria in law and they have to meet the  
criteria in law in order to be admissible. If  
they do not it doesn't matter whether it's a  
20 class action, a historical action or whether my  
friends would like them to fill out the picture  
or whether they found them in our documents. Or  
whatever.

25 And you have to look at each document in an  
analytical way and say, before it's admitted,  
have the necessary conditions to admissibility  
being fulfilled. And the answer to that is  
clearly "no," and this is not a matter of  
30 asserting a technical position, that's certainly  
part of it. It's a legal position, but more  
importantly as I said earlier, these things do

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not come within a country mile of being business documents. For example, the autobiography. That's not a business document.

THE COURT: I agree with you.

5

MR. ADAIR: For example, the letter from the Leeman parents. That's not a Grenville business document. That's a letter from some parents. And if you go to - and just because it's found in Grenville files doesn't make it an admissible business record as my friend seems to not be attuned to. And if you take business records and you go to my friends' book of authorities, if you turn there for a moment.

10

15

THE COURT: Before you go there, just - you mentioned the autobiography. It may not be a business document, but wouldn't it be admissible on another head? I mean it's - if it's not being proffered for the truth of the contents, but as a lens by way of understanding the thinking of one of the defendant's related to the subject matter in issue, isn't it relevant and admissible and probative all on its own?

20

25

MR. ADAIR: No. For starters you - you cannot have a situation where you put in a whole autobiography and say, well this helps explain someone's thinking. Their thinking doesn't matter in the least. What counts in this case is whether they engaged in abuse or not and the problem with this is you create by admissibility of something like an autobiography, it - you create a next-to-impossible situation where somebody has to run through a book and say, well

30

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5 this person thinks like this. This person thinks  
like that. This person - you know, on this  
occasion, they thought like that. Who knows what  
they thought of three weeks later when they  
produced this thing or whether they ever  
considered instituting it in practice.

10 So, if you would so I don't lose the thread of  
this, Your Honour, if you wouldn't mind turning  
to tab 2 of my friends' book of authorities. And  
you go to paragraph 72 of the case cited there  
which is the *Gaudet* case, I believe. It's tab 2,  
para 72, Your Honour.

THE COURT: Yes, I'm there.

15 MR. ADAIR: Paragraph 72 refers to what many  
regard as the leading case on business records  
following *Ares* and *Venner* which dealt with the -  
the situation on a somewhat different basis. But  
there, Justice Griffiths set out the business  
20 records that would qualify and it had to be a  
record of an act, transaction, occurrence or  
event. It had to be made in the usual and  
ordinary course of business and it must have been  
in the usual and ordinary course to make such a  
25 writing or record. It had to be made  
contemporaneously or within a reasonable time  
thereafter. And only facts could be admitted,  
records of facts.

30 And the - the reason for those requirements, of  
course, is if you go back in history there was a  
problem proving things like the General Motors

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5 quality control inspector who had to inspect the  
transmission of the car and whether he ever  
inspected it. Or the nurse who had a duty to  
report the fact that the patient was, at 2:00  
a.m., found to be lying violently ill. It was  
intended to be things people had a duty to record  
and that their record could be expected to be  
safe and reliable and it was a simple record of a  
transaction or occurrence and it had to be proven  
10 to be such.

15 Now, with that in mind, if you go to the  
documents that I have taken issue with and I can  
go through them in fairly short order, if you go  
to document number three, I agree it looks like  
it might be a business record of Grenville. It  
probably is, but we have no idea when it was  
made. It deals with much in the way of other  
than facts or occurrences. It contains opinions  
20 about the person's progress and whatnot. It is  
undated. We have no idea who the author was and  
we don't know whether the author had a duty or  
whether Grenville had that duty to make that kind  
of record. So, with respect, there's no proof  
25 that it's a business record of the kind that  
qualifies for admissibility. When we go to tab  
five...

30 THE COURT: What about the principled exception  
to the hearsay rule in terms of documents?

MR. ADAIR: I'm sorry, Your Honour.

THE COURT: I - I believe your friends are  
submitting on two alternate basis' that they

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should go in; one being business records. Are you going to come back with each document to the principled exception to the hearsay rule to deal with it?

5 MR. ADAIR: No, I'm - I understood this one would be submitted on the basis of a business record.

10 THE COURT: I have the impression from counsels' arguments and their factum that they were asserting a number of routes to admissibility, the hearsay exception was one of them. Maybe I'm incorrect about this one.

15 MR. ADAIR: Well, okay, dealing with reliability and necessity, there is simply no proof of either and furthermore as an exception to the hearsay rule, while one might be able to give factual evidence, one cannot give opinions in the guide of an exception to the hearsay rule about  
20 impressions of people. And that is particularly so in a complete absence of context as to who made it, when it was made, what the purpose was, et cetera.

25 And then the next one is tab 5. This is apparently the reflections or impressions of someone, we don't know who or when, about what Archbishop Edward Scott said on the occasion of a visit to Grenville. And, again, it's not a business record. Again there is no evidence  
30 whatsoever of reliability of the statements made therein or necessity and as far as probative value goes, when you look at the comment what you know about this, the one that's circled on the

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5 front page, Archbishop Scott said this, and  
someone who prepared this document said something  
to the effect of "those words impressed me." And  
they describe - someone said they describe what  
Grenville College - Grenville Christian College  
provides for our students, the security of the  
stout and solid wall. Well, if you don't admit  
that for the truth of the content, what possible  
10 value is there in some unknown person at some  
unknown time saying something about what some  
archbishop said on a visit to Grenville. I mean,  
the problem - the reason we take objection to  
these things is you can't build the case on a  
bunch of random comments. Courts don't operate  
15 on that basis.

Then, if you go to tab 6, obviously not a  
business record. There can't be any if's, and's  
or but's about that. And same comment, what is  
20 the probative value or the reasonableness or  
necessity of having some unidentified statement  
from an unidentified time about some principles  
about what children lack or whether discipline is  
good or bad, placed before this court.

25 THE COURT: I wonder - let me know when you think  
a good time for a break is, but it should  
probably be within the next five minutes because  
staff have been working since ten and I would  
like to give them a break.

30 MR. ADAIR: I'm good right now.

THE COURT: All right.

MR. ADAIR: I don't expect to be very much

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longer, but probably a break will help shorten it a little.

THE COURT: Excellent. So, we'll break for 20 minutes.

5

R E C E S S

U P O N R E S U M I N G:

10

MR. ADAIR: Your Honour, I think document 12 is next. This is a tape recording apparently, and I don't doubt it is, a recording of Al Haig, "The Story of GCC and The Way I see It." Obviously, not a business record and if it's - if the effort here is to introduce it on the principled hearsay approach, for the truth and content of it, which I understand to be the case...

15

THE COURT: I don't think so.

MR. ADAIR: Have I - have I missed....

20

THE COURT: Well, I'll let counsel correct me, but I thought that during our exchange, counsel refined the argument to say it was more Father Haig's philosophy versus the truth, but I could ask counsel to confirm that.

25

MS. LOMBARDI: Yes, Your Honour, it's for the fact that they were said.

30

THE COURT: So, it - it does not appear to be tendered for a hearsay purpose and I - I think the third route to admissibility on some of these documents that counsel is putting forward is an admission against interest and overriding philosophy, which I gather will be part of the

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plaintiffs' case. This underlies some systemic breaches in care, that's how I understand the theory of their case so far.

MR. ADAIR: Yeah.

5 THE COURT: So....

MR. ADAIR: Well, it - it - putting it in - so I take it then the intention is to put it in not for the truth of the content? Well, with respect, when you look at what my friend says, well, something was said it's of absolutely no value unless it truly reflects some fact erring on the operation of Grenville Christian College.

10 THE COURT: Well, here's the challenge for me on this particular document. I have no transcript. I have no idea what's - all I have is a taped in memory stick. It could say anything on it. It could say, my philosophy is we should do this to all students or my philosophy is that.

15 MR. ADAIR: Exactly.

20 THE COURT: It - so, I'm struggling a little bit with a document that doesn't tell me what's in it and I presume you've heard the document or you've read a transcript, but it would help me if submissions were grounded in content.

25 MR. ADAIR: Well, I couldn't agree with you more because the problem with the both and the video and for starters, we don't know if these things are going to be sought to be admitted or not, until very late in the day and the problem with both the book and the - and the video musings, is how much evidence goes before the court under the rubric of, well, it's not for the truth of the

30



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5 contents. It is - which evidence turns out to be  
utterly irrelevant. Someone surely has to say,  
here's a passage from the book we rely on for the  
fact that this statement was made, otherwise it -  
it - in the end result, it presents a complete  
mishmash for the court and for the defendants who  
can't possibly deal with it because they have no  
idea what's to be picked and chosen so that they  
can make submissions as to relevance or  
10 otherwise. Like, is this something we're capable  
of dealing with if my friend wants to say, here's  
a transcript of this video recording. Here's the  
statements we propose to have admitted -  
admissible by - to prove that they were said,  
15 then we've got something we can argue. But  
without that, we don't know what's coming at us.  
THE COURT: Well, frankly, this is one of those  
areas I had hoped counsel might sit down together  
and - and do the work together because it sounds  
20 like it might be capable of agreement if that  
exercise was undertaken.

MR. ADAIR: Well, if - if we're to reserve those  
- the video and the audio tape and the  
autobiography on that basis, I'll be glad to try.

25 THE COURT: I would be thankful.

MR. ADAIR: Frankly, I have serious doubt that  
anything is truly admissible for other than the  
truth of the content, for the mere fact that it  
was said because I think that everything that was  
30 said or written has no value unless it was true.  
But I'll be glad to - I'll be glad to make the  
effort.

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THE COURT: Thank you. Thank you.

MR. ADAIR: Now, that - that leads to number 16. How Do We Nurture Christian Values in our Children? Not a business record, for sure. At least we know when the statement was made. It's dated March 19th, '81. But again in this case, if we're going to put forward some sort of philosophical overview on life by someone, we need to know exactly what statements are proposed to put forward for the fact that they were made and then we can argue the point. The next one I had was 18, which I think was put aside. So, I'll leave that.

Then 19. This was put forward, my note is, business record for the truth of the content. Obviously, not a business record. If you just apply an analytical approach and say it doesn't meet the test; obviously not. It's not even a record prepared by Grenville. And then number...

THE COURT: Sorry, before you move on, this was the letter that described disciple, so it is being tendered for a hearsay purpose and tab 19 is also being tendered for a hearsay purpose and the principled exception to the hearsay rule is being relied upon by the - by your friends. Can I assume your submissions on necessity and reliability are as you said before in relation to the other letter?

MR. ADAIR: Yes, and - and more important, there is no proof of reliability and necessity, none whatsoever. And I want to - while we're on that

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5 topic, I just want to give you a couple of  
references in my friend's book of authorities.  
THE COURT: Your friends argue that it would be  
impractical to chase down every witness that they  
have a letter for to have them come before the  
court. Does that fit within any of the  
exceptions, that it's impractical? Would that be  
a route to necessity?

10 MR. ADAIR: No. Then they would have to prove  
it. For all we know, Mr. Layman - and I don't,  
but I don't wish to be facetious, but for all we  
know, he lives around the block. And you can't  
just build a case - I mean look, if bad things  
15 happened at Grenville, if there was a systemic  
pattern of abuse, you call students and put them  
in the witness stand and/or staff and you say,  
bad things happened at Grenville. This is what  
happened to me. These were the policies and  
procedures. This was the problem. You don't -  
20 you can't say, well, I can't call everybody to  
prove my case. Nobody says you have to. And the  
- the references I just wanted to give you, focus  
on the importance of having evidence to support  
the admission under the principled approach. So,  
25 bear with me. I'll - here it is.

30 Tab 12, in my friend's case book, paragraphs four  
and six. This is the *Perrault* case. We're at  
the end of paragraph six, the court said - and I  
don't think - you may wish to turn to these, but  
the point is pretty simple and well repeated in  
the case law at the end of paragraph six, the

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court says:

5 In keeping with the overriding  
principle of flexibility, the  
key is that necessity be  
grounded in evidence that is  
appropriate to the circumstance.

10 And paragraph four of the same case, part two:

15 The assertion may be such that  
they cannot expect to gain or at  
this time to get evidence of the  
same value from the same or  
other sources. The necessity is  
not so great, perhaps, hardly a  
necessity, only an expedience or  
convenience can be predicated,  
but the principle is the same.

20 And if you go tab 10, the *Khelawon* case, if you  
look at the very - the second page of it, at the  
bottom of the second page where it begins,  
"Hearsay evidence is presumptively inadmissible."  
25 You see the very bottom sentence in that page is:

30 The reliability requirement will  
generally be met by showing that  
there is no real concern about  
whether the statement is true or  
not because of the circumstances  
in which it came about. That no

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5           real concern arises from the  
            fact that the statement is  
            presented in hearsay form  
            because in the circumstances,  
            its truth and accuracy can  
            nonetheless be sufficiently  
            tested.

10           And it goes on two paragraphs later, "beginning  
            in determining the question of threshold  
            reliability." They indicate for proof - these  
            are exceptions to the hearsay rule and these -  
            the cases say this in place after place. You've  
            got to ground necessity and reliability in the  
15           evidence. And the proper way to do this, with  
            respect, is as the action proceeds, if it's - if  
            it - if it is seen that there is some true  
            necessity to admit the particular piece of  
            evidence, then there's some way to develop  
20           evidence to establish that. The body of evidence  
            that's already been proven may be looked at to  
            see whether this is necessary and reliable or  
            not.

25           So, let me just finish, if I can, these last  
            couple. The next one's tab 19. A letter from  
            parents. I think I've already dealt with that.  
            That's the Layman letter.

30           Twenty-one, a letter from a Heather Doubledam  
            (ph) and her husband Craig, apparently. Again,  
            not a business record and no proof of necessity

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or reliability.

Twenty-two. We've talked about videotape recordings.

5

And the last one I think is 37.

THE COURT: So, as for 22, might this be another example where counsel might have a look, see what's on there...

10

MR. ADAIR: Right.

THE COURT: ...try to work it out?

MR. ADAIR: Right. At least - what happens at least if we do that is we have a specific basis for determining admissibility.

15

Thirty-seven is the letter. I think that's the letter from Margaret Mayberry that's - so, that wasn't a problem. So, that's - that's it. Essentially, Your Honour, my submissions without duly repeating myself, I hope, are there's criteria for admissibility. You have to make that and these don't add up.

20

THE COURT: All right, just so that I'm - thank you for your submissions. Just so that I'm really clear. It looks as though the items still in dispute are tab 21, 19, 16, 6.

25

MR. ADAIR: I think it was at that point that I raised the distinction in the notice of motion and, I mean - and those three were in the identification part. So, I haven't dealt with them.

30

THE COURT: Right, no that's fine. I'm - I'm

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just recapping so that everyone's on the same page.

MR. ADAIR: Oh, I'm sorry.

THE COURT: The ones that are still in dispute.

5 So, the three numbers I just said, 5 and 3 are still in dispute. You've made submissions. The tapes and the book, counsel will meet and discuss excerpts, see if you can resolve that.

10 Everything else for identification is going in solely as a letter exhibit and will be put to witnesses as the case goes along. Am I right so far?

15 MR. ADAIR: Actually, I'm sorry this is hard to follow all these numbers, but what I have is that the ones I have objected and in this group there may be - there's a couple of video recordings and a book which we can put as a sidebar and deal with later and I will have to check which those are. But just to be absolutely certain, the - 12  
20 is one of those.

THE COURT: I believe it's 12, 15 and 22. If there's any others, that's...

MR. ADAIR: Twelve, 15 and 22, yes. I think that's it, Your Honour.

25 THE COURT: Good.

MR. ADAIR: So, that that would leave 3, 5, 6, 11, 14, 16, 18, 19 and 21.

30 THE COURT: Some of those have been marked as aside by your friends, so for example, 14 you didn't make submissions on it. I don't believe you had to because your friends have said they'll put that aside and raise it with witnesses. So,

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5 in any event, I think I have the positions on every record and document now that's in the motion record. So, I propose to reserve that ruling pending counsel advising me what further agreements that are able to arrive at and if you need some time at some point this week to do so, I can...

MS. LOMBARDI: Your Honour, I just have a few brief points of reply, if I may?

10 THE COURT: Oh, yes, of course. By way of reply, thank you.

MS. LOMBARDI: Thank you, Your Honour. So, I - I just wanted to comment on a few of the statements that my - my friend put forward. He commented  
15 that, you know, these don't come within a country mile of speaking to whether or not there was abuse and so I just wanted to...

MR. ADAIR: No, no, I didn't say that. I said they don't come within a country mile of being  
20 business records.

MS. LOMBARDI: So, to the extent, and I apologize for misquoting my friend, if he - he did make a submission that, you know, all of the documents have to speak specifically to whether or not  
25 abuse occurred and I would submit, Your Honour, that to the extent that they are descriptive of behaviours is what's important in those documents because it's, of course, our jobs to prove that those behaviours amounted to abuse. And so, in  
30 some respects, my - my friend went over a few of those documents. You know, it is our position that some are in fact admissions of the



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organization of Grenville made at the time that that organization was operated by the directing minds which were Haig and Farnsworth, all of whom are defendants in this action.

5 THE COURT: And the documents that remain in dispute now that we've narrowed down as a result of Mr. Adair's...

MS. LOMBARDI: Yes.

10 THE COURT: ...submissions, are you able to provide an example of an admission in the disputed documents now as an example of what you're speaking of?

15 MS. LOMBARDI: Yes, so Your Honour I do have a short version of the transcript of the tape. Or that...

THE COURT: That - that you're going to discuss.

20 MS. LOMBARDI: We have to discuss. So, I can take you to number six. If we turn over to page - page three. The third paragraph, so it starts:

25 Speaking to the Rotarians recently, Haig said 'The idea that there must be democracy in the classroom has proven itself to be destructive. Let's bring back that dedicated schoolmarm who we feared, respected and even loved all at the same time. She wasn't out to win a

30 popularity contest. She kept our shoulder to the wheel and gave her life to seeing that we

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made the grade.'

5 We - we submit that that's an admission of the  
headmaster's perspective on - on how the school  
operated, the way in which it viewed, you know,  
itself as staff and administration in respect of  
the students and all of those components, we hope  
to show at the end of the day Your Honour through  
10 all of the other evidence that's going to come  
forward, not just this alone, but tested against  
all of the other evidence that that this was in  
fact one of the underpinnings that we say  
evidences the approach taken by Grenville, the  
patterns that it employed, the methods that it  
15 used with its students which ultimately amounted  
to abuse. So, that's just one example.

20 I did just want to briefly comment about the  
point of the impracticality being a route to  
necessity. I believe that absolutely is  
something that is pertinent in this case. My  
friend made a comment that that parent, Mr.  
Leeman could be around the corner, but given the  
letter was written in 1987 as a parent of a high  
25 school student at the time, I mean he could  
equally also be dead at this point in time. So,  
there is an impracticality given the historical  
nature of this case and - and I just wanted to  
emphasize that again.

30 THE COURT: I think your friend's point was more  
there's an absence of evidence as to whether or  
not Mr. Leeman's available and given that it's

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your onus to establish necessity, my understanding of his argument was anything is possible and we don't know because the record is silent.

5

MS. LOMBARDI: Okay. Thank you, Your Honour. I'll make one final submission and that's simply to say that to the extent - in the alternative, I guess to - to having them admitted in the way that we've gone over, we would ask that the facts the statements were made - that those documents be admitted for the purpose of the facts that the statements were made. And to the extent that they cannot be admitted, we would ask that Your Honour - Your Honour not deem them to be inadmissible, but allow us to bring them forward in the - in the usual course. So, that would be my alternative argument and - and that's the end of my submissions.

10

15

20

THE COURT: So - so, do I understand your second point to be that if - at this point, admissibility is not established, then the ruling would be made subject to your ability and without prejudice to provide a further foundation to argue their admissibility later in the case?

25

MS. LOMBARDI: Yes, Your Honour.

THE COURT: All right, I understand.

MS. LOMBARDI: Thank you.

30

THE COURT: Thank you for your reply submissions. All right, so I will reserve. I ask counsel to have the conversations about the three pieces that they have agreed they will do and I will provide a ruling at a later date. Ready to begin

## Opening Statement by Ms. Merritt

with your opening?

...OPENING STATEMENT BY MS. MERRITT

5

MS. MERRITT: Thank you, Your Honour. This is a case involving abuse which occurred from the 1970s to the 1980s at the Grenville Christian College boarding school, also known as GCC. The school was located on the St. Lawrence River in Brockville, Ontario and this case has been certified as a class action with the following common issues. My friend has just pointed out to me, I misspoke. I said the 70s and 80s. It actually went to the 90s. I apologize.

10

15

The following common issues were certified:

20

Did the defendants owe a duty of care to the plaintiffs?

Did the defendants breach the duty of care to the plaintiffs?

25

Did the defendants owe fiduciary obligations to the plaintiffs?

Did the defendants breach those fiduciary obligations?

30

And, does the conduct of the defendants merit an award of punitive damages?

## Opening Statement by Ms. Merritt

5 The class has been defined as students who attended and resided at Grenville Christian College between September 1973 and July 1997, accepting the children and the grandchild of the individual defendants, the headmasters.

10 There is now before you no issue that Grenville Christian College owed a duty of care to the plaintiffs and the class members. The parties have agreed on the general duties and fiduciary duty owed and those agreements are set out in our brief of agreements at tab 1 on the second page, paragraph five.

15 GCC admits that it owed a duty of care to the plaintiffs and class members to take reasonable steps to care for and ensure their safety and to protect them from actionable physical, psychological and/or emotional harm and provide  
20 them with a safe, secure learning environment.

25 GCC also admits that it owed a fiduciary duty to the plaintiffs and the class members to refrain from harmful acts involving disloyalty, bad faith or self interest. Those are the things the school has admitted, the duties that are owed.

30 So, therefore the issues to be determined are this common-issues trial are whether or not the duties were breached and whether punitive damages are warranted as a result.

## Opening Statement by Ms. Merritt

5 The trial, this trial, is not the stage at which  
you would consider let alone quantify the impact  
of breaches on any one given plaintiff or class  
member. The matter to be determined at this  
trial is whether or not there was systemic  
negligence meaning the - whether the patterns of  
behaviour or the policies or practices of GCC  
that were applied or in place through the class  
10 period, the institutional culture if you will,  
fell below the standard of care owed by a  
reasonable boarding school. Or whether their  
failure to have in place policies to prevent  
students exposure to abusive practices amounts to  
a breach of duties owed to the class.

15 To be clear at this common-issues trial stage,  
the representative plaintiffs seek judgment only  
on those common issues certified and if we are  
successful on one or more of those issues, the  
proceeding will move to another stage. There may  
20 remain some individual issues of liability or  
only damages may be in issue.

25 Some future court may make an award of aggregate  
damages based on the findings found here or  
direct further inquiries into individual damages  
issues.

30 In the case - the recent case of *Reddock*, Justice  
Perell did make such findings and has directed  
such a process. It's a very similar - this is  
the - the case involving prisoner's segregation

## Opening Statement by Ms. Merritt

5 and he found after the determination of the  
common-issues trial - or actually, sorry, it was  
at a summary judgment basis, he found that after  
the liability issues were determined, he could  
move on and determine that aggregate damages were  
appropriate, for example, for vindication,  
deterrence and some compensation, general  
compensation. This is after he decided the  
10 general liability issues and then he left open  
the possibility of individual seeking further  
damages for compensation based on their  
individual harm.

15 So, today and - and for the next several weeks,  
we concern ourselves only with the common issues  
that are still in dispute after the agreements  
are made, knowing that these other issues remain  
to be seen and determined at a later date.

20 The school was started in 1969 by Alastair Haig  
as the Berean Christian School and its name was  
changed in 1973 to the Grenville Christian  
College. It operated as a private boarding  
school until 2007 when it closed and its land and  
25 buildings were sold.

30 GCC offered education from junior kindergarten to  
grade 13 with boarding only for students from  
grades 7 to 13. There were approximately in the  
neighbourhood of 200 to 300 students per year  
with the total number of students being just over  
1,300.

## Opening Statement by Ms. Merritt

5 The period of Grenville's history that we are  
concerned with is September '73 to July '97 and  
this September '73 marks the beginning of  
Grenville Christian College as such. It was not  
just a name change, but a change in the  
underlying philosophy and approach to the  
education and edification of the students.  
10 During this period, first Alastair Haig and then  
in 1983, Charles Farnsworth, were the headmasters  
of the school. They are both deceased. The  
action continues against the estate of Haig and  
we'll see what happens with the order to continue  
with respect to Charles Farnsworth.

15 The plaintiffs say that GCC was systemically  
negligent in its philosophical approach. The  
institutional culture that that approach created  
and the methods employed in the care, education  
20 and supervision of the students. We say that the  
approaches and methods, the policies, the  
practices, the patterns of behaviour fell far  
below the standard of care of any school, but  
particularly a residential school like Grenville  
25 during the same time period.

30 Grenville held itself out as an ecumenical,  
meaning denominational, Christian boarding school  
primarily adopting Anglican churches forms of  
worship. The reality, however, was that their  
Christian brand was actually a mirror of the  
mission, the teachings, the customs, the



## Opening Statement by Ms. Merritt

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practices of the Community of Jesus. The Community of Jesus is a communal living sect or commune located in Orleans, Massachusetts. This Community of Jesus was founded and led by the so-called Mothers Cay Anderson and Judy Sorenson until Mother Betty Pugsley took over the leadership on her - on their passing.

10

Through this trial you will hear evidence that the Community of Jesus philosophy consisted of coveting together to live in so-called openness and honesty, giving and receiving correction, transforming former ways of thinking and living, living in community and living in obedience.

15

This philosophy was implemented and lived by daily confrontation of one own's individual and other's behaviours through confessions to others and confrontations of others using various tools. You will hear about light sessions, admonishing, chastising, correcting, disciplining, submission and yielding. And you will hear evidence about how these practices were implemented at Grenville Christian College throughout the period of time.

20

25

Grenville Christian College and the Community of Jesus were considered to be sister communities. Many Grenville community members were avowed members of the Community of Justice.

30

THE COURT: Did you mean to say "Jesus?"

MS. MERRITT: Sorry. Did I say "justice?" That was an interesting slip. I did mean Community of Jesus, sorry.

## Opening Statement by Ms. Merritt

5

10

First and foremost, Grenville was a Christian commune that referred to itself as the Grenville Community. The Grenville Community committed - sorry, committed themselves to a life of service to God and they believed that service to God was only fulfilled upon total surrender to God's will. And God's will could only be known and fulfilled through the abandonment of independence and self-will.

15

The Grenville Community coveted to surrender themselves completely to the direction of the Mothers Kay and Judy of the Community of Jesus and the headmasters and leaders of the Grenville Community, Fathers Haig and Farnsworth.

20

25

30

This surrender required total obedience to these leaders and the adoption of certain policies and practices and patterns of behaviour to ensure same. They believed this way of life to be the most admirable and best way to live a Christian life in the service of God. They lived on the grounds, the teachers, and other employees lived on the grounds. They lived in multifamily dwellings, sometimes amongst the students and were paid very little, if anything, for their work. Their service to God was the work of operating the school in whatever capacity they were instructed, be it teacher, janitor or administrator.

## Opening Statement by Ms. Merritt

5 The Grenville Community way of life was the foundation upon which the school, the Grenville Christian College, operated, the way it reared their students and it informed their institutional culture. The members of the community were subjected to control, scrutiny, confrontation, admonishment, chastisement in their own communal living experience and they extended this experience to the students.

10 Grenville strictly controlled and monitored all aspects of the students' lives. For example, there was a strict dress code and rules about appearance including minutia such as prescribing the style of underwear to be worn by the students.

15 Friendships and relationships between students were discouraged if not forbidden entirely as in the case of opposite sex relationships. Boys and girls moved about the school in separate stairwells and were expected to keep at least six feet of distance between them.

20 Music, and particularly rock music, was prohibited.

25 The so-called GCC honour code required students to be on the lookout and report misdeeds of other students.

30 Oh, I'm sorry, I said six feet. I meant six

## Opening Statement by Ms. Merritt

inches, I apologize. My friend has corrected me again, thank you.

5

The - so the - I was saying the honour code required students to be on the lookout for misdeeds of other students and report that publically or privately to staff. Some boarding students were made prefects who actually assisted in the supervision of other students and/or in the implementation of discipline.

10

There were days of silence that were imposed where staff and students were required not to speak unless spoken to.

15

GCC punished students for infractions of school rules, as well as perceived sins or bad attitudes.

20

The punishments were public, humiliating and extreme. You will hear evidence from former staff members, the representative plaintiff and several other students about the institutional culture and the abusive practices GCC employed. These practices included physical abuse, sexual abuse and emotional abuse. You will hear evidence of physical beatings, sexual harassment and other sexually inappropriate conduct. You will hear evidence of extreme emotional abuse including the practice of publically chastising students, privately interrogating and terrorizing students and putting students "on discipline."

25

30

## Opening Statement by Ms. Merritt

5 When a student was "on discipline," they - they  
would be required to do menial manual labour  
tasks, sometimes be subjected to corporal  
punishment including paddling with a wooden  
paddle, with such force and intent that it  
surpassed whatever could be deemed reasonable or  
corrective. While on discipline, students would  
be required to withdraw from classes and social  
privileges including speaking with their peers,  
10 eating with their peers, sleeping in dorms and  
wearing the school uniform would be withdrawn.

15 We will hear about how these disciplinary  
practices were implemented on a regular basis  
throughout the class period. This being on  
discipline could go on for an indeterminate  
period of time, sometimes several days, on  
occasions even longer. You will hear that to  
some students, the discipline and punishment  
20 seemed ad hoc and unpredictable. You will hear  
from students that they had no clear  
understanding of which transgressions would be  
punished or for how long and that these forms of  
discipline were humiliating and degrading.

25 GCC also engaged in public shaming and  
humiliation through a practice known as "light  
sessions." These light sessions were a common  
practice that the Community of Jesus and amongst  
30 the Grenville Community and Grenville staff.  
They were considered a part of the structure and  
fabric of those communities.

## Opening Statement by Ms. Merritt

5 "Living in the light" meant being truthful to God  
and others about yourself and being willing to  
listen to others if they saw a sin or fault in  
you and being willing to speak to others about  
what you saw in them. These light sessions were  
conducted at Grenville Christian College on  
students throughout the class period. They were  
conducted regularly between 1973 and 1992 and  
10 continued to a lesser extent after that. They  
happened multiple times in any given year. They  
could be at day or night and they could last for  
many hours. These light sessions consisted of  
both large public assemblies before the whole  
15 student body or small groups of staff and  
students. Both students and staff could be  
called on to participate in the - in the light  
sessions. You will hear that staff yelled at  
students during the light sessions and the light  
20 sessions were humiliating and degrading both for  
the individual being subjected to the light  
session as well as to those witnessing them.  
You will hear evidence that they were  
intimidating and intense and terrifying.

25 Light sessions were held as a result of or in  
response to behavioural transgressions such as  
appearing too self-centred or appearing to be  
"too haughty" or simply having a bad attitude.  
30 You will hear that light sessions elicited  
extreme emotional responses from the students who  
were subjected to them including embarrassment

## Opening Statement by Ms. Merritt

and humiliation, which was the very point of the exercise. These light sessions created an atmosphere of fear and intimidation at the school over the class period.

5

You will also hear evidence about other teachings at GCC which were contrary to the norms of the day. For example, students were taught that illness came from sin and could be cured by prayer. Students were taught that girls were temptresses and to be blamed if they were sexually assaulted. Students were taught that homosexuality was a sin. All students were tested for AIDS, which was utterly unnecessary and inappropriate.

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15

This case is - is not like other abuse cases that have been certified as class actions. In most cases, the systemic negligence is the institutional failure to uncover the abusive acts of a few bad apples. This case is different. Here the systemic nature of the behaviour is much worse. It involves a system of intentional acts done for the purpose of breaking the spirits of the children and the individual and autonomy of the children in order to remake them in the Grenville way, meaning obedient and subjugated, in other words, good Christians as the leadership defined that to mean. In this way, the case - the case is more akin to the Indian Residential School cases where the mission was the assimilation of First Nations children.

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## Opening Statement by Ms. Merritt

5 The issue here is not whether the Community of  
Jesus, Grenville Community or Grenville Christian  
College were cults. The purpose behind their  
policies, patterns, practices of behaviour are  
not issues Your Honour needs to decide. The  
10 issue is whether these practices, patterns,  
policies fell below the standard of care. In  
other words, did Grenville Christian College do  
things a reasonable boarding school would not do  
or did Grenville fail to do things a reasonable  
boarding school would do?

15 We anticipate our friends will call witnesses to  
say that their experiences at Grenville were  
different than the plaintiffs experience or that  
their exposure to the institutional culture was  
not impactful to them. Again, the individual  
20 experience of harm and extent of harm is not  
material to this action. We say the evidence  
will show that certain policies, patterns and  
behaviour and practices were not only in place,  
but purposely applied throughout the class period  
and these patterns we will show through expert  
25 evidence were improper, abusive and below the  
standard of care required and a breach of the  
duties owed.

30 You will hear evidence from two expert witnesses  
on behalf of the plaintiffs. The first is Dr.  
Paul Axelrod who is a retired university  
professor of educational history and policy and



## Opening Statement by Ms. Merritt

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Dr. Axelrod will provide his opinion that the policies, patterns and behaviours and practices at GCC fell below the standard of care for a reasonable educational institution.

You will also hear evidence from Dr. Rosemary Barnes who is a psychologist and you will hear her opinions that the policies, patterns and behaviour and practices amounted to child abuse and were likely to cause harm.

The defendant is calling no expert evidence and, in our submission, no reasonable expert would testify that what went on at GCC was appropriate.

Thank you, those are my submissions or my opening statement, yes.

THE COURT: Mr. Adair, do you wish to open after lunch?

MR. ADAIR: This afternoon, Your Honour?

THE COURT: Yes.

MR. ADAIR: Yes.

THE COURT: We have five minutes.

MR. ADAIR: Yes.

THE COURT: I think it makes sense to do it all at once. All right, then we will break for lunch and resume at 2:30.

R E C E S S

U P O N R E S U M I N G:

## Opening Statement by Mr. Adair

MR. BOGHOSIAN: Your Honour, if I could have minutes - or two or three minutes at the end of the day to deal with a couple of matters?

THE COURT: Certainly.

5

MR. BOGHOSIAN: Thank you.

THE COURT: Sure.

MR. ADAIR: Your Honour, I have here a - a memorandum of my opening to hopefully save on the note taking.

10

THE COURT: Thank you.

MR. ADAIR: And I - I'm going to be following the content, not exactly the word-for-word by any means, but just so you'll have it and so that you know that you don't have to note everything if you don't choose to.

15

THE COURT: Thank you.

## ...OPENING STATEMENT BY MR. ADAIR

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MR. ADAIR: Your Honour, Grenville, as my friend indicated, was founded in 1969 as the Berean Christian School by the Reverend Alastair Haig. And the school, from the time of founding, until 2007 when it closed due to declining enrollment, was located on a truly beautiful campus of about 250 acres or so, a good part of which fronted onto the St. Lawrence River. And if you - it was about four miles east of Brockville. And if you ever drove by it - it evokes a sense of eastern Ontario because you have these - it had a beautiful limestone centre hall building that housed administrative offices and classrooms and

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## Opening Statement by Mr. Adair

study halls and dining hall and - and the like, much in the fashion of Queen's University, if you've ever seen those buildings.

5

And on the campus, there was also some students residences, a church and a headmasters home and in addition there were staff apartments for the staff to live, and a few ancillary buildings including a barn and a number of large playing fields and undeveloped rural area.

10

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Physically, it was a beautiful place to go to school. And Grenville operated from 1969, it became Grenville in 1973 until 2007 and as my friend indicated, it would have two or 300 students a year and its common ground that the numbers of the class in this case total about 1,350. The - and the school taught junior kindergarten until grade 13 and was billed as a private, nondenominational school.

20

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There were many religions and quite a few, a significant population of - young people from Asia and Mexico and the United States. And Grenville, it's of some importance to know, that Grenville was not - and its students were not in any sense isolated from the rest of the world. Grenville, as indicated in paragraph five, had a board of patrons who would visit the school from time-to-time and there were some interesting names on that list including two past lieutenant governors, Senator Eaton and a Patrick Keenan, a

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## Opening Statement by Mr. Adair

well-known philanthropist in Toronto. And it had a board of advisors, later called directors, of parents, alumni, and educators who met quarterly to attend to Grenville business.

5

And the students - the students themselves went home much as you would expect on regular and frequent occasions. The usual private school breaks at Christmas, and in - in March and a couple of months in the summer as well as other shorter weekends which you - interestingly I notice, prompted one parent to say, can you send them home less.

10

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So, the point I'm making here is that Grenville wasn't isolated and it is somewhat hard to imagine how a system of abuse could go on over 25 years under those circumstances. But more about that later.

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Grenville was - was a - of particular importance in this case, is that Grenville was truly a unique institution. And that uniqueness flowed from the fact that it was founded and carried on over the years by a group of like-minded people with shared values whose mission it was to found and operate this school. And the result of this, the fact that the community if you will was responsible for everything at the school, all of the teaching positions, all of the administration positions, right down to the maintenance work, kitchen work, matters of that nature was done by

## Opening Statement by Mr. Adair

members of the Grenville Community, a phrase I use to distinguish it from the Grenville Christian College school operation.

5

And the result of this was that you had staff and administration who were 24/7 in close proximity to the students. They took meals with them, prayed with them, taught them, looked after them at night, supervised study hall, coached their sports teams, coached their drama - debating teams, and their drama plays. So, you had a very close interaction between staff and students.

10

15

And it's important to note, as you'll hear, that this community had certain shared values. Among them, they appeared to adopt a form of an almost monastic life. Obedience to God and pastoral leaders was an important foundation of what the community members agreed to. These were adults. There was clearly an element of hard work, self sufficiency and closeness. They believed in modesty of dress and manner, chastity in young people hence what has been called the "six-inch rule," and they also agreed on a controversial practice which has been called various names, but its - I refer to it as bringing the light or "light sessions."

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What this involved were - were sessions among community members where it was open to community members to criticize others and it was open to others to accept that criticism if they thought

## Opening Statement by Mr. Adair

5 it appropriate and the idea was that if you had a  
problem in the community or a perceived problem  
of attitude or behaviour, the best way to address  
it was to confront it promptly, openly and  
publically.

10 And obviously, that sort of thing could be  
difficult for many people and could be  
humiliating. And there is no doubt from what I  
believe the evidence will be that it was a hard  
community to live in and some people suffered as  
15 a result. And what strikes me - I was about to  
say any reasonable person, but maybe I'm not in  
that category, so what strikes me about it is  
that it was particularly hard on the children  
because they didn't choose that lifestyle.

20 The staff children who lived there with their  
parents and would later live in boarding school.  
They were in this setting, unlike their parents  
through voluntary choice. It was their family  
lifestyle and they were in this setting 24/7, all  
summer, every holiday and there were things that  
25 you will likely hear of that many of us would  
strongly disagree with such as children  
witnessing sessions where their parents were  
castigated or criticized or even children as they  
grew older into their teens, being sent to the  
Community of Jesus if they were a problem.

30 And that's the way these folks chose to live.  
Now, that was the community and as you go through

## Opening Statement by Mr. Adair

5 this, as you hear the evidence unfold, you've got  
to be very alert to separating out what happened  
within the community and what the situation was  
at school. In other words, separating out  
community events, parental decisions because some  
of the plaintiffs complained bitterly about some  
of the things that happened to them in the  
community and if you accept their word on it, you  
would understand they had some right to.

10 But here, the court has to address whether there  
was abuse directed toward the plaintiff's class,  
i.e. students, going on in the operation of the  
school. Was there a breach of duty toward the  
15 students?

Now, Grenville staff were probably no more  
capable of leaving their shared values or belief  
at the door when they went to work in the school  
20 than the rest of us. But they had to temper that  
with the fact that they had a job to do. They  
had to look after and educate students who were  
paying good money to attend the school and to try  
and bring these people - these young people  
25 forward in their progress towards to being  
persons of character. And the way the staff did  
this, you'll hear, is that some of the values  
from the community fell into practices and - and  
procedures and beliefs at Grenville. And the  
30 core of Grenville beliefs for students were a  
stress on obedience and respect for teachers, an  
emphasis on modest dress and behaviour, a

## Opening Statement by Mr. Adair

5 following of rules that were well-known and well  
published among students, and a breach of which  
brought about punishments or detentions. Well, I  
suppose it's not punishments or detention, it  
could be a punishment in the form of a detention  
as my friend indicated. And some of the things  
that would happen at the school would be - might  
be, if a disciplinary matter, there might be a  
stern talking to by staff. It might be even the  
10 student would be placed on detention and not be  
permitted to wear a uniform because the thinking  
was that a uniform was a privilege and this was a  
way of showing that they had not lived up to the  
requirements to have that privilege.

15 On a few occasions, it was the paddle;  
unfortunately, things we don't do anymore but it  
happened. And a few times a year, you will hear  
- two or three times a year on average, that  
20 there were light sessions for awhile where people  
would be assembled in the chapel and when there  
was an issue that affected everybody at the  
school, this would be publically addressed.  
People - the offenders would be made known and  
25 castigated. And no doubt that could be  
humiliating.

30 But those practices are not in and of themselves,  
abuse. We know and understand, inherently, what  
abuse is and the question is - the real question  
is, whether what went on at Grenville was so  
prevalent and widespread that it was a breach of



## Opening Statement by Mr. Adair

5 duty to the plaintiffs' class as a whole. Or was  
it individual responses to individual discipline  
occurrences? I don't know about the other  
witnesses to follow yet, but when you hear the  
representative plaintiffs, the link becomes  
obvious between complaints and a response to a  
serious discipline matter.

10 And - and the court has to look at Grenville on  
balance and here's where we really part with our  
friends. As Ms. Merritt indicated in her  
opening, that the question was whether there were  
actions at Grenville that fell below the standard  
of care. And our position is no, that is not the  
15 issue at all. I have trouble thinking there's a  
high school in the land that could withstand that  
test. The issue is whether or not there was a  
system - system of abuse directed toward the  
plaintiff class as a whole for the purpose of  
20 breaking people down and converting them to the  
ways of the Community of Jesus. That's the  
burden on the plaintiff, has to prove that on the  
balance of probabilities and I suspect that's  
going to be a fundamental divergence of position  
25 between the two sides as we go along.

30 And the reason the plaintiff has to prove this is  
because; a) they pleaded it, and; b) it's the  
only way there could have been common-issues for  
certification. If it's a bunch of individual  
actions that are individual responses, there  
isn't any common-issue and when you read the

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decisions you'll see that the focus has to be systemic abuse toward the class as a whole.

5 And I'll say this, when you hear the evidence the  
defendants present, you will seriously if these  
people went to two different schools. And when  
you hear how many students were satisfied with  
their experience and education and felt no abuse,  
10 you'll wonder how there could possibly have been  
a systematic abuse towards the class as a whole.  
And that evidence - that evidence if you just  
turn to tab - paragraph - page 7, paragraph 26,  
that evidence is going to come from people who  
have no axe to grind, and who are prima facia -  
15 you'll ultimately decide, but prima facia very  
successful, balanced people.

20 You'll hear from people like Simon Best, who is a  
head and neck surgeon at John Hopkins. You'll  
hear from Robert Creighton who is the lead in the  
Broadway play "Frozen." You'll hear from Byron  
Gilmore, who went on to become a police officer,  
left that job and for the past many years has  
been the rector at Christ Church in Brampton.  
25 And so on and so forth and what these people have  
already said - this isn't just me glossing over  
what the evidence is going to be, if you go to  
page - paragraph 28, you'll see what they've  
already said. Ranging from the bottom bullet  
30 point, "I've found my time at GCC to be a very  
positive academic and social experience." Next  
one up; "I thrived at GCC and developed

## Opening Statement by Mr. Adair

5 self-confidence." "Throughout my time at GCC, I felt that the staff and school as a whole had the kindest and most caring spirit imaginable." "GCC had an enormously positive impact on my life. My experience at GCC was an enjoyable one." And it was probably best summed up by Robert Creighton on the next page where he said:

10 GCC was not, at times, an easy place to go to school, but it was a fantastic opportunity. While the discipline could be extremely strict and at times  
15 inappropriately so, I never thought it was abusive. The result of the strict discipline was for me very positive.

20 And he went on to give an example. And you'll hear that similar sentence from many former students, who we will call as witnesses, and at the end of the day, it seems to me with respect that you will have to decide in the face of that  
25 whether there was any system of abuse at Grenville to break people down for the purpose stated by my friend.

30 One representative plaintiff tried to explain this apparent gulf - evidentiary gulf by saying about those who had a good experience, well, they drank the Kool-Aid. Hardly seems like a likely or reasonable explanation.

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5 And let me finish off with this. There are three  
other issues that we see here. One is punitive  
damages, we'll deal with that in closing. I  
don't see any point in arguing the matter now or  
even outlining it, the issue's obvious and we'll  
- we'll deal with it. Same with aggregate  
damages. The third one is a little trickier.  
10 There are some allegations among complainants  
made on things like Facebook and stuff like that,  
of sexual abuse. There was a small handful and  
the defendants vigorously deny that any such  
thing occurred, but what we do say and one of the  
decisions I respectfully suggest the court will  
15 have to make at the end of the day, is even if  
true, was that any part of a rubric of systemic  
abuse for a stated purpose or was it some  
isolated event logically divorced from any  
suggestion of systemic abuse for the stated  
20 purpose. So, those are the opening comments,  
Your Honour.

THE COURT: Thank you. Thank you, Mr. Adair.  
Ms. Merritt, do you need a minute to organize  
your witness or would you like to go right into  
25 your first witness?

MS. MERRITT: All right.

JOAN CHILDS: SWORN

30 EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good afternoon.

A. Good afternoon.

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(Ms. Lombardi)

Q. Would you please tell us your current  
occupation?

A. I'm retired.

Q. Okay and where do you live?

5 A. In Lyndhurst, Ontario.

Q. Do you do anything in retirement?

A. I help run and am the administrator of a  
charity that does work in Malawi, in Africa.

Q. And what does that charity do?

10 A. We build nursery schools and run them and  
train the teachers. We put in wells in villages. We sponsor  
secondary students and we build fuel efficient stoves.

Q. Thank you.

A. And we feed 500 children a day.

15 Q. And what your educational background?

A. I have a Bachelor of Science degree in  
biology and a teacher's certificate.

Q. And when did you obtain those?

A. 1966, probably.

20 Q. Okay. And what did you first do after  
graduating and obtaining your teacher's certificate?

A. I taught high school.

Q. You taught high school. Where did you teach  
high school?

25 A. In Pennsylvania.

Q. What grades did you teach?

A. Seven, eight, nine, ten, 11 and 12.

Q. Okay. Was there a particular topic or were  
you a general...

30 A. It was biology and general science.

Q. And so, what brought you to Canada?

A. My husband and I were looking for a place

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where we could study to go to the mission field and we originally went to a school in Dallas, Texas called Berean Christian Schools and there was a school in Canada that was a sister to that Berean Christian School and we came up here.

5 Q. About what time was that timeframe when you came up?

A. Spring of 1972.

Q. So, what did you do at the Canadian Berean School?

10 A. We came originally to finish our mission studies, but instead we were asked to teach and so we started teaching as soon as we got there.

Q. And what were you teaching at the Berean School?

15 A. I was teaching sciences and biology.

Q. Okay.

A. And a group called "Life Core."

Q. What's the Life Core?

20 A. Life Core was a group of probably post-high school aged students who wanted to go to the mission field.

Q. Can you tell us what the Berean School was like?

25 A. We ran a farm. We were trying to live totally independent from having to go to town and buy things. Like, we raised our own food. We cooked all our meals together. We lived together. We ran the high school and a farm.

Q. Did children board at the Berean School?

A. Yes, they did. Yes.

Q. And about how many children?

30 A. At Berean?

Q. At Berean.

A. I honestly don't remember. I'd maybe say 50,

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60.

5

10

15

20

25

30

MS. LOMBARDI: I'd like to show you a document now, but I need to address the court in terms of the - what is the best way to go about doing this. This document initially was included in the plaintiff's supplementary book which is Exhibit 1 of the motion. It is tab 49, which my friends prior to that motion going forward, agreed that they had no issue going into the joint exhibit book. So, in terms of reference, I'm not sure if Your Honour would prefer me to simply say, we'll create a Volume III to the book - the joint book and then I can continue from where Volume II leaves off at tab 132 and I can call this tab 133 or we can just mark it separately.

THE COURT: Do - do you have a separate copy of the document you can provide to the witness?

MS. LOMBARDI: Yes.

THE COURT: I think it might be simpler for the record to make it the next exhibit since we're not ready to put in that other sub-volume.

MS. LOMBARDI: Okay.

THE COURT: So, if you have the document and your friend has a copy, we'll just make it the next exhibit once it's identified, subject to any argument.

MS. LOMBARDI: Okay, thank you, Your Honour. So, for my friends, this is Exhibit 49 in the supplementary book.

MR. ADAIR: I don't know if we should call it - oh, I guess...

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(Ms. Lombardi)

THE COURT: It would be Exhibit 4, I guess.

COURT REGISTRAR: Exhibit 4.

THE COURT: It'll be Exhibit 4 on the trial once  
any arguments made about whether it should be....

5 MS. LOMBARDI: These ones are conceded by my  
friend.

THE COURT: I'll probably ask your friend that  
once the witness has identified it to make sure  
there's no other issues, and then we'll have...

10 MS. LOMBARDI: Fair enough. Thank you, Your  
Honour.

THE COURT: We'll have a process. Sorry,  
counsel, which tab was it from the motion brief?

15 MS. LOMBARDI: From the motion brief it was tab  
49.

THE COURT: Thank you.

20 MS. LOMBARDI: Q. And so, it's a fairly lengthy  
document. We have to count the pages a little bit here. If I  
could take you to - I'd like to take you to page 35 of the  
document.

A. They're not numbered?

25 Q. They're not numbered. Perhaps I could just  
show you the cover of what I'd like you to turn up, for my  
friends, it is the cover page of the prospectus.

MR. ADAIR: I'm lost.

THE WITNESS: Can you show me the cover again?

30 MS. LOMBARDI: Sorry. Q. I can and I apologize  
for the pages not being numbered. There we are. The last few  
pages of the - of the big document there.

THE COURT: Prospectus course descriptions  
student handbook is on the...

MS. LOMBARDI: Yes, Your Honour.



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THE COURT: ...cover page that you're showing to the witness.

MS. LOMBARDI: Yes.

THE COURT: Okay.

5 MS. LOMBARDI: Q. And if you flip through this document, so flip over one more page from there, if you would. You mentioned earlier the Life Core of Canada. Well, I guess I should ask you first, do you recognize this document?

A. Yes, I do.

10 Q. Thank you. And if we flip...

THE COURT: Perhaps we can have the witness indicate for the record what the document is and how she knows about it before you ask her a question about it.

15 MS. LOMBARDI: Thank you, Your Honour.

Q. What is this document?

A. So, it is the prospectus and course description student handbook for Berean Christian Schools.

20 Q. On page two, where we were at there, there's a title "Life Core of Canada." This is a description of the - of the Life Core group that you had just told us about earlier?

A. Yes, it is.

25 Q. And below there's the heading, "the Berean Christian High School." And so - and then if we flipped a few pages back. Now, this document starts to become numbered, it's kind of confusing, at the bottom centre of each page now, we see numbers. So, I'll refer to that numbering...

A. Thank you.

30 Q. ...going forward. If we can flip to page 16 of that document. And there's a heading "Introduction," and if you would please read the second paragraph of that section. The second and third paragraph, please.

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A. (Reading):

5 It is our goal that the conduct  
at the Berean Christian Schools  
reflect the life of Christ on  
which our school is founded. We  
believe that the basic  
10 principles underlying the rules  
and standards of our school can  
be adequate and constructive  
guides for your whole life. In  
any community, however, there  
must be certain rules for its  
15 smooth running and for the  
safety and protection of the  
individual rights of its  
members. Being relinquish some  
individual privileges for the  
good of all, being sensitive to  
20 others and considerate of their  
needs, being responsible and  
caring at one's duties without  
prodding, being one whose work  
can be counted on under all  
25 circumstances, being willing to  
obey the spirit of the law and  
not nearly the letter. All of  
these are necessary conditions  
to the building of a good  
30 school, in particular, and to  
the living of the Christian  
life.

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Q. So, does this conform with your own recollection of what that atmosphere was like at the Berean School?

5 A. Yes, it does.

Q. Thank you. And if we could just flip the page one more time to page 17. We have a heading "School Code." And so, could you read number one for us, please, under "School Code."

10 A. (Reading):

If any student is guilty of any of the following serious infractions of the academic and social standards, he is responsible to report himself immediately to the school authorities:

- 15
- (a) Lying to those in authority;
  - 20 (b) Stealing;
  - (c) Cheating or plagiarizing;
  - (d) Smoking or drinking;
  - (e) Possession or use of drugs.

25 Q. And to the best of your recollection, do those conform with the rules that you were aware of at the Berean School or are there additional rules?

A. No, those would be rules that we expected to be followed.

30 Q. Okay, if you can just turn to page 18, there's a heading calling "Social Standard of the Berean Christian School." So, again we see a bullet point on smoking

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and drinking and uses of drugs as that being barred. If you turn over to page 19. Would you read the first two bullets for us; please?

5

A. "Relationship between boys and girls?"

Q. Yes.

A. (Reading):

10

The standards of conduct required at the Berean Christian Schools is high and is centred in Christ. Students must maintain the utmost care in their behaviour with the opposite sex. Any action that is not consistent with good Christian character will result in discipline. Undue familiarity between boys and girls is to be avoided. Hand holding is not accepted on the campus. In the evening hours, the students may gather in the snack bar area or on the lighted area of the campus immediately in front of the buildings. Any students found outside of the lighted area or behind the buildings or in any - in other unauthorized areas will be disciplined.

15

20

25

30

Q. And the second bullet, titled "Dates?"

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(Ms. Lombardi)

A. Pardon?

Q. The second bullet titled "Dates," as well;  
please.

A. "Dates?"

5 Q. Mm-hmm.

A. (Reading):

10 Off-campus double-dates are a  
privilege of the senior class.  
Students are asked to date only  
fellow students. Students may  
receive visitors either on  
15 Saturday or Sunday. All callers  
are to come to the front office  
to introduce themselves.  
Students and their callers must  
stay within the limits of the  
campus during these visits  
20 unless authorized by the deans.  
Students should introduce their  
callers to the dean or other  
persons in charge. All callers  
must come neatly dressed to  
visit the campus.

25 Q. Are - are these the rules that we've just  
gone over in terms of the - the social standards and then the  
enumerated rules that were under the heading "School Code?" Are  
30 those, in your recollection and your memory, the rule of Berean  
at the time?

A. Yes.

MS. LOMBARDI: Thank you. I don't believe we've

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marked this as an exhibit, so if I may mark it as the next exhibit.

THE COURT: Yes.

COURT REGISTRAR: Exhibit Number 4, Your Honour.

5

EXHIBIT NUMBER 4: Prospectus Course Descriptions Student Handbook - produced and marked.

10

MR. ADAIR: I'm wondering, Your Honour, I'm sorry to interrupt my friend, but I'm wondering if it might not create - it might not be easier at the end of the day if we were refer to it as tab 49 from Exhibit 1 on the motion, on the understanding that my friend will be putting it on Volume III of the joint book? I don't really care; it just seems like it...

15

THE COURT: I think we're just in a transitional period without having the joint book.

MS. LOMBARDI: Right.

20

MR. ADAIR: Okay.

THE COURT: I don't think this is an overwhelming document case. I'm content if it's just the next - the next exhibit since the document brief is not filed with the trial proper.

25

MR. ADAIR: Okay.

THE COURT: It's - it's not a bad suggestion. I'm content with 4 at this point. We'll see how it goes the rest of the day.

MS. LOMBARDI: Thank you, Your Honour.

30

THE COURT: Exhibit 4.

MR. ADAIR: It's not the first bad idea I've ever had, so...

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MS. LOMBARDI: Q. Ms. Childs, how long did you work at the Berean School?

A. I - until it became Grenville Christian College which I'm not sure. I don't remember the date of that.

5 Q. Okay. So, maybe I'll just take you to - if I could show you Exhibit 1, tab 12 of that exhibit. It's the joint exhibit book, yes.

MR. ADAIR: Exhibit 1, tab 12?

10 MS. LOMBARDI: The joint exhibit book. Okay. Thank you.

Q. And so, this document is titled A Supplementary Letters Patent the Berean Fellowship International of Canada changing its name to Grenville Christian College..."

15 THE COURT: Sorry, your voice is a little soft. Could you just keep your voice up so that I can hear you?

MS. LOMBARDI: I will, thank you, Your Honour.

20 Q. The document is titled "A Supplementary Letters Patent the Berean Fellowship International of Canada changing its name to Grenville Christian College." I note it's dated or recorded May 1975. Does that conform with your recollection of whether or not Grenville changed its name in that timeframe?

25 A. Yes, I think it was a couple of years after we changed the way we were doing things.

30 Q. Okay. So - so let's talk about that change in the way that you were doing things then. I'd like to show you what was Exhibit 27 or sorry, what was Exhibit 1 to the motion, tab 27. We have some loose copies of that document that we can hand out. You can just flip through this document and advise me if you're familiar with it.

MR. BOGHOSIAN: This is called the "Community of

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Jesus." Is that the tab?

MS. LOMBARDI: Yes, it appears to be a letter on the Community of Jesus.

MR. BOGHOSIAN: Is it December 1, 1998?

5 MS. LOMBARDI: Yes.

MR. BOGHOSIAN: That's actually after the class period, Your Honour.

MS. LOMBARDI: It is and I'm not talking - I'm not bringing the witness to the letter at all.

10 A. I'm familiar with the contents, yes.

MS. LOMBARDI: Q. You're familiar with the contents. So, let's - let's forget about the letter and just split past that first page of that. And I guess let's talk about the - the contents that you say you're familiar with. So, 15 on page three of that document, and the numbers are just at the bottom centre of the page, can you read that introduction for us?

A. (Reading):

20 The Community of Jesus is an ecumenical Christian community. It is our stated purpose to teach and minister the gospel of Jesus Christ and to bring people 25 into the wholeness of a living knowledge of Him. The Community embraces three forms of life; the religious or celibate monastic life, the single life 30 and married life. The entire Community of Jesus feels called to God to be to the world as a



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5 modern-day abbey with the  
fullness of the Christian life  
available to those who are drawn  
to it. Its beginnings date back  
to 1958 when Cay M. Anderson and  
10 Judy H. Sorenson, the founders  
were brought together by the  
Holy Spirit. In 1961, the  
Anderson and Sorenson families  
began living together as one  
household in what later came to  
be understood as a living-in  
community. Called into  
15 administrative counselling,  
teaching and healing, Cay and  
Judy as they were then known,  
were eventually joined first by  
several single women and later  
by several families, all of whom  
20 believe God was calling them to  
be a part of this unique work.  
He was raising up - this unique  
work he was raising up. From  
those small beginnings, the  
25 community has grown to its  
present size of almost 300  
resident members and about 500  
other who are associated with  
it.

30

Q. Does that conform or differ in any way with  
your understanding of what the Community of Jesus was?

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A. It conforms with it.

Q. Okay.

THE COURT: I wonder, just about the witness' knowledge of the document and what the document is? I don't think it's been introduced.

5

MS. LOMBARDI: Q. Do you know what this document is, Ms. Childs?

A. It's - it was a printed document that was given to people who were interest in the Community, explaining who they were and what they were all about.

10

THE COURT: Were you part of the Community of Jesus?

THE WITNESS: I was a member of the Community of Jesus, yes.

15

THE COURT: All right, thank you, counsel.

MS. LOMBARDI: Thank you. I suppose we should mark this as the next exhibit?

THE COURT: Any objection? Exhibit 5.

COURT REGISTRAR: Exhibit 5, Your Honour.

20

THE COURT: Thank you.

EXHIBIT NUMBER 5: The Community of Jesus document - produced and marked.

25

MS. LOMBARDI: Q. If we turn over to page four, do you see a highlighted section on that page?

A. I do.

Q. Would you please read the highlighted section?

30

A. (Reading):

Community life was intense. It

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required a total commitment and  
dedication on the part of those  
who came and a complete giving  
up of all they left behind.

5

And the other one, too?

Q. Yes, please.

A. (Reading):

10

The community called for a  
constantly flow of dedication to  
Jesus Christ.

15

Q. And we - we heard you tell us that you were a  
member of this community. So, does that adequately describe  
that commitment that you would have made to that community that  
you were a member of or - or are there more things to it?

A. It was - that's a very short way of talking  
about a very complicated and intense way of living.

20

Q. Okay. Well...

MR. ADAIR: Sorry, I missed that answer. I just  
didn't hear it.

THE WITNESS: Pardon?

MR. ADAIR: I just didn't hear your answer.

25

A. I'm sorry. I said this is a short way of  
explaining a very complicated and intense way of  
living.

30

MS. LOMBARDI: Q. Okay, why don't we expand on  
that. Why don't you tell us the other information that you have  
with respect to that?

A. To be a member of the Community of Jesus  
meant a number of commitments. You were - you vowed, you became

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5 a vowed member. So, this was a lifetime vow in which you vowed  
to be obedient to Mother Cay and Mother Judy, who was - what  
they were called at that time. You vowed to live a life of  
openness and honesty with every other community member which  
10 meant that they were allowed to and expected to speak to you any  
time they saw you doing something wrong or perceived you were  
doing something wrong and you were committed to doing the same  
with them, speaking to anything that you saw as a sin in their  
lives. There were a lot of disciplines. One of them was that  
15 we as a community are all vowed members to be part of a 24-hour  
prayer vigil, so that somebody was praying every hour of the  
day. You were committed to listening to teaching tapes from  
Mothers Cay and Mother Judy on a weekly basis. You were  
committed to going on retreats at the Community of Jesus if you  
weren't a resident member and I was a - a non-resident member of  
a resident in field.

Q. Okay.

A. Those were the basics that I remember at the  
moment.

20 Q. You mentioned you had to listen to tapes.  
What were those tapes about?

A. They - they and also going on retreats were  
the way that we learned what it meant to live together as vowed  
members. They taught you how to live in the light, which is  
25 what this - basically, we called them "Light Sessions," where  
you would get together with a group of people and they would  
speak to your sin or you would speak to their sins. So, they  
taught you how to do that. Their philosophy of life was that in  
order to grow - oh, that's one of the things I left out, is you  
30 were vowed to a life of daily conversion. So, their philosophy  
was that you had to see your sin on a constant basis every day,  
continually throughout the day. Repent for your sin, confess

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your sin and through doing that, you were living a true Christian life.

5 So, these tapes taught you how to do that. They taught you how to look at yourself and see your sin. An example would be that I don't know what I had done to cause this, but I had to listen to a specific tape called "The Battle for Your Mind," every day for a month. And "The Battle for Your Mind," is basically for me to be able to look at myself and see myself as nothing. See myself as a sinner, see myself as a bad person, 10 see myself as somebody in need of confession and repentance in order to grow in Christ.

Those tapes taught us a lot of what became a part of our life at Grenville, like you know there would be a tape - one that stood out to me for some reason. Well, I can tell you 15 why it stood out, is they talked about "our daughters in our midst." This was - they were teaching us at a retreat, but it's a tape that we listened to. They would say your daughters who are right here in front of you, they're whores and they're prostitutes. You need to see that about them and help them to 20 repent of that.

So, these tapes, they were put out continually, I don't know how many. I think there were - I don't know, 100 or more tapes that we were expected to listen to one every week for as long as we were members.

25 Q. Thank you. And so, you mentioned that you were a non-resident member. So, I wonder if we couldn't go back to that document that you just had in your hand that we marked as the next exhibit, which I think is Exhibit 5.

30 THE COURT: Just - just so that I can keep track, non-resident member of? There's two communities. There's the Grenville Community...

MS. LOMBARDI: That's right, Your Honour.

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THE COURT: ...and the one in the States, the  
Christ...

MS. LOMBARDI: The Community of Jesus.

5

THE COURT: Yes, so the non-resident member  
refers to which community?

THE WITNESS: Community of Jesus.

THE COURT: Okay.

10

MS. LOMBARDI: Q. So, in this document that we  
were just looking at, Exhibit 5, there was an explanation of  
what the Community of Jesus was. Sort of an outline of what  
their - what their mission was and then if we turn to page seven  
and eight, it's titled "Orders of Membership." So, I'll just  
have you read "Residence in the Field."

15

On page eight there's a - well, on page seven it  
says, "Resident Member."

And on page eight we see "Residence in the  
Field."

20

And so, I'll just have you read those highlighted  
sections there. Let's start with the first two highlighted  
sections in the second paragraph under the heading "Residence in  
the Field."

A. (Reading):

25

The same life commitment,  
discipline, prayer and  
sacrificial giving, living in  
openness and honesty, coming  
under one another in Christ.

30

Q. And the paragraph under that, the full  
paragraph? Starting with the word "specific?"

A. "Specific guidelines?"

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Q. Mm-hmm.

A. (Reading):

5 Specific guidelines and  
disciplines are given from  
time-to-time. Mother Cay and  
Mother Judy serve as their  
10 spiritual directors as well as  
those who they appoint in the  
same way as they do for those  
who live at the Community  
itself.

15 Q. And then really, the first two lines of the  
last paragraph?

A. (Reading):

20 It is important that these  
residence in the field plan to  
come to retreats at least twice  
a year and to live in - and to  
live-in with us whenever this is  
possible, at least once a year  
25 and preference is always given  
to them in the allocation of  
space.

30 Q. And so, is this an adequate reflection of  
what your membership was as a resident in the field or was there  
more to it?

A. In that earlier part, I should have said that  
we were expected to tithe to the community, so for all the years

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we were members, we went out tithe money to them. It was 10 percent of our earnings. We went at least twice a year. We lived in whenever we could. In some ways, it was more than that in the sense that they directed our directors so that we were obedient to them, so we would be obedient to our directors at Grenville who would be obedient to the Community of Jesus mothers.

Q. So, let's just understand that a little bit. Which leaders exactly are you referring to?

A. So, that would be the - the Haigs, the Farnsworths and the Snures, who were the leaders at Grenville.

Q. The Grenville Community?

A. Right.

Q. And were - was the Grenville Community - were they all residence in the field or were there a - a mix of people at Grenville?

A. I would say 90 to 95 percent were residence. I talked to somebody a few years ago who said, I never became a resident member and I was shocked. So, I know one person who wasn't, but I would say almost everybody was.

Q. Thank you.

THE COURT: Sorry, was it resident in the field or resident member?

THE WITNESS: Resident in the field.

THE COURT: Meaning their at Grenville, but they're...

THE WITNESS: Right.

THE COURT: ...affiliated with the Community of Jesus as a resident in the...

THE WITNESS: So, we took vows to the Community of Jesus, but we were allowed to live out those vows at Grenville.



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THE COURT: Thank you.

MS. LOMBARDI: Q. And if I could ask that again in the Exhibit 1 to the motion, tab 1. I'd like to put another document to you. Do you recognize this document?

5 A. I do.

Q. And what is this document?

A. This is the document that we were given when we took vows at the Community of Jesus. So, it's a - their vow service.

10 MS. LOMBARDI: Okay. And if we can mark that as the next exhibit?

COURT REGISTRAR: Exhibit Number 6.

THE COURT: Exhibit 6.

15 EXHIBIT NUMBER 6: Document - Community of Jesus Vow Service - produced and marked.

MS. LOMBARDI: Q. And I'd ask you to turn to page nine of that document. Again, the numbers are at the bottom of the page in the centre. This is titled "Community of Jesus Members First Vows." Are you familiar with these first vows?

20 A. Yes.

Q. And I'm just going to read something to you because I'd like to ask you about it. It says here, under the answer that would give:

30 I express my obedience to you,  
Jesus, through my yieldingness  
and submission to the Community  
of Jesus and to my spiritual  
mothers, Mother Cay and Mother

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Judy. I am nothing without you.

5 Can you explain for us how it was that you - that  
you gave your "obedience, yieldingness and submission," to this  
- to this community, especially since you're living at - at  
Grenville. You're not a member of the community living with  
them.

10 A. So, we talked about Berean Christian School.  
We were a very sincere group of people who couldn't - we just  
couldn't do it. We didn't do it well. We weren't getting  
students. We didn't work well together. Al and Mary Haig who  
founded the Berean Christian School in Canada had met Cay and  
Judy at some point and their community started about the same  
15 time as the Berean Christian School in Canada did and they were  
growing leaps and bounds. They were prospering. They were  
doing well and so Al and Mary asked them to come to Canada and  
we were thus. I think the year they came, most of us were  
thinking that we were going to quit and just give this up  
because it wasn't working.

20 So, they came and met with us as a staff and  
shared how they lived. And they were very charismatic women and  
they talked wholeheartedly and excitedly about the fact that  
their way of life was working and if we wanted our way - our  
life to change and work, we should use their model. And so,  
25 they shared their model which...

Q. And what was that model?

30 A. So, it - there were a number of things they  
told us at that time. They told us that we needed a 24-hour  
prayer vigil. That we needed to clean the place. So, the place  
wasn't very clean. They told us that we needed authorities in  
our lives and during the course of the time they were there,  
they told us who those authorities should be and those were

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going to be the husband and wife of the Snures, the Farnsworths and the Haigs. So, the Snures, the Farnsworths and the Haigs, the men were pastors and they each had a wife and so those were to be our authorities. They said not...

5 THE COURT: Sorry, I can't - you said. The names, the Snures?

THE WITNESS: Snures?

THE COURT: Snures.

THE WITNESS: S-N-U-R-E-S.

10 THE COURT: Thank you.

THE WITNESS: But they didn't stay very long.

THE COURT: Okay, thank you.

THE WITNESS: The Farnsworths and the Haigs.

THE COURT: Sorry to interrupt, thank you.

15 MS. LOMBARDI: That's okay.

A. They said that we'd not just needed authorities, but we had to commit to being completely, totally obedient to those authorities. They told us they didn't think our way of worship was good. We were kind of a charismatic free worship group. They told us we needed to be - they were  
20 Episcopalian, so that would be Anglican in Canada and we needed to change our worship. The biggest thing that they told us is that we had to learn to live honestly and openly with each other. So, there was a...

25 MR. ADAIR: Pardon?

MS. LOMBARDI: Honestly and openly.

A. Honestly and openly.

MR. ADAIR: Thank you.

30 THE WITNESS: There was a lot of unhappiness and when you're unhappy, you talk about each other, so there was a lot of back biting and talking so they said that has to stop. You have to learn to

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5 confront each other and you have to learn to live  
in the light, which was basically share what you  
felt with each other. And they taught us about  
how to live in the light which was through light  
sessions which was confronting each other with  
our faults and our sins and our weaknesses. And  
then, you know, they went on to explain what that  
meant that, that's how you grow in Christ. That  
you see yourself as a sinner, you confess your  
10 sin, you repent and that forces you or pushes you  
into a state with God that is good.

MS. LOMBARDI: Q. So, can you describe for us  
what one of these light sessions was like?

15 A. Sure. Well, the earlier ones when the  
Mothers first came, we just had a lot of feelings about each  
other, so we just sat down and shared them. I would say how I  
felt about somebody. They'd say how they felt about me, clear  
the air. Even by before the time they left, we had learned that  
I would say to somebody, I think you're haughty. I think you're  
20 full of yourself. I think you are jealous. I think you're an  
adulteress with your children and in a light session, which we  
learned at that retreat, everybody would then jump in and say  
yes. And we would even be taught that one person would be kind  
of in the hot seat and everybody in the room would tell them  
25 their sin. And it would be - it wouldn't be the same sin from  
everybody. They'd cover the whole - everything that you can be  
and do wrong. Light sessions often ended in the person being  
sent away to try to see their sin because they didn't see it in  
when they were in the group. So, they'd be sent away to pray  
30 and try to come to the end of themselves and be sorry and  
repent.

Q. And about how many - how often did these

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light sessions happen?

A. There was official light sessions every -  
once or twice a week with small groups. There were big group  
light sessions with all the staff. There were daily light  
5 sessions with anybody who wanted to say something to somebody  
else, they'd grab a friend and they'd pull you in a room and  
tell you what they thought about you.

Q. And so, I'm just going to show you another  
document now and this also come from Exhibit 1 to the motion,  
10 tab 18. If we could have the copies of those? Do you recognize  
this document?

A. Mm-hmm.

Q. Can you tell us what it is?

A. It was - I don't know what year. It says it  
15 right here, '85. It was the light sessions that we were  
assigned to during the period of time in that year and the times  
that we were supposed to meet.

Q. I'd like to mark this as the next exhibit.

COURT REGISTRAR: Exhibit Number 7.

20 THE COURT: Okay.

EXHIBIT NUMBER 7: Light Group assignment -  
produced and marked.

25 THE COURT: Also, I wonder if this would be an  
opportune to take a short health break?

MS. LOMBARDI: Sure, that would be fine, thank  
you.

30 THE COURT: All right, so we'll take five to ten  
minutes.

R E C E S S

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U P O N R E S U M I N G:

5 MS. LOMBARDI: Q. Ms. Childs, we left off, I believe, with a document that was marked Exhibit 7 and you were explaining it was the various light groups that you were assigned to. So, I'm just wondering if you can tell us a little bit more about how these came about. You were describing when the Mothers came to teach you how to perform these - it was kind of an airing out session and is that what they continued to be? Why were they being scheduled? What can you tell us about this - this document in terms of these sessions that seem to be grouped together of all the various staff at Grenville?

15 A. The first time the Mothers came, we did light groups right then and there with them in the room with the whole staff and they would - they would show us - they would correct somebody and they would encourage other people to correct them and they would encourage us that this was the best way to live in openness and honesty and...

20 Q. So, what do you mean by "correct?" They would show you how to correct them. How - how did they correct people? Can you give us an example?

A. I can give a personal example.

Q. Sure.

25 A. So, this was a light - you know a big staff gathering with the Mothers and the whole idea was you're always looking to see where you're - you're wrong or somebody is looking to see where you're wrong. You look for it in yourself or you look in others, they look in you. So, I happen to come into the room a minute late and I was asked why I had been late. 30 And I said that I was on the phone with a babysitter because one of my children wasn't feeling well and I just wanted to check

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in. That turned into a light session with me. And basically, the Mothers said to me, you shouldn't even be here. You should have been home with your sick child and I said, look, you know she wasn't that sick and this is important. And you - you never missed a meeting. If you missed a meeting, you'd have a bigger light session, but this was a light session with me because I - they wanted to point something out to me where I was wrong and that light session with me turned into everybody in the room being given an opportunity to tell me what was wrong with me.

10 And...

Q. What kinds of things were they saying to you?

15 A. Well, my poor husband said, she doesn't keep up with the housework. So, when it was all over I was told to go home and clean every - every drawer in my house and not go to bed until every drawer was perfect. They told me I was selfish because I put other things before my own children. They told me I was idolatress. And at the end of the meeting, I was basically told in front of everybody, you do not have a mother's heart and you will never have a mother's heart. And...

20 Q. What did they mean by "idolatress?"

25 A. That something's more important than it should be in your life, so idolatry was a big sin. Idolatry was one of those that we were called on all the time. You know, as a young parent we were afraid to enjoy our kids in public because we would be accused of being idolatress with them because they meant too much to us or you know, you could be idolatress with - my husband and I used to be rock climbers and at some point, you know, we were told even though we never got to do it because we were too busy, we were told that that was an idol in our lives and so we were told to throw away every - all of our climbing ropes and all of our climbing gear. So, 30 idolatry was putting something above God. And that would be

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anything.

5 Q. Okay, thank you. I'd like to take you back to Exhibit 6, if I could? That was the vows document. So, if we turn to page 19 of that document. I'm just going to flip through. Page 19, heading two, "Living in the Light."

A. Mm-hmm.

10 Q. "Living in the Light," and if we - if we turn over the page to page 21, again the pages are marked at the bottom. We have headings, "Admonish, Chastise, Conversion, Correct," flip over, "Discipline as a Verb, Discipline as a Noun, Obedience, Vow of Obedience, and Submission," finally, and "yieldingness" on page 27 at the very end.

15 So, what - how are these things incorporated into those light groups and light sessions that we were just looking at? How - how did that - how did that structure - did it structure your life at Grenville or how did it come into play? You have this vow to live a certain way, so how - how was it enforced? How did you do it?

20 A. It became our way of life. It was - it was probably the centre of how we lived together. So, we were - you know, we had set light groups. If you were in trouble, that one I just gave as an example, after I was sent out I was then assigned a group of people who met with me everyday for weeks trying to help me to see that I was a bad mother and that

25 obviously, if they chastise me about this, if they admonish me about this, I would reach the place where I agreed, I'm a bad mother. I need to change. I need to go to God and ask his forgiveness and that will make me draw closer to Him and maybe that will help me to be a better mother.

30 Q. And this is all while you're living in the Grenville Community?

A. Yes.



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Q. At the school. Can you describe how it is that you're living at - at Grenville?

5 A. Sure. We had - we lived together. Now, I'm not sure exactly what time that started, but in a major part of our time there we lived two families together or three singles together or two singles with a family. We ate our meals in the dining room with the students, even in the summer we ate our meals together. We had duties from early in the morning until the kids were in bed and then we'd have light groups. We'd have  
10 light groups any time that - vacations, when the students were away, we'd just have light groups constantly. We'd just - because that was our chance to kind of live in the light and live it the way we were called to live it. Does that answer your question? I'm not sure.

15 Q. It does, thank you.

A. Okay.

Q. So, you said you lived in multiple families? This is on the property at Grenville itself?

A. Yes, yes, we all lived on the property.

20 Q. And whereabouts, separately on the property? Were there homes or....

A. So, in the beginning our earlier Berean days, those of us who lived there lived in a dormitory, so we had a single room. My husband and I had a single room and our kids  
25 were in another room. Then we moved to trailers, or at least some of us did and then we lived by ourselves when we're in trailers and then we moved to staff apartments and that's when we started living together.

30 Q. I see and where were the staff apartments located?

A. They were connected to the school.

Q. So, maybe if I take you to a document it'll

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help us understand. I'll just keep asking questions because I can't seem to find the document quite yet. If I do, I'll put it to you, but I'm just trying to understand, when you say you lived - it was attached to the school?

5 A. So, there was a main building.

Q. Yes.

A. Which was administration and classrooms. To the left of the building, attached to it, was a gymnasium and an auditorium. To the right of that building attached to it was a girls' dormitory and then staff apartments. So, they were all attached. You didn't have to go outside.

10 Q. And so, you could travel from your - your staff residences right through to where the students were living as well?

15 A. Yes, yes.

Q. Okay, thank you. So, we've reviewed the various tools of the community. We talked about admonishment, chastising. You described some light groups and how they work. Can you - one of the underlying or something that's repeated anyways is obedience. How - how was obedience enforced or given at Grenville? To whom did you owe obedience as a - as a member of this community while living at Grenville? Your vows say Mother Cay and Judy.

20 A. So, we were obedient to the pastors, the - the group of six and then later the group of four and then later, the two. Everything they told you to do, you did.

Q. Can you give me an example?

A. I can give lots of examples. What kind of examples do you want? I mean one that stands out to me that I've always struggled with is we had two seventh grade girls living with us for reasons that they had struggles in the dorm. One was a bed wetter, the other one I'm not sure what her issues

30

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were, but she just wasn't going well and Charles Farnsworth was just tired of the fact that they weren't changing and so he calls me up and he says, Joan send them to middle school, which would have been a normal high school uniform. Send them in an elementary uniform in their - in their smock or jumper and put a sign on them that says "I refuse to grow up." So, that would be obedience. I said no, and he said yes and I ended up in trouble, but I also ended up being obedient because I was vowed to be obedient. So, I sent these two little girls to eighth grade in an elementary school uniform with a sign that said "I refuse to grow up."

Q. And just to be clear, the other students in the eighth grade are wearing a different uniform?

A. They're wearing a high school uniform which would have been a kilt and a blouse. It was - it was complete obedience and, you know, whatever they told you to do, you did.

Q. And what would happen if you didn't obey?

A. I was the one who often fought it. It would always end up in me being put on some sort of discipline.

Q. You yourself were disciplined?

A. Oh, yes.

Q. So, can you give me an example of discipline that you would have received?

A. I mean, there were lots of ways that staff were disciplined. You might immediately be moved to a different house. So, if I did something that seemed very wrong or was, you know, I'm not submissive as I should be, I would be told to go home and pack my bags and everything I have. Not your furniture, you had to leave that where you were, and go live with somebody else who would then be in light sessions with you every spare minute until you changed. Or a staff member might be disciplined by having their salary cut even though it had

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nothing to do with their ability as - in their job. It would just be a way to discipline them. You might be disciplined by being put on silence. There was a time, again, I did something where I wasn't submissive quickly enough and I wasn't allowed to speak to my husband unless there was somebody else around. So, in our bedroom, in our house, we couldn't talk to each other. And we had to report on each other if we did talk. And the...

5

Q. And who were you reporting to in this instance?

10

A. To the Haigs and the Farnsworths.

Q. I see and they were the ones that implemented this...

A. Yes.

Q. ...punishment.

15

A. And we'd be obedient because we honestly thought this was a good way to live as much as it was hard and impossible, we still thought it was the way we were supposed to live.

20

Q. Okay. Can I take you to another document? This would be Exhibit 1 in the joint book of exhibits. And that would be tab 36. Do you recognize this document? Do you know what it is?

A. That's a newsletter that we put out periodically.

25

Q. Okay. And can you read the title of the first article in this newsletter that's dated December 1979?

A. "Obedience Changes Attitudes."

Q. And who is that...

A. By Reverend J. Alastair Haig, headmaster.

30

Q. Haig. And the - the story is - starts on this first page of the newsletter, but it continues on the fourth page. So, if I could ask you to just turn to the very

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back of that document.

A. Mm-hmm.

Q. You'll see in the far left-hand column,  
there's a note saying "Obedience continued from page one." Do  
5 you see that?

A. Yes.

Q. Would you please read paragraphs three, four,  
five and - and six?

A. Starting with "for several years?"

10 Q. Starting with "years ago."

A. Okay.

15 Years ago when we first dreamed  
of starting a school, we felt  
certain that if we could  
effectively put to work the  
principles taught to us by  
Jesus, and if Jesus was allowed  
to be the centre of all life and  
20 activity, the result would be a  
school atmosphere in which  
changes like these could take  
place in students lives. For  
several years, we struggled to  
25 bring this dream to reality and  
we met with only failure. And  
then seven year ago, our dear  
friends from the Community of  
Jesus Cay Anderson and Judy  
30 Sorenson, began to show and  
teach us how to live the changed  
life in the practical activities

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of every day. As a result, the whole school changed; its direction, its philosophy; its discipline; its spirit and atmosphere. Even its appearance changed.

Keep going?

Q. Yes, please, just that last paragraph.

A. (Reading):

Staff and students alike began to change and the way Jesus taught us to live began to get worked right into the daily life of our whole college family. Our college is entirely different now. Order, respect, dignity, beauty, good manners, honest living, hard work, obedience; all of these are now common place at Grenville.

Q. And is that also your - is this similar to your recollection of what life at the school was like? You've just gone - you've just told us about your life as a community member. Mr. Haig seems to be saying that the school also changed in a similar way. Do you agree with that?

A. Yes.

Q. In what ways was the school changed from the Berean days?

A. Well, we started to prosper which is one of

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5 the reasons why we thought this life must be good. We got out  
of debt. We got lots of students. The place cleaned up. We  
got a good - had a good reputation, so all of that - all of that  
was different. I mean especially getting out of debt because we  
10 were deep in debt when the Mothers came and then suddenly, we're  
making money. We thought the students were happy. They seemed  
to be happy. It was a completely different atmosphere. The  
staff - the staff, we - you know we live this hard life, but we  
thought it was a good hard life. We thought that this living in  
15 the light was good and so we felt that that everything had  
changed for the better.

Q. And that's - was this something that you were  
- you were doing with the students as well...

A. Yes.

15 Q. ...living in the light and - and these  
approaches?

...OBJECTION BY MR. ADAIR

MS. LOMBARDI: I'll rephrase the question.

20 Q. In this document, Mr. Haig in this article  
says, as a result, "the whole school changed its direction, its  
philosophy; its discipline; its spirit and atmosphere." Can you  
give us any examples about the - in the ways in which discipline  
changed from the Berean days?

25 A. Yes. We were - we did the same things with  
the students that we did with ourselves. It was direct  
confrontation. So, if we felt a student had a bad spirit, if we  
felt that they were doing the same sins that we were learning to  
look at like, you know, being haughty, being jealous, trying to  
30 be the centre of attention. We would - we would speak to them  
about it. We would use those terms. We would say, you know,  
you're full of yourself. You're - you're making this - yourself

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5 the centre and you shouldn't be. That's not good. That's not  
the way you're supposed to live. So, we incorporated that sense  
into our discipline with them. We - you know, I don't know that  
we would call it a light session, but we would - if there was a  
bad attitude in the student body, we'd call all the students  
together and we'd speak to that attitude and say there's  
something wrong here. You all need to look at yourselves and  
see how you're a part of the problem.

10 Q. Okay. I would like to show you another  
document and it also comes from Exhibit 1 of the motion. Tab 3,  
if I could have these copies and then my friend can follow  
along.

15 THE COURT: And counsel wanted to raise a matter  
with me, so this I think should be our last  
document for this witness for the afternoon and  
then we'll....

MS. LOMBARDI: Thank you, Your Honour.

20 THE COURT: We'll - we'll deal with this  
document.

MR. ADAIR: I'm sorry, which document are we at  
now? Apologies.

MS. LOMBARDI: Three.

MR. ADAIR: Three.

25 MS. LOMBARDI: Q. Do you recognize this  
document?

A. I recognize the name Geshri Talerham and I  
recognize that we put together about students.

30 Q. Okay. I'd like to mark this as the next  
exhibit if I may.

COURT REGISTRAR: Exhibit Number 8.

THE COURT: Just, any objection?

MR. BOGHOSIAN: Well, Your Honour, she's not the



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author of the document or at least she hasn't  
said so. She hasn't authenticated it or  
identified this document. She's just said this  
is consistent with records that Grenville would  
have kept. And that's not enough to identify it.  
So, we....

5

THE COURT: I tend to agree with counsel. The  
name is recognized, I believe the answer was  
"it's a document we would put together."

10

MS. LOMBARDI: Okay, that...

THE COURT: I think you have to do better. I  
think you have to be a document we did. This is  
a document from a certain file.

15

MS. LOMBARDI: I will set this aside then, Your  
Honour.

THE COURT: Just set this one aside, all right.

20

MS. LOMBARDI: As an exhibit, I won't go there,  
but I would still - the witness told us that this  
is something they kept these types of files. My  
only question would be are the notations with  
respect to some of the comments, whether it's  
grades or something else, is that - was that  
typically also noted down in the student files?

25

THE COURT: I think you can ask that question.  
I'm just going to hand back the document for now.  
So, just so I understand the question, its did  
staff make notes about grades and student  
progress, is that...

30

MS. LOMBARDI: State of progress and specifically  
there's a notation here of willfulness and  
idolatry. Were those types of comments...

THE COURT: I would - since you're not at the

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5 moment serving to authenticate the document,  
rather than go back to the documents its - it's  
not before me, unless you lay the foundation for  
this particular document and the witness'  
knowledge of this particular document I think  
you're left with either more general questions  
about it or come back to it later and serve to  
authenticate it before you put questions about  
the document to the witness.

10

MS. LOMBARDI: Thank you, Your Honour.

THE COURT: Does that make sense?

MS. LOMBARDI: Yes, it does, thank you. I'll do  
that.

15

THE COURT: All right, perhaps since it's 4:25,  
you will have to come back tomorrow, Ms. Childs.  
We did not finish your evidence. There's an  
order excluding witnesses, which means please do  
not discuss your evidence with anybody else  
except for counsel. All right, thank you very  
much for coming today and you're excused for now.  
We have another housekeeping matter to deal with,  
with counsel.

20

...DISCUSSION RE: SCHEDULING

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...WHEREUPON THESE PROCEEDINGS WERE ADJOURNED

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Cavanaugh et al. v. Haig  
September 17, 2019

TUESDAY, SEPTEMBER 17, 2019

U P O N C O M M E N C I N G :

THE COURT: Good morning.

MR. ADAIR: Yes, Your Honour, may I address a  
5 matter in the absence of the witness?

THE COURT: Yes.

MR. ADAIR: My....

THE COURT: Is Ms. Childs in the hall?

MS. MERRITT: She's in the hall, Your Honour.

10 THE COURT: Yes, okay.

MR. ADAIR: My friend has kindly handed me a -- I  
think it's a full transcript of a side B of Tab  
12 of the supplementary materials. It's an  
Alexander Haig recording found at Exhibit 1 on  
15 the motion, Tab 12. I'm not sure whether Your  
Honour has a copy of that.

THE COURT: Of the transcript?

MR. ADAIR: Of the document, a transcript. If  
you don't....

20 THE COURT: I do not.

MR. ADAIR: It would be a good idea if we did get  
one.

THE COURT: So, are we going back into the motion  
at this moment?

25 MR. ADAIR: No, not really.

THE COURT: All right.

MR. ADAIR: Well, sort of yes and no. I'll  
explain. My concern or objection lies to the use  
of this document judging by the pattern of how  
30 things were done yesterday. I anticipate that my  
friend will put some passages of this document to  
the witness and ask the witness if that

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5 represents the philosophy at Grenville or.  
The way things were. If I'm right about that,  
then that is objectionable, in my respect, on two  
levels. What is -- one is that she is seeking to  
do by the backdoor what she cannot do by the  
front door, and two, it is inappropriate leading  
of the witness. Let me explain. What is  
happening is my friend will put a document to the  
witness, read a passage, say is that in effect --  
10 is that the way things were at Grenville? The  
witness confirms it, then my friend asks if the  
document be marked an exhibit. The problem with  
that is that this document, on its face, is  
whether it's the transcript of recording, is for  
all the reasons stated yesterday, inadmissible.  
15 THE COURT: All right. Is subject to further  
agreement by counsel.  
MR. ADAIR: Yes, but....  
THE COURT: This was one of the ones that was put  
20 aside for discussion. I take it that hasn't  
happened.  
MR. ADAIR: Yes.  
THE COURT: All right.  
MR. ADAIR: Well, we're at a point where it's  
25 presumably about to be used because it was given  
to me this morning, and the problem with that is  
twofold. What happens, what ends up happening is  
that an inadmissible document, and it is  
inadmissible because it is not a business record,  
30 nor has there been any proof of reliability.

So, it's not a business record and it doesn't

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5 qualify under any other exception and it winds up  
becoming an exhibit at the trial for the truth  
and content, and that's what I mean by going by  
the backdoor what one cannot do by the front  
door. And the second problem with it is, with  
respect, it is terribly leading to put a passage  
to a witness and say are those the philosophies  
of Grenville or is this the way it was at  
10 Grenville is, in my respectful submission, the  
wrong way to go about it on an important point.  
The way to go about it is to say to the witness  
what was the philosophy at Grenville or what was  
the particular philosophy in this area or the  
practice in that area and to adduce the evidence  
15 of the witness without leading. This is, in  
effect, the evidence of Father Haig, who is  
deceased, or Reverend Haig, who is deceased. So,  
in my submission, it is objectionable, the use of  
the document is objectionable for those two  
20 reasons.

THE COURT: I understand the submissions. Is  
there -- is there a third way the document could  
be used if the plaintiffs were to ask the  
open-ended question that you describe, what was  
25 the philosophy at Grenville and the witness  
exhausts the witness' memory or that, and we may  
or may not get to this, could this document be  
used to refresh the witness' memory?

MR. ADAIR: If the witness asks herself whether  
30 she -- and says she needs her memory refreshed  
and she'd like to look at this or that, but you  
can't....

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THE COURT: Even if it's used to refresh, it would not be tendered itself as an independent exhibit...

5

MR. ADAIR: Exactly.

THE COURT: ...assuming I agree with the other points.

10

MR. ADAIR: Exactly, and you can't suggest to a witness that they need to refresh their memory. I mean, it's common practice in Magistrate's court -- it shows you how many years I go back -- but it's common practice to say to a police officer, well, do you need to look at your notes. Well, that's -- that's a little different. We're up there all the time and it's a repetitive thing, but you ought not to be suggesting to a witness that inferentially that this would be helpful, look at this.

15

THE COURT: Well, we may or may not get to that stage.

20

MR. ADAIR: Yeah.

THE COURT: But I thought I'd ask you while you were on your feet about the third point.

MR. ADAIR: Yeah.

25

THE COURT: But I take your points and I will hear from the plaintiff's counsel in response. Thank you for raising it.

MR. ADAIR: Thank you, Your Honour.

30

MS. LOMBARDI: Good morning, Your Honour. It's actually very helpful that my friend raises this point now because both the audiotape and the autobiography I was planning on using with the

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witness today. So, I guess the first thing. I'll say to my friend's comment that, you know, he was just recently provided the transcript. I gave him a shorter excerpt of the passages I intended to use from the tape yesterday and prior to that he's had the tape -- well, the whole time.

5

MR. ADAIR: We can shorten this down. I'm not complaining about that at all.

10

THE COURT: I understand.

MS. LOMBARDI: Thank you.

15

THE COURT: You understand the complaint, counsel, is it's more related to putting in a document through a witness that has not yet been the subject of a ruling or a decision by counsel that it should go in.

20

MS. LOMBARDI: And I guess my submission is simply that if we could have them marked, maybe not for the truth of their contents, but for the facts that the statements were made, that would be helpful. Again, given that both the audio recording and the book are written by a defendant to these proceedings who is now deceased. I mean, I'm going back to my motion points ultimately.

25

30

THE COURT: It's kind of like you're coming back to argue the motion. I was hoping that you might all agree on this. It seems as though it's now a live issue because we have the witness here who you wish to put these passages to, so I suppose we may have to open up the motion again unless you think you could have a conversation that's

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5 productive. I'm prepared to give you 20 minutes  
if you think you can. But there's another matter  
I'd like to raise with counsel if we are going to  
go down that road, not related to this. So, Mr.  
Adair, let me just finish with the two of you on  
this. No, that's fine. Do you think you can  
sort out the matter of the recording this morning  
in an expeditious way?

MR. ADAIR: We'll try.

10 THE COURT: All right. I'm prepared to give you  
some time. So, here's what I wanted to start the  
morning with, but I wanted to hear you first.  
The matter of the order to continue that was  
15 raised yesterday by Ms. Merritt. Have a look at  
the materials that were put before the registrar,  
and I think it is a procedural matter that should  
be addressed now rather than later. I've looked  
at Rule 11. I've looked at some of the  
20 commentary. Mr. Adair, you're here instructed, I  
presume, by the defendants, and one of them is  
the named executor to Mr. Farnsworth's estate.  
Unless you have some prejudice that you want to  
raise with me or there's some potential other  
will or other executor, I'm proposing that I just  
25 make the order.

MR. ADAIR: Well, Your Honour, as I said to my  
friend yesterday without giving away any secrets,  
I suspect what you just said and what my friend  
30 says is right in every respect. But there is an  
issue that I am concerned about and I haven't had  
a moment to deal with it and it may well be that  
I'm going to come in here and say fine, I have no



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problem at all. But I'm not about to voluntarily  
toss away someone's potential rights without at  
least looking at it.

5 THE COURT: So, I have a question for you. As  
you stand here today, who are your clients?

MR. ADAIR: Well, my clients are each of the  
defendants and I'm -- and their insurers.

THE COURT: And, sorry?

MR. ADAIR: And insurers.

10 THE COURT: Well, in terms of the named parties,  
for now we have the named parties Grenville  
Christian College, that's a client. There may be  
someone standing in their shoes but I'm not to  
know about that at this moment.

15 MR. ADAIR: Okay, and the -- potentially the  
estate of Charles Farnsworth.

20 THE COURT: So, you see, the question I'm bumping  
up against as the trial judge is you're going to  
stand up and cross-examine. I should know who  
you are speaking for, and so I do think the  
matter should be resolved sooner rather than  
later, and I know it was raised on Friday during  
the conference call, and I appreciate you were  
getting ready for trial, but it might be  
25 something you could give a little more thought to  
when we go down for a little while now because I  
am thinking that it doesn't make sense not to  
address it, particularly given you were the  
source of the information to counsel, this is who  
30 the executor is and I think it would regularize  
the proceedings and unless there's some other  
prejudice, I think I'd like to deal with it.

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MR. ADAIR: All right.

THE COURT: But I'll let you think about it over the break.

MR. ADAIR: Understood and thank you.

5

THE COURT: Thank you. All right. So, why don't we say 30 minutes, but if counsel need more time, please advise the deputy and we can figure it out from there and I will deliberate on the other matters from yesterday, so I'll be able to use the time as well. So, thank you all very much for your efforts.

10

R E C E S S

15

U P O N R E S U M I N G:

THE COURT: All right. So, where are we?

20

MS. LOMBARDI: Your Honour, we've had a chance now to confer with our friends and we've had some time to reflect and we will need a ruling on the admissibility of that type of evidence, but I can perhaps make the job a little easier. I don't believe I will need the autobiography to ask questions of my witness this morning and so I don't require a ruling with respect to the autobiography. But with respect to the audio recording, I guess first I would say that I will be very careful in not asking leading questions with respect to that recording and my submissions are -- are simple.

25

30

We do submit that they are admissible on the

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5 basis that there are things said by a defendant  
in the proceedings and they should go in as  
admissions for the truth of their contents.  
There are also declarations against the interests  
of a party to the proceedings. But in the  
alternative, we would also submit that they could  
be put forward not for the truth of their  
contents, but for the fact that the statements  
were made, and that way we don't have a hearsay  
10 problem.

We say that they're clearly relevant because  
whether or not the statements by Mr. Haig in that  
audio recording are true or not is not the issue.  
15 It's the fact that the statements were made to  
staff by a person that they reported to that will  
be what's in issue. I can give an example, if  
that's helpful for Your Honour.

20 THE COURT: The fact that they were told that  
staff were told. So, in other words....

MS. LOMBARDI: That these statements were put to  
staff.

25 THE COURT: So, at this stage, you're not  
proposing to use the recording to say these were  
the beliefs of Mr. Haig.

MS. LOMBARDI: I'm putting them forward simply to  
-- to ascertain whether or not these statements  
were directives put to the staff and then to the  
extent that the staff implemented them, my  
30 witness can speak to that and there's no reliance  
on the audio recording for that aspect.

THE COURT: And are the passages that you are

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seeking to put to the witness in the transcript  
you passed to me?

5 MS. LOMBARDI: Yes, they are, Your Honour. I'd  
be happy to -- to put them to you. So, the first  
passage is at timestamp 18:15.

MR. ADAIR: Sorry, the page?

MS. LOMBARDI: I'll find that. That would be  
page five of the -- of the transcript. It's  
10 highlighted in the middle of the page there,  
passage right underneath it timestamped 18:30.

THE COURT: Sorry, are you starting with 18:15 or  
18:30?

MS. LOMBARDI: 18:15 and 18:30.

THE COURT: And 18:30.

15 MS. LOMBARDI: Yes.

THE COURT: Those are two passages.

MS. LOMBARDI: And I'd be happy to restrict  
myself to those -- those two passages.

THE COURT: Those are the only two you plan to  
20 put forward?

MS. LOMBARDI: Those are the only two from the  
audio recording. Sorry, I guess just to  
reiterated, Your Honour, we would like it  
admitted for the truth of its contents on the  
25 basis that it is admissible as being an admission  
of a defendant or a declaration against interest  
of a party but in the alternative we would be  
content to be restricted in using it only for the  
fact that the statements were made and putting it  
30 to the witness in that way.

THE COURT: So, in terms of timing, your first  
admission is that overall on a trial you seek to

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have it tendered for the proof of the truth but at this moment, with this witness, your use of it is a different use. Do I understand that properly?

5 MS. LOMBARDI: Yes, Your Honour, I could proceed in that way, and that way we can wait for the -- the final ruling.

MR. ADAIR: Sorry.

10 THE COURT: And so, the leading issue -- and so, how would you propose, assuming I agree with that, how would you propose to put those two passages to the witness so that Mr. Adair can consider his position on whether it's leading or not?

15 MS. LOMBARDI: I just have to find my questions, Your Honour. Essentially, my question to the witness would be whether or not the statements were made to the staff and whether or not it influenced the direction in the change of the school policy.

20 THE COURT: The two passages seem to be statements, not directions. Am I reading those correctly? Like a personal point of view. 18:15 looks like a personal opinion.

25 MS. LOMBARDI: And I guess my question to that witness would be was it -- was it the case that they believed themselves to need to become more authoritarian.

30 THE COURT: Isn't that the problem that Mr. Adair complains of? It's suggesting the answer in the question, an open-ended question, what's the relationship between -- what was the relationship

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5 between teachers and students in the classroom  
and what was the philosophy around that  
relationship as an example, because I think  
you're still going to have that issue. 18:30,  
again, it seems to be a statement by the maker of  
the statement of called it a philosophy about  
what young people want and the desire to have  
respect for teachers, for example, who aren't a  
pushover.

10 MS. LOMBARDI: And I guess to the extent that the  
statement was made to the staff member, I would  
like to know to what extent that statement would  
have -- whether it influenced anything.

15 THE COURT: Well, is this -- and again, I don't  
know what the context was of this tape being  
made. Was this a session where teachers were  
present? Is that part of where you're going with  
this?

MS. LOMBARDI: No, it's not, Your Honour.

20 THE COURT: So, what would prevent you from  
getting at the facts in those two excerpts  
without relying on this at all? What would  
prevent you from asking the witness, essentially  
trying to get at the very thing you want to get  
25 at, but what's the relationship, what's the  
philosophy? Why do you need this?

MS. LOMBARDI: Because this is a statement made  
by the directing mind of the school and in  
context of how that school operated with.  
30 Respect to its -- the reporting structure, that  
the fact that statements were made by the  
directing mind is important.

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5 THE COURT: But it doesn't sound as if you are  
able to say that they were made -- that these  
statements on this occasion were made. I'm just  
failing to see the link between the tape and the  
belief -- they may have been communicated another  
time or another place but do not seem to be  
connecting up between this document and this  
witness. I may be -- am I missing something?

10 MS. LOMBARDI: No, I don't think you are, Your  
Honour. I'll just leave my submissions there,  
thank you.

THE COURT: All right. Well, thank you for the  
submissions. Mr. Adair, anything?

15 MR. ADAIR: Briefly. Again, back to -- in reply  
back to fundamental principles. This document is  
not admissible for the truth of content on the  
ground that it is an admission because that is  
not the law. In order to be admissible as an  
exception to the hearsay rule, an admission by an  
20 opposite party must be an admission against  
interest because that is what makes things  
reliable. This is in no way an admission of  
anything. It is a statement of opinions and  
beliefs.

25 Secondly, it is, with respect, not admissible as  
simply the fact that a statement was made, that  
is, with respect, poorly understood and one hears  
time and time again, well, I'd like to put it in  
30 for the fact that the statement was made. That  
exception to the hearsay rule goes back to the  
old case of *R. v. Sobranian* (ph) about a hundred

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5 years ago in the House of Lords where a specific statement was highly relevant to the ingredients of the offence of I think it was murder. In this case, whether such statements were made or not made is entirely beside the point.

10 The issue in this case is did Grenville engage in a pattern of systemic abuse to the class. How is the actual making of this statement relevant to whether they engaged in systemic abuse or not? So, with respect, it is not admissible on any ground, and while we're at it, I am very concerned to hear my friend suggest that this would be put to the witness and the witness would ask, well, did Haig say that to the staff and ask whether or not this influence policy, or was it the case that the staff believed this themselves, all of these are flagrantly leading questions.

20 So, and my concern about this is this, just so you understand. At the end of the day, with things like this, you never know in a trial if they're loosely let in where things are going to go and what's going to be seized on by somebody somewhere down the road, whether in final argument or not, in what way. So, we have to be careful to keep this thing in a proper scope where the ordinary rules of admissibility apply.

30 Those are my reply submissions, Your Honour.

THE COURT: Thank you.

MS. LOMBARDI: Your Honour, if I may just make



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5 one point. With respect to the test of  
admissibility in *Capital Trust and Fowler*, which  
is a Court of Appeal decision from 1921, it says  
that anything the other side ever said or did  
will be admissible so long as it has something to  
do with the case.

10 So, I guess just to punctuate my submission on  
necessity and reliability, again, we have a  
defendant in this action who was a controlling  
mind of the organization in issue. The  
organization in issue we say had philosophies and  
had methods and practices that were put forward  
and we think that it is relevant to the material  
15 issues in this case what those directing minds  
themselves say about their philosophies and what  
influences they had upon them with respect to  
coming to those philosophies and how they were  
implemented, and those are my final, final  
20 submissions, Your Honour. Thank you.

THE COURT: Thank you very much, counsel.

R U L I N G

25 LEIPER, J. (Orally):

30 I have been asked to consider the admissibility  
of a statement made by the defendant Mr. Al Haig.  
I have some extracts from a tape that the  
plaintiffs wish to put to the witness who is now  
testifying, Ms. Joan Childs. In addition, and  
combined with the other documents that I reviewed

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5 yesterday and heard argument on, counsel made further submissions on the admissibility of this document, specifically tendering it for the truth of its contents on the grounds that it is an admission against interest by a party who is now deceased.

10 At this stage, I will deal only with the admissibility for the purposes of having the witness have these two extracts from the tape be put to her. I am not satisfied at this stage that the proper foundation has been led to put these extracts to this witness. There is no indication that this witness heard this speech.  
15 The subject matter within the relevant passages could certainly be put to the witness without reference to this particular document.

20 I will rule later on the question of whether the entire tape is relevant and admissible under the exceptions that counsel have urged me to consider.

25 Finally, in putting the propositions to the witness and given that they are in contention, I would ask counsel to ensure they do not lead the witness.

30 So, that's my ruling on this. And just so that I'm clear, Ms. Lombardi, you had said that you were leaving aside the book. Is the book a matter that either is not being pursued or that

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counsel expects to agree on, and will you need a ruling on the book as well?

MS. LOMBARDI: I will not need a ruling on the book as well.

5 THE COURT: You will not need a ruling on the book, okay.

MS. LOMBARDI: Thank you, Your Honour.

10 THE COURT: All right. So, are we ready to have Ms. Childs come back in and -- oh, we have the other matter first.

MR. ADAIR: We have -- we can deal with that. I've advised my friend that I -- while I do not consent, I will not be making any submissions on the subject.

15 THE COURT: Thank you. Ms. Merritt, do you have a draft order?

MS. MERRITT: I do. It was attached in the package I gave you, but I also have three extra copies I can hand up.

20 THE COURT: All right. It's probably up here somewhere. Thank you. And has a copy of the draft order been provided to counsel?

MS. MERRITT: Yes.

25 THE COURT: I see it's drafted for the signature of the registrar. Do you want me to just make the necessary changes?

MS. MERRITT: Thank you. I didn't have time to redo the order.

30 THE COURT: That's fine. All right, I've signed two copies of the order. Thank you. All right. So, if there's nothing further at this point, then Ms. Childs can be brought in. And, counsel,

Joan Childs - in-Ch.  
(Ms. Lombardi)

may I add this transcript to my motion materials  
so that I can consider it?

MS. MERRITT: Thank you.

5 JOAN CHILDS: PREVIOUSLY SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI, Cont'd:

10 Q. We left off yesterday with you describing for  
us a light session that you had been involved in. You told us  
that you were attending a meeting, you arrived a little late,  
and that precipitated essentially a light session over what you  
told us was idolatrous and you told us you were accused of not  
having the heart, a mother's heart. And I wanted to ask you,  
how did that make you feel?

15 A. I mean, I -- you know, it was devastating to  
me and it was confusing in that I -- you know -- I didn't have a  
mother's heart because I didn't stay with a sick child, but yet  
I had a child who was born with a deformed hip and when she was  
in the hospital at three months in traction I wasn't allowed to  
20 be with her because that was idolatry. So, it was a very  
confusing issue in my life that I don't have a mother's heart  
because I didn't miss a meeting that I knew I was supposed to be  
at in order to be with her but I couldn't be with her in the  
hospital when she was in traction as a little baby because that  
25 was wrong.

Q. Okay, thank you. So, if we can switch to  
speaking a little bit about the Grenville Christian College. It  
was a boarding school. At what age did children begin to board  
at Grenville?

30 A. In the early days, in ninth grade; I'm not  
sure what age that is.

Q. You said in the early days. Did that change?

Joan Childs - in-Ch.  
(Ms. Lombardi)

A. I -- I think they started boarding in seventh and eighth grade, sometime later.

Q. About how many students would board at GCC in a given year just approximately?

5 A. One-hundred-and fifty, two hundred.

Q. And what roles did you have at Grenville Christian College? What were your -- your duties there?

A. I was a teacher. I was a guidance counsellor for many years. I was a vice principal, a director of studies.  
10 My main role was to be on administration, so I was Charles Farnsworth, one of Charles Farnsworth's right-hand women, whatever you call that.

Q. Can you describe what some of those administrative duties were as his -- as his right-hand woman, as  
15 you've just put it?

A. Okay. So, I say Charles because when it was the Haig's and the Farnsworth's there were no staff on the administrative team. So, when it was just Charles and his wife, then he had what was called an A-team that was five of us who  
20 met with him daily and talked about everything. We met sometimes for hours discussing anything and everything that was going on in the school that he wanted to talk about.

Q. Who were the other members of this A-team?

A. Ken MacNeil, Dan Ordolani, Judy James,  
25 myself, Julie Case.

MR. ADAIR: Sorry, I missed that last name.

MS. LOMBARDI: Julie Case.

MR. ADAIR: I'm not hearing very...

THE COURT: You're not hearing. I'm also having  
30 a hard time. The acoustics aren't great. If even a paper moves, I can't hear your voice.

MS. LOMBARDI: I'll try to speak louder, Your

Joan Childs - in-Ch.  
(Ms. Lombardi)

Honour.

5 THE COURT: Do we have amplification on this  
microphone at -- at the podium? No  
amplification, all right. I might ask staff to  
try to look into that for the rest of the week so  
that we don't have to constantly ask you to speak  
up. It would be great if we had amplification,  
but I think only the witness has it at this  
moment.

10 MS. LOMBARDI: I think it's for the reporter, is  
it?

MR. ADAIR: It does amplify.

MS. LOMBARDI: Does it?

15 THE COURT: All right. Well, let's see if it  
amplifies. If it doesn't, we'll test it at the  
break. Could you say those names again a little  
more slowly, please, Ms. Childs?

THE WITNESS: Sure. Ken MacNeil, Dan Ordolani,  
Julie Case, myself, I'm forgetting somebody.

20 THE COURT: Judy James?

THE WITNESS: Judy James. Thank you.

MS. LOMBARDI: Q. And so, you said that the  
A-team would get together and discuss things with Charles  
Farnsworth. What kinds of things did you discuss at these -- at  
25 these meetings together?

30 A. Charles was a person who watched everything  
and looked at everything, so we would discuss students, we would  
discuss cleanliness, we would discuss staff and whether they  
were doing their jobs well. I remember one morning we spent  
four hours discussing whether we were going to allow chewing  
gum. So, it would be a wide range. It would be aids policy.  
It would be whether we should expel somebody, but it would be

Joan Childs - in-Ch.  
(Ms. Lombardi)

something as simple as chewing gum.

MR. ADAIR: As chewing gum?

THE WITNESS: Chewing gum.

MS. LOMBARDI: Q. And so, how would those  
5 meetings conclude? Would a -- how would those meetings  
conclude?

A. Come back tomorrow and discuss it some more  
most of the time, but it would conclude with giving one of us a  
directive. It might be to Dan who was the Dean of Men to have a  
10 meeting with a student, give him a paddle. It might be to me,  
who was more involved with staff, to go out and cut somebody's  
salary and to be sure to say that was my decision and not  
Charles' decision. It might be to go work out a policy about  
chewing gum. So, often with a directive as to what to do but  
15 many times inconclusive and come back and discuss it some more.

Q. And so, just to be clear, who is giving the  
directives at these meetings?

A. Always Charles.

Q. And so, in your administrative capacity, who  
20 did you report to then?

A. Charles.

Q. And as a teacher, who did you report to?

A. Whoever was the principal at that time. So,  
Charles was the headmaster but there was always somebody in a  
25 position under him, either a principal or a Director of Studies.

Q. And do you know who the principals reported  
to?

A. Him, Charles.

Q. And as a guidance counsellor, who did you  
30 report to?

A. Charles.

Q. And as a Director of Studies, who did you

Joan Childs - in-Ch.  
(Ms. Lombardi)

report to?

A. Charles.

Q. Was anyone reporting to you in any of the roles that -- that you had?

5 A. Yes. So, as Director of Studies, the teachers would all report to me. As a guidance counsellor, they wouldn't report to me, but I would get reports from them about, you know, student needs and things like that. As vice-principal, again teachers would report to me.

10 THE COURT: Sorry. Would you repeat that? I couldn't hear it.

15 THE WITNESS: As vice-principal, teachers would report to me. But there would be -- have to take this further, as one of the A-team administrator, a lot of staff would report to me. They -- they would have to write reports or call in reports on every light session, every issue that they were dealing with with another -- another staff member.

20 So, Charles was very -- he wanted to know details about everything. So, if there was something going on with a staff member, he would expect me to get a report about them either from their spouse or their -- even their older kids, from friends, from who they lived with, and then I would pass those reports on to Charles.

25 MS. LOMBARDI: Q. And so, just so that we understand, this -- this reporting on staff, was it reporting in regards to that staff members roles and responsibilities at the...

30 A. No.



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Q. ...school?

A. No, it would be attitudes. It would be something to do whether they're seeing their sin, whether they're not seeing their sin, whether they have repented for their haughtiness or their idolatry, how the light session went with them, how they responded in that light session.

Q. Would they also report to you on matters of school policy or what was happening with the school, as an administrator of the school?

A. Not unless I was in a role that would require that. So, as director of studies, yes, they would.

Q. Okay. I'd like to take you to a document now if I might. It is Exhibit 1, Tab 4 from the Joint Exhibit Book. Can I ask you to read the last line on that page; it's underline.

A. So, I want to be sure I'm on the right one because -- is it before or after the four?

Q. So, it's after the tab that says four.

A. After four, okay, Grenville Christian College starts.

Q. That's right.

A. The bad attitudes sentence?

Q. Yes, please.

A. Bad attitudes can block the learning process. A young person's daily approach to life has a great bearing on his academic performance. Fearful, negative attitudes must be healed before the student can freely learn and develop. The daily environment of the college is the changing influence and it works because the spirit among the staff and students is positive."

Q. Okay. So, what bad attitudes is this referring to? Which -- what are the attitudes that -- that were

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the -- the things that staff needed to be alert to?

A. Lack of...

5

MR. ADAIR: Excuse me. With respect, does this witness know who wrote this document or what they were thinking or anything else about it?

MS. LOMBARDI: These form part of the -- the agreed upon documents of the Joint Exhibit Book.

MR. ADAIR: I understand they're admissible, but does this witness know anything about it?.

10

THE WITNESS: I would have been a part of writing this...

THE COURT: Just...

THE WITNESS: I'm sorry.

15

THE COURT: When counsel stands up, they're objecting and if I need to rule, or counsel can agree, then we'll come back to you.

THE WITNESS: Sorry, Your Honour.

20

THE COURT: So, the objection is the question's improper because we don't know the author of this?

MR. ADAIR: The objection is this. The question calls for a speculative answer because the witness was asked what bad attitudes are being referred to.

25

THE COURT: I think you could -- you may have skipped a few questions. You may be able to get where you want to go, but I tend to agree with counsel.

30

MS. LOMBARDI: Okay. Just need a moment, Your Honour.

Q. I guess I should start with do you recognize this document.

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A. Yes, I do.

Q. How is it that you recognize this document?

A. All of the staff would have been given this document, but I don't know a date on it. In my role, I would have been part of looking at this document and adding to it or subtracting from it because that's one of the things we did in administration.

I'm not sure in terms of the process if I should make this the next exhibit, if that's sufficient, or....

THE COURT: It's an exhibit, so you're fine, and Mr. Adair's not on his feet so you can keep going.

MS. LOMBARDI: Okay, perfect.

Q. So, going back to the question, what is bad attitudes referring to?

A. It would be this...

MR. ADAIR: Excuse me. The objection was does the witness have any idea.

MS. LOMBARDI: Q. Do you know what bad attitudes were, Ms. Childs?

MR. ADAIR: Well, that's a different question.

MS. LOMBARDI: Thank you.

THE COURT: It's fine, continue.

THE WITNESS: Bad attitudes with students would be the same as bad attitudes with staff. It would be a haughtiness, a full of yourself, a thinking you're the best at something, lack of submissiveness or a lack of submissive attitude towards a staff member, anything that looked like you weren't just happily obeying the spirit of what it was like to be at Grenville. It could be putting on a little tinge of lipstick and

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somebody noticing it. It could be not wearing your uniform properly. It would be anything that just didn't look perfect.

5 MS. LOMBARDI: Q. And how were those things determined to be bad attitudes, or, sorry, bad behaviours?

A. Ask again, please.

Q. Sorry. How were those things determined to be -- to be bad, to use the term in the document? Who determined that those were bad?

10 A. They were the rules that students were expected to follow. There were handbooks that told rules. There were unwritten rules that we just all knew. This is the way it was supposed to be.

15 Q. Sorry, what were the unwritten rules? Can you give examples?

A. Sure. Kids weren't supposed to develop close friendships with either girls or boys and if it looked like they were getting too close, that was supposed to be unhealthy or it felt it was unhealthy and so they would get in trouble for that. Prefects were expected to be perfect. Staff kids were expected to be perfect, perfect meaning that they would always wear their uniform properly. They would be expected to report on anything they saw in a student or in a student body that didn't quite feel right. They -- an unwritten rule was don't be too good at something. If you're too good at something, you're going to end up being pulled from it.

20  
25  
30 An example of that would be a student would be chosen to be the lead in a Gilbert and Sullivan performance and a month or two weeks before it was time for it to be performed, after months of practice, they would be pulled out of it because it wasn't good for them to be doing so well, and so somebody else, usually a staff member, was put in their place for the

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performance. So, it was anything that caused a student to look like they were doing well or enjoying themselves. It doesn't make sense, but that's what it was.

5 Q. Thank you. Just to follow up on some of what you just said, why was it considered unhealthy? You gave the example of the individual in the lead. Why were these things considered unhealthy?

10 A. So, that was part of what we learned from the Community of Jesus is that nobody -- nobody is really good. We're always doing something wrong. We're always full of ourselves. We're always better than we think we are, and all of those things prevent you from growing close to Jesus, and so you're supposed to be nothing. You're supposed to see yourself as not good, not good at something. And we believed in that and we lived that way and we thought that was the way that students  
15 would grow, too.

Q. I'd like to go back to the same document that we were in, and if we could look at the second last sentence of the first spade -- of the first page, rather.

20 A. The 85 percent?

Q. No, actually -- sorry, if you turn over the page, the last sentence of the first paragraph at the top of that page, would you please read it?

25 A. "High endeavours..."

Q. "In contrast to..."

A. Oh. "In contrast to many schools at Grenville, peer pressure promotes enthusiastic productivity. High endeavour is the norm at Grenville."

30 MR. ADAIR: I'm sorry, where are we here?  
Reading from what sentence?

MS. LOMBARDI: The last full sentence of the first paragraph, starting with the words "in

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contrast."

MR. ADAIR: Second and last.

MS. LOMBARDI: Q. Can you explain how peer pressure promoted productivity at Grenville?

5 A. We believed it did. We believed that prefects, for instance, who put pressure on the students that they were responsible for would help them to do their jobs better, do their studies better.

Q. What do you mean by pressure?

10 A. Saying if you don't do this right, we're going to report you to the Dean. So, the prefects were expected to do something about the attitudes of the kids in their dorm room or on their floor, and they would push them. They would push them to clean well, to do well, that made them look like they had the best floor or the best dorm room, so it was  
15 authority.

Q. If I can turn you to page three of that document, the next page, and I'd like to start halfway through the second paragraph beginning "the staff family." Perhaps I'll  
20 just read it for you. "The staff family makes it a point to live openly, frankly, and honestly with our students." How did the staff live openly, frankly, and honest with the students?

A. We lived -- I don't know how to answer that one. They saw how we lived with each other. They would see us  
25 get together to talk openly with each other. We would sit at the dining room table and we would talk to the students about themselves, about their day, about their attitudes. I'm not sure...

A. Okay, thank you.

30 Q. ...I'm not sure what to say about that.

A. And just one last point on this document, and it's the beginning of the final paragraph on the same page that

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we were just looking at. It says, "The straightforward  
openhearted free-spoken sincerity expressed among the staff  
members which also includes students." Can you explain or  
describe what free-spoken sincerity means? What does  
5 free-spoken mean?

A. Well, we didn't hold back. We would speak up  
to anything that we saw. In the dining room, Charles would in  
the middle of a meal tell a student to stand up and speak to him  
about -- or her about something that he saw in them that wasn't  
10 good, and we were sincere about that. We thought that would  
help them to grow up and mature. So, again, we lived -- what we  
lived with each other, we lived with students.

Q. Okay, thank you. Can you give an example of  
one of those instances?

A. In the dining room, something like that,  
15 there was a time that one of the boys in the dorm had wet his  
bed and I can't remember where it was. I don't know if his  
mattress was pulled out of the dorm and either brought to the  
dining room or it was leaning against the outside wall, you  
20 know, at the window and Charles stood him up and said here, you  
know, you -- you need to grow up. Here is an example of why  
you've wet your bed. You're such and such an age, you should --  
you should be way past that. It was a way to help him to stop  
wetting his bed, kind of like me sending the girls to seventh  
25 grade in an elementary uniform.

Q. Okay. I'd actually like to go back to the  
document if I might. If we turn the page over, the next page,  
the final paragraph, there's an underlined heading Care and  
Respect, and I'll just -- I'll just read to you. So, "Care and  
30 respect for God, parents, teachers, elders, police, leaders of  
government, and authority in general is expressly taught at  
Grenville." How was respect for authority taught at Grenville?

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A. It was taught in the fact that one of the rules was that authority is always right and you respect authority by being obedient to authority.

5 Q. The next sentence in that -- in that same paragraph says, "One cannot properly take a place of authority until he first learns to respect and obey authority." How were students taught to obey authority at Grenville?

10 A. The prefects were met with and taught the fact that the deans were their authority and the rules of the school were set down by authorities and if you wanted to thrive there you would be obedient to whoever tells you something who is in a higher place than you and you will be obedient to all the rules that are set out for you.

15 Q. Okay. I'd like to take you to another document. It is still in Exhibit 1. It's at Tab 43 of the Joint Exhibit Book. If you could turn that up. Do you recognize this document?

A. Yes.

Q. And what is this document?

20 A. It's a student handbook from 1987 to 1988.

Q. If we can turn to -- it's page five of the document although on the face of page five there is a three at the bottom of the page indicating that it's the third page. It's a little confusing. But the title is A Schedule of the  
25 Week.

MR. ADAIR: Let me find this. A Schedule of the Work? Week, sorry.

MS. LOMBARDI: Q. The document's own numbering refers to it as page three.

30 MR. BOGHOSIAN: We don't have a page five on ours.

THE COURT: No, it's page three. It's the fifth



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page in but it's page three.

MS. LOMBARDI: You've got it right there.

MR. ADAIR: Of page three.

MS. LOMBARDI: Yeah. It's actually the fifth  
5 page, but anyways.

Q. Okay. So, can I ask you to take a look at  
that schedule?

A. Uh-hum.

Q. And is that reflective of the schedule of the  
10 students while you were at Grenville, to the best of your  
recollection?

A. Well, the schedule changed periodically, but  
that's the basic schedule and it would have been the schedule  
that year.

Q. And who set the schedule or the timetable for  
15 students?

A. Typically, the guidance office working with  
the either principal or Director of Studies but approved by  
administration.

Q. What can you tell me about your thoughts on  
20 this timetable?

THE COURT: Can I just ask a clarifying question?  
What did you mean by administration when you said  
approved by...

THE WITNESS: So, that would be that team of  
25 five, and specifically Charles Farnsworth.

THE COURT: Thank you.

MR. ADAIR: Excuse me. Before my -- the witness  
answers the question, it strikes me, with  
30 respect, that the witness' thoughts on the  
schedule are hardly relevant to anything.

THE COURT: Can you phrase your question more

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precisely, counsel?

MS. LOMBARDI: I will try to do so, Your Honour.

5 Q. You told us that the schedule was set with input from the guidance office and the principal or Director of Studies. What can you tell us, if anything, about the conversations that you had in regards to the setting of this timetable in setting out the students day the way you did in terms of the start to the finish and everything in between?

10 A. The guidance, and I would say the deans would be involved, too, and the principal would try to come up with a schedule that met Ministry standards in terms of class time but also allowed for all the special things that we did, especially chapels, Compline, work assignments, things like that, and then we would present that schedule to Charles and whoever else he  
15 would have talk about it.

And I can remember a time when my co-guidance counsellor and I spent practically a day trying to get the schedule changed because we were not meeting Ministry standards and we were trying to squeeze in more -- more time for classes  
20 and that ended up being at the expense of some chapel time and it being a very intense and hard discussion at which I was dismissed from it because I no longer had a heart for God because I was putting class above chapel time. So, there would be intense discussion every year about the daily timetable and  
25 the changes that were felt to be needed in order to give more class time because class time was why we were there.

Q. What impact, if any, did the schedule have on the students to your observation?

30 A. It was a very pressured schedule. It did not -- especially for a student who really cared about their studies, a student in their senior years when they were preparing for trying to get into university. If they wanted to

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do well, they needed more study time and so they'd stay up late into the night, so I feel in retrospect -- retrospect and probably at the time, because I would be fighting for changes, that everybody was sleep deprived.

5 Q. Thank you. I'd like you to turn to the document, page number 19. That page number's found at the bottom centre of the page in the same volume.

A. Of the same tab?

Q. Yes, same Tab 43.

10 MR. ADAIR: Page -- the bottom of page 19.

MS. LOMBARDI: Of the document, yeah.

Q. Can you read the second paragraph under the heading Discipline?

A. (Reading):

15

All rules and regulations governing the life and activities of the Grenville Christian College family are designed to one, promote a growing measure of self-discipline...

20

Q. I'm sorry to interrupt but...

A. Oh, wrong one?

25

Q. ...are you on page 19?

A. Yeah.

Q. Of Tab 43?

A. Yes. Am I not?

Q. The heading Discipline, a Healthy Respect.

30

A. Yeah.

Q. You see that?

THE COURT: I think the witness started reading

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the first paragraph under Discipline.

THE WITNESS: Oh, okay, I'm sorry, you wanted the second paragraph.

5 MS. LOMBARDI: Q. Yes, please, if you could just read the second paragraph.

A. My apologies.

10 A healthy respect for authorities, faculty, staff, guests, prefects, senior students and one another is expected in the life of GCC. Learning to submit willingly to those entrusted with responsibility is essential training for those who expect to lead productive lives.

Q. How were students taught to willingly submit?

15 A. You willingly submitted after you found out that it wasn't safe not to submit by being put on some sort of discipline.

Q. What do you mean by not safe?

A. Well, if you didn't submit, then you would be disciplined.

20 MR. ADAIR: I'm wondering if this is a convenient point.

THE COURT: Take the morning break? Yes, we've been going for a while. So, we'll take 15 minutes.

25 R E C E S S

U P O N R E S U M I N G:

30 MS. LOMBARDI: Q. I'd like to look at the document that we were looking at just before the break which once again is Tab 43 of Exhibit 1, and if you could please turn to page 21 of the document. This document's titled General Rules, and I

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wonder if we could read rule number two, please.

A. Which one?

Q. Number two.

A. (Reading):

5

Students are to respect and obey  
all faculty and staff members as  
well as students placed in  
responsible positions. Older  
students will show a care and  
concern for younger students.  
Younger students will look up to  
and respect older students.

10

15

Q. And could you read number four, please?

A. (Reading):

Boys are to use the west stairs,  
girls the east stairs.

20

Q. Do you know why boys and girls had to use  
different stairwells?

A. Yes, because Charles was afraid that boys  
would look up girls' skirts.

25

Q. Can you describe what the school uniform was  
like for girls?

A. It was a kilt that was to be worn below the  
knee, a white blouse, and a blazer or a sweater.

30

Q. And how was that particular uniform chosen?

A. Tartan kilt. That was back in Berean days  
'cause we wore it -- we wore it -- as staff we had to wear. I  
know there's a connection to maybe the Haigs, but I am not sure.

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Q. Okay, thank you. Can you read number 19, please? It's on page 22.

A. (Reading):

5                                    Anyone going to town or off  
                                      campus is to go in number one  
                                      uniform unless otherwise  
                                      instructed.

10                                  Q. What can you tell me about this policy that  
                                      is speaking to what students are wearing off campus?

A. We just wanted to be seen, and number one  
uniform was a blazer. We had a good reputation in Brockville.  
We wanted people to see our students well-behaved in Brockville.

15                                  Q. Okay, thank you. Can I ask you to turn back  
                                      to page 15? Actually, I think we covered that. Who are the  
                                      students placed in responsible positions?

A. Those would be student leaders and prefects.  
So, they would be students who are usually seniors who were  
20                                  obeying the rules and looking good and so they would be given  
                                      responsibility and the honour of being a prefect.

Q. And what were their responsibilities?

A. I think mainly it would be dorm  
responsibilities, being responsible for a floor, making sure  
25                                  that the floor was cleaned in the morning and beds were made  
                                      before the students went to classes, making sure the kids went  
                                      to bed on time, things like that.

Q. I'd like to turn you to another document.  
This is from Exhibit 1 to the motion, Tab 24.

30                                  A. Do you mind talking a little bit louder? I'm  
                                      having a problem hearing you.

Q. I will. I'm sorry.

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THE COURT: Rather than use the motion book, are you going to produce....

MS. LOMBARDI: Yes, we are, Your Honour.

5

THE COURT: Counsel, is this a document that's been made an exhibit on the trial proper?

MS. LOMBARDI: This was one of the documents, part of the motion that was not an issue.

10

THE COURT: All right. I just can't remember if it had been filed yet. It has not yet been filed?

MS. LOMBARDI: No.

MS. MERRITT: If I can speak to this just for a moment, Your Honour.

THE COURT: Sure.

15

MS. MERRITT: Unfortunately, because of the passage of time, we're getting into more and more of these documents that we agreed to but are not in any way marked. My proposal is tonight to make a brief of the documents that have been agreed, and we will mark that brief as an exhibit with numbered tabs.

20

THE COURT: Perfect.

25

MS. MERRITT: And then for in the future, we won't have to refer to the loose documents and mark things that have already been agreed to. Now, in terms of the convenience at this stage, we can either mark this as a loose exhibit or we can simply refer to it by its number in the other tab and then we'll have to somehow match up some kind of concordance.

30

THE COURT: I would prefer to keep the motion exhibits separate from the trial exhibits. So,

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even if it means you duplicate it in your book,  
for now with this witness, let's have the loose  
version and I think that'll be easier.

MS. MERRITT: I think so.

5

THE COURT: All right.

document?

A. Yes.

Q. And what is this document?

10

THE COURT: May I have a copy of the document?

MS. MERRITT: Oh, sorry.

THE COURT: I have left my motion materials in  
the other room. Thank you.

15

THE WITNESS: It's Grenville Christian College  
Student Handbook, 1994/95.

MS. LOMBARDI: Thank you. I'd like to mark this  
as the next exhibit.

COURT REGISTRAR: Exhibit Number 8, Your Honour.

20

THE COURT: Thank you. Exhibit 8.

EXHIBIT NUMBER 8: Grenville Christian College  
Student Handbook, 1994/95 - produced and marked.

25

MS. LOMBARDI: Q. If you would, please, turn to  
page 12 of that document. I'm sorry, rather, could you turn to  
page eight of that document? And can you please read the last  
paragraph that is above the title on that page eight? The title  
is from the Headmaster. If you could read that paragraph above  
it?

30

A. (Reading):

It is also the expectation that



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each student will conform to the spirit of the school family. Where behaviour or attitude is seen to place the spirit in jeopardy, appropriate disciplinary action will be taken.

5

Q. What can you tell us about the spirit of the school family? What is that?

10

A. That would be following all the rules that are outlined in the -- in the handbooks and the unwritten rules that I mentioned earlier. Fitting in, looking good, acting appropriately.

15

Q. And so, what were the behaviours considered to jeopardize that spirit?

20

A. Well, behaviours that were latent would be things like sneaking away to smoke, bringing alcohol on campus, drinking off of campus, wearing a uniform improperly, being caught without the proper uniform on, having a boy/girl relationship, getting caught in a sexual encounter, those would be the big things.

25

Q. And what were the attitudes that were considered to jeopardize the spirit?

A. Those would be ones I've spoken of before. Haughtiness, not being -- looking or acting submissive to somebody in authority over you, just having an air of being important, things like that.

30

Q. And what the appropriate disciplinary action to be taken if the attitudes or behaviours occur?

A. So, there were degrees of discipline. A student, for instance, who would be stealing or -- or smoking or

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5 something like that, they often would be suspended and sent home. If that happened more than once, they might be expelled. If they had what was called internal discipline, the typical thing would be that they were taken out of uniform. They would  
10 eat separately. They'd be put -- they'd be taken out of classes. They would be given work assignments. They would be -- they would sleep separately in the dormitory with a staff supervisor or in a special room in the dorm. That would be your typical thing. And that discipline might be three days, typically three days, but I know there were students who were on discipline for weeks sometimes.

MR. ADAIR: For what?

THE WITNESS: For what.

MR. ADAIR: Weeks?

15 MS. LOMBARDI: Q. Weeks?

A. Yes.

Q. So, maybe before we leave that document, if you can just turn to the very last page of the document. It's a diagram. Does this diagram reasonably reflect the layout of the  
20 campus of Grenville Christian College?

A. Yes.

Q. Okay, thank you. So, keeping that document up, yesterday you mentioned, or you told us rather, that prior to the staff residences being built, if we can see on this  
25 document, at the far right of the document, it's a staff apartment, where were the trailers located on the campus when you were living in the trailers?

A. They would be to the left of the tennis courts.

30 Q. Thank you. I'd like to take you now to Exhibit 1, Tab 71 of the Joint Exhibit Book.

A. Can you say again where is in this book I

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have?

Q. I'm sorry, in the -- the Joint Exhibit  
Book...

A. Okay, what....

5 Q. ...with the two volumes, Tab 71.

THE COURT: We have the witness given Volume 2  
of...

THE WITNESS: I don't have a 71.

10 THE COURT: ...Exhibit 2. We're going to give  
you the right book.

MR. BOGHOSIAN: Your Honour, and just for the  
record, is that Exhibit 2?

THE COURT: Yes, it is Exhibit 2.

MS. LOMBARDI: Apologies, Your Honour.

15 Q. Do you know what this document is?

A. It's the Girls' Dress Regulations for 89/90.

Q. And would you read the second paragraph of  
this document, please?

20 A. In general terms, the important thing is --  
thing to avoid is any clothing which is too tight or too short,  
above the knee, as well as skirts and dresses with slips or open  
pleats where the opening extends above the knee and  
forming-fitting knitted suits, dresses or sweaters. Conversely,  
25 we do not approve of shirts worn outside skirts or over-sized  
garments, shirts, tops, et ceteras. Necklines on all garments  
cannot be low-cut or loose which allows cleavage to be exposed  
when bending from the waist, nor are low-cut back necklines  
allowed.

30 Q. And would you read the fifth, sixth, seventh,  
and eight. If you can read the balance of the document, please?

A. Starting at "bathing suits"?

Q. Yes, please.

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5 A. Bathing suits are to be lined, preferably with cuffs and be modest in appearance. No high cut legs or Speedo type suits are acceptable. Dressier clothing for Sundays and special occasions must be below the knee and not longer than mid-calf. They should not have slits or open pleats above the knee and be neither too tight not too loose with no low-cut necklines front or back. A full slip or camisole and half-slip must be worn with dresses and skirts. Briefs must be regular waist style with no hip cover or bikini types. Bras must be 10 supportive. The thin tri-cut types are not acceptable since they are inadequate during sports such as basketball, volleyball, et cetera. Nightwear may be knee or full-length gowns or pajamas. T-shirts, undershirts, boxer shorts, or track suits are not acceptable sleepwear.

15 Q. And, sorry, the final paragraph as well.

A. Oh, I'm sorry. "No makeup is worn with a school uniform but tastefully applied light makeup is permitted with other outfits. No heavy makeup or gaudy jewellery -- jewellery is permitted..." That last line is....

20 A. Clear enough.

Q. Okay. Who created these rules around dress code, girls' dress and appearance?

A. Charles.

Q. Why are girls' briefs being prescribed?

25 A. Because Charles was obsessed with girls and women and everything about them. As parents, we were not allowed to buy our children anything -- you know, we could buy no bikini underwear or anything like that. It was just I have to call it an obsession with him.

30 Q. And how were these dress regulations enforced?

A. It was in the dress code and periodically at

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least I was once or twice part of a dorm search in which we went through every girl's drawer and we had to hand him the names of anybody who had something that was not within these regulations.

5 Q. In that example, did you find any contraband briefs?

A. Yes.

Q. And what happened to the student that had the contraband briefs?

10 A. She would have been spoken to and put on discipline.

MR. ADAIR: Sorry, she would have been spoken....

MS. LOMBARDI: Spoken to and put on discipline.

MR. ADAIR: Thank you.

15 MS. LOMBARDI: Q. Were staff the only persons involved in the supervision of the students in regards to them keeping to the rules of the school, whether they were unwritten or written?

A. No, prefects would too.

20 Q. How were those prefects expected to enforce the rules?

A. By reporting.

Q. And who would they report to?

A. They would report to the Dean.

25 Q. And from there, what would happen once it got to the dean?

A. It would be reported to Charles and Betty.

Q. And who would determine if discipline was warranted?

30 A. It would come out a discussion between the dean and Charles and maybe some other administrators.

Q. I'd like to take you to Exhibit 1, Tab 23 of the Joint Exhibit Book.

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MR. ADAIR: Exhibit 1 on the motion.

MS. LOMBARDI: No, the Joint Exhibit Book.

MR. ADAIR: Okay. Tab 23?

5 MS. LOMBARDI: Yes. If I could just have a moment, Your Honour. We can actually close that.

THE COURT: Oh, all right.

MS. LOMBARDI: I'm going to move on from that question.

10 Q. What types of discipline were employed at Grenville during your time there?

A. Suspension, expulsion, internal discipline where you were taken out of uniform, did not get to go to classes, did not get to eat with the other students, slept separately, did menial tasks, paddles, silence. A lot of  
15 silence discipline. Student would not be allowed to talk to anybody unless they were spoken to first. That could go on for days.

Q. So, you mentioned the paddle. Who -- in what instances would the paddle be used for discipline?

20 A. You know, it was -- Charles was in charge of the paddle. He had it under his desk. He loved his paddle. He would take it out and he'd hand it to the Dean of Men and say this calls for a paddling, and it could be anything. It could be a major thing, or it could be just an attitude nothing.

25 Q. Was there a policy in place respecting the use of corporal punishment at Grenville?

A. No.

30 Q. Was there a policy in place respecting the implementation of the other forms discipline that you've just told us about?

A. I don't know that you could say that there was a policy because it changed. It changed depending upon how

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Charles felt about that student.

Q. Do you have any knowledge about how parents would have responded or reacted to the discipline imposed at Grenville?

5 A. Yes. At -- every once in a while a parent would come and ask to talk to us about a discipline that was done with their child and there was a period of time where we did a parental survey where we sent a survey home to parents which covered many things, and discipline was one of them, and  
10 we received comments back from them.

Q. Okay. Well, why don't we turn up that survey, which is at Exhibit 1, the Joint Exhibit Book, Tabs 47 and 49. So, first let's start with 47. Is this what you were referring to when you said survey?

15 A. Yes.

Q. And it's dated April, 1987, titled Questionnaire for Parents. And at Tab 49, if we could just turn that up also at the same time. Do you recognize this document?

A. Yes, I do.

20 Q. And what is this document?

A. This is a summary of the criticisms from parents' questionnaire.

Q. Okay. And can I ask you to read the highlighted portions on that first page?

25 A. Under Christian Teaching, "Feel the children should be able to share their feelings without being told they are rebellious when they get sick of rules."

Another one, Don't understand reasoning behind having children tattle. Under Discipline, More acknowledgment  
30 for positive behaviour rather than punishment for negative behaviour.

Here more from children than from the school.

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Children feel discipline is too strict.

Feels there is not communication re discipline.

When a student or group of students do something wrong, the student body as a whole should not be chastised or made to feel they are to blame.

Heard staff children exiled to community as disciplinary measure.

Feels that if they don't conform, they are exiled and feels this is appalling.

Feels it will stump their adult lives.

Agree with discipline but have not been advised adequately of the measures and approach adopted.

Feel children should be prompted by the Holy Spirit to confess things and not have any external pressure to do this. Creates anxiety.

Q. Thank you. And if we could turn to the third page of this document, and if you would -- if you would read the first highlighted section there.

A. "Don't think groups should be punished for misdemeanours of a few. Don't approve of one student informing on another. No mercy."

Q. Maybe just so you don't have to keep reading, I'll read you some other passages.

This is attributed to Morris

(Adrian). I wonder if the

application of a system of rules

mitigates against development of

initiative. Do Grenville grads

go on to be independent minded

people who know what they

believe and why.



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The next parent summary is:

5 Question code of ethics re  
students telling on each other.  
Feels that there is too much  
stealing. Check students prior  
to leaving on breaks. Feels  
students should not be  
responsible for cleaning staff  
10 quarters. Staff should be  
available to help in times of  
distress. Honesty and openness  
with family would be  
appreciated. Teachers need to  
15 offer assistance even when  
students will not admit  
difficulties. Favouritism is  
inevitable but it must be  
downplayed.

20 And then I'd like to turn over to page five which  
is a handwritten comment in cursive writing, and I think I will  
just attempt to read this but please do follow along. So,  
starting at the -- the second paragraph:

25 Your method of obtaining  
information about what other  
students are saying or have in  
their possession, e.g.,  
30 "Walkmans" is not a Christian  
way. Since when is teaching a  
student that you have a certain

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code of ethics and unless that  
child discloses information  
about others, he/she can pack  
his/her bags. This is a  
Christian way? This is  
blackmail!!

5

The second paragraph reads, "Publicly humiliating  
students is again appalling."

10

And if we just jump to the third line after that  
statement, so I guess it's the fourth line of the second  
paragraph. It begins, "If you discipline the children, do  
so..." -- do so on the base [sorry].

15

If you discipline the children,  
do so on a one-to-one basis. If  
there is a group of students to  
be disciplined, then again  
advise the group, not the whole  
school.

20

And so, my question is, what did Grenville do  
with these criticisms?

A. I don't think we did anything with them. We  
summarized them, handed that summary in to Charles, and I don't  
remember ever having a discussion about them.

25

Q. Aside from these criticisms, when parents  
would call the school to discuss matters, how would the school  
respond to a parent's matter, whether it was a criticism or not,  
just a matter of a parent calling up?

30

A. Usually we'd ask them to come in and talk or  
we would do a phone conversation with more than one of us on the  
phone. Charles was always involved. If they came in to talk,  
we'd listen. Sometimes we'd convince them that what we did was

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5 good for their kids and they should support us. A lot depended upon who the parent was. If it was a parent who was wealthy, who was a school donor, who was from the Brockville area, who was an important person in government or something like that, we would say we are so sorry and we will not do this again, and we wouldn't. We would treat those kids with kid gloves, which is why many students went through the school having a very good experience. If they were not somebody important, if they were somebody that Charles had his focus on, it felt like, you know, 10 we're going to whip this kid into shape, we're going to help him to mature and be a better person. We'd convince the parents this was good, and we'd just continue to do it.

15 Q. Okay. You told us earlier about an instance when one of the children at the school had wet their bed and their mattress was either brought into an assembly room or set up outside. Was that the only time such an assembly would take place?

20 A. No. We periodically had whole school assemblies. They were usually brought on when the spirit in the school didn't seem right or when something big was exposed. I think the one that stands out to me the most was an all day, maybe into a second day, where we met the entire day in the chapel and that was because a -- a boy went into the girls' dorm or a girl went into the boy's dorm, I can't remember which it was. I do remember which students, but I don't remember which 25 direction they went, and when the group was assembled, the two students who were involved were not even there because they were immediately expelled. But prefects, student leaders, friends were all stood in the balcony, out of uniform, and we spent the 30 day telling them how wrong they were. Students would stand up and speak to their sin, tell them, you know, they were wrong not to expose this, they shouldn't have let this go on.

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It was a whole day of -- and then it turned into students speaking to other students, staff speaking to students. Everybody was in silence when we broke for lunch and supper. Kids were expelled. Kids had their protectants taken away.  
5 Kids were put on -- on discipline.

So, this happened, I would -- I can't say numerous times, but you know, a number of times over the years that we had a group assembly, and the whole student body was in some way punished in that -- I mean, I think being on silence  
10 for a whole day is a bit of a punishment, but, you know, a large group had -- had their status changed.

Q. Going back to that particular example that you gave of what turned into a two-day.

A. I'm sure one and maybe the next morning, but  
15 I can't guarantee the second day.

Q. How did you feel at this assembly?

A. Oh, at the time I thought this was great. I think all the staff did. This was -- this was us. This is what we believed in. We thought, you know, this is going to help  
20 these kids to grow, mature. I was -- I was involved in it. I -- you know, kind of walked up and down the aisles being a strong staff member.

Q. So, you just told us that these things happened periodically. Can you provide an estimate in terms  
25 of....

A. A big -- the whole school brought together, five, six, but I really don't know, and there were times I wasn't involved. I remember one that just the seniors were gathered in the -- in the chapel and it went on for a few hours,  
30 but I wasn't privy to why that one was going on and I'm not sure why. Probably 'cause I would have had a hard time with it and said so.

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Q. In what ways were these assemblies different or the same to the light sessions that the Grenville community, the Grenville staff members participated in?

5 A. Grenville's light sessions major ones were a little bit more intense. You know, I remember somebody having a glass of water thrown in their face. Another person actually was told to stand on their head, which I can't remember why. People -- I was going to say I remember somebody being slapped across the face, but that was me, and I don't know that that was  
10 a -- a light session that was -- I questioned the student's schedule. I was fighting for the staff to be able to -- no, the staff schedule. I was fighting for the staff to be able to have study time during the summer and instead we were told they had to work all day, all summer, and study at night, and I said can  
15 we please change that and I was called to the front and slapped across the face by Mary Haig for not being submissive and questioning her in public.

So, I -- I don't remember in kind of regular staff sessions, big group staff sessions, people being hit. So,  
20 we didn't -- we didn't hit anybody in those school ones. We didn't throw things in their face. We just yelled at them and humiliated them.

Q. What can you tell us, if anything, about Grenville's view on illness?

25 A. Illness? I think we learned this in the Community of Jesus right from the start is illness is sick -- is sin.

Q. Can you give me an example?

30 A. I can only give personal examples. One of my daughters was sick for months, throwing up, coughing, coughing, throwing up, and it was deemed to be sin, and they would talk to her, I think she was probably seventh or eighth grade, tell her

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5 she was just trying to get attention, tell her she was -- yeah, trying to get attention, trying to be special. When she didn't stop throwing up, then my husband and I were in light sessions telling us, you know, your daughter's in sin, it's your fault because you two are idolatress. I think that -- I'm not a hundred percent sure, but I think that's the time when she was moved out of our house to live with a young couple and wasn't allowed to talk to us for months. Anyway, that -- that was considered sin. Eventually we went against them and took her to  
10 a doctor who sent us to two different specialists who finally said she had whooping cough.

So, but it was typical that it was considered sin. If you were overtired, it was considered sin. I remember our coming back from a doctor's appointment where a dye was  
15 injected in our daughter's hip and it didn't work and immediately when we got back we were called together for a light session saying, you know, if you repent, you know, take her back, have the test done again, it will work, it's your fault.

So, that was -- that was the typical thought  
20 about the illness. To the extent for students, we did have a nurse and they did get to go to the infirmary. I don't know how often they were told that this is your sin. I just know that that's the attitude that we as staff had.

Q. Okay, thank you. What were the messages  
25 about sexuality that were imparted to the high school students at Grenville?

A. There weren't -- you couldn't have a girl/boy relationship, so we didn't have to talk about sex. There were health classes, but I don't know that sex was talked about in  
30 them; I don't think it was. In biology I taught, you know, sexual reproduction, but in terms of sexuality, no.

Homosexuality was considered wrong. At one point it was even, I

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think, in a handbook as just one of the things that as Christians we disagree with. There wasn't -- you know, in terms of students, there wasn't much.

5 In terms of staff, it was anything that went wrong between a girl -- well, no, I have to go backwards. For the students, the girls were very much told that if there was some attraction to them by a boy it was the girl's fault. That the guys, it was natural for them to lust or be attracted to a girl and the girl's responsibility was to prevent that by her  
10 demeanour, her dress, her attitude. I have an example of that for myself.

When I was probably 26, my husband and I were counselling a couple who had come to the school for help and while my husband was out on night watch, which was walking  
15 around making sure everything was safe, this man came into my room, I was living in the dorm at that time, undressed and climbed into bed with me. The resulting light session with me was this would not have happened if I had not pulled on him in some way sexually. So, that was -- that was the attitude.

20 Q. So, how was this attitude communicated I guess to the female students of Grenville?

A. They were sometimes told that. I was never at a meeting where Charles would say it, but he would go to the girls' dorm and have meetings with the girls, and he would tell  
25 us in administration...

MR. ADAIR: Well, excuse. If she was never at a meeting, how can she say this?

MS. LOMBARDI: Well, she was about to say, or you just cut her off when she said I was told this,  
30 so perhaps we can just pick it up from there with the witness.

Q. How is it that you knew about this?

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THE COURT: Hold on, counsel. So, an objection to the hearsay statement about to be given potentially by the witness.

5 MR. ADAIR: Well, my friend is seeking to change things and lay a groundwork as to how the witness has personal knowledge, so she's entitled to do that, in my submission.

MS. LOMBARDI: Q. So, how did you know how these messages were communicated to the girls?

10 A. So, prior to those kind of meetings, Charles would meet with the administration and he'd say I'm going to the dorm tonight, I'm going to meet with the girls, and he used those terms. He said they need to know that, you know, that they pull on boys, that, you know, they're whores, they're  
15 prostitutes. It was just part of what we believed.

THE COURT: Are you using the phrase "pull on boys"?

THE WITNESS: Yes.

20 THE COURT: Can you be any more specific about what you mean by that?

THE WITNESS: Yeah, just their demeanour, their -- how they walked, how they looked, how they acted would cause boys to want to lust after them.

25 THE COURT: Thank you.

MS. LOMBARDI: Q. I'd like to turn up Exhibit 1, Tab 52 of the Joint Exhibit Book. Do you recognize this document?

30 A. Yes.

Q. What is this document?

A. School Policy on Aids Testing.

Q. And so, what was the school policy on aids



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testing?

5 A. There was a period of time, I guess it says '87, that the aids issue was hitting the news and I expect it came from the Community of Jesus but I know it came from Charles that, you know, we should not allow students into the school unless they have a aids test. And so, we set a policy that said every student had to be tested and have a negative test in order for them to be admitted to the school.

10 MS. LOMBARDI: Thank you. This is a convenient time for the court to take a break.

THE COURT: Sure. So, we'll take the lunch break until 2:30.

R E C E S S

15

U P O N R E S U M I N G:

20 MS. LOMBARDI: Thank you. Q. Before we left for the break, we were looking at Exhibit Book 1, Tab 52. And you told us before the break that you knew this was the policy on testing aids, and so I just want to continue on with some questions there. Do you know when or how long this policy was in place at Grenville?

25 A. I don't remember the year. Well, it says '87 on here, so I guess it was '87, and I think it was a couple of years or a few years, but I don't know for sure and I don't know why we stopped.

30 Q. Okay. Also, earlier this morning, you told us that one of the expectations of the student was that they had to report on other students' behaviours from time to time. And so, what kinds of things were supposed to be reported?

A. What kind of things?

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Q. Yeah.

A. Anything that didn't fit in the spirit of Grenville. So, it would be attitude. It would be....

Q. Well, what types of attitudes?

5 A. Again, not -- not seeming submissive to a prefect or a staff member, having a -- talking about a staff member or about the administration or about school policy in a negative way. I think negativity was a big one, just not having a positive way of talking about things. Complaining about food.  
10 Complaining about some staff members who's running an activity. Complaining that they didn't get their -- the role they wanted in a -- in a production. Just anything that wasn't just plain positive and good.

Q. And so, what would -- what would happen?  
15 What was the impact of -- of not reporting on other students?

A. Oh, if you didn't report and it was found out you knew, you could be -- it would be guilt by association. You would have the same discipline that they had. They would be put on discipline and you'd be put on discipline too because it was  
20 your responsibility to report it.

Q. One other matter that we spoke of this morning, you told us about assemblies could last all day, and possibly multiple days, and you gave us an estimation of five to six of these happening.

25 A. So, I would take that back. I would say in a year.

Q. In a year?

A. Yeah, they were a yearly occurrence.

Q. And just to clarify, the example that you  
30 gave about the bed wetter, how long did that particular session last?

A. Oh, that just happened in the dining room in

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the middle of a meal. It was just a way to humiliate him and make him look at himself and say what's the matter with me, I need to stop this.

5 Q. Okay, thank you. So, I'd like to take you now to Exhibit 1 -- rather, Exhibit 2, which is Volume 2 of the Joint Book of Exhibits, Tab 131.

10 THE COURT: Counsel, can you keep your voice up? I'm not sure if the amplification's working. I'm having a very hard time hearing you this afternoon.

MS. LOMBARDI: Is this better, Your Honour?

THE COURT: Oh, yes.

THE COURT: Sorry. Tab 131?

15 MS. LOMBARDI: Yes.

Q. So, this document appears to be a transcript of the tape recording of Charles Farnsworth on or about September 21st, 2007.

A. I must be at the wrong place.

Q. Tab 131.

20 A. Sorry. Yes.

Q. I'd like to turn to page six of this document. The page numbers are located at the top in the centre of the pages, second page, and there is a heading near the bottom about the last paragraph that says, "Tape 3 completed by Amy Hamilton, tape not erased." I'd like you to turn over to page seven, and if you could please read the third paragraph from the top on page seven.

25 A. "So, we came" or "in 1973"? "In 1973"?

Q. Yes. "So, we came back to Brockville."

30 A. Oh, "So, we came", okay.

So, we came back to Brockville. It was still Berean Christian schools under the Berean Fellowship

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International. I said, 'Al, I do not want any place in  
administration. I will just be here to work or to help as I  
can.' Well, at that time there was a five-man, five men board  
that ran the school and five extended group with one of them was  
5 a lady and so that was sort of the governors of the school at  
that time. But what he immediately did, he immediately placed  
me on the group of the I guess it was four then. They put me on  
that, made it five, so that's how we started back. It wasn't  
Grenville Christian College at that time, it was Berean  
10 Christian School and remained that way until probably mid-1973.

Q. And do you know who that group of four was?

A. I don't. I know -- I remember that when I  
was in Berean we had a group of four who met and made all the  
decisions and every time we went to a meeting we left and  
15 complained about what they did, but I don't know who they were.

Q. Can I ask you to please read the paragraph  
four on that page starting "Sometime after"?

A. Sometime after that the name was changed from  
Berean Christian Schools to Grenville Christian College. If I  
20 remember correctly, I was the business manager at the time and  
the place had done very, very poorly. Financially, we were  
about \$175,000.00 in debt as I remember, but this change in the  
attitude of the staff, parents, and the attitude of the  
students, we formed a new school. There were three core  
25 teachings that we adopted from these ladies.

Q. And I'm just going to stop you there for now.

A. Okay.

Q. I just want to ask you a couple questions  
about that first part of the paragraph. Mr. Farnsworth is  
30 referring to a change in attitude of the staff, parents, and of  
the students. What can you tell us, if anything, about what  
that change in attitude was in and around this time? Can you

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describe that change in attitude?

5 A. So, that was immediately after the Community of Jesus came and everything they taught us we tried to do with the students, so we would have expected the students to be more polite. We changed our worship immediately to Anglican. We had them do work assignments. I don't -- not sure that we had the same work assignment in place before the mothers came. It was just becoming respectful of authority. The people who came from the community at that time met with the students and I remember  
10 being in that meeting and they yelled at them for not sitting up straight and for not standing when somebody walked in the room. So, it was just whipping them into good Christian shape.

Q. Okay. The very last two lines of page seven, and I'll just read. The second one was, "Correction is not rejection." Is that a phrase that you're familiar with?  
15

A. Oh, yes.

Q. Can you tell us what means?

A. That was the way that we were taught to feel about correction so that we would accept it and know that it wasn't saying that -- interestingly, it wasn't saying that we were a bad person even though the correction was that everything about you is bad, so you weren't rejected by being corrected.  
20

Q. Thank you. If we can please turn to page ten of the document, and I'd like to look at the middle paragraph. It starts, "As far as discipline or punitive action". If you  
25 could read that paragraph for us, please.

A. As far as disciplinary or punitive action, if anyone did anything wrong, they usually, I told them, I said it was a privilege to wear the uniform and it was a privilege to go  
30 to class. So, they might during the day, or however if needed to be, help in the kitchen working very close with staff and washing pots and pans and dishes. We had machines and so forth.

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It often felt like we had more conversations of attitude in the kitchen than in the dining room when people had what they call D. (which was short for discipline.) At times we had boys get up early in the morning and run the track. We also had cows. 5 Somebody gave us 85 bred Heifers and a bull. We had pigs, we had chickens, we had a farm. We had to get in 14,000 bales of hay every year and that's what the staff and our own children did every summer. We also had six to eight horses, a donkey and a pony, all of them given to us by grateful parents.

10 Q. Thank you. It says that, "At times we had boys get up early in the morning and run the track." Is that something that you're familiar with?

A. Yes. That was a group that Charles dubbed called Grits which is because he was from the south and grits was not good cold. So, he -- if there were kids who were not -- who had bad attitudes, he would have them get up, I thought it was even before the sun came up and run the track as part of a -- a discipline, punishment, a way of helping them to grow.

20 Q. And how long would this cold grits punishment go on for, do you know?

A. I do not know.

Q. If you could please turn to page 11, and I'd like to turn your attention to the third paragraph on that page, please.

25 A. Okay.

Q. And the third sentence starting, "We did not allow", if you could please read that out.

A. We did not allow anything to happen and I told people if there was ever any sexual activity or any 30 accusations of it, it would not be dealt with pastorally. First it would be dealt with legally at first and later pastorally.

Keep going?

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Q. Yes, please.

5 A. A young man who had just joined the staff after he graduated, he happened to go into the girls' dorm. We had a fire watch every night just to be sure; we had no sprinklers. In the girls' dorm men were not supposed to go in it. They would open the door and smell for smoke and the lady deans would be responsible for checking the dorm as well, and this boy, he met with a girl and I don't know if anything happened, but what I immediately did, I don't know whether it was in the middle of the night or the next morning, I think it was the middle of the night, I'm not sure. Anyway, I called the boy's father. He lived in Rochester, New York. I said, 'Pick up your son in Syracuse, we will drive him to Syracuse, and he has crossed the line in the girls' dorm after hours and we don't know what happened or what didn't happen.' It was also at night, around nine o'clock, for all staff and all students and so was the chapel in the morning, a short service called, in the Anglican church, it's a prayer....

Q. We can just stop there.

20 A. Okay.

Q. So, I just have a couple of questions for you on that. So, he said, "I told people if there was any sexual activity or accusations of it, it would not be dealt with pastorally." Was that something that was communicated to the staff?

25 A. That if there was sexual activity that it wouldn't be dealt with pastorally?

Q. Yes.

A. No.

30 Q. Okay. Was it communicated to the staff that it would be dealt with legally first and later pastorally?

A. No.

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Q. And are you knowledgeable of the example that Mr. Farnsworth is speaking to with respect to some inappropriate behaviour with a student whose father lived in Rochester?

A. No, I don't think so.

5 Q. Okay. Are you aware of any time police being called with respect to sexual activity?

A. No.

10 Q. I'm done with that document now. How do you feel sitting here today about your behaviour and actions towards students?

A. Awful.

Q. When did you begin to feel awful about this?

15 A. I think I started to feel badly about a lot at Grenville prior to Charles being sent down to the Community of Jesus.

MR. ADAIR: I'm having a little trouble hearing the witness.

THE WITNESS: Oh.

MR. ADAIR: You were starting to feel badly?

20 THE WITNESS: I started to feel badly about just about everything at Grenville a few years prior to Charles being sent to the Community of Jesus.

MS. LOMBARDI: Maybe before we go on, we'll just try to adjust the witness' microphone. I believe it's the grey microphone that is the amplification microphone.

25 A. Oh.

MS. LOMBARDI: If we can put that a little closer to the witness. Great, thank you.

30 Q. So, I'd like to go back to Exhibit 2, Tab 105 in the Volume 2 Joint Exhibit Book.

MR. BOGHOSIAN: Sorry, Your Honour, we didn't



Joan Childs - in-Ch.  
(Ms. Lombardi)

hear that.

THE COURT: Exhibit 2, Tab 105.

MS. LOMBARDI: One-zero-five.

MR. ADAIR: Okay.

5 MS. LOMBARDI: Q. Do you have the document in  
front of you?

A. Yes.

Q. Do you know what this document is?

A. Yes.

10 Q. And what is this document?

A. It was a letter that Ken MacNeil and I sent  
to alumni in 2000.

Q. And why did you write this letter?

15 A. We had been talking about and struggling with  
the fact that we knew that we had gotten off track at Grenville  
and we wanted the students to know that we were sorry.

Q. And when you say off track, what do you mean  
by that?

20 A. That we were -- well, at that time, Ken and I  
were both part of a community council which was the -- the group  
that took over after Charles left, and for at least a year we  
were studying books on abuse of churches and cults and we felt  
after learning all about abusive organizations that we had been  
an abusive organization. We had been meeting with staff members  
25 and some alumni, especially staff kids' alumni, and hearing them  
talk about things that had happened to them and we were  
convicted [sic] that we had really done a lot of harm, a lot of  
hurt over the years, and so we wanted to open that up to the  
students and tell them we were sorry.

30 Q. Okay. I'm going to turn you to my file  
documents and that is also found at Exhibit 2, Volume 2, Tab  
Number 117. Are you familiar with document?

Joan Childs - in-Ch.  
Joan Childs - Cr-Ex.

A. I am.

Q. And what is this document?

A. It was -- it's called Reconciliation and  
Renewal Task Force. So, as the council, the people who were now  
5 responsible for the community and the school, we contacted a --  
an organization in Ottawa to ask them to come and help us to  
heal. In that process, we set up a task force to look into how  
we could bring about healing for the staff, the staff kids, and  
hopefully eventually the students.

10 MR. ADAIR: What tab is it?

MS. LOMBARDI: One-seventeen, Volume 2, Exhibit  
2. Those are all my questions for this witness.

THE COURT: Cross-examination?

15 MR. ADAIR: If I may, I'd like to ask the witness  
one question and then ask for five minutes to get  
a couple of documents organized.

CROSS-EXAMINATION BY MR. ADAIR:

20 Q. Ms. Childs, what did you do to refresh your  
memory in preparation for testifying here?

A. Well, I have almost all of these documents  
because I was in charge of the community over a period of seven  
years, and so I read them all.

25 Q. You read them all. Do you think you've given  
us a full and fair recitation of them as to what went on at  
Grenville?

A. Not full because there's a lot more.

Q. No.

A. But fair.

30 Q. Fair, okay. And apparently you gave a  
statement to the plaintiff's counsel some time ago. Did you  
review that in preparation for your evidence?

Joan Childs - Cr-Ex.  
(Mr. Adair)

A. Yes.

Q. Okay. Could we have that statement, please?

MS. LOMBARDI: I believe it was in the  
productions but to the extent you don't have it  
we'll provide it.

MR. ADAIR: No, it was Schedule B; I need it.  
Obviously, I need it now.

THE COURT: Perhaps in the five minutes it could  
be produced. You said you had one question;  
you've asked three.

MR. ADAIR: Okay.

THE COURT: So, why don't we amass the documents,  
get anything you need. How much time do you  
need, Mr. Adair?

MR. ADAIR: Ten minutes, Your Honour.

THE COURT: Ten minutes.

R E C E S S

U P O N R E S U M I N G:

MR. ADAIR: Your Honour -- well, I should maybe  
sit down.

MS. MERRITT: I have a matter we'd like to.  
Address in the absence of the witness, Your  
Honour.

THE COURT: Certainly. Ms. Childs, would you  
mind? Thank you.

...WITNESS EXITS THE COURTROOM

MS. MERRITT: So, we're having a little trouble

Joan Childs - Cr-Ex.  
(Mr. Adair)

5           ascertaining what, if anything, the witness  
          actually saw or would have looked at to refresh  
          her recollection. At this point, we've located  
          interview notes from an interview conducted by  
          one of the lawyers of this witness and a  
          statement signed by this witness years and years  
          ago over which we claimed litigation privilege  
          and contained in our Schedule B. We are not  
          aware, and we are trying to confirm that that was  
10           ever sent to her, that she has ever seen it since  
          then and whether or not her answer that she  
          reviewed it to refresh her recollection is  
          correct or not. Unfortunately, because she's  
          under cross-examination, I can't ask what she saw  
15           or didn't see or to produce what she saw or  
          didn't see.

20           So, I'm wondering if maybe the best way to deal  
          with this is for Your Honour to instruct her to  
          look through the documents she reviewed to  
          prepare herself to testify and see if there is  
          any such statement, and if there is and she did  
          review it to refresh her recollection, then I  
          would agree it's producible. But if she did not,  
25           and she does not have a copy of it, then it's  
          still covered by litigation privilege which has  
          not been waived.

          THE COURT: Do we know if the witness has brought  
          with her everything she reviewed?

30           MS. MERRITT: I can't talk to her.

          THE COURT: But....

          MR. ADAIR: I have no problem with my friend

Joan Childs - Cr-Ex.  
(Mr. Adair)

asking the witness whether she brought everything with her.

THE COURT: All right. How do you envision that happening, outside of court or from the box?

5 MR. ADAIR: I have no problem with my friend talking to the witness outside about it. I implicitly trust my friend and....

THE COURT: That seems reasonable and sensible.

10 MR. LALANDE: Okay. I just didn't want to do that, of course, without....

MR. ADAIR: No, that's....

THE COURT: Thank you for raising it and....

15 MR. ADAIR: We had a bit of a discussion at the break and I'm getting incredibly confused about document numbers, what's in, what's out. My friend's putting her new brief together. I have some documents that I intend to use in my cross-examination of the witness given her evidence that I'm now hearing and my friend needs  
20 to review those and we thought it might be better, subject to Your Honour's approval, to get this thing together now overnight and start fresh when I think there'll be less confusion.

25 THE COURT: So, that the proposal would be Ms. Merritt would deal with the issue of what was used to refresh. The Volume 3 of what's agreed would come in and any documents you want to put in would be put together and filed first thing tomorrow?

30 MR. ADAIR: Yes. Yes, if Your Honour is agreeable.

THE COURT: Ms. Merritt, are you agreeable with

Joan Childs - Cr-Ex.  
(Mr. Adair)

that?

MS. MERRITT: Certainly, that sounds reasonable.

THE COURT: Does anyone know if that will  
inconvenience greatly the witness?

5 MS. MERRITT: This witness?

THE COURT: Yes, because she might have been  
finished today otherwise. Maybe we should bring  
her in, and I can ask her the question.

MR. ADAIR: No, she won't be finished today.

10 THE COURT: She won't be finished today?

MR. ADAIR: No.

THE COURT: How long do you think you'll be in  
cross?

MR. ADAIR: I suspect I'll be half a day.

15 THE COURT: Half a day. All right. All right.

Well, taking that into account and in the  
interest of trial efficiency long-term, we will  
adjourn for the day and perhaps we can have Ms.  
Childs come back in, though, before I rise, and I  
will let her know what's happening.

20

...WITNESS RETURNS TO THE COURTROOM

THE COURT: Ms. Childs, thank you for your  
patience. So, two things have come up in your  
absence. The first is normally counsel who calls  
a witness is not able to speak to the witness  
once they're under cross-examination, which you  
are now. But in order to determine what  
documents you actually saw to refresh your  
memory, counsel have agreed, and I agree, that  
Ms. Merritt may speak with you about that topic.

30

Joan Childs - Cr-Ex.  
(Mr. Adair)

THE WITNESS: Okay.

THE COURT: That doesn't have to happen here. It can happen outside the courtroom...

THE WITNESS: Okay.

5

THE COURT: ...and counsel has consented. The other thing is, in order to be efficient with the use of documents, this has nothing to do with your evidence, just counsel getting organized for tomorrow, we're going to break now for the day.

10

The idea is this would give us a more orderly examination tomorrow and the record will be clear as to what documents will be shown to you. So, you're finished for the day, but other than that conversation with Ms. Merritt, what I said yesterday continues to apply. Please don't discuss your evidence with anyone, and please be back here tomorrow at 10:00 a.m. Thank you for your attendance, and I thank counsel for their assistance.

15

20

...MATTER ADJOURNED TO SEPTEMBER 18, 2019

WEDNESDAY, SEPTEMBER 18, 2019

U P O N R E S U M I N G:

25

CLERK REGISTRAR: Court is now in session. Please be seated.

THE COURT: Good morning, Counsel.

30

MS. MERRITT: Good morning, Your Honour. I - I just thought before the witness came in, I might address two little matters. One is we have the Exhibit 9, which is the Joint Exhibit Book Volume 3, ready and so we'll hand those up.

Joan Childs - Cr-Ex.  
(Mr. Adair)

THE COURT: Exhibit 9, thank you very much.

EXHIBIT NUMBER 9: Joint Exhibit Book Volume 3 -  
produced and marked.

5

MS. MERRITT: And the second matter is, we were able to address the matter of Ms. Childs' will-say statement. We located a copy of her statement dated November 24th, 2008. It's a five-page statement signed by her and she did in fact review it prior to testifying, so I've provided a friend - a copy to my friend last night. And, oh, my - my co-counsel reminds me it's actually a seven-page statement. In any event, Mr. Adair got it last night and I have copies available if we need to get to that.

10

15

THE COURT: Thank you very much for attending to that. All right, Mr. Adair, are you ready to resume cross?

20

MR. ADAIR: I am.

THE COURT: Thank you.

MR. ADAIR: Thank you, Your Honour.

THE COURT: And if we could have Ms. Childs brought in Counsel, that would be great.

25

MR. ADAIR: All right.

CLERK REGISTRAR: Ms. Childs, I'd like to remind you're still under oath.

WITNESS: Yes.

30

JOAN CHILDS: PREVIOUSLY SWORN

CROSS-EXAMINATION BY MR. ADAIR, Cont'd:



Joan Childs - Cr-Ex.  
(Mr. Adair)

Q. Mrs. Childs, let's start by talking a bit about the Grenville community, and by that I mean the community of staff and children pretty well all of whom I gather lived on the campus.

5 A. Correct.

Q. And the - the history as I understand it, your history, was that you arrived in - in or about 1972?

A. Correct.

Q. And you'd been before that in Dallas?

10 A. Yes.

Q. And I gather that group in Dallas had experienced some problems with the leader's dalliances with some female members?

A. Correct.

15 Q. And when you arrived, you began teaching at what is called the Berean Christian School, or what was then called that?

A. Yes.

20 Q. And I gather the Bereans were a non-denominational group of Christians who had the spirit of the gospel and tried to spread the spirit of the gospel?

A. Yes.

25 Q. And over the next year or so, as I understand it, you realized that there was a lot of problems in the community?

A. We all did, yes.

Q. Yes. Not - not just you...

A. Yes.

30 Q. ...you all did. And some of these problems were, there was backbiting as it's commonly called, dissension, financial problems, the school was a dirty place, and a lot of people were ready to leave, am I correct?

Joan Childs - Cr-Ex.  
(Mr. Adair)

A. Yes.

Q. And the situation just wasn't working?

A. Correct.

5 Q. So apparently Reverend Haig knew of the  
Community of Jesus and he invited Mothers Cay and Judy to come  
up to the community to talk about how the community could best  
live and promote its ideals?

A. Yes.

Q. And that was I gather in 1973?

10 A. Yes.

Q. And some of the - or beliefs they put out  
there was that the community should be a - a place where there  
was a lot of obedience, obedience to Jesus and through the  
pastoral leaders to Jesus?

15 A. Correct.

Q. And that there was to be a culture of a lot  
of prayer, right?

A. Right.

20 Q. And "daily conversions," I think you called  
them?

A. Yes.

Q. What are daily conversions?

25 A. It would be looking at yourself or somebody  
else - this is making funny noises. Looking at yourself or  
others looking at you and helping you to see that you were in  
need of confession, that you were wrong and that through your  
being wrong, you would confess to God and he would forgive you,  
and that would be your conversion and your growth in Christ.

30 Q. I see. And was that the same as or a  
different thing than "living the light"?

A. "Living in the light" was the means by which  
we were taught to see ourself.

Joan Childs - Cr-Ex.  
(Mr. Adair)

5 Q. All right. And the - the - I guess what I'm trying to get at is, when you talk about daily conversions, are you talking about the same thing as "light sessions" or "confrontations" among the group, where people would be subject to criticism and have to - urged to do better and things like that?

A. So the light sessions were a means to help you to have a daily conversion...

10 Q. All right.

A. ...or numerous daily conversions.

Q. All right. And the - the - the people in the community, I gather, having listened to this way of life and come to understand it a little better - I gather that the Mothers were there for a couple of weeks, right?

15 A. Two weeks.

Q. And the people in the community decided that they would embrace the principles?

A. Some did.

Q. Some of them.

20 A. Some left.

Q. Some left. Okay. But the ones that stayed said "this sounds good," and ended up embracing the principles put forward by Mothers Cay and Judy?

25 A. Basically. Some of us, at least I remember for myself and our friends, we said "let's give it a year."

Q. Yes.

A. So we kind of did it - decided to do a test year.

30 Q. All right. Without demeaning it in any way, it was "sounds good" or "sounds appropriate," "let's give it a try"?

A. Absolutely.

Joan Childs - Cr-Ex.  
(Mr. Adair)

Q. And from that day forward, I understand that the community, as a whole, lived by and embraced those principles in - in substance that had been put forward in 1973 and they did so right up until 1997 and after?

5 A. Yes.

Q. And as you indicated, this was an intense lifestyle?

A. Yes.

10 Q. And it wouldn't take you long to figure that out, right?

A. No, we knew that right away.

15 Q. Sure. And it was marked by a lot of hard work, doing everything in the community, running the school, focussing on religion, focussing on better - bettering yourself. The daily life involved a lot of hard work, right?

A. Correct.

Q. And it involved a lot of sacrifice?

A. Correct.

20 Q. And for example, the pay scale was pretty minimal?

A. I earned \$15 every week.

Q. You got 15 a week?

A. I think it was 15, yes.

Q. So you were well paid?

25 A. Definitely.

Q. All right. And it involved strict obedience, or the concept of strict obedience to your pastoral leaders?

A. Yes.

30 Q. And you required pretty much permission for everything?

A. Yes.

Q. And you had to be modest in dress and

Joan Childs - Cr-Ex.  
(Mr. Adair)

appearance?

A. Very much so.

Q. And conduct yourself with a good attitude?

A. Yes.

5

Q. And you were subject to these daily conversions, light sessions, critical sessions where you'd be - all your flaws as others saw them would be exposed and you'd be urged to change?

A. Yes.

10

Q. And you could be subject to punishment?

A. Yes.

Q. And that punishment could be, what sounds to me, could be appalling on occasion?

A. Yes.

15

Q. It would - it might include sending an adult to live with another family?

A. Yes.

Q. It might include ripping the children away from their own family?

20

A. Always included that.

Q. Beg your pardon?

A. It always included that. Our children were taken away from us at basically a young age.

Q. At a young age?

25

A. Mm-hmm.

Q. All right. And they could be, for example, children could be compelled to go and live with others in the community?

A. Or sent to the Community of Jesus.

30

Q. Or sent to the Community of Jesus. So that was the - a picture of the lifestyle?

A. Yes.

Joan Childs - Cr-Ex.  
(Mr. Adair)

Q. And have I about covered it in terms of an overall picture?

A. Pretty much. I mean there were a lot more disciplines than you mentioned, but that was covered earlier.

5

Q. Yes.

A. I think one of the big things I didn't say earlier is that when the Mothers were there, all of us were asked to do a life confession with them, which was to tell them every sin we'd ever committed that we could think of from when we were born until they came...

10

Q. Yes.

A. ...to kind of clear the slate and we could start all over again.

Q. All - all the bad things?

15

A. Yes.

Q. That'd take a long time...

A. It did.

Q. ...in my case.

A. It - it did in all of our cases.

20

Q. All right. And - but look, I know there's a lot more detail but is that a sort of a broad...

A. Yes.

Q. ...brush overview?

A. Yes.

25

Q. And I'm going to - it seems to me at least, that this must have been a very, very hard life?

A. It was.

Q. And it took its toll on a lot of people?

A. It did.

30

Q. And then the adults in this community over the years, they at least had an option. They chose that lifestyle, right?

Joan Childs - Cr-Ex.  
(Mr. Adair)

A. Correct.

Q. But the kids, they didn't have a chance, did they?

A. Well they didn't choose it.

5 Q. They what?

A. They didn't choose it.

Q. But what I'm saying is, here they are put in a lifestyle, a very hard lifestyle, without any free will of their own, right?

10 A. Correct.

Q. And this involved for them all the things that you've talked about as a lifestyle...

A. Yes.

15 Q. ...right? I mean they'd be subject to regular and frequent confrontation, right?

A. Yes.

Q. And they'd be subject to light sessions where they'd see their own parents ripped apart?

A. Yes.

20 Q. And it's hard to imagine anything more traumatic than being separated from your parents for a child, right?

A. Right.

25 Q. In fact, your own daughter, having been pulled away from you - you related somewhere where you'd even pass her in the hall and couldn't even look you in the eye?

A. That's right.

Q. Devastating to her, right?

A. Right.

30 Q. And those were community and parental decisions, right?

A. Yes, they were.

Joan Childs - Cr-Ex.  
(Mr. Adair)

Q. And the - the - the staff kids, unlike the regular students, were subject to this 24/7, 3 - 365 days a year, right?

A. Correct.

5 Q. They didn't get to go home and enjoy the summer, they were stuck in the community 365, right?

A. Yes.

Q. And I'm going to suggest that this was really, really hard on a lot of children?

10 A. Agreed.

Q. And a lot of them bear a lot of scars, right?

A. Agreed.

Q. And required help, right?

A. Yes.

15 Q. And your role in this was that, we heard you repeatedly say, well, 'Farnsworth did this or that, and Farnsworth was responsible for this or that...

A. Uh-huh.

Q. ...but you were hardly a passive...

20 THE COURT: Counsel, the reporter needs you to....

COURT REPORTER: You need to keep facing the microphone.

MR. ADAIR: I'm sorry?

25 COURT REPORTER: You have to keep facing the microphone. When you turn away, I'm not picking you up.

MR. ADAIR: All right.

30 MR. ADAIR: Q. Your role in all of this was, you were hardly a passive bystander, were you?

A. I was not a passive bystander.

Q. You were Farnsworth's, as you described it,



Joan Childs - Cr-Ex.  
(Mr. Adair)

right hand or henchman?

A. Well, I didn't describe it as "henchman," but other people have.

5 Q. All right. And you carried on like this for years...

A. I did.

Q. ...carrying out these practices?

A. I did.

10 Q. And you didn't have any problem with it until the late 90's or early 2000's?

A. Earlier than that.

Q. How much earlier?

15 A. Well, I was - I was one of the people who was continually in trouble because I would question decisions that were passed down to me. So I had problems with some of the things I was asked to do, but I did them. I...

Q. Yes.

20 A. ...have to admit that. I did do - I did do them.

Q. You did do them.

A. Except the few times I'd win.

Q. Well...

A. Which was once in a while.

Q. ...you carried out...

25 A. I did.

Q. ...the mandate of the community?

A. I did.

30 Q. And, in fact, that was just fine for the most part until some point in the 90's or 2000's, when you had some sort of epiphany or realization, right?

A. Right.

THE COURT: I didn't hear the answer.

Joan Childs - Cr-Ex.  
(Mr. Adair)

WITNESS: Right.

MR. ADAIR: Q. Now, that's the community. Let's  
turn to the - the school for a bit, okay? And, again, going  
back to the history with your arrival in 1972, your history with  
the school, one of the things the Community of Jesus leaders  
5 taught, suggested, whatever the word is, was to change the ways  
of the school?

A. Correct.

Q. And again, the staff, the members of the  
10 community, adopted, for the most part, the suggestions?

A. Yes.

Q. And the changes were made to the school and  
they're outlined, if you have the exhibits in front of you...

A. I do.

Q. ...could you take Exhibit - the Joint Exhibit  
15 Book Volume 1, and could you turn to Tab 36? And if you go over  
to the last page of 36, this is - part of which was put to you  
yesterday, and this is written in 1979. Then if you go to the  
last page, the left-hand column, the third full paragraph down:

20 For several years, we struggled to bring this  
dream to reality, and we met with only failure. Then seven  
years ago, our dear friends from the Community of Jesus, Cay  
Anderson and Judy Sorensen, began to show and teach us how to  
live the changed life in the practical activities of everyday.  
25 As a result, the whole school changed: direction, philosophy,  
discipline, spirit and atmosphere, even its appearance changed.

And it goes on to say, in essence, things changed  
and the - the school was different and better, right? And these  
changes, the direction, philosophy, discipline, spirit and  
30 atmosphere, even its appearance - I gather that once these  
changes were initiated, things began to dramatically improve?

A. Yes.

Joan Childs - Cr-Ex.  
(Mr. Adair)

Q. More students, better finances, right?

A. Correct.

Q. Clean school?

A. Pardon?

5 Q. School was all cleaned up and looking a lot better?

A. Yes.

Q. And the discipline changed, right?

A. Correct.

10 Q. It went from perhaps a little bit of weak-kneed discipline to some very strict discipline?

A. Yes.

15 Q. And the - the principles, the policies and procedures if you will, instituted after the Mothers came, I want to talk about those. Take a look at - I have to coordinate my numbering system...

A. That's fine.

20 Q. ...here so please bear with me. The - oh, I'm sorry, Tab 49 that was in the motion record. I don't see - excuse me, Your Honour, may I speak to my friends?

THE COURT: Sure.

MR. ADAIR: Anyway, maybe we could get Exhibit 4 out, if we can.

THE COURT: Exhibit 4? Is this the letter...

25 MR. ADAIR: And give the Witness a copy.

THE COURT: ...and attachment?

CLERK REGISTRAR: Yes.

30 MR. ADAIR: Q. Now, do you have the document that is called "Prospectus Course Descriptions Student Handbook, Berean Christian Schools"?

A. In what was just given to me?

Q. Yes, there - there's a letter at the

Joan Childs - Cr-Ex.  
(Mr. Adair)

beginning, a 1974 letter to Alastair Haig, and then if you keep going through the document, the last several pages are a Berean Christian School handbook.

A. Yes.

5

Q. Got it?

A. I do.

10

Q. And if you look at that document, if you go over to - you'll see the page is numbered in the bottom, and if you look at page 16 in the handbook, you will see in the second paragraph under 16, "The goal of the school," right? Page 16?

A. Yep, I see that.

Q. It says:

15

It is our goal that the conduct of the Berean Christian Schools reflect the life of Christ on which our school is founded. We believe that the basic principles underlying the rules and standards of our school can be adequate and constructive guides for your whole life.

20

And then it goes on to say:

25

In any community, however, there must be certain rules for its smooth running, and for the safety and protection of the individual rights of its members: being willing to relinquish some individual

30

Joan Childs - Cr-Ex.  
(Mr. Adair)

5 privileges for the good of all,  
being sensitive to others and  
considerate of their needs,  
being responsible in carrying  
out one's duties without  
prodding, being one whose word  
can be counted on [and so on and  
so on].

10 And then in the next paragraph, about three lines  
down:

15 Discipline is not an end in  
itself; however, discipline is  
the means to the end of true  
freedom which occurs only within  
boundaries. It is this kind of  
freedom which the school hopes  
to prepare its students. To  
20 this end the handbook is  
prepared and commended to your  
careful study.

25 And then below that, it goes on to say, if you're  
coming into Grenville or to Berean Christian School, in so many  
words, if you're coming in there, you better be prepared to  
accept the rules, right?

A. Yes.

30 Q. So, there's an immediate signalling that  
there's going to be discipline, right?

A. Correct.

Q. And then if you go over to the next page, you

Joan Childs - Cr-Ex.  
(Mr. Adair)

got a school code, page 17.

5

Students are expected to uphold the academic and social standards of the school at all times when they are under the jurisdiction of the school. They're expected to conduct themselves in such a way that in matters of behaviour, judgment and appearance they bring credit to the Lord and to the Berean Christian School.

10

15

Then they give principles to guide students into responsible and honourable actions. And they describe serious infractions, or the book does, like lying to those in authority, stealing, cheating or plagiarizing, smoking or drinking, possession or use of drugs. And they go on to say:

20

25

30

If any student knows of any unreported serious infraction of the school's social and academic standards, it is his responsibility to ask or encourage the offender to turn himself in, and if the safety, honour, reputation and/or morale of the school are at stake, and if the guilty one has not turned himself in, it is the responsibility of the student to

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report the incident.

Correct?

A. Yes.

5 Q. And those were the - part of the  
post-Community of Jesus changes?

A. Well, no, because the date on this is before  
the Mothers came.

Q. So, what is the date on this?

A. It says 1973-74 school year.

10 Q. Yes, well, that'd be this....

A. That would be prior to, which to me means  
that we were kind of in that same reign, and that's why it was  
easy to accept the Mothers' teaching.

Q. Beg your pardon?

15 A. I said, we already kind of had a sense of  
that's how a school should be run, and that's why it was easy to  
accept the Mothers' teaching.

Q. Okay. So you were already on that track  
before the Mothers even got there?

20 A. It seems to be if - if the date on this is  
correct.

Q. Yes, and you had social - further on, you  
already had social standards, page 18:

25 Treat all faculty and staff  
members with respect.

[Standards are] - students are  
expected to conduct themselves  
at all times and in all places,  
30 in such a way that in matters of  
behaviour, judgment and  
appearance, they bring honour to

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the Lord and credit to the  
Berean Christian School.

5 And another social standard was no - no - no  
smoking, drinking or drugs. And then you go to 19, another  
standard was relationships between boys and girls.

10 Students must maintain the  
utmost care in their behaviour  
with the opposite sex. Any  
action that is not consistent  
with good Christian character  
will result in discipline.  
15 Undue familiarity between boys  
and girls is to be avoided.  
Handholding is not accepted.

20 And then it has a dress code, which you can see  
there on page 19, and a personal appearance code. So I'm going  
to suggest to you that if indeed this was prepared after - or  
sorry, before the Mother Cay, Mother Judy visit, which I  
understand was in the summer of '73...

A. Spring. School was still on.

25 Q. ...this sure sounds an awful lot like the  
Community of Jesus...

A. Well...

Q. ...doesn't it?

30 A. ...I'm looking at the dress code and it's  
interesting. It says, "your skirt can be two inches above the  
knee." Yes, this is some of the basics that the community  
believed in, but they went a lot deeper after the Community  
came. For instance, the dress code was suddenly below the



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knee...

Q. All right.

A. ...and much more detailed.

5 Q. And if we want to get an idea of where things went, we can look at the Joint Book Volume 1, Tab 43. This is a student handbook from about 13 or 14 years later, correct?

A. Yes, Sir.

10 Q. And when you look at this handbook, you'll see, if you go over to page 16, under the heading "Co-education":

15 Special relationships are not allowed at GCC We desire [a friend] a spirit of friendship to exist among all students, free of the exclusive and competitive demands which special relationships impose. Holding hands and other physical  
20 displays and passing of notes not permitted. Courtesy in action and speech to be used at all time. Bad language, swearing, off-colour talk are  
25 not to be part of our conversation.

30 And then over on page 19, it talks about discipline. And in the second paragraph, it says:

A healthy respect for authorities, faculty staff,

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5                    guests, prefects, senior  
                     students and one another is  
                     expected in the life of GCC.  
                     Learning to submit willingly to  
                     those entrusted with  
                     responsibility is essential  
                     training for those who expect to  
                     lead productive lives.

10                    And then further on, they go on to talk about  
stealing and drugs and alcohol and how serious these things are.  
And then on page 21 and 22, there's a whole bunch of general  
rules laid out, right?

                     THE COURT: Is there an answer - is there a  
                     question and an answer?

15                    MR. ADAIR: Sorry?

                     THE COURT: Was there a question?

                     MR. ADAIR: I apologize, Your Honour. I just  
                     didn't hear your comment.

20                    THE COURT: Oh, I - I said, was there a question?  
I - I think...

                     MR. ADAIR: Yes.

                     THE COURT: ...you might have said "right" but I  
                     don't know if I heard the witness answer.

                     WITNESS: I didn't hear the "right".

25                    MR. ADAIR: Q. Well, my question is, you see it  
there, the general rules?

                     A. I do.

                     MR. ADAIR: Yes.

                     THE COURT: Thanks.

30                    MR. ADAIR: Q. And the things like using the  
west stairs, and girls the east stairs, and all the other  
various things which we don't have to go into. And that

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handbook and all those rules, and the emphasis on discipline, and serious offences, and a dress code, and using the telephone, and a work program and discipline, those things were the written rules for years, right?

5 A. Correct.

Q. And the thing about these written rules, if you will for a moment, I'm going to suggest is, number one, not everybody's going to agree with all of them, but there was a reason behind each one and they were not capricious, do you agree, the written rules?

A. You need to define "capricious" for me.

Q. Capricious is without any thought or basis or done on a whim. There was reasons for these rules.

A. I would say there was good reason for some of them and almost capricious reason for others.

Q. Okay. Well, what was a capricious...

A. Well, um...

Q. ...rule?

A. I think having been in guidance at our school and visiting a lot of other private schools, we went overboard in the amount of rules that we had that other schools didn't have. That's why we fought for allowing chewing gum at certain times in the day, because other schools were allowing chewing gum and we weren't. And other schools were allowing the kids to have music when they weren't in class, or you know in the dorms, or I - I mean in classes. So I think we went overboard in our rules.

Q. All right. I didn't hear anybody ever complain in this case about abuse by deprivation of chewing gum.

A. Yes, how about Walkmans and things like that?

Q. Or Walkmans.

A. Oh, yes.

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Q. I see. Well, I'm going to suggest to you that in important respects, there was a reason for these rules.

A. Yes. Yes, definitely.

5 Q. For example, close relationships were discouraged among boys and girls because you had a bunch of teenagers running around there that were under your care, right?

A. Correct.

10 Q. And close relationships were discouraged among all students because the school didn't want cliques to form, right?

A. Yes and no.

Q. Yes and no. And the dress code, the school thought it appropriate to have a dress code and to insist that things be neat and tidy?

15 A. The dress code was very, very different from any other private schools...

Q. Yes, well...

A. ...in Ontario or Canada.

20 Q. ...Grenville was a strict place with strict rules, right?

A. Very strict rules.

Q. Right. And these rules were not hidden in any way, shape or form, were they?

A. Except for the ones that were unwritten.

25 Q. Okay, we'll come to those. The written rules you learned, right?

A. Correct.

Q. The parents knew all about them. All they had to do was read the handbook, right?

30 A. Yes.

Q. And the students sure knew about the rules, because the rules were given a prominent play, weren't they?

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A. They were.

Q. And the students entering the schools would know. They'd get a copy of the prospectus or handbook, right?

A. Yes.

5 Q. And they...

A. They'd...

Q. ...they'd....

A. ...get that - they'd get that that after they came so...

10 Q. Yes.

A. ...they didn't know coming...

Q. Okay.

A. ...into the school.

15 Q. And they knew from day one, these are the written rules, these are important, these will be enforced.

A. Yes.

20 Q. And all of the rules, written and unwritten, all of them, added up, I suggest, to the following package. Listen carefully. I want to make sure I got a fair, accurate portrayal. Students were expected to exhibit good behaviour and a good attitude, correct?

A. Correct.

Q. They didn't want problems or people being a negative force at Grenville, right?

25 A. Right.

Q. Students had to dress according to a strict code that covered dress, makeup, jewellery and the like, right?

A. Correct.

30 Q. Students had to follow the six-inch rule, right?

A. Right.

Q. And there was to be no outside the lights at

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night, there's - outside the zone that is lighted, right?

A. Right.

Q. And students had to be obedient and respectful to teachers and staff, right?

5

A. Right.

Q. And they had to work hard and do their best?

A. Right.

Q. Does that fairly cover the highlights of the rules at Grenville, written or unwritten?

10

A. Doesn't cover the discipline but it covers the rules, yes.

Q. We'll come to...

A. Okay.

Q. ...enforcement of the rules...

15

A. Okay.

Q. ...but have I covered the rules?

A. Yes.

20

Q. So these are the rules. There may have been a different discipline, but these are the rules. The staff and administration said, "these are going to be the rules for our school," right?

A. Right.

25

Q. And let's talk about enforcement then. Let's go to enforcement of the rules. And I recognize, I'm sure you do too, that there's a difference between rules and their enforcement, right?

A. Yes.

30

Q. And the methods of enforcement, let's start with those. The methods of enforcement were these. One, a student, for a discipline offence, might be spoken to by a teacher or perhaps taken into a separate room and spoken to by two or three teachers in a hard, frank manner?

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A. Yes.

Q. And moving up from there, a student might be placed on discipline, right?

A. Right.

5 Q. And that was usually three days of kitchen chores?

A. Yes.

Q. And....

A. And - and being taken out of classes.

10 Q. Yes. Well if you're working in the kitchen, you're out of class.

A. Correct.

Q. Three days of kitchen chores. And in addition to that, a student could lose privileges?

15 A. Correct.

Q. One was the privilege of their uniform, right?

A. Right.

20 Q. And the idea behind that was the uniform is a symbol of pride, and it's important to respect your school, and you haven't done it so we're taking that privilege away, right?

A. Right.

Q. And they might be put on silence, right?

A. Right.

25 Q. And then moving up from there, occasionally there would be group light sessions, right?

A. Right.

30 Q. And these light sessions were situations generally that were subjects of concern on a school-wide basis, right?

A. Not necessarily.

Q. Well, let me give you a couple of examples.

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5 The school was having a problem with disobedience and dating girls in the person of Al Haig's son, Tim, at one point. So he had a light session in the chapel where he was stood up, made an example of, and that the theory was, "this has got to stop" was the message, right? You remember that?

A. I do.

Q. And then young Don Farnsworth had a light session. Do you remember that, with a few other boys?

A. For burning something down?

10 Q. They burnt down a building, a small old shack or something, right?

A. Yes.

Q. And this was a serious incident of concern to the authorities, to bring it to the attention of students, this can't be tolerated, right?

15

A. Right.

Q. So, they were all over them, about this. And they humiliated them in front of the group of students, right?

A. Correct.

20

Q. Did you ever go to a regular high school?

A. Yes.

Q. Do you remember having assemblies where the principal would say to some kid, "You threw a snowball on the car - crossing guard's face," and go on and on about how terrible this is, and 'you got to respect the crossing guard and you got to - you can't do this, and you've got to apologize,' that type of thing. You never saw that?

25

A. Actually no, and I taught in a school and we never...

30

Q. Wow.

A. ...did anything like...

THE COURT: Wait.



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A. ...that.

THE COURT: I want to hear the whole answer.

Q. You might have gone to a....

THE COURT: Hang on. I want to hear the whole answer.

MR. ADAIR: Sorry, Your Honour.

THE COURT: Please don't cut off the witness.

THE WITNESS: I said, "actually no." I don't remember that when I was in high school. And I taught in a high school and we never did anything like that.

MR. ADAIR: Q. Yes. You must have gone to a different school than I did.

A. Maybe so.

Q. And moving up from that, there could be paddling?

A. Yes.

Q. And the ultimate was suspension or expulsion?

A. Yes.

Q. And those were the methods of discipline, right?

A. Some of them.

Q. Yes.

A. There's one that stands out to me. May I share it?

Q. Sure.

A. Taking the students to the boiler room and showing them the - the fire and telling them that if they didn't wise up, they would go to hell.

Q. Okay. All right. So that - that was another form of bringing the flames of hell to their attention?

A. Yes.

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Q. Now, do you agree with me, as a general proposition, that no secret was made of the discipline?

A. No, I don't.

Q. You don't?

5

A. No.

Q. Well, isn't it a fact that other than suspension or expulsion, the paddling - which was a real serious issue - Farnsworth used to write the parents and tell them he had to lay a paddle on a kid?

10

A. That was one specific year, and after that I don't know that it was ever...

Q. Yes.

A. ...done like that again.

15

Q. And the students were home frequently. They could tell their parents if the place was over the top in discipline, couldn't they?

A. They could try.

Q. They could try.

20

A. I can tell you that there were certain times that I was told to take a student who was on discipline, to allow them to talk to their parents...

Q. Take what?

25

A. ...and I would take a student into my office so they could call home when they were on discipline, and I was to prevent them from telling their parents what was going on.

Q. Well, maybe you did, but that didn't change the fact they're going home at Thanksgiving, home in the summer, home over Christmas...

A. True.

30

Q. ...and can tell their parents, right?

A. True.

Q. And the result of all these changes, and all

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the practices that were in place, in your eyes, as you said yesterday, I was struck by your remark that "the children were happy or at least we thought they were," right?

A. Big difference.

5

Q. Sorry?

A. I said there's a big difference between "they were happy" and "we thought they were."

Q. Oh yes, there is. Oh, there certainly is. But you, for years, moved along thinking that the vast majority of children were having a good experience and were happy, didn't you?

10

A. I did. I did.

15

Q. You did. And the parents - if you turn to Joint Book Volume 1, Tab 47, the parents - these are questionnaires for the parents. And remember before we look at these, that we're dealing with teenagers who can be a little up and down in their life at that stage, right?

A. Correct.

20

Q. And when you look at these questionnaires, take a look at the first one for a moment. Very first page, there's a first question, "How do you rate our academic instruction?" - 8 out of 10.

25

"Extra help by teachers" - 10 out of 10.

"Communication to and from teachers and guidance counsellor," - 8 out of 10.

"Telephone service when you called your child," - 10 out of 10.

30

Then it talks about uniforms, we can skip that. And then in question 6, in part, it's - "From your conversations with your child, how do you rate his/her general happiness?" And that question was asked on every one of these things, okay? And do you see that this person answered 6 out of 10, right?

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A. Correct.

Q. And this person went on to talk - there's a space at the bottom of the first page for "How do you feel about the effect of the Christian teachings," and this person says,  
5 "The Christian teachings very effective" and so on. And then over on the next page, there's a specific question about discipline - "What is your opinion?" and this person says,

"Understandably strict, though at times sometimes tough to accept..." [something that I can't quite make out]. I  
10 don't know whether you can help me with it.

A. Harsh.

Q. Some - sorry, what was the word?

A. It says "harsh." It's harsh at times.

Q. Harsh, okay. "Sometimes tough to accept,  
15 harsh." And if you go to the next one, this one rates the general happiness of their child at 9 out of 10, right?

A. Yes.

Q. And Christian teachings, satisfactory. Their opinion of discipline, "satisfactory, but see later comments."  
20 We'll go to those. And then they have on the last page, a typed-out comment where they have a criticism.

They first talk about "the features we most like, and we have been [second paragraph] - we have been very happy with the experience of our children at Grenville."  
25

And they say, "On this positive basis, we'd like to make a couple of suggestions." And the first one is that they don't like the business of encouraging children to tell tales.

They describe it as "simply horrific and it has  
30 to be stopped."

And they go on to say, "We value the firm discipline at Grenville." And there are further comments there.

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And then the next one, I'm not going to take you through every single one...

THE COURT: Was there a question about that, before you skip to that?

5 MR. ADAIR: No. Just that...

THE COURT: You're just reading it into the record?

MR. ADAIR: Q. You see that?

A. I see it.

10 Q. And then there's 55 of these, so mercifully we're not going to go through every last one. But on the matter of the question of his/her general happiness, I took the time last night to add up the scores and divide by the number of students. There are 55 students referenced, one or two parents  
15 had two kids, and the average score for his or her happiness out of 10 was 7 decimal 9. Almost 8 out of 10 parents described their children as generally happy. Did you know that?

A. Well, I can comment to that because I was a part of the survey. We picked very carefully who we sent those  
20 to.

Q. I see. Well, apparently, you didn't pick quite carefully enough because some of them had negative comments.

A. Yes, of course they did, which was because we did negative things.  
25

Q. I see. So like, for instance, there's one from the Braces (ph), where they rate general happiness at somewhere between 2 and 4.

A. Yes, we didn't do so well on that one.

30 Q. Yes. And I guess you didn't pick them very well, did you?

A. Well, if we have that many happy kids in a -

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a survey of 50, it - it is because we were careful to pick who we sent it home to.

Q. Well, what are you saying? That you were lying and deceiving...

5 A. Yes.

Q. ...parents? Wow. You must be very proud of yourself...

A. I'm...

Q. ...huh?

10 A. ...not.

Q. No?

THE COURT: Please don't talk over each other.

MR. ADAIR: Yes.

15 THE COURT: It's kind of important evidence we may hear so.

WITNESS: I'm not proud of myself at all.

MR. ADAIR: Q. I'm going to suggest to you that that is not true about these questionnaires, is it? You didn't pick and choose parents?

20 A. Yes, we did.

Q. Yes. And tell me, you agree with me that there were all kinds of positive statements about discipline in this questionnaire?

A. Can I refer to the summary?

25 Q. Sure. The summary is a summary of criticisms. It says....

A. No, there was a summary of - of the whole thing if I remember correctly.

30 Q. I'm sorry. The summary says "criticisms." It doesn't say balanced or positive or good things.

A. I remember doing a summary. Here it is, I think.

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THE COURT: Which tab are you at please?

WITNESS: I just - let me look a second. It's in my handwriting.

MR. ADAIR: Which tab are you at?

5 THE COURT: Sorry, which tab are you at?

MR. ADAIR: Sorry?

WITNESS: I'm looking in 49.

THE COURT: 49.

MR. ADAIR: Q. Okay.

10 A. Maybe I'm wrong. Just give me a second. So there's handwriting. Yeah, I don't see - uniforms, accommodation, food, let me just keep going here. Academic instructions, hmm, did I skip happiness? So on the back of those, I did a summary, but it looks like I didn't do happiness.

15 Q. No?

A. Well, health care, Christian teaching, uniforms, accommodation, food, and academics.

THE COURT: Sorry, Ms. Childs, I'm just going to slow you down. This is all...

20 THE WITNESS: Sorry.

THE COURT: ...being recorded, so the reporter needs...

THE WITNESS: Oh, I'm sorry.

25 THE COURT: ...to know where you're at in the document.

THE WITNESS: I'm sorry.

THE COURT: Are you referring to the numbers on the backs of the pages, where it looks as if somebody has added up, for example, it's got...

30 THE WITNESS: Yes.

THE COURT: ..."uniforms"...

THE WITNESS: Yes, I am.

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THE COURT: ...and then there are tallies of numbers, is....

THE WITNESS: Yes.

5

THE COURT: So those are the numbers and the responses for each of those scores?

THE WITNESS: Yes.

THE COURT: And is that your handwriting?

THE WITNESS: Yes, it is.

THE COURT: All right. Thank you.

10

THE WITNESS: I do, well that - that first page is my handwriting, the one that says, "health care" and "Christian teaching."

THE COURT: Yes.

15

THE WITNESS: Then somebody else must have taken it over for me, because that isn't my handwriting on the next one.

THE COURT: All right. So that - there's a sheet with "health care" at the top. That's - that sheet is all in your handwriting?

20

THE WITNESS: Yes, Ma'am.

THE COURT: Counsel, with your permission, I'm just going to make sure we're oriented. And the facing page, is that your handwriting? The page that starts "We were advised"? The one that faces....

25

THE WITNESS: No.

THE COURT: No, that's not your handwriting? And then over the back of that page, it says "uniforms," "accommodation," and there's that little note in the middle, "mattress not comfortable." Is that your handwriting?

30

THE WITNESS: No, that is not.



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THE COURT: No, it's not. Okay.

THE WITNESS: So, I am sorry to say I do not see "happiness" listed on there. I thought I remembered doing it but....

5 MR. ADAIR: Oh.

THE WITNESS: So what - what was your....

MR. ADAIR: Q. And the point about....

10 MS. LOMBARDI: Sorry to interrupt, Your Honour. If we just keep turning the page, there - there is a sheet there that speaks to that if that helps a little.

MR. ADAIR: Where?

MS. LOMBARDI: So if we....

15 THE WITNESS: Oh, yes.

MS. LOMBARDI: Excuse me, Counsel.

MR. ADAIR: Go ahead, let me see the sheet.

Where is it?

MS. LOMBARDI: If you turn past the handwriting...

20 MR. ADAIR: In Tab...

MS. LOMBARDI: ...in - in Tab 49, just keep flipping the page.

MR. ADAIR: Yes.

25 MS. LOMBARDI: So we have a typewritten page that starts, "The features we like most about GCC include", and then if you turn that page over, you'll see some more handwriting on the back of it, and then the following page is titled "April 1987 Questionnaire Statistics."

30 THE COURT: Thank you. That's helpful.

THE WITNESS: So, may I speak?

THE COURT: Maybe we'll...

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MR. ADAIR: Sure.

THE COURT: ...put the question back to the  
Witness...

THE WITNESS: Okay.

5 THE COURT: ...now that you've asked about it.  
Did you - I think it was something about, did you  
know it was 7.9 out of 10...

MR. ADAIR: Yes.

10 THE COURT: ...was the average for general  
happiness? So if the Witness could...

MR. ADAIR: Q. Did you know that the average of  
parents for general happiness was 7.9 percent?

A. Assuming at what point do you call that, the  
23 percent at 8, 9 and 10? So at that time I guess we did, yes.

15 Q. Well, as a matter of fact, 70 percent were 8,  
9 and 10, weren't they?

A. Yep.

20 Q. Now, tell me something, because I'm going to  
suggest to you that your statement about "we picked the parents"  
is absolutely false, isn't it?

A. You've already asked me that, Sir. I said...

Q. Yes.

A. ...it is not false.

25 Q. Well, tell me something. Why would you have  
to pick parents...

A. It's how we....

Q. ...when you believed that the vast majority  
of students were happy? Why would you have to do that?

A. We just...

30 Q. Huh?

A. ...did things - we just things that way. We  
would go through a list and we had people who we associated as

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good people who we would want their input, and others that we did not want their input.

Q. All right. So it didn't...

A. Just something we did.

5 Q. ...didn't turn on happiness at all, it turned on whether you thought the parents were good sensible people from whom you wanted input?

A. Yeah, basically.

10 Q. Okay. And of those good sensible people from whom you wanted input, the average happiness was pretty - within a hair of 8 out of 10, right?

A. Looks that way, yes.

15 Q. Now were these parents blind or lacking in basic intelligence or something?

THE COURT: I don't know how the Witness could possibly answer that question.

MR. ADAIR: Beg your pardon?

THE COURT: I don't know how the witness could possibly answer that question.

20 MR. ADAIR: Well, she knows the parents.

THE COURT: Maybe you should...

THE WITNESS: No, I'm....

25 THE COURT: ...lay the foundation as to the - just a minute - lay the foundation as to capacity to answer that question about the...

MR. ADAIR: Well...

THE COURT: ...parents' level of intelligence.

30 MR. ADAIR: ...it's not - not - I'll - I'll withdraw it, Your Honour. It's not worth it, okay?

MR. ADAIR: Q. The fact of the matter is that of all the practices going on at Grenville, and what a horrible

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place you painted it to be, you as a senior administrator and all of these parents thought the significant majority of kids were happy?

A. At that time, yes.

5 Q. Yes. And then you had some sort of - so you went 20 years thinking everything was good, then you had some sort of flip flop or epiphany, did you?

A. No, I would not explain it that way.

10 Q. I see. Now, when it comes to happiness at Grenville, do you agree with me that Grenville was far from a one-dimensional place?

A. Yes.

Q. The students were provided, I suggest, with a very rich and varied experience at Grenville?

15 A. Yes, sir.

Q. Yes. And they had pretty well every manner of sports team, probably not football because it takes too many people, but they had all kinds of sports teams, didn't they?

A. Yes, they did.

20 Q. And they had plays every year, Gilbert and Sullivan plays?

A. Yes.

Q. They had debating teams?

A. Yes.

25 Q. They went to public school competitions, public speaking competitions?

A. Yes.

Q. They had bingo nights...

A. Yes.

30 Q. ...right? The staff would invite them into their homes on Saturday nights for a family atmosphere?

A. Yes.

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Q. You had a lot of caring staff, didn't you?  
Genuinely caring?

A. Yes.

5 Q. And the - you had a choir and a band and  
things like that, right?

A. Correct.

Q. And there were unstructured occasions, or  
occasions of general fun like snowball fights, right?

A. We had lots of fun.

10 Q. Visit - lots of fun. Visits to the Whitefish  
Lake cottage...

A. Yes.

Q. ...summer and winter for ice skating or  
summer parties, right?

15 A. Correct.

Q. Ski outings?

A. Correct.

Q. And so on and so forth. Like you say, "We  
had lots of fun," right?

20 A. We tried to, yes.

Q. Well - well you didn't say "you tried to".  
You said, "We had..."

A. We did.

Q. ...lots of fun."

25 A. We did.

Q. Now, you said in your testimony something  
with respect, that seemed to me to be very damning and that was  
you said, "The school did not want you to be good at anything."  
Do you stand by that comment or would you like to change it?

30 A. I stand by it.

Q. You do. And you went on to give an example  
of a student who'd worked hard in a play but was doing too well,

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so they whipped him or her out of the play.

A. Well, that would've been many students  
but....

Q. That would've been....

5 A. Many students.

Q. Many students?

A. Oh, yes, it happened often.

Q. Happened often? Just because they were  
trying to be good, putting too much into being good?

10 A. Yes.

Q. No other reasons? Nothing about  
disciplinary...

A. No.

Q. ...offences, or things like that?

15 A. No.

Q. Who was the student you referred to?

A. Oh my goodness, I'm not referring to one  
student. It...

Q. Okay.

20 A. ...happened many times. I cannot give you  
names.

Q. Who?

A. I said, "I cannot give you names." I do not  
know.

25 Q. You can't remember one incident?

A. If I sat and thought about it, or looked  
through a yearbook, I could remember...

Q. All right.

30 A. ...but it would happen, and I can tell you  
what staff member took their place just before Gilbert and  
Sullivan would be produced, but I can't tell you what student it  
was...

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Q. Yes.

A. ...or students.

5 Q. But what I'm getting at is this, this concept you said that the school did not want you to be good at anything.

A. Some students. They didn't want some students.

Q. I see. So now it's "some students."

A. Oh yes, you know - those - those that...

10 Q. Well....

A. ...well, as I said in an earlier statements [sic], if it was a parent who was important, or a donor, they could be good.

Q. All right.

15 A. They would be helped to be good.

Q. So the majority, but let's go back. You made the unequivocal statement, "The school did not want you to be good at anything" and I'm going to suggest that that is absolutely false, isn't it?

20 A. No.

Q. Well, let's take a look at the record. The school, I suggest to you, celebrated excellence in every respect, didn't it?

A. It did.

25 Q. Well, if you don't want someone to be good, what are you doing celebrating excellence?

A. That's a very good question, Sir.

Q. Yes, isn't it?

A. We...

30 Q. Not....

A. ...we chose -- I can give you numerous examples of students who, they weren't allowed to see their

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5 grades because they were doing so well, and it was not good for them to see how well they were doing. So for a whole year, they weren't allowed to get their marks back, so that they couldn't celebrate themselves and feel good about themselves. I can tell you about staff kids who weren't allowed to get honours at graduation because they were staff kids and somebody who was more important in Brockville or a donor would get that privilege rather than them. It happened all the time.

10 Q. Okay. But we're talking about your statement that the school did not want students to be good. They didn't want them to do well.

A. They didn't want them to know they were doing well.

15 Q. Ahh.

A. They didn't want them to have the privilege of - of being in the limelight. They didn't want them to see that they were good. And you know, not every student and I think I was clear about that in the beginning, that it was - it was some students were singled out, others weren't.

20 Q. Well, Ms. Childs, you weren't clear about it...

A. I'm sorry.

Q. ...in the beginning.

A. I apologize...

25 Q. Yes.

A. ...for that, Sir.

Q. You see, what you've done by saying the school didn't want you to be good as a general proposition, is you have made the school look very damning.

30 A. It was.

Q. Yes. Any school that didn't want you to be good would be a damning place, wouldn't it?



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A. You know, I don't know how to answer that,  
Sir.

Q. No.

5 A. I am telling you about the experience that  
many of our students had, where if they were doing well, it was  
discouraged, it was considered a sin of haughtiness, of being  
full of yourself, and it happened to many students.

10 Q. And when did you come to this epiphany about  
the school was a bad place because it held students back from  
doing well? When did...

A. Over the years.

Q. ...you come to that idea?

A. Over the years.

15 Q. Over the years. And tell me, let's just go  
to the Joint Book and we'll look at the record here. Let's go  
to Tab 67 of the Joint Book, it's in Volume 2. This is  
apparently according to the index - sorry, Your Honour...

MS. MERRITT: Just give me a moment, 60, 67.

THE COURT: 67.

20 MR. ADAIR: ...Tab 67, Your Honour.

THE COURT: Thank you.

MR. ADAIR: Q. "December 1988 GCC News." See  
the title on the left, "Students succeed at public speaking."  
See that?

25 A. Yes.

Q. And the article's all about the international  
independent schools' public speaking tournament in Montreal.  
And it praises the students, Beth Gillis, Amy Steinbach, and  
whoever the author is, for doing well, not being outclassed and  
30 clenching third place, right?

A. Yes.

Q. And then the article beside it, "Drama and

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delight, our poetry recitation." Apparently Grenville had an annual poetry recitation competition, right?

A. Yes.

5 Q. And the students would try theirs in class and then they'd be selected to do it at the - at the whole school, I gather, right, if they were among the best, right?

A. Yes.

10 Q. And their work was celebrated in the GCC News, right?

A. Right.

15 Q. And then if you go to Tab 73, this is apparently from a commencement program. You see Grenville has a whole bunch of commencement award winners: valedictorian, Governor General's Award for Academic Excellence, athletes of the year, theatre arts service award, probably 20 of them there, 15 or 20, debating awards, see all those?

A. Yes, we did lots of things like that.

Q. Yes, and you had an academic honour roll?

A. Right.

20 Q. So you celebrated excellence?

A. We did.

Q. Yes. And if you go to Tab 77, you'll agree with me, you see the same thing about public speaking competition, debating competition, being celebrated, right?

25 A. Yes. May I make a comment?

THE COURT: Let's wait for the question.

MR. ADAIR: You're here to...

THE COURT: Wait for the question.

THE WITNESS: Okay.

30 MR. ADAIR: ...answer the questions.

THE WITNESS: Okay.

MS. MERRITT: Is there a question?

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THE COURT: I'm waiting for Counsel to ask a question. I think the question was, "At Tab 77, you see debating, do you see that?" The answer was "yes."

5 MR. ADAIR: And - and I think the question after was, "So you - so Grenville celebrated excellence?" and the Witness said "yes".

MR. ADAIR: Q. Now....

10 THE COURT: That was Tab 73. You hadn't - you haven't yet asked that for Tab 77.

MR. ADAIR: Sorry.

THE COURT: You - you asked that question for Tab 73, you didn't ask...

MR. ADAIR: Oh, I'm sorry.

15 THE COURT: ...so if you want to ask it again, go ahead.

MR. ADAIR: Q. Now, what I want to know is how you can sit there and unequivocally make a statement that Grenville didn't want people to be good in the face of that? How can you say that?

A. You know, if those were my exact words, then I take them back.

Q. All right.

25 A. But I can rephrase it to say that in many, many cases, students were not encouraged to be good, they were not allowed to receive the honours they should receive as a means to prevent them from being in the sin of haughtiness or thinking themselves to be great.

30 Q. And by and large, anybody who got that treatment was a staff kid, right?

A. No, sir.

Q. I see. Well, you can talk about it all you

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want. We've reviewed the record. It looks to me like generally speaking, excellence was celebrated. Does it not look that way to you?

A. Of course we celebrated excellence...

5

Q. All right.

A. ...because we wanted to be a good school.

Q. All right.

MR. ADAIR: That's a convenient place, Your Honour, if....

10

THE COURT: How much longer do you think your cross-examination will be?

MR. ADAIR: I'll be till noon, till lunch.

THE COURT: Till lunch? Just to give me a sense. All right, we'll take a 20-minute morning break.

15

Ms. Childs, you're still under cross-examination, so if you can continue to observe the admonition not to discuss your evidence with anyone. Thank you.

20

R E C E S S

U P O N R E S U M I N G:

25

MR. ADAIR: Q. Mrs. Childs, I want to go back for a minute to the Joint Book Volume 1, Tab 49 with all those questionnaires, or no, sorry this is the one with criticisms in it, Tab 49.

A. What tab, Sir?

Q. 49.

30

A. Oh.

Q. And if you go about five pages in, you'll see a document we saw earlier, "April 1987 Questionnaire

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Statistics."

A. Yes.

Q. And do you see on that document, about the third item from the bottom is "Discipline?"

5

A. Yes.

Q. And did you prepare these statistics, if you will?

A. I was part of preparing them. I think there were several of us who did it.

10

Q. Okay. And you see under "Discipline", 15 percent of the people responding had a complaint or - or more than one complaint about discipline?

A. Yes.

15

Q. And 85 percent thought discipline was either good or excellent, right?

A. I see that.

Q. Now, yesterday you used the words "school of abuse," remember that?

A. I do.

20

Q. And so you reach, or you reached a stage where you regarded Grenville as a school of abuse, right?

A. I did.

25

Q. And as you indicated earlier, you came to this recollection in the late - maybe even earlier than the late 90's?

A. Yes.

Q. And I take it you realized at that time that the abuse really flowed from the way the Community of Jesus instructed people to do things?

30

A. Yes.

Q. And if you take a look at the Joint Book Volume 2, Tab 105, this is a letter from you and Ken MacNeil to

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the alumni written on or about December 7, 2000, correct?

A. Yes.

Q. And this is the letter, you told us  
yesterday, was written because you now realized the wrongs and  
you wanted to apologize for them?

A. Correct.

Q. And I want to look at that letter with you.

It starts:

Dear [so and so, dear blank]:

This letter is coming to you  
from Joan Childs and Ken  
MacNeil. It is long overdue and  
it comes to you with a measure  
of regret. Regret that GCC has  
not been very good at keeping in  
touch with you nor caring for  
its alumni as it should.

Then you go on to say:

More about this later but first  
we'll - but let us inform you of  
the changes which have taken  
place over the past few years.  
We figured it is important at  
this time to share with you what  
is happening here in our lives.

So, the first thing you do is you express regret  
for not keeping in touch, right?

A. Right.

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Q. That's an odd way to start a letter of apology for system-wide abuse, isn't it? "I regret...

A. It is.

Q. ...we haven't kept in touch," right?

5

A. It is.

THE COURT: Make sure you don't talk at the same time. Can you repeat the....

MR. ADAIR: Q. Go ahead.

A. It is an odd way to start it.

10

Q. Yes. And then you go on to say:

Let us be candid with you. The last few years have been difficult ones. Father Farnsworth retired, and subsequent retirement of a number of other staff caused a change in complexion.

15

20

And you go on to say:

You came to the idea that you needed more help and hired a bunch of people.

25

And on the bottom of page 1:

30

From Joan: During this time of transition we have looked carefully at our community, a group of people that responded to the call of God to found and

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operate Grenville Christian  
College. We realized that it -  
it is really this call to live  
together in a Christian  
community that has made us a  
special school.

5

That's what you said, right?

A. Yes.

10

Q. There is - you're indicating there that it's  
a special school because we - we - it's operated by people who  
respond to the call of God, right?

A. Yes.

15

Q. And that's a funny description, don't you  
think, for a school of abuse? Don't you think so?

A. Well, we're leading up to it. This was a  
very hard letter to write.

20

Q. Oh we're - we're going to get to the whole  
thing. Then you go on to say that you've expanded to include  
non-residential faculty and staff, and you've chosen a new name,  
"The Community of Good Shepherd," and "I am the director of the  
Community." Then on page 2, the first two paragraphs deal with  
changes of headmaster and the reasons, right?

A. Yes.

25

Q. Then the third paragraph:

Through this period of  
transition, we at Grenville are  
looking carefully at our program  
and also at how we deal with the  
modern teenager.

30



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Then you go on to say, "The staff is undertaking a task of better understanding of how teens think today" and that you're reading books and going to conferences, et cetera.

And then you go on to say:

5

We - we are confirming that many of our basic principles and core values are important and should remain the same, but some things need to change. If you have any suggestions you might feel helpful, we welcome them. We still want to be a school where the staff unite to provide a caring home away from home for young people from around the world, and where we share the love of Jesus.

10

15

20

So, here you're saying, the message is, "We still want to provide a caring home away from home where we share the love of Jesus." That's the message you're getting out there, right?

A. Yes.

25

Q. Well, how can you say, "we still want to provide a caring school," when you, by this point, you know it's been a school of abuse?

30

A. My response to that is that this is a very complex situation. It's not black and white. You know, you asked me earlier about excellence. We strived for excellence. We were thrilled when our kids did well, students, staff kids, everybody. And we would advertise that and we would be very

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5 proud of it. But that does not take away the fact that a kid who maybe won at a debate or was the best cross-country skier was then corrected for their haughtiness. They - kids would go on a - a team trip and while they're driving - and they'd win, and they'd call home and we'd be so proud and excited, but the whole trip home they would be yelled at for their haughtiness and for "don't be full of yourself." So it's complex. It's not black and white. Writing this letter was very difficult.

10 Q. Well, I'm sure that writing the letter was very difficult, but complex?

A. Very complex.

15 Q. Excuse me, you said yesterday this was a letter of apology. What was the matter, instead of saying "We still want to provide a loving environment," what was the problem with saying, "I am beyond sorry and apologetic for the terrible way we treated you and the abuse we heaped on you." How about that?

A. Well, the staff were having a hard time with this. We all were having a hard time with this.

20 Q. You...

A. We...

Q. Sorry.

THE COURT: Please continue.

MR. ADAIR: Q. Go ahead.

25 A. May I finish?

Q. I'm sorry to cut you off.

30 A. We recognized it, but we also - we were struggling with the black and white. We were struggling with the fact that on one hand, we hurt kids and on the other hand, we did great things for kids. We didn't know how to say it, and this was our lead into eventually providing a healing team for the students.

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Q. You knew - you've testified that you knew by this point it was a school of abuse?

A. I did.

5 Q. Well, what's the matter with saying, "I'm terribly sorry we - we had a school of abuse"?

A. Because we had a group of staff who were struggling with accepting that.

Q. Yes. You were writing this letter. It was supposed to be your apology and MacNeil's, right?

10 A. No, we wrote it as the two people on the council...

Q. I see.

A. ...who had spent a year studying abusive communities.

15 Q. All right. Well, you still shouldn't have said, "We still want to provide a caring home away from home"...

A. Well, of course we did.

Q. ...if that hadn't have happened in the past, right?

20 A. No, I....

Q. You - you don't see a problem with this letter?

A. I've always seen a problem with this...

Q. Yes.

25 A. ...letter. It wasn't as direct as I would have liked it to be.

Q. Yes. And then you talk about Don Farnsworth being made Director of Admissions. Then you say:

30 The regret we spoke about earlier is that we have not made greater attempts to foster an

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ongoing relationship with you  
once you left the campus.

So again, you express that same regret, right?

A. Right.

5 THE COURT: Sorry, where are you, Counsel?

MR. ADAIR: And then you go on to say....

THE COURT: Counsel, where are you?

MR. ADAIR: Bottom of page 2, Your Honour, last  
paragraph, first sentence.

10 THE COURT: Thank you. I see it.

MR. ADAIR: Q. Then you go on to say:

What we want to say now, we say  
with humility, and with a prayer  
that you will understand the  
spirit and intent of our words.

15 We know that many of you look  
back at much of your Grenville  
experience with gratitude. But  
we also know particularly from  
20 conversations with a number of  
alumni in the last few years,  
that some of you also had a  
negative experience.

25 See that?

A. "Had negative experiences," yes.

Q. Yes. Sorry, "had negative experiences,"  
quite so. And that was your idea of an apology for a school of  
abuse, was it?

30 A. It was a poor attempt at trying to say,  
"we're sorry." It was our first attempt.

Q. Well, the fact of the matter is, it is

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obvious from this letter that you didn't think of this as a school of abuse at all by the time you wrote this letter, did you?

A. Yes, we did.

5

Q. You what?

A. You're saying we didn't think of it as a school of abuse?

Q. "You," not "we." You didn't think of it as a school of abuse by the time you wrote this letter.

10

A. I had a struggle with whether it was a cult or a school of abuse.

Q. Sorry?

A. I had a....

THE COURT: Can we please finish...

15

THE WITNESS: I'm sorry.

THE COURT: ...sorry, you're both talking at the same time, so finish...

MR. ADAIR: My apologies.

20

THE COURT: ...the question please, wait, and then Ms. Childs if you could answer into the silence, that would be good.

THE WITNESS: I apologize, Ma'am.

THE COURT: Thank you.

25

MR. ADAIR: Q. Well, it's my fault, Ms. Childs. Go ahead please.

A. I not only saw it as a school of abuse, I struggled with whether it was a cult or a school of abuse, and we spent a [sic] entire year reading books and speaking with outside support to try to help us to determine what category we were in and what we could do about it.

30

Q. And then you go on in the letter to say:

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5 To those of you [this is the top  
of the third page] for whom this  
was the case, we want to  
apologize. In reviewing the  
last 30 years, we recognize that  
even though our intentions were  
good, we may not have always  
used the best approach, and we  
are sorry that we have not made  
10 attempts to resolve these issues  
long ago. How you feel is very  
important to us.

15 Now there's a couple of other paragraphs about  
welcome back and maybe you could send a donation in. But that's  
the sum and substance of your apology, isn't it?

A. It was the beginning of what we hoped would  
be a much bigger deal.

20 Q. Well, see here's what I have trouble with.  
Let me explain this clearly so I can get your best answer. You  
have repeatedly testified under oath that by the time you wrote  
this letter, you knew this was a school of abuse, right?

A. Absolutely.

25 Q. And a school of abuse is a very, very bad  
thing, right?

A. Absolutely.

Q. And a school of abuse deserves a simple major  
apology, agreed?

A. Agreed.

30 Q. And nowhere do you suggest anything in here  
except 'oh, we're sorry if a couple of you, or a few of you have  
had negative experiences.'

A. So you need to take into account, sir, that

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5 this is a group of staff and community member - well community members who were vowed to the Community of Jesus still at this time, who were breaking away from our connection to them, very - it was a very difficult time in our lives. We knew we had major work to do. We knew that before we could even begin to help the students, we had to get help. We knew that we had to help our staff kids. We had a long road ahead of us and this was the best we could do at the time. It is not a very good apology, I wish it were better, had been better.

10 Q. It's not only not a very good apology, it infers that the school for years was a loving and caring place.

A. We tried to be.

Q. Yes, no, it infers it was.

A. Well, then we didn't write it well.

15 Q. Yes, you sure didn't. And the reason you didn't is because you're simply not being honest...

A. Oh, my dear, sir....

20 Q. ...about why you - why you wrote this letter and what your view of Grenville was at the time, are you? You're just not being honest about it.

A. Can you tell me what it is you think that I'm - that I really felt?

Q. You don't get this letter and the problem with it?

25 A. Yes.

Q. Well....

A. It wasn't well written.

Q. All right.

30 A. We were struggling. We had a hard time knowing how to say it, to open it up to...

Q. Okay.

A. ...to people.

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Q. We'll leave it at not well-written. Now, let's - let's go a little further then. You say in that letter and you reaffirmed today that your intentions were good?

A. I'm sorry I didn't....

5 Q. You say in that letter, and you reaffirmed today that your intentions were good?

A. Yes.

Q. Whatever happened at Grenville, and there's a spectrum of experiences out there, you know that, right? Right?

10 A. Yes.

Q. Whatever happened, your intentions were good, right?

A. Our intentions...

Q. Yes.

15 A. ...were good. That doesn't mean that what we did was good...

Q. No....

A. ...but we thought we were trying to do good.

Q. We're dealing with intentions now.

20 A. Okay.

Q. And your intentions were good?

A. Yes.

Q. There was never any hidden agenda to break people down, was there?

25 A. Yes, because it wasn't a hidden agenda. Breaking people down was the way to give them the chance to live a better and more mature Christian life.

Q. So that was the reason you did what you did? Make them better at living a Christian life?

30 A. Yeah, that was the way that...

Q. Yeah.

A. ...that we had learned to live and we thought



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we were...

Q. Yes.

A. ...living a good life and so we took it into the student body to try to help them to grow and mature.

5 Q. I mean, this was a period of time, over this period of time, in fact over many, many years at Grenville, that you had a lot of personal issues, right?

A. Everybody at Grenville had personal issues. Yes, I did.

10 Q. Well....

A. But well, what personal issues?

Q. Well, you had a relationship with one of your parents that had gone way off the rails and caused you a lot of grief in life, didn't you? Isn't that true?

15 A. While I was at Grenville? No. That happened when I was a year old.

Q. Yes, a child.

A. Yeah.

Q. Something terrible happened to you.

20 A. Yeah.

Q. And over the period of time, you've had a real struggle figuring out what your belief system is and where you stand, haven't you?

A. I don't know how to answer that.

25 Q. Well, is it not true that you've been a Presbyterian?

A. Yes.

Q. A member of the Pentecostal Church?

A. Yes, as....

30 Q. And an....

A. Well, I was still a Presbyterian actually.

Q. Yes. An Anglican?

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A. That's because Grenville...

Q. Yes.

A. ...made us be Anglican.

Q. And then you went back to being...

5 THE COURT: Sorry, I couldn't hear the rest, I...

MR. ADAIR: Sorry.

THE COURT: Please let her - the Witness finish  
the answer. I can't....

10 THE WITNESS: Everybody at Grenville became  
Anglicans.

THE COURT: Thank you.

MR. ADAIR: Q. And then you went back to being a  
Presbyterian?

A. Correct. That was my roots.

15 Q. All right. You - you couldn't make up your  
mind what you were, could you?

A. I know exactly what my mind is. I believe in  
Jesus and I've given my life to him, and how I worship him.  
Being a Presbyterian versus an Anglican versus a Pentecostal,  
20 it's all the same thing. We are worshipping our Lord.

Q. Okay. And tell me, the third thing that  
flows from your letter of apology, if you can call it that, is  
that the vast majority of children at Grenville, in your mind,  
as of the time you wrote that letter, had had a good experience.

25 A. We hoped that.

Q. That's what you believed at that time.

A. That - right, we did believe it at that time.

Q. Great.

30 A. But this letter opened the door for many  
people to call and say, "Thank you, we did not..."

Q. Yeah.

A. ...have a good time."

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Q. And the reason you have done a complete flip flop from believing in everything you've done, to Grenville being a school of abuse, is because you started reading a bunch of complaints about Grenville on the Internet, right?

5 A. No, Sir.

Q. Okay. Now, if Grenville was such a - the school itself was such a bad place, maybe we could just turn to - I thought you had an extra copy of this Volume 1...

MS. MERRITT: Yes.

10 MR. ADAIR: Oh, here it is. This is a Volume of Supplementary Documents.

COURT SERVICES OFFICER: Is this going to Her Honour?

MR. ADAIR: And to the Registrar here.

15 MS. MERRITT: Oh, we don't have an agreement on this.

THE COURT: Does plaintiff's counsel have a copy of this book?

MR. ADAIR: Yes.

20 MS. MERRITT: We - yes, we have but I have not had a time - time to go through it. It was given to us last night. It....

MR. ADAIR: I misunderstood. I copied it. I'm sorry.

25 MS. MERRITT: And - and I - there's no agreement on it, no.

MR. ADAIR: Well....

30 MS. MERRITT: I asked Mr. Adair this morning what he intended to do with these. But I think some of them can be used to cross-examine the witness...

MR. ADAIR: I....

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MS. MERRITT: ...if that's what he intends.

THE COURT: Perhaps Counsel can advise Counsel which document and if you want to have a quick look at it, if it's subject to an agreement, great. If not, maybe you can come back to it after lunch. We'll just hold - Madam Registrar, just hold that for now. Could you indicate to Counsel for the plaintiffs which document..

MR. ADAIR: I'm sorry.

THE COURT: ...which - which tab of the book you might seek to cross-examine?

MR. ADAIR: Well, I'm starting - much of what I've - have found unnecessary because the witness acknowledged certain things. But I'm particularly concerned to go to Tab 6, which is Tab 33 in my friend's affidavit of documents.

MS. MERRITT: Okay. The - the problem I'm having here, Your Honour, is some of these documents have already been made exhibits. Some of them Mr. Adair may wish to cross-examine a witness on, and then have marked as exhibits at your discretion. Some of them he may - may not be using at all, so we're certainly not going to mark a book where he's not using the documents.

THE COURT: Let's just start with the document. We'll maybe worry about the mechanics. Is - is there any objection to the book that you have, the document at Tab 6, being used to cross-examine and potentially tendered as an exhibit?

MS. MERRITT: Well, I think he can use any document he wants to cross-examine the witness.

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(Mr. Adair)

That's - that's not the nature of my objection.

THE COURT: All right.

MR. ADAIR: Well, I think there's merit in what my friend says about not marking the whole book, because some have gone by the wayside. What I would suggest is we use the book and mark the Court copy "exhibit loose," "exhibit such and such" only, and I'll pull it out and make sure it's properly...

THE COURT: That's fine.

MR. ADAIR: ...dealt with.

THE COURT: That - that - that works.

MS. MERRITT: That's fine, yes.

MR. ADAIR: Is that fair enough?

THE COURT: Sure.

MS. MERRITT: Yes, yes, absolutely.

MR. ADAIR: Okay. And I should say so that we don't run into a further problem, just bear with me, there's also Tabs 8, I'll - I'll also look at Tab 8. It's another letter from - signed by Joan Childs.

THE COURT: All right. So it's the first document that you wish to ask Ms. Childs about, before Ms. Childs?

MR. ADAIR: Yes.

MS. MERRITT: And it's dated, two pages long.

MR. ADAIR: Can I give the Witness a copy, so she has the document in front of her?

THE COURT: Sure, just open it to the document for now, and let's do it that way. That seems the simplest way. Counsel has the document in their book, and if and when it comes time to file

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(Mr. Adair)

it, I'll accept the loose copy.

MR. ADAIR: Thank you, Your Honour.

THE COURT: Yes.

MR. ADAIR: Q. Now, Mrs. Child [sic], this  
5 document is a series of letters back and forth and we'll - we'll  
go through them one by one. The first one - the first page is a  
letter, you can perhaps confirm this, it's a letter of six pages  
from yourself to Mother Betty, right?

10 THE COURT: Sorry, your voice is trailing off and  
I can't hear you. Would you....

MR. ADAIR: It is - I'm sorry, Your Honour.

Q. It is a letter of six pages from the Witness  
to Mother Betty, who I'll identify in a moment, dated January  
21, 2000, correct?

15 A. Correct.

Q. And Mother Betty is Betty Pugsley, who either  
took over or assumed a leadership role at the Community of  
Jesus?

A. Correct.

20 Q. Okay. And I want to go through this letter.  
And it starts:

25 You told us a year or so ago  
that we had to find our own  
promised land.

And then you go on to say:

30 Well we and our entire community  
have been on an exciting journey  
to our promised land.

And then it - it - in - in the next paragraph,

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paragraph 2, all right, I'm going through this, I promise not to take anything out of context. I want to avoid having to read every single word. If you need time to read more, you tell me. Paragraph 2 you - in the middle:

5

We would like to fill you in on all that has been happening in our community. As always, if you feel a concern about anything, please let us know. We want and appreciate your continued spiritual advice.

10

15

And then you go on from there to discuss a problem with Dan, who I gather is Dan Ordolani.

A. Correct.

Q. And he led a trip to Kilimanjaro?

A. Yes.

Q. And it ended up losing money?

20

A. Yes.

Q. And the community was concerned about that because budgets are budgets, right?

25

A. And we also didn't think he should go on the trip, and somehow we just didn't get it to end, so, yes, we were concerned for a number of reasons.

Q. Okay. And then if you go over to page 2, you say:

30

I want to move on to more positive things. As we recently reflected back on the last year, we had such a sense of gratitude

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5 for what God has done. Last  
year at this time we were  
concerned that this community  
might not make it. There seemed  
to be so many people on the  
verge of burnout or the verge of  
leaving and such a lack of trust  
and unity.

10 So, do I take it from that paragraph, that there  
was a serious problem in the Grenville community about a year  
before this?

A. Yes.

Q. People were really struggling?

A. Yes.

15 Q. And then you go on to talk about this week as  
being incredible and the community went on retreat, and talked  
about a number of things, and then at the bottom of page 2:

20 The retreat ended last Sunday  
afternoon and we had a community  
meeting Sunday night.

Then you go on to describe the community meeting,  
right?

25 A. Right.

Q. Then over on page 3, first full paragraph,  
you start talking about worship issues:

30 ...and the pastors had meetings  
with everyone to hear their  
concerns and thoughts. Nothing  
really came of them.



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And you say:

5                   It indicates that some people  
                  thought sermons were too long,  
                  hymns didn't fit, there was a  
                  deadness in the liturgy...

THE COURT: Sorry, your voice is...

MR. ADAIR: Oh, I'm sorry.

10                   THE COURT: ...trailing into the podium. I don't  
                  have the document in front of me so I'm  
                  listening...

MR. ADAIR: Oh...

THE COURT: ...to you to make notes.

15                   MR. ADAIR: Your - Your Honour, you....

THE COURT: No, it's fine. I...

MR. ADAIR: No, I...

THE COURT: ...I just need to hear you.

MR. ADAIR: ...I got a copy for the Witness...

20                   THE COURT: You did.

MR. ADAIR: ...and for you.

THE COURT: No, you did. I prefer to make notes  
                  until...

MR. ADAIR: Oh.

25                   THE COURT: ...I see the document as tendered but  
                  I'm listening to you, so if you can just...

MR. ADAIR: Very good, Your Honour, thank you.

THE COURT: ...keep your voice at me, that would  
                  be great.

30                   MR. ADAIR: Q. And you talk about the need for  
                  the service to be less High Anglican, and then at the bottom of  
                  page 3, you go on to talk about problems with the business, and

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over on page 4, first full paragraph:

5

There's a lot of feelings in our community about vows, and we're unsure which vows apply, and these earlier vows have been a source of much pain in regards to those who have left or for any who really feel they are supposed to leave, and I'd really like to talk to you about this so we can understand and help others in our community.

10

15

And then you go on to talk about an issue, a tax issue with the Board of Directors, and on page 5, you begin a recitation of some individuals who have been going through struggles and those were all community individuals, right?

A. Yes.

20

Q. And then page 6, you talk about Father and Mrs. Farnsworth struggling, and a few other people, and you end by suggesting you'd really appreciate talking to her about anything that might be helpful, right?

A. Right.

25

Q. So, this letter, January 21, 2000, is entirely about - I mean aside from things we're not concerned about like business issues...

A. Hmm.

Q. ...it is entirely about community problems?

A. Correct.

30

Q. Then if you go to the next page, can you confirm that this letter is a very short letter of June 8, 2000, from you to Mother Betty?

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A. Which one?

Q. This is the next page, it's June 8, 2000, a half page. We're still in Tab 33, it's just....

5 A. The next page for me is January 25th, 2000. Okay, there's another one.

Q. Yes.

A. June 8th.

Q. Yes. After the letter we just went through extensively, okay?

10 A. Yeah.

Q. And this is just, the only reason I point this out is you're in effect saying, "I'd like to come down to the Community and have a few days' retreat," right?

A. Right.

15 Q. Then if you turn the page, do you agree with me that this is a letter of August 25, 2000 from you to Bishop Mason?

A. Correct.

20 Q. And this is asking for a meeting because of problems with Father Farnsworth essentially?

A. Right.

Q. And one of the problems is over on the second page, it's right at number 2 near the bottom. Farnsworth wasn't recognizing the council's position of authority, I gather?

25 A. Correct.

Q. And you were the chairperson?

A. The director.

Q. Director of the council. So again, a community issue. Farnsworth isn't on side with the council?

30 A. Correct.

Q. May 15 - if you go over to the next page, this is a letter from you of some five pages to Bishop Mason?

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THE COURT: What's the year, please?

MR. ADAIR: Sorry?

THE COURT: You said May 15th. What year is the letter?

5

MR. ADAIR: 2001.

THE COURT: Thank you.

MR. ADAIR: Sorry, Your Honour, I'll - I'll try to slow down a little. I keep forgetting you don't have the letter right in front of you so....

10

THE COURT: You don't have to slow down. You just have to tell me what the numbers are.

MR. ADAIR: All right.

15

Q. You - in the - the - the - the meat of that letter at least, at the outset is in the third paragraph. You're - you're concerned about "a very painful journey for them and us, concerning a family who left the community," right?

A. Yes.

20

Q. And you indicate a little bit, several lines down, that it's been the source of much hurt surrounding the community?

A. Yes.

25

Q. And you indicate at the top of the second page, the last three lines:

I have personally since that time made several apologies to them for the hurts I and the community have caused them.

30

MS. MERRITT: Sorry, I'm lost.

THE WITNESS: I - I've lost you.

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MS. MERRITT: Yes, I'm lost too.

MR. ADAIR: Third, oh I'm sorry, second page, my apologies. Second page of the letter to Mason.

MS. MERRITT: Okay.

5 MS. LOMBARDI: Page 12?

MS. MERRITT: Yes.

MR. ADAIR: Right here, Ms. Merritt.

MS. MERRITT: Thank you.

10 MR. ADAIR: Q. And that's referring to the family who left the community, right?

A. Yes.

15 Q. And then you go on to talk about Father Farnsworth, and you being told by someone else that the family's daughter was now claiming Farnsworth sexually abused her as a child, right?

A. Right.

Q. And in the middle of the page, you say:

20 I'm sad. If there is one thing I've always felt about Father Farnsworth, it is that he is as moral as they can [sorry] as they come. I can't believe this is true but whether true or not,  
25 if she does go to the police, it will be devastating.

30 And you go on to suggest that - at the bottom of this:

This is going to cause a big problem in the community if she

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goes to the police or could  
cause a big problem.

Right?

A. Correct.

5 Q. And, again, this letter is all about the  
community and the hurt in the community, right?

A. Correct.

Q. And I want you to turn over, do you see the  
page numbered 14 in the top right corner by pen?

10 A. Yes.

Q. It's about the fourth or fifth page in. You  
see down, second to last paragraph:

15 The Farnsworths spent much of  
the last few years criticizing  
my leadership because I was not  
strong enough, not directive  
enough.

20 Then you went on to say:

I do not feel I am supposed to  
be that kind of leader.

25 So you were having trouble with Farnsworth?

A. Yes.

Q. He was highly critical?

A. Yes.

30 Q. And then if you go over to the end of that  
letter, again that's all about community issues?

A. Correct.

Q. When you go over that letter, there's a

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letter of May 29, 2001, to Mother Betty, right?

A. Correct.

Q. And here you're going, at the beginning:

5

We want to express tremendous gratitude for your willingness to come up to meet with Bishop Mason and us, and the various groups from our community. We came away from this time of receipt - of retreat feeling extremely encouraged.

10

15

And you go on to ask the Community for help in a number of ways, right?

A. Yes, sir.

20

Q. And the next page, Mother Betty replies and says basically, everything you'd asked for is okay, but you should have a - a priest or minister, not someone from the Community of Jesus, right?

A. No.

Q. No.

A. That - that one is - the one number 17?

Q. No, May 30 - yes, you're correct.

25

A. So that was somebody from the Community of Jesus.

Q. Oh, okay. I - I misunderstood. The - she - she then answers - to correct this, she answers you and says:

30

Everything you have asked for is fine, and you should have somebody from the Community of

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Jesus Clergy made part of the  
council.

A. Correct.

Q. Have I got it right now?

5

A. Yes.

Q. Okay. And then - bear with me here, I'm  
trying to -- and then you, if you go over, is this a letter from  
you, this 2356 Farm to Market Road, page 18?

A. No.

10

Q. Ah, this is someone else, is it?

A. This is a - an ex-staff member who wrote  
their concerns about...

Q. All right, well, we'll leave...

A. ...us.

15

Q. ...that then. The next letter is one of June  
5 to Bishop Mason, and you indicate you were surprised by Mother  
Betty's response because in the retreat, she'd said the person  
they sent should not be on the council, and you indicated in the  
fourth paragraph:

20

Whenever I sense that Mother  
Betty is uneasy about me and my  
leadership, it throws me for a  
tailspin. This is very much  
connected to the fact that I  
have taken vows of obedience to  
the Community of Jesus. I do  
not want to miss God. I can't  
shake the fact that I believe  
part of the reason she responded  
the way she did was because she  
doesn't trust me.

25

30



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Now that was your belief at the time?

A. Yeah. Yes, Sir.

Q. And on the top of the next page of that letter, it starts:

5

I believe that one of the things that has prevented me from being a better leader is how hung up I am on what everyone thinks of me. I have not done well with all the criticism coming from Charles and Betty and their kids and others in our community who have been critical, and I definitely worry about what Mother Betty feels about me. I find myself performing to too big an audience and yet I don't want to ignore the spiritual leaders again.

10

15

20

So, this is another letter that, with one small exception I'm going to point out to you, is all about community issues, right, and your problems?

25

A. Correct.

Q. And it does, in fairness to you, if you go to page marked 23 with a pencil, at the bottom it does say:

30

The problems on the school board escalated. Group couldn't come to much - couldn't come to consensus about much and things

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(Mr. Adair)

we felt were important community  
school issues were blocked.

5 And you indicate Dan Ordolani was fighting  
everything and there was much disagreement over the issue of the  
headmaster, and she told you that the council had ultimate  
responsibility for the school. So there's - the school is  
mentioned in that regard but the rest of the letter is all about  
issues in the community, right?

10 A. Correct.

Q. And what I'm going to suggest to you is that  
every one of these letters in Tab 33, every last one is about  
community issues and staff kids and the treatment of them in the  
past, and the problems in the community, right?

15 A. Correct.

Q. There isn't a word over three or four years,  
these letters go on to 2004, there isn't a word - I'm going to  
double check this because I want to be sure - about problems  
with the school, and the fact that it was a school of abuse, is  
20 there?

A. Not at that time, no.

Q. No. How can that possibly be?

A. Well, as I said earlier, this was a very,  
very big issue for us, and we realized that there had been so  
25 much abuse starting first with the staff and then with the staff  
kids and then with the students, that we had to have a place to  
start. The bishop who was helping us and the healing team from  
Ottawa felt that the place that had to begin was with the staff,  
because if we couldn't heal the hurts of the past with the  
30 staff, that had to come first before we could move onto the  
staff kids and the students.

Q. Yes.

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A. So this was all that period of time when we were trying to find a way forward to heal the staff.

Q. 2000 to 2004?

A. Yes, sir. We had lived 35 years under...

5

Q. Yes.

A. ...the Community of Jesus. It was a big - that's a short period of time to try to break away from that way of life.

Q. Okay. Well, perhaps you can just help me with this. The school was an integral part of the community? It was a mission, right?

10

A. Yes, but it had changed. After Charles left...

Q. Yes.

15

A. ...we had changed how we ran the school.

Q. But how is it in all these letters, there isn't a word about the school having been a place of abuse?

A. Because...

Q. How is that?

20

A. ...because we weren't dealing with that issue right then.

Q. I see. And what I want to know is, when you knew the school was a place of abuse, and you knew that this was being caused by the rules and whatnot set down by the Community of Jesus, what were you doing repeatedly going back to them asking for help? What were you thinking?

25

A. It's a very good question, Sir.

Q. Sorry?

30

A. I said, "That's a very good question." We took vows for life. We had a large group of community members. We had to find a way out. We had to find a way to change. But we didn't need to worry about the school then, because we had

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stopped the abuse. We had changed the rules. We had done everything differently, and we broke away from the abusive way we were dealing with students, so that we could concentrate on running a school the way it should have been run all along.

5 Q. Yes, but....

A. And we concentrated on community healing at that point.

10 Q. I - I understand you concentrated on community healing. I'm just surprised with the volume of words in this letter about the past, and about what had happened to people, and all the problems and all this and that in the community, there isn't a hint of a problem at the school.

A. Again....

15 Q. Not one.

THE COURT: Is that a question?

MR. ADAIR: Yes.

THE WITNESS: Oh.

MR. ADAIR: Q. Is there?

20 A. No, there isn't, because that is not where we were at that point.

Q. Well, you can keep saying that but part of this letter - tell you what I'll do, with Her Honour's permission, I'll come back to it after lunch, because part of the letter is about all the community's past hurts and all your past hurts. I'll come back to that after lunch.

THE COURT: Sorry, what was the word, your past....

MR. ADAIR: Hurts.

THE COURT: Hurts.

30 MR. ADAIR: If I may, Your Honour.

THE COURT: Subject to not being repetitious, sure. Subject to not being repetitious,

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certainly.

MR. ADAIR: Yes.

THE COURT: Yes. Did you want to finish there for lunch, or did you want - do you want to go to another...

MR. ADAIR: May we....

THE COURT: ...section?

MR. ADAIR: ...break for lunch at this stage? It's almost one and....

THE COURT: Before we do that - Ms. Childs you're excused until lunch. We'll just address some housekeeping matters after Ms. Childs leaves the Courtroom.

...WITNESS LEAVES COURTROOM

THE COURT: The - the letters that were read into the record, was it your intention to file those as exhibits?

MR. ADAIR: Yes.

THE COURT: Do you have them in loose leaf, so that they can be put together perhaps as one package of correspondence?

MR. ADAIR: Yes, I - I will get that if I may.

THE COURT: So we can do that after lunch, you'll take care of that?

MR. ADAIR: Yes, thank you, Your Honour.

THE COURT: I - I think as one package would make sense.

MR. ADAIR: Yes.

MS. LOMBARDI: Sorry, Your Honour, to interrupt, but if - if perhaps they could exclude the letter

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that Ms. Childs indicated she did not actually author, from that package, I think that might be helpful.

THE COURT: Any reason to include that letter?

5

MR. ADAIR: I have no problem at all, it's neither here nor there at all for me. I'll be glad to exclude it.

THE COURT: All right.

10

THE COURT: All right. So on that note then we will break for lunch and resume at 2:30.

R E C E S S

U P O N R E S U M I N G:

15

MR. ADAIR: Q. Mrs. Childs, the period we were talking about just before lunch, approximately 2000 to 2004, and you described the struggles within the community and the effort to overcome the past and go in a new direction. And do I gather that during that time, you were having a lot of difficulty with Father Farnsworth?

20

A. Yes.

Q. As - as I understand it, he was talking behind your back, among other things?

25

A. Correct.

Q. And your belief was that he was spreading false rumours about you?

A. Correct.

30

Q. And your belief was that he was undermining you with Mother Betty?

A. And lots of other people.

Q. And lots of other people. So he was a real

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thorn in your side?

A. In the community council's side and mine.

Q. And the council's side. And then in - in  
2004, at the end of this period we've been discussing, you were  
5 forced out of council, correct?

A. I chose to leave under pressure, but I could  
have made a different choice.

Q. Well, is it not fair to say that you were set  
aside or pushed out?

10 A. No. I might have used those terms at the  
time but as I look at it, I could have made a different choice.  
They did not fire me. They did not push me out. They just  
tried to, and I chose to resign at that time.

Q. Well, that's kind of a - another example of  
15 saying one thing and now changing your view of it.

A. A lot of years have gone by.

Q. Yes, they have, and in fact, you - if you go  
to that - those letters we were looking at, at Tab 6 again in  
that Volume - do you have that Volume, it's - it's marked  
20 "Defendants Supplementary Documents Volume 1"?

A. I don't think I still have it.

THE COURT: Is the package ready to file as an  
exhibit?

CLERK/REGISTRAR: Exhibit Tab A?

25 THE COURT: Right.

MR. ADAIR: There we go. Can you get this to the  
Witness, would you?

THE COURT: So we'll make the set of letters that  
were referred to, the next exhibit.

30 MR. ADAIR: Yes.

THE COURT: I believe it's Exhibit 10?

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EXHIBIT NUMBER 10: Series of letters - produced  
and marked.

MR. ADAIR: For the sake of...

5

CLERK/REGISTRAR: Exhibit 10.

MR. ADAIR: ...convenience...

THE COURT: Thank you. And if there's a  
[indiscernible]

10

MR. ADAIR: ...I want to show the Witness the  
letter in here so it can be easier - locate it.

MR. ADAIR: Q. Now, if you go to page number 78,  
it's numbered in the upper right corner, in the one, two, third  
full paragraph, and this I should say is a letter of May 24,  
2004, if you look on the page before, Mrs. Childs, correct?

15

A. Yes.

Q. And are those people the other board members  
or council members?

A. Council members.

20

Q. Council members. And then going to page 78,  
you said:

25

I told you all months ago that I  
would either die trying to  
fulfill what I believed was  
God's vision for our community  
or I would have to stop because  
I was voted out. I would have  
been willing to die trying, but  
in fact I was pushed out sadly,  
not by vote but by the strength  
of politics.

30



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(Mr. Adair)

And earlier on in that - on that same page, you talked about, in the first paragraph, about how you would have liked to have finished your term with dignity by serving out your term, but that didn't happen. And you said:

5

The way things have happened  
have caused me to feel just the  
opposite. I feel set aside.

That was how you felt at the time, right?

10

A. Well, yes and no. I mean, I wrote here that I wasn't pushed out, not by a vote, by the strength of politics, and I said above, if I had resigned, but I did not...

Q. Well....

A. ...it was not done that way. I just....

15

Q. The - the....

A. The emotional push was too great for me and I chose to step down.

20

Q. Well, not only that but if you go to the first page of that letter, which is marked "77," at the very bottom, you were very upset because they didn't even put your picture on the wall with other board members, did they?

A. They took my picture off the wall.

Q. Or took your picture off the wall?

A. And, yes, I was upset.

25

Q. And the fact of the matter is, it's pretty obvious back then that whatever the niceties were, whether you resigned, whether you were - you're - you're - they forced you out one way or the other, you were really upset about it, weren't you?

30

A. Of course, I was.

Q. Yes. And you were bitter about it?

A. At the time.

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Q. Yes, and you left Grenville shortly thereafter?

A. Yes.

5 Q. And you saw the fine hand of Farnsworth in all of this, didn't you?

A. No, I saw the fine hand of Betty Pugsley in it.

10 Q. Okay. Betty Pugsley who'd been influenced by Farnsworth?

A. Or Farnsworth being influenced by Betty, everybody being influenced by Betty Pugsley. So, in our community at that time, every decision we made was made by a vote, and every vote was a written vote, and every vote was between 85 and 90 percent positive for what we were doing, and it was those few 15, 10, 5 percent that were influenced by Farnsworth and Pugsley.

15 Q. All right. But what we're talking about is your feelings on the matter. Here you were running the council and these people didn't even want you to finish out your term?

20 A. Those few people, that's correct.

Q. Well, there had to be more than a couple.

A. A few.

Q. A few? And the....

A. As I said...

25 Q. It was....

A. ...every vote was positive for what we were doing...

Q. Yes.

30 A. ...except for a very few, very powerful people.

Q. Well, the vote of council, somebody pushed you out, or pushed you aside. Who was it?

Joan Childs - Cr-Ex.  
(Mr. Adair)

A. That small group of people that were connected to the Community of Jesus.

Q. Including Farnsworth?

5 A. I - I don't know that he was an issue at that time, to be honest.

Q. Well....

A. He wasn't one of the people who came and met with me, but he did a lot of backstabbing prior to that.

10 Q. Yes. And you from that day forward, have had an axe to grind with Farnsworth and Grenville, haven't you?

A. No, sir, I had that axe to grind long before that happened.

Q. Oh, okay. Well, as we know, you....

A. If you want to call it "an axe to grind".

15 Q. Why....

A. It was something that I felt we needed to show and prove to people that we had done bad things and we needed to apologize for them.

Q. Yes, well, you'd known that for a long time.

20 A. Yes, I did.

Q. Well, tell me something that I'm having a lot of difficulty with, maybe you can help. Here you are, you've known for a long time that according to you, this was a school of abuse. We've been over this, right?

25 A. Yes, we have.

Q. And if we accept your word for that, that it was a school of abuse, and you're telling me now you knew for a long time we had to apologize, why did it take you 10 years to issue an apology that came within a mile of saying "I'm sorry for all the abuse"? Why did it take you 10 years?

A. Which apology are you referring to?

Q. 2007.

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(Mr. Adair)

A. The one I did on - on - in the newspaper?

Q. No.

A. What?

Q. Some email to one of the students.

5 THE COURT: Can you show the witness the document  
you're referring to?

MR. ADAIR: Q. In any event, and I will, Your  
Honour, but in any event, it's late in the day and we've been at  
it for awhile. You made your first apology effort wherever, in  
10 2007?

A. No, my first apology was that letter that we  
didn't do a very good job at...

Q. Ahh.

A. ...apologizing.

15 Q. I said the first apology that came within a  
mile of coming out and saying sorry for the abuse.

THE COURT: Well, in fairness to the Witness, I -  
I think it's important - we saw that there are  
various apologies and one of the letters does  
20 express an apology...

MR. ADAIR: Yes.

THE COURT: ...so...

MR. ADAIR: Q. Tab - Joint Exhibit Book Volume  
2, Tab 125.

25 A. I'm not seeing it. Volume 2?

Q. Volume 2, I'm sorry, Tab 125.

A. I only see 132, what am I doing wrong?

MS. MERRITT: 125 is there.

THE WITNESS: Oh, I thought he said 145.

30 MS. MERRITT: 125.

THE WITNESS: My apologies.

MR. ADAIR: Q. And that's the first time you

Joan Childs - Cr-Ex.  
(Mr. Adair)

ever came within hailing distance of an apology for the hurt and wrong you caused, other than saying, 'I'm sorry a few of you had negative experiences.' That's the first time, right?

A. So what's your question?

5 Q. My question is, is that the first time you ever directly apologized for hurt and wrongs?

A. I considered the first letter, our first attempted apology. During those years, our hope had always been that Charles Farnsworth would make the apology. That was what we felt the students needed, that's what we felt was right. I finally reached the place where I knew so many students had been hurt, that I said somebody has to do this. Somebody in administration has to take the blame and say, "we did something wrong." So I chose to do it. I'm not sure why that year particularly. That was only two years after I left and there was tremendous - a tremendous outcry from students about how much they'd been hurt, so I apologized.

15 Q. And where is the evidence that you, or anyone else, ever asked Charles Farnsworth to publish an apology?

20 A. I....

Q. Where's the evidence?

A. There is no evidence. I...

Q. No.

A. ...spoke to him numerous times about it.

25 Q. And after - and I - I'm going to suggest to you that getting pushed aside off the council was something that was very, very tough on you emotionally?

A. You know, sir, after years of living at Grenville Christian College, after years of going through light sessions and disciplines and being moved from one position to another because you did something wrong, that was just another one of the many hurts that I went through while I was there.

30

Joan Childs - Cr-Ex.  
(Mr. Adair)

But all of us did. All of us had those kind of pains and hurts.

Q. Well, in this case, if you look at the Defendants' Supplementary Documents again, Volume 1, Tab 33, the letters we're putting in as a - the letters we marked separately, I'm just using this for convenience.

THE COURT: Exhibit 10? I - I think it's...

MR. ADAIR: Ten.

THE COURT: ...it's good if we use the trial record exhibit numbers so...

MR. ADAIR: Thank you, Your Honour.

THE COURT: ...that's Exhibit 10?

MR. ADAIR: Yes, Exhibit 10.

Q. If you look at it, if you go to the page marked "40", which is a very long letter.

A. I'm not at the right place, Sir. I don't know what - where you're referring me.

MS. LOMBARDI: You have the wrong --

THE COURT: Could we have Exhibit 10 put in front of the Witness, since that will make it easier, I think.

MS. LOMBARDI: There's only one copy.

THE COURT: Oh, there's just my copy. All right.

MS. LOMBARDI: Oh, this is fine.

MS. MERRITT: Oh here. What she needs my copy, it's fine.

THE COURT: All right, thank you.

MR. ADAIR: Q. Top page, top right-hand corner...

MS. MERRITT: We need the page.

MR. ADAIR: ...page marked "40".

MS. MERRITT: 40?

MR. ADAIR: If - I'll - if you can help the

Joan Childs - Cr-Ex.  
(Mr. Adair)

Witness...

MS. MERRITT: Yes.

MR. ADAIR: ...I'll all for it.

WITNESS: No, it's okay.

5

MS. MERRITT: Okay.

THE WITNESS: Thank you for your [indiscernible]

MR. ADAIR: Q. You got it?

A. Yep.

10

Q. And in that very long letter you wrote, at the end of the - at the, sorry, at the beginning of the last full paragraph, you say:

15

I was almost insane with wanting approval of those in authority, and I knew that was displeasing to God.

A. Right, all of us at Grenville were that way.

Q. Well, I don't care about all of you.

20

A. Okay.

Q. I care about you.

A. Okay.

25

Q. And you had a personality that made you, as you put it, and I realize that's some hyperbole, "almost insane," but you were desperate for approval, weren't you?

A. Yes.

Q. And the first time...

A. That's the way - may I say though, that's the way we all lived. We had to be desperate for approval...

30

Q. Well....

A. ...in order to be acceptable.

Q. That's fine.

Joan Childs - Cr-Ex.  
(Mr. Adair)

A. Okay.

Q. You were desperate for approval, and the first time you ever issued an apology that talked about hurts and wrongs or was frank in any way, shape or form, was once you saw a bunch of stories about people complaining about their...

A. No, sir.

Q. ...treatment at Grenville.

A. Absolutely not.

Q. And you wanted their approval because you sure weren't going to get it...

A. Oh...

Q. ...from anybody on the Grenville side.

A. ...heavens, no.

Q. And one last question. You went to somebody in Ottawa for a - or you contacted someone for a healing I gather, or with a....

A. Not me, for the community.

Q. The community, with a view to bringing in healing?

A. Correct.

Q. And that was for the community and the staff kids?

A. And leading up to alumni.

Q. Yes. I think yesterday you said, 'maybe later, students.'

A. Mmm - it was - it was community, staff kids, alumni.

Q. And tell me, when you talked about healing, and when you were focused on the community and the staff kids, did it ever occur to you, years before 2006, that it might be nice if there was all this abuse in the school, to contact the alumni?



Joan Childs - Cr-Ex.  
(Mr. Adair)

A. Pardon?

Q. Didn't you hear my question?

A. I didn't understand it.

5 THE COURT: I - I actually couldn't hear it  
either.

MR. ADAIR: All right. It's probably repetitive  
anyway.

THE COURT: Well, you can ask it, if it's not  
repetitive.

10 MR. ADAIR: Q. What I want to know is, here you  
were telling us that this school was a place of abuse. So that  
left a lot of hurt alumni out there and you would know that,  
right?

A. And I what?

15 Q. You would know that?

A. I still don't understand what you're asking  
me, Sir.

Q. You would know that there was a lot of alumni  
out there who were hurt...

20 A. Yes, I did.

Q. ...if this was a place of abuse?

A. Of course, I did.

Q. Well, tell me....

25 A. That's why we studied abusive communities in  
two thou - or '97...

Q. Yes.

A. ...because we had heard from so many alumni  
who had been hurt.

30 Q. And in all - in all your time, in all those  
years between 1997 and 2006, did it never occur to you instead  
of looking after your own interests, that it might be nice to  
apologize?

Joan Childs - Re-Ex.  
(Ms. Lombardi)

A. Again, I will say that our hope was to try to get Charles to do that, because it mattered more that he would do it, and when that was never going to happen, I made the choice to do it.

5 Q. Okay, thank you.

MR. ADAIR: Those are all the questions that I have.

THE COURT: Re-examination?

MR. ADAIR: Your Honour...

10 THE COURT: Yes.

MR. ADAIR: ...may I ask that Mr. Boghosian, if there's any issues on re-examination, deal with them?

THE COURT: Of course.

15 MR. ADAIR: Okay. I just wanted to ask your permission.

MS. LOMBARDI: Your Honour, I just have four very short reply questions to ask the Witness, if I might?

20 THE COURT: Of course, it's re-examination.

MS. LOMBARDI: Thank you.

RE-EXAMINATION BY MS. LOMBARDI:

25 Q. At Tab 73 of Volume 2 of Exhibit 1...

MS. MERRITT: Actually Exhibit 2.

MS. LOMBARDI: Q. ...or sorry, Exhibit 2, Volume 2 of the Joint Exhibit Book. It was an awards page. Mister....

A. Yes.

Q. Do you have it open?

30 A. I do.

Q. Mr. Adair brought you to that page, and you had asked while you were discussing the - the various types of

Joan Childs - Re-Ex.  
(Ms. Lombardi)

awards and the concept of - of the balance of - of excellence and celebrating excellence, you asked if you could make a comment, and I wonder if you would like to make that comment now...

5 A. Mmm....

Q. ...or if you can make that comment now.

A. Give me a second to think. I think that's - and I think I managed to say it at another point, is that we were a school that wanted excellence. We wanted to push our students to excellence. We wanted to feel good as a school. We wanted people to see us as a good school. But what the students went through, who attained excellence, was sometimes the thing that I see now as abusive. They would be stood up and made to look good. I - I look at, for instance, salutatorian, which happened to be my daughter. I know what she went through. It was - it was pure hell.

And I know what Amanda went through too, to try to get them to the point that they looked perfect in front of all of the parents and people who would see them at commencement, would be almost torturous, just -- and by the time they finished writing a speech, we had written it for them, because they didn't say enough, didn't say it the way we wanted it to be said. They would be corrected for anything and everything, and it was like that for all of these awards. They - they got the awards but they couldn't enjoy the awards. They couldn't enjoy the honour, because there was so much correction and so many light sessions centered around being excellent.

Q. Okay, thank you. If you could turn up the - the letter, the first apology letter, which is at Tab 105 of the same Exhibit 2 document. When Mr. Adair brought you to this document and was suggesting to you that you were not being truthful or not being truly apologetic in the letter, you had

Joan Childs - Re-Ex.  
(Ms. Lombardi)

stated something to the effect of, 'Do you want to know what I really think? Can I tell you?' Can you tell us now?

A. Ask that again, please.

5 Q. When - when you were discussing that - that first letter in December, and Mr. Adair was putting to you that it was either insincere or it wasn't truly an apology, you had said, "Can I tell you what I really think?" I - I don't - if you wanted to complete that comment now, I just wanted to give you an opportunity to do that.

10 A. Well, in terms of this letter, I think we did a very, very poor job of apologizing. We as a community council - I - I'm not sure if the people are aware but the school and the community split by this time, and so the school was being run separately from the community, even though the community  
15 oversaw the entire process. And as a community, even to write this letter, it took us days of struggling with how do we even begin to approach the idea that we had blown it so badly, and how do we put it into words, and how do we - it - it seemed too blunt, I think is the word, to just say, as Mr. Adair suggested  
20 we say, "We are sorry." We weren't at that place emotionally that we could just come out and point blank say this, when we hadn't even begun to figure out all of the aspects of this abuse and hurt and pain that we had caused the students and ourselves.

Q. And this letter didn't come from you alone?

25 A. No, the whole council wrote it, but Ken and I were the ones who signed it.

30 Q. I'd like to turn you now to that Exhibit 10, I believe. It was the stack of letters that you were going over with Mr. Adair. And if you could just turn up page 5, I just have a couple questions about that one letter. So page 5 that I'm asking you to look at, is part of the letter dated, it's the first letter, January 21st, 2000.

Joan Childs - Re-Ex.  
(Ms. Lombardi)

A. I must be at - this one?

Q. Is - that first page should be January 1st  
[sic], 2000?

A. Yes...

5 Q. Yes.

A. ...right, okay.

Q. 21st, 2000? Page 5 of that letter.

A. Okay.

10 Q. And so here, Mr. Adair had indicated that in  
this letter, you were setting out various struggles of community  
members at the time, and you didn't really discuss what those  
struggles were at that time. And I don't propose to take you  
through every - every person, but in your own words, can you  
give us a summary now of what were those struggles at that time  
15 that all these many community members listed here, Connie, you  
know, and Allan, Judy MacNeil, Margaret, Karen Phelan, Marylou  
Ray, Bob and Jean Irving, Joe Bushnell, Joanne Jones, Tom and  
Janice Tottle, Janine DePaolo, and Father and Mrs. Farnsworth  
themselves [sic] if we turn over the page, and Barb  
20 [indiscernible]. What - what - what were you trying to convey?  
What - what kind of community struggles were these individuals  
going through?

A. To live in a, what I would call dictatorial  
and abusive community for 35 years, and then suddenly move into  
25 a structure where you have a say and you vote and you decide as  
a group what is going to happen, is not easy. It was a very  
difficult time. Prior to this, prior to - to Charles being  
taken out of the community and, as in leadership, a number of  
staff had already left. I'm not sure what allowed people to  
30 suddenly face how badly they were hurt, but a few of them, it  
happened before Charles left. Once he did, it just - it was  
like opening Pandora's Box. It just - it - and this is what the

Joan Childs - Re-Ex.  
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- the healing people said.

5 It said, you know, you took the lid off and it allowed people to express and face and feel the hurts that they had gone through. So Betty Pugsley had tried to solve this for us when the Farnsworths were still there. She gave everybody an opportunity to sit down and tell them how much he had hurt them. It didn't work, namely because he had somebody from the Community of Jesus sitting next to him, kind of holding his hand, and no matter what anybody said, he'd just say, "I don't  
10 remember that." And so nobody really got the closure that I think she hoped they would get. So once he was gone, it just started to spill out. And these are just a few of the, what would you call it, devastation that was left right after.

15 Q. And you had indicated when you were talking again back to that initial apology letter, that preceding that, but definitely after that was sent out, you were contacted by various alumni expressing their own hurts and struggles. To what extent did those struggles mirror those of the ones in your community that you were talking about here, and laying out in  
20 this letter?

MR. BOGHOSIAN: Your Honour, that - that's something that ought to have been dealt with in - in chief.

25 MS. LOMBARDI: They brought up the struggles of the community members here. I can be more specific, perhaps that would be best.

THE COURT: Well, can you rephrase the question, and...

MS. LOMBARDI: Sure.

30 THE COURT: ...I'll see if Mr. Boghosian has the [indiscernible]

MS. LOMBARDI: Okay.

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(Ms. Lombardi)

MS. LOMBARDI: Q. So if you can turn at page 5 of that letter, maybe we'll just go through a few examples. It says here:

5

Connie and Allan have been up and down. Allan is taking out his anger on Connie to the point that she had to go for counselling. The counsellor felt that she was being emotionally abused.

10

If we look at Judy MacNeil, you say:

15

They've been going through a lot of struggles, mainly with the issue of trust.

20

So - "Karen Phelan is battling depression." Were you receiving letters or emails or communications from alumni preceding the apology letter and after, that were outlining the fact that they had been emotionally abused or had issues of trust, or had been battling depression?

25

A. Yes, many had been seeing counsellors.

MR. BOGHOSIAN: Your - Your Honour...

THE COURT: Please, Ms. Childs...

30

MR. BOGHOSIAN: ...my - my friend took the Witness through this letter - so called apology letter, at Tab 105, Exhibit 2 in-chief. And if she wanted to - to ask questions about what was the fallout of that letter, that was the time to do it.

MS. LOMBARDI: I....

Joan Childs - Re-Ex.  
(Ms. Lombardi)

THE COURT: Right.

MR. BOGHOSIAN: Not in re-examination.

THE COURT: Right. I - I think though that in cross-examination, getting into the timing of the apology and why not the students, I think that was a live cross-examination point, and - and this seems more driving at that...

MS. LOMBARDI: It - it's...

THE COURT: So...

MS. LOMBARDI: ...it's also more a comparison between the new letter that has been brought forward outlining things, yes, it is.

THE COURT: You can ask the question.

MS. LOMBARDI: Thank you.

MS. LOMBARDI: Q. So, once again, Ms. Childs, I had outlined a few things like emotional abuse, trust, depression. Were those the kinds of things, or - or I should say, what kinds of things were you receiving from these alumni?

A. The same kind of things. Obviously, not exactly the same, but a number of alumni came to see me. A number wrote to me. A number called me. And they would just be saying that they - they couldn't get past feeling like they didn't matter, that they were no good, that - that they were wrong all the time, and that they were seeing counsellors, and the counsellors were trying to help them through this. Several came and talked to me about the fact that they had been paddled...

MR. BOGHOSIAN: Yes, Your Honour, now this is hearsay.

THE COURT: You are getting into a description - are you tendering this for a hearsay purpose, or to respond to something else?



Joan Childs - Re-Ex.  
(Ms. Lombardi)

MS. LOMBARDI: I - I simply, for the purpose of understanding how the struggles of the community members may or may not have compared to that of the - of the students, that...

5

THE COURT: Well, but that...

MS. LOMBARDI: ...to her knowledge.

10

THE COURT: ...would be a hearsay purpose, because of one would have to accept that those struggles were real. I had taken your line of questioning to be going to why or why not apologies, and if the Witness didn't know anything, whether or not it's true about stories of abuse from the students, that that might connect up to why dealing with community alumni first. So perhaps I misunderstood the line of questioning. But you can't have this Witness describe what people said for the truth of what it is, was told out of Court by unknown declarants.

15

20

MS. LOMBARDI: Thank you, Your Honour. That's - I - I have no further questions for this Witness.

25

THE COURT: All right. Ms. Childs, I have one question for you. Throughout the years at the school when you were there, and during the light sessions that you described, was it the practice to have those confrontations or criticisms ever posed to either Father Haig or Father Farnsworth?

30

WITNESS: Not by us, but they would go through the same thing at the Community of Jesus when they went down there. But no, we wouldn't. No.

THE COURT: No? And - and just to follow up so I understand that, is that because of the - the way

Joan Childs - Re-Ex.  
(Ms. Lombardi)

the hierarchy was...

THE WITNESS: Right.

THE COURT: ...structured? Only somebody above  
you in the hierarchy could point out your faults  
or...

THE WITNESS: No, it was just...

THE COURT: ...someone equal?

THE WITNESS: ...it was just they who you  
couldn't point their faults out to. Any - any  
staff member could to any other staff member. It  
was just the Farnsworths and the Haigs...

THE COURT: Okay.

THE WITNESS: ...who couldn't be spoken to.

THE COURT: Okay. Are there any questions  
arising from my question?

MR. BOGHOSIAN: I didn't actually hear your  
initial question, Your Honour.

THE COURT: I asked if at the light sessions in  
the community, whether, now I won't probably  
Repeat it precisely, but whether the criticisms  
that can be placed at the people in the sessions,  
were ever permitted to be done to the Fathers  
Haig or Farnsworth. Any questions arising from  
my question?

MS. MERRITT: No.

THE COURT: Ms. Childs, thank you very much for  
your attendance.

THE WITNESS: You're welcome.

THE COURT: You are free to go and you're  
finished.

THE WITNESS: Thank you.

THE COURT: Is this a good time to take a short

M. Mayberry - in-chief  
(Ms. Lombardi)

afternoon break to...

MS. LOMBARDI: It would be, Your Honour. Thank you.

THE COURT: ...organize your next witness? All right. Thank you very much.

COURT SERVICES OFFICER: Order. All rise.

THE COURT: Ten minutes.

CLERK/REGISTRAR: Ten minutes? Order.

R E C E S S

U P O N R E S U M I N G:

MARGARET MAYBERRY: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good afternoon, Margaret.

A. Good afternoon.

Q. Would you please tell us where you reside?

A. I live in Johnson City, New York.

Q. And....

A. Do you need my address?

Q. No, that's fine...

A. Okay.

Q. ...thank you.

THE COURT: Ms. Mayberry, one of the mikes in front of you actually amplifies your voice, and I believe it's the silver one.

THE WITNESS: Okay.

THE COURT: So if you can position that so that we can hear you...

THE WITNESS: Okay.

M. Mayberry - in-chief  
(Ms. Lombardi)

THE COURT: ...that will be great.

THE WITNESS: Sorry.

THE COURT: Could you repeat your answer?

THE WITNESS: Yes, I live in Johnson City, New  
York.

THE COURT: That's much better, thank you.

MS. LOMBARDI: Q. And what do you do for a  
living?

A. Well, I was a teacher at Grenville and then I  
continued teaching at a community college in our community, and  
I'm retired now.

Q. And are you involved at all in your  
community, in your retirement?

A. Yes, in - we're members of a church and I  
actually have a little part-time job at our church.

Q. And what do you do at that?

A. I'm in charge of the Spanish Apostolate.

Q. And what....

THE COURT: Sorry, Spanish Apostolate?

THE WITNESS: Yes.

THE COURT: Thank you.

MS. LOMBARDI: Q. And what's your educational  
background?

A. I have a - a bachelor's degree in Spanish and  
a master's degree in applied linguistics. And I also have a  
graduate certificate in Hispanic theology and ministry.

Q. What did you do when - I guess I should back  
up. When - when did you obtain those various degrees?

A. I finished my bachelor's degree in 1977. I  
finished my master's degree in May of 1980, and the graduate  
certificate in theology I did five years ago.

Q. Okay. So after obtaining your master's

M. Mayberry - in-chief  
(Ms. Lombardi)

degree in 1980, where did you go after you graduated?

A. That summer I went to Ecuador as a summer missionary, but then I went to Grenville in August and started teaching in September.

5 Q. So you started teaching in September, you said?

COURT REPORTER: Please, speak up.

THE WITNESS: Yes. Sorry?

10 THE COURT: If - if you could keep your voice up right to the end of the sentence.

THE WITNESS: Okay, sorry.

THE COURT: Madam Reporter has to hear everything.

THE WITNESS: Yep.

15 THE COURT: Thank you.

THE WITNESS: Sorry.

MS. LOMBARDI: Q. So what were you teaching at Grenville?

20 A. Well, I taught English and I taught ESL - English as a Second Language to our foreign students, and then later on I taught Spanish.

Q. And who hired you to teach at Grenville?

A. Al Haig.

25 Q. And how did you come to be at - at Grenville, in Canada?

A. When I was finishing my master's degree in Rochester, New York, the - my pastor's son was a student at Grenville and he suggested to me that I might go up and look and see if I was interested, and so I did.

30 Q. When you were - where did you live while you were working at Grenville Christian College?

A. The first - mainly in Murray Hall (ph), which

M. Mayberry - in-chief  
(Ms. Lombardi)

was the girls' dormitory. We had small apartments there for the staff.

Q. Perhaps I'll - I'll take you to Exhibit 1,  
Tab 43.

5 MS. MERRITT: I can help - I'm going to help the  
Witness just for the first.

MR. ADAIR: The Joint Book?

MS. LOMBARDI: Yes.

MR. ADAIR: Thank you.

10 MS. LOMBARDI: Exhibit 1.

MS. MERRITT: Tab?

MS. LOMBARDI: 43.

MS. LOMBARDI: Q. Really, I'd just like to turn  
you to the very last page of that exhibit. It's a - it's a  
15 diagram.

A. Yes.

Q. And so just - just so we can follow along...

A. Mm-hmm.

Q. ...is - where is Murray Hall depicted?

20 A. It's...

Q. Is it depicted on this...

A. It's on the...

Q. ...diagram, yes?

A. ...right-hand side of that traffic circle.

25 Q. Okay. And was that - it says on this  
document, "Murray Hall Girls Dorm."

A. Yes.

Q. So you were living in the girls' dormitory?

30 A. Yes, but we had apartments at the end of the  
hall.

Q. I see. And just looking over this diagram  
generally beyond Murray Hall, is this a - a reasonable

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reflection of what the campus layout was at Grenville?

A. Yes.

Q. Thank you.

5 MR. ADAIR: I'm very sorry to interrupt my  
friend, and I suspect that it happened but I  
didn't hear her. Could we establish when the  
witness first went to Grenville?

10 THE WITNESS: Yes, I - I - I went - I arrived  
there in August of 1980, and I started teaching  
in September.

MR. ADAIR: 1980?

MS. LOMBARDI: Q. Can you tell us what the  
Community of Jesus was?

15 A. Well, it was - almost all of the staff at  
Grenville when I was there were oblate members of the Community  
of Jesus. It was considered our motherhouse and before I went  
to Grenville, I used to go on retreats there.

Q. And - and what was the Community of Jesus?

20 A. Well, it's - it's a religious community that  
has an order of nuns, an order of monks, and then a lot of  
married families.

Q. And you said that you were a member of that  
community. What kind of member were you?

25 A. Well, the - an oblate member. So we were not  
in residence there, but we would go down for retreats.

Q. And how often would you go down for retreats?

A. Once a year.

MR. BOGHOSIAN: Sorry, was this...

MS. LOMBARDI: Q. Did...

30 MR. BOGHOSIAN: ... before - I'm so sorry but I -  
was this before she went to Grenville?

THE WITNESS: I - I went on retreats there before

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I went to Grenville and while I was at Grenville.

MR. BOGHOSIAN: Thank you.

MS. LOMBARDI: Q. I'd like to take you to Exhibit 6, which was for my - for my friends and for those following along, it was formally in the Plaintiffs' Supplementary Book at Tab 1, but it was marked as an exhibit to the trial. You can turn it up there in your book [indiscernible]. So if we turn to page 9 of - before we turn anywhere, do you have the document?

5  
10

A. Yes.

Q. Do you recognize that document?

A. No.

Q. Do you recognize the document, Margaret?

15

A. Well, I - I don't - I don't recall seeing it before, but I imagine I did.

Q. Okay.

20

THE COURT: Counsel, if you could just hold on for a minute. I - I think defence counsel need a chance to find the document. Let's make sure everyone's got it so they can follow along.

MR. ADAIR: Thank you. I am struggling. Yes.

THE COURT: That one.

MR. ADAIR: All right...

THE COURT: So...

25

MR. ADAIR: Okay.

THE COURT: ...so we're in Exhibit 6 on the trial.

MR. ADAIR: I - I apologize.

THE COURT: All right.

30

MS. LOMBARDI: Q. Can you turn to page 9 of that document, please? The title at page 9 is, "Community of Jesus Members First Vows." Were those the vows that you gave to the



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Community of Jesus?

A. Yes.

5 Q. And if I can turn you to page 16. The title there is "Community of Jesus Members Final Vows." Did you give those final vows as well?

A. No, those were just for the resident members.

Q. Resident members, okay. So when did you become a member of the Community of Jesus?

A. I don't remember exactly, maybe 1978 or '79.

10 Q. And you commenced teaching at Grenville, you said, in September of 1980?

A. Yes.

Q. So you were a member prior to going to Grenville?

15 A. Yes.

Q. Okay, thank you. And - and during that time before you started living and teaching at Grenville, were you residing at the Community of Jesus?

A. No.

20 Q. No.

A. I was living in Rochester, New York.

Q. Okay. How long were you a member of the Community of Jesus?

A. Until I left Grenville.

25 Q. And when was that?

A. I left in June of '99.

30 Q. In this case, Ms. Mayberry, we've agreed on certain facts which are contained in a - in a document that I'm about to have handed to you, called the "Agreement Brief." It's a small red brief, Exhibit 3. And I'd like to take you to Tab 2 of that. And if you could turn to page 7 of that document, paragraph 17.

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A. Yes.

Q. So, that paragraph states:

5                   The COJ philosophy is described  
as: covenanting together to live  
in openness and honesty and  
giving and receiving correction,  
allowing the power of the cross  
10                   of Christ to transform many of  
our former ways of living and  
thinking and that to live in  
community is to live in  
obedience.

15                   Can you describe for me what the "giving and  
receiving of correction" was like for you?

A. It was - it was being corrected by other  
people at Grenville for what was perceived as attitudinal  
problems on my part. Rarely was it anything to do with  
20                   behaviour.

Q. What kinds of attitudinal problems were you  
corrected for?

A. Being haughty, being jealous, being - sorry,  
I can't remember but things like that.

25                   Q. Okay. And how were you corrected?

A. I would be spoken to by a couple of people  
usually.

Q. And can you describe where this would take  
place?

30                   A. As I recall, it was often in the dining room,  
not - not when the dining room was in session, but during other  
hours.

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Q. During other hours. Okay, thank you. And so how did it make you feel to be corrected?

A. It was awful. I mean you felt like you could do nothing right.

5 Q. What does "living in obedience" mean to you?

A. It means that we had to do everything we were told, and we were told a lot.

Q. And how did you show your obedience?

A. By doing what we were told.

10 Q. To whom were you obedient?

A. Well, Charles Farnsworth.

Q. And how did that make you feel?

A. I didn't like it.

15 Q. You mentioned that you would, every year, visit the Community of Jesus on retreat?

A. Yes.

Q. How long would that retreat last?

20 A. Usually just a long weekend. I think we would go down on a Friday and come back Sunday afternoon. It was a long drive.

Q. And what were some of the things that you did over that long weekend, at this retreat at the Community of Jesus, in the summer?

25 A. Well, we'd have sessions in the chapel usually, and then mealtimes and I - I don't remember much else, sorry.

Q. What - what do you mean by "sessions"?

30 A. When - when the Mothers would be speaking to us.

MR. ADAIR: I - I'm sorry.

MS. LOMBARDI: When the Mothers would be speaking to them.

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MS. LOMBARDI: Q. So we spoke a little bit before about obedience. How was your obedience enforced upon you when you were at Grenville?

5 A. I'm not sure what you mean by that. I mean, we just - we did what we were told. There was no not doing it.

Q. Can you provide an example? You mentioned that when you were corrected, you would have a - a small session. Can you give an example of, or do you have an example of when you weren't obedient and - and being corrected for that?

10 A. Yes. Once when I was in my early 30's, I went to dinner at a restaurant in Brockville with a girlfriend of mine, and we - we had a drink with dinner, a mixed drink, and the owner of the restaurant called Charles on the phone. He called back and told us to come home immediately, and we were  
15 put on discipline for six months and not allowed to have anything to drink.

Q. Okay. And how did that make you feel?

A. Ridiculous. I mean I was a grown woman.

20 Q. I'd like to take you to another document, if I might. It is in Exhibit 9, which is Volume 3 of the Joint Exhibit Book.

A. This - this here? Thank you.

Q. In that Volume, you'll find it at Tab 140.

A. Yes.

25 Q. Do you recognize this document?

A. Yes, it's a letter I wrote before I left Grenville.

Q. And so - thank you.

30 MS. LOMBARDI: Can I - sorry, one moment, Your Honour.

THE COURT: Sure.

MS. LOMBARDI: Q. This letter is dated December

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31st, 1998, and it is addressed to the Comm Board and the School Board. So I'll start with the first one. Who or what is the "Comm Board?"

5 A. After Charles retired, there was a community board, that's what that stands for, and they were the administration of the school. And the school board, I don't remember.

Q. Okay. And I'd like to turn your attention to the second paragraph of that letter.

10 A. Yes.

Q. The second paragraph of that letter. Can you read that second paragraph for us, please?

A. Yes.

15 My concerns are several. I feel guilty now that I'm not working because I realize that everyone here needs this kind of time off, but they don't have a note from a doctor as I do. Also, although I am anxious to start teaching and coaching again in September, I don't know if I'll be able to. We all saw a lot of things together this summer as a community family, but all of our best intentions went down the drain when school started. It is simply impossible to live a sane life here now with the current work demands and stress. I look at the people in my Bible

20

25

30

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5 study group and see them  
beginning the same spiral down  
that I started when I arrived  
here 26 years old, ready to  
serve God, ready to take risks  
and try anything. I am  
physically and emotionally worn  
out, worn down as we all are, by  
10 the emotional abuse we all  
suffered, and the impossible  
work demands. What I don't know  
is whether it will all just  
recur once I begin teaching  
again because a lot of the  
15 problem is due to existing  
conditions here, not my own  
personal problems.

Q. Can you describe in more detail for us, what  
emotional abuse you're referring to in this - in this paragraph?

20 A. We were - we adults were treated like  
children who had no brain, no mind, no ability to make decisions  
about our own life. And the only people that Charles trusted  
were a small group of the A Team, and we were - you know,  
nothing we ever said or did was right. We were never thanked,  
25 you know, for the work we did.

Q. And can I ask you to also read the third  
paragraph, the paragraph that follows the one you just read.

30 A. Although many great strides have been made in  
the last 18 months, it is only a scratch on the surface. How  
many people will have to leave or become clinically depressed  
and emotionally so drained that they can no longer function,  
before we all recognize that there are fundamental changes which

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have to happen. I have lost three of my closest friends because they could no longer survive here.

5 Q. And I'm just going to stop you there, thank you. What "great strides" are you referring to, having occurred over the last 18 months, in this letter?

A. I'm not quite - I don't really quite remember. I mean, some good changes were made after Charles retired and left.

10 Q. Can you give us some examples of that?

A. No, sorry.

Q. Okay. Okay, if we could turn the page over, and I'd like to draw your attention to the second paragraph on the second page of this letter. And can you read that out please?

15 A. I have written a lengthy note to Charles Farnsworth explaining in detail the abuses of this totalitarian system we have lived under for 20 years, which is largely his responsibility. He apologized and we later talked further, and I feel totally resolved with him. I also take my own  
20 responsibility for lying down and playing dead, and not choosing to ask God what he wanted to say to me and then acting on it.

Q. So can you please explain in more detail, the "totalitarian system" that you refer to in this paragraph?

25 A. Well, he - Charles had total control over everything in the school, and his word was law. We could never question any decision that he made.

Q. Thank you. If I could ask you to in that same volume, so that would be Exhibit 9, Tab 143, Volume 3 of the Joint Exhibit Book.

30 A. Okay.

Q. Do you recognize this document?

A. Yes, it's a letter that I wrote to the

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Ministers at Grenville, after I had left and was married.

5 Q. And I - I just want to flip you through - that Tab has four, I believe four pages. The first - the first - so you'll see there's one version of the letter that has a bunch of blue highlighter that's very difficult to read.

A. Yep.

Q. But Margaret, I should ask you, at the bottom of this letter here with all the blue highlighting, is that your signature?

10 A. Yes.

Q. Yes. Thank you. And if we flip over, there's just a cleaner copy of the same letter, that might be easier to read so we've included it there. So if it's easier, Ms. Mayberry, for you to follow along in the clean copy, please do so. I'd like to draw - but first I'd like to ask you, why are you writing to Bishop Mason along with a number of others including the prioress of the COJ and - and some of - and Charles Farnsworth, et cetera.

20 A. Mm-hmm.

Q. Why are you writing this letter?

A. I wrote it because I had done a lot of reading about cults, and Grenville was a cult, and so I wrote this letter to inform them.

25 Q. And why are you writing to Bishop Mason in particular?

A. Well, because he was - he was our bishop and I - I had written a personal letter to him also.

Q. Would you please read the second and third paragraphs of this letter?

30 A. I am writing this letter for two reasons. First my own need to expose the emotional and spiritual abuse I suffered, and secondly my hope that a public apology from the



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current and former administration will help the healing process for all of us and will enable the Community of the Good Shepherd to go forward in its call of God.

And you said the third paragraph also?

5

Q. Yes, please.

10

A. In recent months I have been doing some reading about cults by well-known Christian psychologists. I have discovered that there are hundreds examples - hundreds of examples of conservative evangelical Christian groups getting off base due to dictatorial leadership. I am certain that it is common knowledge among the clergy that there were many cultish and excessive practices at the Community of Jesus in the early years which were passed onto GCC. I know that there has been an acknowledgment of, and apology for those excesses at the C of J, which has enabled them to continue to follow the leadings of the Holy Spirit in their lives and ministries.

15

Q. Can you please describe for us what you're referring to when you say, "cultish and excessive practices"?

20

A. Well, I give specific examples of that in the rest of the letter.

Q. Okay. We - we can get to that. Then we'll - let's just turn over to the next page. And so maybe you can describe for us what it is that you're - you're setting out in this letter.

25

30

A. Okay. Well the first - the first example is - is milieu control. We were, at least the staff, were isolated from our family, our own families and the outside world. We were discouraged from visiting our family. I hardly ever got to go visit my family in the 20, 19 years I was there. And that we were all in a state of sleep deprivation because of the extreme time demands of the jobs and meetings, and we knew that somebody was telling - extensive information about everyone is being

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conveyed to the authorities.

Q. And so - so you're - so, the first heading on the second page is "Milieu Control." And is it that you're - so what - what is "milieu control"?

5 A. Well that we - we lived at Grenville, we were, you know we were allowed occasionally to go into town if we needed to buy something, but basically we were just there, and we weren't allowed to go visit our own families.

10 Q. And the second - second heading, I think - I think you've - you've covered for us. What about heading number 3, "Disallowance of Dissent"? What is that?

15 A. Well, the - the leader of the group is above criticism as a spokesperson for God, and any expression of disagreement with the leadership is construed as undermining the authority of the pastor, so we were not allowed to question Charles' decisions, we were expected to submissively obey.

Q. And what is the "cult of confession"?

A. He - he required us and the staff students as well, I think, he required us all to have a confession with him.

20 Q. And what would - what would - you confessed, or what was - what was that conversation like?

A. I don't remember everything that I said, but one thing I said to him in my confession was that I had - that I was sexually involved with my boyfriend when I was 18 years old.

25 Q. And so did you have more than one confession with...

A. Only one as I recall.

Q. Okay. And what is - what does "loaded" - "Loading the Language" mean, heading 5?

30 A. They - there were all these phrases that we got from the Community of Jesus, and so even far-reaching and complex human problems were compressed into little phrases like

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"just confess your jealousy," things like that.

Q. Okay. And - and does this "loading the language" apply to Grenville?

A. Oh, yes.

5

Q. How so?

A. Well, if we ever went to talk to someone about a problem we were having, we wouldn't get a - a reasonable answer, we'd get some phrase like this: "oh, you're just jealous, just confess your jealousy."

10

Q. And heading 6, "Doctrine Over the Person".

A. Mmm.

Q. What does "doctrine over the person" mean?

15

A. That the doctrine and the community good are always more important than any individual. And there was a demand that our character and identity be reshaped, not in accordance with our talents and uniqueness but in order to fit into a little box that Charles found acceptable.

Q. Can you provide an example, something illustrative of that at Grenville?

20

A. I'm sorry, the - over this "doctrine over the person"?

Q. Mm-hmm.

25

A. Well, I know that when I came, I started teaching immediately but some friends of mine who came a couple years later were forced to do menial work. They were qualified teachers, they'd been teaching, and they were forced to go menial work for the first few months before they were allowed to teach.

30

Q. Okay, thank you. I'd like to just go back to "cult of confession" for a moment. You mentioned that you had given your confession about having a relationship with your boyfriend to Charles Farnsworth. What, if anything, resulted

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from this confession?

5 A. Well, about a year later, I was sick - very sick in bed with bronchitis and Charles and his wife Betty came to see me in - in my room. And I thought they were coming to see how I was doing, but instead he told me that I was a lustful woman, implying that that was the cause of my illness. And he had no reason to say that except my confession to him, because we lived like nuns and our behaviour was above reproach.

10 Q. Thank you. I'd like to turn you to Tab 144 of that Volume, which is Exhibit 3, Volume 3 of the Joint Book of Exhibits. Do you recognize this document?

A. Yes, it's another letter I wrote in November of 2001.

15 Q. And so why are you writing again and - and you are writing to Bishop Mason, the community council, Steve Dave, Carol and...

A. Monise (ph).

Q. ...Monise. Why are you writing once again to Bishop Mason, November 12, 2001?

20 A. I'm not sure why I included the bishop, but they - I had been asked by them if I would be on a committee to help with the, I don't know what they called it, the renewal process or something at - at Grenville. And so I wrote to toll [sic] them - to tell them that I was unable to do that.

25 Q. Can you read the second paragraph of that letter for us please?

A. Yes.

30 After much prayer, I have decided I cannot be involved in this committee right now. I am in the middle of my recovery

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5 from years of abuse and have  
made significant progress.  
Unfortunately, since receiving  
your letter again I have really  
6 battled feelings of despair and  
depression again, so I know I  
cannot emotionally deal with the  
same type of community issues  
10 which caused me so much pain and  
anguish.

Q. And, again, can you provide us with some  
examples of those community issues that were causing you so much  
pain and anguish?

15 A. Well, I think it was just talking about how  
we had lived, what our life was like at Grenville, and this  
committee was going to try to change some of those things that  
were bad, but even talking about them upset me.

20 Q. Okay. Thank you. I'd like to move on to  
talk about the Grenville College, the school and its structure.  
So what roles did you have at Grenville? You mentioned that you  
were a teacher and you taught ESL and English.

A. Uh-huh, and Spanish.

25 Q. And Spanish. Did you have any other  
duties...

A. Yes.

Q. ...as a staff member at Grenville?

A. Oh yes, we all had tons of duties. I was a  
coach, which I really enjoyed.

30 Q. What did you coach?

A. I coached cross-country running in the fall,  
and cross-country skiing in the winter, and track and field in

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the spring. And I was also a dorm supervisor which meant a couple mornings a week and a couple evenings a week I had to be in the dorm when the girls got up, make sure they got ready for school and did cleaning chores in the dorm before they went to breakfast, and in the evening to make sure that the lights were out and the girls went to bed, or to late lights. And also part of being a dorm supervisor meant that we had to do supervision in the evening after supper and on the weekends, and I also was in charge of an evening study hall once a week.

5  
10 Q. Okay. And - and as a dorm supervisor, did you report to anyone? Who did you report to?

A. Yes, the deans of women.

Q. Okay.

MR. ADAIR: Sorry, who?

15 MS. LOMBARDI: The - the deans of women.

THE WITNESS: The deans of women.

MR. ADAIR: Okay.

MS. LOMBARDI: Q. And who were the deans of women at that time for you?

20 A. Judy James and Judy MacNeil.

Q. So, you mentioned, or you just told us that as a dorm supervisor you were obviously involved in the supervision of - of students. I'd like to take you to Exhibit 1, Tab 71, which is Volume 1 of the Joint Exhibit Book.

25 A. Sorry, I don't see a 71.

MS. MERRITT: It's the second volume underneath...

WITNESS: Oh, oh....

MS. MERRITT: ...this book.

30 WITNESS: Okay. Okay.

MS. LOMBARDI: Q. So that's - I apologize for the record, I should - it's Exhibit 2, Tab 71.

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A. So 71 here.

Q. Yes.

A. Okay.

5 Q. "Girls Dress Regulations 1989/90." Could you  
read the second paragraph for us?

A. In general terms, the important thing to  
avoid is any clothing which is too tight or too short above the  
knee, as well as skirts and dresses with slits or open pleats  
where the opening extends above the knee, and form-fitting  
10 knitted suits, dresses or sweaters. Conversely, we do not  
approve of shirts worn outside skirts or oversized garments.  
Necklines on all garments cannot be low-cut or loose, which  
allows cleavage to be exposed when bending from the waist, nor  
are low-cut back necklines allowed.

15 Q. Can you also read paragraph 7 of this  
document?

A. About the makeup?

Q. "A full slip or camisole"?

20 A. The - okay, okay.

A full slip or camisole and  
half-slip must be worn with  
dresses and skirts. Briefs must  
be regular waist style with no  
25 hip hugger or bikini types.  
Bras must be supportive, the  
thin tricot types are not  
acceptable since they are  
inadequate during sports such as  
30 basketball, volleyball, et  
cetera. Nightwear may be knee  
or full-length gowns or pajamas.

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T-shirts, undershirts, boxer shorts or track suits are not acceptable sleepwear.

5 Q. Were these regulations something as dorm supervisor that you would be supervising?

A. Yes. I mean during the week the girls wore their uniform to classes, so it was more the - the women who supervised the dorms on the weekends, that had - when they were  
10 allowed to wear casual clothes.

Q. And so how exactly was this supervision carried out?

A. Well, they would - I never did dorm on the weekends, so I'm not sure but I think the - the dorm supervisor  
15 women would just check what each girl was wearing, make sure it was acceptable.

Q. Okay. And - and you read in that - in that paragraph there, about no hip hugger or bikini type briefs. Was that something that was in your job description, that you - that  
20 you would supervise?

A. Yes. We were....

Q. And how would you do that?

A. We were called often, we women, to search the girls' drawers in their dorm room to check their underwear.

25 Q. You said "often." How - how often did that occur?

A. Several times a year.

Q. And what would happen if you - you found contraband briefs?

30 A. I don't really remember, but I'm sure the girls would have been told or their parents that they needed to replace them with something acceptable.



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Q. Okay. I'd like to turn you now to Exhibit 8.

A. In the first document?

Q. It's a - sorry, it's a loose document, it  
won't be in that volume. It's being handed to you there. Do  
5 you recognize this document?

A. Yes.

Q. Okay. And I'd like to turn your attention  
to, it's page 8 of the document. The - the document numbers are  
located in the bottom centre of the page. And if I could draw  
10 your attention to "Code of Behaviour." Could I have you please  
read that very short last paragraph, just before the sub-heading  
"From the Headmaster"?

A. Okay.

15 It is also the expectation that  
each student will conform to the  
spirit of the school family.  
Where behaviour or attitude is  
seen to place the spirit in  
20 jeopardy, appropriate  
disciplinary action will be  
taken.

Q. Thank you. What kinds of behaviours were  
considered to jeopardize the school spirit?

25 A. Again, they were - well, occasionally, you  
know, if a student broke a rule like smoking, which wasn't  
allowed...

Q. Sure.

30 A. ...they - they'd get put on discipline for  
that. But a lot of times it was the attitudes again. Charles  
was sure he knew what everyone's attitude was.

Q. And again, what were those attitudes? What

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kinds of attitudes?

5 A. Well, if they - if they thought that the student was critical of the school, or - or if staff members wore - actually, I'm not sure what else, but things to do with their attitudes.

Q. Okay. And can you tell us what "appropriate disciplinary action" was?

10 A. Well, when students were placed on discipline, they were taken out of classes. It would be for a day or two or three and they had to work, usually in the kitchen, washing pots and pans. They were not allowed to wear their uniform, and they were on silence. They could not speak to anyone except the staff member for whom they were working.

15 Q. And you said, "usually the kitchen." Were - were there any other places that kids on discipline....

A. Yes, I think sometimes some of the boys worked outside with the men, maintenance men.

Q. Did you ever observe a student on discipline? Can you give an example?

20 A. All the time. Because when I was Assistant Dean of Women, I was responsible for setting up their schedules and putting them on discipline. Well, the deans did that, but I had to organize their time. So I saw lots of girls who were working in the kitchen. Once I saw - and usually they were  
25 doing work that was necessary work, but once I witnessed a - an older boy student who was on his hands and knees picking up leaves off the front yard, being supervised by an eighth-grade staff boy. It was just total humiliation. There was nothing else to be said about it. I have no idea what he did but....

30 Q. And so you said as Assistant Dean of Women, you would have to organize the time of the students on discipline. Can you please describe what those duties were?

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5 A. Well, I'd - I'd have to get prefects to eat meals with them, breakfast, lunch and dinner. And then they were allowed to study in the evening in a separate room, and - where their teachers could come and meet with them, and if I recall correctly, I think there was a prefect in there studying with them also.

10 Q. And so just shifting hats a bit, while you were a teacher then, how often would you say you were meeting with students on discipline who had been taken out of class that day to - to deal with them.

A. Out of my class?

Q. Mm-hmm.

A. Oh, once a month at least.

15 Q. If I could draw your attention now to Exhibit 9, which is Volume 3 of the Joint Exhibit Book, Tab 146.

A. Is it in this....

Q. It's the smaller volume. It - yes that one right there.

A. Okay.

20 Q. Tab 146.

A. Excuse me?

Q. Tab 146.

A. Oh, sorry, wrong one. Yes.

Q. Okay. Do you recognize this document?

25 A. Yes. It's a letter I wrote to the Archbishop...

Q. So....

A. ...in 2007.

30 Q. Thank you. I'm just going to read you a short excerpt in the fourth paragraph of this letter.

"Farnsworth repeatedly told all the teenage girls at Grenville that they were like 'bitches in heat,' et cetera,

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and he was paranoid about anything sexual."

Here you say that he repeatedly told the teenage girls at Grenville that they were like "bitches in heat." How - how frequent is "repeatedly"? What do you - how frequent did this happen?

A. Well, he - he would have - he would have meetings with the girls in the dorm lounge room after evening study hall, and so all the girls would be there plus several of us women dorm supervisors.

Q. And - and what - how many students approximately would that be, sitting in the room?

A. Well, all the girls. I don't - I'm sorry I'm not sure, maybe 80 or something like that.

Q. Okay. And - and how - can you describe a little bit more how this discussion would come about?

A. Sorry, I'm not sure what you mean.

Q. You said, in the letter you say, "bitches in heat" and then "et cetera." What other things were said at these....

A. He'd call them "Jezebels" and "harlots."

Q. And how long would these discussions last?

A. It wasn't a discussion, it was just him talking.

Q. Okay.

A. But it was about half an hour.

Q. Half an hour? And...

A. Twenty minutes to thirty minutes.

Q. Okay. And sorry, what time of - of day would this be?

A. At - I think study hall ended at 9:00, so it would be after that.

Q. Okay. And how often - sorry did you say that

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- that these types of sessions would occur?

A. I don't recall precisely, but at least twice a year.

5 Q. Okay. Thank you. If I can just draw your attention back to your letter and picking up with the sentence that follows the one that I just read in the fourth paragraph of the letter.

10 He had inappropriate discussions with elementary-aged children about masturbation without their parents' knowledge.

15 How were these discussions about masturbation inappropriate?

A. He had no right to speak to these boys about that. That was something for their parents to do, and they - these boys were in elementary school. They probably didn't even know what he was talking about.

20 Q. Thank you. What can you tell us about light sessions at Grenville?

25 A. Well, for us staff, we would have staff meetings in the big lounge room and different people would be put on the hot seat and yelled at and corrected for various things.

Q. Such as?

A. Again, usually attitudinal things.

Q. So do you - do you have a recollection of - can you give us an example of one those such sessions?

30 A. Not precisely, but generally speaking, you know a person would be - being yelled for being jealous of someone else, or not working hard enough, or....

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Q. Okay.

A. [indiscernible]

Q. And how often would these staff light sessions occur?

5 A. Well, in the 80's, it - they happened fairly regularly. I'd say, again, once a month.

Q. And apart from the staff, did light sessions apply?

A. Yes, the students also had them.

10 Q. And how often - what did those light sessions with the students look like? Was it similar to the ones that you just described being in a small room?

MR. ADAIR: Well...

A. Well, no, he would...

15 MR. ADAIR: ...that is, with respect.

MS. LOMBARDI: I'll withdraw that question.

MR. ADAIR: Well, okay. Fine.

20 THE COURT: All right. This might be a - a good time to complete for the day, it's 4:25, unless there's some short area to finish this off when you're on this document.

MS. LOMBARDI: That's fine, Your Honour. Thank you.

25 THE COURT: You - you were planning to go somewhere else next?

MS. LOMBARDI: Yes.

30 THE COURT: All right. Thank you very much. We're finished. Please come back tomorrow Ms. Mayberry, all right? So you're - you're free to step down.

THE WITNESS: And be here at 10:00?

THE COURT: Yes, please be here at 10:00 or

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shortly before if you could.

THE WITNESS: Yeah, yeah, I will.

THE COURT: Ah, thank you. Actually, you don't  
need to come till 11:00. There's a matter I have  
to deal with first tomorrow. Thank you for  
reminding me. So 11 a.m. tomorrow. All right.  
Thank you. You're - you're now free to go.

Thank Madam Registrar for reminding me, so yes,  
we will begin at 11:00. And are there any other  
matters Counsel need to address before tomorrow?

MR. ADAIR: Not on our part, Your Honour.

THE COURT: Not on your part. Thank you.

Anything else? All right. Then we will adjourn  
till 11 a.m. tomorrow.

...WHEREUPON THESE PROCEEDINGS WERE ADJOURNED

Certificate

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

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Evidence Act

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I, Octavia Cumberbatch, certify that this document is a true and accurate transcript of the recording of Lisa Cavanagh et al v. Alastair J. Haig et al, in the Superior Court of Justice, held at 330 University Avenue, Toronto, Ontario, taken from recordings

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