

SUPERIOR COURT OF JUSTICE

5 B E T W E E N:

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

10

Plaintiffs

- and -

15

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

20

Defendants

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

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BEFORE THE HONOURABLE JUSTICE J. LEIPER
on September 26,27,30, 2019, at TORONTO, Ontario

APPEARANCES:

30

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T A B L E O F C O N T E N T S

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Liam Morrison - in-Ch.
(Mr. Read-Ellis)

THURSDAY, SEPTEMBER 26, 2019

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

THE COURT: Good morning, Mr. Read-Ellis.

MR. READ-ELLIS: Good morning, Your Honour. As
we mentioned yesterday, we'll be calling a
defence witness due to availability issues, Liam
Morrison.

THE COURT: Liam Morrison, all right.

Mr. READ-ELLIS: He's just waiting outside.

THE COURT: All right, thank you.

LIAM MORRISON: SWORN

EXAMINATION IN-CHIEF BY MR. READ-ELLIS:

Q. Good morning, Mr. Morrison.

A. Good morning.

Q. So, before we get started, we're in a big
room with some background noise. If you just make sure to keep
your voice up as you answer questions this morning.

A. Okay.

Q. So, where do you live, Mr. Morrison?

A. Innisfil, Ontario.

Q. And what is your occupation?

A. Just retired. I was a teacher with Simcoe
Country District School Board, and I worked with, for the last
27 years, with sort of at continuing education adult high school
and then eventually with at-risk students.

Q. Is Simcoe County School Board a public
school?

A. Yes.

Q. And what level, what grades did you teach?

A. That's a hard answer for me. Like, I.

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5 Really worked with at-risk students. So, my students were in a wide variety. So, in the earlier years, it was I would be teaching high school, more senior classes. In my latter years, I was working with Outreach; Tim Horton's was my classroom and so I could be doing a whole host of different things but the big thing I did was co-op and -- and working with students at their employment.

Q. Did you attend Grenville Christian College?

A. Yes.

10 Q. When did you attend?

A. From 1973 through to 1980.

Q. And what grades were you there for?

A. Grade seven through to grade 13.

Q. How did you end up at Grenville?

15 A. I think my parents, they were wanting -- I wouldn't say I was a good student in -- in elementary and that kind of stuff and really didn't apply myself, really wasn't doing -- you know, if there was homework, probably never got done and so I -- I think their desire -- they've always had a very strong desire for education. They saw the importance of it
20 and they just really wanted to make sure I got the best at that....

Q. So, you mentioned you weren't applying yourself. How did that manifest itself?

25 A. Probably just never did homework, you know. I would just be barely passing or doing that kind of stuff. Wasn't necessarily a bad student, but -- but I just really wasn't doing, so I'd be just barely passing, you know, if it was whatever the courses were.

30 Q. And was that at a private or a public school?

A. Public school.

Q. So, when you started at Grenville in grade

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seven in 1973, where did you live?

5 A. Upstairs dorm. I don't know which, is it third or fourth floor, and it was -- I don't know how more to describe it. It was with a section of I guess six other sort of students, six other guys. I think there was eight sections, so there'd be about 48 guys in that dorm room, I think. That's what I seem to remember.

Q. And did you live in the dorm for all your time at Grenville?

10 A. Yes.

Q. Where did your family live while you were at Grenville?

15 A. In Bradford. So, and then I had two of my -- I have two other sisters and then they eventually did private school in Whitby and then -- then my two sisters went over to England for a couple years, so....

Q. Did you visit your parents while you were at Grenville during the school year?

20 A. Yes.

Q. How often?

25 A. Probably every break. In the beginning, it was -- I would have said every break, whenever we had the opportunity to -- to go home, probably did that. So, Thanksgiving, Christmas, March break, Easter, on that end of it. In the latter years, I probably still did Christmas and Thanksgiving and not Easter because that became more of a -- a school -- you know, they wanted you to stay at the school over Easter just because it's a sort of a major religious holiday and they wanted to celebrate it that way.

30 Q. And what about over the summers? What did you do over the summers?

A. Went home. My parents had family businesses

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and so I pretty much worked in the family businesses typically.

Q. So, apart from when you were on breaks, did you communicate with your parents while you were at Grenville?

A. Yes.

5

Q. How?

A. Every Sunday it was like clockwork, my mom would call probably early Sunday morning and that was just a regular, almost every -- yeah, I would like to say every Sunday morning she called and then...

10

Q. Where were you....

A. ...there'd be the odd time I would -- I would -- we'd be required to write letters home and stuff like.

Q. Okay. So, let's talk about the phone calls first. Where were you when you took these phone calls?

15

A. What I seem to remember, so if I'm not mistaken, on the second floor, like there's the main sort of entranceway into the school. There was like a -- I want to call it a rotunda, but usually was a phone there that you could grab and use.

20

Q. Okay. So, when you say on the second floor, which -- what building was that?

A. The main building. I don't -- it's the main building, I guess.

Q. And was that space public or private?

25

A. It was public. But given that it was so early in the morning, there was nobody there. So, if I looked at it from a -- I never felt like -- to me it felt like it was private. You know, I was -- you know, I could be honest as to whatever I wanted to say.

30

Q. Okay. And you also mentioned you communicated with your parents by mail.

A. Yeah.

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Q. How often did you do that?

5 A. I think in definitely in the latter years the school was wanting us to write home weekly. There was an expectation of that. I don't know if I would say I wrote home weekly. Probably I would easily say biweekly I was probably writing off letters and stuff like that.

Q. Did you ever have any reason to believe that your letters were being monitored by staff?

A. No.

10 Q. So, over your years at Grenville, how would you describe your experience generally there?

A. Overall it was positive. Like, I would come away and say it was -- it was a positive experience. I got to do a lot of things that I really enjoyed. So, for me, playing sports was -- was a lot of fun, and so I got that opportunity to -- to do that. If there was a sport being played during the season, I probably played it. So, I -- I think, you know, I probably did at least six different sports every year. There was camping. There was outdoor. There was rock-climbing. There was canoe trips. There was all that stuff. I would -- if I got the opportunity to go on it, I went on it. I was involved in Gilbert and Sullivan operettas from -- actually from the very first one, the Mikado through to -- I did them all up until the time I left -- choir. So, I was busy. That would be....

25 Q. So, when you participated in these extracurricular, did you ever feel discouraged from doing your best?

A. No.

30 Q. What about academically? Did you ever feel discouraged from doing your best?

A. No.

Q. Did you ever hold a student leadership

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position while you were at Grenville?

A. Yes.

Q. And what was that?

A. So, I don't know if it was probably like --
5 would have been probably my grade ten year. I think it was my
grade ten year they came up with what they called prefects which
were sort of student leaders and during that the expectation,
like at least for the boys' dorm, was one of the main things was
there would be a prefect in each of the dorm room or dorm
10 sections, so you would help, you know, deal with issues that
arose in that section, keeping order in that section. There
would be helping out with, you know, following school rules from
that over the course of, you know the day-to-day activities.

Q. Did you have any other responsibilities as a
15 prefect that you can remember?

A. I mean, I guess you could say like prefects
were capable of handing out demerits, you know, so if you didn't
follow some of the rules there would be -- you could get
demerits. That was a sort of one of the -- the tasks. I really
20 -- beyond that, I really can't -- nothing really comes to mind
beyond what I just already said.

Q. Can you describe the demerit system?

A. Oh. I'm going from memory on this one. It
would be -- so, there would be -- there was sort of school rule,
25 school policies. You could get a demerit for breaking one of
those sort of rules would be an example, somebody going up the
wrong stairwell, you know. So, there was a guys' stairwell,
there was a girls' stairwell, you know, doing stuff like that,
running down the hallways. There was a -- the expectation was a
30 certain sense of order that was expected within the school and
-- and so you would get that. You could get a demerit for that.
Typically, there would be -- so, for every demerit, there might

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5 be an expectation you're going to do like say 15 minutes of
whatever work it was. Usually three or four -- three or four
demerits would constitute like an hour's worth of work and so
you might do dish duty, you know, like where they needed a, you
know, a -- a person was sick, they needed an extra person,
they'd use say three or four of your demerits to -- to
compensate to cover for dishes or pots or something like that.

Q. And as a prefect, did you have discretion in
how you awarded demerits?

10 A. I'd probably have to say yes. Like, there --
you sort of chose whether you wanted to enforce it or not
enforce it, I guess. Yeah, I would say yeah, there is -- there
was a certain amount of discretion.

15 Q. Was there any other way as a prefect that you
enforced the rules?

20 A. I don't know how to answer that one. In --
in a -- where -- if you're asking me if I were -- we as a
prefect would -- would initiate enforcement, I would say no, I
don't know of any other -- like, I can open up -- prefects would
quite often be dragged into like what you might call a light
session or a talking to on that point, and so -- so quite often
-- but would a prefect necessarily instigate that, no, but could
prefects be dragged into that conversation, yes.

25 Q. Okay. So, sticking with the demerit points
for a minute. How were the demerits recorded?

30 A. Typically, it was like a little sheet of
paper and I'm wanting to say you would write like a demerit and
sort of I seem to remember you'd write the reason why and I just
seemed to remember that you would hand it in. There was a box
or a container that you would just drop them in.

Q. Would you ever speak to staff as a prefect
about rule-breaking that you saw?

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A. Yes.

Q. And what was the process when that happened?

A. Whatever the issue was or -- or that may arise, you would talk to them -- you would mention it to them
5 and -- and sometimes -- usually quite often staff would just go and deal with it or I -- I can't really -- I can't give a good example of where I got dragged into it if, you know -- but, yes.

Q. You mentioned that as a prefect you were responsible for supervising one of the dorm rooms. Was it the
10 same students in the dorm room at all times throughout the year?

A. No, no. There'd be -- there'd be -- typically every semester break I would turn around and say there was a bit of a shuffle, you know, from, you know, within the dorm sections where guys would be moved around. That was a
15 rather typical process that I seem to remember. If there was personality conflicts or -- or issues that were arising, there might be like an individual shuffle sometimes. Otherwise, I would turn around and say I don't really remember, like -- those would be the two big reasons why there'd be like shuffles within
20 a section. My experience was that typically they wanted the sections to say -- to stay fairly cohesive and build a rapport with each other and....

Q. Was this shuffling of board rooms something that you experienced before you were a prefect and when you were
25 living in the dorms?

A. Can you say that again?

Q. Before you were a prefect, when you were living in the dorms, were you moved from room to room?

A. I know for grade seven, definitely didn't
30 move. I was pretty much -- yeah, I was in the same location for the whole year. That one's a very vivid memory just because I was literally the youngest -- I was literally the first grade

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5 seven student they had, so -- and I was the only grade seven student they had at that time period. So -- and I think the next age group up was grade nine. So, I was pretty young from -- that's a very visual, you know, memory for me. So, I didn't get moved around very much. I very distinctly remember, you know, a group of guys just looking out for me on that end of it. Grade -- you know, what I may have been moved around in grade eight and nine, but it doesn't really trigger any memories that way.

10 Q. Okay. You mentioned earlier in one of your answers that students might be needed to do pots.

A. Yes.

Q. Were you required to do any chores while you were at Grenville?

15 A. Yes.

Q. Can you describe that?

A. Oh, gosh. There'd be barn duties. There would be -- so, back -- back when Grenville was sort of -- you know, in the early mid-70s they had a full-fledged farm. They had a pig operation. They had a beef cattle operation. I can remember going out and doing barn chores in the afternoon on Saturdays. I can remember going out and doing early morning feedings of the animals. There was definitely dish-washing, pots. Saturday mornings there was always duties that way. In the mid-years they revived the whole apple orchard. That was always quite a bit of a hoot because they would usually take the whole afternoon and the whole student body would go out and pick apples, which tended to be a lot of fun personally. There was -- for the guys, you know, snow shovelling in the winter. Senior guys wound up doing -- we usually cooked breakfasts. They were -- there was a group of senior boys that would quite often do the early morning breakfast cooked. I think that's a

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pretty good list that I've....

Q. So, were these work duties something that you had to do regularly as a student?

A. Yeah.

5 Q. And were they, the regular duties, is that as a form of discipline?

A. No.

Q. Were you allowed to speak while you were doing those work duties?

10 A. Yes.

Q. And how would the students be dressed?

A. So, barn -- typically, like I very distinctly remember, if you were -- we had coveralls that we were expected to bring, you know, as part of our, I don't want to say uniform, but you know, there was a list of clothing you were required to bring with you when you came to school. Coveralls was one. Work clothes was sort of in that mix. So, if I was out in the bar, typically we had barn boot, we had our own coveralls. It was usually, if you were doing barn duty, there was a fairly consistent group of guys that would be doing that, just because you can't have every guy having coveralls in sort of they had a like a closed-off workroom area that you could change. You know, you could drop your -- your stinky, smelly stuff at and just leave it there and then come back when next time you had to go out. And then Saturday morning would be typically you'd be wearing, you know, typical work clothes, jeans and, you know, that kind of stuff.

20 Q. Now, turning to the topic of discipline. Were you ever disciplined while you were at Grenville?

30 A. Yes.

Q. Can you tell us about an example?

A. Grade seven, being a typical grade seven boy,

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I would turn around and say I had a like a little Indian rubber ball and I proceeded to bounce that ball off the floor, pounded off the ceiling, which would then come back down onto the floor and it would just like go back and forth and I dimpled that whole ceiling along with probably about 20 other guys that destroyed the whole upper dorm ceiling over the course of a whole year. Staff really didn't pay any attention to it until the end of the year when they came to realize the -- the whole ceiling in the dorm -- boys' dorm was destroyed.

5
10 Q. What happened when staff realized the ceiling had been destroyed?

A. It was probably the upper boys -- there would have been like a meeting of the -- of the whole boys' dorm. I'm sure they were -- can't remember what was said, can't remember what was said, but they definitely asked for, you know, who did it. Me, just being honest and who I am, you know, I -- I said, yeah, I did part of it and -- and you know, fessed up to that side of it.

15
20 Q. Did anyone else come forward to accept responsibility for it?

A. Yeah, there was probably I want to say at least 20, 20 plus guys. I think there was a lot more personally, but I know 20 of us did, or roughly that number of students, guys.

25 Q. So, you mentioned that there was a meeting and earlier you used the term "light session". Would you describe the meeting as a light session?

A. Yeah, I guess. I guess you could use that term, yeah, in the sense of their wanting to deal with the issue and it's pretty blatantly obvious that, you know, the whole ceiling was destroyed, so, yeah.

30 Q. And you said earlier that you couldn't

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remember what was said, but can you provide a general description of what happened at that meeting? Do you remember?

5 A. So, if I go -- what I seem to remember out of that -- that -- like, what transpired over that, probably it was the very first meeting where I would tend to think the senior -- yeah, I can't remember if Al Haig and Charles Farnsworth were involved in that one, but I would probably suspect they were there. That I can't really remember, but it was, you know, just the -- they were upset. They asked for people to be honest and
10 say who did it. There was a number of people that came forward, you know, from that thing. Once that was sort of publicly sort of acknowledged, there was probably a week of nothing sort of being done. We knew that there was some form of discipline that was probably going to come down our way, and it was.

15 We met another evening, I want to say, with all the people that said that they had done it and then we were told what the form of discipline was going to be. That being the case -- so, one was letters were supposed to be written home to our parents or the school wrote back to our parents letting them
20 know what happened. I believe there was an expectation that the parents were going to pay for the cost of replacing the tiles on that. There was also told that we were getting the paddle that night, which we did, and -- and then that was the end of the -- the discipline.

25 Q. Okay, so you mentioned the paddle. Do you know what year this was? Do you remember what year?

A. This would be like my very first year, so '73. Would it be '73, '74, that school year, if I'm not mistaken.

30 Q. And you were paddled, is that right?

A. Yes.

Q. Was that done publicly or privately?

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5 A. Private. So, that group of guys that we were talking about, we were all in a room. We knew we were getting, so it was like just one guy each time would be sort of brought and brought over. There was -- I think there was a couple of -- two or three rooms that they would just sort of go through and slowly each guy got one upped in the paddle on that end of it.

Q. So, when you were paddled, who was in the room with you?

10 A. That's a -- I can say that Mr. Proctor was in the room because he's the one that gave it to me, but I can't -- I can't remember, you know, some of the other. I -- like, I would say there was three people there but if you asked me who was there, wow, I can't -- I just remember Mr. Proctor, and the only reason why I remember Mr. Proctor is because of he was the
15 one sort of staff -- because of my age, he was the one guy that sort of, you know, as far as staff, because he lived up at the boys' dorm, he sort of looked out over me throughout the whole year, so that's why I remember him. But if you ask -- you know, I could guess, and I really don't want to guess as to who would
20 the other ones be.

Q. And how many times were you paddled?

A. I would probably say ten. If you ask me how many, I really can't remember that. I would probably -- I know it was no more than ten.

25 Q. And how hard were they?

A. I would have to say he was pretty lenient for me. You know, it's like yes, I got paddled. Was it hard? Not really. I'm going to say I got a -- no, it -- in the big picture of it, yes, I got paddled. I think the reason why he
30 did it, why they had him do it was because probably it's going to be a little bit more on the lenient side, and I think also probably because of my age.

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Q. Okay. Earlier we talked about light sessions. Were there any other light sessions that you were involved in or witnessed?

A. Oh, yes.

5

Q. Were they done in public or private?

A. Both.

Q. So, let's start with the public light sessions. Can you describe what happened generally?

10 A. Public ones could range from being us say up in the boys' dorm, could be maybe within your dorm section, could be the group of prefects. So, if -- and probably the most public would be the chapel.

Q. And how often did these public light sessions happen while you were there?

15

A. If I use the chapel ones, I would say my -- in the beginning years, I don't really remember public ones in the chapel per se. In my latter years, I would say there was -- those happened -- how often -- I want to say maybe once a semester, maybe a couple of times a semester. Typically, I
20 would -- my thoughts would be it was usually more when the -- like, a chapel one would occur when the -- when there's a lot of issues happening. What would be a good example? Say guy/girl relationships. They had a -- like, they had a six-inch policy and so if they had -- if there was a lot of guy/girl
25 relationships that they were having to deal with, you could rest assured there was going to be a light session on that one. They're going to -- they're coming down on that, and so that would become a little bit more public. You could rest assured that the people that were -- the couples that were having, you
30 know, that sort of -- that guy/girl relationship, they would be publicly chastised.

Q. How did you feel after witnessing a light, a

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public light session?

A. Honestly, I would say keep my head down and -- and, yeah. You know, last thing you're wanting to do is be in -- be a part of it in the sense of like where you're, you know, being targeted for whatever your behaviour may be.

5

Q. And can you describe a private light session?

A. Private ones would be typically attitude where you just -- you just wanting to be in their face a little bit. What would be a good example for me? Good example for me, it was like coming back, I forget which school year it was -- you know, I left Grenville at -- at June and proceeded not to have my hair cut until I came back in September and got, you know, they expected more of me as a senior student and I just really wasn't wanting to like play the game and proceeded to get chewed out a little bit for that.

10

15

Q. So, you mentioned that one incident of where you were paddled, did that ever happen again while you were at Grenville?

A. No.

20

Q. Did you ever see it happen while you were at Grenville?

A. Where I actually saw a student getting -- no.

Q. Did you see any other physically inappropriate contact coming from staff toward another student while you were there?

25

A. No.

Q. Now, we talked about regular work duty. Was work duty also used as a form of discipline?

A. Yes.

30

Q. Did it ever happen to you as a form of discipline?

A. Yes.

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Q. And how did you feel?

A. Typically, as a rule of thumb, I was -- whatever -- whatever I was being disciplined for I had broken some of the rules or was just being obnoxious and -- and -- so, to me, that was typically, you know, if I'd, you know, wound up doing barn chores or something like that, it was because I'd done something that really had broken the rules and, you know, that was the consequences for it.

Q. Was there ever a situation where you were put on work duty as a form of discipline or you saw another student that was put on work duty as a form of discipline where they were not given the proper tools to do the job?

A. No.

Q. So, for example, did you ever see anyone -- any student that was required to cut the grass with scissors?

A. No.

Q. What about pulling rocks out the ground with their bare hands?

A. When you say that, I'm assuming that you're meaning really big massive rocks or are you -- like....

Q. Well....

A. I'm going to say no, but -- but I'm also making the assumption that the rocks are really buried and -- and that they're really difficult to get out of the ground.

Q. Well, did you ever see anyone pull rocks out of the ground at all with their bare hands?

A. I'm going to say -- like, we had a farm, so like I sort of somewhat grew up on a farm, so we had farm fields and so, you know, as a kid growing up, we would go and pick rocks out of the fields, you know, that's just part of farming. So, that's where I -- that's where I'm sort of -- I'm having a little bit harder time to sort of say -- they had a farm, so,

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you know, on the ploughed -- if there was a ploughed field you might have walked around and picked rocks, but typically it's ploughed and -- and they're usually at the top of the -- so they're easy to get at.

5 Q. So, let's talk about the rules. Do you think the rules at Grenville were clear?

A. Yes.

MADAM REPORTER: Sorry, I didn't hear the question.

10 MR. READ-ELLIS: I just asked if he thought the rules at Grenville were clear.

A. I believe there was a list of rules, you know, that was party -- part of that sort of student handbook code of conduct, and so there was a lot of rules that were listed as to expectations from that. So, I would say yes, in 15 the -- in the big picture.

Q. And do you think the rules were applied in a forced -- and forced equally among students?

20 A. I would like to say yes. Those main rules, yes, I would say yes.

Q. Did you ever a staff tell you that female students were responsible for male advances?

A. Off the top, I can't remember anything like that, so I - in some ways I don't know how to answer that one specifically because I would say I could see that being said in 25 a girls' dorm environment but I don't know if I could -- you know, I don't remember that being communicated in a school-wide environment and/or -- but, likewise, I would turn around say from a guys' dorm perspective, you know, it was always very clearly communicated, don't break, you know, that sort of -- 30 that six-inch rule, don't initiate, you know. There was an -- that -- that six-inch rule was really -- what's the word I want

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-- enforced.

Q. While you were at Grenville, did you suffer any illnesses or injuries?

5 A. Yes. Can't remember quite the year, buried my two front teeth into ice and proceeded to lose them and then spent the next -- the rest of that day at -- one at a hospital and then eventually at a dentist and -- and then another two to three years of -- of orthodontics and stuff like that, so....

10 Q. Did the staff facilitate that -- that process, that treatment?

A. Oh, yeah. I can very clearly remember falling, tripping. Charles Farnsworth was -- was sort of over on the side and do I remember -- like, there was no pain as far as me baring my teeth and pulling them and leaving them in the ice, but I very distinctly remember seeing his face and -- and the sheer sort of, you know, look of panic because there was blood and all that everywhere. So -- so, I just remembered that and then them just taking care of, you know, doing what they needed to do.

20 Q. Mr. Morrison, you mentioned at the beginning that before you went to Grenville your grades were not very good. What happened to your grades at Grenville?

A. It was probably -- well, I think I had the highest -- grade seven I had the highest grade average for grade 25 seven, eight, and nine, so I went from -- from barely passing to like honour roll on that side of it. Because I was able to do -- if I kept my grades above a certain level, I could do as much sports as I wanted, and so I always typically had my grades very close to the, you know, the 80 average or -- or above it, 30 depending on which courses I was taking, so did well that way.

MR. ADAIR: Your Honour, my friend, Mr.

Read-Ellis, is pretty well finished. Can we have

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five minutes? There's something I need to discuss with him briefly before he's finished.

THE COURT: Sure. We'll take a five-minute break.

5

R E C E S S

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

10

MR. READ-ELLIS: Your Honour, those are all my questions.

THE COURT: Thank you very much.

Cross-examination?

15

CROSS-EXAMINATION BY MS. MERRITT:

Q. Good morning, I guess still, Mr. Morrison. You mentioned that you used the telephone in the rotunda area....

20

MR. ADAIR: Excuse me. I wonder if my friend can just speak up a little.

MS. MERRITT: Oh, okay.

MR. ADAIR: Or pull the mic closer to you.

THE COURT: He has no mic for amplifying today. That goes to the reporter, but....

25

MS. MERRITT: I'm rarely accused of being too quiet, but I'll do better, no problem.

THE COURT: Thank you.

30

MS. MERRITT: Q. You used the phone in the area you described as the rotunda. What was around that area? Were there staff offices in that vicinity?

A. Yes, a little bit up from it, yes.

Q. Okay. You also mentioned just earlier that

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you were -- you described yourself as having been obnoxious. Do you recall specifically what it was that you were doing that was obnoxious?

5 A. Oh, I can remember one time just -- just giving one of the English teachers a hard time, you know, just being typical, I would say a typical teenage boy, you know, just -- I can remember very clearly giving Ms. Newman a hard time in class.

10 Q. Do you remember what you said to her?

A. No, I just remember being sent to the office.

Q. All right. And you've told us, Mr. Morrison, you were a prefect. Am I right that it was an honour to be a prefect?

15 A. Yes.

Q. And was there a bit of a ceremony when you got your prefect pin?

A. I want to say no.

20 Q. Okay. But having the pin was something that you wore all the time and so you could be identified as a prefect?

A. Yes.

Q. And in order to become a prefect, you would have to follow the rules of the school. That was expected of you as a prefect, was it?

25 A. I'm going to say yes, it was expected but that's not always the case. So, there's lots of prefects did not -- that did not follow the rules.

Q. And they would get in trouble obviously when they didn't.

30 A. Yes.

Q. All right. But as a prefect, you were expected to be a leader, expected to set an example. Is that

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fair?

A. That is fair.

Q. All right. And that would include both the written and the unwritten rules, correct?

5 A. Not too sure what you mean by the unwritten rules.

Q. Okay. I'll come back to that in a second. But before you were a prefect, were you a student leader?

10 A. I'm going to say no because I don't know what you mean by a student leader.

Q. Okay, maybe that came along later. It was sort of a junior position working up to a prefect we heard.

15 A. No. No, there was no -- I would turn around and say there was never a junior -- I'm going from -- from my memory, there was -- I was there when that whole prefect system first started and there was no junior process to it. You know, at times I want to say in the very beginning, there was times where sometimes it might have been best to the students that broke the most rules, maybe even brought them a little bit into

20 -- into a leadership more -- gave them more responsibility. That was almost a little bit of the situation at times, so....

Q. So, try to turn them around a bit by -- by making them a prefect.

A. By -- by giving them more responsibility.

25 Q. By being a prefect.

A. Yes.

Q. All right. And did you like being a prefect?

A. I -- I didn't mind it. Yes, it was okay, yes.

30 Q. Okay. And you mentioned that prefects were sometimes dragged into light sessions. You mentioned that earlier when you were answering my friend's questions there.

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Did you like getting dragged into those light sessions?

5 A. Did I like? Usually those sessions were -- if I'm talking about like where the adult staff leadership and just prefects, it was usually discussions about what was going well, what wasn't going well within the dorm or, you know, student -- the boys' dorm culture, that kind of stuff, and so with an expectation of, you know, trying to change it or improve it.

10 Q. Yeah, okay. But when you said dragged into a light session, my impression, and perhaps I'm wrong, please correct me, was that sometimes prefects would be dragged into a light session with just one student and some staff.

A. Oh.

Q. Did that ever happen to you?

15 A. Say that again.

Q. Were you as a prefect were dragged into a light session with one student and some staff?

A. I don't remember that...

Q. Okay.

20 A. ...per se.

Q. All right. You were prefect of the year in '78, '79?

A. Yes.

25 Q. And after you left, you were the alumni liaison officer for your class?

A. Yes.

Q. And you were on the board of GCC in 2004, correct?

A. No.

30 Q. You weren't the IT something on the -- on the board? No? That wasn't you?

A. No.

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Q. So, you had no involvement with the board of
GCC?

A. No.

5 Q. Okay. I'll come back to that. I thought I
had a document. Were you ever a proctor?

A. Wow, that's -- you're bringing back memories
but I'm just trying to remember. Like, I'm not too sure whether
proctor and prefect like changed -- the title changed. I
remember prefects. I -- if you're asking me my memory as a
10 proctor, I don't remember that.

Q. Okay. Is it fair to say that new students at
Grenville were encouraged to fit into the Grenville way of doing
things?

A. Can you just say that again just so I heard
15 it clearly?

Q. Yeah, sure. Would it be fair to say that new
students at Grenville were encouraged to fit into the Grenville
way of doing things?

A. Yes, I think that's a fair statement.

20 Q. And would it be fair to say it was a very
close-knit community?

A. You have to define close-knit for me.

Q. All right. Well, the teachers lived on the
campus.

25 A. Yes.

Q. And they ate their meals with the kids.

A. Yes.

Q. And Saturday nights there were family nights
where the kids would go to the teachers' homes.

30 A. Yes.

Q. And some of the staff lived in the dorms with
the kids.

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A. I want to say that any staff that lived in the dorms was off -- they had like their own room, so, yes.

Q. Oh, yeah, they weren't in your bedroom, I'm not suggesting that, but....

5 A. Well, they weren't in the dorm section, so like there was, so....

Q. Off to the side.

A. Yeah, they were in their own -- yes.

10 Q. Okay. And the staff were basically with the kids and on call 24 hours, yes? From the time you woke up to the time you went to bed, there were staff around.

A. Yes.

Q. All right. And cleanliness was pretty important at Grenville, is that fair to say?

15 A. Yes.

Q. And you had to clean the dorms before breakfast.

A. Yes.

Q. And the rooms were to be kept spotless.

20 A. I'm -- yes, I'm going to say spotless. It's -- that's a pretty sort of vague -- but there's an expectation of yes, it being clean, beds being made, floors being swept, that kind of stuff, yes.

25 Q. If we could just put Exhibit Book 1, Volume 1, Exhibit -- sorry, Exhibit 1, which is the Joint Exhibit Book, Volume 1 in front of the witness. Oh, there's so much there. We should have cleaned that up. I'm sorry about that. We've got a large mess in front of you that we should have taken care of before you got in the witness box. Could you turn to Tab 5
30 and then go over to page three? They're not numbered, but it's the third page in.

A. Like, front and back or the actual physical

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third page?

Q. Yeah, one, two, three.

A. Okay.

5 Q. I see now I may be wrong because it says
here, it's talking about the student residence. It says -- it
talks about the girls' residence, Murray Hall. The girls lived
together; the rooms are kept spotless. Maybe that was only the
girls that had to keep their rooms spotless.

10 A. Well, I'm going to say -- okay, I don't want
to argue semantics as far as spotless is concerned.

Q. Okay. All right. No, it's not my intention,
sir. Did you ever have to oversee kids on work duties as part
of your responsibilities as a prefect?

15 A. Hmm. I honestly -- that I really can't
remember. Like, I'd like -- oversee during work -- I want to
say no, but I -- did I work with a group -- typical -- would
there be always a male, like a -- a staff person like within
working distance of me? I can't always say yes. So, like barn
duties, for example, there might have been one of the staff with
20 us, but we would have been in maybe one of the barns and they
might have been in the other one.

Q. Okay.

A. That's what I'm....

25 Q. Okay. When kids were on discipline, we've
heard that a prefect would be assigned to them to escort them
from place to place and make sure they were doing what they were
needed to do. Did you ever have to do that?

A. No.

30 Q. All right. You told us the six-inch rule was
pretty strictly enforced.

A. Yes.

Q. That was intended to keep boys and girls a

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physical distance from each other, correct?

A. Yes, in the sense of not having -- getting into that whole aspect of having guy/girl relationships.

5 Q. Right. So, it was more than just the physical touching. It was they didn't want you pairing off, fair to say?

A. That's very fair to say.

Q. Going steady was strictly forbidden.

A. Yes.

10 Q. No relationships that were exclusive or special.

A. Yes.

Q. Definitely no holding hands or displays of physical affection.

15 A. Yes.

Q. Do you agree, sir, that generally the expectations at Grenville were pretty high?

A. Yes.

20 Q. And Father Farnsworth, in particular, had high expectations, is that fair?

A. In the sense that he was like the -- the headmaster, so he sort of set the -- he was one of the people that set the -- the standard, so I guess yes, I would -- yes.

25 Q. All right. And would it be fair to say that, in your opinion, some of his expectations were not realistic?

A. No.

Q. So, you didn't tell that to Mr. Adair's office?

A. Say the question again.

30 Q. Well, I'll get it exact. You found Farnsworth had expectations he wanted you to meet and some were not realistic.

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5 A. I -- if you're living -- if the expectation is living say a Christian lifestyle or that monastic lifestyle that -- I don't know if anyone can honestly live up -- in fact, I would say nobody lived up to that lifestyle, you know, fully. So, I guess from that perspective, yes. Was there high standards? Yes.

Q. Well, second best was not good enough, is that fair to say?

10 A. I -- I don't know what you mean by not good enough.

Q. Okay. So, maybe you can look in Exhibit 1, that's the Joint Exhibit Book, Volume 1. Hang on. I think it might -- oh, I've not written down my tab number. Hold on. Okay, I found it. Sorry for the delay. Tab 6, page two, in the 15 third paragraph, three lines from the bottom, halfway along the line starts, "Second best is not good enough at Grenville." Do you agree with that, sir?

MR. ADAIR: Where are we here? Sorry.

MS. MERRITT: Joint Exhibit Book 1.

20 MR. ADAIR: Tab 6.

MS. MERRITT: Tab 6, second page.

MR. ADAIR: This...

MS. MERRITT: Yeah, yeah, you're right on it, right there.

25 MR. ADAIR: What paragraph?

MS. MERRITT: Q. Third paragraph, third last line from the bottom, halfway along:

30 Second best is not good enough at Grenville. Only high endeavour and a reaching for the best is accepted.

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Is that a fair description, sir?

A. I'm just trying -- I'm just trying to get
context with...

5 Q. Oh, sure.

A. If you let me read the....

Q. Yeah, of course.

A. My interpretations, what I'm reading there
would be the same analogy as me playing on a sports team. In
10 other words, I'm going to go out and perform and do what I need
to do in that performance. Am I going to always measure up?
Probably not, and -- but the next time I go out I'm going to do
my best and -- and keep moving forward that way. So, second
best is not good enough, if that's the definition that I --
15 like, if I use that analogy.

Q. Okay. You didn't write that document.

A. I didn't write that.

Q. No, no.

A. That's just -- that's my interpretation of
20 context, you know, it's like....

Q. Yeah, that's fine.

A. So, I didn't write it.

Q. I got that. Would it be fair to say that at
Grenville students were not only expected to stand up for what
25 is right in their own lives but also be willing to require
others to meet the same standards to maintain the school spirit
and to protect the school environment? Is that fair?

A. I'm going to ask again because there's a long
preamble there.

30 Q. Okay. Well....

A. So, if you can....

Q. I'll make it easier. Let's go right to Joint

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Exhibit Book 1 at Tab 7.

A. Tab 7?

Q. Again, that third page. Sorry, not again, it's the third page, there's a paragraph seven there.

5

Students at Grenville live by an honour code which requires them to stand up for what is right in their own lives and to protect the overall environment in which they live by being willing to require others to meet the same standards and maintain the school spirit.

10

15

A. Yes.

Q. You agree with that, sir? Is that how it was at Grenville?

A. What is this document from? I'm just....

20

Q. Well, these are all productions from Grenville Christian College to us.

A. Yeah. I would say yes.

25

Q. All right. And it would be an important part of your role as a prefect to both do this, live up to the rules and live up to what is right in your own life as well as to have other students do so as well. Yes?

A. Yes.

Q. And this honour code applied to all students?

A. Yes.

30

Q. And the honour code meant if you saw someone do something wrong you should speak to them about it and tell them to turn themselves in or report themselves and if they

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didn't do so, you should do that. Is that fair?

A. If -- if I can back up a second, and I don't mean to argue semantics, but the term honour code, during my time period, that was not terminology that was used.

5 Q. Okay. But....

A. So, you're using a bit of a terminology that really during my time period didn't exist.

Q. All right. That's fair. So, let's not use that word. Let's just talk about the principle...

10 A. Yeah.

Q. ...of standing up for what is right in your own life and being willing to require others to meet the same standard. Did that include if you saw someone doing something wrong it would be your job to speak to them and tell them to report themselves and if they didn't do it, you should do it?

15 A. If you're asking me if I as a prefect did that to the....

Q. No, I'm asking whether it was expected, sorry.

20 MR. ADAIR: Your Honour, he hasn't finished his answer.

MS. MERRITT: I apologize.

A. I think that I never really needed to go and do that per se, you know, so I'm just trying to -- I'm just to think of examples where, you know, you're -- you're throwing that out and I would have to confront a student about something and I wouldn't say that I confronted any student. If it was of a -- I didn't confront any student about....

25 Q. So, what would you do if you saw them doing something wrong? Would you talk to them?

30 A. Yeah. So, if they were breaking one of the rules, yeah, I would say yes, I'd probably talk to them a little

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bit and probably say, you know what, hey, that's like a demerit and -- or whatever the -- you know, whatever the -- the issue was.

Q. When you gave them....

5 A. The terminology you're using is sounding more ominous than I -- I would -- the terminology you're using is sounding more ominous to me...

Q. Okay.

10 A. ...and I don't -- I have a hard time with that terminology.

Q. Okay, let's go to the book. It's Exhibit Book, Volume 2, so I think it's the one on the ledge there, sir, and it's Tab 131. Oh, maybe not. No, no, I've got the wrong tab number. Hold on. Oh, yes, 131. Now, this is a tape, a recording of a tape by Charles Farnsworth that he made after this litigation was started, and if we turn to page ten, now they're numbered in the top at the middle.

A. Yeah.

Q. And then you go to the fifth paragraph.

20 A. Let me get that. Yeah.

Q. Okay. And so, one, two -- the sixth line down, in the middle of the page there....

A. In the middle of the paragraph?

Q. Sorry middle of the paragraph.

25
30 The code of honour was if we had done something wrong, we should go and report ourselves. If someone else knew that somebody had done something wrong, they would go to that person and say, you know, you've done this

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20

wrong. It hurt the spirit of the school or could be dangerous or hurt somebody else's property or something. We would tell that person to go and report themselves to the Dean or to the headmaster or to someone. If they did not do this, that second person would go back to them and say, 'I will go with you and we will report this' and if they did not, it's just like we would do in any family with a brother. If my brother had stolen money from my mother or father, I would tell him to go and put it back and confess it, and if not, I would go with him to confess it, and if not that, then I would have to go tell on him in order to keep the peace.

And we've heard....

25

MR. ADAIR: Well, read the rest.

MS. MERRITT: Sorry.

MR. ADAIR: "We had a banner..."

30

MS. MERRITT: Well, I'm not asking about the banner. If my friend wants to do something in reply, he can.

MR. ADAIR: Well, he's got to have the full context of it.

MS. MERRITT: You can read as much as you want,

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sir. Thank you, Mr. Adair.

THE COURT: Is there an objection? Is there
an....

MR. ADAIR: Sorry, Your Honour?

5 THE COURT: Is there an objection?

MR. ADAIR: Not now. The witness has the
document, as my friend says, can read the rest.

MS. MERRITT: Q. Okay. What I'm asking you is
if that philosophy that Father Farnsworth is saying how they ran
10 the school was true when you were there, do you agree with that,
that code of honour, even though it may not have been called
that at your time?

A. I would turn around and say the way it's
written, the way it's presented here, I wouldn't have said that
15 that was the code of honour-slash-conduct that -- like, I can't
say that I ever heard the head administration, like Charles
Farnsworth or Al Haig, literally lay it out like that. So --
so, that's where I'm -- you know, it's like that whole
step-by-step process. No, I -- I....

20 Q. Well, not -- I don't need you to be that
literal, sir. I'm saying the spirit of it. You should follow
the rules, the other kids should follow the rules, and it's your
job to ensure that they -- you help them follow the rules.
That's the unwritten rules we're talking about, right?

25 MR. ADAIR: Well, with respect, there's two
questions there, and....

THE COURT: So, break up the question, one at a
time.

MR. ADAIR: Sorry, and my objection is this.
30 What my friend is doing, with respect, is cutting
the edge here with the witness in terms of a fair
presentation. She's asking him about whether

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5 this paragraph is the school spirit, then she's asking him about whether part of this paragraph, go to the student and urge him to turn himself in, is part of the deal and leaving out squealing on the other students. Like, if there -- what has to be done is this has to be put fairly and squarely to the witness. What my friend is trying to get at is were you under a duty to go and squeal on other students.

10 MS. MERRITT: I think we should send the witness out if he's going to say where I'm going.

THE COURT: All right. Well, that's been said. Do you want the witness out for your reply?

15 MS. MERRITT: No. I'm not going to do anything like that.

THE COURT: It occurred to me that there was not a clear objection to the first part. Counsel had an exchange about whether or not to put the whole paragraph to the witness; the witness answered. 20 It sounds as though, Ms. Merritt, you've gone to another slightly different idea and you're not now referring to this paragraph. You asked about the spirit, follow the rules, and you help them, and then you started asking about these are the 25 unwritten rules. So, I think in the sense that there seem to be two questions and there wasn't an answer in between, if you can break them up, that may assist, and I think that should deal with it.

30 MS. MERRITT: Thank you, yeah. The witness said that he didn't --

Q. You said, sir, that you didn't agree with the

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exact step-by-step laid out in the paragraph. So, we're moving away from the paragraph now, and my question is the spirit, the idea of what is being described in that paragraph, that's the unwritten rules of Grenville, fair to say?

5 A. So, can you just define the -- like, the spirit? Like, what....

 Q. The gist of it, the intent. Generally, that's what the point was. You said you didn't agree with the line-by-line, word-by-word semantics of it. So, I'm saying, okay, well, let's leave that line-by-line interpretation of the semantics to the side for a second. Do you agree with the spirit of what he's saying here, that's how the school was run?

10 MR. ADAIR: Well, actually, again, with respect, I object. The witness did not say he didn't agree with it line-by-line.

15 MS. MERRITT: Step-by-step.

 MR. ADAIR: He said, no, I do not agree with the way it's written there.

20 THE COURT: I think he said, I can't say I heard Charles Farnsworth, or Al Haig literally lay it out like that.

 MS. MERRITT: Step-by-step lines.

25 THE COURT: That was the answer I heard and now counsel is defining what is meant by spirit in the question, the gist of that whether or not the exact steps were followed, do you agree that that was the spirit? I think that's an appropriate question. Go ahead.

30 MS. MERRITT: Q. Do you agree with that, sir?

 A. I'm having a hard time understanding. Like, now I'm a little bit lost as to what you mean by the spirit.

 Q. Okay.

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A. Like, what we....

Q. Okay.

A. I don't mean to be, but I feel like I'm going
around the...

5 Q. Okay.

A. ...the tree a little bit and -- and now I
don't know what the...

Q. I understand.

A. ...what you even mean by the spirit of it.

10 Q. That the -- and, again, not literally
word-by-word, we're not suggesting Father Farnsworth said this
to you as an exact quote. But the general idea was you were to
follow the rules and help others follow the rules up to and
including, even though you may not have personally had to do it,
15 up to and including turning them in.

A. I would turn around and say turning them in
in the sense of where they were breaking one of the major rules.

Q. Yes.

A. Like, if you said drugs on the campus, for
20 example, or something like that, I would say yes.

Q. Okay, thank you. And you mentioned that in
one of the light sessions you expected that they were going to
come down hard. Do you remember saying that to my friend?

A. Yeah.

25 Q. Yeah. Can you tell me a little bit more
about what you meant by come down hard?

A. Oh, if you come back and you -- it -- you're
in -- you're living in the boys' dorm environment. That
situation that I was talking about was from -- oh, what's --
30 what do I want to say? It was the group of prefects meeting up
with the staff. The staff were -- were -- upset with just sort
of the way the boys' dorm was running, the atmosphere, you know,

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I can't remember the specifics. I would turn around and say, you know what, I -- you know -- you know how you -- did I feel like I was really invested in all of the rules and regulations? Probably not on that time period, you know. So, there's -- you
5 know, like any typical person, you're going to -- you're not going to always buy into everything and -- and I would say I knew I really wasn't buying into everything at that time period, and so very much -- you know, usually they -- they were pretty good at picking and identifying that and so I expected, you
10 know, that I probably would have gotten a little bit more heat for it, you know, been talked to about it, and so that was my expectation, you know, from -- from a prefect perspective and....

Q. That's very helpful. What kinds of things
15 were you not buying into?

A. Oh, you get tired of -- like, I don't -- I don't know how to answer that one. That's like a teenage boy. It's like all the rules, regulations and all that kind of stuff. You know, I -- I don't know how to answer that in -- in a way --
20 I just, you know, you just didn't feel like following all the rules all the time, you know, when you're 16 and 17 years old.

Q. Okay. And you said the staff were upset about the atmosphere.

A. Yeah.

Q. Was the atmosphere an important thing at
25 Grenville, keeping the atmosphere positive and good?

A. Yes, I would -- yes, I would say so.

MS. MERRITT: All right. I'm looking and mindful of the time.

THE COURT: Yes.

MS. MERRITT: I'm not going to finish in a....

THE COURT: How much longer do you think you will

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be with this witness.

MS. MERRITT: It might be 10 or 15 minutes.

THE COURT: All right. So, why don't we just
take the morning break; you've been going for a
while. Twenty minutes. Thank you.

5

R E C E S S

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

10

MS. MERRITT: Q. Mr. Morrison, you told us before
that you were paddled, and you think there might have been about
ten strokes and they were not too hard. You thought you got a
bit of a break because you were young and because it was Mr.
Proctor who was the guy who took care of you who was
administering the paddling, correct?

15

A. Yes.

Q. All right. And I take it on that occasion
you didn't see any of the other boys being paddled.

20

A. No.

Q. That time you were paddled you were waiting,
and the boys were going in one at a time and coming out. Yes?

A. Yeah.

Q. Did you see any of them coming out?

25

A. No.

Q. So, they went in and they didn't come out or
you just don't remember?

A. I seem to remember that we just all went as
we finished. We didn't all go back to the same room that we
came out of. We just went back to the dorm, like.

30

Q. Oh, I see. So, you couldn't see them on the
way out.

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(Ms. Merritt)

5 A. So, we didn't -- if you asked -- like, what you're asking me is what I remember. I don't remember -- I remember we were all waiting there, discipling got administered and then we just went straight -- it was done as sort of at night or at like just so you went to bed. You went up to the dorm and....

Q. Okay. So, you don't remember seeing the boys coming out of the room one at a time?

A. No.

10 Q. Okay. And this incident with you and these other boys, this wasn't the only time there was paddling. Fair? Sorry.

A. Was the paddle used? Yes.

15 Q. All right. And you know in particular that Scott Emon got paddled frequently, yes?

A. Who?

Q. Scott Emon, E-M-O-N.

A. Scott Emon.

Q. Maybe I've got the name wrong.

20 A. I....

Q. Scott Emon got it frequently. You didn't tell Mr. Adair's office that?

A. It's not so much the name is -- I'm not too sure if it's the correct name.

25 Q. Well, how about Mark Vincent, did he get it frequently?

A. Mark, yeah, Mark probably got it, yes. I mean, yes, I would say yes, he did because...

Q. Was -- sorry.

30 A. ...in the sense of in that grade seven year Mark got caught. There was a whole group of guys that caught smoking and then they got caught drinking, and so there was --

Liam Morrison - Cr-Ex.
(Ms. Merritt)

so, I would suspect that probably they got disciplined for each one of those, you know.

Q. Well, did you say Mark Vincent got it frequently in talking about the paddling?

5 A. I -- I can't -- I don't know what -- I can't say about frequently. Like, I....

Q. Okay. So....

A. Would I suspect, yes.

10 Q. Okay. So, I'm just reading from the will say statement...

A. Yeah.

Q. ...that my friend gave me about what your evidence was going to be and what it says here is Mark Vincent and Scott Emon -- sorry, I'll go back.

15 A. Scott Edmonds.

Q. Edmonds?

A. Edmonds. Now, I'm just -- so it should be Edmonds.

20 Q. Okay. So, there's -- okay. But those were two guys:

25 Major infractions, alcohol and cigarettes were well-known and punishment swift and included paddling from time-to-time for deserved situations. Mark Vincent and Scott Edmonds got it frequently.

30 Is that fair?

A. Yes. If that's -- that's what was -- I think that's -- yeah.

Liam Morrison - Cr-Ex.
(Ms. Merritt)

Q. All right. And how do you know that?

A. The guys would talk. Like, I mean, if you got....

Q. Okay.

5 A. Like, you would talk. Like, I mean, so you asked after, so like that incident where I got paddled, you know, we didn't see each other necessarily right immediately after but the next you saw each other and we all talked about it and -- and it wasn't like it was -- so, that's why when you're
10 asking frequently, I don't know what frequently means but -- but, you know, did Mark or some of the guys talk about, you know, if they got disciplined, they got disciplined.

Q. How about Tim Blacklock? Do you know he got it, too?

15 A. I -- I don't know Tim Blacklock. Now you're jogging my memory as to like as a time -- like, I don't know.

Q. Okay. No, no, I'm not suggesting you should know. I'm just asking if you do know.

A. Oh.

20 Q. He was there at the same time as you and he -- yeah, and I was just asking. How about Dave Sheperd? Do you know if he got the paddle?

A. No.

Q. No, he didn't or no, you don't know?

25 A. I don't know, sorry.

Q. Okay. So, I take it after this first occasion when you got paddled, it was not a pleasant experience, fair to say?

30 A. Yes, that's a -- I guess that would be a fair statement, yes.

Q. All right. And I guess after that you pretty much knew how to follow the rules, keep your head down, avoid

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(Ms. Merritt)

the paddling in the future.

A. Yes.

Q. All right. And I think you talked a little
bit about the public right sessions. I want to turn your
5 attention to that. So...

A. Yeah.

Q. ...it's my understanding there were on
occasion, you said you thought it was once or twice a semester,
involving the whole school, correct?

10 A. Yes.

Q. And those would be situations that were
sometimes in the dining room or sometimes in the chapel,
correct?

A. I don't remember the dining room being a....

15 Q. Okay.

A. I don't remember the dining room being one;
definitely the chapel.

Q. Okay. And Farnsworth would have an idea if
something he wanted to talk about. Maybe a rule was broken or
20 -- or even what I've referred to as one of the unwritten rules
like a bad atmosphere or something like a bad attitude in the
school. Do you recall that?

A. I'll just -- if I can just clarify.
Typically, if there was a light session, it was usually -- it
25 was not just Charles Farnsworth, it would be like the -- the
Haig's and the Farnsworth's. I'm just trying to think of even
-- even way back whether the Snore's (ph) would have been even
-- like, they were part of the leadership way, way back.

Q. Yeah. Do you know the A-Team? Do you know
30 that term, the A-Team, the administration team?

A. I've never heard it referred to that.

Q. All right. We'll leave that alone. So,

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(Ms. Merritt)

yeah, and they -- and they would talk about the -- the things that they saw as problems in the school, is that fair?

A. Yes.

5 Q. And sometimes students who were in trouble were made to stand up.

A. Yes.

Q. And they would be talked to about what they had done wrong.

A. Yes.

10 Q. And I assume that, at least on some occasions, those students appeared to feel badly when that was happening to them.

A. I would suspect so, yes.

15 Q. Would it be fair to say that it would be embarrassing or humiliating?

A. I would probably say yes.

Q. All right. And did you ever feel sorry for the people who were being stood up?

A. Yes.

20 Q. And I'm sure you wanted to avoid being singled out like that.

A. Yes.

Q. And they were being picked out of the room and made an example of what not to do, right?

25 A. Yes.

Q. Now, were you ever put on discipline? Was that a thing on D on when you were a student?

30 A. You mean like pots or -- you mean like were -- when you say -- can you just give me an example of what you mean by discipline so I can sort of narrow that down a little bit because that's a....

Q. Sure, sure. I didn't want to interrupt you

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(Ms. Merritt)

5 there but -- but I'll happily help you. So, we've heard evidence that when a student was on D or on discipline it would include a number of things, not wearing a uniform, not going to class, doing work duties instead of class, being separated from the other students, not allowed to socialize.

A. Okay. Can we -- can we just sort of -- can I answer each one individually?

Q. Oh, sure.

A. Because that would be easier for me.

10 Q. Okay.

A. So, if you widen the list and I'll say yes or no.

Q. Okay, perfect, that's a good way to do it. Thanks for the suggestion. So, when people were being put on discipline, they were not allowed to wear the uniform, correct?

A. Yes. So, if you did barn duties, you wouldn't be wearing your -- your school uniform out to the barn.

Q. Okay. And they were not allowed to attend class.

20 A. Yes, there are times, yes, you would not be attending class.

Q. All right.

A. Like, depending on the severity of the discipline, yes.

25 Q. Yes. And sometimes you slept in a -- in the annex which was a room by the gym called Hotel D. Do you recall that?

A. No.

30 Q. Okay. And there was -- the other students were not to socialize with the students who were on discipline.

A. Can you break that out a little bit more for me just so that I can -- like....

Liam Morrison - Cr-Ex.
(Ms. Merritt)

Q. Well, they were on silence is what we've heard.

5 A. Okay. So -- so, that's why when you're saying -- yes, they would be on silence, but they might very well be -- they weren't totally removed from the student body. In other words, they'd probably be on discipline but having dinners with -- like, they would be there for dinner or something like that or -- so that's why I had a lot harder time saying yes or no to that one.

10 Q. Okay. Well, silence will help us.

A. Yes, but silence, yes.

15 Q. Okay. And maybe earlier, before they -- they were put in the annex, the room by the gym, they were required to sleep in the infirmary when they were on discipline. Do you remember that?

A. No.

Q. Okay. All right.

20 A. So, just like when you mention the infirmary, that was a -- that sort of came into existence on my very end of the year.

Q. Okay.

A. So, that's why it's like -- that was definitely a no.

25 Q. Maybe there was nowhere to put them when you were there. It wasn't there for most of your years. Anyway, we'll just move on.

A. Sure.

30 Q. I must admit, we haven't always pinned down exactly the things that were happening in a particular year, so if I suggested things that...

A. Yeah.

Q. ...were not there in your years, I apologize.

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(Ms. Merritt)

I don't....

A. Yeah -- no.

5 Q. I don't mean to get it wrong. And did this discipline happen to you, this form of discipline that we're talking about where you didn't wear the uniform, didn't wear the cross, you did work duties, and were on silence?

A. No.

Q. I take it that early paddling was enough to keep you pretty much on the straight and narrow.

10 A. I -- here's the analogy that -- so, OPP asked me a lot of questions a long time ago. My analogy that I gave them, Grenville is a little bit like boot-camp and -- and so, you just sort of knew, like in boot-camp in the military, you just sort of knew what not to do and what to do, and if you're going to go -- you just really didn't want to go toe-to-toe because it's....

A. It'd get ugly.

Q. You could be disciplined, yeah. Like, I don't know if I'd use the word "ugly", but....

20 Q. Okay. All right. You mentioned that the main rules were enforced fairly equally or consistently. But were there other rules that were not as equally enforced?

A. You need to define that for me.

Q. Well, I'm just picking up....

25 A. Like, give me -- give me -- like, I need examples. Like, to say rules that were -- I'm not too sure where you're....

Q. Okay. It was just the way you said the main rules were enforced equally gave me the impression that maybe there were some other rules that were not enforced equally.

30 A. I don't know how to -- I don't know how to answer that one.

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(Ms. Merritt)

Q. Okay. Would it be fair to say that Father Farnsworth didn't like students to have a bad attitude?

A. Yeah.

5 Q. And would it be fair to say that poor work, wrong attitudes, as well as bad behaviour, was not permitted at Grenville? You could be disciplined, is that more fair?

A. Can you just say that again just so I can just sort of....

10 Q. Yeah. Well, I'm just quoting from one of the exhibits, so maybe it's easiest if we look at it together. This is Exhibit 1, Joint Exhibit Book, Volume 1, Tab 6, page 7 -- hold on a second, maybe not -- page 2, I think. Hold on. Yeah, page 2, third paragraph down. I'm reading from the fourth line sort of there on the right side:

15

Poor work, wrong attitudes, and bad behaviour will not be ignored or excused. Instead, they are confronted, faced up to, lovingly corrected...

20

And then it goes on about the second best that we read before.

A. Yeah.

25

Q. So, poor work, wrong attitude, and bad behaviour were not okay at Grenville, fair to say?

A. Yes, yeah.

Q. And I take it you wouldn't describe that paddling as loving correction?

30

A. I don't look back on it as a negative.

Q. Okay.

A. So, if you're saying, you know....

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Q. Do you look back on it as loving?

A. I'm going to turn and say -- okay, let me pick my words. I have -- I have four children, so it's my intent as a parent to raise my children, you know, to the best possible, and so that level of discipline that comes along with, you know, to help them be the best, I would turn around and say that was Grenville's, you know, Grenville's approach to it and....

Q. You don't hit your kids, do you?

A. Did they get a spank? Yes, they did.

Q. Okay. All right. You recall Haig and Farnsworth talking about sin, I take it?

A. Beg your pardon?

Q. Do you recall Haig and Farnsworth talking about sin?

A. Yes.

Q. Sorry, just to go back, did you ever hit your kids with a paddle?

A. No.

Q. All right. Sorry, I'll ask that again. So, you recall Haig and Farnsworth talking about sin?

A. No, or, sorry, yes.

Q. All right. And what kinds of sins did they talk about?

A. That's a -- I don't even know if I can....

Q. Can I help you out?

A. Yes.

Q. All right. How about being haughty, H-A-U-G-H-T-Y?

A. Yes.

Q. How about rebellious?

A. Yes.

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(Ms. Merritt)

Q. Bad attitude?

A. Yes.

Q. All right. I found the document. This came
-- I don't have copies and I apologize for that. It came from
5 your productions, Mr. Adair; 12:48 came just like that, I've not
doodled on it. You can have a look at it. So, I'm showing you
a document dated November 2004 and it's called Board Committee
Proposal with some doodling on it. That just is how it came.
And I've highlighted there under IT your name Liam Morrison. Is
10 that you? Were you ever proposed to be on the Board? Did
anyone ever talk to you about that? Anything you know about
that?

A. No.

Q. Okay. That's okay, maybe they never told
15 you.

A. I'm looking at like an awful lot of names
there, and I know an awful lot of those names, you know, from
Bob Creighton to Craig Tudman to like Laura Tobin, like I know a
lot of those people but likewise they were never on the Board
20 that I know of.

Q. Okay. Maybe it was just some ideas being
floated. So, nobody ever talked to you about being on the
Board?

A. No.

Q. Okay. You know who Beth Gillis is, right?

A. Yes.

Q. And back in Grenville days, you felt pretty
sorry for her, did you?

A. If I -- if I come back and I look at the --
30 Grenville is -- is like a monastic -- it was started up. When
the Community of Jesus came in, they'd had a very monastic
lifestyle and -- and the staff and the leadership adopted that

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(Ms. Merritt)

5 monastic lifestyle and I would turn around and say because the
staff adopted -- adopted it, that does not necessarily -- the
kids got swept into that same lifestyle and -- and did they get
the freedom to choose to that lifestyle? No. And that was one
of the staff kids -- there's numerous staff kids that -- that I
know, like Ray Barnes is, you know, I was best man at his
wedding -- you did -- he got swept into that whole lifestyle.
So, it wasn't -- I would turn around and say, you know, for the
staff kids, yes, it was a -- I would say it was a tough
10 lifestyle because they did not get the freedom to sort of choose
or -- and/or get the break, you know, like I went home.

MS. MERRITT: Okay, thank you. Those are all my
questions.

THE COURT: Any re-examination?

15 RE-EXAMINATION BY MR. READ-ELLIS:

Q. Mr. Morrison, you recall being asked about
paddling's of Mark Vincent and I think it was Scott Edmonds?

A. Yes.

20 Q. And I think you said you spoke with them
about it afterwards, is that right?

A. About -- like, when, like which one?

Q. Well, did you ever see their or hear their
reactions to a paddling?

25 A. Yes. Like, we'd -- some -- some joked about
it, and you know, it was -- I would say it was like typical guy
banter back and forth, if I can use that as a -- a term.

MR. READ-ELLIS: Thank you. Those are all my
questions.

30 THE COURT: Thank you very much for coming, sir.
You're excused.

MR. BOGHOSIAN: Sorry for taking so long to get

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(Mr. Boghosian)

organized, Your Honour.

THE COURT: Do you want a minute to get sorted?

MR. BOGHOSIAN: I'm getting there.

THE COURT: Okay.

5

MR. BOGHOSIAN: I apologize. I had a pretrial this morning which went way longer than expected, so that's why I was late.

LISA CAVANAUGH: PREVIOUSLY SWORN

10

CROSS-EXAMINATION BY MR. BOGHOSIAN, Cont'd:

Q. Good afternoon, Ms. Cavanaugh.

A. Good afternoon.

15

Q. Can I ask what you reviewed to prepare for. Attending at this trial to testify?

A. I reviewed my previous testimony cross-examinations. I had my letter to the Bishop. I had the letter that Mr. Varley took notes from, and my affidavit.

20

Q. All right. So, you didn't review any of your cross-examination transcripts?

A. Yes, yes, that's what I said, I....

Q. Oh, you did, okay.

A. My cross-examinations.

25

Q. And your discovery transcript?

A. Anything that I had been questioned on previously, so 2008, 2010, 2011.

Q. Now, I understand that you were a day student at Grenville for grades six, seven, and eight.

A. That's correct.

30

Q. And those were the years 1984 through 1987?

A. '84-'85, '85-'86, '86-'87, yes.

Q. Okay. And for those three grades, I take it

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you went home every evening.

A. I did.

Q. And you came back in the morning.

A. Yes.

5 Q. You weren't boarding.

A. No, not at that time.

10 Q. And when you were in those grades six, seven, and eight, you went through a schedule, your schedule, and my understanding was that you would be expected to be at school for 7:45 in the morning.

A. That's correct.

Q. So, I take it you would have had breakfast at home already.

A. That's correct.

15 Q. You didn't eat breakfast at the school with the boarding kids when you were in grades, six, seven, and eight?

20 A. No, I was required to go to my assigned table and wait for the day to start, but we were required to do that so that we would be together as a student body.

Q. All right. So, you didn't first go to the chapel? I thought you indicated that the first thing you did was you'd go to the chapel.

25 A. No. When I arrived at the school, I would go to my locker and put away my coat and my bag that I might have brought books with and then I would proceed to the dining room, sit at my assigned table until -- in grade six until we were -- the elementary students were dismissed. When we were dismissed, we would go up to our classroom and then proceed to the -- they
30 had a small chapel on the second floor in the girls' stairwell and that is where we would go.

Q. So, you're saying the grade six students were

Lisa Cavanaugh - Cr-Ex.
(Mr. Boghosian)

dismissed before all of the rest of the student body?

A. Correct.

Q. And what about -- what about kids younger than grade six?

5 A. Oh, all the elementary students. So, elementary students, kindergarten through grade six would be dismissed before the rest of the students.

Q. And then you were a boarding student at the school for grades nine and ten?

10 A. That's correct.

Q. And those are the years September '87 through June '89?

A. Yes.

15 Q. And you didn't complete your schooling, your high school at Grenville.

A. No, I did not.

Q. And I understand that that was purely for financial reasons, your mom couldn't afford to keep sending you there.

20 A. Correct.

Q. And it had nothing to do with your treatment at Grenville.

A. No.

25 Q. Then you completed high school at a couple of different public schools in Brockville.

A. Yes.

Q. And you achieved average grades, low to mid 70s over those years.

A. Yeah, that's correct.

30 Q. And that was consistent with your performance at Grenville?

A. That's correct.

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(Mr. Boghosian)

Q. After graduating high school, you attended Carleton University and took general Bachelor of Arts courses?

A. Correct.

5 Q. And you dropped out of Carleton after the --
dropped out during the second semester of your second year?

A. That's correct.

Q. And partly for financial reasons but also because your grades were declining, and you thought you were going to be put on suspension.

10 A. That's right.

Q. You then took a dental assistant course at Algonquin College in Ottawa to become a dental assistant?

A. Correct.

15 Q. You did not complete that program, I understand.

A. I did not.

Q. And, in fact, you failed the biology course component of that program.

A. Correct.

20 Q. And then you proceeded through a series of jobs, initially blue collar, administrative, and then you got into the IT world, correct?

A. That is correct.

Q. And you're currently unemployed.

25 A. Yes, I was laid off in May.

Q. Now, I thought I heard you say yesterday that you had some friends who were staff kids.

A. I did.

30 Q. And you kept in touch with them after you left Grenville.

A. I did.

Q. And who were they? What were their names?

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(Mr. Boghosian)

A. Jennifer Post, Rebecca Childs, and Rachel Irving.

Q. And I take it you would write back and forth with them from time to time, catching up on how things are going.

A. That's correct.

Q. And you'd maybe exchange birthday cards with them.

A. I don't know that I actually knew when their birthdays were, but we would exchange Christmas cards, the odd letters.

Q. Okay. Now, if I could have Exhibit 22 put to the witness. Ms. Cavanaugh, this is a document that your counsel put to you yesterday and it was marked as an exhibit.

A. Yes.

Q. And could you just read for me the handwriting, and I think you told me it's your handwriting in the top left corner of the document, if you put it landscape.

A. So, starting here?

Q. Yeah.

A. Okay.

Q. Exactly.

A. (Reading):

I hope that your Christmas house was a big success, although I'm sure it will be. I miss you all dearly. I hope that things are going well, and I hope to see you all soon.

Q. Okay. And you addressed it to?

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(Mr. Boghosian)

A. Father Farnsworth, Mrs. Farnsworth, and Grenville family.

Q. Okay. And is that your handwriting on the bottom as well?

5 A. It is.

Q. And what does that say?

A. (Reading):

10 May you all have a wonderful
Christmas and a Happy New Year.
God Bless. Love always, Lisa
Laushway.

15 Q. Okay. So, that's a very warm, pleasant card
that you wrote to the Farnsworth's, wasn't it?

A. It is.

Q. And I suggest -- I was somewhat surprised to hear yesterday you telling your counsel that you couldn't remember what year that card was sent.

20 A. I don't know what year that was. It could have been -- I know from previous testimony that it was after I left Grenville Christian College, and I would have been -- but I don't know the exact year that happened, it could have been '90, it could have been '91, it could have been '89.

25 Q. I'm showing you a document. It's a -- purports to be a copy of a letter from Father Charles Farnsworth to you, Lisa Laushway. That was your maiden name at the time?

A. Correct.

Q. And you've seen this before.

30 A. I have. I'll be honest with you, I don't remember receiving it, but I would never say that I did not receive it.

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(Mr. Boghosian)

Q. Okay. And it's dated December 16, 1991.

A. Correct.

Q. And he writes:

5

Thank you very much for writing.

We very much appreciate you

carrying enough to send a

Christmas card with a few notes.

10

That's certainly consistent with Exhibit 22,
isn't it?

A. Absolutely.

15

Q. And it's right around Christmastime, December
16th, so it suggests that you likely wrote that Christmas card
in 1991, Christmas '91, right?

A. Correct.

Q. Okay. And I'm suggesting that you wrote it
to Father Farnsworth because you still had very fond warm
feelings toward the school at that time in 1991.

20

A. I would say that's accurate, yes.

Q. Okay. And you certainly didn't bear any
anger or upset or resentment toward the school at that time.

25

A. I knew I didn't want to go back but I was
never angry with the school at that particular point in time, I
would say. I missed people like Rebecca and Jennie and Rachel.
I had made other friends along the way, Erin Block, for example.

Q. But you would write them and send them
Christmas cards quite separately from Exhibit 22 like you sent
to Father Farnsworth and his wife, wouldn't you?

30

A. Are you referring to like Rebecca and Jennie?

Q. Yes.

A. Yes, yes.

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(Mr. Boghosian)

Q. Okay. So, this was specially for Father Farnsworth and -- and his wife, Exhibit 22.

A. And the Grenville family, so that would be all the staff as well.

5 MR. BOGHOSIAN: Okay. Your Honour, can we mark this as Exhibit 23?

COURT CLERK: Exhibit 23.

10 EXHIBIT NUMBER 23: Letter dated December 16, 1991 from C. Farnsworth to Ms. Cavanaugh - produced and marked.

15 MR. BOGHOSIAN: Q. Now, you mentioned when I started examining you that one of the things you reviewed before you came to testify at this trial was a letter you wrote to the Bishop of the Anglican church whose diocese Grenville fell within.

A. Yes.

20 Q. All right. And do you remember when you wrote that letter?

A. That would have been I believe the beginning of August 2007.

Q. August 2007?

A. Yes.

25 Q. Okay. Do you remember writing in that letter to the Bishop that you left Grenville Christian College a very angry, resentful, empty person?

A. Yes, I remember writing that.

30 Q. Yeah. And that's quite a contrast from the Christmas card you sent the Farnsworth's in December 1991, isn't it?

A. It is.

Lisa Cavanaugh - Cr-Ex.
(Mr. Boghosian)

Q. Two-and-a-half years after you'd left
Grenville, right? Right?

A. Correct.

5 Q. And, in fact, in addition to sending at least
that card, at one point, when you were age 22, you returned to
the school for a Christmas function that they put on, right?

A. Yes, my mother wanted to go.

Q. Okay. And you certainly didn't put up a
fight, did you?

10 A. One does not argue with my mother.

Q. Well, you went back to the school despite
saying just a few moments ago that you never would have gone
back.

15 A. I wouldn't have wanted to go back as a
student. The Christmas performances were actually quite lovely,
especially getting to see the choir perform. Some of their
skits were quite nice, especially when they would sing Oh Holy
Night, that would be quite lovely to watch.

20 Q. And if I could have Exhibit 2 put to the
witness if it's not already there. I think it may be, Ms.
Cavanaugh. Do you see the larger bundles at the bottom?
There's two of them.

A. These books?

Q. Yeah.

25 A. Okay.

Q. One of them should say Exhibit 2 in the top
corner.

A. Okay, Exhibit 2, Volume 2?

Q. Yeah.

30 A. Okay.

Q. Yeah, Exhibit 2, Volume 2 is one in the same.
Anyway, if I can take you to Tab 127. So, now we're

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fast-forwarding from 1991, and what year were you 22? I'm just trying to do some quick math.

A. I'm sorry?

Q. Which year were you 22?

5

A. Oh, I'm terrible at math, sir, I'm sorry.

Q. What's your date of birth?

A. Let's see, when I was 20 and....

Q. Well, just tell me your date of birth.

A. It's 1973.

10

Q. '73, okay. So, you would have been 22 in 1995.

A. Sure.

15

Q. And that would have been three years after you graduated from high school. You graduated from high school in 1992, right?

A. Correct.

Q. So, that's five years now after you'd left Grenville as a student when you went back to see their Christmas show.

20

A. Sure.

Q. So, now we're fast-forwarding to 2007 and you write an email dated July 30, 2007 to a Rick or Ry Creighton, Rick Creighton.

A. I believe that's his initials.

25

Q. Who is Rick Creighton?

A. That would be Bob Creighton, Robert Creighton.

Q. Who's that?

A. That was the....

30

Q. Who is he to you?

A. He was a former student, but he was also head of the Alumni Association.

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Q. Was he a student the same time that you were there?

A. Yes, he was.

Q. And he was head of the Alumni Association?

5 A. Yes, he was.

Q. And who's Nancy Smith?

A. She also took charge of the Alumni Association. I believe that's how I got his email.

10 Q. And were you involved in the Alumni Association at that time?

A. To say I was involved, no. We had, at one point, it was -- I can't remember if it was a website or something but we could contact a particular area where we would get contact information for former students if we wanted to reach out to them.

15 Q. So, you never helped plan any functions as part of the Alumni Association?

A. No.

20 Q. And then the body of the email says:

I'm quite taken aback by this information which you have sent to me. It saddened me a great deal to think about the doors of GCC closing forever.

25 And I take it the information he had sent was that in fact GCC was closing.

A. Correct.

30 Q. All right. And you were saddened a great deal to hear that was happening, correct?

A. That's what it says, yes, I....

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Q. You wrote that.

A. I wrote that, yes.

5 Q. And you indicated in the third paragraph of
this letter, third line, that you were seeking advance
notification on the closing ceremonies, correct?

A. Correct.

Q. And that Erin Block, this was a friend of
yours from Grenville?

A. Yes, that's correct.

10 Q. (reading):

And I most definitely will be
there.

15 And then you end with:

Please know that you are in our
prayers through this difficult
time.

20 Correct?

A. Correct.

Q. And the difficult time being the closing of
Grenville College.

25 A. That's correct.

Q. And the sadness it brought upon you, and no
doubt them.

A. I was very shaken when I found out, yes.

30 Q. And then if we can go to Tab 128. This is an
email you wrote to Rick Creighton again on July 31st, 2007, so
the day after.

A. Uh-hum.

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Q. And if we go to the third paragraph, it says, "This unfortunate situation is the talk of the town" and I'm suggesting you're referring to the closing of Grenville College.

A. Yes.

5

Q. (Reading):

10

And although I'm unable to commit anything financially, I'm at your disposal. Should you need assistance, please do not hesitate to contact me.

15

I'll skip the next sentence and you end that paragraph with:

20

I think now is the time in which we all, as alumni, need to pull together and make this situation right.

A. Correct.

Q. And that had to do with I think you said yesterday something about taking care of staff.

25

A. Yes, and there was some concern for the staff members because we knew, as former students, that they weren't making a lot of money and to have the school close in that fashion so suddenly, there was concern from many people I heard from about what might happen to them. Like, we didn't want to see them on the street, so we -- there was discussion around that time through phone calls. Sometimes I would say phone calls, emails, Facebook, about what was going to happen to the staff. So, we had talked about potentially starting some type

30

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of fund to raise money for the staff.

Q. Okay. And then you signed this email at Tab 128, Lisa Laushway-Cavanaugh '92.

A. Yes.

5 Q. And '92 is the year you graduated from high school, correct?

A. Correct. So....

Q. But you didn't graduate from Grenville College.

10 A. No.

Q. No, but you put it down as if you were a graduated alumni of Grenville College in 1992 I'm suggesting.

A. No, that was not my intent. My intent was to sign it so that they would know which class my classmates were with. So, I would have been in class with, for example, Erin Block. That would have been my graduating class had I graduated from Grenville.

20 Q. Okay. And then at Tab 130 we go from emails in late July which express, I think you'll agree, warm and caring feelings for the school.

A. Uh-hum.

Q. Right?

A. Yes.

25 Q. To an email dated September 5th or 4th rather, 2007, so just over one month later, where you're absolutely trashing the school, aren't you?

A. Is there a specific page that I'm to be referencing?

30 Q. Tab 130, the first page is substantially an email from Mr. Creighton to you.

A. Right.

Q. Which I suggest is responding to the email

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that you sent that begins at the bottom of the first page.

A. Right.

Q. And you see where it says nine-four....

A. I see where it says the date and....

5

Q. And that I would suggest is September 9th, 2007 in light of the Creighton email above being dated the next day, September 5, 2007. So, you sent this email to Mr. Creighton on September 4, 2007.

A. Correct.

10

Q. Just about a month or so -- just a little over a month before -- after sending those warm July emails about the school, right?

A. Correct.

15

Q. And I'm suggesting to you, if you look starting on the next page that starts Robert at the back of page one at the tab and all of the rest of this very lengthy email, you're absolutely trashing the school, or at least pointing out that a lot of kids who went to the school had it bad.

20

THE COURT: Is this the upside-down part in the book?

MR. BOGHOSIAN: Mine's not upside-down.

THE COURT: Oh. So, there's page one is this way, page two is the other way and....

25

MR. BOGHOSIAN: I think that's a one-off.

THE COURT: And it says Roberts at the top.

MR. BOGHOSIAN: I'm so sorry. That's a one-off copying error obviously because I see Ms. Merritt's book is....

30

THE COURT: I just need to know which page it is. I can turn it around. Is it the....

MR. BOGHOSIAN: It's the one that has Robert at the very top.

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THE COURT: Robert and then it's got bullets.

MR. BOGHOSIAN: Yeah.

THE COURT: Okay.

MR. BOGHOSIAN: That's the first page of this.

5

THE COURT: And that's the one you're asking about?

MR. BOGHOSIAN: Yes.

THE COURT: Okay, thank you.

MR. BOGHOSIAN: Q. So, just take a moment to
10 look at it, but you'll agree with me that it's being extremely
critical and heaping a lot of abuse on Grenville College, right?

A. I don't know that I would call it abuse.
What I was doing was defending the position of some former
students who did not have a positive experience like Bob
15 Creighton's was. At that time, we had discovered a site, which
I'm sure you're familiar with, FactNet.org.

Q. Yes.

A. And people had been posting that and there
have been a lot of back and forth is how I will call it about
20 people coming in and saying Grenville wasn't that bad, that
never happened, and other people coming back and saying yes, it
did indeed happen, and I had an exchange with Robert because
Robert had said that basically it didn't happen and, you know,
these people are just whining kind of thing. So, my response to
25 Robert is defending the fact that not everybody had the same
experience that he did.

Q. But it's....

A. And I point out exactly like his mentor
singling out students in the dining room, four boys being made
30 to stand at the back of the dining room and eat silence -- in
silence for a week.

Q. And were you present when this happened with

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four boys made to stand at the back of the dining room and eat?

A. Yes, that actually happened to Robert
Creighton.

Q. Yes, and let's just stop there for a minute.

5 A. Sure.

Q. Let's look at his email back to you on
September 5th, 2007, Your Honour. This should be the first page
at your tab. I apologize if it's upside down.

THE COURT: Other way around.

10 MR. BOGHOSIAN: Q. So, Robert writes back and
says fine, I'm not going to post anything more, I'm not going to
defend the school anymore, I'm just going to let people have
their say and then he does a P.S.:

15 It's funny how you can look at
the same thing and see a
different thing.

20 So, you've characterized the four -- poor four
boys made to stand at the back of the dining room and eat in
silence for weeks as a bad thing, as abuse, and Mr. Creighton
went through it himself, right, and here's how he wrote about
it:

25 It's funny how you can look at
the same thing and see different
things. When the four of us did
the kitchen raid, which we knew
we should not have been doing,
30 we got punished in a wacky way,
having to stand and eat in the
back at meals. The reason they

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5 made it so public was because
our crime was being given
Rockstar status among the
students and they didn't want
anyone to get any idea, so they
made it very public. The next
week Mrs. Farnsworth implemented
evening snacks, which had never
10 happened before that, because
she figured if we were raiding
the kitchen, we must be hungry.

15 And then he says later on in that sentence, six
lines from the bottom -- do you see where it says:

Now you are holding that up as a
moment of abuse.

A. Yes.

20 Q. (Reading):

I was the one who was punished
in that way and I don't feel
abused.

25 Right? That's what he wrote?

A. That's what he wrote.

Q. And do you remember their kitchen raid, these
30 four boys raiding the kitchen late at night to get food?

A. I did not witness that. I witnessed the....

Q. Did you hear about it at the time?

A. Oh, of course we did. They were all stood up

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in the dining room in front of us.

Q. But did it attain Rockstar status among the student body?

A. God no.

5 Q. I beg your pardon.

A. No. In fact, we all -- I remember at that time because they had eaten the -- one of the tiers of Don Farnsworth's wedding cakes, so everybody, when they got stood up and we were told what their infraction was that there was an audible gasp in the room.

10 Q. So, that, according to Mr. Creighton, perhaps on the boys' side that you weren't aware of, was attaining Rockstar status.

A. If it was, I was not aware of it.

15 Q. Okay. And did Ms. Farnsworth in fact implement evening snacks a while after this kitchen raid occurred?

A. I wouldn't have had knowledge of that because that would have been when I was a day student, so I wouldn't have had that.

20 Q. Oh, so you were a day student. So, you're not boarding at this point. So, this is at a time when you're not even boarding there.

A. Correct. I would have been....

25 Q. That probably explains why you didn't realize that amongst the boarders this had attained Rockstar status, right?

A. That's possible.

30 Q. And one of the other things you talk about negatively is the so-called blue lounge incident that you refer to where you were required to chant.

A. Yes.

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5 Q. And you told us yesterday that you were required to chant, you got speeches on chastity, you got speeches on monogamy, and you got speeches on aids, and then at the end you had to chant, "Chastity, chastity, chastity" repeated over and over, louder and louder, and then you had to chant, "Monogamy, monogamy, monogamy" over and over, louder and louder.

A. Uh-hum.

10 Q. And then you had to chant, "Aids, aids, aids" over and over and louder and louder, and then you had to put them all together and chant, "Chastity, monogamy, aids", "Chastity, monogamy, aids", and you had to do that over and over, louder and louder.

A. Yes.

15 Q. Right? That's what you told us yesterday.

A. That's correct.

Q. Very vivid for me. Let's look at the last bullet on the first page of your email to Mr. Creighton.

20 A. To my email, the last bullet? So, this is on page....

Q. No, sorry, the last bullet on the first page of your email that start with the word "Robert" on top.

A. Oh, okay.

25 Q. And the last bullet on this first page is the blue lounge incident, isn't it?

A. That's correct.

30 Q. And in 2007, when you're writing this to Mr. Creighton, you said after -- the last line, "After the speech, we were forced to chant "Chastity and abstinence" over and over." So, do you see the difference between what you were recalling in 2007, which in itself is 20 years after you left that school...

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A. I do.

Q. ...and what you now purport to say today, madam?

A. Yes, I do.

5 Q. You see the big difference. There's a big difference, isn't there? There's nothing about aids in your memo to Mr. Creighton, is there?

A. No, there's not.

10 Q. And you had your view of Grenville, I'm going to suggest, shifted 180 degrees by your reviews over the course of August 2007 of these postings on FactNet and the Facebook, Grenville Facebook site, talking about all the horrible things that people said they had gone through there, right?

A. I read FactNet. Is that the question?

15 Q. Yes, and I'm suggesting that you read it in between July 31st, 2007, you read a lot of those articles between then and between the time you wrote the September 4, 2007 email to Mr. Creighton where you actually quote from some of the postings on FactNet and the Grenville Facebook site, right?

A. That's correct.

Q. And you have had your view of the school turned 180 degrees in that one month, I'm suggesting.

25 A. I wouldn't suggest that, no. My view of the school is that it was -- there were good times. There were good times, but when it was bad, it was very bad. It could be frightening. It could be intimidating and shocking to see some things unfold. Will I say that FactNet did jog my memory in 2007, it absolutely did, but did I still carry some of my own instances that were with me? Yes, I did.

30 Q. Well, you obviously, I suggest, felt the experience that you experienced firsthand were fairly few and

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far between until you read all these FactNet postings and it made it sound like they were very prevalent.

A. I'm sorry, I don't quite understand what you're saying.

5 Q. Well, I'm saying that -- I'm suggesting to you that someone does not write emails expressing warm and fuzzy feelings for a school one month and then just over one month later is quoting all of these horrific experiences from the school and clearly taking the side that Grenville was overall
10 negative.

A. I wasn't taking the side that Grenville was overall negative. I was defending people who had a different opinion in view of the school and Robert and I was trying to impress upon him that not everybody had the same experience that
15 he did at Grenville and that they are allowed to air their views and they are allowed to speak to that.

Q. And then in the last paragraph of this email that you wrote to Mr. Creighton, so this should be the last page with any writing on it, the paragraph before you sign off.

20 A. The last paragraph that starts, "It is not my intent...?"

Q. Yes.

A. Okay.

25 Q. And then if you count six lines down to the one that starts, "At this time..."

THE COURT: I'm not sure where....

MR. BOGHOSIAN: Your Honour, it has the sign-off.

THE COURT: Oh, the very last, okay. Yeah, got it, thanks.

30 THE WITNESS: So, we're starting with, "I think that is where the focus needs to be at this time."

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MR. BOGHOSIAN: Q. Right where you just left off
is where I want to start.

A. Okay.

5

There are many students that had
a positive experience and there
are many students that didn't.
Regardless...

10

Q. Okay, stop.

A. Okay.

Q. That's good for now. That's what you
wrote...

A. Yes.

15

Q. ...that:

There are many students that had
a positive experience and there
are many students that didn't.

20

That's what you wrote at the time, correct?

A. Correct.

Q. And that's what you believed to be the truth
at the time.

25

A. Correct.

Q. Okay. Now, I understand the closing ceremony
when Grenville closed down was on September 29, 2007.

A. That's correct.

Q. And you attended.

30

A. I'm sorry?

Q. You attended.

A. I did.

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Q. Did you go with your husband?

A. I did.

5 Q. And you said in-chief that you blame the rough treatment of the spouse of a former student who was mistaken for a reporter as something that turned you against Grenville.

A. That was what made my decision to contact Loretta's office at that time.

10 Q. Because a Mr. MacNeil who had been an administrator at the school....

A. It wasn't that Mr. MacNeil, sorry. It was Ken MacNeil's eldest son, Andrew.

15 Q. Okay. So, just because of this one-off incident involving a single person, you decided to turn completely against Grenville and join the class action.

A. It wasn't just that -- that incident. It was the culmination of people's experiences. At the time -- may I speak to the timeline from July 2007 to the closing?

20 Q. The two months?

A. Yes.

Q. From July 31st to September 29th?

A. Correct.

25 Q. There's a timeline that we need to talk about.

A. No, it's one I talked about yesterday, yes.

30 Q. Okay. Well, if we've already heard it yesterday, then there's no need to repeat it.

THE COURT: Does it answer the question about that you were asked about whether this rough treatment is what turned you against Grenville?

THE WITNESS: It wasn't just that rough treatment. In July, I hadn't heard the other

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5 negative experiences. I knew that some of my
experience at Grenville Christian College had
been negative, and I didn't appreciate it and I
didn't -- I would never want to attend there as a
student. Over the time of reading FactNet and
seeing other people's experiences, I realized
that some of the negative experiences I had were
not just need and had not just affected me, but
it had affected other people.

10 When people like Bob Creighton started to come
out in saying no, no, no, that can't be true, it
was all just fun and games, especially as he was
speaking as our Alumni Association president, I
15 took exception to that. And then as we follow
through and going on, and then we attend the
closing and to be thrust into a situation where
we are being -- and I will say abused again, I --
that cemented it for me. That made me want to
20 tell Loretta my story.

MR. BOGHOSIAN: Q. Did Michael Valpy show up at
the closing ceremony?

A. I believe he did.

Q. Using a fake name?

25 A. Oh, I have no idea what -- if he used a fake
name or not. I saw his physical person across a room, but I
don't know.

Q. And he was doing an expose on the school.

A. He was writing articles, yes.

30 Q. Oh, he was doing an expose trying to -- and
he -- and Mr. Hale-Byrne invited him to this closing ceremony.

A. I don't know who invited Mr. Valpy.

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Q. Okay. But it clearly was inappropriate for non-students and alumni and staff to be at this closing, this memorial event with a reporter lurking in the midst, don't you agree with that?

5 A. I would not agree with that, no. I don't see how the press could influence. If anything, I would think that if it was a positive experience, they would want the press there, then maybe they would get a good story in the news as opposed to the negative. Instead, they removed him.

10 Q. So, in this two-month period you went from having warm and fuzzy memories of the school in July 2007 to September 2007 where you're reporting to class counsel.

A. Correct.

15 MR. BOGHOSIAN: This would be an appropriate point convenient to break.

THE COURT: Okay, we'll take the lunch break. All right. So, we'll break until -- sorry, did you need to say something more or....

20 MR. BOGHOSIAN: No, we were just talking with scheduling.

THE COURT: All right. So, we will -- we'll have the lunch break. At 4:30 we'll have a brief scheduling meeting in chambers still? All right. I'm just going to finish writing this down
25 because to keep track. Okay, thank you. See you at 2:30.

R E C E S S

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

MR. BOGHOSIAN: Q. Good afternoon, Ms. Cavanaugh.

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A. Good afternoon.

Q. Ms. Cavanaugh, before the lunch break, we were talking about the FactNet and the Grenville Facebook site and the postings of negative comments that started flowing in in August or so 2007.

A. Correct.

Q. And you viewed these negative comments and we've seen the profound and rapid change in your attitude toward Grenville in a very brief period of time.

A. I wouldn't call it a change in attitude. I would call it more of an acknowledging of how I was feeling.

Q. Well, I'm suggesting that what actually happened is a group think mentality set in where everyone started piling it on with the horror stories. Everyone started ramping it up to the extent of the incidents that happened and the level of fear that it actually instilled in them. And what we have now is some people who are now portraying life at Grenville in a far grimmer way than it actually was. Isn't that fair?

A. I wouldn't go that far, no.

Q. But you'll agree with me that a sort of group -- group think mentality set in where everyone all of a sudden collectively started purporting to have these memories of a much grimmer and darker Grenville than they had had up to that point.

A. I think up to that point everything had been a positive story, and nobody felt comfortable in sharing the negative experiences and at that point in time people felt more comfortable to share their negative experiences. I wouldn't -- I wouldn't consider it group think, no.

Q. And there was an element of negativity that permeated all the discussions on these sites at some point in time, we'll call it August 2007.

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A. Oh, yes, there were negative.

Q. It was universally negative around that time.

A. I don't think you could say that because Bob Creighton was one that was writing positive stories.

5

Q. No, I'm talking....

A. There were other people that were writing positives as well.

10

Q. Uh-hum. So, you're not agreeing with me that a group think mentality set in amongst the FactNet and Facebook, Grenville Facebook site posters and viewers.

A. Correct, I'm disagreeing with you.

Q. Now, you were never told the reason for moving students within dorms, were you, by any staff?

A. No, I was not.

15

Q. So, anything you say about that is pure speculation, isn't it?

A. Correct.

20

Q. And, in fact, you're saying in your grade nine year, your first boarding year, you were initially with three girls.

A. Yes.

Q. And then you got moved to a room with two girls.

A. Correct.

25

Q. And then another part through the year you got moved back with the very same three girls who you began with, right?

A. Correct.

30

Q. So, that seems kind of inconsistent, doesn't it, with not wanting close relationships to develop amongst roommates?

A. I do have one -- when I got moved back to --

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the room had two of the girls were the same, one girl was different. The other girl -- the first time I was in that room, one of the junior students was Christy Gardner, and then when I got moved back, the other student was Janet Easy. So, it wasn't
5 the exact same group, but two of the girls were the same.

Q. You had testified in-chief that...

A. Yes.

Q. ...it was the same three girls, didn't you?

A. I did and I just realized my error.

10 Q. And, in any event, they put you back with two of the girls that you'd no doubt formed a closer bond with than others at the school by virtue of living with them.

A. I didn't really develop a bond with the other two because they were older than I was, first of all. One was a
15 staff child, the other one was from the community, and both were prefects.

Q. You had a long history of bad relationship with your mother, didn't you?

A. Yes, I did.

20 Q. And you always believed for decades that the true source of your anger and resentment and unhappiness was your relationship with your mother, isn't that right?

A. My relationship with my mother is a very complicated one. During my teenage years, I would say that,
25 yes, I -- I definitely attributed my experience to Grenville, but it is not the sole reason that my mother and I have a difficult relationship.

Q. You didn't hear my question, or I didn't ask it correctly.

30 A. Oh, sorry.

Q. I said you always believed until recently that the true source of your anger and resentment and

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unhappiness was your mother.

A. I -- I'm sorry, I don't understand what you're asking.

5 Q. You felt anger and resentment towards your mother in your teenage years, didn't you?

A. I did.

Q. All right. And that continued well into your 20s and even 30s.

A. Correct.

10 Q. For example, at the age of 22, you cut her out of your life completely and you did not see or communicate with her for ten years, right?

A. That's correct.

Q. Until around 2005.

15 A. I'm not sure what year it was.

Q. Maybe even 2007.

A. I think 2007 would be more accurate.

20 Q. Okay. So, coincidentally, just as there's a cooling or thawing and your mother, I understand, was that catalyst for this, she reached out to you, not vice versa.

A. Correct. She reached out to me because my grandmother was dying of a brain tumour.

Q. And you resumed a relationship, albeit it a tepid relationship, with your mother at that time around 2007.

25 A. Correct.

Q. And you had attributed a lot of your unhappiness in life to your relationship with your mother and her treatment of you up to that reconciliation.

30 A. I'm not -- I'm not sure what you're asking me, I'm sorry.

Q. I'm asking you if you had attributed unhappiness in your life to the relationship you had with your

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mother up until that point in 2007.

A. I don't know that I would blame my mother for everything in my life, no.

5 Q. And I'm wondering, did you notice when you were reviewing the transcripts of your cross-examinations in preparation for today that you gave different ages at which you had a falling out with your mother?

A. I didn't notice that, no, I'm sorry.

10 Q. You didn't notice that in 2008 you said it was when you were about 13 and in 2011 you said it was when you were 15?

A. It was 15 when I began to see a psychologist. It was when I was 13 that my mother and I began arguing.

15 Q. All right. And what were those arguments about?

A. I'm sorry?

Q. You felt your mother was controlling?

A. My mother was controlling, as a teenager, sure, but....

20 Q. And the two of you argued constantly from the ages of 13 to 22.

A. Excuse me. I don't know that I would characterize it as constantly. I would characterize it as frequently.

25 Q. Okay. And so, that's precipitated you after those years of arguing with her that you finally cut her out of your life and didn't see or speak to her for ten years.

A. Correct.

30 Q. And it was a convenient time to turn your focus of unhappiness toward Grenville as opposed to your mother in 2007 seeing that you just recently reconciled with her, right?

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A. My mother and I are not reconciled.

Q. Well, you began to have -- at least speak to each other.

A. Yes, we began to speak to each other.

5 Q. Your biological father was never in your life?

A. Correct.

Q. And your mother, from the age that you were two, had a boyfriend that they lived together?

10 A. No, they did not live together.

Q. They didn't. But he was around frequently?

A. Yes.

Q. Would he stay over at your mother's home, your home, frequently?

15 A. Yes.

Q. Frequently?

A. A few times a week, yes.

Q. Okay. And did you attribute any of your resentment to their relationship?

20 A. That's a hard one to answer because I didn't attribute it to their relationship in the sense of was I jealous. I attributed it to what I was being told at that time was that we were, where she was, living in an inappropriate lifestyle choice, having sex outside of marriage, for example.

25 Q. Well, you didn't call the boyfriend of your mother dad or step-dad, did you?

A. No, I did not.

30 Q. And I'm suggesting that you felt that one of the reasons you were sent to Grenville to board in grade was to get you out of their hair.

A. That -- that's a possibility. I don't....

Q. That's what you thought at the time.

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A. Yeah, that is what I thought at the time.

Q. So, you were bitter and resentful that they just didn't want you around, wanted you out of their hair, right?

5 A. That's -- no. No, I would not agree with that.

Q. Now, things were so bad between you and your mother that, at your request, you attended counselling for the horrible relationship you had with her, right?

10 A. We were arguing at the time, and as a I recall, I was speaking to Samantha Cleverly, who indicated that she was seeing a psychologist, and I thought that was a good idea, and once again my mother and I had an argument and my mother said, I'm taking you to counselling and I said, well, I'm
15 glad you said that because I have a name for you. That was the gist of how that came about.

Q. Did she tell you why she thought you needed counselling?

A. No.

20 Q. She didn't. Just because the two of you were arguing. But you felt you needed counselling.

A. Yes.

Q. And so, at age 15, you started counselling.

A. Yes.

25 Q. And you were at Grenville at the time.

A. Correct.

Q. You were boarding at Grenville at the time.

A. I don't recall if I was boarding or not, I'll
be honest.

30 Q. Well....

A. I might have been, I might not have been.

Q. I'm suggesting that you needed, at least at

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some point while you saw the counsellor, to inform Grenville and obtain permission to go off campus to see the psychologist.

A. Yes.

5 Q. And they granted that without any issue at all.

A. That was arranged through my mother, so I'm not sure how that was treated.

10 Q. All right. But you were never told that there was any opposition to you seeing an outside counsellor in Brockville.

A. No, he counselled many of the staff and students as I understand.

15 Q. And the counsellor you saw, the psychologist, was a Dr. Karl Bartishunas (ph)?

A. Correct.

Q. And you ended up seeing him for at least once a month for the next four years.

A. Correct.

Q. All with Grenville's knowledge and approval.

20 A. Correct.

Q. And the focus of those psychologist therapy sessions was on your relationship with your mother.

A. Sometimes. Other times it could be just normal teenage issues, either I've had a fight with a friend.

25 Q. All right.

A. The topics varied.

Q. The topic of maltreatment or fear at Grenville never came up a single time in all those four years of counselling with the psychologist, did it?

30 A. I'll be honest, I don't recall.

Q. If I can refer you to -- I'm going to give you a transcript.

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A. Thank you. Here, I'll move these up here.

Q. I wonder if I can refer you to page 91.

A. Ninety-one?

Q. Do you recall being cross-examined in 2008?

5 A. I'm sorry, I don't see numbers on this. Is
it Question 91?

Q. It should be in the top right...

A. Oh, there we are. There we are, I'm sorry.

10 Q. ...corner page number. Do you see Question
467 about halfway down?

A. I do.

Q. And you're talking about the psychologist and
the question was 467:

15 Why were you going to see him?

Because my mother and I were
fighting.

QUESTION: Any other reason?

20 ANSWER: No.

So, the only reason you were seeing the
psychologist was because of the fighting that was going on
between you and your mother, correct?

A. That's what I said at that time, yes.

25 Q. And the issue of Grenville, your treatment
there, your so-called fears there, was not a topic that came up
with that psychologist I'm suggesting.

A. I -- I don't -- I generally don't recall if I
ever brought that up.

30 Q. And you were never asked by anybody at
Grenville as to why you were going to see the psychologist?

A. No.

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Q. They always respected your privacy.

A. Yes.

Q. You could have been talking about them for all they knew.

5 A. Absolutely.

Q. I apologize, Your Honour, I've misplaced a book. Oh. And the only other time that I saw you reported seeing a psychologist, in all the transcripts that I've looked at and you've looked at, was a point in time after you were married.

10

A. Yes.

Q. You and your husband went -- were arguing a lot and you went for counselling with him.

A. Yes.

15 Q. And there were two or three sessions.

A. Yes.

Q. And, once again, the subject of Grenville and your experiences there never came up in those sessions.

A. No.

20 Q. You made some close friends while you were at Grenville.

A. I did.

Q. That you maintained the friendships with after you left Grenville.

25 A. For some time, yes.

Q. Okay. And I'm suggesting you had your share of good times at Grenville.

A. Of course.

30 Q. You mentioned Brown's Bay Day and Chief were -- it was sort of like frosh week for Grenville.

A. Yes.

Q. And there were games and activities. Is

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Brown Bay a place on the St. Lawrence River?

A. Yes, it's located on the St. Lawrence River just off of the Thousand Islands Parkway, so it would be west of Brockville.

5 Q. Okay. And you did family nights on Saturday nights with staff families.

A. Yes.

Q. Where you'd see movies.

A. Yeah.

10 Q. Play games.

A. Yeah.

Q. Sometimes go bowling.

A. Yes.

15 Q. And there were many good teachers and staff at Grenville.

A. There were.

Q. Yes?

A. Yes.

20 Q. That were truly interested in the children's wellbeing.

A. Yes.

Q. And it was really just Father Farnsworth and Judy James who you ever witnessed uttering sexist comments.

25 A. I'm sorry, I'm thinking. No, it wasn't just Father Farnsworth and Judy James; there were others.

Q. Now, I was a little confused, and it's probably my hearing, about -- did I understand correctly that even when you were boarding in grades nine and ten you were able to go home on weekends, every weekend?

30 A. I was -- no, no. During my boarding times, I did have to stay at the school on Saturdays. On Sunday I was required to go to church and to brunch and then I would be

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allowed on Sunday afternoons for a few hours to be allowed to go and visit my mother. My mother might pick me up. That didn't occur every weekend, but it did occur, I would say, once a month, once every couple of weeks.

5 Q. You had the option.

A. Yes, I had the option, which was the same option that boarding students had as well. If their parents wanted to visit them, they were allowed to come and take them out for Sunday afternoon.

10 Q. And that was automatic you could do that whenever you felt like it. Every Sunday afternoon you could go home.

A. It was -- it needed to be prior -- prearranged as it were.

15 Q. But you were never turned down for that, were you?

A. Not that I recall, no.

20 Q. Okay. And the same opportunity was afforded to all the boarding students on Sunday afternoons. They could either go off and see their parents or their parents could come and pick them up and take them somewhere.

A. Well, you would -- you would have to be picked up by your parent. You wouldn't be allowed to just walk off campus and walk home.

25 Q. No, I understand. But you were free every Sunday afternoon to spend time with your parents either at home or on an outing when they would come and pick you up.

A. Yes, like we might go to the mall, we might go have a coffee, we might go home and....

30 Q. And that same opportunity was accorded to all the boarding student kids.

A. Correct.

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Q. And a lot of the boarding student kids were from local places like Brockville and Kingston, weren't they?

A. Yes, they were.

5 Q. Now, you've used in this courtroom the term "light session", haven't you?

A. It's possible, sure.

Q. And you don't remember? Maybe your counsel did, and you just agreed with it. But in any event...

A. Yeah.

10 Q. ...you've heard the word "light session" during your testimony.

A. Oh, absolutely.

15 Q. Right. And I'm suggesting to you that while you were at Grenville, you actually have no recollection of the term "light sessions" every being used.

20 A. No, I don't recall that at my time at Grenville. I remember students would talk about being bawled out, like B-A-W-L, bawled out. I remember talking about being chewed out. I remember -- I don't really recall the term "light session".

Q. Yeah. They may be called meetings, meetings with staff if you were spoken to about something.

A. No, a meeting was definitely different.

25 Q. Okay. So, "bawled out", "chewed out", those are terms that but not light sessions at the time you were there, right?

30 A. I'm not saying that it was never used by other students. I'm saying it's not something that I was familiar with at my time or something that I specifically recall.

Q. Right. And I'm suggesting to you that it's a sinister sounding term that's been invented by the FactNet,

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Grenville Facebook posting core to, you know, make a pejorative reference to a practice at Grenville that was not pejorative....

A. I'm sorry, I couldn't hear over the coughing, sorry.

5 Q. Sorry. Let me start over. I'm suggesting that the "light sessions" is something that arose for the first time on the FactNet and Grenville Facebook pages created -- created to...

10 MS. LOMBARDI: Your Honour, I'm sorry to interrupt my friend but we have exhibits in evidence that show where that term came from, and that has to do with the Community of Jesus, so I don't think this question is fairly put to the witness.

15 MR. BOGHOSIAN: Oh, yes, it is. What the staff did is totally different than what the experience was in the school. That's a pretty important theme of ours.

20 MS. LOMBARDI: You said the word -- I'm sorry, Your Honour....

MR. BOGHOSIAN: Light session. I'd like to see the document that used the word "light session".

25 THE COURT: Perhaps the witness could step out for a minute, please.

A. Absolutely.

THE COURT: Ms. Cavanaugh, give us a minute.

...WITNESS EXITS THE COURTROOM

30 THE COURT: The objection seems to be that the premise of the question is false.

MR. BOGHOSIAN: Well, she's given her evidence

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already that she never personally cannot remember ever hearing that term during her time as a student there.

THE COURT: Yes.

5 MR. BOGHOSIAN: And I perhaps should rephrase my next question.

10 THE COURT: I suppose you could put it to her, but you might be opening up the rule against recent fabrication if -- if there's proof that light session was used before the FactNet went up....

15 MR. BOGHOSIAN: I'm confident that the term "light session" does not appear anywhere in any document. I know what my friend is referring to and it refers to a document from the '70s that says "light groups" and it has to do exclusively with staff and staff being assigned groups for -- there's no question that there light groups or light sessions for staff and members of the community but not for the kids in the school.

20 THE COURT: So, I would just say be really specific and careful in phrasing your questions. Perhaps we'll have the witness back in. Do you have anything else you want to say about that, Ms. Lombardi?

25 MS. LOMBARDI: No, Your Honour. Oh, other than their own witness this morning used the term to describe the things happening with the students, like he adopted the term "light session", so I don't know....

30 THE COURT: That's true, but this witness said she's not familiar with it. So, perhaps counsel

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can just explore without putting something that might be contradicted by other evidence, as a matter of fairness.

5 MR. BOGHOSIAN: Okay. It makes sense. I don't think -- I'm -- just because one witness says one thing doesn't mean I can't ask another witness if that's their recollection and did any -- I wasn't here for the gentleman this morning but -- but I -- but no -- unless someone ask him where did you
10 hear the term "light session", then we don't know whether it's from his original time at Grenville or whether he's picked it up from a FactNet and Facebook postings.

15 THE COURT: Well, that line of questioning certainly wasn't pursued and so....

MR. BOGHOSIAN: By either side?

20 THE COURT: I think it's just being careful not to suggest that it's a brand-new term to everybody because I'm not certain that would be borne out by the evidence so far.

25 MR. BOGHOSIAN: Well, to the extent that people have been asked if they recall that term being used, and I did ask Beth -- Ms. Granger that and I took her to a transcript citation on that, but I mean, this is a valid question and there's -- just because somebody used that term and wasn't asked where did that term come from, where did you get that term, was it used at the time, doesn't mean I can't ask this witness those
30 questions.

MS. LOMBARDI: Sorry. I don't have an issue with him exploring the terminology, I have an issue

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with the premise that he's putting to the witness that it was made up, again based on the other evidence, that was made up by FactNet, that's just patently false and I don't think it's a fair question for the witness to answer.

5

THE COURT: What do you propose the next question to be?

MR. BOGHOSIAN: Well, I'm going to -- I'm going to rephrase my last question to say something to the effect of the first time you actually heard this term or saw this term was when you were reviewing the FactNet and Facebook sites.

10

THE COURT: That sounds legitimate to me.

MS. LOMBARDI: We agree, Your Honour.

15

THE COURT: All right. All right, very good. Then I think we've sorted it out. Let's have the witness back in, please.

...WITNESS RETURNS TO THE STAND

20

MR. BOGHOSIAN: Q. Ms. Cavanaugh, I'm suggesting that the first time you heard or saw the term "light session" was when you were reviewing the FactNet and Facebook sites in the summer of 2007.

25

A. That's possible. I -- as I said, I don't recall using that term in our time at Grenville. It doesn't mean it wasn't used by other people, but I don't -- I don't recall that.

30

Q. You never recall hearing it, whether you uttered it, or a student uttered it or a staff, you never -- you don't recall ever hearing that term used at all at your time in Grenville?

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A. Not that I -- not to my recollection.

Q. Now, you were never pulled out of bed in the middle of the night and taken to a different room to be disciplined or spoken to.

5

A. No.

Q. You have no firsthand knowledge of that happening to anyone else?

A. I have not witnessed it. I have heard from other students, but I -- I can't....

10

Q. Let's not talk about what other students...

A. Exactly.

Q. ...may claim. But you never saw it, witnessed it firsthand.

A. No.

15

Q. Now, you testified yesterday that you were subject to two light sessions, one when you were caught smoking and a second when you wrote a letter discussing a boy/girl relationship amongst others.

A. Correct.

20

Q. And the first one caught smoking was a private session initially and then a couple of months later it was raised in a public session.

A. Correct.

25

Q. And the letter writing incident was purely a private session only.

A. Correct.

Q. So, it was just the one time that you were publicly put up in public in front of other students and berated for a real or perceived grievance.

30

A. Correct.

Q. Now, was a very clear and rigid rule at Grenville that students weren't allowed to smoke?

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A. Sorry, I....

Q. There was a very rigid no smoking rule for students at Grenville, right?

A. Oh, yes.

5 Q. And that applied doubly when you were out in town.

A. Yes.

10 Q. Because now you're violating two things, the school rule and you're disrespecting the uniform and embarrassing the school to the public, right?

A. We -- we weren't in our school uniforms that day because we were at Wednesday afternoon activities skating at the Youth Arena, so we would have been in our casual clothing.

15 Q. Okay. And there's no doubt that you, as you admitted in-chief, you did have a cigarette that....

A. Oh, absolutely.

Q. And that warrant some censure or punishment, right?

A. It did.

20 Q. Now, you told the story about two or three months later you came to school in the morning and I take it you went to your table in the dining hall...

A. Yes, I did.

25 Q. ...and at that point, a light session ensued, and you ended up getting called up on the stage and berated for smoking, right?

A. Correct.

Q. And there were a dozen perhaps or more kids with you on the steps of that stage?

30 A. Correct.

Q. So, you certainly weren't alone in front of the student body on that occasion.

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A. We were on display.

Q. Yeah, but you weren't by yourself on display.

A. I was not standing by myself, no.

5 Q. And I'm curious about this because -- I want
to take you to something that you said on your examination for
discovery.

A. Same book?

Q. No.

A. Thank you.

10 Q. If I can refer you to page 52.

A. Yes.

Q. (Reading):

15 QUESTION 218: In the messages
of this nature from Father
Farnsworth and Judy James was it
something that started in grade
nine or did it start earlier?
20 [And you said]: Oh, it was
there from the time I was in
grade seven on up. As an
elementary student, we were
never involved in light
sessions. The staff children
25 would be involved in their own
light sessions, but the
elementary school was not
involved in that and I think
that was largely primarily
30 because we were day students and
would go home and tell our
parents.

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Do you recall giving that evidence?

A. I do.

Q. And I know that you characterize grade school or elementary as ending at grade six, right?

5 A. Yes.

Q. The smoking incident happened when you were in grade seven.

A. Yes.

Q. And so did the light session.

10 A. Yes.

Q. And I'm curious because you weren't boarding at the school in grade seven, were you?

A. No, I was not.

Q. So, did your perception of their concern that day students would go home and tell their parents would apply equally to grade seven students who weren't boarding?

15 A. Okay.

Q. Right? Okay. So, you were free to go home and tell your parents about this public light session that very night.

20 A. I don't remember if I told my mother about that light session or not. I remember being very embarrassed by my mother after that light session because of what had been said to me about the context of her relationship and no wonder I was so rebellious. So, to say that I might have, I don't recall doing that, but it doesn't mean I didn't say anything to her but I -- I really have no memory of that right now.

Q. All right. So, when you went home, your mother would pick you up from school?

30 A. My mother or my grandparents sometimes. Other times it could be a neighbour.

Q. And that would be the same case day after day

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during the week that you were in grade seven and you never, from the time that that happened onward, mentioned this to your -- to your mother?

A. I don't recall mentioning it to her.

5 Q. You didn't mention to her that you had been called -- you had been told that the City street were lined with whores like you?

A. Oh, I definitely would not have told her that; I was very embarrassed by that.

10 Q. And you claim you were told you were said this on the stage publicly because you had smoked.

A. Eventually that came -- that was what was -- the topic of smoking came up during the light session. When that first statement was said to me, I didn't understand why I was up there.

15 Q. But it became clear to you that you were up there for smoking.

A. Yes, eventually.

20 Q. And did he tell you that his desire was to save your soul?

A. I'll be honest, at this time I don't remember; he may have.

Q. Do you remember him saying if he had his way, he was going to ensure that he saved your soul?

25 A. Now that you've said it that way, yes, I do.

Q. And that was said at that very light session.

A. Yes, 'cause that was the only public light session I'd ever had.

30 Q. Apologize, Your Honour. Do you have the one that says ED in the top corner? That was the first one I....

A. This is the one I have here.

Q. Yes. So, ED means your examination for

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discovery transcript. Do you recall being examined for
discovery on October 6th, 2015?

A. Yes.

5 Q. You'll recall I asked you if Father
Farnsworth or Judy James were the only ones that used pejorative
sexist or misogynist labels?

A. Which page are we on?

Q. I'm going to take you to it in a minute.

A. Oh, okay.

10 Q. Do you remember you said it wasn't just
Father Farnsworth or Judy James that would use those labels?

A. Correct.

Q. Like, Jezebel, bitch in heat, whore, right?

A. Correct.

15 Q. And that was your answer. If we can turn to
page 50, Question 213, the last one at the bottom:

20 In terms of these sort of
specific pejorative labels, a
bitch in heat or Jezebel, was
there anyone other than Father
Farnsworth or Judy James who
would actually go that far?
ANSWER: Not with me personally.

25 And then you talk about Father -- and then -- and
then the Question 214:

30 So, confining it to your own
personal experience.
ANSWER: To my personal
experience, it would be Father

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Farnsworth and Judy James.

Do you remember giving that answer -- those answers?

5

A. Yes.

Q. Do you adopt them today?

A. I do because it was based on my own personal experience and I didn't want to speculate on what other people had said to me.

10

Q. So, whether it was said to you directly or what you witnessed being said to others in your presence, it was only Father Farnsworth and Judy James who ever uttered slurs like that?

A. In my own personal experience, yes.

15

Q. Personal experience, including what you observed as a....

A. No, in my experience with light sessions, I'm sorry, I should have clarified that.

20

Q. Well, that's not what -- you didn't -- your answer wasn't qualified on the discovery in that way, was it?

A. I wasn't as specific as I am now, no.

Q. So, you made a general statement that it was only Father Farnsworth and Judy James back in 2008, 11 years ago, right?

25

A. Correct.

Q. That no one other than them ever uttered these sexist slurs and now you're saying you just -- you only meant light sessions at that time.

30

A. I only meant within my personal experience of having light sessions with me.

Q. And I'm suggesting your answer was far broader than that, wasn't it, back in 2008? Look at the

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questions and answers.

THE COURT: Is this the 2015 and 2008 transcript?

MR. BOGHOSIAN: This -- oh, I'm sorry, did I say
2008?

5 THE COURT: Yeah, this one.

MR. BOGHOSIAN: Sorry, it's 2015.

THE COURT: We're in the 2015, okay.

MR. BOGHOSIAN: Yes.

10 Q. These are the answers you gave in 2015, four
years ago; my mistake. Now, other than that one occasion where
Father Farnsworth insinuated that you were a rebel because you
had come from a single mom home, I....

A. Rebellious, sorry.

Q. What did I say?

15 A. Rebel.

Q. Isn't rebel, rebellious, you're a rebel,
rebellious the same? Would there -- was there any other time,
Ms. Cavanaugh that reference to you coming from a broken home or
a single parent home ever raised?

20 A. With me directly, no, but there were the
topics of certain light sessions where it was deemed that you
were not to be living in sin, you were not to be having sex
outside of marriage, sex was only to be between a husband and
wife. There was many different forms of that messaging come
25 through.

Q. And the discipline you were put on for
smoking was the only time at Grenville that you were ever put on
discipline, right?

A. Correct.

30 Q. You talked about the letter writing incident
where you were bawled out for talking about a boy and a girl
romantic relationship.

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A. Yes.

Q. And the theme of it was that you shouldn't be talking about people behind their back.

A. Correct.

5 Q. Other than that occasion, are you aware of any other occasion when your outgoing mail was opened?

A. I don't think I was in the habit of sending much mail out, so I would say no.

10 Q. And you were not put on discipline for the letter writing incident, were you?

A. No, I ended up going home for three days because I had fallen and hit my head and had a concussion.

Q. And they sent you to the infirmary after you advised them of this.

15 A. Yes.

Q. And you were seen there by a nurse.

20 A. I don't recall being seen by the nurse. I was told to go to the infirmary, explain to her why, and that my mother was coming to pick me up, so she -- she allowed me to lay down.

Q. Now, you mentioned about a cold grit's incident where 10 to 15 girls were made to run, get up early and run.

A. Yes.

25 Q. And you were aware that were also boys that were put on cold grits.

A. Yes.

Q. And they also had to get up early in the morning and run.

30 A. Yes.

Q. So, it was pretty equalized treatment amongst the girls and the boys with respect to that.

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A. Oh, cold grits definitely applied to both boys and girls, but the -- the girls and boys were divided during that time. So, the boys were in the dining room, the girls were in the chapel.

5 Q. Okay. But they were on the same cold grits discipline at the same time.

A. I'm not sure exactly what the boys had to do but I -- I do recall what the girls had to do.

10 Q. All right. And there was just this one cold grits incident that you can recall in your time at Grenville?

A. That's the only time I remember the term cold grits being used, yes.

Q. And the kids getting made to get up early and run, that was the only time?

15 A. I seem to recall sometimes if you were on discipline Father Farnsworth might make you get up and run the obstacle course, but I was never made to do that.

Q. Did you ever watch people this early in the morning running an obstacle course?

20 A. No.

Q. So, you never personally witnessed that?

A. No.

Q. This is just some kind of rumour, it's hearsay.

25 A. I don't know that I would call it a rumour, but, yeah, some -- like, people talked.

Q. And you talked about....

THE COURT: Sorry, I didn't hear that.

A. People talked.

30 MR. BOGHOSIAN: Q. You talked about having an earring in the wrong hole, I think is essentially how you characterized it, and Judy James insisted that you have them

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both in the lower -- lower hole.

A. Correct.

Q. And she would make you take it out each evening and you'd put it back in only to repeat that over and over again, right?

A. Correct.

Q. And as a result of taking it and putting it out, your ear -- the ear got infected.

A. Correct.

Q. And don't you agree that it's your fault for insisting on moving that earring when you finished school every day to the upper hole?

A. I was 13 years old, I guess, maybe.

Q. That when students were on discipline, they'd be able to speak to one another, like others that were on discipline.

A. No.

Q. Not at all?

A. No.

Q. And you weren't aware while you were at Grenville -- did you sing in the choir?

A. I might have sung in the junior choir one year, but I was never in the big choir group that -- like the ones that went to Parliament Hill, no.

Q. You weren't aware while you were at Grenville of anyone being subject to an exorcism?

A. No, I never witnessed that.

Q. And you do claim that you saw boys pulling out rocks from the ground.

A. Yes.

Q. And I suggest that you may have seen that two or three times in the five years you were at Grenville.

Lisa Cavanaugh - Cr-Ex.
(Mr. Boghosian)

A. Correct.

Q. And you said you saw boys cutting grass with scissors.

A. I did.

5

Q. Yeah?

A. Yes.

Q. And I'm suggesting that you saw that maybe once a year during the five years you were at Grenville.

A. Yes.

10

Q. You talked about an assault involving a teacher there, Dan Bortolini (sic).

A. Ordolani, yes.

Q. Ordolani. And you spoke about the victim of the assault being David Ordolani.

15

A. Yes, his son.

Q. David Ordolani was Dan's son.

A. Yes.

Q. And they were Community of -- sorry, Grenville Community residence.

20

A. Correct.

Q. And that was a father and son disciplinary....

25

A. I'll be honest, I don't know what it was. I saw him pushed or shoved to the ground and I made tracks to get out of there as quick as possible.

Q. But this is between a father and a son.

A. Yes, it was.

Q. All right. And, to your knowledge, was David Ordolani in his dad's class at that time?

30

A. They were in the staff link, so I -- I don't know. David and I had attended some classes together, but Dan Ordolani was never my teacher, so....

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(Mr. Boghosian)

Q. I want to talk about something briefly that didn't come up in your exam in-chief, and that's this business about phone slips.

A. Yes.

5 Q. Okay. So, as I understand it, at your time at Grenville, in order to make a phone call you had to have permission to do so.

A. Yes, you did.

10 Q. And the permission had to be in the form of a phone slip signed by an appropriate staff person.

A. Correct.

Q. And one of the people that were authorized to sign these phone slips was a Ms. Philes?

A. Correct.

15 Q. And it came out that you had copied Ms. Philes' signature on some blank phone slips.

A. Yes, Jennie Malloy and I had -- we were waiting for Ms. Philes because we wanted to have permission to use the phone and Ms. Philes had lovely penmanship and so we sat
20 on the second -- the stairs had a ledge and we sat there and waited and we were talking about her penmanship because it was very big and flowey (sic) and so we were trying to mimic her penmanship. Didn't think anything about it. Waited for Ms. Philes. Ms. Philes finally came along and we got permission to
25 use the phone.

Q. All right. I want to change the subject for a minute. The blue lounge incident, am I correct that some if not many of the girls were wearing bathrobes over their pajamas at the time?

30 A. I would say yes because that was part of the clothing that you would be instructed to bring, and I do recall seeing girls wearing bathrobes.

Lisa Cavanaugh - Cr-Ex.
(Mr. Boghosian)

Q. So, getting back to the phone slips. You were saying she had lovely handwriting, you were trying to mimic this and with Jennie...

A. Yes.

5

Q. ...and then what happened?

A. We got permission to use the phone. We didn't want to leave litter, so I just grabbed the slips and threw them in my locked drawer; didn't think anything of it.

10

Q. So, you and Jennie copied Ms. Philes' signature on a number of phone slips, correct?

A. I would say five or six.

15

Q. Okay. And then instead of discarding them, you took those phone slips with the signature of Ms. Philes that you had put in the place where a staff person would sign the phone slip.

A. I'm sorry, I'm not following what you're saying.

Q. You signed the phone slip in the place that the staff person would have signed the phone slip.

20

A. No, we signed it on the back, we signed it on the front, we signed it on the line. There were different areas where it was signed.

Q. And I'm suggesting that these were found in a drawer in your dorm room.

25

A. Yes.

Q. And a reasonable belief was formed by the staff that found it that you had forged Ms. Philes' signature on these phone slips so that you and others could have phone privileges without going through proper channels.

30

A. That was what happened, yes.

Q. Okay. And there was a reasonable basis for that because of these phone slips with Ms. Philes, an authorized

Lisa Cavanaugh - Cr-Ex.
(Mr. Boghosian)

phone slip signer with her forged signature on it, right?

A. I don't disagree. I wish I had been that enterprising at that age 'cause....

5 Q. And, of course, if you simply wanted to work on your penmanship by signing like Ms. Philes, you could have done it on any old piece of paper, right?

A. I didn't have any old piece of paper. All I had were the phone slips in front of me.

10 MR. BOGHOSIAN: Your Honour, I'm wondering if this is a convenient time for the afternoon....

THE COURT: Sure, we'll take ten minutes.

R E C E S S

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

MR. BOGHOSIAN: Q. Ms. Cavanaugh, we're talking about the phone slip incident and you were confronted about signing Ms. Philes' name to the slips.

20 A. Yes.

Q. But you were not disciplined for that event or incident.

A. I was suspended for a week.

25 Q. Well, I'm suggesting that you were not suspended for a week. You happened to be off the next week having some minor surgery.

A. I did have surgery three days later I believe it was, but I -- I was told that I was suspended.

30 Q. And you didn't mention having been suspended in your statement to the police or to the Bishop, did you?

A. No.

Q. You had forgotten that you had been suspended

Lisa Cavanaugh - Cr-Ex.
Lisa Cavanaugh - Re-Ex.

for a week when you wrote to the police and the Bishop...

A. I did.

Q. ...in 2007.

A. I did.

5 Q. I see. And I'm suggesting that the reason
you were off the following week is because of the minor.

Surgery, which you told us you did have.

A. Yes, I had the surgery but that was not why I
was away for a week. Why would I leave the school three days
10 early prior to surgery?

A. In any event, forging a staff person's name
on a phone slip is a punishable offence, wouldn't you agree?

A. Yes.

MR. BOGHOSIAN: All right, thank you. Those are
15 my questions, Your Honour.

THE COURT: Any re-examination?

MS. LOMBARDI: Yes, Your Honour.

THE COURT: Yes.

20 RE-EXAMINATION BY MS. LOMBARDI:

Q. Just a few questions for you, Lisa. You said
that you were seeing a psychiatrist near the school while you
were attending Grenville at about 15 years of age, you started
seeing a psychologist, was it?

25 A. Psychologist.

Q. Psychologist. And you also mentioned, in
speaking with my friend, that he was someone you said that many
of the staff and students of Grenville saw as well.

MR. BOGHOSIAN: Your Honour, that was not part of
30 her evidence; she never said....

MS. LOMBARDI: It was; she said that.

THE COURT: I thought it was in a question that

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(Ms. Lombardi)

you put to her that others did go to see the same
psychologist and a name was given. If my
memory's inaccurate, please correct me, but....

MR. BOGHOSIAN: Perhaps I missed it.

5 THE COURT: Okay.

MS. LOMBARDI: Q. I just wanted to ask you, so
how do you know that this psychologist was seeing staff and
students from Grenville?

10 A. Because I would see them in the waiting room
while I was waiting my turn to see the psychologist.

Q. Thank you. And my final question has to do
with the surgery. Can you tell us what the surgery was?

A. It was for a pilonidal cyst on my tailbone.

15 MS. LOMBARDI: Thank you. Those are all my
questions.

THE COURT: Thank you very much for coming.

A. Thank you.

THE COURT: Next witness.

20 MS. LOMBARDI: Your Honour, we don't have a next
witness ready. Our friends thought that perhaps
they would take the balance of the day, so we
called off our witnesses, but we will be ready to
go first thing in the morning with more
witnesses. Perhaps we -- we might start, I don't
25 know if that's possible, but we could have our
session earlier.

30 THE COURT: Of course. Let's use the time and
we'll speak to scheduling in a couple of minutes
unless there's anything else to be dealt with in
public right now.

MS. CONDO: I do want to apologize. It was my
fault that I said I thought I'd be the whole day.

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I didn't have a chance to turn my mind last night to my questions relative to the examination in-chief as I was preparing for a pretrial and it wasn't until this lunch break that I cut a lot of questions, so....

THE COURT: Sometimes things change on the fly, and that's the nature of litigation. So, thank you for the acknowledgment. So, we'll meet in chambers in a couple of minutes and Debbie, you'll bring back....

...MATTER ADJOURNED

FRIDAY, SEPTEMBER 27, 2019

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

THE COURT: So are we - we're with Ms. Cavanaugh, correct?

MS. LOMBARDI: No, I....

THE COURT: No, no, we finished.

MS. LOMBARDI: We are finished.

THE COURT: That's right. We're on to the next witness.

MS. LOMBARDI: Yes. And the next witness is Tyler Holmes.

THE COURT: Tyler Holmes, right.

TYLER WINSTON STACEY-HOLMES: AFFIRMED

Tyler Stacey-Holmes - in-Ch.
(Ms. Lombardi)

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good morning Mr. Stacey-Holmes.

A. Good morning.

Q. May I call you Tyler?

5 A. Yeah, please.

Q. Thank you. Tyler, can you tell us where you
live?

A. I live in Ottawa.

Q. And what do you do?

10 A. I had been working in the not-for-profit, in
marketing and fundraising, corporate fundraising, but as of 2015
I experienced a mental health crisis and I haven't been employed
since then. I'm on long-term disability.

15 Q. Okay. And when did you attend Grenville
Christian College?

A. I attended Grenville from 1993, which was my
grade 11 year, to 1995 which was the end of my grade 12 year.

Q. And so how old were you then at that time?

A. I would've been 16 and 17.

20 Q. And how did you come to attend Grenville
Christian College starting in grade 11?

A. So my best friend, his name was Mike
Officer....

THE COURT: His what?

25 THE WITNESS: Sorry, my best friend, his name was
Mike Officer. Sorry, am I not speaking loud
enough?

MS. LOMBARDI: The acoustics are just very bad.

MR. ADAIR: Just a bit slower.

30 THE WITNESS: And slower? Sure. Sorry, I'm just
nervous. Give me one moment.

THE COURT: One thing we have noticed, Mr.

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Stacey-Holmes, is this courtroom has odd acoustics.

THE WITNESS: Okay.

5

THE COURT: So, not only is it - you can hear noise from all over the courtroom, so even if someone coughs when you're speaking it - we might have to ask you to repeat.

THE WITNESS: Sure.

10

THE COURT: But if you - if you tend to go down at the end of sentences, we sometimes lose the end of a word.

THE WITNESS: Okay.

THE COURT: Or if you tend to speed up, we might lose the word. So...

15

THE WITNESS: Okay.

THE COURT: ...if you can take your time, speak slowly and deliberately, we won't have to ask you to repeat as much.

THE WITNESS: Thank you.

20

THE COURT: So, thank you.

THE WITNESS: Okay, sure. So my best friend for several years was Michael Officer, and the Officer family was very involved at Grenville. Mr. Officer was the Chairman of the Board and all of Mike's older sister, he had three, all had attended Grenville as well. So I was attending a local high school, Brockville Collegiate Institute in grade 10 and that was the year Mike had went to Grenville, and he had a positive experience and he wanted me to attend Grenville, and the Officers really encouraged my parents that it was a great school. So we went for a

25

30

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tour, my father and I. I applied for a musical bursary, so I had an audition. I'm quite musically gifted. And they accepted me as a student, and that's how I attended in '93.

5 MS. LOMBARDI: Q. Okay. Thank you. And where did you reside when you were attending Grenville?

A. So because I was a high school student, it was mandatory that we live on campus, so I was a boarding student who lived in the boys' dorm both years.

10 Q. And can you describe that boys' dorm residence for us?

A. Sure. It was - the boys' dorm was probably one of the most modern buildings at Grenville. It was fairly new. There was room for six boys per dorm room. In my first year, in grade 11, I had four other roommates. There were five of us in the room. And in my second year, the same. I had four roommates. There were five of us in the room. There were approximately 50 to 60 boys per floor and there were 3 floors in the dorm. Also on each floor there was a staff member, a male staff member that lived in an apartment on the floor. And that male staff member was there to ensure that, you know, we followed the rules and took care of the dorm, took care of our rooms.

25 Q. And who was the male staff member that lived on the floor you were on?

A. Both years I was on the second floor and the staff member was Jeff Henderson.

Q. And what kind of a student were you, Mr. Holmes?

30 A. I was an eager student.

MR. BOGHOSIAN: I didn't catch that.

THE WITNESS: Eager.

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MR. BOGHOSIAN: Oh, sorry.

THE WITNESS: I - I loved the academic life. In
grade 11 I maintained around an 80 percent
average, however, in grade 12 that plummeted
significantly. I barely passed my grade 12 year.
And my favourite classes were anything to do with
creativity, especially music. That was my
passion.

5
10 MS. LOMBARDI: Q. And so were you involved in
musical extracurricular activities at the school then?

A. Oh, everything I could be in. I acted in
musicals, I performed with orchestras and bands. I occasionally
got to play the pipe organ for services in the church. I was
also heavily involved in music outside of the school. Because I
was from Brockville, I had commitments in the city. I was the
organist for Saint Peter's Anglican Church. I was accompanist
to many school choirs, community choirs. I travelled for music.
I competed for music. Like, it was my life.

15
20 Q. Okay. Thank you. What were some of the rules
at Grenville that the students had to follow?

A. Just some? Some were pretty straightforward.
For example, our uniform. Our uniform had to be in pristine
condition, clean, ironed, straight, not dishevelled. Our shoes
were expected to be polished, matching socks. Everything that
we wore, we all had to buy from the same place. It was here in
Toronto. I think it was called Halprens. So every - every part
of the uniform was assigned. And it would be inspected; perhaps
not daily, but regularly by that male staff member on the floor
before we would head out for the morning. But also throughout
the day if a staff member, for example, noticed that our tie was
loose or our blazer had a stain, it would be brought to our
attention and we were expected to fix that.

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In the dorm, rules were obviously being respectful of others in the dorm, keeping noise to a minimum. We were expected to make our bed in a very precise manner with hospital corners and there couldn't be any creases in the bedspread. And that was inspected daily every morning. We were responsible for cleaning the dorm that involved dusting our rooms, vacuuming our rooms, cleaning glass and mirrors, and each day a room would be assigned to clean the bathrooms on that floor. So we would clean toilets, sinks, showers and this was all before we would attend breakfast or class in the morning.

Once the cleaning was done in the dorm it would be inspected by the male staff member. If we didn't do a good job, it usually wasn't just a case of fixing the mistake, it was usually perform the task in completion over again. For example, if your bed wasn't made properly, they wouldn't just tell you to fix the crease, they would rip the bedspread off your bed and you would do it again. If your locker was a mess, oftentimes the staff member would literally like, put his hand in your locker and clear out your stuff and have you start over. So they wanted everything very tidy, very uniform.

In class, it was expected that we be very quiet, very respectful. You know, we could ask questions; raise our hand and ask questions. In the school in general there were rules about the separation of genders. There was - there - there was a proximity rule that we all knew as the six-inch rule, which essentially meant that a boy and girl could not be closer than six inches to each other. There was also a ratio in which there had to be more females present than males. So for example, if I wanted to hang out with a female friend, we could only do so if there was another female present.

So, it had to be basically a - like, a - always one extra female to males. There were separate staircases for

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5 boys and girls. I mean, there was a very hefty student
guidebook that we were given in advance of the school year
outlining the rules. And they really - they covered everything
from attire to leaving the school premises, representing the
school when we were out in the community. If we went to the
mall or had a dentist or doctor's appointment, how we were to
speak.

10 Also there were sort of unspoken rules as well;
rules around how we were expected to be perceived, that we were
to be happy and well adjusted, not to complain, not to be seen
as unhappy or ungrateful with being at Grenville. There were
rules around, you know, how often we could make calls to our
family, or, you know, we weren't allowed to call friends, for
example. We were only allowed to call family. We could send
15 letters and receive letters often - not - sorry, not often;
occasionally. Letters that we receive would have been opened by
staff in advance of us being delivered those letters.

20 So there were rules around you know, what sort of
things we should and shouldn't write in letters to our family
and friends. Again, there was rules around how we need to let
people perceive us, and that was, again, to be happy and
grateful and thankful and well adjusted.

25 And then in the dining room, you know, proper
dining etiquette, please and thank you, passing food, making
sure everybody has everything they need. Standing when a female
staff or a female student would come to the table, males were
expected to stand, and that was true in the classroom too, when
the teacher would enter, that we were to stand, out of respect.
And you know, in the dining room, simple things like not chewing
30 with your mouth open, and not talking with your mouth full.
Being quiet. That was key. Not being loud. Not getting
carried away. Shall I keep going or....

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Q. If those are all - however many rules you remember.

5 A. Then there were rules around different activities. As students, we called these activities mandatory fun, because often they weren't fun, or they weren't things we wanted to do but we had to go. So mandatory fun would be things like, square dancing night, where all staff were - or, students were expected to sort of, put on a plaid shirt and some jeans and cowboy boots and prance around the dining room to cowboy music. Or perhaps maybe a movie night. Or a sports activity. 10 These things were mandatory. We had to go. We had to participate. We were expected to have fun, again, not to complain, not to get carried away, to be respectful.

15 I guess that, you know, for things like square dancing, that's when the six-inch rule didn't apply. We were expected, you know, to be respectful of the girl we were dancing with, but obviously we couldn't be six inches away. It wouldn't work, dancing with a partner. There were rules and guidelines around when and how we studied. For students my age there were 20 lots of opportunity for studying. So we were expected to study during our spares, there was also a mandatory study hall every weeknight after dinner. And then there was optional study hall for senior students in the evening, after lights out. And so we were expected to go to these and again, be quiet, and the focus 25 was to study and to get our work done.

Q. Thank you.

A. Yeah.

Q. You mentioned that you watched movies. What kinds of movies would you watch?

30 A. Family oriented movies. I remember watching quite a few Disney movies, like, The Lion King or The Little Mermaid. That was probably the extent of it.

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Q. Okay. Thank you. And what would happen if you broke any of the rules at Grenville?

5 A. So we knew that breaking any rule was punishable. In some cases, the punishment was outlined in the guidebook. So as I had mentioned earlier, for example, if your uniform was untidy, that wouldn't necessarily be a punishment as much as a reprimand. But if you, for example, you know, there were students on my floor, the male students who were caught smoking. So the punishment for that would be being put on "D",
10 being put on Discipline.

MR. ADAIR: I'm sorry.

THE WITNESS: Yeah.

MR. ADAIR: Punishment for what?

15 THE WITNESS: For - for example, if a student smoked. If a student was caught smoking, which was something that did occur often. So the student would be placed on discipline, which meant that he's stripped of the uniform. They weren't allowed to wear the prescribed uniform.
20 They would have to wear casual clothes and casual at Grenville was business casual for boys and business casual for girls, but they always had to wear long skirts. Females weren't allowed to wear pants. So you would be stripped of the
25 uniform, put in casual clothes. You weren't allowed to attend classes. You weren't allowed to sleep in your dorm room. You weren't allowed to talk to other students. You could only talk to staff.

30 In most cases, your day was spent doing work duty, which meant physical, manual labour,

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5 working in the kitchen for example, preparing meals, washing dishes, mopping floors, cleaning bathrooms, mowing lawns, raking leaves, like, janitorial work. You would spend the day doing that, and then in the evening you would be visited by your teachers to cover the course work that you missed for that day.

10 The standard duration of discipline, being on "D" was three days. That was sort of the school standard, that for most of those more serious infractions, it would be three days. And then as a student who wasn't on discipline, but was around a student on discipline, it was expected of us, we weren't allowed to talk to the student on discipline. We weren't even supposed to look at them, or acknowledge that they were there. We were to shun.

15 MS. LOMBARDI: Q. And who would impose these disciplines, when there was an infraction?

20 A. So in - I can speak to how it worked with the male student body. Those punishments would've always been assigned by the Dean of Boys, who was Jim MacNeil when I attended. And it would either be him alone, or perhaps another staff member, like, if another staff member was the one that
25 caught you breaking the rule, or if it was your teacher, who was, you know, bringing forward the fact that you were misbehaving in class. So there could be another staff member present but it was always the Dean who would - who would assign
30 that punishment.

Q. Okay.

A. Decide. And it wasn't - you were told that

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5 you were being put on discipline but you weren't given any other information. You weren't told how long it would last or what you would be doing. That was all just sort of, you were told on a need to know basis. You're now being moved to the kitchen to work. You're now being moved to the boys' dorm to clean bathroom. Like, it just sort of happened on the fly.

Q. Would that infraction be set out by the staff member to the student to say you're being put on discipline because?

10 A. Oh, absolutely. It - you would be told why. You'd be given a reason as to what it is you did wrong. Yeah.

Q. And were you ever disciplined at Grenville?

15 A. So I was put on discipline twice. Both times were in my grade 11 year, my first year at Grenville. The first time I was put on discipline, I was accused of having an inappropriate relationship with a female staff kid. Her name was Emily MacMillan. Her parents were both in charge of the music department at Grenville. Emily was very unhappy at Grenville and wanted to be expelled. I - I knew that. She was
20 looking for a way out, and our - our relationship, I mean, we were friends. It was perceived that we had a relationship and it was observed by a staff member that during a prayer service, Emily had grabbed my hand, and that was observed, so that was enough for them to accuse us of having a relationship.

25 So, I was put on discipline. Again, stripped of the uniform, removed from my dorm room. I didn't attend classes. Most of my work duty was in the kitchen, so I was sleeping in the infirmary instead of the staff room. So, I would be woken up maybe around 4:30 or 5:00 in the morning. I'd
30 have a quick 20 minutes to shower and get ready and I would report to the kitchen. I - when you're on discipline, you're escorted by staff constantly, so you're never wandering the hall

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alone. So I - a staff member would come to the infirmary, escort me to the kitchen where then a kitchen staff member would take over responsibility for me and assign tasks.

5 I can recall one of my tasks was helping with inventory of the pantry. So with a clipboard, and a pen, as the staff member counted the various items I would record that. As it approached mealtime, I would often help with meal preparation. Maybe chopping vegetables or washing, stirring, and then dish duty, which was - we had a humungous industrial
10 Hobart dishwasher, so we would spend maybe an hour or two hours just running dishes through the dishwasher. And the work lasted all day, like, the entire school day.

Even into free time at 4:00 after classes ended for everyone else, you would still be working. Our meals were
15 served - there were different rooms adjacent to the main dining hall. There was a small dining room reserved for special occasions. Oftentimes if you were on discipline, that's where you would have your meals. Sometimes alone, but more often than not, supervised by a staff member. And then in the evening when
20 it was mandatory study hall for all students, that's generally when I would be visited by my teachers, who would come to assign the work that I had missed, answer any questions I had about the assignments, and during that time, maybe approximately two hours, is when I would complete my coursework. And then as the
25 late evening approached, maybe around 9:00 I'd be escorted back to the infirmary where I had a hour to sort of unwind from the day, shower if I needed to, get ready for bed. And the same would repeat the following - following day.

30 Q. So who put you on this discipline? Do you remember?

A. So I was put on discipline by Jim MacNeil. He told me that he had contacted my parents to tell them that I

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5 had broken the no relationship rule. No relationships with the
opposite sex. And so he informed me of this, that my parents
were aware. I - I remember telling him that I did not have a
relationship with Emily MacMillan. I was called a liar. I was
told that this is why I'm being put on discipline, that I needed
a change of attitude, that I needed to be honest about the rules
I was breaking, that staff saw us, so what the staff saw was
obviously the truth. And I was just told that I would be on
discipline, so I - again, I wasn't given a timeframe, I wasn't
10 necessarily told by Mr. MacNeil what I would be doing. He just
informed me that I needed to remove the uniform, get into casual
clothes, and that a staff member would meet me in my dorm room.

Q. And where did this conversation take place?

15 A. In the Dean's office, which was located on
the high school floor.

Q. Can you just describe the Dean's office a
little bit for us?

20 A. The Dean's office was located behind the high
school receptionist's office, I believe. I - I am struggling to
exactly place where - if both deans shared the office but I was
in Mr. MacNeil's office. Often when you were being reprimanded
you - it was expected for you to stand. So I was standing in
front of his desk while he was seated. Mr. MacNeil was an
unfriendly man. I would say not kind, not gentle. So it was an
25 angry conversation. He was disappointed, upset that I would
break this rule, angry that I would do this to Emily, angry that
I would do this to the MacMillans 'cause it was their daughter.
You know, he told me that my - my parents were disappointed that
I broke a rule. I'm - I'm - I - I'm - he - I recall getting an
30 opportunity to apologize. I didn't, because I hadn't done
anything wrong, and I hadn't experienced that change of heart he
was hoping for after being on discipline, so I was - I was

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denying the accusation.

Q. So how did you feel during this conversation with Mr. MacNeil?

5 A. I would've felt very frustrated that I wasn't being believed. I was being punished for something I didn't do. And I wasn't really being given the opportunity to defend myself. I was hurt. I was sad. I didn't want to be shunned by my friends. I'm a really outgoing person, especially I was in grade 11. So not being able to be in my room, not being able to
10 speak to my friends, not being able to attend classes I enjoyed. I mean, it sucked, it felt awful. I was embarrassed, I guess ashamed but defiant, because I felt like the punishment was unjust. So after, you know, he told me what the punishment would be, and that he was disappointed, I was told to go back to
15 the dorm, take off the uniform and be - to be picked up by a staff member.

Q. Okay. And you mentioned that you were disciplined twice. Do you recall the second time that you were disciplined?

20 A. Yes. So my best friend at Grenville, Mike Officer, even though it wasn't allowed, Mike had a girlfriend at Grenville. Staff were definitely aware of their relationship but because he was an Officer, and - which meant because his dad was on the Board, and he had a long legacy of family attending
25 Grenville, staff looked the other way. Mike and Natasha spent a lot of alone time together, in front of staff, and it was rarely - anything rarely was said. Anyway, Mike perceived a male student was sort of leering at his girlfriend Natasha, and Mike wanted to make an example that he wasn't someone to be messed
30 around with, so Mike gathered a group of his friends, like a posse of us, myself included, This boy's name was Matt Day. So I was in grade 11, Mike was in grade 10, as was Natasha. Matt I

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think was maybe a grade 9 student.

And so the plan was for the group of us, maybe 10 male students, to go to Matt's room and just intimidate him and so Mike would have the opportunity to say stop leering at
5 Natasha. But when we got to the room, things got out of hand pretty quickly and actually turned violent and some of the boys in the posse started to physically attack Matt, punching him, pushing him to the ground. One student kicked Matt when he was
10 down. Mike delivered the warning, stay away from Natasha, and we all cleared out.

So a couple of days passed after that. So nothing happened the day of. I didn't hear anything about it, or I believe the day after. I went home for the weekend, and on
15 Saturday when I was home, the school called and it was Jim MacNeil. I don't remember which parent answered but one of them informed me that the Dean of Boys is on the phone and he wants to speak with you.

So Mr. MacNeil told me that he had heard that there had been what he referred to as a hazing of Matt Day, in
20 the boys' dorm. He said he was aware that Mike Officer was the ringleader of this and that I had attended. He said that he had heard from some of the other boys he had spoken to in this posse, that I was there; I was present in the room but I didn't participate in any of the violence, in fact I was quite vocal in
25 stopping the attack against Matt.

So Mr. MacNeil wanted to know who the ringleader was, like, for me to confirm that it was Mike Officer. He wanted me to confirm who the other male students were. He asked me if I knew who threw punches. He asked me if I saw who kicked
30 Matt. And I gave names. That was something that was always expected of us as students, to turn each other in. As students, we called it narc-ing on each other.

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MR. BOGHOSIAN: I'm sorry, the word?

THE WITNESS: Narc.

MR. BOGHOSIAN: Narc?

THE WITNESS: Like a - like a undercover cop,
narc. And there were narcs at Grenville.

Grenville had leaders and prefects, student
leaders and prefects and their job was to look
and be an ideal student but also, to be the eyes
and ears of staff, but that's an aside from
what's happened here. And, so, Mr. MacNeil in
the phone call asked me what my involvement was,
to confirm that I was there, I knew what was
happening, I knew what happened, and he really
focused on the fact that if I was any friend at
all to Mike, that I would've told on him. I
would've brought this - before the hazing even
happened, in the planning phase of it, that I
should have reported it to a staff member, that
it was my duty to report it to a staff member and
that I was going to be disciplined, not for my
involvement in the hazing, but for not turning in
Mike.

So Mr. MacNeil informed me that my time at home
was over, and that my parents were to take me
back to the school immediately so I could begin
my discipline. So my parents - you know, we
cancelled our weekend and my parents drove me
back to the school. When I arrived, I was to
notify Mr. Henderson, the male on my floor, to
contact Mr. MacNeil. I - this time I wasn't in
Mr. MacNeil's office, he came to my dorm room

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5 with Mr. Henderson. The other - my roommates
were asked to leave the dorm room and I stood in
front of Mr. MacNeil and Mr. Henderson, while Mr.
MacNeil again told me what I was being punished
for, that he was disappointed, that I had let
Mike down, that Mike is disappointed in me, and
that I would be put on discipline until I had a
change of attitude, and realized that what I did
was wrong.

10 So all of us involved in that situation were put
on discipline. All involved were given the
standard three-day discipline. However, I was
put on discipline - I remained on discipline for
15 five whole days, a whole school week. And I was
told the reason for this was because of my
attitude, because I didn't acknowledge that
telling on a friend was the right and expected
thing to do. So my punishment was longer and
20 more severe because I had the power to stop it,
and I didn't.

MS. LOMBARDI: Q. What was the tone of that
conversation in the dorm with Mr. MacNeil and Mr. Henderson?

25 A. So Mr. Henderson just stood there. He was
just there to be a presence. Mr. MacNeil, I mean, I'm a very
tall person. In grade 11 I was 6-3. Mr. MacNeil was a little
taller than me, perhaps 6-4, maybe 6-5 and a very large man,
maybe 300 - maybe 350 pounds. So he towered over me. So he
would - he was raising his voice. He was angry, very angry,
30 very disappointed. Told me how awful it was to have to call
Matt's parents and explain what happened to Matt. Matt did have
bruises. He had a black eye. I guess he had a bruise on his

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back from where he was kicked. So I was told all of this and how awful it looks for the school and what an awful position I put the school in and how I disappointed everyone involved, how I've disappointed staff and teachers, how I've disappointed Mr. MacNeil, and again, I was told that I was to remove my uniform, that I'd be required to get into my casual clothes, that Mr. Henderson was going to take me to my first work assignment, and I spent five days doing manual labour, not having meals with the other students, not attending classes, not talking to friends, not being talked to or looked at by friends. I would pass in the hall or pass in work duty some of the other boys who were on discipline. I know we probably exchanged glances, but none of us definitely never dared to talk or address each other.

And then on day three, I'd be - Mr. MacNeil came back to see me to tell me that I was going to be - I was going to remain on discipline because the staff who were supervising didn't see a change in my attitude. I mean, when I was on discipline, no one - no staff member was talking to me about the incident. It wasn't being addressed. No one was telling me this is how you need to change your attitude in order to get off discipline. I was expected to figure that out myself. And again, the general rule at Grenville was it was expected for us to be happy, smiling, content, not complaining.

So in order to get off discipline, my final two days, I focused on making sure that I did things with an open and willing heart, accepted all of the tasks I was being assigned willingly, thanking staff for assigning me work duty. I just kept quiet and just worked.

On day five, I was called to Mr. MacNeil's office. It was Mr. MacNeil and I alone in the office. I was in casual clothes, standing on the opposite side of his desk. He was seated. He wanted to make sure that I had learned my

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5 lesson. I admitted that I had, that I had been praying on it, that I realized what I did was wrong, that I had intended, when I was off discipline, to apologize to Mike and the other boys involved, that I really should have been more mature and stopped it and reported it before it happened. Just basically showing that I was sorry and repentant for my role in that event. That seemed to make Mr. MacNeil happy. I was told that I could go back to the dorm, put on my uniform and resume my normal life at Grenville.

10 Q. Thank you. Did you notice the types of discipline that the other boys that were involved in the incident were - were doing or were put on?

15 A. Yes. As I said, there were many times that would be assigned a work duty where another disciplined boy was on - was also performing tasks. So most often that would happen in the kitchen. Usually dish duty. Out of all the tasks in the kitchen dish duty was just the worst. It was so hot. You would get sweaty, you would sweat through your clothes, and personally I - I have some - I have O-C-D and so I have a lot of issues
20 around my personal hygiene, cleanliness, and sweating specifically is something that I - I hate doing. It - it - still to this day, it makes me feel really dirty and unclean and disgusting, and so there was definitely a real physical and emotional toll that being on discipline would take, plus you
25 were physically labouring all day long. Your only breaks were meals. You couldn't rest.

30 So I would see the other male students who were on discipline and they all looked just as exhausted and tired, and beaten down as I did. And then as I said, on the third day I became aware that the other boys were being taken off discipline, so then I would start to see them around in their uniform, but I was still on discipline. As I said, Mr. MacNeil

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explained why, but seeing the other boys, especially Mike in his uniform, I felt I was being picked on by Mr. MacNeil. I - it didn't make sense. I - I didn't organize the attack.

5 I didn't actively participate and I was honest and opened - and open when it was finally brought to my attention by Mr. MacNeil that he was aware. I was very honest, and I mean, in telling Mr. MacNeil that I witnessed the student who kicked Matt, I effectively got a student expelled. His name was John. He was from the Community of Jesus. And he was
10 expelled the very next day and I felt really - sorry - I felt very responsible for that. Again, because if I had spoken up sooner, none of us would've been put on discipline and John wouldn't have been expelled. And so when I was taken off discipline, it was really just expected of us to really return
15 to normal immediately.

Q. And what do you mean by normal?

MR. ADAIR: I - I missed the entire answer, I'm sorry.

20 THE WITNESS: Sorry. I said once I was told that I was no longer on discipline, it was expected that you would return immediately to your normal life as a student, which again meant happy, cheerful, living in God's light, not discussing discipline, not talking about it, not dwelling on
25 it, but moving forward.

MS. LOMBARDI: Q. Okay. Were there public school-wide assemblies at Grenville?

30 A. Yes, many. Ranging from a variety of topics and a variety of locations. So it was very common for us in the dining room, after a meal, oftentimes after breakfast to have a student assembly in the dining room. Those would often be something that Father Farnsworth would hold. Dining room

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assemblies were often sort of lighter topics, so not something in which the students were being scolded or lectured about but more enlightening sort of topics of conversation. So it might just be about like, Father Farnsworth had a lecture in the dining room, I recall about prayer; how to pray, what to pray for, how we should prepare our thoughts and our hearts when we pray.

And in those assemblies, it would be the entire student body. We would be sitting at - seated at the tables we were assigned to eat at and the whole staff would be there as well. Occasionally we had guest speakers that would speak to us in the dining room. I can recall we had visitors from the Community of Jesus come to Grenville, and they sat at the head tables and after breakfast, I believe it was Mary Haig who was visiting. She spoke to us about how wonderful Grenville is and the great work that Grenville does, how it's preparing students for the future, how the Community of Jesus supports the work that Grenville does. So again, assemblies in the dining room were - were generally always light topics.

We had assemblies in the chapel. In my first year it was the small chapel. In my second year it was the newly completed Chapel of the Good Shepherd, the big church. So we would be called to an assembly. We would just be told at the end of a meal or at the end of a period that there was an assembly in the large chapel, that we were to make our way there as quickly as possible. Boys would sit on one side of the chapel, girls would sit on the other side of the chapel. The chapel talks were always of a more serious nature. Sort of what I would call Father Farnsworth's sermons. They were always led by Father Farnsworth.

Ones that stand out the most to me, is he had an annual - in second year it happened twice - fire and brimstone

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speech from the pulpit against homosexuality. He would quote scripture, you know, if a man lies with another man as he lies with a woman, he shall spend damnation or eternity in hell. He'd get very passionate. He would tell us things like all
5 homosexual men contract AIDS, homosexual men die of AIDS. Being gay is the worst sin, that God sees homosexuality as the absolute worst act that humans can perform. And those sermons would always end in a prayer.

Occasionally we might sing a hymn or two but they weren't - they weren't a church service. They were just a
10 lecture from the pulpit. There was also lectures that he would give, or sermons, as I call them, about temptation of sin. He would talk about the role as students we played in tempting each other in sin.

He would say things like, you know, male students are tempted by how females carry themselves, and how they dress, and that given that how a female carries herself or how she's dressed or how she perceive - is perceived by a male student is what causes a man to be tempted to want to sleep with that woman
20 or attack that woman, rape that woman. Boys were told by Father Farnsworth in those sermons that we were dumb when it came to being tempted by the opposite sex, that we could easily be led astray, that - that women made it very tempting for men to sin, have sinful or lustful thoughts. He would quote scripture about
25 sinning in general.

And then there were other times when we'd be called to assembly in the chapel where there was a special guest speaker who'd be invited. Again, those topics were always focused around sin, sinning and forgiveness of sin. I can
30 remember we had a guest speaker who came dressed as a Roman soldier. He was sort of pretending that he was the - one of the soldiers who was at Christ's side when he was crucified. It was

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very emotional. The lesson we were to learn was about God's everlasting love.

So not everything that occurred in the chapel was necessarily the student body being told that we're all sinners.

5 In some rare cases, we were being told about God's light and love, and how he embraces us and loves us. But those messages, from what I recall from those sermons were rare, that we were being told about God's love. It was usually about the punishment for sinning and - yeah.

10 Q. So how long would those sessions typically last?

A. An hour, an hour and a half. They were usually in the morning right after breakfast and right after breakfast is when the school day started for high school
15 students. So basically that hour, hour and a half, was eating into school time. And then we would be dismissed and told to go immediately to whatever our next class was.

20 Q. And so how did you feel, sitting in sessions talking about homosexuality and the sin of lusting? How did those sessions make you feel?

A. So I knew at a fairly young age that I was gay. I didn't necessarily - I was - I had never told anybody. It was a secret that I kept to myself. So the fire and
25 brimstone speeches about homosexuality were really tough for me. Again, it was expected for me to sit there and be quiet and respectful. Internally, it's when - it was really the first time I started to hear the message that homosexuality was like, the worst kind of sin.

30 So it was when I started to form the belief, as I'm sitting there hearing Father speak that like, he - he said having two men sleeping together is worse than a man killing another man. So I started to form this understanding in my

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mind, that I was worse than a killer, and I was definitely going to hell. So those lectures were hard for me to sit through, because I was internally really struggling with my sexual identity. I was also a very firm believer of God and Christ. I considered myself to be a born again Christian. I had made a commitment when I was quite young, and invited Christ into my heart, and I tried to live a very pure life. But in hearing these lectures, I realized that I was deceiving myself, and even worse, I had been lying to God because he knew how sinful I was and he probably wasn't listening to my prayers because although I was praying for forgiveness for being gay, I was still acting on my feelings. So I just began to feel very conflicted about what was going on in my personal life as a result of hearing these lectures from Father Farnsworth.

Q. And what, if anything, would result at the end of these sessions?

A. I guess really nothing. I mean, when the sermon was done, or the lecture was done, there was no discussion. There were no questions. Not because students didn't ask; we weren't - we weren't granted time to ask questions. We were just expected to let everything that we were told to sink in, to apply it to our lives and then go back to class and go back to learning.

Q. Other than public assemblies, were these same messages of sinning and homosexuality imparted to students in smaller groups or individually or in any other way?

A. Yes. So for me personally, in my grade 12 year, I came out to a friend; a friend who attended Grenville, and I say I came out, I basically told them that I was - I thought maybe I was gay, that I had very strong sexual desire and feelings towards guys my age, and just basically that I was really confused. So it's not like I solidly came out and said

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I'm gay. Keep in mind this was the early '90s, so like, a young high school student outing himself is just not a thing then, and definitely not at Grenville, but this friend was very - I trusted them and I needed to release it. But this friend - this friend betrayed my trust and told Father Farnsworth that I came out to him. And I didn't know this at the time.

And so again, this was in grade 12 in 1995. We had just returned from the Christmas holidays, and I was in class and the high school receptionist came to the class and called me out and she told me that Father Farnsworth wanted to see me in his office, and I was to go to the front office and wait. So I went to the front office and reported to his receptionist that I was there, and Father Farnsworth called me into his office, which was in like, the main - it was in the high school building but it was on the lower floors, sort of what we would call the administrative part of the building. Father Farnsworth had a very large, ornate office, like, it was well appointed, nice furniture, big desks.

He was in the office and his wife Betty Farnsworth was also in the office. He was seated at his desk. I was told to come and stand in front of him. Betty was seated behind me; I couldn't really see her. And I was floored. Father Farnsworth said that a trustworthy and believable student approached him out of concern and love for me, and told Father Farnsworth that I was experiencing homosexual feelings and thoughts, and that I was acting out on those feelings and thoughts. And I just immediately broke down. Like, beyond sobbing, I was wailing. I didn't know what was going to happen. I assumed I was about to be expelled.

Father Farnsworth told me that he was so disappointed in me, that my sin was the worst kind of sin, but that he was going to help me; that with his help and God's love

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5 and grace, that I didn't need to be this way, that there was
hope for me to change my life around, or it wasn't too late for
me. He relayed some scripture to me, a scripture that he used
in his fire and brimstone talks, about a man lying with another
10 man but also talking about what happens if you pray to God and
you ask for forgiveness but you don't really mean it, and how
that plays out for your eternity, which you know, just further
cements your destiny to - to be in hell. He closed with a
prayer to give himself strength, like for God to give Father
15 Farnsworth strength so he could help me though this, to give
Father Farnsworth guidance, knowledge and a path, a direction
for us to go in so that I could be healed, so that I could
return to the light of God.

20 Because I had been crying so much, Father
Farnsworth then told me to go back to the boys' dorm to calm
down, to wash my face, and when I was ready, to get back to
class. I exited through the back of the building, across a
courtyard so I didn't have to go through the whole school. Went
to the boys' dorm, locked myself in my room, didn't return to
25 class and just cried. I wanted to die. I thought if I killed
myself, I could get out of this. I was really hurt that my
friend told on me.

30 So I didn't return to class, but nothing was said
to me. I didn't get in trouble, so I guess somehow something
was cleared, although I do recall hearing my name paged by the
high school receptionist, because I was missing afternoon
classes. They were paging me. I can remember - 'cause there
were speakers in the boys' dorm, so I can remember hearing my
name being called. Tyler Holmes, please come to the high school
receptionist desk. But I just stayed put. I know I attended
dinner that night. I had no appetite, but that wasn't an option
at Grenville. I told I had to eat and be thankful for the food.

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So I can remember, you know, choking down the meal. And the rest of the school week just sort of happened without incident.

5 Every day was just a normal kind of day. And the weekend came and went, and the following week, I'm not exactly sure of what day of the week it was, but there was a knock at the door in my class I was in, and it was the high school receptionist, and she pulled me out of class and she said that Father Farnsworth wanted to see me in his office and I was to go there immediately.

10 And the same thing, I waited outside his office. I was called into his office. It was him and Betty again, Mrs. Farnsworth. I honestly can't - I - I - I sense, I feel like she had a small work area in his office, but I - I don't know for certain, but she was there. And again, I stood in front of his
15 desk and he laid into me. He told me, you know, things I had heard before, but directed towards me, that my sin was the greatest sin, that it was punishable by an eternity in hell, that Satan had marked me as an evil person, that Satan had gripped my life and decided that - that he was going to control
20 my life, that it was Satan who was putting these thoughts and temptations into my head. He would quote scripture.

I can - Betty wasn't involved in what was being said, but she was reacting to what was being said. I can remember hearing her behind, you know, when he would quote the
25 scripture I can remember her saying like, amen, or when he prayed, she'd say amen, so she was listening. She was definitely aware of what was happening. And I'd be standing the entire time. He again prayed for my soul. He informed me that there was going to be battle for my soul between light and dark,
30 and right now dark was winning, that there - he saw no light in my life. It ended with a prayer. I was told I could go back to the dorm to wash off my face and return to class.

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5 But after that, I went to the infirmary, told the nurse that I was feeling really sick, and I spent the rest of that day and evening just sleeping in the infirmary. And the next week, I was pulled out of class. I was told to go see Father Farnsworth in his office. I'd go to his office and this time Betty wasn't there and Father Farnsworth had a lot of questions for me.

MR. ADAIR: A lot of...

10 THE WITNESS: Questions. He said that the person that told him that I was gay told him that I was being sexually active in the boys' dorm with other students. He asked me if this was true. I didn't deny it. He asked me for the names of the other boys that I was sexually active with. I refused to give him those names. He threatened me with discipline for not giving up those names but I didn't. I wouldn't tell him who. He told me that I was very sick. He said that being gay is a disease. He said being gay is like - and
15 these are his words - he said, "being gay is like being retarded." It's "like having Down Syndrome." It means that there are "defects in my genes" that there's like, something actually like, physically wrong with me, that I'm not
20 normal.

25 But also that all of this was put in place by Satan. He really pushed me to give up the names of other students who I had been sexually active with. He wanted to know if I was being sexually active outside of the school. He wanted to know how many boys I had slept with. He wanted to
30

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5 know if I had ever been intimate with a female,
if I had ever had a girlfriend. That session
ended in prayer, him praying, again, generally
for strength for him to deal with the situation,
because I - he told me, and he felt that God was
not going to respond to any of my requests, so
that's why he did all the praying and was really
just focusing on his strength because God wasn't
going to help me right now.

10 Father Farnsworth was really my only lifeline
here. So, then this became regular. In total, I
probably was called to see Father Farnsworth
about 20 times between January and May of 1995.
15 But after about 5 or 6 sessions, where I would go
to his office to meet him, I started to be
instructed that I was to go to his private
residence on the campus, which was super, super
strange. Like, students didn't go to Father
20 Farnsworth's house. The Farnsworths did have a
swimming pool outside, and there would be
occasions where they would invite select students
to go swimming.

25 But for like, I can remember walking to his house
not just dreading the fact that I was about to
have a session with him, but just how strange and
uncomfortable I felt that I was about to step
into his home. When I got to his house, I
30 knocked on the door. A staff member named Sister
Veronica answered the door. She was sort of, I
guess sort of like a housekeeper, a maid to the

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5 Farnsworths. She let me in. The door I went in
was an entrance right into a large living room.
Father Farnsworth was seated in a Laz-e-Boy
recliner chair. He had the T-V on. I believe
the news was on. He told me to come closer. He
turned the news off. He dismissed Sister
Veronica; she went into a different room. She
didn't leave the house. And then that became the
10 new location of my weekly sessions with Father
Farnsworth.

15 The sessions in his house, they were very rough
on me. Father Farnsworth had a suspicion,
because of how I was acting out sexually, that
perhaps I was a victim of childhood sexual abuse,
so he asked me if I had been abused sexually as a
child. I had been, but I had never told anybody
ever. It was even hard for me to admit to myself
but, because I really believed that by being as
20 honest and open to Father Farnsworth as I could,
would save me from hell, I told father Farnsworth
that between the ages of 5 and 9 I was sexually
molested by two different male neighbours.

25 I was actually sandwiched between these
neighbours. They lived on either side of my
house. I don't believe either was aware that the
other was molesting me. Father Farnsworth asked
me a lot of questions about that. He wanted to
30 know the age of the men who molested me, how
frequently I was molested, where it occurred,
what kind of sexual abuse. He wanted details.

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5 He wanted to know did I perform oral sex on them,
did they perform oral sex on me, did they insert
their fingers into my anus. Was there penile
penetration. Did I bleed, did it hurt, did I
scream. Were there people around. I told him
that some of the abuse by my neighbour happened
in my own family swimming pool.

10 And I remember it was like, like, his face
would've just lit up and it was an ah-ha moment
for him. He's like, so you spent a lot of time
in swimsuits. I was like, well, yeah, all summer
long I was swimming. He's like, you know, what
kind of swimsuit did your parents have you wear.
15 I was like, I was a little kid. I wore like, a
little Speedo.

20 And he's like, so you would be running around,
all summer long, a tanned little boy in a Speedo,
tempting these men to touch you, to fondle you,
to rape you. He's like, so it sounds like Satan
had a firm hold of you even then. He was using
you as a temptation, a tool of evil. It wasn't
these men's fault. How could they resist you;
25 you were probably a cute little boy running
around. I was just standing there shaking and
crying. Like, this is the first time I admitted
to someone that this had happened and I was being
told that I could've stopped it if I acted
30 differently or dressed differently. And not the
fact that I was a little defenceless kid. He
just focused on the role that I had played in

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5 allowing that abuse to happen. He also then told me, and confirmed that the reason why I'm feeling gay feelings is because I was sexually abused as a child. He said well, that all gay men were sexually abused by males as a child so you know, this just makes sense, confirms his theories.

10 Every session again would end in him praying. I'd be instructed to go back to the dorm, wash my face off and resume my normal life. Other things he would ask me, you know, he wanted details about all of my sexual activities. So, he would - he would say, you know, like, so you said you - you've had maybe five sexual experiences, like, 15 tell me about your first sexual experience. Who was it with? I'd never give names but he'd want to know what we did.

20 Who touched who, um, was I erect, was this person erect, did we ejaculate, who came first, where did we ejaculate. He wanted to know about my masturbation habits, how frequently I masturbated, did I masturbate on school premises, what I thought about when I masturbated. How 25 often I was tempted to sleep with guys, what kind of thoughts I had, what were my sexual fantasies. What did I picture in my mind when I masturbated. And if I didn't give enough detail, like, he would pry for more detail, like, it was just - it 30 was really relentless and I - every time, would be standing in front of him, trembling, shaking, crying. But really believing that this was

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5 somehow necessary to help me not be gay anymore,
'cause that was his goal, was through these
sessions to make me straight, to make me not gay
and to make me a good Christian, to put me back
into God's good grace. And he decided that it
would be a good idea to start doing some things.

10 He started to have concerns that other students
were becoming suspicious about my behaviour, how
I acted. Sorry, I'm - so he instructed me to
start attending a - what was an evening - sorry,
an evening voluntary prayer group for students.
This was a prayer group that I had attended
before, again, it wasn't mandatory at all. It
15 was for anyone who wanted to attend. It happened
after nighttime mandatory study hall but before
we were expected to be back in the dorm for
lights out.

20 And it would be in different locations; usually
in the chapel but in warmer months sometimes we'd
go out into the courtyard where there were
benches. It was a group anywhere between five to
twenty students, it, you know, it wasn't always
25 the same people. People came and left the group
and there was always a staff supervisor who sort
of led the process. And normally what would
happen at these prayers is we were given the
opportunity to say prayers out loud, a prayer
30 request.

So, people might bring up a sick relative, I'd

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5 like everyone tonight to pray for my aunt, she
has cancer. Or let's all pray for the student
body because exams are coming up. So, Father
Farnsworth got it in his head that people were
getting suspicious and he wanted me to do some
more public - public P-R - that's not what he
said, but he wanted me to more actively put out
the impression that I was Godly, a good
10 Christian, and more importantly, that I was
straight.

15 So, I was told that I had to attend every evening
prayer service, so what was voluntary became
mandatory for me. He told me that he was going
to inform the staff supervisors that I was to be
there, and that they would let him know if I
didn't attend. He also told me what I was to
pray for out loud. He wanted me to say in front
of everybody, that I needed God's forgiveness, to
20 cleanse my dark soul, and to release Satan's hold
of me. And he wanted me to say this out loud at
every prayer, so in front of fellow students,
every night, I was praying out loud for this
unseen horrible thing that I kept doing, that I
25 needed nightly forgiveness for. It was
embarrassing and humiliating.

30 Some students obviously were very concerned about
me. They didn't know what was going on. Some
would pry and want to know what I was struggling
with so they could help. Others just wanted to
let me know that they were praying for me or

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5 thinking of me. As I said, it was humiliating, because even though it was so vague, I felt like they all knew exactly what I was praying for. I started to get really paranoid that everybody knew.

10 And, so I just felt really disgusting at those nightly prayer sessions. And Father Farnsworth had told me that God wasn't listening to me, so what was I doing there, like, it was really just for appearances.

MR. BOGHOSIAN: Your Honour, I missed that word. Was it was or wasn't?

15 THE COURT: It was just...

THE WITNESS: It was just for appearances.

MR. BOGHOSIAN: No, no, before that. About God. Was or wasn't listening?

20 THE WITNESS: Oh, wasn't listening. Father Farnsworth had told me that my only way - my only path to God right now was through Father Farnsworth, that God was not listening to me, because my heart was impure. I was asking for forgiveness for the same thing over and over again, knowing that I was going to do the same thing over and over again, and like, God doesn't
25 play that way. He knows your heart, and if you're not sincere, he's not going to listen to you.

30 And, so, I was basically told by Father Farnsworth that God was no longer listening to me, but I was expected to go to these prayers,

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5 and pray out loud and put on a show that I was truly repentful, wanted God's forgiveness, and that God was granting it to me at these sessions. And on my weekly sessions, Father Farnsworth would tell me that the staff members that were supervising the prayers reported back to him that I was there every night last week, and what I prayed for, and he would also then say if that staff member felt like I was being sincere, if I had a - a good heart, if I was doing it in good faith. So, basically, if I was acting the part that Father Farnsworth had prescribed to me to act. And I did. I - I was a good actor. I did what he wanted me to do. And....

10 MS. LOMBARDI: Q. And how many....

A. Yeah, go ahead.

Q. No, sorry. I cut you off.

15 A. And that was all I prayed for. Like I - I might have had other issues I wanted to bring up, but again, I -
20 I - I believed that I no longer had communication with God, so I didn't pray for anything else, and at the end of prayer when we all prayed silently for what was brought up, I would just sit there.

25 Q. How many of these sessions did you attend, these - these evening prayer sessions?

A. My best estimate is, Father Farnsworth had me start attending those sessions in March of 1995, so five nights a week, March, April, May - for three months. So, I continued seeing Father Farnsworth weekly at his house. There continued
30 to be a lot of prying questions. I started to lie to him. I knew in my heart and in my mind that what he and I were working towards wasn't obtainable. I started to understand in myself,

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that these feelings I was having towards other guys was probably not something that was going to go away within me. I mean, as a young teenage boy, these sexual experiences I was having were great.

5 I mean, they were allowing me to experience what I wanted to be experiencing. They were allowing me to be with the gender I was sexually attracted to. They were allowing me to feel free. But because of everything Father Farnsworth had instilled in me, it tormented me. I - I would literally, like,
10 finish the sexual experience, let's say, you know, with someone in the dorm, and instantly feel overwhelmed by guilt and sadness, and anger with myself, and you know, sick to my stomach, and in fact I - I did start getting really sick. I - I started losing weight unexplica - for - for no, like, to
15 everyone around me, for no reason. I started experiencing horrific migraines.

And I got so sick because of feeling guilty and ashamed and I started losing sleep. I was sleeping very little. My parents got very concerned with my health. I was sent to see
20 specialists, a neurologist, ear nose throat doctor. I saw a doctor about my stomach issues. They were looking for a physical cause of what was happening to me. I also started being prescribed medication for sleep and medication for headache pain, and there was an infirmary at Grenville, so that
25 medication would be held at the infirmary and would be dispensed by the nurse there. Some of that medication was like a sedative, pain killer, Demerol, codeine, so then I started to take advantage of my physical health issues, and play up that they were happening more frequently 'cause that way I could
30 avoid going to class, seeing students, seeing teachers.

It got me out of at least one session with Father Farnsworth. The school put me on a special diet. I was no

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longer allowed to eat the normal food that was being served to students. There were other students who were on special diets, but they had like, celiac disease, or Crohn's disease and various food allergies.

5 So, that was - that was very, like, that made sense why they had special diets. But I was put on a special diet because Father Farnsworth believed that the migraines, the illness, the insomnia was - I was being punished. I was
10 continuing to sin and God was now actively punishing me for that sin. So, I was put on a diet of like, steamed rice, and boiled chicken breasts and steamed veg - just a very bland simple diet. So the end of the year was approaching.

 Again, I had started to feed to Father Farnsworth the idea that I was feeling change within myself, that you know,
15 I - and I would tell him with a great deal of enthusiasm. So I can very clearly remember being at his house, saying to him, like, coming in and he's like, how have things been over the past couple days, and I - oh, I've been dying to tell you that the other night I masturbated and the entire time I was
20 fantasizing about a girl here at school.

 And he's like, that's wonderful, Tyler, that's so great. God is obviously starting to, you know, get into your life and make these changes, and this work that we're doing is obviously working, and it's impacting you positively and we just
25 have to stick with it, and - and you'll get better. So, I just really started to tell him less about the homosexual side of my life, the sinful side of my life. I told him that I had cut off all the relationships I was having sexually, both at the school and outside the school.

30 In sessions I continued to inform him that I was having sexual fantasies about females. Then out of the blue one day I was called by the high school receptionist to go and see

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the dean in his office, Mr. MacNeil, and when I went to his office, him and the Dean of Girls were there, Ms. James, and so they told me that Father Farnsworth had given them some information about some work that he and I were doing, that
5 Father Farnsworth and I were doing, that - and that Father Farnsworth felt that in order to help me in this process that it was important that I continue to put this outward façade of being straight and walking a holy path with God, out towards students and other teachers. And I had confessed to father that
10 I had masturbated that time thinking about a female student, and he knew who that student was.

And so Mr. MacNeil and Ms. James told me that they wanted me to break the school's no relationship rule with the opposite sex, and that they wanted me to very publicly
15 pursue this female student, tell people that I thought she was attractive, put myself in her - her - you know, vicinity, make myself known to her, become friends with her, make her think that I had feelings for her, like, more than friends. And as - as I said, they encouraged me to do it as publicly as possible.

I sent this female student a dozen red roses and
20 signed the card, and so when that happened, I - I mean, respectively the female student was addressed by the Dean of Females, but I was called to Mr. MacNeil's office. And it was as if - it was as if Mr. MacNeil had never told me to do that.
25 I was called to his office to get in trouble for having a relationship with a female student and for sending her flowers, and flouting the rules of the school and publicly disobeying the rules of the school.

However, I was told that given the circumstances
30 that were explained to him by Father Farnsworth, that neither I nor this female would be put on discipline for our relationship, that it was to cease, and I was no longer to talk to her or be

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around her or communicate with her. And in the session with Father Farnsworth that happened after that, he congratulated me. He told me that it worked, that I did a great job, that the whole student body and staff were aware that we had a
5 relationship, that I was inappropriate by sending flowers. He felt like if there was anybody, sort of, suspecting that I was gay, that that definitely would've thrown them off the scent and we could continue our work privately together.

I met with him at his house a few more times
10 before the school year ended. He felt that I had come a long way and in my last couple sessions we prayed to God together. He guided the prayer. He would instruct me what he wanted me to say. But he felt that my heart was pure enough and that my - that I was being sincere in asking God for forgiveness. And
15 then most importantly, he told me that he was happy to let me know that he was going to let me come back to Grenville for my final and graduating O-A-C year.

And I mean, I was relieved by that, because I - I had friends at Grenville, and people I cared about. And boys I
20 thought I loved, and I wanted to come back and I believed that my work with Father Farnsworth had completed. So, I was really - I was really happy, like, really, sincerely relieved and happy that he helped me even though inside I knew nothing really changed. I guess what I felt he helped me with is just be
25 better at hiding who I am. Be better at not letting people see the real me, keeping a safe distance from people and not trusting anybody. Don't ever tell anyone ever again that you're gay.

So, that - I mean, that I guess is what I got out
30 of it. I mean, I certainly wasn't healed. I was definitely still very gay. But the other stuff inside that really changed is this belief that the whole praying to God and believing in

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5 God was just, in my words, bullshit. That I had spent all these months with Father Farnsworth working hard and trying hard to change and never once seeing God act in my life in any way. It made me come to the realization that there is no God. That this is all just a lie, like, this - the whole idea of putting things on for show is what Father Farnsworth does, is what the staff do, is what Christians do, it's what my parents do, it's just - it's make-believe and it's all for appearances. It's just to make you feel better and make people around you feel better.
10 And that's what I left with that year from Grenville.

THE COURT: Ms. Lombardi, I wonder if this would be a good time to take the morning break?

MS. LOMBARDI: It is, Your Honour. Thank you.

15 THE COURT: All right, so we'll take a 20 minute break.

R E C E S S

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

20 MS. LOMBARDI: Sorry for the delay, Your Honour.

THE COURT: Come back up please? Thank you.

25 MS. LOMBARDI: Q. Before we took a break, Tyler, you were describing for us situations where you were saying you had to sort of put on a show and - and do things to achieve a certain perception. Were you ever also disciplined in relation to these sessions or was that not part of it?

30 A. It - it wasn't part of it. Like, although I definitely felt from Father Farnsworth that, you know, these sessions were - like, one part to hell, I mean, he was definitely getting me in trouble. He was - I was being scolded, I was being told you know, that everything was wrong and bad and

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5 - and he did also mention, you know, it was breaking school rules, but his, I guess, what I perceived was his desire to help me outweighed the desire to punish me, even though what he was doing was punishing me, he really felt he was helping me. So I was never threatened with discipline in how I felt about it. I believe that Father Farnsworth wanted to control who knew and publicly punishing me would've brought a lot of attention to the situation. That's how I felt about it. That's not necessarily anything he expressed to me.

10 Q. So, in terms of your life outside of these sessions, was it the regular agenda? Were you attending classes and all of your extracurriculars as before?

15 A. Yes and no. Starting with yes, so you know, the day after a session when I'd wake up fresh and it was a new day, I would face it as such. I was trying to apply the teachings of Father Farnsworth in my life. I was trying to be a good Christian. I was trying to be an ideal Grenville student. I was trying my best to get good grades and focus in school. I - in the beginning of my sessions with Father Farnsworth I was still very actively involved in the music program. I was trying to fit in and be as normal as possible at Grenville.

20 So, there - you know, I had good days. I would laugh with friends. I would spend time outside kicking a ball around. I would go to mandatory fun, try to have as much fun as I could. I was trying to change who I was by changing my behaviour and so the - a big part of that was people's perception and I wanted everyone to believe that everything in my life was fine, and that I was still the outgoing, happy, well adjusted straight guy that they all knew, even if that is not at all how I felt internally. It was so important, and not just because Grenville made it important. I was brought up by a parent who really enforced how important people's perceptions

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are of you.

5 So, I was just sort of able to apply those life lessons to the situation, to - regardless of what I was going through, to put my best foot forward, and give it my all. The
10 no, because the reality of the situation was, is emotionally and psychologically I was falling apart at Grenville. I mentioned earlier that my grades really started to suffer. Some of that was also because, as I said, I started to put these avoidance mechanisms in place, really playing up how sick I was, playing
15 up how bad my migraines were, actively trying to get put into the infirmary for days at a time, also as a vehicle to self medicate by having nurses administer various medications. I was trying to numb how I was feeling.

20 And that also definitely played a part in how I was - my grades were suffering in school. My friendships were suffering because there were certain friends I felt I couldn't be around because maybe I had previously in the past been sexually active with them, and staying friends - remaining friends with them was too much of a temptation. So, I was
25 losing friendships. And outside of the school as well, I - I began just to lose the enthusiasm and interest I had for the things that I normally had enthusiasm for. I would start to skip on commitments that I had in the city, for my musical talents. Or just plain out started turning down work and opportunities.

30 And along that same line, in about April of 2000 - ah, 1995, Father Farnsworth got it into his head that Satan was using my musical talent as a way to lure boys into my sex web.

So, although I was there at Grenville on a musical bursary and everything in my life was music, in April Father Farnsworth instructed me that I was no longer able to

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public - no longer allowed to publicly perform music at Grenville. I was no longer to practice the piano at Grenville. I couldn't play in the - play the piano in the common areas that had pianos at Grenville. I was instructed that I could no
5 longer participate in any of the choirs, orchestras, musicals, productions at Grenville. I was still allowed to do those things in Brockville, but as I said, my interest really took a dive, especially since I wasn't able to do it at Grenville, I couldn't practice the piano. I'd go in town for piano lessons
10 and I'd get in trouble from my piano teacher who was obviously aware I hadn't been practicing and would question me as to why and I never felt comfortable explaining that I'm now forbidden to play any instrument at the school because my headmaster things it's the siren song of death to any boy in range of the
15 music. Like, it - it - I was very defeated. It was like, the one thing that I had that was really mine and it was no longer mine.

Q. Other than Charles Farnsworth, were there any other staff members that spoke to you about being gay?

20 A. Yes. So, part of mandatory fun at Grenville was we also were assigned family. So we would have family nights on Friday night at Grenville, primarily because the majority of boarding students didn't get to go home on the weekends like I did, so it was important to create an
25 environment in which we all felt comfortable around each other. So, at the beginning of the school year you would be assigned a family. So, that family consisted of staff, often times married staff couple, but sometimes single staff, but comprised of some staff adults, maybe two, maybe three staff adults, occasionally
30 some of those staff's younger children, and then a mix of students from different age groups, from grade 9 to O-A-C, grade 13.

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5 So, my first year in grade 11 at Grenville I was assigned to the Childs-Hathaway family. That was Joan and John Childs and I don't remember Mr. and Mrs. Hathaway's name, but it was the Childs-Hathaway family. And in total, like, with the adults, and the kids, I think maybe there were eight to ten of us. And the first year of family night was fine, I mean, nothing - but in grade 12 when the sessions with Father Farnsworth started, I attended a family night on a Friday. One of my family parents was Joan Childs. I don't remember what her
10 actual position was at the school, but I know it was definitely important. She was a very important person at Grenville.

15 And I went to their apartment for a family night and she pulled me aside and she whispered to me, Tyler, I don't want you spending any time with the boys in our family. I don't want you near them. I don't want you talking to them and I'm going to be watching to make sure and I mean, instantly I knew that Father Farnsworth had told her that I was gay. And I did not want to be there anymore. After that Friday, I did ask for a change in family. I asked to be moved to another family but I
20 couldn't give a good enough reason as to why so I was stuck there.

25 And every Friday just became another opportunity to be tormented. Mrs. Childs would always say something to me. We went to Prescott once to get ice cream. We were getting in minivans and she grabbed my arm as I was going to get in the back and she said, no, Tyler, you're going to sit in the front with me. I don't want you in the back with boys. And that time, she didn't even whisper it. She just said it out loud. And the members of my family probably noticed that I was
30 becoming very withdrawn from the activities.

I did not feel welcome there. I didn't want to be there. Yeah, Mrs. Childs made me feel really awful about

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5 family night, so I either started getting sick, not really sick but faking sick on Fridays and a few times I got my parents to get permission for me to go home for the entire weekend. I just stopped being at school on Fridays. There was also an instance once I was assigned to sit at the Childs' table in the dining room. We were assigned seats in the dining room and the - you were often assigned new seats, I think if not every month, maybe every couple of months.

10 But once I started seeing Father Farnsworth I was - I was assigned to the Childs' family table, and I stayed there until the end of grade 12. And there was one instance where Mrs. Childs asked me to stay behind after the meal and she just wanted to let me know that she - she had been doing some reading that indicated that, like, there was a large percentage, I don't
15 remember the number, but maybe greater than 75 percent of gay men die as a result of AIDS, and that if I continued on the path I was continuing on that I was going to die of AIDS and I can remember, I was crying and this was in the dining room, very open, like, people were clearing out, but we were still there.

20 And I remember a student, her name was Rachel, came over, and she was like, Tyler, are you okay, and Mrs. Childs like, don't pay him any attention, he's just looking for attention. Just leave him alone. And I - like, I'm sitting there crying because of what she just told me, like, telling me
25 I'm going to die of AIDS, that's my fate. And then just any other Friday night that I went to family night, it - it was - just removing myself, I just no longer felt like I could have fun or enjoy myself, and that she was always watching me, giving me looks which meant like, back away, or remove myself, and so I
30 just removed myself.

Q. When did you leave Grenville?

A. So I left Grenville, I graduated from grade

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12 and that would've been, I believe May of 1995.

Q. And why did you leave Grenville?

A. So a couple of reasons. The biggest was my scholarship wasn't renewed. My parents also stopped believing that the school was benefitting me academically because my grades went down so drastically in grade 12. They were worried that if I stayed at Grenville getting those grades, that I wouldn't have opportunity to go to university. So they - my parents really wanted me to go back into the public school system. They felt that I would excel greater there academically which I did.

But the truth is, I was pretty devastated that I couldn't go back even though I just had had like, the worst year of my life. I had friends there and people that loved me, and that I loved, and when I had fun, it was great. Like, I was - I was really devastated that I couldn't go back, but like everything that I try to approach, I accepted it and just tried to move forward and make the best of my new situation. That being said, when I left in May, that wasn't the last time I had interaction with Grenville.

I was allowed to remain in a production of the Machado, a musical production, and I was allowed to stay in it because we had been invited to go to the Community of Jesus, and perform it for their star spangled spectacular, which is their big July 4th celebration in Cape Cod. So a big group of us, of students who were in this musical went to the Community of Jesus but at this time, I still didn't know I wasn't returning for grade 13. But there was no interaction with Father Farnsworth during that, no interaction really with Jim MacNeil. It was really the directors of the musical that oversaw us, so it was a very sort of different experience.

All the - all the same Grenville rules applied.

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We all thought because it was the summer we could get away with like, bringing Walkmans and dressing more casually. All of that was confiscated the night we spent at Grenville before we left to Cape Cod. We were told like, this is not a holiday for you. You are Grenville students and all rules apply. But it - for the most part, that all went without incident. So that was really my last time at Grenville.

Q. How long were you at the Community of Jesus?

A. I think we were there for four or five days. We drove down on a bus. We stayed for a day or two to rehearse and then we put on Machado and in true Grenville fashion, we were also assigned fulltime work jobs while we were at the Community of Jesus, so it wasn't a holiday. I mowed strangers' lawns, I cleaned strangers' windows. The house where I was staying, I cleaned the bathroom and shower every day. Like, it was just like being at Grenville.

Q. So, overall, how would you describe your experience at Grenville?

A. Confusing. Life-changing. It's - it's - like, it's important for me, for the Court to know that there were times where I really enjoyed being a student at Grenville. But the long-term effect of attending that school hasn't left me with pleasure. It's - it's painful to admit to myself that I had good times there. But I made some friends who I've managed to stay friends with for life and some positive experiences that I look back at fondly. But living in Brockville, I couldn't even drive past the school. If I was going to meet a friend in Midland or Prescott I would get on the 401 to bypass having to drive by Grenville. I couldn't talk about Grenville for years and years afterwards. In university I lied to people and told them I just went to public school all the time 'cause I just couldn't deal with having to tell people what my experience was.

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I didn't think people would understand, and they didn't.

When I would try to tell friends later in life about my experience at Grenville, they couldn't grasp it, like, if you hadn't been to a boarding school, you couldn't understand it, and if you didn't attend Grenville, it's tough to wrap your head around why any sane adult would treat children this way.

So, for a long time, it was really hard for me to talk about it, admit that I went there. Yeah. And it really wasn't until the closing of the school that I felt comfortable to tell other students who I attended Grenville with what had happened to me there. I just always kept it to myself. I really felt with regards to what I endured with Father Farnsworth, that I was the only one, that no one else had ever had an experience like that at Grenville. But I don't think I was right in that assumption at all. I was just one of many.

Q. Thank you Tyler, those are all my questions.

THE COURT: Cross-examination?

CROSS-EXAMINATION BY MR. BOGHOSIAN:

Q. Would you prefer if I call you Mr. Holmes or Mr. Stacey-Holmes?

A. Can you just call me Tyler?

Q. Even better.

A. Thank you.

Q. Tyler, you had a good year academically in your first year at Grenville, being grade 11?

A. That's right.

Q. And you did well academically.

A. Yeah, there were some classes that I might've struggled in. I've never been really strong in maths and sciences but the one thing that Grenville is good at is the teachers really cared about the students' academic success. So

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5 if I was struggling, let's say in grade 11 chemistry, I really struggled, my teacher would give me additional tutoring outside of class. We would meet in her apartment on the weekend to go over an assignment that I couldn't work on so in grade 11, I definitely fully took advantage of all that additional help, to ensure that my grades stayed up.

Q. And I understand you were on the honour roll in grade 11?

A. Yes, I believe I was on the honour roll.

10 Q. Okay. And you were in the Gilbert and Sullivan play that the school put on, the musical that the school put on every year in grade 11?

A. I believe so, although I can't at all recall what it might've been, but yes, I was in various productions in - if not on stage, then in orchestra, as a rehearsal pianist, I mean, any opportunity I had to perform, I took it.

15 Q. All right. You were fully able in grade 11 to explore and maximise your passion for music?

A. That's correct. Yes.

20 Q. And except for the two occasions of discipline that I'm going to mention in a minute, you had a very good year that year, didn't you?

A. I did. I'm - I'm - really the main determining factor as to why I went back in grade 12. I really pushed to go back.

Q. You made a lot of close friends?

A. I definitely had a lot of friends at Grenville, yes.

30 Q. And you mentioned that there was an incident where you're put on "D" for - I forget the woman's name, MacMillan was the last name, grabbing your hand is how you described it. Is it fair to say that the two of you were seen

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holding hands?

A. Yeah. Um, she - she definitely grabbed my hand, like to hold my hand in support.

5 Q. Like well, you can't really determine what she's hold - grabbing your hand for, but in any event....

A. We were struggling during the prayer session. She was emotionally upset. She wanted to leave the school and she was struggling with that.

10 Q. So, she grabbed your hand and you remained hand in hand for a period of time, and that was noticed, right?

A. It was. Yes.

Q. And this incident with Matt, the grade 9 kid, that was not a hazing at all, was it?

15 A. I - yeah, I mean it - I don't know the definition of the word hazing. I guess it has something to do with being new and initiated into something. He definitely wasn't new. So, it was a threatening posse.

Q. And you were involved in the planning of that, right from an early stage.

20 A. Not involved in the planning, just aware that it was happening.

Q. Oh, no, but you were a participant.

A. I was a participant.

25 Q. So, you certainly had advance notice that this was going down.

A. To some degree, yes.

Q. Well you knew that your friend Mike and a bunch of other guys and yourself were going to go to this kid's room and scare the shit out of him. Right?

30 A. Right. It's not as if it was planned a week in advance. It was after school, Mike gathered up some of us together, and it was in that opportunity I was supposed to go to

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staff and say this is going to happen in an hour, and then it happened in an hour.

5 Q. And putting yourself in Matt's position for a minute, it was a extremely traumatic, humiliating, terrifying experience, wasn't it?

A. It absolutely was.

Q. And all perpetrated by your best friend Mike and yourself and a bunch of other kids.

A. That's correct. Yes.

10 Q. Upper year kids?

A. Some upper, some the same age, yes.

Q. And even without the violence, it would've been a traumatic terrifying experience for him, I suggest.

15 A. Before it turned violent, it was actually a fairly light-hearted experience. But someone did throw a punch and things changed quickly, but the initial plan was not to touch him.

Q. Well, you - you....

A. It was to intimidate him.

20 Q. Yeah, you testified very clearly in-chief that you were going there to intimidate this poor little grade 9 kid.

A. That's right.

Q. Right?

25 A. Yeah.

Q. And that's a pretty serious thing...

A. Sure it is.

Q. ...for these upper year kids like yourself, in grade 11, to be doing. Right?

30 A. I would agree.

Q. And it warranted punishment.

A. Yes.

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Q. Now could we have exhibit - oh, it's actually in front of you, Tyler. A book that has a "2" in the top corner, Exhibit 2?

A. Yes.

5 Q. On the front. Now in grade 12, I'm suggesting that you partook fully in a number of musical productions that year, right?

A. What do you mean by fully?

10 Q. Well, the Gilbert and Sullivan production of Machado, you were....

A. I was allowed to remain in the Machado, yes.

Q. No, but you - you were involved in that from the beginning, when it - when it started being put together, right?

15 A. Yes. That's true.

Q. And I understand that you were one of the stars of the show?

A. No. I was just chorus.

Q. You were in the chorus?

20 A. Yeah, I had a horrible singing voice.

Q. Okay. And did you play any musical instruments too, for that production?

A. No, I don't believe so. I may have occasionally filled in as a rehearsal pianist.

25 Q. And then in Exhibit 2, if you go to Tab 95? This is from the summer of 1995, Grenville College News.

A. Um-hm.

Q. And it's talking about a Brockville Music Festival. Do you see at the top on the left side?

30 A. Yeah, I recognize this.

Q. What is the Brockville - you remember seeing it at the time?

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A. Yeah, yeah.

Q. And what was the Brockville Lion's Music Festival?

5 A. The Brockville Lion's Music Festival was an annual music festival. It was an opportunity for musicians, individuals, schools, to go and perform in front of skilled adjudicators and we would be given grades, be placed and then at the end of the festival, which was usually ran about a week and a half or two weeks various final awards would be given to
10 individuals who stood out. I see here, stars of the festival, that was a - a Brockville Lion's Music Festival term. A star of the festival was someone in their category who basically won all of their various - various entries, but also someone who maybe competed in a wide variety of categories. There were different
15 criteria as to how they awarded that. The Brockville Lion's Music Festival occurred in April of every year and the end of April is when I was banned from performing music at Grenville.

Q. So when did you say this took place?

20 A. The Brockville Lion's Music Festival happened every year in April. I don't know if it still does but growing up it was a springtime event.

Q. All right, and you were the first named star of the festival.

A. Yeah, I was the best.

25 Q. Okay. You were the best.

A. Yeah.

Q. Good. And a lot of practice must have gone into that.

A. Yeah, I practiced a lot.

30 Q. What - what were you - what different instruments or performances did you do?

A. Primarily it was piano. But I mean, I'm not

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going to list them. I - I play every instrument; wind, string, you name it, I've played it. I - there wasn't an instrument I couldn't tackle. I once picked up the double bass two days before a Grenville orchestra production because Jim MacNeil who played double bass needed to be somewhere else, and I literally learned an entire orchestra performance worth of music on an instrument I had never played before in two days. So that was my gift. That's what I did.

5
10 Q. Okay. And so you think you played piano and what other instruments in this festival, if you remember?

A. I played saxophone, I played clarinet, I sang with choirs and then I did a lot of accompany work for individuals and for choirs.

15 Q. Okay.

A. A lot, I was always very busy, and I also charged for my services as an accompanist outside of the school so it was a bit of a - an income source for me, as a student.

20 Q. And you continued that sort of playing outside of Grenville throughout your grade 12 year?

A. I continued to play the pipe organ at Saint Peter's Anglican Church. Father Farnsworth allowed that because the school was Anglican and the church was Anglican. So he thought it was a safe place for me to be. But most of my other commitments I pulled away from, I stopped doing myself outside of the school.

25 Q. Voluntarily?

A. Yeah, I couldn't - I could no longer focus. I didn't have the same drive or desire to be so involved.

30 Q. Now the Gilbert and Sullivan play, you - you were in that from the beginning of when production started in grade 12?

A. Um-hm.

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Q. And you were in it through the performances that were put on at Grenville?

A. That's correct.

5 Q. And then you went on a road trip with the production, all the kids that were in the production and - and staff?

A. That's right. We came back in the summer.

Q. To the Community of Jesus in Massachusetts.

A. That's correct.

10 Q. And that was after school had ended in May of 1995?

A. Yeah, it was in July.

15 Q. And I suggest that we - I'm showing - I'm showing you a screen-shot of what appears to be a YouTube posting that you posted.

A. Yeah, that's right. It's my - it's a video-still from my personal YouTube account. It's under the name Ty - Ty Homsey but...

Q. But that's you?

20 A. ...that's me.

Q. And the caption reads, "Grenville Christian College G and S production..."

A. Gilbert and Sullivan production, yes.

25 Q. "...performs at the Community of Jesus, summer 1995."

A. That's correct.

Q. Do you remember the month?

A. Yeah, it was for their star spangled spectacular which was the July 4th celebration.

30 Q. Okay.

A. This particular video still I believe is just about before the July 4th fireworks happened on the beach.

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Q. And the video that was made was taken by you, made by you?

5 A. Yeah, all the videos posted of G-C-C and the Community of Jesus on my personal YouTube page were all filmed by me in - at Grenville. It was the last two days of school and then at the Community of Jesus.

Q. When you say in the last two days of school....

A. The last two says of my grade 12 year.

10 Q. I'm not understanding, though. You're saying every video posted was from just the last two days of school and then the Community of Jesus?

A. I was only permitted to have my camera at Grenville for the last two days of my grade 12 year, so all those videos that you see posted of me going on a trip to Dairy Queen, my friend and I pretending that we're talk show hosts, and possessed by Satan, hanging out in the back with a group of girls and I'm the only guy, yeah, those were all the last two days of school.

20 Q. Okay.

A. We're so free because we're about to go home for summer.

Q. Okay. And this is you filming other Grenville students who were part of the Gilbert and Sullivan production?

25 A. That's right. I was rarely on camera. There's one little bit that I posted where I am there, but I hated being in front of the camera, so I was there to just sort of record the experience.

30 Q. So if we can play the video?

...VIDEO PLAYED

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MR. BOGHOSIAN: Is it possible to get rid of that thing that's blocking?

5 Q. Now, I paused it there. We're going to keep going but you - you recorded this video and it appears that the first part is at a daytime and this appears to be more nighttime?

10 A. So this video, both the beginning and this portion, were all filmed actually on July 4th. The first part of the video shows two Community of Jesus people and one Grenville student.

Q. Which one? There's two females and a male, so in that first part, which one was the Grenville student?

15 A. The two on the right, the female on the right, and John Swigerack - John was actually the student who was expelled from Grenville for kicking Matt Day, but here he's just a Community of Jesus...

Q. And he seems just fine.

A. ...member.

20 Q. Doesn't he?

A. I can't say. I mean, he's doing his job. He was asked to sell snow cones and that's what he's doing. That's what I see. And the girl on the right, I think her name was Cari Price, she was a Grenville student and she was in the production of the Machado.

25 Q. You're talking - we're talking now, back at that daytime version with the boy in the middle?

A. That's right.

Q. John Robanski or whatever.

30 A. John Swigerack, yes. So, the Community of Jesus - so this is actually outside of the Community of Jesus gates. This is the beach along Cape Cod in Orleans

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Massachusetts and the Community of Jesus sets up all - well at least there, they set up all these food booths, so the Community made - I think there was a lady from the Community that made like, a thousand egg-rolls and she was selling those, and I was
5 filming a snow cone booth because that was my friend John and I hadn't seen him since he got expelled from Grenville in grade 11. So - yeah, so that's what I am filming there. And in this portion, it's a little bit later in the evening. The crowd's gathering for July 4th, and if you have the rest of the video,
10 it's 20 annoying minutes of fireworks.

Q. Okay. This is the only thing that we found. We - we didn't edit this video. This is what we have from your YouTube page.

A. Then you - whoever captured it, definitely
15 didn't capture the entire video.

Q. And everyone we see in this particular screen-shot, are they all - those are all Grenville students there?

A. No, those are strangers attending a July 4th
20 celebration on the beach of Orleans, Massachusetts. I don't know who - who those people are.

Q. So you're just filming random people that you don't know?

A. Yeah, I'm capturing an event of being at my
25 very first July 4th celebration.

Q. Okay. So are any of these people that we see in that picture Grenville students?

A. Impossible for me to tell.

Q. Okay.

A. I don't think so. I think I'm just panning
30 the crowd.

Q. In any event, you were allowed to bring your

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video recorder, whatever device you were using...

A. That's correct.

Q. ...to this event and film it and you were allowed to bring it from Grenville down here?

5 A. That's correct. Yes.

...VIDEO PLAYED

Q. And who is that person there?

10 A. He was a Grenville student named James Barber and he actually played the lead role of the Machado in the Machado. It should be noted that James and I weren't friends. He's just a very friendly, outgoing person.

Q. I didn't make any suggestion of the kind.

15 A. No, I was just letting you know.

...VIDEO PLAYED

20 MR. BOGHOSIAN: So, just - can you just go back to this?

A. So, when I say "speak of the devil" that's Mike Officer. That's my best friend.

Q. Which person right there?

25 A. I say, "Speak of the devil," and the guy in the white shirt - perfect, right there. Yeah. So he was a student. His dad was the Chairman of the Board. His mom came with us on the trip; she was a chaperone.

Q. And do you know the gentleman on the far left, sort of with his side turned to us - to the camera?

30 A. I can't see him. I - I don't know...

Q. Okay.

A. ...if I know him. I don't believe so. I

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think he's just part of the crowd.

...VIDEO PLAYED

5 Q. So, is - is the female that we see in the
photograph to the left of the male...

A. In white?

Q. ...is that - yeah, is that the Grenville
student?

10 A. Her name's Cari Price. Yeah, she was a
Grenville student.

Q. Okay. And I notice she's in a t-shirt.

A. Because they're serving messy snow cones. By
the end of the day they were covered in like, snow cone syrup.

15 Q. But you said that casual clothing wasn't
allowed on this trip.

A. So casual clothing wasn't allowed when we
were in the Community of Jesus. This is outside of the
Community of Jesus. This is the July 4th celebration on the
20 public beach of Orleans, Massachusetts. Behind in the
background, where you see that sort of Ferris wheel like thing,
there's a gate. That's the Community of Jesus...

Q. All right.

A. ...behind.

25 Q. But this is a Community of Jesus booth,
right?

A. It represents the Community of Jesus but it
wasn't on the property.

30 Q. All right. That booth was set up and put on
by the Community of Jesus. Right?

A. Actually, in - in truth, I don't know who set
up that booth. I just know that a Grenville staff member - or a

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Grenville student and a Community of Jesus kid happened to be using this booth, but I don't know who set it up.

Q. You mean operating the booth and handing out snow cones to other kids?

5 A. Selling snow cones.

Q. Selling snow cones.

A. That's right.

Q. Okay.

10 A. But I wasn't in charge of the logistics of what got set up.

...VIDEO PLAYED

15 A. So, this is all off Community of Jesus property.

Q. Okay, so that's the end of the video that we have. That video.

A. Yeah, you definitely didn't capture it all but it's some of the video.

20 Q. Okay.

THE COURT: Did you want to make the screen-shot of the video an exhibit?

25 MR. BOGHOSIAN: Yes, and we have a - I can get a USB key that has - there's going to be three or four videos, but I would like to make this an exhibit.

THE COURT: All right.

REGISTRAR: Exhibit 24.

30 EXHIBIT NUMBER 24: Videos of Community of Jesus trip - produced and marked - produced and marked.

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5 THE WITNESS: There are eight Grenville videos on my channel in total. Eight Grenville, two Community of Jesus. About an hour and a half in total of footage.

MR. BOGHOSIAN: Q. Okay, and you say all these were filmed in the matter of a few days at the end of your grade 12 year?

A. The last two days of my grade 12 year.

10 Q. Okay.

A. Yeah, so there's convocation, there's graduation, there's Father Farnsworth's final sermon to the students, there's parents gathering, there's students packing up their dorm rooms to head home for the summer. I mean, it's very obvious that school is ending. We're - there's even video where we're talking about like, this is our last day here.

15 Q. And the - the videos were all posted in May - April, May 2010.

A. Yes, it looks like it was in April 2010.

20 Q. And I'm suggesting all of the videos that were uploaded by you....

A. They were definitely done all at the exact same time, and it looks like, according to the screen-shot, that was on April 28th, 2010.

25 Q. Okay. And you would've reviewed these videos again before you posted them?

A. Could you say that again?

Q. You would've reviewed the videos before....

30 A. Not only did I review them, these videos are heavily edited. I had about five hours of footage in total and I decided to only post an hour and a half of what I felt was appropriate.

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Q. And in addition to your personal YouTube page, you posted, I'm suggesting, excerpts of videos on the Grenville Facebook site?

5 A. Yeah, I was very involved in at the time, on the Grenville Facebook page, yes.

Q. And those were even more heavily edited, I'm suggesting than the ones you posted on your personal YouTube page?

10 A. That's correct. At the time, Facebook had very strict limits on the length of videos you could post, so they were just snippets, really, more than - than an actual video clip.

MR. BOGHOSIAN: Oh, could we have the lights switched off?

15

...VIDEO PLAYED - WITH AUDIO...

Q. Is this....

A. That's a great one.

20

Q. Is this a staff person?

25

A. Yeah. Her name is - I don't remember her first name, but it's Ms. Richard and the girls I'm with and I used our final allowance that was given to us weekly from the school, to actually bribe Ms. Richard. We paid her like, 20 bucks to take us to Dairy Queen. This is the penultimate day of my grade 12 year.

Q. And she willingly took you to Dairy Queen?

A. Willingly because she was bribed.

30

Q. I see. And you were given an allowance by the school, is that....

A. Not by the school. The school administered the allowance. The allowance came from my parents. My parents

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- our parents were responsible for filling up our accounts, and the school would give us \$7 a week.

Q. And the male we saw in the earlier....

A. That's me.

5 Q. Yeah, that's what I thought.

A. Yeah.

Q. I was going to ask you, is that you?

A. Yeah.

Q. And so it's you and three females...

10 A. That's right.

Q. ...and Ms. Richards?

A. Yeah.

Q. Okay.

15 ...VIDEO PLAYED - WITH AUDIO...

Q. So you're at Dairy Queen on the second last day of school in grade 12?

A. That's right.

20 Q. At Dairy Queen.

A. Dairy Queen was about a two minute drive away from Grenville on Highway 2 so it wasn't very far away. And as I said, it took a bribe to convince Ms. Richard to take us, and we were in casual clothes because classes had stopped already and we were having a - a fun day on the St. Lawrence river. So, we convinced her to sneak away with us in the car on that fun day, and that's why we're all in casual - our casual clothes.

25 Q. So, the whole school was having a fun day on the banks of the St. Lawrence river that day?

30 A. To celebrate the end of the - the academic year. That's correct.

Q. And it looks like everyone is having a really

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good time.

5 A. I can't speak to everyone's time. But I mean, certainly in this video we were having a great time. We were off campus and enjoying some delicious treats from Dairy Queen.

Q. All right. Now you - there's - there's - I'm going to show you a screen shot of....

A. Thank you.

10 Q. I'm suggesting this is another video you took and posted on your YouTube site as well as on the Grenville Facebook site?

15 A. Yes, that's correct. This is the senior class trip to the Farnsworth and staff cottage. I forget completely where it is. It's on a lake. So we were all bussed to the cottage and spent a night. The girls were in one cottage and the boys were literally on the opposite side of the lake in a tiny little shack. And in this particular still that you've handed me, this is from us all in the Farnsworths' cottage about to watch a movie, a V-H-S tape.

20 Q. Okay. And we're going to soon see Mr. Farnsworth is there, and - and is part of your video?

A. Yeah, he'll be there in his Laz-e-Boy chair.

25 Q. Well, I think he's walking around, but we'll get to that. And when you say senior trip, what - what's considered senior?

A. Grade 12 and 13. So I was in grade 12 which is why I was there, but looking at this photo I see some grade 13s there as well.

Q. Okay. So it was....

30 A. And it was, again, just a way for us to celebrate the end of the academic year, and sort of relax as much as we could.

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Q. And was this before or after the - the end of the school year?

A. This is - this would've occurred at the very end of the grade 12 school year.

5

Q. After classes had finished?

A. Yes, we all - classes would end maybe two days before we actually got dismissed to go home. In those two days we were cleaning up the school, we were packing up all of our belongings, we were preparing for the final graduation ceremony and our parents arriving to take us home.

10

Q. And you stayed overnight at least one night or was it....

A. One night, yes.

Q. One night.

15

A. Yeah.

Q. And was it over a weekend?

A. That, I can't recall.

20

Q. Okay. You didn't feign illness or anything like that to avoid having to go on this trip that you knew would take place, at least in part, in Mr. Farnsworth's cottage?

A. All of my friends were there. It was also what I have referred to many times as mandatory fun. Opting out wasn't necessarily an option, but also, I was celebrating the end of the school year with my friends, so...

25

Q. Okay.

A. ...I wanted to be there.

Q. But you told us in-chief, Tyler, that you frequently got out of school and got out of activities by feigning illness.

30

A. That's correct.

Q. And yet here's a trip to the dreaded Father Farnsworth's cottage that you elected voluntarily to go on and

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didn't make any attempt to excuse yourself.

5 A. So I didn't say that I was faking illness all the time. It was selective. I would sometimes legitimately be sick also. It's important to realise that I did take advantage of the fact that I was suffering from illness. But I was legitimately ill a lot of the times as well. In this particular case, I guess I was feeling well enough to attend the end of school celebration and whether or not I'm there in the presence of Father Farnsworth, he was everywhere always. I couldn't
10 avoid him unless if I stayed in the infirmary fulltime.

MR. BOGHOSIAN: Let's play the video.

...VIDEO PLAYED - WITH AUDIO

15 MR. BOGHOSIAN: Q. Stop, stop it.

A. So, he's getting ready to head to his lazy chair, but that's Father Farnsworth waiting and that is a nearly passed out Betty Farnsworth in the bottom. I say passed out, 'cause of course, she was always very intoxicated.

20 Q. And you knew on this occasion that she was intoxicated?

A. I could always smell alcohol on Betty's breath. She was always drunk.

Q. I see.

25 A. And I - I came - yeah, that's all I have to say.

Q. And was she drinking in front of the students here?

30 A. I never saw her pick any up, like, a bottle. I saw her take communion wine, but no, I never saw her drink.

Q. So the only time you actually ever saw her drinking was in communion, a tiny little sip of wine.

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A. Well, I would've seen her drink coffee and water, sitting up at head office.

Q. Yeah. I'm sorry. When I said drinking, I meant alcohol.

5 A. No, I never saw her drinking.

Q. Okay.

...VIDEO PLAYED

10 MR. BOGHOSIAN: Just stop it for a minute.
Actually, keep going.

...VIDEO PLAYED

15 Q. All right, second in the - in the - sort of second row, if you count the girl at the very bottom in the first row.

A. Okay.

20 Q. In the second row, second from the end, that's a female, right?

A. Um, the one that's centre in the....

Q. The one that's - her side is to the camera? She's facing away from the camera.

A. Brown hair?

25 Q. Yes.

A. Yeah, she's a student. Her name's Genevieve. She's also in my Dairy Queen video.

Q. And she appears to be wearing pants?

30 A. Yeah, as you can see in this video, there's staff kids wearing jeans. We're at a cottage, so we weren't expected to wear skirts and collared shirts. We were expected to wear what normal people would wear at a cottage.

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Q. So jeans, pants for girls.

A. But we're not on campus.

Q. So, very casual clothing.

5 A. And we're not around other students. It's -
it's a field trip to a cottage.

Q. Well, I'm suggesting the weekends that the
kids certainly would be allowed to wear casual clothing.

A. Business casual. This is casual. We wore
business casual at Grenville. Like, this is a cottage.

10 Q. I - I understand that.

A. We're camping. I couldn't shower for - for a
full day, so - yeah.

Q. Okay. So when you edited this photograph,
despite your - you know, the very dim feelings that you had
15 about Father Farnsworth, you elected not to edit him out of this
video, right?

A. This video is the only video I have where you
can see my entire class, so whether or not he was in it, wasn't
significant. What was significant for me...

20 Q. All right.

A. ...to capture in this edit, was everybody I
attended school within my grade that year.

Q. Tyler, it would've been a simple matter to
edit out that first few seconds of this video clip that we saw
25 to get rid of any vestige....

A. Am I being questioned about my editing?

Q. Please, can I please finish my question?

A. Sorry.

THE COURT: Hold on. Hold on.

30 THE WITNESS: I apologize. I apologize.

THE COURT: Hold on. Take a time out for a
second. Please, don't raise your voice with the

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witness. Please, wait until counsel finishes the question.

THE WITNESS: I understand, sorry.

THE COURT: And then answer the question. And please, let the witness finish answering. Okay?

5

MR. BOGHOSIAN: You know, maybe this is a good time for the lunch break?

THE COURT: That's a great idea. Tyler, please do not discuss your evidence with anyone. You're under cross-examination.

10

THE WITNESS: I understand.

THE COURT: Thank you. We will come back at 2:30. Yes Mr. Boghosian?

MR. BOGHOSIAN: Maybe we could speak to one matter...

15

THE COURT: Absolutely, sure.

MR. BOGHOSIAN: ...in the absence of the witness?

THE COURT: Yes. All right, so the witness is excused. Counsel wishes to raise one matter with me prior to continuing. So please take your lunch break and please return at 2:30. If any members of the public wish to leave, you can do so at any time. We're going to address something. You don't have to leave; Court's still in public session but it's up to any members of the public if they wish to leave now, they may. Yes.

20

25

MR. BOGHOSIAN: Your Honour, I unfortunately don't have any extra hard copies of what I'm going to hand up to you...

30

THE COURT: Okay.

MR. BOGHOSIAN: ...but it is the will-say

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statements that we were given by my friends, with respect to the witnesses who had not ever been examined.

THE COURT: Who have not been examined yet?

5

MR. BOGHOSIAN: No, that had - other than the representative Plaintiffs, these are the additional witnesses that they're calling. And one of those witnesses is Tyler Holmes. We'd agreed to exchange will-say statements and we provided very fulsome witness statements - will-say statements. And if you look at the second name, it starts - towards the bottom of the first page you'll see Tyler Holmes?

10

THE COURT: Yes.

15

MR. BOGHOSIAN: And I - I'd like you to just read if you would, what we were told Mr. Holmes was going to say.

THE COURT: Right.

20

MR. BOGHOSIAN: I would say 95 percent of the evidence that we heard from Mr. Holmes in-chief, was not disclosed in that will-say statement in any way, shape or form.

25

THE COURT: In particular, which are of his evidence? Clearly, it's a very terse description, but it looks as though these are the sort of broad heads of evidence. Are you thinking of any specific...

30

MR. BOGHOSIAN: Well....

THE COURT: ...event or more the detail and the number of times, and the...

MR. BOGHOSIAN: I - I'm saying that there - there's a judgment call about the amount of

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5 detail at a certain tipping point. But this particular will-say and its extreme generality provides no realistic basis for knowing what has been - what - what this gentleman was going to testify about. For example, nothing about these sessions in - in Father Farnsworth's apartment are disclosed there. You would never know that he ever had any sessions there. There's no detail about the nature of the discussions that were had there.

10 THE COURT: The last bullet...

MR. BOGHOSIAN: There's no....

15 THE COURT: ...says, "forced to confront previous abuse in Farnsworth's home more than once." But you're right, it doesn't say what that confrontation was or the - the questions. But can I ask you something about the will-say practice in civil litigation? Is it required by the rules, that you exchange will-says or is this something that's a practice that's developed between counsel?

20 MR. BOGHOSIAN: This - this is a - well, you are required to advise of what you know about what a witness is going to say. There is a requirement that's part of the discovery process, to disclose the gist or a synopsis of the evidence of - of persons you know who have knowledge of the matters in issue.

25 THE COURT: So would Tyler Holmes have been discovered?

30 MR. BOGHOSIAN: No.

THE COURT: He was not because he's not a

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representative witness.

MR. BOGHOSIAN: Exactly.

THE COURT: So, you wouldn't have known, sort of, all the details.

5

MR. BOGHOSIAN: We - we found out, I would say, on the Thursday before this trial started - or actually no, I think it was over the weekend before this trial started, that he was one of the additional 10 witnesses, besides the representative Plaintiffs and the experts that we would be hearing from during this trial.

10

THE COURT: During certification, was there an affidavit from him?

MR. BOGHOSIAN: I'm sorry?

15

THE COURT: There was no certification...

MR. BOGHOSIAN: No.

THE COURT: ...affidavit.

MR. BOGHOSIAN: No, nothing.

THE COURT: All right, so - so this...

20

MR. BOGHOSIAN: This is it.

THE COURT: ...is a witness - this is your - this is what you know him to be saying.

MR. BOGHOSIAN: That's the sum total of everything that we know other than some damage stuff, but it didn't come up, to do with his - you know, other issues, and - and....

25

THE COURT: So if there's no...

MR. BOGHOSIAN: But to deal with....

30

THE COURT: ...specific requirement to give - I mean, if there's no specific requirement about what should be in these will-says, you kind of leave it to counsel, but if there's prejudice or

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you need time to prepare cross-examination, is that where you're driving at this? That...

MR. BOGHOSIAN: Well, I'm suggesting that...

THE COURT: ...you need more time?

5

MR. BOGHOSIAN: ...to avoid adjournments in the future, we need much more detailed will-say statements going forward on all the additional witnesses that they're going to be calling who have never been examined before, and it's not a practice, it's a rule. There's a rule.

10

THE COURT: What rule is it? Because I would - I would love the help of understanding, and I'll take your word for it, it's just I have not had to apply this rule yet.

15

MS. LOMBARDI: Your Honour, the rule I believe is 31.06. The person examined for discovery shall answer to the best of his or her knowledge information and belief, any proper question relevant to any matter in issue in the action, or to any matter made discoverable by sub-rules.

20

And then if we look to sub-rule (2), a party may, on an examination for discovery obtain disclosure of the names and addresses of persons who might reasonably be expected to have knowledge of transactions or occurrences in issue in the action, unless the Court orders otherwise.

25

MR. BOGHOSIAN: Your Honour, I will provide you case law. I can't - I'm shocked if my friends are going to suggest that there's not case law applying this rule that says it's a requirement that synopses of the evidence of persons that you have statements from, you provide it, and there's

30

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no doubt in my mind that there's a statement or a questionnaire that has been provided by Mr. Holmes to the two class counsel.

5 THE COURT: There's no property in a witness, so I presume you could've interviewed Mr. Holmes yourself. Did you have - did you know in advance that he would be called?

MR. BOGHOSIAN: The date of notice, okay, was Wednesday, September 11th, 2019.

10 MS. MERRITT: Your Honour, I'm sorry to interrupt my friend here, but these names were provided in the pretrial. This is - we confirmed the order at that time, that they might appear, but this is not the first time that my friend is advised of
15 Mr. Holmes or his evidence, and quite frankly, with respect to the extent of the will-says that he's battling, I would very much like to show Your Honour the four sentences we received for one of their witnesses, as an example.

20 THE COURT: All right, you know what? I think right before lunch is a terrible time to continue something that we can probably sort out but I do recall there is a long list of witnesses that was in the pretrial form before Justice Gans. So
25 maybe consider over lunch first of all, if we need to have an argument about it, you can. Just consider the facts and make sure that everyone's clear on what they are, but also consider the prejudice and what it is you're asking me to do.
30 And if you need time to put some law together, that's fine, I'll give you the time. I want the trial of course to be fair and everybody to be

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ready, and to avoid as much procedural wrangling as we can, and if counsel can work it out, that's great, but I think the first thing everyone should do is have lunch. So let's break. Come back at 2:30.

R E C E S S

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

THE COURT: Mr. Boghosian, before we broke, I think there was a screen-shot we need to mark.

THE REGISTRAR: Exhibit 25.

THE COURT: Twenty-five. Exhibit 25, and this is the - the cottage event screen shot.

EXHIBIT NUMBER 25: Video screen shot of cottage event - produced and marked.

MR. BOGHOSIAN: Q. Tyler, I apologize for raising my voice at the end of the session before the lunch break. We were dealing with the trip to the Farnsworth cottage, the senior trip in your grade 12 year, and I think we'd established that it happened on the weekend just after the school year ended?

A. Correct, the academic school year had wrapped up but we hadn't yet been dismissed for the summer.

Q. Okay. And it was over that weekend after this - after the classes ended?

A. Yeah, I don't actually recall if it was the weekend, but it was the days immediately following the school year wrapping up, yes.

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Q. Okay. And you had mentioned that you took about five hours of video, and you said they were in the last two or three days of the school year.

A. Um-hm.

5 Q. And these videos that we have are part and parcel of that five hours that you taped?

A. That's correct. It's just the video that I really wanted to share online.

10 Q. And you did do edits to get the five hours down to about one and a half hours of what you actually posted.

A. That's correct.

15 Q. And we saw the video at the Farnsworth cottage of - of Mr. Farnsworth there, who you had had an unpleasant experience with over grade 12, and my question had been why didn't you edit him out. He's only in there for the first few seconds. I mean, maybe we can just watch the first part. If we could have the lights off?

...VIDEO PLAYED - WITH AUDIO...

20 Q. See - stop. He's in there for two to three seconds, maybe. Five at the most. Right at the beginning of that video?

A. Yes, that's correct.

25 Q. You could've edited him out if - you know, seeing him had been unpleasant for you?

A. I don't believe I ever felt that seeing Father Farnsworth was upsetting to me. It was being alone with Father Farnsworth that was upsetting to me.

30 Q. Yes. And - so that's everyone at the Farnsworth cottage, and this is like, maybe a Saturday, over the Saturday night to the Sunday?

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A. Correct.

Q. And I want to play another video, which I call the school skit.

5

...VIDEO PLAYED - WITH AUDIO...

Q. Stop. I'm going to continue it; it keeps going, but that's I take it, a staff person?

10

A. So all the men on the stage are all staff. The two dressed as Ghost Busters are, I believe, math and science teachers and the older gentleman in the white shirt is Ken MacNeil, who was the principal at the time, and the student on stage is my best friend, Michael Officer, and this is a sketch to lighten our moods, just a day or two before -

15

actually, sorry. This was - I know the purpose of it. I don't know when it happened, but the purpose was to lighten the mood around those students who still might've had a final exam to write, and the point of the sketch was that they were transferring Mr. MacNeil's knowledge to Mike Officer who was notoriously not a very bright student. So, they do this transfer of knowledge to Mike so he can pass his final exam. So I had mentioned earlier, that this is in the dining hall and any - any speech, lecture or sketch that happened in the dining hall was always light-hearted.

25

Q. And is this the stage that we've heard of that Father Farnsworth and Mr. MacNeil and their spouses would - would sit on that is....

30

A. That's correct. Mr. MacNeil actually got up from his table and Father Farnsworth and Betty Farnsworth head table were over here on the left.

Q. But those tables physically on a stage?

A. Yeah, they were elevated from the rest of the

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dining room, maybe three or four feet up.

Q. And are these people in like, in the act, in the skit, on the stage?

A. Yes.

5 Q. Okay. And you're filming, of course?

A. Yes. I'm probably seated at my assigned table.

Q. And this is some time during the final exams that year?

10 A. Right. There were - if I remember correctly, senior students wrote their exams first, before we went on our senior trip. But even when we came back, there were still some junior students, and Mike was younger than me. So there were still junior students who were completing their exams.

15 Q. Well, he's in grade - grade - he's one year younger than you? You said it in-chief.

A. That's right. So....

Q. He was one grade below you, you said in-chief.

20 A. So grade 12 - senior students would've been grade 12 and O-A-C, because there was O-A-C at the time. Junior students would've been 9, 10 and 11 so Mike was considered a junior student, so he still might've had an exam. But regardless if Mike had an exam, this sketch was for those who
25 did have exams.

Q. Okay, but you can't tell us when you filmed this? When this skit took place?

A. Again, I only was permitted to have my camera there the last two days of school, so it had to fall within that
30 period.

Q. And of course you filmed the Community of Jesus outing with the Gilbert and Sullivan crew and that was...

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(Mr. Boghosian)

A. Yeah, in July.

Q. ...yeah, months - some months later.

A. That's correct.

Q. Or at least a month later.

5

A. That's correct.

Q. Okay. If we can finish this video?

...VIDEO PLAYED

10

Q. Okay, so you - recorded that. They're - we hear somebody at about the one minute four second mark saying, "oh, this is hilarious." Was that you?

A. Could I hear it again?

Q. Sure. Sorry Anthony.

15

...VIDEO PLAYED

Q. Did you hear that?

A. Yeah, that's definitely my voice.

20

MR. BOGHOSIAN: You heard that, Your Honour?

THE COURT: Yes.

MR. BOGHOSIAN: Q. Okay. Was Father Farnsworth present for that skit?

A. He doesn't appear to be there.

25

Q. And why do you say that?

A. I can't see him at his table.

Q. So his table should - was visible or would've been visible if he were sitting there?

30

A. The students on the left are sitting at his table. His table's right there. I mean, I'm not really panned over there and I don't recall.

MR. BOGHOSIAN: And Your Honour, I forgot to show

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the witness a screen-shot of this before it was ready to mark.

A. Thank you.

Q. This is the screen-shot of the YouTube page where you posted this visit - this video on your private site?

5

A. Um-hm.

Q. And the caption you wrote was, "Grenville Christian College, '94, '95?"

A. Correct.

10

Q. And this one, all the videos that you - that we're showing were done in your final year, your grade 12 year.

A. The final days of my grade 12 year, correct.

MR. BOGHOSIAN: Exhibit - if we could mark this the next exhibit, Your Honour?

MS. LOMBARDI: Can we get a copy of that?

15

MR. BOGHOSIAN: I don't have - I have a black and white.

THE COURT: Exhibit Number 26.

20

EXHIBIT NUMBER 26: Video screen-shot of school skit - produced and marked.

MS. LOMBARDI: Actually, Your Honour, if we could have a copy of the last three? We don't have any of those exhibits.

25

MR. BOGHOSIAN: I have the previous two, extras I've found.

MS. LOMBARDI: Thank you.

MR. BOGHOSIAN: Your Honour, I don't have an extra copy, but I will send it to my friend...

30

THE COURT: All right.

MR. BOGHOSIAN: ...over the weekend.

Q. Now, I - if you'll just take a look at that

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last exhibit that I've handed up, you'll see in the - toward the left bottom of the actual video, there's a timestamp?

A. Yes.

5 Q. And you'll agree that the timestamp is put there by YouTube?

A. Are you referring to the date of May 15th, 2010?

Q. No, I'm referring to the number 2-31 for example, or whatever the number of minutes is on that one.

10 A. So, the last one you gave me, three minutes and three seconds? That's the total video time.

Q. Yeah.

A. And the still's paused at one minute and eighteen seconds.

15 Q. Yeah, the three minutes and three seconds would be the total length of the video that you posted on YouTube?

A. That's correct.

20 Q. And if we went back to Exhibit 24 - 25, rather, that - the full length of that clip that you posted on YouTube is 27 seconds?

A. Correct.

25 Q. And then the previous one of the community of Jesus, it's kind of distorted but I think it says one minute, one second?

A. Yes. Correct.

Q. Oh, one minute and nine seconds.

A. I can see the one minute clearly.

30 Q. I can - yeah, there's a black and white one here that it's not as - but those - those are the lengths of the videos that you posted on your YouTube channel?

A. Yes, that appears to be so.

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Q. And then I'm going to hand you another. I don't have an extra copy of that one. I'll have to send my friends this. The - I did send the videos, but I didn't - for whatever reason, I don't have an extra copy of this screen-shot.

5 So do you recognize the video that this is screenshotted from?

A. Yes, absolutely.

Q. And you filmed that one as well?

A. Definitely.

Q. Posted it to your YouTube channel?

10 A. Yes.

Q. And that - this video is two minutes, thirty-one seconds?

A. That's correct.

Q. And when was that filmed?

15 A. Um, again this would've been filmed some time in the last couple of days of my grade 12 year. If I remember correctly, it was in the afternoon prior to our graduation dinner with our families that evening.

Q. So on the Friday?

20 A. I don't know. I really don't know what day of the week this was in 2095 - or, 1995, sorry.

Q. Yeah, in fact you're being asked to remember things that happened 25 years ago, almost.

25 A. I certainly don't recall the exact day of the week that any of these events occurred.

Q. But the whole process of trying to recall what happened and doing that accurately, you've got to admit, it's difficult 25 years after the fact, isn't it?

30 A. I've been reliving the trauma every day for 25 years. I don't find it that difficult.

Q. And this video, as you posted it on YouTube, is two minutes and thirty-one seconds?

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A. Yes, it appears to be that length.

MR. BOGHOSIAN: Can we mark this as the next
Exhibit Your Honour?

THE COURT: Yes. Exhibit 27.

5

EXHIBIT NUMBER 27: Video screen-shot of video
before graduation dinner - produced and marked.

MR. BOGHOSIAN: So can we play that video?

10

...VIDEO PLAYED - WITH AUDIO...

MR. BOGHOSIAN: Is that it? All right.

15

Q. Who were the three females in the - in that
video?

A. So the one we're looking at - well, all three
are my friends. This is Genevieve Drouin, in my grade, grade
12. The girl dressed in the Grenville uniform is Natasha Webb,
who I mentioned earlier was Mike Officer's girlfriend, and the
other girl was Sarah Gauthier who was the girl I sent red roses
to, to make it appear as if I was her boyfriend.

20

Q. Which one of these other ladies is the one
that you sent flowers to? That one or the other one?

A. Not her.

25

Q. Not her?

A. No. Her.

Q. Okay. And the red roses thing, and
everything else, doesn't seem to have affected your friendship
here at the end of the school year?

30

A. Not really. We probably weren't - I mean, we
still weren't supposed to be communicating with each other, but
we're in the back field, there's no staff around. It's - again,

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this is the same day as the Dairy Queen video, the same day as the fun event at the river, so there weren't many staff around.

Q. And you're walking through the hall of the - halls of the school?

5 A. Yeah, it....

Q. At the beginning of the clip.

A. The school was empty. Everyone was at the river event. We snuck away because we just got back from Dairy Queen.

10 Q. I see, so these are the - all the same people that were at Dairy Queen are here?

A. Natasha, the girl in the uniform, wasn't at Dairy Queen.

Q. And where had she been?

15 A. Oh, I don't know.

Q. And where's the third woman that had been at the Dairy Queen then at this point?

A. I'm not sure.

Q. Okay.

20 ...VIDEO PLAYED

MR. BOGHOSIAN: Stop.

25 Q. That - which - which woman is that, that's doing a somersault right now?

A. That's Sarah.

Q. Okay, and I see that she's wearing pants?

A. That's correct. They do look like pants.

Q. I beg your pardon?

30 A. Yes. They're pants.

Q. And you made it very clear earlier that women were not allowed to wear pants on - on campus.

Tyler Stacey-Holmes - Cr-Ex.
(Mr. Boghosian)

5 A. I did say that, yes. But as I mentioned, this is the family fun day at the river. The rules didn't apply. There were women in bathing suits, and bathing suits weren't allowed. There were boys topless, and that wasn't allowed. This was an exceptional day compared to the rest of the year.

Q. Right. But you were on campus here, correct?

10 A. Yeah, we're in the back of campus, unsupervised with no staff around. We're - we're breaking the rules, willingly, knowingly breaking the rules.

MR. BOGHOSIAN: Okay. And if we can have the lights back on please?

15 Q. Now in-chief, Tyler, you said that Mr. MacNeil suggested that you court girls and then a week or so later, after you send the flowers, he told you to stop it. Is that right?

20 A. That's correct. We had done what we were asked - I had done what I was asked to do, which was bring the student body's attention to the fact that I was having a relationship with a girl.

MR. BOGHOSIAN: Your Honour, do you happen to have that will-say statement that I had handed up?

25 Q. And Father Farnsworth, in your evidence in-chief wasn't the one who told you to court girls? He never said that to you?

30 A. Father Farnsworth told me that he was concerned that the student body and staff were beginning to suspect that I might be a homosexual and it would be best if we took some sort of action against that. And then that followed a conversation with the Dean of Boys and Girls, suggesting that I select a girl to have a relationship with, in appearance.

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Q. We were told that you were going to say that you were encouraged by Charles Farnsworth to court girls so as to suppress the fact that you were gay. Is that true?

5 A. I believe that is what I'm saying, is that Father Farnsworth was concerned that people thought that I was more interested in boys, and so he wanted the appearance that I wasn't, and that appearance would be best served if I had a girlfriend, if I broke the rules by having a girlfriend.

Q. Okay.

10 A. And then a day or two later, the plan was hatched.

Q. I see, but Father Farnsworth never directly told you to court women...

A. Oh, Father Farnsworth...

15 Q. ...to suppress your....

A. ...definitely told me that if I - my soul was at stake and I needed to find girls to date, girls to have sex with, girls to have relationships with. Definitely he did.

20 Q. And we - the fire and brimstone speeches, as you called them, in the chapel, do you remember using that term?

A. That was Father Farnsworth's term.

Q. I see. But you referred to them in this will-say statement that I have as fire and brimstone speeches, right?

25 A. That's exactly what they were.

Q. And during these fire and brimstone speeches that happened once or twice a year, as you said, were not only homosexuality, I'm suggesting, but any sort of behaviour that was regarded as sinful was - was brought out and condemned.

30 A. Yes, but not to the same degree as homosexuality. Father Farnsworth definitely did not preach that every sin was equal, despite that being the teaching of the

Tyler Stacey-Holmes - Cr-Ex.
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bible. Father Farnsworth believed in his mind that sins were categorized by God and homosexuality was by far the worst.

5 Q. And even after the sessions with Father Farnsworth began, to rid you of your homosexuality, you continued to have sex with other boys in the dorm?

A. I absolutely did.

Q. And that continued all the way to the end of your grade 12 school year?

A. It definitely did.

10 Q. And all throughout that time that Father Farnsworth is meeting with you in March to May I think you said, of that grade 12 year, you continued to believe you were gay?

A. I knew I was gay.

Q. And you...

15 A. I had hoped that I wasn't.

Q. ...continued to accept that you were gay?

A. I wasn't accepting.

Q. Well, your actions certainly belie that. You were having trysts with other boys in the men's dorm.

20 A. Accepting is a pretty big word to say to someone who is 16 and struggling with their sexual identity. I definitely was not accepting of the fact that I was gay. I continued to struggle, believing that I could cure myself of this.

25 Q. Okay. And I'm suggesting that the life-changing experience that you went through in your grade 12 year at Grenville was that you recognized and accepted the fact that you were gay.

30 A. That's not correct. I didn't accept I was gay until I was 22 years old when I officially came out to friends and family in my own way.

Q. Well, you'd come out to a friend already in

Tyler Stacey-Holmes - Cr-Ex.
(Mr. Boghosian)

grade 12.

A. I told a friend I thought perhaps I was gay. I was also sleeping with that friend, so I'm sure he guessed that I might be.

5 Q. Um-hm. And I'm suggesting that regardless of what actually happened between you and Father Farnsworth during the sessions that you described in-chief, his motive was because he thought that you needed help and he was determined to give you help.

10 A. Father Farnsworth thought that he could convert me from a homosexual male to a straight male by belittling me, making me cry, and describe in horrific detail the kind of sex and abuse I had. That's what he did.

15 Q. He - his intentions, I'm suggesting, were positive. He honestly believed that he....

A. If they were positive - sorry. I'm sorry. Sorry.

Q. He honestly believed that he had to change you for your own good and for the right to make it to heaven.

20 A. So, you're asking me to guess what his motives were?

Q. I'm asking you, based on your observation of him during these sessions, and - and - and what he told you. I'm suggesting his motive was to save you.

25 A. I believe if Father Farnsworth's motive was to save me, he would have involved my parents by telling them what he was doing to me every week.

30 Q. I see. Now these videos that we saw, I think we went through five of them, they were originally done on V-H-S tape?

A. Correct.

Q. So in order to upload them to YouTube you had

Tyler Stacey-Holmes - Cr-Ex.
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to do a couple things. One is, you had to review them and watch them and condense the five hours of tape you had down to one and a half hours.

A. Correct.

5 Q. And you had to convert those V-H-S tapes to digital?

A. I did that years later. My husband and I had the equipment to actually upload the video directly from V-H-S to YouTube and I used the YouTube editing suite to pick out the pieces I wanted to post.

10 Q. But all of these videos that we've seen were posted by you in spring 2010, right?

A. I believe so, yes. Yeah.

15 Q. So you kept all the V-H-S tapes for 15 years up to that point, from when you left Grenville?

A. Yeah, I think I've kept every V-H-S tape that I've recorded homemade video on.

20 Q. And you then, 15 years later, converted the V-H-S tapes to digital?

A. It was time for people to see the kind of experiences that could be had at Grenville. I wanted people to understand that Grenville wasn't entirely awful.

Q. And you posted these videos, 15 years later.

A. Correct.

25 Q. Including images of Father Farnsworth.

A. Correct.

Q. Thank you. Those are all my questions.

THE COURT: Any re-examination?

MS. LOMBARDI: I just have one question, Tyler.

30

RE-EXAMINATION BY MS. LOMBARDI:

Q. With respect to that video where you are

Tyler Stacey-Holmes - Re-Ex.
Philip Mailey - in-Ch.

attending Charles Farnsworth's cottage, I just want to understand. That cottage, was it the same home of Charles Farnsworth that you had your sessions in?

5 A. No. Again, I don't recall the lake the cottages were on. I know we had to travel about an hour and a

Half or maybe two hours to get there by bus. So there were two cottages on the property. There was the Farnsworths' cottage where the video was taken, and right adjacent to it, maybe a hundred or two hundred feet away, was what was known as the staff cottage, which was a cottage that staff families could use. And then across the lake, on the complete other side of the lake, was another property of some tiny shacks, and that's where the boys would stay during these - these events.

15 Q. Okay. Thank you. Those are all my questions.

THE COURT: Thank you very much for coming.

THE WITNESS: Thank you.

20 THE COURT: Perhaps we will take the afternoon break for 10 minutes.

R E C E S S

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

25

PHILIP MAILEY: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

30 Q. Good afternoon, Mr. Mailey.

A. Hi.

Q. May I call you Philip?

A. Yes.

Philip Mailey - in-Ch.
(Ms. Lombardi)

Q. Thank you. Philip, can you tell us where you live?

A. Currently in Toronto.

Q. And what do you do for a living?

5 A. I teach private music lessons.

MR. ADAIR: Sorry?

THE WITNESS: I teach private music lessons.

MS. LOMBARDI: Q. So, Philip, I'm just going to ask you to speak into the mic.

10 A. Okay, you got it. Yeah.

Q. We just have an acoustics problem. When did you attend Grenville Christian College?

A. 1991 to 1993.

Q. And how old were you at that time?

15 A. Ah, 16 and 17.

Q. And which grades were those?

A. Eleven and twelve.

Q. Eleven and twelve. And how had you come to attend Grenville? You were presumably somewhere else before you were 16?

20 A. I lived in Carleton Place, Ontario. I went to Carleton Place High School. A friend of our family's had attended Grenville and - and we didn't hear much more about it. She said they - she'd only been there a short time and for what they knew it's - they'd all right things about it at the time. So my parents approached me and asked me if I'd like to attend a private school, and I had just seen Dead Poets' Society, and thought it would be pretty cool to go to a private school, so I - I - I went to Grenville.

30 Q. Okay. And where did you live at Grenville?

A. In the dorms.

Q. Can you describe your dorm residence?

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A. Ah, two floors, five guys in a room, I believe, if I remember correctly. There was a common room on the second floor with a ping pong table, and another door that went up to the annex, I believe they called.

5 Q. And what was your - your timetable? What was a typical day like during the school week?

A. Early rise. I get up a little earlier than everybody else because it took me a little longer to shower. I wear a prosthetic leg. So I set my alarm, you know, 15 minutes
10 before everybody else. Shower, and then we would do our assigned section jobs, cleaning the dorm. Whether it was vacuuming the hallway or cleaning the sinks or the toilets, also our - our jobs within our own room, you know, making the bed and making sure everything's put away and vacuumed, and baseboards
15 and lights. Then we'd all head to the - do the flag raising. As we were leaving the dorm we'd be checked to make sure everything was proper. Flag raising, we'd sing - we'd do the flag raising and then we'd head to breakfast in the - in the dining room. After breakfast we'd head to class and our day
20 would start with the classes.

Q. And then when would classes break, approximately?

A. For lunch. I couldn't give you a specific time for lunch. Like, mid-day, and then back to classes. We'd
25 finish school, we'd have a bit of free time and then we'd go to dinner in the dining room, to our assigned tables. And then we would have a little break after dinner and then would be study hall, 7:15 to 9:15 if I remember correctly.

Q. Were there any extracurricular activities at
30 Grenville that you participated in?

A. I did sing in the choir.

Q. And how often would you have choir practice

Philip Mailey - in-Ch.
(Ms. Lombardi)

in a week?

A. A few times a week, I believe.

Q. Did you enjoy singing in the choir?

5 A. I had mixed feelings about it. I - I enjoyed
singing. I enjoyed the people in the choir. I didn't so much
enjoy Cheryl Farnsworth who was the choir director. I was
honestly scared of her. She - she - she flew off the handle
quite a bit. She'd get angry at the smallest things. Somebody
made a mistake or wasn't holding their music high enough, and I
10 remember her taking people into the back room. I could hear
yelling and she would come out and they would come back and join
the choir with tears in their eyes.

Q. What kind of a student were you, Philip?

A. Academically?

15 Q. Yes.

A. I - I - I studied, I tried my best. I
probably pulled off you know, mid-70s, couple of 80s.

Q. Okay. What were some of the rules that the
Grenville students had to follow?

20 A. You mean like, the no smoking, no drinking?

Q. Yeah, the school rules.

A. No listening to rock music at all. Your
haircut had to be cut a certain way. With your clothes, had to
be pressed, you - certain things you couldn't talk about.

25 Q. Okay. What certain things couldn't you talk
about?

A. Well, I could give you an example.

Q. Sure.

30 A. I was at Chuck Farnsworth's table, Charles
Farnsworth's son, and I remember everybody was talking. It was
before the - we just sat down to the meal. We - and I was
telling my student beside me, my friend, that my friend said

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when he lost the volleyball, back in high school, where I -
where I'd gone back in my hometown, and Chuck Farnsworth slammed
his hand down on the table and told me to stand up and yelled in
front of the whole dining room that was inappropriate talk for
5 his table, and for Grenville. And I didn't understand what he
was talking about. It's embarrassing, it's humiliating, and he
took me into the kitchen and he yelled at me some more and put
me to work.

Q. And what was your work?

10 A. Well, at that point, it was the dish duty
because it happened at dinnertime. Dish duty, and then I was
put on discipline for two days.

MR. ADAIR: Sorry, I'm just - had a little
trouble hearing you.

15 THE WITNESS: Oh yeah? Okay.

MS. LOMBARDI: Just put a...

THE WITNESS: A little closer? Is that better?

MR. ADAIR: No, that's actually too loud.

20 THE WITNESS: Okay. Is there a happy medium here
somewhere? All right?

MR. ADAIR: Yes, thank you.

THE WITNESS: Is that okay?

MS. LOMBARDI: That's fine. Yeah.

A. Okay.

25 MR. ADAIR: Thanks very much.

THE WITNESS: Okay, you're welcome.

MS. LOMBARDI: Did you need the answer to the
last question? You're good?

30 Q. So, you mentioned you were put on discipline
for two days. What did you do for those two days on discipline?

A. Mostly dish duties, laundry duties. The
breakfast preps, the lunch prep, the dinner prep. I did sleep in

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the annex, which is a room off of the common room on the second floor, isolated, silenced. Not allowed to speak with anybody, make eye contact, and that was the night that I believe Mr. Ordolani came into the annex with a flashlight, and Mr.

5 Henderson, and I believe there was a third person there. But I know Mr. Ordolani 100 percent was there, and went at me with um, I thought was a scripture, talking about demons, the devil, made me feel like I was worthless and - and that's what I remember.

10 Q. Okay. Thank you. Was this your only experience with discipline at Grenville?

A. No. Well, what happened on - sorry, the dish - dish - along with the dish duties, and the breakfast preps I was asked to - I had a - to clean the church, and I remember, there was usually a vacuum, 'cause I had done blitz there
15 before, and vacuumed with a vacuum, and at that time, my leg was also sore. It got sore quite a bit because it was a new leg, and it didn't fit proper, but I remember I was made to vacuum not only the stairs in the chapel, but the ground floor in the church with a dust buster. And I told Sister Deborah, I
20 believe, that my leg was sore, and she saw me trying to balance, and she - I'd asked her, is there a vacuum, I could use, and she said that one will be fine. And Father Farns - Charles Farnsworth walked in and I heard Sister Deborah kind of talking to him, and saying, you know, he's complaining blah, blah, and
25 Father Farnsworth came over and asked me if I'd like to do it twice.

Q. So, did you just have to vacuum the chapel with the dust buster that one time?

A. Yeah, just that was the one time.

30 Q. And was this all part of the same discipline?

A. Yes, it was.

Q. And was this the only occasion - oh, maybe

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I'll just go back to that. Can you just describe the dust buster for us?

A. It was a Dirt Devil. Small one. A handheld.

Q. Handheld? Did it plug into the wall or....

5

A. No, it was battery operated.

Q. Okay. In terms of other discipline that you experienced, can you give us an example of another time?

A. Um, okay, yes. Um, this is a tough one. I was - I was grabbed by Father Farnsworth and marched down the hallway to his - to a room. I don't know if it was his room. I believe it was off the dining room, and it's a big table, and he interrogated me and yelled at me because he said that he knew I had knowledge that somebody had a Walkman and I didn't tell him, or didn't tell on him. The person had been caught, and - and he assumed that I knew about it.

15

So, I was taken out of school for five days and put on discipline and this was the hardest part - um - Steve Edmonds and I were - were made to pound in rebar, a lot of rebar in a snowstorm, well below zero, in the front of the school for hours in the morning, and put up a snow fence. And my leg was extremely sore. A blister had started, I could feel it and when Mark Rump was the one watching over us, I told him, and I had tears in my eyes, I said, could you please put me on something else. I can't bear this anymore, and he said he would talk to Father Farnsworth, Charles Farnsworth and when he did, he came - Charles Farnsworth said if I do the crime, I do the time.

20

25

And I had to keep going, and that day was the day that my friends - my friends in my high school in my hometown were coming down for a volleyball tournament and I was excited to see them, 'cause I was homesick and - and I saw their bus come in when I was pounding in the rebar, in pain. And I saw them, and I still thought I was going to get a chance to see

30

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5 them, because I knew they were coming. And we broke for lunch
and were taken in, and Chuck Farnsworth took over walking me
between whatever - lunch or whatever we were doing. And as we
were coming down the hallway, my friends were walking in the
10 door, and they all saw me, and they were calling to me by my
last name, which is Mailey, "Mailey, Mailey" and trying to reach
out and touch me and give me a hug. Jamie Black, Julian Bar,
Blair Olsen, Blake Burgess, all my friends. And Chuck
Farnsworth squeezed my arm, and told me, "Don't you dare look
up." And I had to walk by them, and that was the most
humiliating thing I'd ever experienced. And I had to go the
rest of the day pounding rebar, knowing that my friends were
there and I wasn't going to see them. Twilight zone.

Q. Can you just describe what you mean by rebar?

15 A. They're long pieces of hard metal that you
drive into the ground with a big pounding apparatus, and it was
the pounding and the going up and down that caused the friction
in a certain way on my foot that goes inside my prosthetic leg.

Q. And you said that this took you most of the
20 day to get these posts in?

A. Say it again?

Q. You said that - did this take you most of the
day or was it a few hours?

25 A. No, it was the morning a few hours and then
it was about half of the rest of the afternoon.

Q. Okay. And you mentioned the name Mark Rump.

A. Um-hm.

Q. Who was that?

A. He was a staff there at the time.

30 Q. And you also mentioned another name, Steve
Edmonds?

A. Steve Edmonds is a very good friend of mine.

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(Ms. Lombardi)

And he was also doing - he - he was trying to take more of the load for me, bless his heart. He's not with us anymore, Steven Edmonds, but yeah.

Q. And how did this experience make you feel?

5 A. Angry, sad, confused, I never felt anger like that before. I felt Chuck Farnsworth had a personal vendetta against me, and I would see him coming and my stomach would turn. The same with his father. When that - when that's going on, you can't think about anything else. You can't think about
10 your studies, you can't think about anything except worrying that, what - you know, what's next, what's coming.

Q. In terms of this discipline, you said you were put - this had to do with not....

A. Not snitching.

15 Q. With the Walkman? Right. And it was five days long?

A. It was five days long.

Q. What other - what other things did you have to do over those five days?

20 A. Mostly just all the dish - breakfast preps. You went up at 4:30 in the morning getting breakfast ready and then doing the dish duty afterwards. You wear your casual clothes, so you're made an example of. I believe I sat at the headmaster's table during a few - maybe three of those five
25 days. And that's for - I think that's just to make an example, so everybody knows you're on discipline, and I believe Father - I remember Charles Farnsworth stood up and told the dining room why I was on discipline.

Q. And were you in uniform...

30 A. No.

Q. ...when you were at the table?

A. Casual clothes.

Philip Mailey - in-Ch.
(Ms. Lombardi)

Q. Did you and your friends ever talk about that experience? The ones that were visiting you that day.

5 A. They did. The - their parents called my parents and said what the hell is going on there, at that school. My friends were - they were - yeah. They kind of messed them up a little bit too. It was very - well, yeah.

Q. Did you ever observe other students on discipline?

A. I did.

10 Q. And how did you know which students were on discipline?

A. You'd - well, you could tell. Their heads were down, um, somber look on their face. The tears in their eyes. Being escorted by, you know, whoever - whatever staff was put on them. And you know, also, when I'd be in the kitchen, I'd - I'd be working alongside of them. I can name names, but....

Q. And were you....

A. Some - some more than others.

20 Q. Were you aware of other forms of discipline at Grenville or was the manual labour and those things that you described the....

A. I never experienced - I had heard. I had heard about paddling, people being beat. Those - those were the stories that were going around. Chuck Farnsworth had - had pushed me up against the wall in - um, Steve Edmonds sprayed a hairspray with a lighter and it set the fire alarm off, and I actually didn't know at that time, until my friend Jeff Tellan had told me after but when Chuck came down to investigate he just assumed it was me that set the fire alarm off, and he took me out of the room, put his hand against my chest and pushed me up against the wall and then yelled at me, interrogated me, and

30

Philip Mailey - in-Ch.
(Ms. Lombardi)

told me I did not want to mess with him.

Q. And what resulted after this experience?

A. I was - discipline again.

Q. Again.

5

A. Um-hm.

Q. And how did you feel in that moment when you're being confronted by Chuck Farnsworth?

10 A. I - I was crying. I wanted to call my parents. I just wanted to go home. I - helpless. Angry, sad, and again confused.

Q. So when did you leave Grenville?

A. In 1993.

Q. And why did you leave Grenville?

15 A. Because of Grenville. Because of Chuck Farnsworth and Charles Farnsworth. I - I had told my parents and they believed me. They had asked me if I could stick it out the last semester, because they wouldn't get their money back. That's not the reason why, they just wanted me to see if I could stick it out, and I was the one that felt guilty that my parents
20 had spent the money for me to go. They didn't have a lot of money. They just thought it would be a great experience for me, and so and they approached - Ken MacNeil and they - Ken MacNeil - sorry, Ken MacNeil approached my parents, when they came to get me, and they said is there anything we can do to get Philip
25 to stay, and my mother said we're sorry, but no.

Q. Okay.

A. And we left. And it was hard leaving my friends.

MR. ADAIR: Sorry?

30

MS. LOMBARDI: It was hard to....

A. It was hard leaving my friends.

Q. One of those friends was Steve Edmonds, and

Philip Mailey - in-Ch.
(Ms. Lombardi)

you mentioned that he's no longer with us?

A. Yeah, he - he took his own life.

Q. How would you describe your overall
experience at Grenville?

5 A. I tried not to think about it for years. I'm
not sure what it was all about. I didn't learn anything. I
truly believe that it does have something to do with the anger
that I carry in me these days. 'Cause I never felt anger before
Grenville. I was a happy go-lucky kid where I - I had a great
10 upbringing. I had two brothers, and I'd never had an adult put
a - put a hand on me or - or just, you know, speak to me like
that or make me feel like that, and it changed me. Even when I
went back to my regular high school, like, I felt different and
my friends had witnessed that, and made me feel, you know, I
15 just - it wasn't the same.

Q. And so where did you go after Grenville?

A. I went back to my - to C-P-H-S, Carleton
Place High School and I graduated there.

Q. And you were back with those friends...

20 A. Um-hm.

Q. ...that were visiting on the volleyball?

A. I was.

Q. And how does that experience compare to
Grenville?

25 A. I went back to my regular high school, it was
wonderful. It was - I felt - I felt I was free. Felt like I
could put that all in the past. I tried. It crept up all the
time.

30 MS. LOMBARDI: Those are all my questions for
this witness at this time.

THE COURT: Cross-examination?

Philip Mailey - Cr-Ex.
(Mr. Adair)

CROSS-EXAMINATION BY MR. ADAIR:

- 5 Q. Mr. Mailey, what's your date of birth, sir?
A. September 16th, 1974.
Q. All right. It's been a long week. Maybe I'm
confused, but wouldn't that have made you 17 when you entered
Grenville in grade 11?
A. That may be correct. Okay.
Q. Yeah.
A. Yes, it would.
10 Q. Well, you got me doubting myself here. So...
A. My apologies.
Q. ...you were 17.
A. Seventeen.
Q. And...
15 A. I guess, yes.
Q. ...you were there for the full grade 11 year.
A. Um-hm.
Q. And your marks sounded pretty decent, 70s and
- maybe an 80 or two?
20 A. Probably a couple of 60s in there too.
Q. Yeah.
A. Okay.
Q. Fairly decent marks.
A. All right, yeah.
25 Q. And then you went back - you went - you were
home for the summer.
A. Um-hm.
Q. And where do your folks live?
A. In Carleton Place.
30 Q. Sorry?
A. In Carleton Place.
Q. Ow, okay, so what's that, about an hour from

Philip Mailey - Cr-Ex.
(Mr. Adair)

the school?

A. Hour and a half.

the summer?

Q. Hour and a half? Okay. And you went home for

5

A. I did.

grade 12.

Q. And you came back for the first semester for

A. I did.

10

semester?

Q. But - and you left at the end of the first

A. I did.

break?

Q. And that would've been what, the Christmas

15

year.

A. No, I left after the first semester, second

Q. Yes.

A. So that would be - yes, yeah. Yes.

Q. Yeah.

20

A. I think so, I believe - I - I don't remember.

Q. Well, I'm not worried...

A. Okay.

Q. ...about the exact date, but it was sometime
around the middle of the school year in grade 12 that you left
Grenville?

25

A. Yes.

Q. Yeah. And you - you - the incident of
discipline that you first suffered where you were at the table.

A. Um-hm.

30

Q. And you were talking about your former high
school friends whose - I gather, whose sports team, volleyball
or basketball, or something, had won the league title and...

A. Yes, sir.

Philip Mailey - Cr-Ex.
(Mr. Adair)

Q. ...shaved their heads?

A. Hmm.

Q. Right?

A. Say that again?

5 Q. That's what you were talking about?

A. Yes. Yes.

Q. And you - I - picturing that, I assume you'd
be laughing about that, and enjoying the story.

10 A. Yeah, that they shaved their heads. It was a
story.

Q. Yeah.

A. I don't know why I was talking about it but
I....

15 Q. Yeah, and Chuck Farnsworth got angry about
that.

A. Yes, he did.

Q. And you were on "D" for three days?

A. Three days.

Q. And....

20 A. Well that - that was - that happened at
dinnertime, so it was that evening and then an additional two
days.

Q. An additional two days. And the - the - that
was in grade 11, was it?

25 A. I don't remember. I believe so, second
semester.

Q. All right. So that'd be the - the January to
June type of term.

A. Sure.

30 Q. Yeah. And that was the first time you'd been
put on discipline?

A. I don't remember.

Philip Mailey - Cr-Ex.
(Mr. Adair)

Q. Okay.

A. I think there were - there were a couple of other times that were a day - day discipline.

Q. All right.

5

A. But it was a long time ago.

Q. A day doing what, pots and pans?

A. Yeah, it would be pots and pans.

Q. Yeah.

A. Dish duties.

10

Q. And do you - but was the Chuck Farnsworth at the table occasion the first time you were on discipline?

A. I don't think so, no. I was at the Bar's table, Mr. and Mrs. Bar.

15

Q. All right. And the - so for the rest of that year, grade 11, were you on discipline again?

A. Ah, there were....

Q. After that?

20

A. There was one incident where I - I used the F-word and I was put on discipline for the rest of the day. There was another time where myself and a couple of - Jeff Delahunt, Steve Edmonds and Julian Phipps had opened up our windows at night and climbed out and - just to do it, and went behind the boiler room, and talked, chatted, laughed and then went back in.

25

Q. Smoked?

A. Yes, I didn't but two of the other boys did.

Q. And smoking was considered a major offence?

A. It was, but I was - yes, yes, it was.

Q. And what did they give you for that?

30

A. Ah, well, I didn't smoke, and the other boys when we got caught said that I hadn't smoked, so my discipline was less than theirs. I think they got a week and I got a

Philip Mailey - Cr-Ex.
(Mr. Adair)

couple of days.

Q. All right. And were there other times you were on discipline in grade 11?

A. When I said the F-word.

5

Q. Yeah, you told me about that.

A. Yeah, I don't - and that's the one I can remember right now. That's all.

Q. Good. All right. You dropped the F-bomb as the kids say.

10

A. I did. I - Chris Graham ran up behind me when I was scratching my nose and hit my thing and it went up my nose, and I had a nosebleed and I said the F-word.

Q. Yeah. Typical high...

15

A. In the hallway, and Sister Deborah happened to be walking by me.

Q. Typical high school.

A. Right, I - yeah, I guess so, yeah. Not something I do, but....

20

Q. All right. And the - notwithstanding those incidents of discipline, you were okay to go back for grade 12.

A. I was, because of my friends, because they were going back.

Q. Yeah. So you had good friends there.

25

A. I did have good friends there.

Q. Yeah.

A. We were all in it together.

Q. Yeah, and you guys, there were times when you had good fun.

30

A. Define good fun?

Q. Yeah.

A. Define good fun?

Q. Sorry?

Philip Mailey - Cr-Ex.
(Mr. Adair)

A. Define - good fun. What do you mean by good fun?

Q. Well, like you played jokes, like....

A. We weren't allowed to have good fun there.

5 Q. All right, well maybe we have a different definition but...

A. Yeah, I think we do.

Q. ...you did things like climb out when you shouldn't have.

10 A. Once, yes.

Q. You did - you were engaged in....

A. You wanted to - you wanted to feel a little bit of freedom once in a while.

Q. Yeah.

15 A. Right?

Q. You were - you were engaged in some hijinks from time to time.

A. No, I didn't hear - I don't understand what you just said. What did you say, sorry?

20 Q. You were engaged in some hijinks. You know....

A. I don't even know what that is.

Q. All right. Well, don't worry about it. In any event, on balance, you decided, I'll go back for grade 12.

25 A. I did.

Q. And it was in grade 12 you had this incident of the rebar for the snow fence?

A. I - I believe it was grade 12.

Q. Yeah. And that put you over the top?

30 A. I - yes, it did.

Q. Yeah.

A. Absolutely put me over the top.

Philip Mailey - Cr-Ex.
(Mr. Adair)

Q. Yeah. And - and the - the - and when you - when you got out of Grenville and you got back to a high school setting, as you said, you felt free, you felt good.

5 A. It did, but I mean, I still had everything going on in my head what had just happened. It was spinning.

Q. Yeah. Right.

A. I was putting my game face on, trying to make it look like I was fitting back in and everything was - everything was good.

10 Q. All right. And....

A. But everything wasn't good.

Q. And tell me, there were a lot of people there, I'm going to suggest to you, a lot of other students who could toe the line, and follow the rules and had a good experience. Do you agree with that?

15 A. Could you repeat that, please?

Q. Yeah. I said there were a lot of other students there who could follow all the rules and toe the line, so to speak, and had a good....

20 A. You mean snitch?

Q. Had a good experience?

A. You mean snitch? You mean snitch by following the rules and toe the line, you mean people that snitch on people?

25 Q. Well....

A. So they get a prefect pin and a leader pin?

Q. What I'm asking you, Mr. Mailey, is whether there were a lot of students there who followed the rules and had a good experience.

30 A. I can't answer that.

Q. Okay. All right, sir, those are all the questions I have.

Philip Mailey - Cr-Ex.
(Mr. Adair)

THE COURT: Any re-examination?

MS. LOMBARDI: No.

THE COURT: Thank you for coming, Mr. Mailey.

THE WITNESS: All right, thank you.

5

THE COURT: Thank you. So where are we at?

MS. MERRITT: I have to apologize, Your Honour, we don't have another witness ready to begin this afternoon.

10

THE COURT: All right. It seems as though we're on schedule and maybe a little ahead of schedule from what we discussed yesterday, so I know you've all been working hard, especially when we're not even sitting in court, so that's appreciated.

15

...HOUSEKEEPING DISCUSSION...

MONDAY, SEPTEMBER 30, 2019

20

THE COURT: Good morning. Is everybody's situated okay in the new space?

MS. LOMBARDI: Yes, Your Honour.

25

THE COURT: This doesn't reach me when I'm standing. Can you hear me all right?

MS. LOMBARDI: Yes.

30

THE COURT: Okay. I wonder if -- could we have these doors open while we're in session so that we have some natural light? I think -- we'll see how that goes if -- if there are people walking back and forth, we might have to close them, but let's see if we can -- I think that's better for

Mark Vincent - in-Ch.
(Ms. Lombardi)

all of us. A bit of air, too. Okay. So, where
are we today, next witness?

MS. LOMBARDI: We are ready, yeah to go with our
next witness, which is Mark Vincent, but before
that my friend just wants a moment.

THE COURT: Okay, sure.

MR. BOGHOSIAN: Your Honour, I have a U-S-B key
with the five videos that I played during Carla
Holmes cross-examination...

THE COURT: Okay.

MR. BOGHOSIAN: ...and I wanted to file it, and
have it marked as an exhibit.

THE COURT: All right. Then -- what are we at?

CLERK REGISTRAR: 28.

THE COURT: 28, Exhibit 28 will be the videos.

EXHIBIT NUMBER 28: UBS key with five videos --
produced and marked

THE COURT: All right. Thank you.

MS. LOMBARDI: So, my next witness is Mark
Vincent.

MARK VINCENT: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

Q. Good morning, Mr. Vincent, may I call you
Mark?

A. Sure, yeah.

Q. Thank you. Mark, can you tell us where you
live?

A. Just -- I'm -- Kemble, which for people don't

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(Ms. Lombardi)

know that's just north of Owen Sound. It's right on -- it's in a place called Presque Isle on Georgian Bay.

Q. And what do you do for a living?

5 A. Currently retired. I retired in the end of January. I was a teacher at St. Mary's High School, for the Bruce Grey Catholic School Board.

Q. And what did you teach there?

10 A. I taught a variety of subjects. My teachables were pretty spread out, but generally it was shops and I did transportation, manufacturing, tech design, comm tech. At the end I was doing a co-op, and I had qualifications in religion, spec ed, and then my honour's tech specialist.

Q. When did you attend boarding school in Brockville?

15 A. September '73 'til the end of January '75.

Q. And how old were you?

A. I got to think now, I got to do the math. I would have been 15 when I started and 16 when I left.

Q. And so what grades were you in then?

20 A. Ten and half of eleven.

Q. And when you started boarding school, at the time, was it known as Grenville Christian College or something else?

25 A. I believe it was Berean Christian Schools at that time.

Q. So, how did you come to attend first the Berean School and then eventually Grenville?

30 A. I was -- grade 9 wasn't one of my best years in high school, and my marks had slid down and my parents thought it would be best for me to try an alternative. I was interested in shops and there wasn't other schools around at that time, private schools that had shops in them and a friend

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of my dad's went to university with Alastair Haig and he said he was a good -- a good person, and so basically I just interviewed the school and they picked that one for me to go to.

5 Q. And so where did you live while you were attending Berean?

A. In -- I lived at the school.

Q. And can you describe your dorm residence?

10 A. It would have been -- if I remember correctly it'd be about -- it was in sections with rows, like a big room with rows down with our -- it had our hanging lockers, or whatever you want to call them, between the beds and we slept in between them. And there would have been -- I'm -- if I remember, five on each row. So, ten per section total, and there were probably about five sections. And then one staff member had his own separate resident room on -- on the dorm.

15 Q. And do you remember who that resident staff member was?

20 A. I -- the first year I remember it was -- Prosser -- Proper -- Prosser, I believe, he's from New Brunswick.

MR. ADAIR: Who?

THE WITNESS: Prosser?

MR. ADAIR: Proctor.

25 THE WITNESS: The P -- I think P-R-O-S-S-E-R and he was only there the first year. The second year I don't remember who. I think it was staff kids, but I don't remember.

MS. LOMBARDI: Q. Can you describe your timetable?

30 A. The first year, a lot of I don't remember, other than getting up, breakfast, going to classes, it -- it was a regular routine, study hall every night, for a -- I'm guessing

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an hour, hour and a half. I don't remember time-wise now. Church every day, twice on Sunday. Saturdays we were -- you had your choice, you could -- they usually gave a ride into town and you could go to the mall or whatever you wanted to do, or you could stay at school and do things.

The second year it was a little different. I was gotten up before everybody else. And by wintertime I was on shovelling duty, doing all the entrance ways in the school. I was on dish duty for -- but before that, it would have been a barn duty, where I -- we're cleaning the barns out, feeding the animals, then we'd go back at breakfast and then I was on dish duty. After dish duty, we'd get cleaned up, go to our church service, go to classes. Lunch time dish duty was basically the same routine. Supper, same thing, and then study hall again at night, and...

Q. And were the weekends the same in the second year as the first year?

A. Mostly, except for when -- when I was on the extra disciplines. My Saturdays I wasn't allowed to go into town, I had to stay at school and they had like a -- like I don't remember what we called it. Merit room, whatever it was and you -- you had your choice, you could stay in there and study or you could bring in your Bible and read your Bible. So, Saturday afternoons were usually spent in there.

Q. So, why did you spend so much time in there?

A. I don't remember. A lot of the stuff the second year, I don't know why -- I don't know why it happened; why I got treated the way I did. I just remember there was a group of us and we were always on special discipline for pretty much the whole -- the whole first semester.

Q. And did anyone ever talk to you or the -- you say there was a group of you? Did you have any inclination as

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to -- to why this group was being singled out?

5 A. My own personal thoughts I -- we didn't have anybody come and tell us. My own personal thought, because we were -- we were happy, or tried to be happy. Then when we -- we -- I figured they just wanted us separate from the other students, because we were -- we were a bad influence or we weren't seeing their -- the way they were going.

Q. So, what was the problem with being happy?

10 A. We weren't to be happy, because we weren't -- it wasn't a place where you're supposed to be happy. It was a place you were supposed to go and not do things that you enjoy. We were -- we're on this earth to serve God, and not to please ourselves, so to speak, I guess.

Q. And was that taught to you, in some way?

15 A. Yeah, that was -- that was a common theme second year. First year was absolutely nothing like that. Second year was. First year, it was a great place.

Q. And in second year, did the school change its name?

20 A. Yeah, it became Grenville Christian College.

Q. And so how did they teach you that lesson that you just told me about, not being able to be happy or do the things you want?

25 A. The very first one that -- that I can remember it would have been after the summer from my first year to my second year and we were told that they had been down at Cape Cod. And I still remember -- one of the few things I remember, it had to do with those things, was Alastair Haig doing the sermon one -- one morning in church and talking about
30 how he always loved having long baths, soaking in the bathtub every morning and this -- Kay and Judy that -- that Cape people were told he's not allowed to do things he's allowed -- that he

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enjoyed doing anymore, that's not why he's here, so, he wasn't allowed to soak and have his long baths and that was kind of the start. We thought like what the heck's going on here, like it was total change from the first year.

5 Q. Did you visit your family often, while you were...

A. Sorry?

Q. Did you visit your family often?

10 A. We got home on long weekends. Maybe my first one would have been Thanksgiving weekend.

Q. For both years?

A. Yeah.

Q. What were your grades like?

15 A. Pre-Grenville I was a -- I was like one of those 50 per-centers. My marks had gone down big time in first year in grade nine. Second when I first went to Grenville, it -- it was prob -- I can't tell you for sure, but I would have been nineties average, top mark in my class at that point in Grade 10 math, Grade 11 math, sorry.

20 Q. What were some of the rules at G-C-C that you had to follow?

25 A. A lot of those I'm -- I don't remember as much. Like there was the usual uniform ones, haircuts, dress code, which would have been their -- our uniforms that we had to wear. That you couldn't wear like, denim grey jeans. They had to be like, basically casual I guess you would call them dress clothes. Six-inch rule, that was the one that you weren't allowed to be that much closer to a female. Just the usual -- you had to -- you had to attend church, you had to go to classes, you had to go to the study halls and that at night.

30 Q. And were these consistent rules between the Berean days and Grenville when it switched over?

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A. Yeah.

Q. Were there any additional rules that arrived with the -- with the changeover in your second year?

5 A. I can't remember exact rules that would have changed, but it was the atmosphere that had changed.

Q. And can you describe that?

10 A. Things that had happened. Well, probably one of the best -- the first time that was evident that things had changed big time, other than Haig and his bath, soaking in the bathtub, there was a -- and a lot of the students didn't know this had happened at the time, but since we were on the special discipline, cleaning the barns, we went out in the morning, there was a two headed calf that was born, out in the field and we went out and they'd had a tractor around the -- holding the
15 cow up the fence and they were pulling the calf out and it came out with two heads. That afternoon -- and like, some of us had talked about that -- about -- that we'd seen it, and it was like holy crap, because we'd never seen anything like that before, most people haven't. If I can say the shit hit the fan that
20 afternoon, like it was -- they'd pulled all students out of classes, everybody down to the chapel and they started -- this would be probably what I would remember as the first light session where they -- the -- the first thing they said was there was a -- God had sent us a sign, there was a two-headed calf
25 born, we're being punished for the sins that people had been doing at the school.

30 And then it started as they wanted -- there was like, a mass confession and everybody basically started to stand up and they would say well I've done this, da-da-da-da-dah, and then somebody else say well I've done this and -- and it just escalated. I don't remember how long it went on for, it seemed like forever and then we were all dismissed from the -- from the

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chapel and we were told nobody's allowed to talk, can't be beside anybody else and that went on for 24 hour silence. They wanted people to meditate and what they had done that God would have been punishing us with this two-headed calf being born. That's probably the biggest thing that started, thinking like, this wouldn't happen the first year. It was different from that point on.

Q. Do you remember when, in that second year, this session took place?

A. I -- it would have been -- it would have been early fall, be -- I'm not sure the exact date, but -- just 'cause there wasn't snow on the ground really.

Q. So, you mentioned some of the rules and -- and the shift change. What would happen if you broke the rules or any of the expectations of the students at Grenville?

A. You -- you'd be pulled out and centered out right then and there, normally, depending what it was. Probably the most extreme case, for me, the first year, one of my friends and I decide were going to -- they had like, a boarded-in area where they had a hockey rink out back that we were going to make a skating rink for -- for hockey, so we were out -- it was probably nine o'clock at night watering, getting the ice ready, and we decided we were going to have a smoke while we were out there.

Anyhow, so we were out trying to hide our smokes, watering the -- watering the ice and Steve Haig came out and saw us and it was like uh-oh, because we knew -- we knew it was a no-no, we shouldn't have been doing it. And then we ended up the next day, we got called down and I guess we knew we were going to get -- they called licks, which was a paddling. And anyhow I -- knowing that I was going to get it that night, I put on several pairs of underwear, I wore my thickest pants, I had

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5 my wallet in one pocket and my Gideon Bible in my other pocket.
I went down and I got it and it hurt, but it was -- I'm going to
say it wasn't unbearable. And what they used -- don't have any
examples here -- the desktops were the ones where you slide in
sideways. My best recollection of it anyhow they were shaped --
can I draw a picture? Is that allowed? I'm not a very good
artist, but it'll -- it will only take me a second.

10 THE COURT: If it helps you describe it and
there's no objection, yes you may draw a picture.

15 THE WITNESS: It would have been a desktop like
those kinds where you slide in the side and it
had several holes drilled through it and the
story was so the wind wouldn't slow it down.
They gave you good welts, but that was basically
what they were used and they would swing on your
butt. So you would assume the position, which
was stand over chair. It was a low, so you would
be like that and they would come up from behind
and -- and that was the way it happened. The
20 second year...

MS. LOMBARDI: Q. Just before we move on to the
second year, can I just ask you a few questions about this first
experience?

A. Mm-hmm.

25 Q. You said you got -- you got your licks for
smoking. Do you remember how many times you were hit?

A. Five, that one. I think that was kind of the
norm from what we'd heard from other students.

30 Q. And you said it gave you good welts. Did you
get welts from that?

A. There was small, like red welts after, but it
wasn't -- it was something that went -- gone away I don't

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remember how long, but they were gone away quickly.

Q. Okay. And did any other discipline result after getting your licks or was that the end of it?

5 A. I think that was the end of it and we went back to -- they let us go back to watering the rink. We learned our lesson and we -- I don't think we smoked anymore at school. We knew better, we were crazy kids.

10 Q. And generally speaking, before we get on to another example, what were the forms of discipline? You mentioned licks. Were there any other ways kids were disciplined while you were a student?

15 A. Dish crew, cleaning the barn, shoveling snow. There was a couple of times remember getting pulled out of class to -- I don't remember if it was going to be a frost or if it was just that time of year, everybody had to go out and pick apples off the apple tree, doing -- picking potatoes, doing the farming stuff. Some -- some students were -- would be cleaning and stuff like that, like the halls. I can remember one time there was a water leak in one of the pipes between the
20 buildings, the addition by the chapel and one of my -- just my -- I had to dig -- dig out underneath the building to get to the pipes. That was kind of an oddball one, but I don't know what I did to -- to get that job, but it was -- it was one of the jobs.

25 Q. Did kids have regular work jobs, or was -- were these jobs all discipline?

A. I think -- I -- I -- I don't remember. The second year I was pretty much on discipline the -- most of the time I was there.

30 Q. And would you be aware if other students were on discipline?

A. The ones who we were with regularly, yeah. It kind of seemed to be the regular crew who was in doing the

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pots and pans and the dishes every -- every day and same with doing the barn duties, it'd be the same ones.

Q. Would students know if other students had gotten licks?

5 MR. BOGHOSIAN: Well, this is calling for a hearsay answer, Your Honour.

THE COURT: Is the answer going to involve you saying what someone else said to you?

THE WITNESS: I would say no.

10 THE COURT: All right. Well, let's ask the question and see what happens.

THE WITNESS: You can stop me if you want. Can I go ahead?

15 THE COURT: Let's -- let's rephrase the question or build a foundation for it to have a non-hearsay response; let's do it like that.

MS. LOMBARDI: Q. Other than being told by students, were students ever present while another student got licks, or would know about getting licks, again other than being told about it from other students?

20 A. No -- they were only done individually in a room. There was never another student in the room when -- when we had them, but they could -- they wouldn't hear it from somebody talking, but they could hear the noises of them taking place.

Q. And what do you mean by hear the noises?

25 A. Well, I'll use my second year as an example. You could hear -- they could hear the smacking sounds upstairs in the classroom. Between that and -- they would probably assume that they heard the noises of me screaming what was going on.

30 THE COURT: Sorry, did you say, 'me screaming'?

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THE WITNESS: In pain.

MR. BOGHOSIAN: Your Honour, how could he possibly know what other people saw or heard -- or heard?

5 THE COURT: Well, I'm -- I'm -- sorry...

MR. BOGHOSIAN: Other than being told.

THE COURT: I'll come back -- that's not a bad point, but I -- I thought I heard you say you screaming. You're talking about yourself?

10 THE WITNESS: Yes.

THE COURT: So, I -- so...

THE WITNESS: They could hear what was going on through the floors, but...

MS. LOMBARDI: Q. Did you ever hear anything?

15 THE COURT: Hold on. The -- the objection is how -- how would the witness know that he could be heard? So, I think you have to lay the foundation for that.

MR. BOGHOSIAN: Well, the foundation is going to lead to hearsay; right? Because the only way he could is by being told by the students at the time.

20 THE COURT: I think there may be other ways, and I think counsel is aware of the objection, but let's play it out and if it calls for hearsay I will not give it any credit, but if it's not hearsay, it may be important, so...

25 THE WITNESS : Can I give another example? So...

THE COURT: Hang on, I -- I think we should finish off this line. Hold the example.

30 MS. LOMBARDI: Q. So, I -- I had asked you how you knew about other students getting licks, if you knew other than them telling you?

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5 A. So, what -- the only one other example that I
can give where I was present and it would have been when it was
still Berean. We went on a ski trip, Lake Placid and one of the
students -- I don't know, can I give his name? Is it --
probably doesn't matter. Anyhow, he got caught smoking when we
were down there, and a bunch of students were in one room and
the staff members in the other room beside us and he got pulled
out in front of all of us for smoking. He went in the other
10 idea what he -- they used, but he came back and told us what
happened.

Q. Okay. Thank you. And so how many times did
you get licks at Grenville?

A. Twice.

15 Q. So, you told us about that first time. Can
you tell us about the second time?

A. The second time, I had absolutely no idea it
was coming. I got pulled out of class, it would have been study
time at night and brought downstairs with two staff members and
20 it started off as a light session, and them interrogating me or
questioning me about one of my friends who had been in town. He
had gone in with a -- with a carload of them to the doctor's
office in Brockville. I think he was getting allergy shots and
he decided to have a smoke when he was in there. And -- and
25 he'd told me, I knew and they wanted me to rat him out, saying
that yeah, he did do it. I knew about it and I wouldn't tell on
him. I figured they knew already. Anyhow, this went on for
quite a bit and then at the end they -- sorry.

30 THE COURT: It's okay. Take your time. There's
water and tissue and if you need a break you can
have a break.

THE WITNESS: I'll be all right.

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THE COURT: Okay. Just take -- take a minute.

THE WITNESS: They made me drop my drawers and my underwear and -- and they beat me twice, and I -- I couldn't stand up and the other one -- or somebody held me up, and they kept swinging and -- and I got eight that time.

5

MS. LOMBARDI: Q. Do you remember who the staff members were?

A. Dan Ordolani and John Childs was in there.

10

Q. And do you remember who was hitting you?

A. Dan Ordolani.

CLERK REGISTRAR: Dan.

MS. LOMBARDI: Ordolani.

THE WITNESS: Satan.

15

MS. LOMBARDI: Q. Why do you call him Satan?

A. Oh, he's the devil, that guy. He was just -- he was -- he wasn't a nice man.

Q. So, compared to that first licks experience that you had, how did the pain compare the second time?

20

A. I probably can't describe it. I -- I couldn't stand up after the second one and my best -- I -- I don't know how to describe it, but my best way probably to describe it would be somebody having a frying pan red-hot and holding it up against you. It was just excruciating. That's all I -- it just -- it just like, burn.

25

Q. And you said you fell to the floor after two?

A. After the second one.

Q. And do you remember who picked you up?

30

A. I don't remember who it was. At that point I was -- from the point they told me to drop my drawers I kind of figured what was going to be happening and I wasn't prepared. I was just -- I was just terrified. It was probably like, the

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most scary thing that I could ever remember happening in my life.

Q. And what happened at the end of this paddling?

5 A. I was sent back up to my classroom and -- that would be the one I was referring, everybody knew what had happened, because it's loud.

Q. So, how were you feeling in the days after this second beating?

10 A. I pretty much had it and had my mind made up that I wasn't going to stay. Saved up my tuck shop allowance money and I'd had some money that I had saved up that -- that I'd had hidden, and my friend and I, who -- who was the one who had been smoking, we both got together and we decided we were
15 going to run away that night. So, we left back out behind the school. Think we were going to jump a train, not realizing how fast they really go when you see it in the movies. So, we ended up walking into Brockville down the train tracks and got a bus to Toronto. I was 16 at the time, I guess, and we ended up
20 taking a bus up to Parry Sound, that's where he was from.

And his -- his dad owned a construction company and he was friends with one of the employees, and we ended up bunking out in his place for -- it was a night or two. Then we thought we'd better let our parents know where we were. They
25 were concerned because they knew we'd gone missing and they'd been reported. Parents picked us up. I don't think my mom and dad -- I shouldn't say my mom and dad. I don't think my dad ever believed what had happened, like, the way with the licks, I think he thought it was an exaggeration. They saw my butt. I
30 was still -- I still had welts and bruises and that was -- that was probably into two weeks after at that point and they gave me my option. And this would have been in January of -- I think

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5 there was like, maybe two or three weeks left of the semester. Timelines don't make a whole bunch 40 years ago. Gave me my choice; I could go back and finish off the year, finish off the semester. If I didn't want to, they would allow me to stay home.

Q. And what did you choose?

10 A. I -- I had an agreement with my mom and dad. They set out rules for me that if I was to come home that I would have to follow. And I decided that I wanted to go back for the two weeks, just so I could write my exams and get my credits out. It was four -- if I'd -- if I'd have left within those two weeks, I would have lost my four credits and I wasn't a lover of school at the time and I just wanted to get my credits and get better. And part of the reason with my parents' 15 rules, most of them involved church and that. I was brought up in a really -- very religious home, like, both my parents, grandparents were Baptist ministers. My parents both grew up and spent a lot of time with the church, so the agreements were -- because they -- the first year they saw a change in me when I went to the school that it would be a good thing that they kept 20 me going to a regular church throughout the week in Guelph when I came back.

Q. And so how were those, I guess last few days or weeks at Grenville, when you went back after running away?

25 A. Long. Mostly I -- I knew I wasn't -- I knew I wasn't going back, so it kind of made it better. My dad had told them that if they were -- ever had intention to lay a hand on me again to call him and he would come up and get me and have me expelled.

30 MR. BOGHOSIAN: Your Honour, this is all hearsay.

THE COURT: Yes, that's apparent.

MR. BOGHOSIAN: How does he possibly know what

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was said by his father to the administration?

THE COURT: Well, perhaps we can find out if he's aware of it, and it may be that it's a hearsay source and we'll see what to do with it.

5 MS. LOMBARDI: Q. Did you know about this, other than your dad telling you?

A. I went back with them. My dad took me back to the school and I was in the meeting with part of it with Farnsworth and my dad. And then I was taken out of the room
10 when they finished off the talk and there was a -- I believe there's a letter written to Farnsworth regarding it.

Q. Okay.

A. To expel me instead of laying another hand on me.

15 Q. And so just going back to those two weeks, I guess, were you just writing exams then in those two weeks?

A. Yeah, it would have been regular classes in there too. I don't remember how the exam system worked there now, but...

20 Q. Did you tell anyone about the paddlings that you received at Grenville?

A. While I was there?

Q. Yeah.

25 A. Yeah. A lot of them -- well, in friends I knew, knew.

Q. Who -- where did you go after Grenville, then?

A. It's called G-C-V-I, Guelph Collegiate Vocational.

30 MR. BOGHOSIAN: I'm sorry, I...

MS. LOMBARDI: Guelph Collegiate.

THE COURT: Guelph Collegiate. G-C-V-I.

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THE WITNESS: The reason I went there was because it was the only school in Guelph that was semestered at the time and we were in a semester school in Grenville.

5 MS. LOMBARDI: Q. And you entered G-C-V-I in grade 11; is that right?

A. Yeah, second semester for them.

Q. And so how was that experience compared to Grenville?

10 A. Much better. It was kind of -- I'm -- I don't know how to define normal, but it was a normal school. Probably much like it is today. The -- it was awkward going in, because it was mid-seventies, most people had long hair back in those days and they shaved my head the Thursday before when I
15 finished school on Friday so going into a new, strange school with a bare head was different, but other than that it was awesome. Gained best friends, like, even my shop teacher. I -- I've kept in touch with them through the years. He went to our wedding. It was a whole different -- whole different atmosphere
20 than what I was used to.

Q. You said they shaved my head, who are they?

A. The school.

Q. Which school?

25 A. At Grenville. The -- it was -- I can't remember her name now. Could have told you last night. Anyhow, they -- there had regular haircuts, taking them down really close so that everybody kind of looked the same.

Q. And when did they do this?

30 A. The day before I left to go back to regular school.

Q. You talked to us about the two headed calf incident and -- and the school wide assembly that resulted

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because of it. Were there other assemblies like that?

5 A. That -- that's the only one that I can remember that was like a mass one, where everybody was in there together doing it. There was -- they would have everybody in doing other things, but not as like this -- I'm going to call it as a mass confession.

Q. And what were some of those other things?

10 A. They -- church choir thing where they would want everybody to come in and especially if it was closer to Christmas time to sing. I don't know about everybody in here, but if you're not a singer you don't -- you either sing or you don't. I wasn't a singer. And they would come around and they'd put their ear up to you and see if you were actually singing, like I was a very good faker at it. So, they would --
15 that's just -- they'd ask everybody to stop and then they'd hold the mic up and they would get you to sing so everybody could hear you. It was very intimidating, for me. I can sing with the radio turned up loud and I'm the only one in the car but that's about it.

20 Q. That's fair. I'd like to take you to a document that's found in Exhibit 9, which is volume 3 of the joint exhibit book, Tab 134.

A. Is this in mine?

THE COURT: You're going to get it, okay, yes.

25 MS. LOMBARDI: Q. Tab 134. If I can ask you to just flip to the second page and sort of flip through all the pages in this tab. Do you recognize these documents?

A. Yeah.

Q. And what are these documents?

30 A. Some were letters that I had written to my parents. My -- my parents had saved most of the stuff that I'd sent to them over the years when I was away and then they moved

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and they were going through all of our kids files and anyhow, they -- they ended up donating to all of us so they wouldn't have to take -- to keep moving them.

Q. Fair.

5 A. This was stuff that was in some of the files.

Q. Can I ask you to turn up page eight, so it's double sided so you have to count both sides.

A. Page which, sorry?

Q. Eight.

10 A. Eight. Is that the one that starts at the top 'can't laugh how I want'?

Q. Yes. Could you read the last -- I guess the last paragraph starting with the name Lynn?

15 A. "Lynn is very controlling in light sessions." I have the original copies...

Q. Okay.

A. ...that are -- that are a little better, if I -- if I'm allowed to.

Q. Sure. Yeah.

20 A. "I had threats for expelling from John and Joan Childs. Tell us to say what we feel then they give us demerit points and say you can't say -- you can't say what you want."

25 Q. So, can you describe for us what a light session is? You wrote 'light session'. What is that?

30 A. I -- I've -- I'm -- I think that was a term that was made up there that I know of, but it was -- they would be -- they would take you into a room if they thought -- it wouldn't even have to necessarily be a room, it could be anywhere, to talk to you about something that you -- they think that you are not doing that is right. It could be rebellious, haughty, something that was against what they were doing, and

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they would want to know why you were doing it. They would explain why it was wrong, with what you were doing, and then normally it would end with -- with them saying a prayer and you repeating -- repeating after them as they did their prayer. And
5 I -- I don't know if all of them were the same. I -- one of the things I don't remember a whole bunch about was -- was light sessions. Like, there was really only two that I can remember. I -- I -- I think I just blocked them out. I -- I would go to them, but I -- it was just I tried not to pay attention.

10 Q. Well, can you tell us about the two that you remember?

A. The first one would be the one where I got the licks, where it started off as that and then at the end -- the end of that one there wasn't a prayer, but God had told them to punish me, and that was the way they told them to -- God had told them to punish me.
15

Q. Can you describe that light session, before -- before the licks started?

A. I can't tell you a whole bunch other than it was just interrogating me, wanting me to tell on my friend and they -- they thought it was necessary that I told on him.
20

Q. And how long did that go on before the -- the licks came?

A. I'm -- I can't say for sure. I'd be guessing 15, 20 minutes, but I'd be guessing. I said I don't remember a lot of the stuff that was that -- I remember the pain, I remember those types of things, but a lot of the -- I tried not to pay attention when we went into those type of things.
25

Q. Do you remember where that one happened?

A. It would have been on the floor that was beneath the classroom floor.
30

Q. And again, who were those staff members?

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A. Dan Ordolani and John Childs.

Q. And you said you had another example that you remember?

5 A. Yeah, the second one -- and it was just one
of those ones where we were pulled into a room and it was John
Childs and I don't remember who the other person was that was in
there at the time. I -- and Mark Rider -- so it was two -- two
of us students and John Childs and somebody else. And it was
kind of tried -- it was meant to have been -- I'm going to say a
10 friendly session. They were upset with us because I -- I'm
going to -- I'm going to say we were happy -- or we let on that
we were happy. We tried to -- we were kind of two peas in a
pod, Mark and I, and we tried not to let things bother us.

15 Anyhow, so they talked to us. That was probably
close to half an hour, about why we do things we do, how come
we're happy, you -- you know, we shouldn't be smiling at this,
smiling at that. Anyhow, and then at the end they just follow
us in prayer and they had us both repeat -- they'd say a line,
then we'd say a line, and at one point it was a big word and we
20 both stumbled on it and both laughed at the same time during the
prayer, but it went on. And that -- those were the only two
that I can say that I, like that were individual, smaller ones I
can remember.

25 Q. Okay. And just back to that paragraph that
you read for us, the very last sentence on that page there, at
page 8 of Tab 134, was tell us to say what we feel and say you
can't...

A. Can't say that.

Q. ...can't say what you want.

30 A. You can't say what you mean.

Q. What does that mean?

A. Yeah, they would -- and -- and I don't

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remember which specific case this was when I wrote it to my
parents. This was in -- what my reasons why I wanted to leave
the school when I was trying to list everything all out at the
time when I was a kid, and I -- so I'm 61 now and I was 16 when
5 I wrote this, so a lot of those things I don't -- I can't
remember exactly what was going through my head at the time.

Q. Mm-hmm.

A. It was probably going through my heart more
than it was going through my head, but I remember going through
10 times where you shouldn't -- there's certain things you
shouldn't say, and then they'd ask you and you told them, that
they didn't like what you heard, that would then -- you
shouldn't be saying those things.

Q. I see. If we can turn to page 4 in the tab,
15 which looks to be a letter with -- it says, 'your son, Mark,' up
in the top left-hand corner with the school address and "Dear
mom, dad," and then it -- some other names.

A. Yeah. Mel, Dwight and Dwayne, those are my
brothers.

Q. Mel, Dwight and Dwayne?

A. Yeah.

Q. Can you read the first couple of paragraphs
of that letter for us, please?

A. "How we're doing. It seems even worse now."

25 MR. BOGHOSIAN: Your Honour, this is basically
leading. This is something written 40 plus years
ago, and it -- in my submission to have him read
this into the record is -- is simply reading a
hearsay statement into the record.

30 THE COURT: It is part of a joint exhibit book,
and I can say that I can't read the handwriting,
so even from the perspective of -- given it's a

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5 document, and I assume I will hear argument later
about what use to make of it, which I think is a
different question, but even for legibility, I --
I would appreciate the witness reading it. He's
got originals, so, I think from that standpoint,
it's allowed. It's also he's here to be
cross-examined on what he wrote and what he
meant. There may be an argument as to the
10 hearsay use I haven't heard yet, but I'm going to
allow him to read the paragraphs. All right,
please continue.

MS. LOMBARDI: Q. Thank you.

A. (Reading):

15 It seems even worse now than it
did before. They've been giving
me quite a hassle since I've
been back. Haig said you would
have to get our haircuts between
20 today and Friday, and he
wouldn't accept any excuses.
Can you write me a letter and
give me permission to miss my
haircut? It'll -- will probably
25 be too late, but it's worth a
try.

Mrs. Dodge, that was the lady's name who did the
30 haircuts, it just came to me.

Mr. Farnsworth keeps asking me
if I'm staying or not. I'm just

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going to keep saying I don't
know, for as long as possible.
Only 15 and a half days left
now. I'm going to G-C one
5 hundred percent for my next
semester. Mrs. Haig isn't back
yet and they're keeping three of
the kids down there too.

10 I had in brackets "at the Cape."

Q. Okay. So, you say here that you were being
hassled after coming back. So what are you coming back from?

A. That was after I'd ran away. Then I had came
back for those last couple of weeks.

15 Q. And -- and to your knowledge did you
understand why they were hassling you, or why did you feel
hassled by them?

A. I -- I -- to be exact, I don't -- I -- they
just wanted to know if I was coming or going.

20 Q. And what is G-C? You say G-C one hundred
percent?

A. Guelph Collegiate.

Q. Guelph Collegiate. And why did you not want
to tell Charles Farnsworth that you were leaving?

25 A. I was just afraid that they -- I was afraid
of the man. I figured I was -- they may -- they may treat me
differently if they knew that I was going. I guess that would
have been the main.

30 Q. Can I also have you read the second last
paragraph on this page, it starts with Mr. Gillis?

A. (Reading):

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5 Mr. Gillis and Mr. Haig will probably be talking to you. He said you'll have to work out all the terms and everything. Mr. Gillis will write a letter to G-C to describe the courses; 10 five year, et cetera. I found out I was supposed to tell them as soon as possible for marks and that, I guess, so Farnsworth will probably find out I'm leaving this week.

15 Q. What are you referencing when you're -- you're speaking about working out the terms of your leaving?

A. Well, it'd just be my marks, transcripts and stuff that they would need for my -- my O-S-R and marks.

20 Q. Okay. And if I could just have us all turn to page 1 at Tab 134. Just over to a new letter. It's a letter dated January 8th, 1975, signed by J. Alastair Haig and written to Dr. and Mrs. Mervil D. Vincent. Do you know who Dr. and Mrs. Mervil D. Vincent are?

A. Yeah, it's my mom and dad.

25 Q. And the Guelph address there, was that their address?

A. Yeah.

30 Q. So, this letter states, in the second paragraph:

Mark has been quite open about leaving the school after the first semester. Personally, I'm

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sorry to hear of this. Mark seems to be making real progress and I would hate to see him leave before he accomplishes all that God wills for him here at Grenville Christian College. Another real factor is that when a student enrolls for the full school year, the parents are under contract to pay the full year's financial obligation. I hope you will encourage Mark to stick it out and complete his school year.

5

10

15

Do you recall being open about leaving Grenville when you returned after running away?

A. I must have been. I -- I -- maybe that I had the option to.

20

Q. Were you telling people that you were leaving?

A. I told other students I was.

25

Q. So, if we can flip now just to page 5, so we're back to the letter to your mom, dad, Mel, Dwight and Dwayne, and it's the second page of that letter and there's sort of a countdown chart there. Why are you setting out this countdown?

30

A. I couldn't wait to get out. I was counting down every day, how many hours I had left 'til I got out of there.

Q. And if we flip the page over now, we have, it looks like two lists. The first underlined is called "Reasons

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for Staying" and then "Reasons for Going." Why are you making these lists?

5 A. That was all the things I just thought I should do. You know, a lot of people wanted me to stay, and so I just thought I'm going to make out a list of reasons why I think I should stay and reasons why I wanted to leave.

Q. And did you send these lists to your parents?

A. Yeah.

10 Q. If we turn over to page 7, there's another list called "Reasons for Being Rebellious." If I can just take you through just a few of these. Under reasons for going, which is page 6, the -- the first point you make is "rules are stupid." And what do you mean by "rules are stupid?"

15 A. To -- I -- I don't really remember what was going on at that time when I put that down. I -- I'm -- I'm going to say it was the general atmosphere and the things that were -- that were happening at the school.

20 Q. The other point you make, can't stand pastors and some other staff. Do you recall what you were referring to there or who you were referring to?

A. Yeah, it would have been Farnsworth. Ordolani for sure. Phelan? Bob Phelan, is that -- something like that.

25 Q. So, another point you make is "can't be real and live a real-natured life." Natural, sorry, "real natural life", what do you mean by that?

30 A. We were too tied down doing exactly everything that they wanted done right by -- right by the rules to the "T." If they didn't like doing it, you weren't allowed to. I'll use an example of you couldn't soak in a bathtub if you wanted to soak in a bathtub. Things that you enjoyed doing, they didn't want you doing those things, because that's not why

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we're here.

Q. You also write "try to control your life."

5 A. And that would be under the same -- same thing. They -- it's pretty narrow what you were allowed to do and what you couldn't do. I'll use an example, you weren't allowed to have a girlfriend, like that's kind of normal for a teenager.

Q. And then you write, "give people wrong impressions of school." What do you mean by that?

10 A. Just even -- I'm going to say my parents, the public, everybody thought it was a great boarding school, which it was at one point, and people didn't know what went on behind the walls of that place.

Q. Next you write "staff members act like kings and expect us to respect them." What do you mean by that?

15 A. We were put down below them. They were -- I'm sure in some cases, that we probably should have been, you -- we have to -- we have to respect staff members, but it was more like we were their servants. An example would be dining room table. If you were sitting with staff members, and they
20 wanted more food, they would have somebody picked at the table and you would have to go up and refill their plate for them at the -- the table bar or the food bar, or whatever it was. That being an example of it and you'd have to pick up their plates at
25 the end of the meal for them and take them back up. It was kind of like you were their servants.

Q. You -- you also say, "never get our say in things."

A. Sorry, what was....

30 Q. "Never get our say in things"; right underneath the staff members point.

A. Never get out of....

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Q. You see the point "staff members act like kings and expect us to respect them" and right underneath "never get our say in things."

A. Okay. I'm screwed up here.

5 Q. This is your reasons for going list.

A. Okay. I was on the rebellious one. Never get your own say in things. If you -- if you wanted to do something, or if -- even if you knew you were right and you could prove you were right, you were -- you were -- you weren't right. If it was -- if you got in an argument with a staff member who would -- it would be their way and even -- and I can't even give you an example at this point, but that was kind of a thing that you couldn't argue with staff members, it was....

15 Q. You also wrote "rotten teachers." What are you referring to there?

A. Perfect -- perfect example there -- in one -- and -- and I -- and that would be one case would be the one reason I was sent to that school was because they had an auto shop and they -- my parents knew I was interested in being a mechanic and my auto teacher there -- and I can expressly testify for it now, because I taught auto for several years and I was a -- I've had my own business for a shop. He read it out of a book. He stood at the front of the class out of a book and he just -- and we had to write our notes and he read it out word for word and we wrote it down in our books and even when we ended up in the shop it was obvious he didn't know. He didn't -- he -- he knew what he was reading, but he -- when it came down to doing the practical stuff it was obvious he hadn't done it.

30

Q. You also...

A. I can give an example. We're changing --

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5 we're rebuilding a motor in a car and he couldn't find a -- the piston was broken and we made a class trip to a local wrecking yard and they found a piston out of another car that wasn't even the right one to try and make it fit in the cylinder. Well it's -- you don't do that.

Q. So, you also wrote here "staff kids" on your list of reasons for going. What -- what did you mean by writing down "staff kids"?

A. Staff kids?

10 Q. Mm-hmm.

A. There were several of them that were -- how do I say this, not spies, but they were -- they would be informing -- they would be informing staff members and in the -- the way you find out because you'd only told one of them something and then staff members would know what you had told them and it would get back to them right away, and...

15 Q. Okay.

A. ...they were kind of, I guess a middleman between the students and the...

20 Q. Let's turn over to your reasons for being rebellious list. I'm noting haircuts are mentioned a few times here.

A. I don't have that problem anymore, but yeah, haircuts and that was just a regular thing and it -- but at -- at the very end it was -- when I was leaving, that was -- that probably upset me more than anything, having to get my hair cut when I knew I was leaving going to a normal school. And they -- I -- I tried everything to get out of it, and it was -- it wasn't allowed.

30 Q. You write here "disciplines".

A. Yeah, several, like -- like I -- to this day, I don't know why I was on the disciplines that I was on. Like

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normal things, like, maybe kids don't rat on other kids. I -- I didn't conform maybe the way they wanted to and they wanted to keep me separated from other students, but it was a way of -- a way of keeping us away from other students by having us on disciplines.

5

Q. You write....

A. If they couldn't get you mentally, I think they tried to break you down physically.

Q. Okay. You say here on this reasons for being rebellious, "we're always wrong, staff are right."

10

A. Sorry, can you -- where is that?

Q. "We're always wrong, staff are right".

15

A. Yeah, that was -- I was -- I said earlier about that where they -- it didn't -- it didn't matter what you -- even if you knew you were right and they knew you were -- supposedly they would think you were right, you weren't right, because it was basically their way or -- or no way.

Q. The very last line there is "make work crew get up half hour early." What is that referring to?

20

A. So, when we were doing the barns and -- whether it was barns or snow shovelling, they'd wake us up a half hour before everybody else to go out and start doing chores.

25

Q. Okay. If we can turn this page over to page 8 and this is the first document we looked at when we started here. It starts "can't laugh how I want." What -- what do you mean by you can't laugh how you want?

30

A. Apparently, I wasn't allowed to laugh. I -- I generally have a pretty good sense of humour, I think and I -- I would try to make the best out of anything, I guess and I -- you know, maybe somebody was doing something and I would laugh at it and apparently it wasn't right.

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Q. What do you mean by "scare us into being wrong" and then you wrote "Charles F." beside that?

A. I think into admitting that we were wrong even if we weren't.

5 Q. Can you give us an example of that?

A. I'm -- I'm -- I'm wondering if I wrote that to my parents when -- about getting the licks, because I wouldn't -- I wouldn't tell on Mark for -- for smoking, because I -- I don't remember exactly what that one was.

10 Q. Okay.

A. A lot of them I don't -- because I wrote them when I was there, I don't remember a lot of it that was....

15 Q. The -- the next one I'd like you to look at it says "haughty, wrong" and I think "rebellious", but maybe you can -- you can read that better for us. It's the sixth line down from the top of the page and you wrote "Newman and Case" beside that.

20 A. Can I -- I'm just going to grab my other one, one sec. I can see why they didn't photocopy too well, there's some rust marks on them. Oh it says -- I believe it says, "Liz is haughty, wrong, judging and rebellious."

Q. And what's that referring to?

25 A. I must -- that -- that would -- we -- we were both good friends and she was -- became friends of my family, because she was in Guelph too and I was -- that would have been -- i would've even told my mom and dad that she was going through the same stuff that I was going through.

Q. And what do you mean by haughty and rebellious?

30 A. I'm going to say going against -- against their flow.

Q. And then you write here as well "Lori can't

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talk to mother on phone without special permission, and when she can staff stand by her."

A. Yeah.

Q. What is that referring to?

5 A. That was, one day we'd come home -- come home, gone back to school and they had a payphone at the end of the hallway and so we're -- when we got back off the train, we would call our parents, let them know we made it all right. Anyhow, I was standing waiting and she was calling home and
10 there was -- it was they had a staff member standing there the whole time beside her while she was talking on the phone, so they could hear her side of the story what was going on. But they -- they would -- they would stand there listening what the student saying to their parents when they called. That was one
15 case that I was there for.

Q. Okay. And you also say, "Mark's bad for me", what does that mean?

A. That's -- my buddy Mark Rider, that's -- they -- they said we were bad for each other.

20 Q. I see.

A. Incidentally, he was so bad, he set me up with my wife that I -- we just had our fortieth wedding anniversary a month ago, on a blind date after we -- when we got together after we were both out of the school, so he -- he
25 wasn't -- he wasn't all that bad for me.

Q. I think we covered the rest. So, if we can turn to another letter, I believe it's dated September 21st. It's pages two and three of this tab. It starts after writing "Dear mom and dad and brothers, how are you?" So, we can't see
30 the year in our copy of this. Is your original dated with a year?

A. Yeah, September 21st, 1973.

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Q. You say things in that first paragraph "this is a real neat place. I like it a lot." "I got my first allergy shot today."

5 In the fourth paragraph it starts "Chapel isn't as bad as I thought."

Skipping down to the next paragraph, "I'm good friends with the Haigs."

"They have me over a couple of times to watch T-V and stuff. I eat at the Haig's table for my meals."

10 "Mrs. Haig makes the Bible discussions interesting and very profitable for me.."

I'm just turning over, I just -- "Mr. Prosser, the teacher, he's my favourite teacher. He's really nice." So, this is a very different tone from those lists that we -- that we just read over. So, how long had you been at -- I guess it's Berean, if it's 1973 at this point?

A. How long had I been there?

Q. Mm-hmm.

A. Three weeks.

20 Q. Three weeks. And so, when did the change come then, when you wanted to leave?

A. Second year. That would have been the year September '74.

Q. Yeah.

25 A. And it wasn't like, bang the first day, but it was -- it was different.

Q. Did you receive any teachings or messages about sexuality when you attended Grenville?

30 A. Not that I remember other than like, in when they had their church services they would talk about, I guess prostitutes in Bible times, the -- what'd they call them -- Jezebels and stuff like that, but as far as other not -- not

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that I remember, so much -- not...

Q. And were those church top...

A. Six-inch rule that was the only time.

5 Q. Right. Were those church talks for the whole
school, or....

A. Yes.

Q. So how would you describe the general
atmosphere at Grenville, if you had to sum it up?

10 A. First year or second year? There's two
different. The first year was -- was good, I liked it, I was
looking forward to going back. Second year, I was terrified.

Q. And thinking back on your time at Grenville,
how does it make you feel about your experience there?

15 A. Sad. I can't believe they did it to kids.
And what they put us all through with the beatings and the --
just being a teacher now, I just can't -- I just couldn't ever
imagine doing to kids what they did to us.

MS. LOMBARDI: Thank you, Mark, those are all my
questions for you this morning.

20 THE COURT: Cross-examination.

MR. BOGHOSIAN: Before I start, Your Honour,
could I see the originals of those -- of the
letters?

THE COURT: Of course.

25 THE WITNESS: It's not in the best of order, but
I....

MR. BOGHOSIAN: It's all good. It's got to be
more legible than what we've got in -- in the
record.

30 THE WITNESS: I don't know. You haven't seen my
writing.

MS. LOMBARDI: Perhaps, Your Honour, we could

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take an early break and my friend can have time
to look at the letter more closely?

MR. BOGHOSIAN: I wonder if -- if it's at all
possible.

5 THE COURT: Would you like to do it that way?

MR. BOGHOSIAN: And also if they could be -- do
you mind putting them in the same order that they
appear in the book?

10 THE COURT: All right. So, let's -- let's do
that then, let's take a 20-minute morning break
and letters can be reviewed. If you need a few
more minutes, just let me know through the
deputy.

15 R E C E S S

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

20 MS. LOMBARDI: Well, Your Honour, if we could
perhaps mark the original copies of the letter
that the witness brought with him, as the next
exhibit, that might be helpful?

THE COURT: Do you have any need for those
letters?

25 THE WITNESS: In the future or for today?

THE COURT: In the future.

THE WITNESS: I guess not. I....

30 THE COURT: I think arrangements can be made to
return them to you and counsel can assist you
with that.

THE WITNESS: Once everything is all over...

THE COURT: Once it's finished.

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(Mr. Boghosian)

THE WITNESS: ...and done with, yeah, that's --
that's fine.

THE COURT: All right. So, we will mark the
package of exhibits -- the letters the next
exhibit.

CLERK REGISTRAR: Exhibit 29.

THE COURT: Thank you. Are they in a folder,
they look a little fragile.

THE WITNESS: Yeah, they're -- I brought them in
this.

THE COURT: You've got them?

THE WITNESS: Yeah.

THE COURT: All right. So, I wonder if Madam
Registrar if we can get an envelope for those in
particular to make sure that they're stored in an
envelope. That would be great. Thank you.

EXHIBIT NUMBER 29: Pack of original letters Tab
34, Exhibit 9 - produced and marked

CROSS-EXAMINATION BY MR. BOGHOSIAN:

Q. Good morning, Mr. Vincent.

A. Good morning.

Q. You're -- you said you're 61?

A. Yeah.

Q. What's your date of birth?

A. March 21st, '58.

Q. And you said you were 15 when you started at
Grenville in grade 10?

A. Yeah.

Q. Okay. So, you would have been 16, I guess,
when you left the school?

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(Mr. Boghosian)

A. Yes.

Q. Just about to turn 17?

A. Yeah.

5 10. Q. So, you spent a year at Grenville in grade

A. Mm-hmm.

Q. And you told us that first year was great?

A. Yeah.

10 complaints? Q. It was a great place to go, and you had no

A. No.

Q. You got great marks?

A. Great marks.

15 nine? Q. Huge improvement from when you were in grade

A. Yeah.

Q. And when -- where had you gone for grade
nine?

A. John F. Ross in Guelph.

20 Q. Okay. And you -- you wanted to go back for
grade 11, you'd had such an enjoyable time in grade 10?

25 A. I was looking forward to go back. I would
have rather stayed at home with my -- with my family, but it
wasn't -- it wasn't because I didn't like the school, I'd rather
be at home.

Q. Okay. But if you were going to be at a
boarding school, you were happy to be there, having completed
grade 10. You were looking forward to going back, if you had to
be at a boarding school for grade 11.

30 A. Yeah.

Q. And you wrote a letter to your parents, dated
September 21st, 1973, that's a few weeks into your first year.

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(Mr. Boghosian)

Do you want to pull that up, it's Exhibit 29, the originals.

A. I'll try not to get these out of order on you. Okay.

5 Q. So, September you said, I'm reading the third line. "This is a really neat place and I like it a lot.." You wrote that?

A. Mm-hmm.

Q. Yes -- you have to say yes or no.

A. Yes.

10 Q. And the second full paragraph, you say "I have found a real nice girl. Her name is Sandra Morgan..."

A. Mm-hmm.

15 Q. "...and she is an Indian from British Columbia. I go to chapel with her and eat with her at lunch. She is 14 and in grade 8." So, you'd found a girlfriend already that first year there?

A. I wouldn't say she was a girlfriend, but we were -- we were friends.

20 Q. You said chapel isn't as bad as you thought it would be. You have really good Bible studies at lunch, at which you learned a lot. Is that what you wrote to them?

A. Mm-hmm.

Q. You have to say yes or no, sir.

A. Yes.

25 Q. And you say in the next line, the fourth line of that paragraph "This is a really good place for me." Right?

A. Yes.

30 Q. And the last line -- or two lines of that paragraph you say, "It is really easy to share your problems with them. Them meaning the staff at Grenville?"

A. Yes.

Q. Or do you mean the students, or both?

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A. Both, the staff.

Q. The staff and the students?

A. Staff or students, there was a -- it was a --
it was a good place...

5 Q. And then the last...

A. ...in the first year.

Q. ...the last full sentence on the -- on the
first page, which is page 2, first page of this letter, page 2,
"I think I've changed a lot and feel that I am a Christian
again." Do you -- do you...

10 A. That's on the back side?

Q. On my copy, it's in toward the end of the
last paragraph on what's -- what we've called page 2. It would
be on the other side, I think.

15 A. I think it's on the -- oh; right there?

Q. Yeah; right there.

A. I think it's on the....

Q. Do you see?

A. Yes.

20 Q. Because I think it's on the second last line,
the sentence being...

A. Yes.

Q. ..."I think I've changed a lot and feel that
I am a Christian again." Do you see that?

25 A. Yes.

Q. Now, was there a reason your parents had sent
you so far away from Guelph, all the way to Brockville to a
boarding school, other than just bad grades in grade nine?

30 A. Well, part of the reasons were because the
reputation of the school at that time, and it had a shop and it
was one of those things where I -- I wasn't participating in
church and stuff like that at home anymore, as much as -- as

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much as they would have liked.

Q. Okay. And -- and that's why you're saying you feel that you're a Christian again?

A. Mm-hmm.

5 Q. So just....

A. I -- I would say I would fallen by the wayside, when I got into grade nine.

Q. In what way?

10 A. I just didn't care much about stuff anymore. I didn't care about my marks and was more interested in having fun than doing schoolwork and doing things -- doing family things.

Q. Okay. So, your parents sent you to Grenville to shape -- shape you up, right?

15 A. Basically.

Q. And then the second page, you talk about Sandra Morgan again, sitting beside her at dinner. "She's a really nice girl and is quite pretty." You wrote that to your parents?

20 A. Yeah...

Q. All right.

A. ...she was.

Q. You talk about watching movies with staff people in their homes?

25 A. Mm-hmm.

Q. The next -- you did that throughout the time you were at Grenville?

30 A. I don't remember doing it the second year as much, but the first year, they used to have like a movie night and they rotated around different staff members' houses or their trailers that they were living in for like...

Q. Mm-hmm.

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A. ...a family night, because we didn't have any family there.

5 Q. And you'd already gotten to go to a -- one of the staff kids' birthday parties? I'm reading from the next paragraph on page 3, the third full paragraph.

A. I got to go to -- my friend's birthday, whose one of the teacher's kids. I don't remember that, but I -- apparently, I did.

10 Q. If you wrote it, it was true, right?

A. Yeah.

Q. Yeah? You weren't lying to your parents, were you?

A. No.

15 Q. All right. And then there's another paragraph and then there's a -- what I call the 4th paragraph on page 3 "We're having a hayride tomorrow night for the high school group." Do you see that?

A. Tomorrow night for the high school group, yeah. Okay.

20 Q. All right. So you were -- you were -- there were activities like hayrides for the students there?

A. Yeah.

25 Q. Now, are you absolutely certain, sir, that the school changed for -- from Berean to Grenville over the summer of '74?

A. The name?

Q. Yes.

30 A. I wouldn't say I'm one hundred percent, but I kind of remember it being Berean when they first -- whether the sign was changed out front or if it was Berean and it changed part way through, I wouldn't say I'm a hundred percent on that.

Q. All right. You've been married for 40 years?

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A. Sorry?

Q. You've been married for 40 years, you told us.

A. Yeah.

5 Q. You've got children?

A. Yeah.

Q. How many?

A. Three kids, and I'll have five grandkids come November.

10 Q. All right. Now, sir, it -- it sounded to me when I listened to your evidence in-chief that, like the paddlings and being asked to rat out a friend were amongst your highest grievances at Grenville; right?

A. Mm-hmm.

15 Q. Is that correct?

A. Yes.

Q. Okay. And you said, a lot I don't remember about your time there; right?

A. Right.

20 Q. And that's fair, isn't it?

A. Well, I -- I guess I could ask anybody the same question, would they remember everything that happened 40 years ago.

25 Q. Of course, it's hard to keep accurate memories of things that happened 40 years ago; isn't it?

A. Some things you don't forget, no.

Q. Mm-hmm.

30 A. I would agree. There's a lot of things you don't remember. I don't -- I can remember Mr. Whiskers in grade 2 reading books like that, but there's a lot of things that I don't remember that happened back in school in those elementary days.

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Q. When was the first time anyone asked you to set your memories of Grenville down in writing?

A. Probably these when I sent them home to my parents.

5 Q. All right, but after you left Grenville, when was the first time that you set your thoughts about your time at Grenville down in writing?

A. I'm going to -- if you'll take a guesstimate, probably 12 years ago.

10 Q. Twelve years ago, okay. So, that was 28 years after you'd been out the school, approximately?

A. Yeah.

15 Q. Okay. And you -- you'll have to admit, sir, that running away from school is a pretty big deal, you know, in a 15 or 16 year old's life, isn't it?

A. It didn't seem like it at the time, but yeah, when I look back now, I would have -- if it were my kids, I would have been pretty concerned.

20 Q. All right. We were given what's called a will-say, some bullet points about what you were going to testify about, and I wonder if I can just show you? Under number nine, it says Mark Vincent, if you can just read the bullets on that page and then the top of the next page.

25 A. Light sessions behind closed doors, two to five staff members interrogating.

Q. Oh no just read it to yourself.

A. Oh.

Q. Sorry.

A. Yeah.

30 Q. Okay. You'll agree with me, sir, that none of those bullet points talks about you running away from school; is that right?

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A. No.

Q. And I'm suggesting that you never told class counsel that you ran away from school until very, very recently?

5 A. I -- I don't remember that part, but -- for me it wasn't a big -- I -- I did, I ran away both years, like this is the first time I ran away, I remember saying, because I came back the same -- they didn't even know I'd gone. It was a non-item. The second year -- second year it was -- it was a -- I had to.

10 Q. It's not -- you didn't -- you didn't tell anyone about it 12 years ago or until very recently, right?

A. Probably because it wasn't something the school did to me.

15 Q. I see, but you're claiming it was because of what the school did to you that you ran away?

A. That I ran away.

Q. But you didn't....

20 A. But it wasn't because they -- it was something that I did, because I had to get out of there. It wasn't because I was going to get another beating that I took off, it was I'd had enough.

Q. All right. And so in grade 11 things changed you told us?

A. Mm-hmm.

25 Q. You got in with a bit of a rebellious group?

A. I was with the same group mostly I would have been with the first year.

Q. All right. Well, there was a small group of you in grade 11 that were constantly in trouble?

30 A. When you say in trouble, do you mean on discipline or do you mean in trouble?

Q. I would say on discipline.

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A. Okay, because my -- I -- to this day I don't really understand why I was on discipline, because I don't think I really did anything wrong. I think it was more to separate me, because I wasn't conforming.

5 Q. Okay. And -- and there were a small group of you in the same boat; right, that weren't conforming and were being -- taken for task for it?

A. Right.

10 Q. All right. And -- and you felt that you were, along with these other members of this small group, picked on and singled out for punishment; isn't that fair?

A. Yeah.

Q. Now, this -- the next -- on page 4 of the exhibit...

15 A. What's on the top of that one?

Q. Well, I'm -- I want you to confirm that it has a date January 7, 1975.

A. Yeah.

20 Q. Before we turn to the letter, I -- I missed a question and I wanted to know about the schedule at Grenville. Do I understand it correctly that you attended school from September to some time before Christmas in the first semester? Was there...

A. Of the second year?

25 Q. Yeah.

A. I went 'til January. I -- I'm judging by my calendar that it was January 23rd, it must have been the last day by my calendar.

Q. Okay, but before that first semester ended...

30 A. Mm-hmm.

Q. ...am I correct that you would have gone from September to December and then -- then had a break for Christmas

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and then came back?

A. Yeah.

Q. And how long was the Christmas break; do you recall?

5 A. I'm -- I don't, but I would probably say two weeks.

Q. Two -- two weeks? And you went away and then you came back and then you ran away?

A. Yes.

10 Q. About two weeks after this severe paddling you said you got.

A. I'm trying to remember if that was before or after Christmas that that happened. I don't remember exactly when it happened, but I'm thinking it was after Christmas.

15 Q. What -- what's it?

A. It must have been in that timeline.

Q. After Christmas?

20 A. I'm not going to say for sure, because I don't remember, but I'm going to say that it would be after Christmas, but I don't remember -- I don't remember what happened on what day 40 something years ago, I'm sorry.

Q. When we talk about 'it', what are we referring to?

A. When I ran away.

25 Q. So you ran away a little -- just after Christmas.

A. That's what I said, I don't remember if it was...

Q. All right.

30 A. ...before or after Christmas.

Q. And the paddling....

A. I'm assuming by the dates on the letter that

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it was probably after, but it -- it was all must have been about -- close to the same time. I remember it was winter because there was snow on the ground.

5 Q. And the paddling happened two -- about two weeks before you ran away?

A. Before I ran away.

Q. Is that right?

A. I believe so.

10 Q. Okay. And then you wrote this letter dated January 7th, '75, after you'd been returned to school by your parents...

A. Yes.

Q. ...following your running away; right?

A. Yeah.

15 Q. Okay.

A. Well, we're assuming dates, but I don't -- I -- I could not give you a date if I -- just being honest, I couldn't tell you dates...

Q. Yeah.

20 A. ..and things other than what I've got written down from when I was a kid when I wrote them.

Q. You had a car at school, didn't you, sir?

A. Mm-hmm.

Q. Yes?

25 A. Yes.

Q. Is there some reason that instead of taking the bus when you ran away you would have just hopped in your car and left?

A. They had the keys.

30 Q. They had the keys; all right. Because you'd -- you'd driven home at Christmastime, didn't you?

A. Yeah -- yeah, well -- as soon as I got there,

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they -- even when I got there in September, they took the keys and I wasn't allowed the keys 'til it was time to go home, whether it was Thanksgiving or Christmas.

5 Q. Okay. And in this January 7th, 1975 letter that starts at page 4, you -- you complain about having to get a haircut in the first paragraph?

A. Mm-hmm.

Q. Yes. You wanted long hair and they wanted you to cut it?

10 A. Yeah, because I was leaving and going to a normal.

Q. So, that's the first grievance that you cite here. And then in the third paragraph you are annoyed that Father Farnsworth said you couldn't take two kids, Mark and -- and is it Liz?

15

A. Yeah.

Q. With you in the car. Would this be like at the end of the second semester or first semester?

A. The end of the first semester.

20

Q. All right. And you said that you couldn't drive them?

A. Yeah.

Q. And you were annoyed about that?

A. Yeah, Liz lived in Guelph at the time.

25

Q. Okay. And in the fourth paragraph you talk about Lynn got me a gold bracelet.

A. Yeah.

Q. And was that your girlfriend in grade 11?

A. Yeah.

30

Q. And this was a gift from her to show her affection?

A. She got it for me.

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Q. Yes. This was a gift from her...

A. Yes.

Q. ...to show her affection toward you?

A. Yeah.

5 Q. And you're asking your parents to buy a silver ring with a jade stone in it?

A. Yeah, for her.

Q. And that was to give to her. So, you had a girlfriend in grade 11?

10 A. Secret. Sort of is.

Q. And in the last paragraph on that page 4, you talk about a sow [sic] had a baby calf last week.

A. Yeah and I don't remember that. I just -- I probably just wrote it in because I was in -- out in the barn and a calf had been born and I'd seen it, it wasn't the double headed.

Q. This wasn't the double headed cow?

A. No.

THE COURT: Sorry, did you say cow?

20 MR. BOGHOSIAN: Cow.

THE COURT: Sorry, I heard sow.

MR. BOGHOSIAN: Cow.

THE COURT: Okay.

25 MR. BOGHOSIAN: Q. No, it does say a -- does it say a cow? Yes, a cow.

A. It says baby calf.

Q. Sorry if I....

A. Or a cow had a baby calf last week.

30 Q. All right. And then Liz's mom said they used to...

A. Hypnotize the chickens too, so it much be true.

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Q. Okay. And -- and was Liz's mom living at Grenville?

A. No.

Q. All right.

5 A. She was in....

Q. How -- how had you been speaking to Liz's mom?

A. That would have been something that Liz had told me.

10 Q. And Liz was a friend of yours. Was she from Guelph?

A. Yes.

Q. Was Mark from Guelph?

15 A. It was -- no. Well, Liz was from Guelph, but she went to Grenville the second year. She's in the back and Mark was from Parry Sound and he went there both years and he stayed the whole time through.

Q. So, Mark -- Mark completed his high school completely at Grenville?

20 A. He finished -- you know what? I don't know.

Q. Okay.

A. I know he finished out that year, but I don't know if -- because we were in the same grade. I don't know if he went back for a third year.

25 Q. These letters were mailed to your parents?

A. Yes.

30 Q. And there's some negative stuff about Grenville in this letter. You didn't like the haircuts; you didn't like Farnsworth telling you you couldn't drive your friends; right?

A. Yes.

Q. And -- and this made it to your parents in

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this form that you have it today?

A. Yes.

Q. All right. So, it wasn't censored by the school?

5

A. No, not that I know of.

Q. They certainly didn't prevent it from arriving, because your parents got it; right?

A. I don't think they censored mail that I know of...

10

Q. Okay.

A. ...but I -- I never saw them do it, so I can't say.

15

Q. Okay. And then if you look at the next page, page 5, there's a chart counting out -- down the days to the end of the first semester.

A. Mm-hmm.

Q. And then there's writing that appears to be somebody else's writing?

A. Yes.

20

Q. Who's writing is that?

A. That's Liz's.

Q. Why is Liz writing here?

25

A. She put a -- she was friends with my parents -- get -- she'd met them several times and she's put a note on the bottom of my letter. She actually put a note to my parents when -- when I was mailing it.

Q. Okay. So, she's writing about herself here in this -- in this little blurb?

A. Yeah.

30

Q. And was this all part of the January 7th, '75 letter that was sent out to your parents?

A. Yes.

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Q. And then on page 6, on the top you have...

A. Is that this one?

Q. It -- it's got reasons for staying at the
top, yeah.

5 A. Okay.

Q. Reasons for -- don't want to change schools.
The second reason for staying, students. The third reason,
Mark. And then there's a -- the fourth reason is redacted.

A. Yeah.

10 Q. Did you do that?

A. I think -- I got a feeling maybe -- I don't
remember -- I didn't do it, I'll -- I'll say no I didn't do it,
but I think I know who did.

Q. Who did?

15 A. I think probably Lynn did, because I had
Mark's name down there and she thought she'd be my most
important reasons I stayed.

Q. So, because you put Lynn's name ahead --
behind Mark's, she was upset about that?

20 A. Yeah, I think so. I -- I don't remember...

Q. And you said those were the two most...

A. I kind of laughed when I read that after with
that. I don't remember doing that, but....

Q. And the fifth reason was parents' money.

25 A. Yeah.

Q. Okay. And -- and Lynn was the girlfriend;
correct?

A. Yes.

30 Q. And then you've got a whole list of reasons
for going; right?

A. Yes.

Q. And you're complaining about having to work

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jobs, you're complaining about haircuts, you wanted to be with your parents. Those -- those are some of the things you listed?

A. Yeah.

5 Q. Needed -- needing money was a reason that you gave?

A. Yeah, I wouldn't mind working.

10 Q. And, sir correct me if I'm wrong, but there's nothing on this list of reasons for going that lists -- it -- what you're doing here you're -- is this trying to convince your parents?

A. No, this was a list that I made out for myself for reasons for why I thought I should stay and reasons why I thought I should go...

15 Q. Did you send....

A. ...as was a 16-year-old.

Q. Did you send this to your parents?

A. Yeah.

20 Q. Okay. But reasons for going you're listing all the grievance -- grievances that you had with Grenville; right?

A. Yes.

Q. So, this you're saying was not sent to your parents, this is just a list you made?

A. This was sent to my parents.

25 Q. It was -- the list was sent to your parents?

A. Yes.

Q. Was it sent with the January 7th, '75 letter?

30 A. You tell me. I -- I don't remember what I mailed yesterday let alone 40 something years. I -- all these papers came to me when my parents had moved and they had files that they saved on everything that the kids had sent to them, any of our medical files, everything in these were all in the

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same file.

Q. Okay. But this, judging by the order, was -- was likely at or somewhat after the January 7th, '75 letter?

A. I'm assuming it went with it.

5 Q. Okay. And you're listing grievances under reasons for going; that means reasons for leaving Grenville; right?

A. Yes.

10 Q. And nowhere in this list is severe beating, physical abuse, paddling; we don't see -- we don't see references to any of those thing in this list, do we?

A. I would call disciplines with -- without being directly named -- I don't know what you would call beatings, but I think disciplines would be in -- it could be in
15 that same category.

Q. Okay. So, you -- you grouped this severe paddling that you told us about under disciplines?

A. Yeah, I would assume so. My parents knew, they knew what had happened.

20 Q. You'll agree with me that nowhere in this list is paddling, beating, physical abuse listed at all specifically?

A. Not as a separate item, but it -- disciplines is.

25 Q. So, you're -- you're saying that you grouped the paddling in with having to wake up in the morning half an hour early to feed animals in the barn when you're on discipline; right?

A. Yes.

30 Q. And having to wash dishes after meals?

A. Yeah.

Q. You're grouping it in with that. And you're

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grouping it in with having to sometimes wake up a half hour early for -- to shovel snow; right?

A. Mm-hmm.

5 Q. All those things were disciplines that you told us about?

A. Mm-hmm.

Q. And -- and paddling was just one more discipline in your mind; right?

A. Looks like it.

10 Q. And then there's a note at the bottom, "forget thing and stay for the rest of the year, it will not be long." Didn't your parents write that?

A. No, that would have been when I was making my list out. I'm assuming -- I don't remember which one it was --
15 one of my friends had wrote that on the bottom, because they didn't want me to leave.

Q. Okay. So, that's not your writing, you think it's a friend's?

A. Yeah.

20 Q. And then page 7, you have reasons for being rebellious and once again this also went with the January 7th '75 letter to the best of your recollection.

A. Mm-hmm.

Q. Is that correct?

25 A. Yes.

Q. And you've got things like haircuts, unfairness (treat foreign students better), new demerit system, disciplines, stupid rules, punishing everyone because a girl's stuff got stolen. The way some of the students are treated is on
30 the list. It's got the "the" starts a little further out in the margin compared to the other -- other lines. Is that -- do you see the line I'm referring to?

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A. The one at the bottom?

Q. No. About halfway down the list, the way some of the students are treated, is that -- is that what you wrote; am I reading it correctly?

5 A. The way some of the students were treated.

Q. And that -- was this your small group that included yourself that you felt were hard done by at the school?

A. Yeah, there would be -- there would be several that we didn't think were treated right. I know we were
10 in a kind of a special group, that we -- we were together because we were always on discipline, it seemed, but didn't think the majority of the students were treated right at the time.

Q. And nowhere on this list, once again, is paddling, beating, physical abuse. That doesn't appear anywhere
15 on this list of why you were rebellious?

A. No.

Q. No? And you certainly were rebellious, because you're saying these are the reasons I'm being
20 rebellious; right? You were a rebellious kid in that grade 11 year?

A. I -- I don't know if I'd say rebellious. I guess you could -- nonconforming would be a form of rebellion.

Q. Well, you're -- this is your writing; right? Your heading on this page 7: Reasons for Being Rebellious.
25

A. Mm-hmm.

Q. And you were trying to set out all the reasons of why you were rebelling in that first semester of grade 11; right:

30 A. Yeah.

Q. Yes?

A. Yes.

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Q. Light sessions are nowhere to be found on reasons for being rebellious; right?

A. And I think I kind of made -- the light sessions I didn't -- I can remember two.

5 Q. And they were -- they were tame; fair?

A. The one was. The second one was tame. The first -- the second one -- the first one wasn't tame, the one where I got the licks.

Q. Okay.

10 A. Light sessions I -- most -- the only one I can ever remember, like, I shouldn't say one of the two was because I was happy. The other ones I tried to just blank them out. I'd go in and I would...

Q. Oh, sir, you remember two; right?

15 A. No. I remember -- well I do remember -- too as in also, or two as T-W-O.

Q. All right. And we -- we don't see under this list of reasons for being rebellious, we don't see light sessions mentioned anywhere; right?

20 A. No.

Q. And we don't see light sessions measured on the previous page 6 under reasons for going, do we?

A. See, I thought there was something in there about light sessions.

25 Q. Am I correct that....

A. I'm just reading through this, one sec. When I -- it is down there about light sessions, but it wasn't regarding me, it was what they were doing with somebody else.

Q. On which page, sir?

30 A. This one here.

Q. Okay, but I'm asking you to look at the lists on page 6 and 7, just for now. I'm going to get there, but as

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we look at the reasons for going list on page 6...

A. No.

Q. You agree with me there's nothing -- no
reference to light sessions?

5

A. No.

Q. And there's no reference to having to rat out
your friends?

A. No.

10

Q. And there's no reference on page 7 reasons
for being rebellious, having to rat out your friends or a
friend?

A. No.

Q. And -- and there's no reference to light
sessions there.

15

A. No.

Q. And we've already confirmed that neither list
has physical abuse, beating, paddling, or anything of that
nature?

20

A. No, I've assumed my sending my parents the
letter they knew what I'd already been through and I probably
didn't have to repeat it all for them, because that was my main
reason.

25

Q. Oh really. You hadn't told them about any of
your other grievances before writing this letter in January
1975?

A. The -- the beatings would be the most severe
out of any of them.

Q. Yet, nowhere to be found on these lists;
right?

30

A. No.

Q. And you were putting these lists together for
you, you told us, to tell -- to explain -- to set out -- get --

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gather your thoughts about why you didn't want to be there anymore; right?

A. That and to send to my parents my list.

5 Q. Did you not tell us a bit earlier that these lists were made so you could evaluate the options of staying or going?

A. Mm-hmm.

Q. Yes?

10 A. Yeah. And I -- and -- and I think I'm allowed to show those to my parents. I -- I'm -- I'm evaluating why I want to stay or leave a school that they're paying for. I -- I can have some justification on reasons why to send to my parents.

15 Q. And the eighth page is more specific, I would suggest, grievances; right?

A. That's this one?

Q. Yes. These are -- these are particular instances; right?

A. Most of them are, yeah.

20 Q. And you're -- you even attribute them to particular people, whether teachers or students...

A. Students.

Q. ...but you're attributing these statements to either teachers or students; right?

25 A. Yes.

30 Q. And as I went through this, I see a grand total of one reference to Mr. Ordolani, who you claim administered both of the beatings that you endured and it's the one that says, "Elton John is the Lord of your life." Are you saying that Mr. Ordolani told you that?

A. No, that was -- this -- that was another student who they had a light session with and they took all of

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his Elton John records and broke them up, because they said Elton John was the lord of his life and he shouldn't be.

Q. Okay. And that's all hearsay; right? That's just from what...

5 A. Yeah.

Q. ...this student -- a fellow student told you?

A. Yeah.

Q. Okay. And....

A. But it's on my list.

10 Q. That's the only -- sir, that something that Mr. Ordolani said to another kid is on your list of specific instances that bothered you about Grenville; right?

A. I'm just trying to find which one was Ordolani on here. Be about halfway down?

15 Q. Just past half way. Elton was the first...

A. Is there another one beside that one, or is that...

Q. Well, you tell me it's your -- your document. But the -- the only reference I can see to Mr. Ordolani was opposite the quotation "Elton John is the lord of your life" and you've now told us that that's something that you were told he said to some other kid?

20 A. Okay yeah.

Q. And I don't see any other reference, maybe you can confirm that...

25 A. I confirm it.

Q. ...in this entire list; right?

A. Yeah.

Q. And once again, there's no reference to beatings here?

30 A. No.

Q. There is a reference to a light session, you

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see the third last line? Third last entry, "Lynn is very controlling in a light session." Is -- is that something that she told you that was told to her?

A. Yes.

5 Q. Okay. So, that's not something anyone said to you, that's what someone said to her?

A. Yes.

Q. And she wrote -- relayed that to you?

A. Yes.

10 Q. So, there isn't any reference to anything said to you in any light session, right, in this list?

A. In the list, no.

Q. There's no reference to any beatings or physical assault in this list?

15 A. No.

Q. There's no reference to you having to rat out friends in this list on page 8?

A. No.

20 Q. Were there other letters that you wrote to your parents over the year and a half you were at Grenville that aren't part of this bundle?

25 A. These are all that I could find. I'm sure there was, but those were what would have been in my file that my -- either my parents threw them out, because one, they were impressed with how good I turned out in the first month and the other one was how bad it ended up in the end. I -- I don't know -- I don't know where all the letters would have gone that I'd sent them.

30 Q. Okay. There were other letters and you just couldn't find them and they're not here?

A. They're not here or they're -- may not be in existence anymore.

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Q. If I can just take a look at the last page?
So, the last page of June 15th in the corner, is that -- am I
reading that date correctly?

A. Yeah.

5 Q. But there's no year?

A. It may be June 5th.

Q. 5th?

A. Maybe.

10 Q. Or 15th? Grenville's academic year ended in
May; correct?

A. I think it ended in June.

Q. Okay. Would -- would this have -- do you
know what year this -- this letter was written, would this be
June of '74?

15 A. I don't know.

Q. You weren't there in June of '75; right?

A. Yeah, so it must have been '74.

Q. Okay. And you're talking in positive terms
about a Bible course you took?

20 A. Yeah.

Q. And this was a Bible course that -- was it an
extra course that you did after the school year ended?

A. I don't -- I couldn't tell you.

Q. Okay.

25 A. Actually, I -- I don't -- I -- I'm thinking
the school year ended the end of June.

Q. You think it went to the end of June?

A. I think so.

30 Q. Okay. And at the end you wrote "But all in
all I feel that I have benefited from this course and it was
worthwhile." Is that what you wrote at the end of that page?

A. Yeah.

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MR. BOGHOSIAN: All right. Thank you, sir, those are my questions.

THE COURT: Any re-examination?

MS. LOMBARDI: No, Your Honour.

5 THE COURT: I just had a couple of questions, just for clarification, Mr. Vincent. At the time that you were at Grenville, who was or who were the headmasters?

10 THE WITNESS: First year it was Haig, Farnsworth and it was a George Schner? Schner? Schnarr? Schner, I think. And he wasn't there the second year and the rest of the time it was Haig and Farnsworth.

15 THE COURT: And you told us, in your evidence, about before you received the licks as you were calling them, you thought maybe 15 or 20 minutes of interrogation about telling on a friend and you said, "I recall pain, but I tried not to pay attention to what they were saying." Do you --
20 do you recall that evidence?

THE WITNESS: When -- when I'm in -- when I was in light sessions, I tried not to.

THE COURT: Pay attention?

THE WITNESS: Pay attention to what was...

25 THE COURT: And why did you try not to pay attention during those sessions?

30 THE WITNESS: For example, the best one that I can give was when -- when we got pulled in, just Mark and I, for a light session and they were upset because we were -- come off as being happy all the time, enjoying -- enjoying our company, I guess. We were -- we tried -- tried to make the

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best of the situation of the -- try not to let things get you down, and I guess the final straw was the licks.

5 THE COURT: Thank you very much. Are there any questions arising from my two questions?

MR. BOGHOSIAN: No.

MS. LOMBARDI: No, Your Honour.

THE COURT: Thank you for coming today, Mr. Vincent.

10 THE WITNESS: Can I add something on my own, or am I not allowed to?

THE COURT: You are mostly here to answer questions.

THE WITNESS: Okay.

15 THE COURT: Is it anything that needs to clarify anything you were asked, as opposed to making a new thing come forward?

THE WITNESS: Okay. I'll shut up.

THE COURT: Thank you for coming.

20 THE WITNESS: Thank you. Thanks for listening.

THE COURT: You're welcome. That's the exhibit, so we should -- this -- our Registrar will take the exhibit, and we will mark it and keep it safe with everything else and counsel can let you know how you can get the originals back when the case is finished.

25 THE WITNESS: Okay.

THE COURT: Thank you.

THE WITNESS: All right, thank you.

30 MS. LOMBARDI: Our next witness is David Shepherd.

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(Ms. Lombardi)

DAVID SHEPHERD: SWORN

EXAMINATION IN-CHIEF BY MS. LOMBARDI:

5 Q. Good afternoon, Mr. Shepherd. May I call you David?

A. Yes.

Q. Thank you. David, can you tell us where you live?

A. Where -- sorry where?

10 Q. Where you live?

A. I live in Pal River, British Columbia.

Q. And what do you do for a living?

A. Well, I'm -- I'm retired, but I work part-time at a Rona Store.

15 Q. Part-time?

THE COURT: I'm having a hard time hearing you, Mr. Shepherd.

THE WITNESS: Sorry.

20 THE COURT: You do have a mic in front of you, if you could speak a little closer to the mic that would help.

THE WITNESS: I work part-time at a Rona Store.

MS. LOMBARDI: Q. And what did you do before you retired?

25 A. I was a correctional officer and a supervisor in Ontario.

Q. Where in Ontario?

30 A. I started at the Toronto jail in 1983. I was there about eight years. I worked at Maplehurst, which is in Milton. I worked at Montieth, which is northern Ontario and I finished up my career at Brantford jail.

Q. Thank you. When did you attend Grenville

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Christian College?

A. 1977 to 1979.

Q. What grades were you in those years?

A. 10 and 11.

5

Q. So, approximately how old were you at that time?

A. 17 and 18.

Q. How did you come to attend Grenville?

10

A. I had previously been attending a private school in Toronto and it wasn't -- it was downtown Toronto and we're living north of the City. So, I asked my parents if I could attend a public school, so I could go to school with my friends and they -- they agreed. And I had a rather rough year there, so I said I'd go back to the private school, but at that point they said your -- your performance wasn't sufficient to return. So, my parents looked at a number of options and Grenville was one they picked to go out and look at.

15

Q. Did you have a say in the options in picking Grenville?

20

A. We went out there for an initial meeting and my parents and I met with the Headmaster Al Haig and after a short conversation they asked me what I thought and I said well it looks okay to me. I wasn't going to tell the guy I didn't like his school in front of him. And then I was asked to leave the room and they had a conversation and then on the way home my mom said oh, we signed you up. And I said what? Then -- so that's -- that's why I got into Grenville.

25

Q. You said you didn't want to tell him -- tell him to his face that you didn't like the school. What were those first impressions?

30

A. When we walked into the school through the front door there was a number of banners. They were all

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religious in nature and I'd grown up going to Sunday school and going to church and whatever, and I'd been to a couple of religious centres, not -- like retreat centres and it wasn't really my cup of tea. And I thought this would be the same thing, just looking at the banners. The same sort of Jesus saves kind of thing and I'm not -- I'm not criticizing their belief, I just -- it wasn't my style.

Q. Okay. Did you live at Grenville while you...

A. Yes.

Q. ...you attended Grenville?

A. I was a full-time boarder.

Q. Can you describe the dorm residence for us?

A. The dormitory was a large space and it was split into sections by lines of -- of wardrobes that the students had and then the beds faced each other in each of the sections. There's about eight or ten beds in each section and the -- the wardrobes didn't go the ceiling, so it was opened at the top.

Q. So, how many roommates did you have near you?

A. Seven or nine, I can't remember if there was -- like I say, eight or ten in the section.

Q. Can you describe your typical day at Grenville, what a typical school day would be like?

A. We'd get up, we had a -- times I can't help you with. Well, my memory's bad there, but we'd get up and have time to shower and -- and get dressed. And we'd go down to the dining hall and you sat --you were assigned at a table. You sat at your assigned table and then after breakfast there was a chapel service. And then we went to the school floor and classes, and then lunch, and more classes. And then there was a little bit of free time between the end of class and dinner, a little bit of free time after dinner and then study hall and

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then back to the dorm for the night.

Q. Were you involved in any extra-curricular activities at Grenville?

5 A. Yes, I played on the basketball team. I ran in the track team. I participated in school plays and in operettas. I was with the band for a semester and I participated in the science fair.

Q. Did you enjoy those extra-curricular activities?

10 A. Yes.

Q. What kind of a student were you?

A. I would say I was a good student. I followed the rules of the school and I studied, and I did my best to guess -- get the best marks I could.

15 Q. I'd like to show you Exhibit 1, Tabs 19 and 30, if I could bring those to your attention? If you'd go to 19 first, it appears to be an article, or a newspaper article, and in the lower right-hand side we see "First semester honour roll." Do you see that section?

20 A. Yes, I do.

Q. And do you see your name there?

A. Yes, I do.

25 Q. Great. And if we could flip to 30, Tab 30 in this book. This is titled "Honour roll June 1978", and again, second last from the bottom, is that you?

A. Yes, it is.

Q. It is, so you were an honour roll student while you were at Grenville, at least for those -- those times that you were listed?

30 A. That -- that date June '78 I -- I was -- received certificates for highest marks in math, English, theaters arts, and I received a certificate for best student in

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the intermediate division.

Q. Thank you. What were some of the rules that you say that you followed as a good student at Grenville?

5 A. You had to wear the uniform. They required a double Windsor knot in your tie. There was no smoking on the campus. On off hours you could -- on Saturday's anyways for sure you could go without your uniform during the day, but you had to have your shirt buttoned up and -- and there was no t-shirts. You had to have something a little more appropriate,
10 I guess. There was an understood six-inch rule that you had to stay six inches from the -- the female students, except during square dances. And you had to follow directions from staff. You had to sit at your table, you know, you had to attend study hall. You had to do chores on the weekend.

15 Q. You said follow directions from staff, what kinds of directions did you have to follow?

A. Well, I -- I -- initially I was -- I assumed they would be like this is -- this is where you're going to eat, this is where you're going to sleep. These are the weekend
20 chores you're going to do.

Q. Mm-hmm.

A. And -- but the -- they started telling us what to think and -- and how to -- what to believe. And this is where I kind of stopped listening. I'm okay with behaviour
25 rules, like no smoking. I -- I never smoked on the campus, so I mean that's -- that's a rule I could understand, and I was happy to follow, but I've never been one to just accept someone telling me what to believe.

Q. Can you give us an example?

30 A. Well, I could be -- during the chapel services they -- they would explain the -- the methods of the Anglican faith, which was fine. I -- I -- that's kind of

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interesting and its historical and traditional, but they would challenge you on where they felt your attitude was on -- on a number of issues, in the hall, on the stairs, anytime, anywhere they'd come up and tell you were arrogant, or you were angry, or you were wrong, or you were lustful, or whatever they chose to -- to tell you. They would just approach you and tell you you were these things.

Q. Were you approached about these sorts of topics that you just listed?

A. Many times.

Q. Were there school-wide assemblies at Grenville?

A. Yes.

Q. And what were those assemblies like?

A. The normal morning chapel, it was kind of a -- a sit where you want, but when we had a sit down, or a light session boys had to sit on one side of the chapel and girls had to sit on the other side. The staff would be arrayed across the front up on the raised part of the stage and there was four chairs in the centre for Father and Mrs. Haig and Father and Mrs. Farnsworth and the rest of the staff stood on either side of them in a line. They would indicate a student who had to stand and then each staff member would tell that student where they were wrong and what they need -- well, no not even -- they didn't even tell you how to fix it. They just told you where you were wrong. And the firing line went across the staff and then you were told to sit down, and another student was told to stand up and they did the same thing again.

Q. So, you differentiated between assemblies where you could sit wherever you wanted and then light sessions...

A. Yes.

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Q. ...where the boys and girls were separate?
At -- what were the other assemblies like then?

5 A. The regular assembly -- well, the morning chapel was a matins service, which is part of the Anglican liturgy, and when the service was over officially by the religious practices...

Q. Mm-hmm.

A. ...they would make school announcements and -- and things like that.

10 Q. I see.

A. And then they had an assembly at the end of the year where I got these awards and that was a sit anywhere you want.

15 Q. How often did you have the light sessions type assemblies?

A. Every couple of months, I think. It was -- it was fairly often.

Q. Were you ever stood up at one of these assemblies and singled out?

20 A. Oh yes, yes.

Q. Do you recall for what you were singled out?

25 A. I was too high, which meant that you were egotistical, or you -- you're too confident, or you liked yourself too much. Apparently, I lusted after everybody and I was angry. Those are their three favorites.

Q. And -- and were you lusting after everybody?

A. No.

Q. And were you angry?

30 A. Not at first. Eventually it -- it was -- I found these things very annoying, but I was in their house, it was their rules and best thing to do is to just keep your head down and -- and avoid problems.

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Q. And so what would happen after you were singled out in one of these assemblies, was that the end of it?

A. No, they - I'd get more of these random visits in the hallways and on occasion -- on at least two occasions I was taken to an office and -- and spoken to at lengths about my problems.

Q. And I want to ask you about those, but I just want to ask you just a few more questions about these light sessions, that was the -- the whole school. So, you -- you were singled out at these you just told us?

A. Yes.

Q. And you witnessed others being singled out?

A. Yes, I did.

Q. Did you make any observations as to how your fellow students were reacting to these sessions?

A. Shock, you know, it's -- I was reading a book on -- on a battle in World War I and they were talking about the different parts of the trench being shelled, and when it was somewhere else the soldiers said at least it's not me. And that's -- that's how I felt when they moved onto somebody else.

Q. Right.

A. So, you were sympathetic to the person standing up, but it was like, maybe I'd get out of this one.

Q. And so you mentioned that it was like a firing line. Can you just describe what that was like a little more, what the tone was?

A. Well, if you ask me, they were the angry ones, because everybody was very critical, condescending. I mean, it's one thing to say to a student I believe you were disobedient here, what do you have to say about that? And it's another thing just to tell them you're a bad person and you can't respond, you can't defend yourself, you can't do anything,

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you can't even turn away. You have to face this. So you were counting down the staff, okay five more comments, four more comments, three more comments, okay I'm safe now. It was very, very uncomfortable.

5 Q. Was it just staff that would speak to students or did students also participate in these assemblies?

A. Occasionally, very rarely a student would speak up.

Q. In what way?

10 A. I certainly didn't -- Tim Haig spoke up once at one of these things. He said that -- after lunch I went and lifted weights in the dorm and I was showing off and trying to show people I was strong and tough. Well, my bed was the last one in the section, so it was the least visible in the dorm, so
15 I don't know who I was showing off for. And I took my -- my school button-up shirt off so I wouldn't return to class sweaty, so I'm not sure what he was railing about, but...

Q. Sorry, he brought this up at one of those assemblies?

20 A. Yeah.

Q. And what resulted from him making this...

A. Apparently, he said his peace and they let it go and I thought well, I'm not talking to you anymore...

Q. Right.

25 A. ...if that's how you're going to behave.

Q. So, generally speaking what would happen to students at Grenville when they broke the rules or these other expectations?

30 A. Well, I -- they had several types of disciplines available and I can speak to what I experienced myself. I never witnessed another student paddled, but I was paddled, so I know it was an option of theirs. For example, the

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light sessions I guess were -- well, they said they were bringing us into the light and -- and helping us understand where we needed to repent or something.

Q. Did you find them helpful?

5

A. No, I -- I found them confusing.

Q. Was there any other type of discipline that you recall?

A. Well, I like I said, the paddling. A discipline of silence was one, extra chores was a discipline, and I suppose suspension and expulsion were available.

10

Q. And so you said that you had been paddled?

A. Yes.

Q. How many times were you paddled? How many instances?

15

A. To my memory once.

Q. Can you tell us about that?

20

A. There was -- there was another student at the school that I sort of talked to, because I -- I felt he was safe, and he was going into Toronto for a weekend and he asked me if he could borrow my I-D. He didn't elaborate, he just asked me if he could borrow my I-D. I'm not stupid, I know he wants to buy booze, but so I -- I lent him my I-D, but before the weekend we cooked up this scheme that we would go and confess what we were going to do and then tell them that we'd changed our minds and we were going to throw them off the scent, because they were really big on this kind of stuff. And they patted us on the head, like good puppies and said yeah, that was a good thing you -- you -- you backed off, you changed your mind, you didn't do it.

25

30

And then I lent him my I-D. Well, when he got back, I'm assuming that they got onto him and he cracked, because I was out in the barn cleaning up the horse stalls and I

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got word to report to Charles Farnsworth in his office. And I went up there and when I entered the room he was sitting at his desk and there was a chair in front of the desk, and Mr. Phelan was in the -- off on the left. And he told me I'd made a fool
5 of him and went through this fake confession and -- and he was really angry at that. And -- and then I had to bend over the chair and -- and I heard a noise like Mr. Phelan was getting something out from behind the filing cabinet. And then he gave me a right good whack and Charles Farnsworth looked up at him
10 and said, "Come on Bob, you've got a bigger arm than that." And then he sat there grinning, while Mr. Phelan gave me another good six or eight whacks and then I was sent back to the barn to finish my jobs.

Q. Thank you. You said that you had concocted
15 this plan with a friend who you felt was safe, what did you mean by he felt safe?

A. There were students who were quite willing to go and tattle, and I figured this was a guy that -- well, he was asking me to borrow my I-D. I figured he wasn't going to go and
20 -- and tell on himself. There was enough students that would tattle that you felt like you were being spied on.

Q. And was this something you felt for all the years that you were at Grenville?

A. After -- maybe the first semester I started
25 to realize that this was a place that was big on surveillance, if I can put it that way. And so as the time went by, I -- I spoke to less and less people.

Q. So, you described a paddling that you received, as the first one being a "right good whack." Was it
30 painful?

A. Yeah, he wasn't holding back.

Q. And then what did you do after that first

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whack? Did you just remain in -- in the position that you had started in?

5 A. I remained in the position and I stared into Father Farnsworth's eyes and I fixed my face into a concentration of you're not going to -- you can do what you like, I'm not going to flinch. I'm not backing down from you. But like he -- I don't think he noticed what I was doing, he -- he was so happy, a big smile on his face.

10 Q. And were you in pain after the paddling was over?

A. It was limping pain, but not dis -- disabling.

Q. What do you mean by limping pain?

15 A. Oh, I had to walk a little softly for a while.

Q. For how long?

A. Well, certainly the rest of that day. I believed this was early in the afternoon. I'm not sure exactly what time it happened, but....

20 Q. And where did you go after you were paddled?

A. Back to the barn. I had to finish cleaning up the stalls.

Q. And how long were you made to clean out the stalls and do extra work duties after you were paddled?

25 A. I believe between two and three weeks I continued on extra chore detail.

Q. And were there any other features to that extra chore detail, or -- or discipline that you received after you were paddled?

30 A. They took me aside one morning and -- and told me that God didn't want me in his chapel anymore, because of my poor spirit and soul. I would be washing pots while the

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rest of the school was attending chapel.

Q. And were there any other students with you while you were washing pots?

5 A. No, not a cook, not a -- everyone had to attend chapel, like -- well except for me.

Q. And was this the end of your disciplinary history at Grenville, or did you continue to receive further disciplines?

10 A. Following that I did two weeks on the discipline of silence.

Q. And....

15 A. And that entailed that I could not speak to anybody except to a staff member in response to a question, except during class time. I couldn't speak to any students for any reason at all. And they told me I had to be within nine feet of a prefect at all times, except during class and meals, because he had a different table. And this prefect took a great delight in finishing his meal and get -- getting up and going, so I had to find him and attach myself to him before the staff
20 caught me away from my prefect.

Q. Were you ever told why you were put on two weeks of silence and -- and given a prefect supervisor?

A. They said that I had ruined the spirit of the school, or the boys' dorm.

25 Q. Do you recall who told you that?

A. Father Farnsworth.

Q. And how did he come to tell you that; what kind of brought that about?

30 A. That was in a private meeting we had in a little interview room off the main hall in the -- the front entrance, and he and Mr. Phelan and -- took me over there and said that I personally had destroyed the spirit in the boys'

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dorm and because of that I was going on the discipline of silence. And initially they said it would be two weeks. I'm -- I think it was terminated after two weeks, but....

5 Q. With respect to your paddling, did you have any bruising or anything lasting from that?

A. There was bruising for about a week, but it did go away.

10 Q. And you said you knew that paddling was a form of discipline available at Grenville, because it happened to you, but that you hadn't witnessed it happening to anyone else?

15 A. The same fellow I mentioned earlier who borrowed my I-D returned to the dorm one day. He was -- excuse me, he was also limping and I asked him what happened, and he said...

MR. BOGHOSIAN: Excuse me, Your Honour.

MS. LOMBARDI: That's -- that's fair.

20 Q. We don't want to know what he said. Did you see anything with respect to your friend? You said you noticed him limping. Did you see anything else?

A. I noticed him limping. He dropped his pants and showed me his backside and he was yellow and purple and dark blue across his buttocks.

25 Q. Thank you. In addition to those public light session assemblies that we spoke of, were there private light session assemblies that you were subjected to?

30 A. Yeah, I called them random, because they would approach you in a hall, or -- well, for example, the first Christmas I was -- I played Scrooge in A Christmas Carol and after the performance there was a -- a little thing set up in a dining room for parents and students and teachers to -- to come in to be social and we come out of the dressing room and Mr.

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Ordolani was there saying "don't get too high, don't get too high, don't get too high."

5 So, even -- even a good performance we weren't allowed to enjoy for more than three minutes. And that's the kind of thing they'd approach you, they'd say, "don't get too high" or "why are you high?" Or their favourite one was, "you're angry; give up your anger." And no matter what you said they just continued, "give up your anger, give up your anger." And if you weren't right on top of yourself you would lose your
10 anger, you would lose your temper and eventually say I'm not angry, get off my back.

And they'd say, "See you're angry; give it up." And -- and one time I sat in the gym after the meal and then wandering up to study hall someone -- one of the staff -- Dan
15 Ordolani approached me and he said, "I know you went down there, because you're lusting after so and so." I didn't even know she was there. I mean, I was in my own mind.

I was thinking about my own things, but -- and when I was in -- singing in the Gondoliers, we were doing a
20 practice and there was a dance part, and I -- I danced front and centre with -- with another girl -- with a girl and we came down from that rehearsal and there was Dan Ordolani, "Oh yeah, I know you're lusting after her." And I said, "Well, she's not really my type." And he said, "That's doesn't matter you're lusting
25 after her, I know."

Q. So, how did these confrontations make you feel?

A. Very confused. I -- I understand being
30 challenged on something you do and I have no problem taking responsibility for my actions, and accepting discipline, but to be accused for things that just weren't. They just are -- I really didn't understand what was going on.

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Q. How many of these confrontations would you say you had at Grenville?

A. Nine or ten.

5 MS. LOMBARDI: I'm about to move onto another section, Your Honour. I don't know if it makes sense to stop now or just get going.

THE COURT: About how much more chief -- in-chief would you have, more than five minutes?

MS. LOMBARDI: Yes.

10 THE COURT: All right. So, let's -- we'll take the lunch break now until 2:30, if you could come back then, please, Mr. Shepherd.

DAVID SHEPHERD: Yes, Your Honour.

THE COURT: Thank you.

15 MS. LOMBARDI: Oh, Your Honour. Sorry, might we have five minutes of your time just to deal with a scheduling issue that's come up?

20 THE COURT: Oh certainly and do you want to do that in open court after the witness has left, or do you want to....

MS. LOMBARDI: We can or we'd be happy to deal with it now, whatever Your Honour prefers.

25 THE COURT: Then we can deal with it now. If you'd like to have a seat, Mr. Shepherd we'll -- counsel are going to address me on another matter. Sure we can deal with that now.

30 MS. LOMBARDI: So, when we met in chambers last week our friends advised that they had a witness whose schedule was not very flexible. And they have advised us this morning that indeed only October the 2nd will work for that individual to give evidence and -- and we're just having a hard

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time fitting that into our schedule without.
Creating days where either there's no one able to
testify, because of religious holidays or able to
testify because they're coming from out of town.

5

So, our friends had indicated that it's a Dr.
Best can only testify on October 2nd. And
unfortunately that would mean essentially that we
would have at least a half day - down day
tomorrow and likely a half day if not more on
Thursday, that would kind of be useless jut
because of the way the other witnesses -- the --
the plaintiff witnesses, in terms of where
they're coming from and how they can give
evidence.

10

15

So, we just wanted some -- I guess, some help in
terms of how to -- how to deal with this issue.
One thought that we had was this Dr. Best, that
is the defence witness. He has provided an
affidavit and been cross-examined in the past on
this matter. We would be happy to simply allow
that testimony to be -- to come in as it is in
full and not require his physical attendance if
that helps things out. I believe we spoke about,
you know, arranging a Skype type conference in
order to allow him to testify on a different day.
Unfortunately, I'm not sure that my friends are
agreeable with these matters or these options,
rather.

20

25

30

THE COURT: Mr. Boghosian, Mr. Adair.

MR. ADAIR: It -- it might help if we knew and I

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-- it's not that my friend is not telling us,
just give us the latest up to date on who the
other witnesses are for the plaintiffs and when
you've got them planned.

5 MS. MERRITT: So -- so the basic problem we're
having is that -- that Dr. Axelrod is Jewish and
cannot testify on Thursday, so -- and then our
last two witness -- well, we have Mr. Lukawecki
10 who's in Quebec -- who lives in Quebec, but he's
now here, so he has to go tomorrow -- or sorry
he's arriving tonight.

MS. LOMBARDI: He's arriving tonight.

MS. MERRITT: He's arriving tonight, so he has to
go tomorrow morning. The other two witnesses are
15 in Ottawa and we could certainly try to put one
of them in for tomorrow afternoon. Kathy Smart
or Heather Bacon, we could certainly try to do
that, but again if -- if Dr. Best is Wednesday
morning that could -- we could put the other of
20 Smart and Bacon in the afternoons there, but that
leaves Thursday with nothing. Axelrod cannot do
Thursday.

THE COURT: So, Dr. Axelrod would start on the
Friday?

25 MS. MERRITT: Right, and we'd have a down day on
Thursday. I mean, that -- that may be the -- the
best option.

THE COURT: If we do take the down day and
address it that way, do you anticipate having
30 time to finish the defence case in the time
allotted, because remember we also have a down
day on the day I have a motion on October 10th,

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so we would -- essentially would lose two days.

MR. ADAIR: Well....

THE COURT: I don't know if you've fixed yet on your witness list, but it might help me to know that now.

MR. ADAIR: What we could probably do, to be sure, is we could probably get a witness or two to fill in on the Thursday.

THE COURT: Oh, you're talking about some of your witnesses?

MR. ADAIR: I beg your pardon.

THE COURT: You have defence witnesses to fill in on the Thursday?

MR. ADAIR: Yes.

THE COURT: What do you think about that?

MS. MERRITT: We're also going to have a down day on the 14th.

THE COURT: Because it's Thanksgiving.

MS. MERRITT: Thanksgiving; right. I'm not....

MR. ADAIR: And the 10th.

MS. MERRITT: I know I've marked -- Your Honour referred to the 10th.

THE COURT: But on the Thursday would you have any objection if the defence can make some of their witnesses available to having them use the day?

MS. MERRITT: The problem is we -- we don't even know who the defence is calling yet, so I do have a bit of an issue with that. I got a will say finally from the last witness this morning at 10 o'clock, but if we could know who they are we, you know, I would have liked to prepare over the

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weekend. It kind of throws things in a bit of a loop, but you know, I think at some point Mr. Adair -- Adair's going to need to decide how many witnesses and who are they and so that we can try to start figuring this out.

5

THE COURT: So, come back to my question, if we don't go out of order and just make this second adjustment, do you think the rest of the time available will be sufficient for your case, more or less? Well, do you want to think about it over lunch maybe?

10

MR. ADAIR: If you don't mind, the last thing I want to do is jump in and say yes, I think so, but it's -- it's...

15

THE COURT: All right.

MR. ADAIR: ...getting tight and....

THE COURT: Why -- why don't you take a crack at a bit of a time budget with your...

MR. ADAIR: All right.

20

THE COURT: ...colleagues and we'll address it after lunch. It sounds like we're closing in on a possible solution. I'm not adverse to you having a down day if it will make things organized and keep things flowing.

25

MS. MERRITT: I'm just wondering, and this might be another alternative. I'm trying to get creative here. If we started that Dr. Axelrod on Tuesday afternoon -- if my friends could let us know how long Dr. Best is going to be, we may be able to do Dr. Axelrod Tuesday and Wednesday with Dr. Best in as well.

30

MR. ADAIR: I -- I can't see us not doing that,

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because Dr. Best is going to be maybe an hour and a half in-chief. He's like Morris, you know, I went Grenville, here's what I saw, here's what I didn't see.

5 THE COURT: Well, that might work -- that might be as neat a solution as anything.

MS. MERRITT: Yes, the only problem...

THE COURT: And then we can just continue on.

10 MS. MERRITT: ...I just don't want to have to bring Dr. Axel back -- Axelrod back three times. That -- that's -- that's unduly a hard burden on him, but if -- if we can get Lukawecki done in a half a day in the morning tomorrow we could start Axelrod after lunch and then we could finish
15 Axelrod and do Best...

MR. ADAIR: I....

MS. MERRITT: ...in there.

20 MR. ADAIR: I -- I find it hard to think that -- and I'm not just looking for a way to have my cake and eat it too. I find it hard to think we won't get Dr. Axelrod done. I guarantee his cross-examination will be much shorter than Dr. Best.

MS. MERRITT: Okay.

25 THE COURT: Right. So, does that solve it then?

MS. MERRITT: Well, then let's do it that way.

THE COURT: So, that solves it.

MS. MERRITT: All right.

MR. ADAIR: Thank you.

30 THE COURT: Great. Okay. Very good see you at 2:30.

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R E C E S S

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

5 Q. David when -- just before we left for break
you had mentioned that you had been told that you had personally
destroyed the spirit of the school and you were put on some
discipline for that infraction. Was it ever explained to you
how?

A. That was the discipline of silence.

10 Q. And was it ever explained to you how you had
disrupted the spirit of the school?

A. No. I wasn't even sure what he was talking
about.

15 Q. Okay. Thank you. I'd like to take you to a
document now if I might? It is Exhibit 1, Tab 34, Volume 1 of
the joint exhibit book. Do you know who Dr. and Mrs. M. M.
Shepherd are?

A. My parents.

Q. And that address in Stockholm, Sweden?

20 A. That's where we lived that year while dad was
on sabbatical.

Q. Thank you.

MR. BOGHOSIAN: I'm sorry, I missed -- I missed
the answer.

25 THE WITNESS: Sorry, my parent -- my father was
on sabbatical that year and he'd chosen to study
in Sweden.

MR. BOGHOSIAN: Thank you.

30 MS. LOMBARDI: Q. And if we turn over it appears
to be written by Reverend Charles R. Farnsworth, Dean of Men and
it's dated January 31st, 1979. Would you please read the second
paragraph of that letter, please?

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A. (Reading):

5 While we were visiting with Bob
and Beth Smith we heard of
Dave's activities and his
dishonesty and disobedience to
your friends in Toronto. Then
10 on his return to school we found
that he had been living a very
loose life and he admitted to
living with two different girls
in Sweden. He has been having
frequent sexual relationships
with his girlfriend Stephanie
15 and also one other girl.

Q. So, do you know what dishonesty and
disobedience to your friend's parents this is referring to?

A. I honestly don't have a clue.

20 Q. And had you admitted to having sex with your
girlfriend?

A. I had admitted to having sex, yes.

Q. And who did you admit that to?

A. Father -- Father Farnsworth.

25 Q. And how did that come about?

A. My second year I only -- I was only at
Grenville for the second semester. First semester I lived in
Sweden with my -- with my family. So, upon return they met me
when I -- when I came back to the school and I hadn't cut my
30 hair short. It was close to the bottom of my ears and they --
they asked me about that and then they asked what I'd been
doing. And what I'd learned the previous year was that if you

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were trying to tell them stories or lies, or whatever, that it made the role worse. So, I said to myself, well why don't you tell them what you've been doing? So, I was brutally honest with my activities while I was in Sweden.

5 Q. Were you having sex with any girls at Grenville?

A. No.

Q. Can you read the third paragraph, please, the next one?

10 A. (Reading):

Dave's attitude upon returning to Grenville has been a put down of the school. He has immediately joined with boys in rebellion. How Dave -- now Dave himself does not look like rebellious boy, he's very polished on the surface, but underneath we are finding a disobedient, disrespectful and dishonest young man.

25 Q. So, were you putting down the school when you returned?

A. Not that I was aware of.

Q. And do you know what is meant by "joined with the boys in rebellion"? Were you rebelling with other boys?

30 A. I'm not exactly clear what he's saying there. I did have -- there was three us who were -- well students were allowed to go into town on the weekends and three of us would go in on a Saturday, with school permission, buy some snacks, come

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5 back, go to the dorm and sit in a circle and -- and have our
snacks and talk about current school things. And at one light
session they mentioned this seditious rebellious group being
formed and that they were going to root it out and -- and put an
end to it. And after that we never met for snacks anymore, but
I mean none of us were approached directly, so it -- but I --
apart from that and we certainly did not -- I certainly did not
organize or form any kind of rebellious group at the school.

10 Q. So, you mentioned that this was at a light
session. Was this a light session done with you?

A. No, this was a school-wide one.

15 Q. So, that paragraph also states that you are
being disobedient, disrespectful and dishonest. Again can you
provide any context or explanation to your mind what -- what
that was, or did anyone come and talk to you about your
disobedience, your disrespect, or your dishonesty?

A. No one ever gave me an example of any
behaviour, except that my hair was too long.

20 Q. Can I ask you to read the next paragraph as
well?

A. (Reading):

25 In his first week at school
here, Dave has tried to pull
even some of the prefects into
his camp. The enclosed letters
were given to a prefect to mail
away from Grenville for Dave.
[Or sorry] Dave knew we were
30 against his communicating with
his girlfriend with whom he had
had a physical relationship. He

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5 did not open -- we did not open
his mail, but we feel that you
should, as Dave's parents just
to see where he is. He knows
this was extremely conniving and
sneaky. The prefect also knew
it and brought it to us. We
also found that Dave had sold
10 his identification card to a 15
year old boy, so the boy could
buy alcohol and be entertained
at discotheques.

15 Q. So, was your girlfriend a Grenville student?

A. Sorry?

Q. Your girlfriend, was she a student at
Grenville?

A. No.

Q. Where did you girlfriend live?

20 A. She lived on the Island of Lidingö in
Stockholm.

Q. And were you told to stop communicating with
her?

25 A. They said they didn't want me to write to
her.

Q. Okay. Aside from this one time where it
appears the prefect intervened, were you able to write to her
after this -- this incident?

A. Yes.

30 Q. And how did you do that?

A. I wrote letters to her and put them in a
letter addressed to my brother, but I always mailed them at the

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school.

Q. Did they explain to you why they didn't want you communicating with her?

5 A. They just said it was a bad -- a bad lifestyle, or -- and bad for the spirit.

Q. Did your parents know about your girlfriend?

A. Yes, they did.

Q. To your knowledge did they have any issue with you having a girlfriend?

10 A. No, they did not.

Q. If we can flip the page over to page 2 of the letter, if I could get you to read the top paragraph there.

A. (Reading):

15 Dave has lied to us and is not responding to --in any way to the correction we have given him. We have spanked him on two occasions and have had him on
20 work jobs, but we feel at this point that he is a detriment to the other children, who are trying to move ahead. I feel it would be very good if you could
25 call Dave and let him know that his stay here is being jeopardized by his attitude and put some pressure on him, so that he will know he has no part
30 in a storm against the pressures that are coming upon him. At this point he seems to have no

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inward desire to change. He would like to keep up a good front and yet act as he wants to, beneath the surface. This cannot be tolerated at Grenville.

5

Q. So, let's start with a reference to paddling. It says you were spanked on two occasions. Do you remember the second occasion that you were spanked?

10

A. I do not.

Q. Do you know what attitude is being referred to here with respect to having a bad attitude and being a detriment to other children? Was any of this explained to you?

15

A. No, it was to them, attitude and spirit were interchangeable. They said your spirit was bad, or your attitude was bad; it sort of came across the same way, but they never give you examples.

20

Q. It says here that there was -- that there were to be pressures that are going to be put upon you. Did you feel pressured when you went back to Grenville?

A. I felt like I was ground zero.

Q. And what do you mean by that?

25

A. Well, they -- the work and chores, they -- banning from chapel, the -- and the -- and the silent -- discipline of silence followed bang, bang, bang, so they -- they kept upping their game. And for what, I -- I couldn't -- I couldn't understand, because I was getting decent marks. I was not breaking the rules and I just wanted to finish the year and get out.

30

Q. So, how long were those things imposed upon you?

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A. Six or eight weeks.

Q. And it says that "you were putting up a good front, but beneath the surface you hadn't changed." Were you putting up a good front? How were you behaving?

5 A. Like I said, I was following the rules and I was trying to get the best marks I could, and what goes on in my head is none of their business.

Q. Did your parents pressure you to change in any way or conform?

10 A. No.

Q. What were some of the messages that you received at Grenville about sexuality?

15 A. Those were mainly in light sessions where they -- they would -- Mrs. Haig in particular would -- would wail at the girls about being -- looking like whores, or -- or dressing like prostitutes, because of make-up and jewelry, when she herself was laden with jewelry and make-up. It was such hypocrisy.

Q. And so how did you feel at these sessions?

20 A. Half and half. Half of me was sympathetic and the other half was saying thank God it's not me right now.

Q. Right. How often would these messages be told to the school?

25 A. Every light session. It was a repetitive script.

Q. In terms of tonality of these messages can you just describe for us how these messages were imparted, the tone that it took?

30 A. They were -- they were angry. They were condescending. They were emasculating.

Q. And what would happen after these sessions ended?

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A. They'd blast us and we go about the -- the business of the day and you would hope that you didn't get one of their random light sessions later on.

Q. And how would he blast you?

5 A. Well, like I said, they tell you you're wrong, they tell you're high, they tell you're -- you're angry, or you're lustful, or prideful, or -- and they -- really the bottom line is that you had no option but to stand there and take it. And -- and that what they said didn't match your
10 behaviour, at least in my eyes.

Q. When did you leave Grenville?

A. 1979.

Q. And so what -- what part of the year was that for you in your schooling? Was that grade 11?

15 A. That was grade 11, yes.

Q. And did you complete grade 11?

A. Yes, I did.

Q. And where did you go on after Grenville to finish your high school?

20 A. I went back to St. George's College in Toronto.

Q. And how did St. George's compare to Grenville in your estimation?

25 A. Grenville -- or St. George's was a refreshing return to tradition, where the rules were stated and they were adhered to by both sides, both staff and students. And you broke the rules -- their expectation was if you broke the rules and were challenged you would admit to it and take your punishment, but at least you understood what the punishment was
30 about.

Q. And were you ever punished at St. George's?

A. I'm sorry?

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Q. Were you ever punished...

A. Yes.

Q. ...at St. George's?

A. Yes, I got punished. I got in a track fight.

5 I know that sounds silly, but I got in a track fight and a piece
I threw went down the hall and smashed on the wall, very close
to Mr. McMaster's head and needless to say he was not happy, and
he came down to the classroom and asked who did that. And I put
my hand up and the result was six of the best with a cane, but
10 as soon as it was done, Mr. McMaster was right back to being his
normal self with us. There was no residual. You took your
punishment and you moved forward.

Q. You said you were hit with a cane six times;
is that right?

15 A. Yeah.

Q. And so how did that caning compare to the
paddling that you received at Grenville?

A. It felt a little more symbolic. I think at
St. George's the fact that you admitted to it was really what
20 they were looking for. So, yes, they did hit you, but they
didn't -- nobody said you got a bigger arm, or -- or made any
references like that when they did it. And it -- that was --
and like I say, right after it was over, Mr. McMaster was the
same old Mr. McMaster he always was, chatty and helpful, and --
25 and I didn't walk around in fear of him the rest of the year.

Q. How would you describe the general atmosphere
at Grenville during your time there?

A. I found it very tense. I was always, like I
referred to before, trying to figure out if people could be
30 trusted or not. I don't -- I don't know how they got students
to tattle on other students the way they did, but it was like a
network. And it took me years to figure out, after I'd started

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working in the prison system and experienced a couple of events that -- that made me feel fear, that fear was what I was feeling at the school. I was confused and I wasn't sure what they were doing, but -- and I was very, very tense, but it -- it -- later
5 on I realized that that tension was mainly fear, fear of the next blow. Fear of expulsion. Fear of what other tricks Charles had up his sleeve for me.

Q. How would you describe your experience at Grenville?

10 A. Well, it's -- it was mind blowing. I got what I wanted, which was the marks I needed to get to go back to St. George's, so to a certain extent I got what I wanted, but what a row to hoe. Oh my goodness, they -- I don't think I was ever relaxed there, ever. It was such a attitude of suspicion
15 and spying on, and -- it was just very, very un -- I found it very unwelcome, unfriendly. Like I said, I -- I did all the right stuff. I got the marks. I -- I played in -- I was the plays, the operettas. I kind of expected to be given some encouragement but seemed like the harder I tried to do well
20 there the more they ground their heel down on me.

Q. As a corrections officer in your career did you ever have to discipline any of the inmates in your care?

A. Yes.

25 Q. How did the discipline that you were imposing in inmates compare to the discipline imposed on you as a student at Grenville?

30 A. Well, with inmates they were allowed due process. I gave them an opportunity to state their case. I would walk them through the entire incident from start to finish, so there was no confusion as to why they were in front of my desk, why I was adjudicating a misconduct or what the outcome was. This lack of representation, the lack of ability

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to defend yourself it's like hamstringing you and I mean that's the -- that's the goal of a bully isn't it? To make sure you have no power and no place to go?

5 Q. How does it feel to you today talking about your experiences at Grenville?

A. It's -- it's very bizarre. I -- I have had -- in -- in 1985 I had a SIDS baby and that was a difficult thing to deal with. And -- but today I can talk about it and I can feel my emotions, but I understand that's what a -- it makes
10 sense and when I fit in my life. When I think about Grenville now I just -- my tight -- my chest tightens up and I feel my anger rising, and I -- I just feel anger.

MS. LOMBARDI: Thank you. Those are all my questions of this witness.

15 THE COURT: Cross-examination.

MR. BOGHOSIAN: Yes.

CROSS-EXAMINATION BY MR. BOGHOSIAN:

20 Q. Mr. Shepherd what's your date of birth?

A. 26th of August 1960.

Q. 1960, and you were -- you were in grade 10 in 1977, so September '77 you would have started at Grenville in grade 10?

A. That's correct.

25 Q. And you would have been -- were you 17 years old at that point?

A. Yes, sir.

Q. You were 17?

A. Yes.

30 Q. And it strikes me that's a bit older than the typical grade tenner, they're usually fifteen-ish. Is there any....

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(Mr. Boghosian)

A. Yeah.

Q. Is there any reason that you were a couple of years older than the rest of your classmates?

5 A. When I first went to St. George's from the public-school system in grade 8, they were actually a year advanced in their curriculum and I was unable to make up the gap, so they held me back a year there. And then the year before I went to Grenville, when I went to the other public school, I managed to salvage like five credits or something,
10 so.....

Q. So, you pretty much had to substantially repeat grade 10 at Grenville?

A. Yes.

15 Q. Okay. And was there other reasons aside from just poor marks that got you sent to Grenville? Were you -- was there some truancy issues?

A. Yes.

Q. Okay. And was there being involved in a bad crowd issues?

20 THE COURT: Sorry, I didn't hear that.

MR. BOGHOSIAN: Q. Being involved with a bad crowd...

THE COURT: Bad crowd.

MR. BOGHOSIAN: ...issues?

25 A. I don't believe so, no.

Q. There's no discipline issues that got you sent to Grenville?

30 A. When my mother explained it to me, she said she was shocked with the public-school system and that she wanted to send me to some place better for me, but I couldn't return to St. George's because of the performance at the public school.

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Q. Mm-hmm. But she didn't send you to any boarding school, she sent you to Grenville Christian College?

A. Yes.

5 Q. And she would have known that you were anti-religion, as you've explained in-chief?

A. I would think so, yeah.

Q. She felt you needed the discipline she thought you would get at Grenville; right?

A. I don't know.

10 Q. All right.

A. They never explained that to me.

Q. You -- you excelled academically at Grenville we've heard?

A. Yes.

15 Q. You enjoyed your academic studies there and you did well at them?

A. Yeah.

Q. You were Ontario Scholar at the end of your grade 10 year?

20 A. That's correct.

Q. Had the highest marks in a few classes?

A. That's correct.

Q. Were -- were ranked or named the top intermediate student in the whole school?

25 A. That's correct.

Q. And you were all the while involved in dramatic productions?

A. That's correct.

30 Q. You were like, one of the stars of the play?

A. Yeah, I guess.

Q. Well, being Scrooge and Scrooge sounds...

A. Right.

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(Mr. Boghosian)

Q. ...like you're the star? Yes?

A. Yes.

Q. Okay. So, you're the star of Scrooge and
that was in grade 10?

5 A. That's correct.

Q. There were other productions you were
involved in as well in grade....

A. They produced one operetta a year.

Q. And you were in that too?

10 A. Both years.

Q. And you had a prominent role each year?

A. I was in the chorus.

Q. Okay.

15 A. The singing parts were reserved for the grade
twelves.

Q. Okay. But you were Scrooge in the -- in the
Christmas production in grade 10?

A. That's correct.

20 Q. And you enjoyed the drama involved in at the
school?

A. Yes, I did.

Q. And you were also quite involved in athletics
at Grenville?

A. That's correct.

25 Q. We heard about track, we heard about
basketball...

A. Basketball.

Q. ...and you were -- you excelled at those as
well?

30 A. No -- no, I was third string in basketball.
In track I was -- I was a backup runner in the Eastern Ontario
finals, but I never -- I never got a first-place award.

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(Mr. Boghosian)

Q. Okay. But you enjoyed your involvement in the athletics that you were exposed to at Grenville?

A. Yes, I did.

5 Q. And you -- you also said that you were -- were involved in a science fair at some point?

A. That's correct.

Q. Which -- which one of those years, grade 10 or 11 were you involved in -- in the science fair?

A. Grade 10.

10 Q. Okay. And where was that held?

A. At a shopping plaza in Brockville.

Q. Okay. And you were certainly happy enough with your experience at Grenville in grade 10 that you willingly went back in grade 11?

15 A. Because of the split year I didn't want to give up time in Sweden with my parents. I think that's -- well, to me that's self-evident anyways. And because I'd earned five credits the first year, I did grade 10, I had sort of a free semester. St. George's was on a term program, so I couldn't
20 have split my year there. So, the only way I could do it was to finish that year at Grenville.

Q. Or any other semester school; right?

A. Well, it's my parents' decision.

25 Q. Okay. Well, you didn't complain to them that you didn't want to go back there; right, otherwise they wouldn't have sent you back there?

A. Well, I told them I didn't like the place.

Q. Okay.

30 A. But that's what I was told was the option if I wanted to spend that six months in Sweden.

Q. And you've complained -- yeah, you -- you complained that you were -- you felt you were put down for your

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achievements? I have that in quotes.

A. Yes.

Q. All right. You felt you were ground zero?

5 A. By -- by about a little bit into the grade 11 year, yes.

Q. Okay. So, this is -- this is the grade 11 year where -- where you're having these feelings?

A. Yes.

Q. And you felt like you were targeted?

10 A. Yes.

Q. And it seems from your evidence in-chief that you felt you were singled out and picked on, because you were basically too good, or at least they thought that you thought that you were too good?

15 A. I don't know. They never explained to me why they went after me.

Q. Well, isn't that....

A. Except to say that you're too high or you're too whatever.

20 Q. All right. But -- but you felt you were being specifically and especially singled out and picked on?

A. Not especially singled out, I felt I was in the mass, if you like.

25 Q. Okay. So, you -- you don't have a clue why they were giving you such a hard time at Grenville; is that basically what you're saying?

30 A. Well, what I know is that for ten years of school I was told if you perform you get encouraged. I'd go there, I'd perform, and I'm not encouraged. I would say that's grounds for confusion.

Q. And you felt that was unique to your particular situation; right?

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A. I didn't put my nose in other students' business.

5 Q. Okay. Now, this -- let's talk about the single paddling incident that you talked about. Which year did that occur in?

A. The second year in grade 11.

Q. Grade 11. So, you're talking about all this tension that you felt throughout the time you were there and the fear.

10 A. Mm-hmm.

Q. Yet, it didn't stop you or prevent you from doing this devious, sneaky act that you've described in-chief; did it?

A. No.

15 Q. Right under the noses of those administrators of Grenville College.

A. I honestly thought that we could pull it off.

20 Q. You were so tense and scared by all these administrators, you didn't have a problem of going right into their face and lying to their face to throw them off something bad that you were going to do. It was devious, wasn't it?

A. It was devious?

25 Q. Well, let's -- let's walk it through. So, you loaned your -- a kid at Grenville your identification; right?

A. That's correct.

Q. He was 15 years old; right?

A. Okay.

Q. Do you remember that he was 15?

30 A. I don't remember.

Q. Okay. And he was going to Toronto and he wanted to be able to buy booze and go to bars; right?

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A. I suppose, he never told me his plans.

Q. Well, why else does someone want to borrow a senior persons I-D; right?

A. Fair enough.

5 Q. Yeah. And all the while having every intention of going through with lending him your I-D and letting him use it in Toronto to buy booze and go to bars, you actually went forward, on your own initiative to a Grenville staff person and told them, look we were planning to do this, but we're such
10 good kids we've decided not to because we know it'd be wrong. That's the gist of it?

A. That's correct.

Q. Okay. All the while knowing that you were going to let that kid take your I-D to Toronto; right?

15 A. That's correct.

Q. All right. And you did let him take your I-D to Toronto?

A. Yes, I did.

Q. And did he pay you some money to...

20 A. No.

Q. ...borrow your I-D? He didn't?

A. I got nothing out of it except the -- the paddling.

25 Q. Mm-hmm. And who was the staff person that you went to see to confess this -- this crime that you were no longer going to carry out?

A. I cannot recall.

30 Q. You can't recall, wow. You can recall the facial expression on Father Farnsworth's face. You can recite what he said to you verbatim when you were in there for the paddling, and you can't even remember the name of the staff person that you told this lie to? Is that your evidence?

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A. No. That's my evidence.

Q. Okay. You -- I'm suggesting to you that you know full well that it was communicated to you fully by the Grenville staff that they were as upset by your sneakiness and deviousness in confessing something and saying you're not going to go through it and then actually going through with it to throw them off. They were as upset about your deviousness and sneakiness as it was about your breaking the law by giving your I-D to a minor; isn't that true?

A. Yes, that's more or less what Mr. Farnsworth said in his office.

Q. Well -- and you knew it was breaking the law to give a 15 year old minor your I-D; right?

A. I would have been able to infer that, yes.

Q. Okay. And facilitating the minor to break the law?

A. Well, that's debatable.

Q. Well, you knew full well what he's going to use your I-D for and why he was asking for it and you knew a 15 year old is not supposed to be buying alcohol.

A. I had no control over of him in Toronto, sir.

Q. I see. The punishment was certainly justified wasn't it?

A. I didn't complain about it.

Q. Well, it was certainly justified, given the sneakiness, the unlawfulness of your activities.

A. Well, I would say that Mr. Farnsworth says he wilfully misdirected mail in his letter and wouldn't that be a criminal offence?

Q. Sir, I'm asking about you; okay? Let's talk about you, because you're here to be examined today. Do you not agree that this devi -- devious, sneaky, unlawful business that

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you were up to warranted corporal punishment?

A. One incident, one punishment, fair enough.
It's not the punishment it's how it was administered.

5 Q. Okay. So, you lived in Sweden for the first
six -- or for six months of the end of 1978?

A. Well, we went over in the summer of '78 and I
was there until December.

Q. Okay.

A. Then came back for the spring term.

10 Q. Okay. And was your father some sort of
academic to be on sabbatical?

A. Yes, he was a physics professor at York
University.

15 Q. Okay. Did you go onto post-secondary
education?

A. Yes, I did.

Q. And what did you take and -- what if any....

A. I took a law enforcement course at Georgian
College in Barrie.

20 Q. Okay. Now, Mr. Shepherd what did you do to
review -- what did you review in order to prepare to testify
today?

A. I've reviewed my memories and the lawyer sent
me copies of the documents that have been brought up.

25 Q. Oh yeah, copies of what documents?

A. There was a honour roll list, a newspaper
article.

Q. Sorry, what was the first document?

A. The honour roll list.

30 Q. Oh, the honourable -- honour roll.

A. Yeah, the....

Q. Honour roll, you mean the thing that shows

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how you did at school, that you did well academically?

A. Yes.

Q. Okay. And then what -- you're saying a newspaper article?

5 A. It's....

Q. Is it the one that you referred to today?

A. Yes.

Q. And did you review any statement?

A. No.

10 Q. You didn't review any statement. Did you review any point form paper, you know, a memo with point forms that gave the gist of what you were going to say?

A. No, I made my own notes.

15 Q. So, you're going purely -- you made your own notes. Did -- did you review notes before testifying today?

A. My own notes, yes.

Q. Are they here?

A. No.

Q. When did you make those notes?

20 A. In early September.

Q. And was this the first time you'd ever reduced to writing your experiences at Grenville?

A. Yeah, I think that would be fair.

25 Q. Okay. So, your testimony here today is going by the memory you -- you're carrying around in your head from 40 years ago. Is that -- do I have that right?

A. From events 40 years ago, yes. I have thought about this off and on over the years.

Q. Okay.

30 A. And they're memories that have not willingly gone away.

Q. Yeah. And I'm suggesting to you that your

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memory of events that happened 40 years or more ago is relatively fuzzy to say the least isn't it?

A. Certain things yes, certain things no.

5 Q. Okay. And you'll agree with me that remembering exact discussions you had with Grenville staff from 40 years ago is a stretch; isn't it?

A. No, not when they stand out...

Q. Okay.

A. ...the way those stood out.

10 Q. And I'm suggesting remembering facial expressions on Father Farnsworth's face and what he said during a session 40 plus years ago is a stretch; isn't it, sir?

A. No, it isn't. He burned his image into my brain.

15 Q. Mm-hmm. Did you review any of the fact net? Do you know what fact net is?

A. No.

Q. Do you know what -- have you ever been on the Grenville Facebook site?

20 A. No, I'm not a Facebook member.

Q. Okay. How did you find out about the class action?

25 A. I received a phone call in -- around 2007 from the law firm and they asked me if I had any interest in it and I had a phone interview then. And then I contacted their office by email the start of September and at that point they asked me if I was willing to come out here.

Q. Okay. So, who are Bob and Beth Smith?

30 A. They're the -- their son Todd attended the school for a few years. They were friends of my parents who attended United Church in Thornhill, Ontario. They also joined the Community of Jesus for about ten months, before they broke

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that relationship and reported to my mother that that place was horrible, and that's the place that was controlling Grenville.

Q. And what year were they -- were they members of the Community of Jesus, sir?

5 A. I don't know.

Q. Okay.

A. They were my parents' friends. They were their...

Q. Okay.

10 A. ...age group, so they would be 25 years older than I am.

Q. All right. So, let's look at Exhibit 1, Tab 34. This is the letter from Charles Farnsworth to your parents, dated January 31st, 1979. Now, have you been paddled at this point as of January 31, 1979?

15 A. No, that was after the March break.

Q. After the March break; okay. So, after the March break in your grade 11 year?

A. Yes.

20 Q. Okay. And was it over March break that the kid used your I-D?

A. No, no, that was -- it was -- I don't, you know what, I don't know the exact date. He was -- once I returned from the March break, I was grounded on weekends, so I couldn't go into town, I couldn't go anywhere, so it was one of those weekends. He was going to visit his parents in Toronto.

Q. Okay. So, Father Farnsworth is writing -- is taking the trouble in this letter to write to your parents, because he has so grave concerns; right?

30 A. I don't know why he was writing to them.

Q. Okay. But he's taking the trouble to write a significantly -- a letter that's of significant length with

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respect to your behaviour?

A. True.

Q. All right. Behaviour that you cannot fathom what he could possibly have had a problem with; right?

5 A. I knew Bob and Beth Smith before Grenville and I knew them after Grenville and I never had any problems with them.

10 Q. So, you're saying he just completely fabricated hearing from Bob and Beth Smith of your activities and your dishonesty and disobedience?

A. I would say he's probably taking the fact that I had a cigarette or something and he's blowing it way out of proportion.

15 Q. All right. And did -- did you have a cigarette while you were in -- in their presence?

A. Never on the campus, but I did smoke off campus.

Q. No, but did you lie to Bob and Beth Smith about smoking?

20 A. No.

Q. Okay.

A. I don't know.

25 Q. Because he says here "dishonest and disobedient" with respect to matters of Bob and Beth Smith have informed him.

A. Well, they never talked to me; they never talked to my parents.

Q. Were you aware that Charles Farnsworth knew Bob and Beth Smith?

30 A. I figured he did, because their son was at the college, was at the -- Grenville.

Q. Okay. And then you've already said that the

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5 second -- the highlighted portion of that second paragraph was true and that you admitted it to Farnsworth, that you had a girlfriend that you were having sex with, in Sweden, named Stephanie and you were also having sex with some other girl at the same time.

A. That's not true.

Q. Okay. That's what he wrote, so you're saying you don't agree with that?

10 A. I don't agree with that statement at all. I never lived with those girls.

Q. Okay.

A. And I -- and it was one girl at a time, and I was in another country.

15 Q. Okay. But when you were taken through this in-chief, sir, I thought you agreed that this -- you -- you confessed everything that you'd been doing in Sweden?

A. Yeah, but I didn't say I lived with the girls.

Q. Okay.

20 A. I lived with my parents at the Vandergrand Centre.

Q. All right. But the rest of it's correct; right?

A. Yeah.

25 Q. Okay. And in the second paragraph he's accusing you of joining boys in rebellion; right?

A. Yeah.

Q. All right. And were you together with a group of -- of others that were knowingly flouting the rules?

30 A. We weren't knowingly doing anything.

Q. Mm-hmm. So, he's just telling a pack of lies to your parents in this letter that he's carefully written; is

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that right?

A. What I see is that he's trying to drive a wedge between me and my parents, so he can bring pressure to bear.

5 Q. I see.

A. And what I see is that he is determined to break my spirit or my will and that's why he wants to bring pressure and he's trying to maneuver my parents out of the picture with this gross exaggeration, so I would be alone and have no support.

10 Q. Did they in fact call you, your parents at any point as -- as he's suggested that they do in the second last paragraph of this letter?

A. I know of no communication between the school and my parents, apart from their first meeting and maybe once when they came to visit me. I have no knowledge of any phone calls they might have had over discipline issues.

Q. I'm talking about phone calls from your parents to you in response to them getting this letter.

20 A. No, they didn't phone me.

Q. They never phoned you?

A. No.

Q. But were you aware -- aware of this letter before...

25 A. No.

Q. ...preparing for this trial? You weren't aware of it. And you're saying your parents never called you?

A. They never called me. They never had a discussion with me.

30 Q. Mm-hmm. You'd think if your parents got a letter with this serious sounding allegations as this, that are being made against you by Father Farnsworth, that they would at

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least pick up the phone and try to find out if it was true;
wouldn't they?

5 A. I think my parents trusted their knowledge of
me to believe what was right and not just be bulldozed by a
guy...

Q. All right.

A. ...who they knew was connected to the
Community of Jesus.

10 Q. But then again, they didn't call you to say
it's okay son we know you're a good boy...

A. I didn't know they got a letter.

Q. ...don't worry about this? No, but they
never called you one way or the other; right?

A. Nope.

15 Q. All right. Because you see in the third
paragraph it says, "I feel it would be very good if you could
call Dave and let him know that his stay here is being
jeopardized." You know that, because my friend read it out to
you in-chief.

20 A. They didn't call me, and -- and I was never
told...

Q. All right. So, you're never called....

A. ...that expulsion was -- was the next step.

25 Q. Yes, it certainly implies that if you don't
pull your socks up, you're going to get expelled; right?

A. That's correct.

Q. Yeah. That's how serious Father Farnsworth
thought your behaviour was. Do you think a letter like this
went out to every student?

30 A. I have no idea.

Q. Ever student's parents? You don't know?

A. I'm sure letters went out, because students

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actually ran away from the school.

Q. All right. And if you look at the last sentence of the third -- fourth paragraph, the last sentence on page 1. It says, "We also found that Dave had sold his
5 identification card to a 15 year old boy, so that boy could buy alcohol and be entertained at discothèques." Did you sell your I-D?

A. I did not sell my I-D...

Q. All right.

10 A. ...I loaned it to him.

Q. Where on earth would Father Farnsworth have got that idea that this guy bought it...

A. I don't know.

15 Q. ...from you or paid to use it? No clue? Is it something that maybe that boy told Father Farnsworth when he was confronted by all this?

A. I can't speculate on what Glen did.

Q. And did you in fact give a letter for your girlfriend to a prefect to send out?

20 A. I don't believe so, because I posted all the letters in the post box, except the letters to your parents which had to be handed into the prefects. You were required to write a letter once a week to your parents or guardians.

25 Q. And these work jobs that you were on, that was all in the second term of the -- of your second year there?

A. Work jobs was both a Saturday thing, Saturday morning activity by everybody and extra duties as punishments.

30 Q. Okay. But the -- I'm suggesting that the extra duties as punishment were experienced by you in the second semester.

A. Most -- most of it was in -- in grade 11, yes.

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Q. Okay. And your marks continued to remain high while you're in grade 11?

A. I got the highest marks in physics in grade 11.

5 Q. All right. And you continued to act in the school's musical production in grade 11?

A. Yes, I did.

Q. All right. And that was the Gondolier?

A. That was the Gondoliers, yes.

10 Q. And what was your role in the Gondolier?

A. The Gondolier, one of the chorus.

Q. Okay. And you continued to be involved in sports...

A. I ran track, yes.

15 Q. ...in your -- in your grade 11 year?

A. Yes, I did.

MR. BOGHOSIAN: All right. Thank you, those are my questions.

THE COURT: Any re-examination?

20 MS. LOMBARDI: No, Your Honour.

THE COURT: Thank you for coming, Mr. Shepherd. Should we take the afternoon break for ten minutes? I think we've communicated that to the construction crew as well.

25 MS. LOMBARDI: Okay.

THE COURT: Thank you.

R E C E S S

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

MS. LOMBARDI: Your Honour, unfortunately our.

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5 Witness is en route from Quebec, our next
witness, so they are not here today. We had
hoped perhaps to deal with the Tim Blacklock
affidavit and motions. Our friend has advised
he'd like another day to think about it and
advise us of their position tomorrow, so I'm
afraid we don't have anything else for this last
hour today.

10 THE COURT: So, the issue with....

MS. LOMBARDI: My friend is standing.

15 MR. ADAIR: Well, I'm sure I didn't mean to
interrupt my friend. I just wanted to let Ms.
Merritt note something and that is that we're not
going to object to the Blacklock affidavit and
all his examinations and cross-examinations going
in, when -- when they go in.

THE COURT: All right. So....

MR. ADAIR: Whenever....

20 MS. MERRITT: So, then I'm in Your Honour's
hands.

If it's on consent maybe a motion isn't needed,
and you can simply mark the affidavit and three
transcripts as exhibits. We'll have -- I think
we have those copies here now. I think we can
probably take -- do that right now.

25 THE COURT: All right. Well, let's do that. And
I take it the consent is to allow it to be filed,
because of his death as fulfilling the necessity
and reliability criteria?

30 MR. ADAIR: Exactly. The -- we have -- we are --
we're consenting to the Blacklock affidavit and
the two cross-examinations and one discovery all

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going in as evidence, subject to whatever weight
Your Honour wants to give them, which is the
usual caveat, if you will.

5 THE COURT: That makes sense. Thank you very
much.

MR. ADAIR: And that's because of course he's
deceased, so there's permission for that in the
Rules.

THE COURT: Thank you.

10 MR. MERRITT: So, the next exhibit then, Your
Honour will be the affidavit of Tim Blacklock,
sworn, October 13th, 2010.

THE COURT: Okay.

CLERK REGISTRAR: Exhibit 30.

15 THE COURT: Thirty.

EXHIBIT NUMBER 30: Affidavit of Tim Blacklock
dated October 13, 2010 - produced and marked

20 MS. MERRITT: The next exhibit, Your Honour will
be a transcript of the examination for discovery
of Timothy Blacklock, taken on October 7th, 2015.

CLERK REGISTRAR: Exhibit 31.

25 EXHIBIT NUMBER 31: Examination for discovery of
Tim Blacklock dated October 7, 2015 - produced
and marked

30 MS. MERRITT: The next one will be the
cross-examination on the affidavit of Tim
Blacklock, September 13th, 2011. And just so
Your Honour knows, I believe this

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cross-examination was on the affidavit that was sworn that we just marked as Exhibit 30.

THE COURT: Thank you.

CLERK REGISTRAR: That will be Exhibit 32, Your Honour.

EXHIBIT NUMBER 32: Cross-examination on affidavit of Tim Blacklock on September 13, 2011 - produced and marked

MS. MERRITT: The next one, Your Honour is a cross-examination in aid of a motion. Cross-examination of Timothy Blacklock on September 7, 2008. He didn't swear an affidavit on this motion in 2008, it was just again, in aid of the motion.

THE COURT: All right.

CLERK REGISTRAR: Exhibit 33.

THE COURT: Just wait. Thank you.

EXHIBIT NUMBER 33: Cross-examination in aid of the motion on September 7, 2008 - produced and marked

MS. MERRITT: So, you should then have one affidavit and three transcripts.

THE COURT: All right. So, that's all the business we can do for today. I will take this reading material. I will see you all tomorrow at 10 a.m. Thank you.

...MATTER ADJOURNED TO September 31, 2019

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(Mr. Boghosian)

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Form 2

CERTIFICATE OF TRANSCRIPTION (Subsection 5(2))
Evidence Act

10

I, Octavia Cumberbatch, certify that this document is a true and accurate transcript of the recording of Cavanaugh v. Haig, held at 330 University Avenue, Toronto, Ontario, taken from recording No.

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July 30

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