

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 -

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

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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 October 15,16,17, 2019, at TORONTO, Ontario

APPEARANCES:

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G. ADAIR	Counsel for the Defendants
D. BOGHOSIAN	Counsel for the Defendants
N. READ-ELLIS	Counsel for the Defendants

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

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Cavanaugh v Haig
October 15, 2019

TUESDAY, OCTOBER 15, 2019

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

THE COURT: Good morning.

MR. ADAIR: Your Honour, I'm not sure what your intentions are regarding when you intend to deliver a ruling on Friday's issue, I'm going to respectfully suggest that maybe we could do Mr. Creighton and then deal with it, because something has come up that may affect the ruling.

THE COURT: All right. That would make sense to me as well, so thank you.

MR. ADAIR: And I believe Mr. Creighton is there, how do you make the sound and get everything going? All right? Oh, okay.

THE COURT: Good morning, Mr. Creighton. Can you hear me?

ROBERT CREIGHTON: Good morning. Oh, good morning Judge, yes I can.

THE COURT: Okay, very good. Do we have -- is there anyone there with you who can swear an oath or affirm your evidence? Or, would you like us to do it from our end?

ROBERT CREIGHTON: There is no one here, so I am happy to hear it from your end.

THE COURT: All right. Madam registrar?

ROBERT CREIGHTON: SWORN

THE COURT: And, before we begin, I wonder -- you're in shadow, it's a bit difficult to see your face. Is there a way that you can either put some...

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(Mr. Adair)

ROBERT CREIGHTON: Yes, I think I'll turn the camera away from the window. How is that?

THE COURT: All right, yes. Your back way a little bit.

5 ROBERT CREIGHTON: I think you're still printing things that I'm supposed to have here but -- is that better?

10 THE COURT: Yes, that's better. Can everyone see and hear the witness? Yes. Thank you very much, Mr. Creighton. Please go ahead.

EXAMINATION IN-CHIEF BY MR. ADAIR:

Q. Thank you. Good morning, Mr. Creighton.

A. Good morning.

15 Q. Sir, I wonder if you would tell the court how old you are?

A. Fifty-one, since I'm under oath.

Q. And, you're a married man?

A. I am.

20 Q. And you have two children, I think?

A. I do.

Q. And you live with your wife and family in the New York City area?

25 A. Yes, I do. Just across the river in New Jersey.

Q. And I gather your career is that of theatre, actor and producer?

30 A. I'm primarily an actor, it involves some producing that comes along -- but yeah, I do, I produce one show. Yes, an actor primarily.

THE COURT: I'm just going to stop...

COURT REPORTER: Can you repeat it, because it

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[indiscernible].

THE COURT: You're having a hard time hearing the witness' evidence?

COURT REPORTER: Yes.

5 THE COURT: Is there an echo that you're getting?

COURT REPORTER: It's just that some of the words -- I'm not hearing all of the words. I'm hearing the beginning of the sentence and the middle fades out, and it improves at the end.

10 THE COURT: All right. Yes, I - I - I am also having a little bit of difficulty hearing.

THE WITNESS: Hearing me?

THE COURT: Yes. Hearing the...

THE WITNESS: Okay.

15 MR. ADAIR: Q. It may help if you could just slow down a little Mr. Creighton.

A. Okay.

THE COURT: Yeah, let's try that. Speak slowly and...

20 THE WITNESS: I can keep you up as well [indiscernible] does that help?

THE COURT: It's a bit better, lets try.

MR. ADAIR: Q. We'll try and....

A. [Indiscernible] a bit, or no?

25 THE COURT: I think if you speak slowly and - and a little bit more loudly, that we'll be able to pick up words. It's not an ideal mic, but I'm not sure...

THE WITNESS: Okay.

30 THE COURT: ...anyone can help with that. Oh, there's someone in the back who might be able to -- do you have an audiovisual person who can

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assist with sound?

MS. MERRITT: I can get an audio visual person.

THE COURT: Just - just if you could stand-by for a minute, Mr. Creighton, maybe counsel could speak to the audio visual person and....

MR. ADAIR: Hold on - hold on for a second, Mr. Creighton, we'll be right with you.

A. There's a headphone jack, I'm happy to take my own headphones and give that a try? Can I do that? Just give me one sec?

THE COURT: Sure. So, would we just increase the volume at our end -- is that....

MR. BOGHOSIAN: The volume is as loud as it will go on our end.

THE COURT: It's as loud as it will go. All right.

THE WITNESS: Does that help at all?

THE COURT: Is it better? Okay, yes. I am told it is better.

MR. ADAIR: Q. Okay, that's - that's great.

THE COURT: Go ahead, thank you.

THE WITNESS: So, I can hear you not in my headphones through here, but that's helping with the headphones on?

MR. ADAIR: Q. Yes, so lets...

A. Okay.

Q. ...lets continue on, okay?

A. Okay.

Q. Mr. Creighton I understand that you're currently appearing on Broadway as one of the leads in the play Frozen?

A. That's correct.

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Q. And, sir, tell me, I - I gather you went to Grenville for grades 11 to 13 from September 1984 to June 1987?

A. That's correct.

5 Q. And how did you wind up going to Grenville, sir?

A. Well, I'm the youngest of six kids and the youngest three in my family went to Grenville. The first was my sister Mary Beth, we lived -- I grew up in a small town called Walkerton, two northwest of Toronto, and my - my other siblings
10 went to public school, my sister Mary Beth was struggling in school, and I guess what my parents would describe as being in with, like, a rough crowd, and they were looking for alternatives and they found Grenville.

And, she did her grade 12 and grade 13 years
15 there, and when she went - grade 13 -- in the first year she went from being sort of a struggling student and became a prefect sometime during her first year, and just really thrived there, and my parents obviously amazed. And my sister was loving her school experience there. The following year my
20 second sister -- our - our teachers went out on strike in Walkerton, so my parents sent my second sister there for -- she ended up going for two years, grade 11 and 12, she came back after grade 12. And then there was a year -- I guess '83-84, where no - no one from my family was there. And then I spent
25 grade 9 and 10 in public school at my home school in my local town, had experienced Grenville, going there with my family, et-cetera, and it was very in my heart, and also into sports and things and I wanted to go there, and my parents agreed to send me there.

30 Q. Okay. And when you arrived, sir, in the first few weeks or month you were there or so, what, if any, impression did you form of Grenville?

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5 A. Well, it's not -- it's - it's totally
different than going to a public school. I mean I was dressed
in a uniform, which I never had done before, and you are
required to take care of your area, and, you know, there is
10 inspection in the morning, the cleaning, and, you know, there
was a lot of things [indiscernible] rule things. They had skits
at the beginning of the year, that they would do throughout the
year, later which I started participating to sort of demonstrate
the rules of the school. There was, you know, church services
15 that I had never experienced before, you know, like communion,
compline, and things like that. There was a lot to - a lot to
adjust to. And you're living with eight other guys in a dorm,
like a high-rise, you're living with eight other guys in the
bedroom, and you know there was a locker and a bed. It's hard
to know exactly what my impressions were but I can assume that
there was a lot -- you know, there was a lot to get used to.
But there was a lot, you know, for me there was a lot to be
involved in, I - I, you know, I was glad to be there.

20 Q. Okay. And can you tell me, if you described
the set-up in the dorm, I gather there'd be units of
approximately eight bunks or beds would there?

A. Yes...

Q. And...

25 A. ...there was four and four on either side and
with a lock on the side, I mean lockers were around the corner,
yeah.

Q. And how many of those units were there, do
you recall?

30 A. Well, there's an east and west dorm, I do not
know exactly how many of those sections there were on each side,
but I believe the entire top floor of the main building, I'm
going to guess at least four or five, could be four I would say.

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Q. Okay. And....

A. I don't remember.

5 Q. All right. And what about -- were both --
when you got there, were both sides boys only or was one side
boys and the other girls?

A. No, the boy's were in a whole separate
building.

10 Q. All right. And tell me something, did you --
when you got to Grenville did you have the opportunity to begin
to make friends?

A. Yes.

Q. And how did that process continue over the
years you were at Grenville?

15 A. Well, to this day, some of my best friends
came from my Grenville years. As I said, it's very different
from a public school situation, because you are eating together,
going to class together, study hall together, on teams together,
travelling for activities together, it's - it's a place where
bonds can form, I think in - in a - in my - my experience, my
20 bonds formed there and - and deeply lasted in a way because we
were having a shared experience. [Indiscernible], going to
school, you know, we were going through a very unique experience
at Grenville, and it was something that I think bonded us for a
fact.

25 Q. Okay.

A. So yes, I had lots of friends, I had lots of
friends at Grenville, I -- yeah that I am - that I am still
very, very close with.

30 Q. All right. And can you tell me what the
daily routine was for students at Grenville while you were
there, high school students?

A. Oh, lets see, it's a long time ago. Well, we

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were - we were up pretty early, when your section was inspected, you'd go right down to breakfast; so, your bed was properly made, and you were supposed to be put together, your uniform, you know, respectable, ironed if need be, et-cetera - et-cetera. 5 You were inspected before going down to breakfast. Some people got the chance to go right out and help with breakfast prep, or with other various work jobs around the school. We - we took turns doing that kind of thing, you'd go through a period where you'd have to get up extra early and - and go down and work the 10 breakfast team.

I played trumpet, so I was -- I think for most of my last two years in school I would get up, get ready and the then go down, and get my trumpet and go out and play for the flag raising. Pretty much every morning, unless there was some 15 weather that discluded (sic) it. But, I would go out and stand at the flag pole, and whoever was - wasn't doing some other job or activity before school started would come out and stand in a circle and I played O Canada and God Save the Queen to raise the flag, you know, then breakfast. I think sometimes there was 20 church services during the week after -- or, okay, chapel service or a talk after breakfast.

Classes, lunch, classes, and often times practices for sports teams, rehearsals, activities, clubs, dinner, study hall every night during the weekdays, so like 25 Monday to Thursday, and then there was compline sometimes, not every night I don't think, but you'd go down to the chaplain and there would be compline service, I don't think that happened every night, but it often likely happened. Yeah -- and then studying in later years, often times you'd to get permission to 30 stay up a little later studying, if I had a exam [indiscernible].

Q. Right. Are you still with us?

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(Mr. Adair)

A. I'm here, I can hear you.

Q. Okay, good.

A. It's hot in this room, do you mind if I take
off my jacket? [Indiscernible] it's literally 80 degrees in
5 this room.

Q. Her Honour says, "Yes."

A. Thank you.

Q. Mr. Creighton, tell me, in addition to
classes, you mentioned activities. What sort of activities were
10 generally available to students at Grenville?

A. Well, I mean for me that was really the big -
that was one of the big things that - and as I wrote back in my
[indiscernible] saying that I, you know, of course you're
grateful for your education -- your basic education, and, you
15 know, I've talked lots about that. But the activities for me
were really the reason I wanted to go there, and they included a
lot of participation things, band, choir, debating team, Gilbert
and Sullivan productions, theatre productions, as well as many
of, you know, the usual sporting things, I played on a lot of
20 sports teams, and living there allowed me to do both, which is
really one of the things I am very grateful for, that I could be
very involved in both of those pursuits, sports and arts, what
else? I'm thinking - there was a lot - there was a lot of
others in terms of activities, yes.

Q. And what sort of sports did you play?
25

A. I played soccer each of my years there,
badminton, I played a lot of sports, the only one I was never
good at and didn't participate in was track and field. I played
basketball. What else? For a while we had a ping pong team,
30 believe it or not. I coached and travelled to ping pong
tournaments. Badminton was a big part of it -- yeah, there was
a lot -- that was my -- sort of my favourite things to do

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besides being on stage.

5 Q. Okay. And aside from what I - what I might describe as regular activities, were there any special activities like going to a hockey game or baseball game or skiing?

10 A. Oh, we travelled - we travelled as a school all the time. We went one year, one - maybe more than once to the Stratford Festival, as a group we -- I remember going to a Toronto Blue Jays game as a group, I remember we often sang - the choir, a lot of the group sang national anthems at a game, in the Parliament Buildings, in the town square, we travelled a lot with the choir. We travelled to debating competitions.

Q. How about ski trips?

15 A. Ski trips, yes. We did -- we started ski trips - the second or first year I was there we -- I believe began the second year, really just my senior year. Yeah, we would take weekend trips - we'd sign up for weekend trips, there was a place in the states that we would go skiing.

20 Q. All right. And how were those trips out of town? Were they - were they on a bus generally?

A. Yeah, on a bus.

Q. And what was....

25 A. We were, you know, we travelled in uniform. I mean, when we arrived at games we were in our uniform. We had to wear what they called our number one dress, so we had to have a tie, I don't think we had to -- we didn't have to wear a uniform on ski trips, but we did when we went to things like Stratford Festival, or to games we always wore our uniform, we travelled on a bus. I would say one of the things that was, you know, that was an expressed rule of the school or an expectation
30 of the school was that when you're away from the school you represent Grenville, so you were - you were expected to be, you

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know, on your best behaviour, respectful, leave the place nicer than you found it, et-cetera.

5 The ski trip, I ought to know, I got a hell of an infraction on a ski trip with the ski patrol - which had nothing to do -- at the time it was, you know, we formed a parade thing sort of leading people out of the food court and the ski patrol class lectured us and warned us that if it happened again we would be kicked off, word of that got back to the school and we were, you know, required [indiscernible] we were on discipline 10 for a couple of days because we had -- we were not representing the school in a - in a positive way, and we were - and I was a student leader at the time, a prefect, and they, you know, wanted to set an example of how you should behave on trips.

15 Q. Sure. And tell me, what was the -- generally speaking, when you'd go on these trips, whether to see a Blue Jays game or skiing or whatever, what - what was the mood on the bus?

A. Well, I would say that's one of the things -- when I - when I look back on my time at Grenville, things like 20 travelling with the sports team, or travelling with the choir, or travelling to the Stratford Festival, those were definitely bonding times, you know, we used to sign, like, Fight Song on the bus on the way to a game, we're all in our number one dress -- I'm mean, it's just -- people reacted to that differently, I 25 personally loved that, like that -- we were known, or we always talked amongst ourselves that we were a much smaller school than for example a lot of the schools we competed against, and it always felt like a bit of a -- we were proud of the fact that there was a bit of a David and Goliath situation, like we -- 30 there was a real school pride. I would say for me, there was a real school pride when I travelled like that with teams, with the choir, doing things at the Royal York in Toronto, or the

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Parliament buildings really, those are the things that I would miss -- you don't get that when that experience ends, for me.

5 Q. Right. These activities, who would supervise them? Whether they were sports teams or - or ski trips, or whatever?

A. Yeah well, if it was a sports team then I think just the coach and coaches, I can't remember any other.

Q. Were the coaches from outside the school or part of the --

10 A. No, they were teachers who were coaches.

Q. I see.

A. If they were all coaching a game, and there were many in the choir, often times we had staff members who sang in the choir. So, there was the Director of the choir, and then there would be other staff members involved in that, usually because they were singing with the choir.

15 Q. All right. Tell me, if you can, what - what was the staff's general approach towards students participation and effort, whether in school or - or in the course of supervised activities?

A. Well, I think the expectation that I felt was that if you were going to sign up for something, or try-out for something, and participate, then you should do the best that you can possibly do in that activity. That was - that was something that in general, I would say, that's one of the things I'm most grateful for about my time at Grenville, in terms of clearly being expected to do, you know, to perform at a top level, to succeed at everything, and I [indiscernible] throughout the course of my life, and in my pursuits here in New York, but yeah you were definitely expected to - to be present, be focused, to give it your all, that kind of thing.

30 Q. Okay.

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A. There's no question about that, that was not
- that was not equivocal.

5 Q. Okay. And - and was excellence, for example
if a individual student or a team won something, whether a
debating competition or a basketball tournament, what do you say
as to whether excellence was celebrated?

10 A. It certainly was. If we came back from a
game that we won it would be announced, they'd get up and
announce it after breakfast the next morning or after dinner
they would say we're [indiscernible] in my opinion there was a
real pride about that, as I said the David and Goliath thing,
especially what I was partly saying before [indiscernible] we
really felt like because we were a school of 300 or thereabouts,
and going up against schools who were, you know, had 2000
15 students -- and, you know, soccer I can remember winning against
all of the schools one year and it was -- certainly for us it
was a big deal, I don't know if anybody else cared. But I think
they, you know, it felt pretty good, if you can call it that.
And - and often times we had to stand up and, you know, they'd
20 announce if you're on the team stand up and everyone would clap
and on you'd go. Yeah, that's definitely one of the things I
missed after I left school, that sort of comradery, team stuff,
for sure.

25 Q. Mr. Creighton, obviously we - we've heard a
lot about discipline in this case, at Grenville. Can you tell -
tell us, give us an overview, of what the rule were, how they
were -- how they were made known, and the process of enforcement
of those rules? Let's start with what the rules were.

A. Okay.

30 Q. The important ones, as you saw them.

A. Yeah. Well, I think - I think -- there was,
the first one I felt was with respect. I think that if I - I

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5 don't even know if you want to hear my experiences on as they
called it, discipline, because I have a few, but I would say
that that level of respect for staff and for people around you
and, you know, just generally respect was the expectation, as it
- as it would be. I don't know how to describe that as a rule,
it was an expectation. Rule? We were meant to be fully social,
and they wanted you to be friends with everybody, and not have
any exclusive relationship, that was a rule. You were not - you
were not supposed to, you know, have an exclusive boyfriend
10 girlfriend type of relationship, that was known and - and, I
mean, you know, everyone, including myself, tried to get around
it, but that was definitely something that was known as a rule.

Q. Smoking?

15 A. Yeah, there was no smoking allowed, no
smoking allowed, if weren't supposed to bring in, you know, at
the time it would be a Walkman, you know, and - and - like, rock
music, and they - they definitely frowned on that. I'm trying
to think, sorry. I mean we couldn't wear jeans, you know, we
had to wear causal dress on the weekends, we couldn't wear
20 jeans. I'm trying to think of some of the other rules.

Q. All right.

25 A. I mean there was an expectation -- I can tell
you how I violated those things, and what happened. I mean, if
that's what you want to -- I - I definitely, you know, while I'm
-- as I - as I said earlier, I'm extremely grateful for my
experience at Grenville, and I definitely, you know, you get to
know the lay of the land, and if chose to violate that, you
know, there were - there were punishment involved. For example,
we were studying for an exam -- oh wow, look at that, the ski
30 trip, I'm sorry, I'm glad you brought that up. On the ski trip
we got in trouble with the ski patrol, I remember specifically
being told -- called in the office with I think it was Garth

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Gillis and Bob Bales, and one other, I think Dave Webb, and our
[indiscernible]...

5

THE COURT: What - what was the first name,
sorry, Mr. Creighton, that you said?

THE WITNESS: Sorry.

THE COURT: You said three names, you said Bob
Bales, but someone before that, what was the
first name?

10

THE WITNESS: Garth Gillis.

THE COURT: Gillis?

THE WITNESS: Garth Gillis, yeah.

THE COURT: Stork? What?

THE WITNESS: Garth, G-A-R-T-H, Garth.

15

THE COURT: Thank you, Garth.

THE WITNESS: And Dave Webb, and we got in
trouble with ski patrol, got back and we were
called [indiscernible] and - and they weren't
even that upset about it, but they said you guys
were leaders, and if we're going to be doing
trips we have to set an example, so you're going
to be -- again it was two days, a day or two days
of discipline. Which for me meant you weren't in
your -- you weren't in uniform, you weren't --
you were - you were doing various jobs around the
school, in my case they put us on an ice picking
escapade, we would do all the sidewalks, there
was a storm.

20

25

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And - and while I was on those two days of
discipline, I wrote a note to a girl that I was
very fond of, and that was brought to light and I
was told well on top of two of discipline that I

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5 was, you know, a leader in the school, and trying
to circumvent things and write this note, would
be, you know, going against what I knew or what
was the code there or whatever. The -- I was put
on a couple of extra days of -- in front -- I
don't even remember what I was doing work wise,
but they ended up cutting that short and I
remember people coming to talk to me while I was
doing that saying, "How you doing?" and -- but
10 that was my thing, the discipline, that and a
kitchen raid, in grade 12 three other guys, we
went down at two in the morning and made
ourselves a meal while the [indiscernible] was
around and got caught in the act. But...

15 MR. ADAIR: Q. What happened as a result of the
kitchen raid?

A. As a result of the kitchen raid? Well, it
was definitely -- Bill Bales came in, saw, and he said, "What
are you guys doing?" And we said, "We were, you know, studying,
20 we got hungry, we came and got food." He said, "You know you
shouldn't be doing that, go back to bed." The next day we were
at breakfast.

Someone came to me and said, "Step out in the
hallway." We Went out in the hallway, the four of us, and then
25 we were called to the front, and Father Farnsworth stood up and
said, you know, he said, "We were taking food out of the kitchen
last night without permission, you're leaders here, you know
that's not right." [indiscernible] I was half in my student
leader pin, and he said as a result though we couldn't go back
30 in the dining room, you know, for a number of days, like you
know, four or five days, whatever, which again got knocked down
in being that long, but -- so I was forced to sit back there,

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5 and at first we were having too much fun back there, and so they came and said you need to be quiet, please, no talking. So we did that. And the rest of our day, we weren't out of uniform or anything, we went about our day, we were functioning, but we had to eat meals back there and remain quiet.

Q. Were you going to class during that -- those four days?

A. Yes.

Q. Okay.

10 A. Yeah. And then, actually, what -- interesting things I guess, I remembered a bunch of things last night while I was sleeping, I'd say one of the -- we didn't do the one thing that came out of that - that became a thing henceforth after that, since Farnsworth came and asked us why, you know, what were you thinking guys, that was, you know, you shouldn't be going down there at two in the morning stealing - stealing food [indiscernible], and we said we were hungry, we were up studying [indiscernible], and they started snack after that. So every night at study hall they would roll out fruit
15 and cookies and stuff, and that remained the whole time I was there after that, in my - my senior year and the next year. So that's when that started, because we snuck down and made ourselves a meal.

Q. Okay. And tell me, you briefly mentioned
25 speaking while you were on discipline. Is there any rule about silence when you're on discipline?

A. Yeah, in general -- I mean it varied, I
guess, just -- I think varied, but I -- there were -- when I went on the [indiscernible] after the few days of the ski trip
30 and the note thing, yeah, I wasn't talking -- I was talking to the prefect who was, you know, studying with me, I was, like, I was in study hall studying indefinitely, and with Luke Rehime

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(ph) my prefect, and -- but I wasn't - I wasn't -- I believe I was on -- I wasn't supposed to talk to other students during that time, I believe it was the silent treatment at that time.

5 Q. All right. And did you -- was there something called "Hotel D" when you were there?

A. I don't know what that is.

Q. A separate room where if you were on discipline you had to sleep alone?

10 A. I - I'm not familiar with Hotel D, I never -- and I never had to sleep alone.

Q. Okay. And tell me, the practice of discipline, like for example if a student broke the rules and was put on discipline, generally speaking, how long would it last for?

15 A. Well, I think that year when I did two plus four days, I remember feeling like I had set a record that year at six days. I don't really remember. I mean I was -- I'm trying to think if I had another experience, so I was speaking of that and the kitchen raid, I - I - I don't really remember
20 how long, I -- it wasn't -- I think it was a day, you know, a day, two days, three days, four days, like that, in my recollection.

Q. Okay. Can you give us an....

A. [Indiscernible].

25 Q. Sorry. Go ahead.

A. No, I'm done.

Q. All right. Can you give us any sense of how often students would be put on discipline, whether per semester or week, or month or year, whatever?

30 A. I - I don't know if I can remember that accurately, I mean it wasn't -- there wasn't someone on discipline all the time, there were, you know, certainly you

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felt bad because there were some people who were on discipline more than others, I mean I was on discipline and I remember feeling like this is insane, I remember saying to a staff member who was very [indiscernible] having to do it, I said,

5 "Listen..." and I remember saying it's ridiculous. Like, putting me on discipline, you know, I had a conversation saying "The punishment does not fit the crime here," I wrote a note. And at the time in the note I was very frustrated at the time, for sure. But I remember coming out the other end of it and, 10 you know, and - and moving on from that, and I felt like when it was over it was over, you know, there was no lingering sort of feeling, you know, the fact I thought that it was ridiculous initially.

15 Q. All right. And - and eventually did -- were you able to get your student leader pin back?

A. Yes. I was - I was a student leader, not a student leader, and eventually leader again. I was a prefect, and then not a prefect, and then a prefect again. I lost both of those things in each year for, you know, various reasons.

20 Q. All right.

A. The ski trip one, yeah, and - and the kitchen raid.

Q. Okay.

25 A. Interestingly, I was thankful for the kitchen raid I -- but I -- there were other things that I did there that were responded to in sort of -- for example we had a big contest coming, a chocolate bar or something, there was a 10 pound chocolate bar on the mantle, and I removed it one night after study hall and sent a ransom note that I left up on the mantle 30 the next morning, and ransomed it back to the staff for cookies for the entire student body. Everybody took that well, and you know, it was a prank that -- we had two of them along the way,

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we replaced the board director's picture with our own
photographs on one April Fool's morning, and you know, there
were certain things that were done that - that you sort of
walked the edge with but was responded to and everybody, you
5 know, it just added to the experience. It....

Q. All right. Mr. Creighton, did - did you
ever, with -- to the best of your knowledge sir, when you were
at Grenville was paddling any part of the discipline regime?

10 A. I can say that I was never paddled, and I
never knew of anyone getting paddled.

Q. Okay. And did you ever see any punishment or
discipline imposed that you regarded as in any way abusive or
excessive?

15 A. Well, I have to say I never felt abused
there. I certainly felt it was at times, you know, for - for
things that's like -- from my own experience, it's like as I
said -- like, it felt excessive to put me on four days of
discipline for -- but at the end I understood that I was a
20 leader there, and they were trying to set an example. I
certainly remember having -- I have a lot of very close friend
who happened to be -- who had -- were - were children of staff
members and - and were actually sent up there from
[indiscernible] some of my friends were from there, and although
those guys didn't really -- but it was people in that sort of
25 pool that I felt that at times their -- they were held to a
higher standard than people who weren't connected to the staff.
And I did -- I do remember feeling like man, is there -- they
put them on discipline for various attitude things or whatever
seemed excessive to me.

30 Q. Okay. And tell me, when you were a prefect,
what were the duties of a prefect? The essential duties?

A. Well, I think in my senior year when I was a

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5 prefect they started me here being in charge of the east wing
dorm, so I was the one who was shutting off the lights and that,
making sure everybody was in bed, I was the one who turned on
the lights in the morning, making sure everybody was getting up
and doing their thing, I was at times inspecting people's
sections after breakfast, you know, we were -- if we were on a
-- if it was the weekend and people were horsing around in a -
in a way that was, you know, causing a disruption or something,
we might say, "Hey, try to do that". You had the authority to
10 say, you know, "Cut it out," you were prefect. So, we can say
that.

Especially speaking with [indiscernible] we were
at a banquet for things like that, you, you know, get an upper
respect thing, you might - you might tell them to smarten up
15 because, you know, treat people more respectfully or something
like that, you know, you were just sort of trying -- you were
meant to lead by example, I think, that was always my impression
of it. And they set a tone for the whole school.

Q. And....

20 A. There were times -- although, I will say
there were times, for example, when I was on discipline, there
was another prefect who would [indiscernible] who would be with
me, escort me through -- if I can remember, you know, I don't
know exactly -- but what I can remember, sitting in a classroom
25 studying with another prefect, one of my peers, but that was in
civilian clothes, I wasn't in my uniform, and, you know, it
wasn't - it wasn't dire, we were chatting away, and I was
telling her I was definitely meant to be separate and do my
studies away from study hall, on my own, like, in classroom I
30 was with - with another prefect.

Q. Okay....

A. Oddly enough, I don't ever remember doing

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that myself. Like being someone who -- like doing the same thing, but I do remember that another prefect was there.

5 Q. Mr. Creighton, I want to deal with a practice that some people have referred to as light sessions, and by that I'm referring to a situation where a - a student would be called out before part or all of the student body and - and castigated or given a dressing down or - or a lecture, however you want to put it, and what I want to ask you is did you witness such things happen at Grenville?

10 A. Yes. There were assemblies where there would be a talk about attitude or about something and people would be stood up and - and you know, if they needed to shape up in that area. I would say it happened to me, yeah.

15 Q. And how often would those types of situations occur, you know, this public calling out of individuals at Grenville?

20 A. You know, it's hard to say. It wasn't a -- it certainly wasn't a daily or weekly practice, but it's definitely something that happened, and definitely something I remember, because when you're in the middle of it, you remember something like that. I don't -- it would be hard to say how often that happened.

Q. All right.

A. I mean I don't remember it happening often.

25 Q. You don't. And, what - what was your reaction, seeing that happen to others?

30 A. That's a good question, what was my -- I'm trying to think back, what was my - what was my reaction? I think that they probably varied. I think that, you know, we knew what the expectation of life at Grenville was, and you know, the excellence, the respect, and all those things, I -- it's hard to say physically how I felt about that, I would - I

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would think that sometimes I would likely feel, you know, maybe -- not sorry for the person is the wrong word, but like "Oh, that's got to be rough," you know, that kind of reaction, if I was a teenager, you know, "That's got to be rough." And then I also think that - then I also think that there were times where it probably was -- I probably felt like good, "That guy needs it a little, you know, we'd probably think it would be good, he's disrupting everybody's experience here," you know, like we're -- I - I imagine there was a bit of both of that.

10 Q. Okay. Let me change the topic then. Did you -- have you -- have any observation to offer us as the apparent attitude of staff towards female students or just students?

A. Well, I have two sisters who went there before me and...

15 MS. MERRITT: Your Honour, hear say?

THE WITNESS: ...they would both tell you what....

MS. MERRITT: Oh.

THE WITNESS: [Indiscernible].

20 THE COURT: If I can ask you to stop. One of the lawyers has risen to I think make an objection?

MS. LOMBARDI: I think he can testify toward his sister's experience is what I'm....

MS. MERRITT: And told him.

25 MS. LOMBARDI: ...and told him, this is clearly hear say.

THE COURT: Hold on, one second.

MR. ADAIR: Oh, I agree. I'll...

30 Q. Mr. Creighton, you - you cannot tell us what others, including your sisters, have told you. So....

A. Okay.

Q. ...based on your own observations, sir, did

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you observe any attitudes or actions on the part of staff towards female students as a whole, that you considered untoward or inappropriate?

5 A. Untoward or inappropriate meaning like in a -
in a sexual way?

Q. Not necessarily. For instance, let me be specific, did you ever hear any staff member call a female student a slut, or a whore, or a jezebel?

10 A. No, I never heard those words used in front
of me.

Q. Okay.

15 A. I do - I do know that -- I do think I
remember being like, you know, there were - there were Deans of
Men and Deans of Women, and the Dean of Men were - were -- you
20 know, when we had just the guys Deans, they made us do
push-ups -- they were - they were, you know, sometimes they had
stuff to say to the guys that were forceful, you know, and I -
and I know that -- I would say that the Dean of Women were very
strong women who were I think being forceful with the women.
That would be my experience, I've never, you know, like they're,
you know, they're tough ladies.

25 Q. All right. Now, let me ask you a couple of
general questions, if I can, Mr. Creighton? First of all, can
you describe generally what the atmosphere was like at
Grenville?

30 A. Well, generally the atmosphere was, you know
we just talked -- you know, we talked about being stood up and
spoken to, but I mean there were certainly moments that I would
call intensity, like that, all along the way. But I would think
the general atmosphere, when I look back on my school
experience, was one of real comradery, deep bonds with my
friends from there, you know, the family night or even going to

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5 a staff member's home. You were all mixed up in various groups
and - and do activities and play games, go our for ice cream,
watch movies, things that -- I mean that was sort of how the
weekend started with family night, you know. We had -- we were
10 expected -- oh, a fair amount of job as a prefect, sometimes I
was a table head, so instead of staff being at the head of the
table I was - I was, being a prefect would be at the head of the
table, it was always, you know, a lot of fun at meal times. We
had a lot of music, art, things going on all the time, various
15 holidays -- I was in a barbershop quartet and we would go around
and serenade people, valentines day we would send people other
people's poems, and we had poems to sell in the dining room, and
we'd do what we could in the spirit.

I mean there was a lot of -- my experience in
15 trying to know the general feel there was pretty great, that's
why I - I, can confidently say I'm very grateful I had the
experience to go to school there. It's not denying how someone
else might have felt while being there, dealing with the rules
or the expectations, you know, on top of having someone else's
20 experience, but when you ask me my feelings and the general
atmosphere there, it was - it was pretty great. I mean my
parents, you know, were paying a lot of money for an enhanced
experience, and if you ask me as an adult now, I guess we had an
enhanced experience, like being able to travel with the school
25 and doing really cool things. We had lectures with amazing
people who would come from Ottawa and do, like, a class of art
and we would all go in the chapel and play while our theatre or
theatre ambassadors [indiscernible], a lot of extras that made
it a pretty wonderful place to be, coupled with you definitely
30 [indiscernible] intensity, you know, feeling like, "Oh my gosh,
I'm in trouble for something that's ridiculous." You know,
those sorts of things, I mean you had that along the way, but

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the friendships that came out of it, and the atmosphere for me, is one that I feel really grateful I had that in my life.

Q. All right, will you bear with me for one moment Mr. Creighton, may I have your indulgence?

5 THE COURT: Yes, yes.

MR. ADAIR: Thank you, Mr. Creighton. Those are all the questions I have, and my friend may have some questions for you. Is there something you wanted to add?

10 A. Well, the one thing I wanted to add about the atmosphere was, is I would say to you is that I went back there afterwards, as I was involved in alumni and, you know, just as I was saying, you know, I think the atmosphere too, and my parents have said it, you talked to staff there and teachers there, who were not just teachers, they were called to be there, and I think that's what set the tone for the school. They were - as an adult I can look back and say I would have felt like they were wanting the best for me, you know, and that sort of set the tone for me, what -- besides the friendships and the bonds with my peers, it's what really set the tone for me.

15 MR. ADAIR: All right, than you Mr. Creighton. My friend may have some questions for you -- or will have.

20 THE COURT: Do - do you need a break Mr. Creighton, or are you okay to -- normally we take our break at about 11:30?

THE WITNESS: I'm fine, thank you.

THE COURT: All right. Cross-examination?

30 CROSS-EXAMINATION BY MS. LOMBARDI:

Q. You told us Mr. Creighton, that you attended Grenville between 1984 and '87, but your connection with

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Grenville extends both before and long after that time period,
correct?

A. Correct.

5 Q. You mentioned two of your siblings attending
a few years before you in the early 80s?

A. Yes.

Q. Yes.

A. Mary Beth and Debby Lou.

10 Q. Right. And during their attendance at the
school, while you weren't a student, you attended the school for
services and special events, is that right?

A. Yes.

15 Q. In fact you were listed to being a
participant at a Harvest Festival in 1980? Do you remember the
Harvest Festival?

A. Not at all. But I'm - I'm sure that's true.

Q. Yeah, there's - there's a document that I can
show you just real quick.

A. I saw - I saw already, yeah.

20 Q. So you have that in front of you? I'm going
to give a copy to my friend here.

A. Yes.

Q. And you see your name here, you're noted as
Bob; do you go by Bob?

25 A. I don't anymore. Bobby or Robert.

Q. Bobby or Robert, okay. But this is you
though, Bob Creighton on this list?

A. That's me, yeah -- whatever Grenville's Bob,
for sure.

30 MS. LOMBARDI: I'd like to mark this as the next
exhibit.

CLERK REGISTRAR: That will be Exhibit 54.

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THE COURT: 54.

EXHIBIT NUMBER 54: Harvest Festival - produced
and marked.

5

THE WITNESS: Debbie Lou was my sister, and
Suzanne was a cousin who was living with me.

MS. LOMBARDI: Q. Suzanne was a cousin that was
living with you, and Debbie Lou is another sister, is that what
you said?

10

A. Correct.

Q. Yes. So then....

A. Other than [indiscernible] I have no
recollection of that.

15

Q. Okay. Thank you. And your parents were
financial supporters of Grenville during your sister's time and
your own time, is that right?

A. Other than tuition, I have no idea what my
parents -- how my parents supported Grenville.

20

Q. Okay. I -- you should have a document in
front of you titled 1986-'87 yearbook?

A. Just give me a sec, sorry.

Q. Actually sorry, it's 1985-'86. It would be a
black photocopied page of....

25

A. Yes, I see it.

Q. Yeah. And so, it's the cover page of the
yearbook, and then if we turn over the only other page copied
there shows "Parent patrons" in the right-hand column, and the
parents are broken up between gold, silver and bronze patrons.

30

Do you see that?

A. Yes, I do.

Q. And you see Dr. and Mrs. R.J. Creighton under

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the gold patrons list?

A. Yes.

Q. And those are your parents, yes?

A. Yes.

5 Q. Yes. So you don't have any reason to - to think that they weren't patrons and donors like they're listed here in the yearbook?

A. No, I'm - I'm glad to see their names there.

10 Q. Okay. And then there's another photocopy of a yearbook -- oh, sorry, can you mark that as the next exhibit?

CLERK REGISTRAR: Exhibit 55.

EXHIBIT NUMBER 55: GCC Yearbook 1985-86 -
produced and marked.

15

MS. LOMBARDI: Q. There's another yearbook, '84-'85, do you....

A. I see it and I'm getting it.

20 Q. And - and if we turn, once again they're listed as a gold patron, yeah? On the second page, if we can mark this as the next exhibit?

CLERK REGISTRAR: Exhibit 56.

EXHIBIT NUMBER 56: GCC Yearbook 1984-85 -
produced and marked.

25

MS. LOMBARDI: Q. And they even continued to contribute beyond your years at Grenville, isn't that right?

A. I have no idea.

30 Q. One of your sister's, she tragically died in a car accident, is that right?

A. Correct.

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Q. In 1990 or so?

A. September of 1990, yes.

Q. Yes. And after that time between 1990-'91 they established a scholarship at Grenville, is that right, in her honour?

A. I had forgotten about that, although I saw in your documents someone sent me, so I noted that again.

Q. Yeah, so let's just grab that document. There's actually two documents to look at. One, I'd just like to look at, it's - it's got the - the - the date June 16, 1998?

A. Yes, I see it.

Q. And it seems to be some - some speaker notes or something like that? I don't need this to be an exhibit, but I just want to draw your attention to the last page of that?

A. The last page?

Q. Yeah, the very last page, it's page 15, it says, "Awards" dash page 15 at the top. And then in that first paragraph it says here, it talks about your sister Mary Beth:

Mary Beth Creighton was a much loved student at Grenville Christian College from 1979 to 1981. Mary Beth lost her life in a tragic automobile accident, her many friends and family have contributed to a memorial scholarship fund.

And then someone's invited to hand out that fund. And so this is in 1998, and it's noted that this is the seventh time that the fund was created. So - so your parents continued to contribute to Grenville long - long after you left,

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is that right?

A. That definitely would indicate that.

Q. Okay. And the second document is a chart.

5 A. I don't know for that student scholarship -
like in terms of Grenville, I mean it was clearly given to a
student coming out of Grenville, but not going direct to
Grenville.

Q. Well, it's called -- well - well, let's just
get it right then.

10 A. It's presented to a student.

Q. It's Mary Beth Creighton Memorial
Scholarship.

A. Correct.

15 Q. That's what it's called. So it's an annual
scholarship that's funded by your parents, and possibly some
others, is that right?

20 A. Yes, but it's not going to be going to
Grenville, they're giving it to a student coming out of
Grenville. You're saying they're donating to Grenville after -
after I left -- and I'm just clarifying, I'm not arguing with
you, they obviously gave money to fund the scholarship, but it's
not going to Grenville, it's going to a student coming out of
the school.

25 Q. It's going to a student so that they can
attend the school, to pay their tuition, right?

A. No. This is given to a student - it's give
at graduation. So, not it's given to go to the school...

Q. Right.

30 A. ...it is given as an award at graduation.
Not that it matters, I mean, I'm glad they gave the thing, but
what you're saying, it's not correct to say that we're donating
the money to Grenville, they set up a scholarship to give to

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students exiting Grenville, which I think is a lovely thing to do.

5 Q. Okay. Well, I can't really tell what that is, but in any event they were giving money to flow through Grenville and to a Grenville student, for many, many years?

A. Right.

Q. Right. Okay. Well, we'll...

A. I think we can agree on that.

10 Q. Okay, perfect. Do you have any idea how much they contributed to that?

A. No idea.

Q. How big that scholarship was? Do you know?

A. Not I don't.

15 Q. You mentioned having a friend, David Webb, I think he was one of your ski patrol friends...

A. Uh-huh.

Q. ...at Grenville? He - he has said that he believes that the contribution was substantial. Do you agree with that?

20 A. With what?

Q. The amount of money that your parents donated to fund the scholarship?

25 A. Dave's lying -- Dave [indiscernible] would have no idea what my parents gave financially, certainly if I don't know he didn't know.

Q. Okay.

A. I mean I think it was, but I have no idea to know.

30 Q. So just turning to - to your continued relationship with Grenville, after your graduation, immediately after in fact, you went on the road with Grenville to the Community of Jesus to perform a Mikado production, is that

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right?

5 A. No, that's not correct. I returned to the school in the spring of -- when did I graduate? '87? So, in the spring of '88 I came back to the school to produce the play Toko, I could play [indiscernible] in Mikado because they claimed they didn't have a tenor for the lead role, and they invited me back to play the role, and so I lived there for a few weeks, but it never had anything to do with the Community of Jesus.

Q. Oh, okay.

10

A. I was only at Grenville.

Q. So, you said they claimed they didn't have a tenor to do the role, so you - you were told that you were replacing the student that was given the role?

A. No.

15

Q. No.

A. That's not what I said. They didn't have someone who could fit to do the role, so they invited me back to play the role, they wanted to do a show and they invited me back as a guest to play one of the roles.

20

Q. Was it common for former students to come and perform in these Gilbert and Sullivan productions?

A. Well, I think that would be me.

25

Q. Was there ever anyone other than students, and I guess yourself in this one instance, that performed in these Gilbert and Sullivan productions, staff for example?

A. Sorry, staff, yes. Staff was in the production almost every year, yes. There were various staff members in performing and the production.

30

Q. You mentioned that staff also performed in the choir -- were they - were they in a student's uniform with the rest of you or did they stand out as being staff in that choir?

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A. I - I don't know the answer to that. I - I don't think I can remember that, to be honest with you.

5 Q. And the other choirs that you competed with, to your memory, did they also have teachers in their choir, or staff I should say?

A. We didn't really compete, we went to perform mostly at functions like in the Parliament, [indiscernible], various hotel ballrooms, Christmas concerts in town, I don't - I don't remember competitions.

10 Q. You didn't do Kiwanis festivals or music festivals or things like that where you competed against other schools?

A. Well, I don't remember me being - I don't remember me being at the Kiwanis Festival while I was there with the choir, I do not remember doing that. The most memory I have of choir is being in church on Sunday, of course anyone from the community sang in the choir there, like the community of the school, not the community -- and we travelled anywhere performing elsewhere, but I don't remember competing -- I don't have a distinct memory of a competition I have about the other events we got to attend [indiscernible].

20 Q. Okay. After you came back, I guess in the spring of '88 then, to do this three week performance with the students, your affiliation with the school didn't stop there. In or about 2000 you were appointed as the Alumni Association President, is that right?

A. Yes.

25 Q. And that's the Grenville Christian College Alumni Association, it goes by the acronym GCCAA, is that right?

30 A. Yes.

Q. And because of your role as president for the GCCAA, you were also a board member of Grenville Christian

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College, is that right?

A. I was a board member for a short period of time, but I don't know if I came as -- I can't remember if that was because of my role as the Alumni President, or -- I can't
5 [indiscernible] I don't remember how that came about to be honest, they really wanted former students on the board [indiscernible].

Q. How long were you on the board of Grenville Christian College as a board member, one of the board of
10 directors? You said "a short time," do you know how long that was?

A. No, I actually don't.

Q. So, I'll show you some documents, and maybe that will refresh your memory a little bit? Sorry for the
15 delay, I can't seem to find what I am looking for here. I'll have to come back to that, I believe that there's something that shows that you were appointed for the first time in and around the early 2000's, does that correspond at all with your recollection?

A. Yes, that's probably true, I [indiscernible]
20 in 2000. I've seen notes here from -- just [indiscernible] looking for them, I see notes from September 17, 2005, I see a Board of Directors Meeting, September 23, 2006, and I have one for GCCAA 2004, so I mean, I was looking at this, yes I was on
25 the board, I often didn't attend meetings because I was down here in New York, and you know, when you're coming up on your own, and the time, et-cetera, and I would -- I wanted to, you know, do whatever I could to help the community at the time, but I - I think I left the board, basically, just because I couldn't
30 attend meetings and whatnot.

Q. You've attended by phone most of the time though, is that right? Would you call in?

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A. Did I? I honestly don't really remember.

Q. Okay.

5 A. I know I was there a couple of times -- I remember feeling like, you know, something new for me. I wanted to contribute anything I could.

Q. So when did you resign from the board of directors?

A. When did I resign?

Q. Mm-hmm?

10 A. I have no idea.

Q. Were you - were you on the board of directors right up until the end when Grenville closed?

A. No.

15 Q. Was it years before Grenville closed? Weeks before they closed? Do you recall?

A. What was the date of Grenville's closing?

Q. In and around 2007?

20 A. I'm sorry, you know, I don't remember when I did that. I'm sure there's something that shows you, you know, in the minutes somewhere.

Q. Can you please turn up Exhibit 2, which is the Joint Exhibit Book, Volume 2?

A. What does that look like? I don't have anything marked Exhibit 2.

25 Q. Do you have a -- I don't even know how to show you, a big bound book that -- does he have the Joint Exhibit Book in front of him, yes?

A. Now, there's books on the table, I don't know if those are -- oh, yeah, there you go.

30 Q. It should be Joint Exhibit Book, Volume 2.

A. [Indiscernible].

Q. And it's Tab....

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A. Joint Exhibit Book, Volume 2, yes I have it.

Q. Yes. Tab number 118.

A. Thanks. Okay.

5 Q. This was the document I was trying to find
earlier. It's a Board of Directors vote dated February 7, 2002,
of "The Resolution." If you look at the first listing of names
on that page, you'll see you are the second one, after David
Beattie, it says Robert Creighton. So you were elected to the
Board of Directors at least by 2002?

10 A. Correct.

Q. So early on in the 2000's, so we have that.
But now we need to figure out when you left the board?

A. Okay.

15 Q. So I think you were sent a set of Grenville
Christian College Board of Director's meeting minutes, dated
Saturday September 17, 2005?

A. Yes.

20 Q. Yeah? And so if we flip to -- 4 pages in,
the next page after the table of contents, the pages are sort of
numbered for me here.

A. Yes?

25 Q. Your name is listed as being a board member,
although it's listed under regrets, so you weren't able to
attend this meeting, but you were still on the board in 2005.
Does that correspond...

A. Correct.

Q. ...with your recollection?

A. Sorry, what's the question? I don't mean to
[indiscernible].

30 Q. So the - the question is, I note here, that
-- well, at the April 29, 2005 meeting, you weren't able to
attend, you're listed as having sent your regrets, page 2 if you

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look at the numbers at the bottom of the documents, in the centre bottom, page 2, "Minutes of the previous meeting, April 29, 2005." Do you see your name there under "regrets?"

5 A. Yeah, I see regrets by my name, is that what that says?

Q. Yeah, that says regrets, and then colon, Robert Creighton. In - in board minutes, when someone sends their regrets it means that they did not attend that meeting?

A. Yes.

10 Q. Okay. But you are still listed, if we go back to the very front cover of this document, it's dated Saturday September 17th, 2005, and you're still a board member as of September 2005.

A. Okay.

15 Q. Does that correspond with your memory of being on the board at least between 2002 and 2005?

A. I -- this isn't jogging my memory, I really don't have a memory of what the - the timing was, again, I'll -- I accept that I was there, you know, still part of the board on Saturday September 17th, 2005.

Q. Okay, thank you.

25 THE COURT: Can I just ask a question? Only because page 1 of the agenda has a note in hand writing that says "resigned Bill Frank, Robert Gordon." I don't know if that has anything to do with this line of questioning, but I thought I'd just....

MS. LOMBARDI: I see that as reading regrets, Your Honour.

30 THE COURT: At page 1, on the agenda in hand writing?

MS. LOMBARDI: The hand writing beside -- I see

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regret? I see a TS at the end in that hand writing.

THE COURT: Are we looking at the same thing at the top?

5 MS. LOMBARDI: Oh, no we're not.

THE COURT: In my copy, the second page, under the cover page, I have a much thicker document.

10 MS. LOMBARDI: Oh, I see here, yes. "Resigned Bill Frank, Robert, Gordon." I see. So, perhaps you resigned at the September meeting then, of 2005? Thank you, Your Honour.

THE COURT: I don't know, I just thought you might want to ask the witness rather than waiting until the end since you're already on topic?

15 MS. LOMBARDI: Yeah, that - that's fair.

Q. So - so, go back to the - the cover, turn over onto the very next page, it says it's the "Agenda of the September 17th, 2005." And there is a hand written note, "Resigned" and then the names "Bill, Frank, Robert and Gordon."
20 Did you resign in or about 2005?

A. I can help you with one [indiscernible] if you'd like?

Q. Sure.

25 A. I just happened to flip over on one of your other [indiscernible] documents here. It a letter from me on September 11th, 2006, and it does - it says, "I am writing to you both as a former member of the Grenville Christian College Board of Directors, and as a current President of the Executive Board of GCC [indiscernible]." So that was -- I was definitely
30 not on the board by September 11th, 2006.

Q. Okay, well that's helpful, thank you.

A. Yes, so I don't know when I resigned.

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MR. ADAIR: Actually, just to clarify, if there's -- on the list which is on the third or fourth page, there's another Robert Long noted as resigning.

5 THE COURT: Ah.

MS. LOMBARDI: Mm-hmm.

MR. ADAIR: So, it may not have been Mr. Creighton. I must say I have no idea what the relevance of any of this is?

10 THE COURT: Thank you for pointing that out, and I presume counsel will make it clear?

MS. LOMBARDI: Yes, I - I will get there. I -- in terms of my questioning now it was simply to show that Mr. Creighton has had a longstanding relationship at Grenville, even beyond his years as a student. But I'll have some more specific questions about his membership of the board.

15 THE COURT: Are you making this an exhibit?

MS. LOMBARDI: Yes, please, Your Honour. If I could make that the next exhibit?

20 CLERK REGISTRAR: Exhibit 57.

THE COURT: Fifty-seven? Thank you.

25 EXHIBIT NUMBER 57: GCC Board of Directors Meeting - produced and marked.

MS. LOMBARDI: Q. And as part of your membership, on the Board of Directors, you also had an honorary membership or some kind of status with the - with the Community of the Good Shepherd. Is that - is that right?

30 A. I have no recollection of that.

Q. Okay. So, I'll just show you a couple of

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more documents. It's a grouping, it's called "Community Census
for Election Purposes, October 15, 2002." There's another
"Community Census, September 22, 2003." And then, "Voting
Members of the Community of Good Shepherd, dated November 27,
5 2005." They're singles....

A. Yes, I see my name on that.

Q. Yeah.

A. On September 22nd, 2003, "Honorary Member of
the Board of Directors."

10 Q. Right, that's right. And on all those three
documents, you are listed as being a member of the Board of
Directors, and therefore it seems an honorary member of - of the
Community of the Good Shepherd. So, what can you tell us about
your role or experience with the community at Grenville?

15 A. I don't know what you mean by so -- do you
mean -- I don't know what you mean by community of Grenville?

Q. The - the community of the Good Shepherd?
That was essentially compromised of pretty much all the staff?
Oh, I seem to have lost you?

20 A. Yes, I can hear you but I cannot see you.

THE COURT: I think we're reconnecting.

THE WITNESS: But I can answer your question. I
had no -- that had no bearing on me whatsoever.
I mean I returned to the school because, as I
25 stated in my earlier answers, I was very grateful
for the - the education and the nurturing that I
received from Grenville.

MS. LOMBARDI: Q. Mr. Creighton, if I could ask
you to stop because we can't - we can't see you. We just want
30 to resolve this technical glitch here.

A. Okay, here we are. So, as I was saying....

Q. And then my question to you, sir, was not

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about how grateful you were for your experience as a student, but your - your relationship as a board member to the Community of the Good Shepherd, I just want to understand what this honorary membership role was?

5 A. Sure. So, like I was saying, there -- that honorary membership had no bearing on anything other than they welcomed both of us to serving on the board at the school. I had no -- I didn't even know -- to be honest, I didn't even know I was an honorary member of the -- I think that just meant that
10 the people serving on the board, like local businessmen, to which former students, or whoever you were, means - means we're, you know, welcomed at the school because we were there, serving on the board with them impacted me -- I had no knowledge or that had no bearing on me whatsoever, that I was an honorary member
15 of the board.

 Q. You've never attended any of the Community of Good Shepherd meetings then?

 A. I'm - I'm not familiar with what the community of the good shepherd, what a meeting would be, I don't
20 know what that is, so no, the answer is no I would not.

 Q. Okay.

 A. I mean I went back to the school because that's where the board meetings were held.

 Q. Mm-hmm.

25 A. I - I thought that nature of your question was why, you know, what my relationship was with the school, and that's why I started expressing the reason I, you know....

 Q. No, it was just a specific question to the Community of the Good Shepherd. We still appear to be having a
30 few little technical issues, and we're really close to our morning break.

 THE COURT: Can you - can you not see? I can see

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the witness.

MS. LOMBARDI: He -- oh, he froze on me. Okay,
we'll keep going then. I was going to turn....

5

THE COURT: How - how long do you think you will
be, just in terms of timing for the next....

MS. LOMBARDI: Oh, I'm going to be quite some
time yet.

10

THE COURT: You need still more time, okay. All
right, so we'll go to the morning break and then
we'll take our break?

MS. LOMBARDI: Sure, yeah.

THE COURT: Yeah.

MS. LOMBARDI: Q. Okay, so let's - let's turn to
your time...

15

THE COURT: Oh, we lost him again. Can you still
hear us, Mr. Creighton?

THE WITNESS: I can hear you.

20

THE COURT: All right. We are going to try to
re-establish video, it looks like it's
re-connecting. Maybe it makes sense to take our
break now, see if it can be sorted.

MS. LOMBARDI: Sure.

25

THE COURT: And we don't keep dropping the
connections. So let's take that 20 minute
morning break.

MS. LOMBARDI: Thank you.

R E C E S S

30

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

MS. LOMBARDI: Q. So, I'd like to turn to the

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topic or the subject of you being a student at Grenville now,
just - just for a little while.

A. Sorry, just before we get started, I
apologize, I find you a little - a little quiet now.

5 Q. Oh, okay. I will try to project. Can you
hear me better now?

A. Yes.

10 Q. Okay. So I just want to start talking about
your time as a student at Grenville. You - you mentioned that
there were lots of rules at Grenville, and lots was expected of
students, correct?

A. Yes.

15 Q. And it wasn't an easy place to go to at
times, is that also correct? It wasn't an easy place to go to
school at times, would you agree?

A. What I indicated I think in my affidavit too,
it was intense at times, yes.

20 Q. I think in your affidavit, if you want to
turn to it, paragraph 18, let's get you there.

A. Yeah.

Q. I think you say, "Grenville was not at times
an easy place to go to school." So you made that statement
under oath, yes?

A. Yes.

25 Q. Yes. So it wasn't an easy place to go to
school at times, correct?

MR. ADAIR: At times.

THE WITNESS: Yes.

30 MS. LOMBARDI: Q. Yes. And you also say, and
you give a further explanation of that by defining it as
intense, an intense place to go to school. Correct?

A. Yes.

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Q. You said this morning with my friend, that they had very high expectations of the students, and there was an expectation of perfection, is that fair to say?

A. No, that's not fair to say.

5 Q. Okay. Do you remember being cross-examined in 2011?

A. Yes.

Q. Yeah. Do you have that transcript in front of you?

10 A. Yes.

Q. Can you turn to page 65?

A. Okay.

MR. ADAIR: Page 5-5?

MS. LOMBARDI: Sixty-five.

15 MR. ADAIR: Six-five.

A. I'm there.

MS. LOMBARDI: Q. Okay. And I think it's at line - line 16 into 25. I'm on page 65, over to 66 as well. So let's just start on page 65. So, you were talking about this idea of intensity, answer at line 65, you said:

20

ANSWER: What was intense about it when we, you know, the choir, our pool of - our pool of students was when I was there was maybe 300, maybe, I'm guessing, but we competed with schools that had 1200 students, and often competed well. And our choir was respected all over the place for being -- and they -- you were expected to be when

25

30

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you sang to concentrate and be
perfect and do you very, very
best all the time, and that can
feel intense as a - as a
5 teenager.

Did - did you give that answer at that
cross-examination?

10 A. Yes. So, if it's only the choir, did you ask
me were you expected to be perfect in the form like do your very
best and try and sing perfectly, yes, the answer is yes.

Q. Okay. So perfection....

A. If you asked me -- you didn't mention the
choir in the question then I'm sorry [indiscernible].

15 Q. Okay. So at least with respect with
participating in the Grenville choir, perfection was the aim,
correct?

A. The singing choir, yes.

20 Q. And, we also reviewed that answer and noted
that you spoke about the choir competing. Does that refresh
your memory now, that the choir was a competitive choir?

A. No, that's two different thoughts there. The
school -- the students there was maybe 300, maybe I'm guessing,
but we competed with schools that had 1200 students often
25 competing well. I think I was still referring in the middle of
that to other sources of competition. If we competed as a
choir, I - I - like, if you can show me that they competed as a
choir, not that I'm not going to dispute it, I just don't
remember doing competitions with the choir.

30 Q. I'm just asking you about the answer you gave
here, answer, again, line 16, you said....

MR. ADAIR: What page?

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MS. LOMBARDI: Page 65.

Q. You said, "What was intense about it when we, you know, the choir, our pool of - our pool of students was..." And you - you go on. So, you are specifically talking about the choir, but today you don't have a recollection of competing. Is that what you're saying?

A. Yeah, normally, yes. I mean, if we competed as a choir, great, I'm not arguing that, I just don't -- my memories of the choir specifically -- more specifically are of events and things.

Q. Okay. That - that's fine.

A. I'm not arguing that we competed, if we did I just don't remember.

Q. And - and if you did compete, you competed with staff members in your choir. I think that's what you said before, staff sang in the choir?

A. Well, I don't remember competing as a choir, and if we competed and there were staff members, great. I have no recollection of that, I know that we sang at events, national anthems and [indiscernible] and Christmas things, I do believe there were most often choir -- staff involved in the choir, yes.

Q. So, thank you. There were also high behavioural expectations of students, right?

A. Yes.

Q. Generally at Grenville?

A. Yes.

Q. Where excellence was required, it went beyond the choir?

A. Yes, there -- I think that was a - a hallmark and theme of what we knew is you were expected to be your best, to do your very best, and be, you know, be the best you could be, yes.

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Q. And that behavioural expectation contributed to the intensity of the experience, at least at times, is that fair?

A. Yes, that's fair.

5 Q. And there was a code of conduct at Grenville, consisting of both written and unwritten rules, I think you - you describe the unwritten rules as expectations earlier? That there were written rules, and then there were expectations. That was all part of the Grenville code of conduct? Is that
10 fair?

A. I would say that's fair, yes. We - we knew what was -- I mean that fell under, as I said, respect everyone, you know, do your best and all those things that lead to work expectation, yes. Do your best, behaviourally and in the things
15 you were involved in.

Q. And, so, how were those -- and you sort of touched on it with my friend earlier, but how were those expectations, in particular, communicated to the students? How did you know what was expected of your behaviour as a - as a
20 student at Grenville. You gave an example of I guess yourself getting in trouble and being offside with rules, and - and being made an example of. So is it fair to say that students were made examples for the benefit of other students in terms of learning the right behaviours and the wrong behaviours?

25 A. If I could understand your first question. The way it was communicated, rules were communicated or expectations were communicated. There were -- it was a Christian school. So as I said, there were often -- after breakfast we would -- Father Farnsworth or someone else would
30 get up and give a talk. Or early on in the year he did -- he gave a reference on very specifically -- going kids that went on to show certain things, funny - you know, funny ways of laying

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5 out the rules, et-cetera, or expectations of behaviour. Even,
there were -- we would have -- as I said in class, just for male
meetings where being a student was taught about how, you know,
things coming from a public school -- a public school setting,
things that you had to learn there, like standing up when a
teacher came in the room or someone came in the room; standing
up when someone came to a -- when a - when a female came to the
table you would stand up, or when they left the table, you know,
manner things, etiquette things, the way of doing things at
10 Grenville. It's hard to say exactly how all of that was
communicated, but certainly either in the home, or what the kids
were talking about, the talks, there were certain sermons
because it was a Christian school, and a certain way of being
taught after church sort of, and some other things about
15 expectations and behaviour, et-cetera.

Q. Okay. Thank you. Let's just dive into some
of these for a second here. So with respect to these skits,
you've mentioned them a couple of times now, do you recall --
were there ever any skits performed for the students that had to
20 do with -- say, before you're going home to your family on a -
on a long weekend holiday, or Christmas, about how you should be
communicating to your parents? Something to the effect of, you
know, "Don't go home and complain, your parents don't want to
hear you -- a bunch of complaints," anything like that?

25 A. No.

Q. No - no skits about that?

A. No, that was never - never communicated to
me, ever.

Q. What were the skits about?

30 A. School rules, going in the kitchen this way,
coming out that way, how to serve a table properly, wow --
funny, in preparation for this I was thinking one funny thing

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that came in my head included mister [indiscernible] about various cleaning, he'd always do skits, and then the [indiscernible] and the garbage, and then like Paul or each other trying to leave a place better than he found it, and he found it, the school and outside. Things like that, I don't think they were high level -- they weren't there to be -- you know, they were high level messages of anger, it was a more fun way to tell the operations of the school or give little messages like the one I just described.

Q. Okay. And you said that there were some meetings just for the boys at the school, and when you were talking to my friend I think you described it as being -- they were forceful, I think, was the word you used. Can we talk a little bit about those meetings with the - the Dean of Men, I guess, and how it was -- they were forceful with the boys in terms of the messages?

A. Well, that's not a -- I would say some of them were probably -- it's hard to remember a specific thing from -- I guess what I mean by that, to be clear, is they would, you know, a qualified coach, there was inspiration to be had in that, there was at times reprimanding to be had if they felt like you've given them a level of attitude. You know, it's hard -- it's hard to remember specifically, but I - I know for sure we had meetings where it was just the guys, talks about respecting women, respecting, you know, stuff you would talk between guys about. And I'm saying -- I don't mean forceful in terms of -- I don't know what I mean, like you know, they were inspiring us, so yes, it was - it was about [indiscernible].

Q. What were some of the thing you were taught in regards to respecting women at these sessions?

A. I mean, it's hard to say specifically at these sessions what we were taught, I came away from Grenville

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5 personally with starting at the very first rung of that ladder just in terms of manners and etiquette and how - how to, you know, we might say now in the old fashioned way, how to hold yourself in the setting of a woman. But those are the things I am glad I -- I mean I grew up with four sisters, so I already had a lot of that [indiscernible] so it wasn't new news to me, but I know that was a [indiscernible] at Grenville in terms of how treating - treating -- how male students treat females.

10 Q. So, beyond those etiquette points, like standing when a woman came in the room or something, you don't recall any thing else that was taught to you with respect to how to respect women?

15 A. I'm trying - I'm trying to remember. I mean I think I came away with a general sense of that, it's hard to remember if there were -- I'm trying to remember specific lessons, per say.

20 Q. I only ask because you said at these male sessions there would be topics about respecting women. So I thought maybe that you would have remembered one, but you don't remember one?

A. Again, I remember the general sense of - of that. Yes, but I don't remember - I don't remember the - sorry, I don't really remember the specific message.

25 Q. Okay. Okay. Enforcement of - of the rules and the behavioural expectations at Grenville, could be extremely strict at times, and inappropriately so. Do you agree?

30 A. I would say in my case there were times where I felt like it was overly strict, or [indiscernible] that I commit, yes.

Q. Inappropriate?

A. Well, as I said at the time I thought yes, it

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was -- the punishment didn't fit the crime, necessarily. I definitely had that -- I remember having that feeling [indiscernible].

5 Q. And so what about the punishment not fitting the crime? Can you - can you just describe that a little more for us? What do you mean by that?

A. Sure. I mean, well I'm just speaking of my own personal experience, so I had -- I understood the [indiscernible] our discipline when we got in trouble on the ski
10 trip, I totally understood that, I was the leader of the school, children were going down the lift, and when he indicated to us that they were going to be doing a ski trip earlier on, you are expected when you are away from Grenville to conduct yourself in a way that represents the school, and if you, you know, violate
15 [indiscernible], you know, you were having trouble away from school, they'll be harsher than they had to, because they wanted to, you know, put a message out about the rules.

And so, that time we -- I remember when Father Farnsworth or whoever, you know, I don't remember specifically,
20 but whoever told us [indiscernible] it's not - it's not a huge deal, but we need to set an example for the rest of the people going on these trips, and so we're going to put you on discipline. And I - I felt [indiscernible] the leader of the school, I understood that, that that was there. And I'm -- and
25 understandable. While I was on that discipline, I - I actually wrote a note to a - a girl that I had been trying to spend extra time with, and - and the contents of the letter as I recall was actually positive saying, "Hey, we'll see each other in the summer."

30 You know, or after the school year, and try and -- because I wanted to be a leader at the school, you know, I wanted to grow in that way, and -- but I also wanted to, out of

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5 respect, I wanted her like -- anyway, I think one of her friends
[indiscernible]. And then it was said to me that you're -- I'm
- I'm -- the answer to your question is that I was put on
several more days of discipline for sort of being deceitful and
going behind their back and writing this note, when the leader
of the school should be setting an example for the class.

10 And that one was the one where I felt like,
"Really? I went out and the content of the note was positive,
yes, I [indiscernible]." That one was, when I was told, very
hard to take because I was -- I felt it was too much. However,
I will tell you that throughout the course of those two days
when I missed my -- I can remember physically -- I can - I can
remember a very specific conversation, having at the time with
Ms. Stewart [indiscernible] and sat with me and talked about
15 life at Grenville, and you know, talk to me like I definitely
felt she wanted me to learn from this experience, and I feel
like I did [indiscernible], I have -- I can understand that
[indiscernible] but I can tell you that as a student, yes, I
felt it was excessive for writing a note to a girl.

20 Q. You said you had no resentment afterwards,
didn't you say in 2011 at your cross-examination that to this
day or to that day, 2011, you still thought that the punishment
wasn't appropriate?

25 A. Correct. As I'm just saying to you I
thought, and still think, that four days was -- is too much for
writing a note. The second part of that which still is true is
I hold no resentment for that, and in fact came out of the other
side having felt very cared for when -- like as people going
through on discipline. And again, I do not hold any resentment
30 for that.

Q. Right. And....

A. Those statements are both true.

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5 Q. Okay. Isn't it true also, Mr. Creighton, that the initial discipline they wanted to impose on you for that love letter or note letter, whatever it was to that girl, they wanted to suspend you, isn't that right? And you thought that that was outrageous, your parents were called?

10 A. Yes, that did happen once. I think that was when we were sitting in the office and they wanted to suspend me for it, and I did say that's ridiculous and that that was a correct finding when I was a senior I [indiscernible] and they ended up having a conversation with my parents, and I -- they agreed that I would [indiscernible] discipline or internal [indiscernible].

15 Q. Right. But you thought that even that internal discipline was -- didn't fit the crime, was still a bit much?

A. Yes, as I just said - as I just said, I did at the time, yes.

20 Q. And you certainly would have thought the suspension was outrageous?

A. Yes, and I expressed that wholeheartedly.

Q. Right. With respect, you mention you also got in trouble for - for not showing leadership on the ski hill on that trip. Did the ski patrol kick you off the hill?

25 A. No, we -- the young man warned us, but did not kick us off the hill, no.

Q. So how bad was your behaviour then, on that hill?

30 A. The kids were, you know, reckless, we were all good skiers though, so we thought we were in total control, and we were definitely scaring people as we - as we raced through them down the hill. So, yeah I don't know - I don't know about your question, but I mean we didn't - we didn't burn

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anything down, we were acting reckless on the hill, we got warned and that was it.

Q. So who told about the warning, if it wasn't the ski patrol that notified the school of your behaviour?

5 A. I don't remember exactly -- I don't think -- I think we were joking about it when we got back, and a staff member -- I don't know if I remember exactly who told, it might have been [indiscernible] like we were -- we were not -- it wasn't a big secret that -- we didn't think it was a big
10 violation.

Q. You didn't think it was a big violation?

A. No, I mean we were probably 17 or 18 years old and, you know, not the point at the time.

Q. But you got two days of discipline, chipping
15 ice and doing some other things for that behaviour imposed by Grenville, right?

A. Yes, when we got back, that is true, yes.

Q. And you didn't attend class when you were doing those things, correct?

20 A. I don't - I don't remember. I mean, the one member -- the one memory I have of it is working from the chapel a long sidewalk across the lawn with my friend Garth [indiscernible] and not having a -- actually great old time while we were doing it, that's what I remember. We weren't
25 being supervised, we were just [indiscernible].

Q. But you were out of uniform?

A. Yeah, we were -- yeah, we were in civilian clothes.

Q. Right. And you were supposed to be silent
30 while you were doing these chores, right?

A. I don't - I don't remember whether we were supposed to or - or not. I mean I can remember that we weren't.

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I don't think that at school at the time when they -- like if you're - if you're talking about this specific incident, I don't think they were -- they might have not advanced, "Hey this is a -- well, not -- it's not a huge deal but we need to set an example for a the rest of the people on this trip that we comport themselves a certain way on a trip. And I understand -- I understood that. I wasn't -- I didn't feel [indiscernible].

Q. I'm not asking you about your feelings, Mr. Creighton, I'm asking about the features of that discipline.

A. Sure.

Q. So, you were supposed to be silent because generally when kids are put on discipline, they were supposed to not engage with the rest of the student body, is that correct?

A. That's correct, yes.

Q. Okay, thank you.

A. Sure.

Q. So, given your example of the note writing to the girl and - and what you said to my friends earlier, you said there was no exclusive relationships permitted at Grenville, that was actually an explicit rule at Grenville, correct?

A. Yes, I don't know if it was a written rule or unspoken, but that was definitely the - the expectation, yes.

Q. And the expectation was, you said, they wanted you to be social and not be exclusionary, that's how you described it, right?

A. Yes, friends with everybody, yep.

Q. That would apply to friendships between the sexes as well then, correct?

A. Between male and female?

Q. Yes.

A. Well, I think that was what it was referring - referring to, yes.

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Q. But between males and males, that applied to them as well? No exclusive relationships where you are excluding others from your circle of friends?

5 A. Sorry, no -- well my understanding of the rule was that you weren't supposed to have a girlfriend. I had extremely close male friends, and I, you know, did, you know, as you did in high school, I had male friends that I would spend, you know, more time with than others, you know, and no one had a problem with that, yeah so.

10 Q. You also mentioned that you're still -- some of them are still your best friends today, is that right?

A. My very close friends, yes, they went to Grenville, yeah.

Q. Who are they?

15 A. Dave Webb, he was a male friend before we went, and he's a very close friend. Don Chase, he lives in New York, very close friend. I mean there's several, Christian [indiscernible], he lives in New York City, Mark [indiscernible] he lives in Ottawa, all still very close [indiscernible]. I
20 mean there's more, but Mark and Dave are two of my closest friends.

Q. Let's talk a little bit more about some of the other discipline that you were subjected to. You mentioned, I guess raiding the kitchen after a late-night study session
25 because you were hungry, and the next day stood up in front of the whole school, was it Father Farnsworth that had a few choice words for your fellas? Pointed out that you had been stealing from the kitchen? Called you....

A. Yes, I believe it was, yes.

30 Q. Did he call you gluttons?

A. I have no recollection of what he called us. I remember having my student leader pin taken away, that's what

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I remember about that.

Q. And - and you said you had to eat at the back of the dining room. Did you have to eat standing up?

A. Yes.

5 Q. For how many days?

A. I don't recall exactly how many days, I have a feeling it was said to be -- it might have been four, it might have been five, it might have been less.

10 Q. And did you have to stand for each of the three meals a day, everyday, for those four days?

A. I want to say yes, but I can't -- I honestly don't remember a hundred percent. I think, yes.

Q. And in that instance I think you told us you were reminded to be quiet during that discipline, correct?

15 A. Yeah, we spent two days of that -- sort of having fun back there, and then were set -- we were told to not - not talk while we were eating, like, we could still have lunch in there.

20 Q. Right. And - and you didn't talk about it with my friends this morning, but you also got into a bit of trouble for kissing a girl, isn't that right?

A. I think so, yes.

25 Q. And if you turn up paragraph 10 of your affidavit, I think - I think it lists it there. So you say that it was exposed that you had been kissing a girl at the back of the chapel. How was it exposed, do you remember?

A. Paragraph 10, sorry what page is it on?

Q. Oh, I don't know. Paragraph 10.

30 A. Oh, I'm in the wrong book, I'm sorry. My affidavit, paragraph 10.

Q. Page four.

A. Thank you. I don't - I don't remember how it

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came to light.

Q. Do you remember how you were approached about this violation?

5 A. This one doesn't really -- I mean I remember -- I remember [indiscernible] but I don't remember it being that -- I don't remember that event clearly.

Q. Do you remember who reprimanded you for it?

A. I do not.

Q. Do you remember what they said?

10 A. No, this one -- nope, I remember the ski trip one, I remember the - the kitchen raid one, honestly, I don't remember - I don't remember the time [indiscernible].

Q. But in any event you state here that you were - you were disciplined for it, and - and put on the pot scrubbing duty in the kitchen. Do you recollect that?

15 A. Yes, I believe that was -- is the very poor job for various infractions blend together but I think that one was a - was pot duty situation, yes.

Q. Okay. So just jumping - jumping back to that note that you wrote that girl, while you were completing your ski trip discipline, do you know how that note was exposed to the staff, that you had written the note?

20 A. I think there -- my recollection of that was that another student was kind of talking to the Dean of Women about the person who I was close to, and said accidentally something about they can write letters if they want to -- or something, like it came out accidentally, this is the story that I heard, and they never - they never - had the note, they just came and asked me if I had written, you know, a letter to her, 25 and I said yes I had. And, and the -- and back to your point, why I felt it was acceptable, I tried to explain why -- what was 30 the content of the note, and you actually would have been okay

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with it if you read it, but that never -- I don't think that happened, it didn't matter what -- the point that was made to me was that I was being deceitful, as a leader, you know, sneaking that to her, et-cetera, so....

5 Q. But you didn't know one way or the other if they'd actually read the note, right?

A. I no -- I had no way, I remember that, no.

Q. Right. And there was an honour code at Grenville, correct? Are you familiar with the honour code?

10 A. Yeah, yes.

Q. What was the honour code?

A. I think the honour code was just that you were meant to, you know, follow the rules, as a prefect if someone else wasn't following the rules you were meant to tell them to, you know, follow the rules.

15 Q. And - and beyond that, were you also required as a student or a prefect, if the student still wasn't following your rules after you told them to follow the rules, to report them to staff?

20 A. I don't remember ever reporting -- I think that did happen, yes. I think that did happen. But I don't remember personally ever being involved in a reporting situation, that wasn't a big part of -- that wasn't a big part of it.

25 Q. You don't remember doing that personally?

A. No, I don't.

Q. But you just described an incident where essentially another female student exposed your letter writing to another female student, so presumably that's what happened there?

30 A. No, no [indiscernible] staff member, yeah, by saying - by saying they can write letters if they want to, I

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mean that's how I have told the story for years, and that's what I recall. So....

Q. But you weren't there for that conversation, right?

5 A. No.

Q. No. So you don't actually know for certain whether it was purposefully told or inadvertently, isn't that right?

10 THE COURT: Isn't the source...

THE WITNESS: Yeah, that's correct.

THE COURT: Sorry, Mr. Creighton?

THE WITNESS: That was correct, I would say it was inadvertent...

15 THE COURT: Mr. Creighton?

THE WITNESS: ...but you're correct...

THE COURT: Mr. Creighton?

THE WITNESS: ...I was not in the conversation.

20 THE COURT: I'm just going to stop you, it's probably already out, but either answer is going to be a hear say answer, isn't it? It's going to be what he's told about how it came to light?

MS. LOMBARDI: Q. I guess that maybe the question then, for Mr. Creighton, would be were you there for the conversation?

25 THE COURT: Sounds like he's not.

A. No.

MS. LOMBARDI: Q. And he was not.

THE COURT: All right.

MS. LOMBARDI: Q. So, that's fine, thank you.

30 THE COURT: I think that's as far as it goes.

MS. LOMBARDI: Q. I'll move on. You spoke a little bit about the role of being a prefect and a student

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leader, and that that was even maybe the reason for some of your
- your punishment that you received, was because you were meant
to set an example.

A. Yes, I would say that is true.

5 Q. You were stripped of both your student leader
pin and then your prefect pin, and then you - you said you
earned them both back eventually. Is that right?

A. Correct.

10 Q. But being stripped of those pins, they were
both -- that was both the leader pin and the prefect pin were
stripped from you in a public setting, correct? In front of the
whole student body?

15 A. The leader pin was for sure, I don't believe
the prefect pin was. I don't believe that was a public
situation.

Q. Okay. But let's talk about the leader pin
then, that one was. And that was brutal, wasn't it? To be
stripped of your pin in front of everybody like that?

20 A. Well, I know -- you're using words in my
[indiscernible]. Yeah, it was - it was hard at the time, yes,
for sure.

Q. It was, but you've described it as being
brutal. Is that - is that correct?

25 A. Well, if you want to ask me my definition of
brutal I will tell you, but I guess I did describe -- yeah, it
was brutal at the time, it was hard - it was hard to take.

Q. And you - you said to my friend earlier this
morning, that you don't recall personally being subjected to any
-- to the paddle.

30 A. No.

Q. And you said you didn't know anyone that did,
but you had heard about the paddle, right?

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A. I don't remember anything about the paddle, literally.

Q. You were aware though, of a group of male students who were required to get up early before breakfast sometimes and run, is that correct?

A. Yes, I do remember that.

Q. And they were up early enough I guess to get this running in before being ready for school in the usual - in the usual course?

A. That's my recollection of that, yes.

Q. And you would know who the kids on discipline around Grenville were, because they weren't in class, correct?

A. I think that's true, I mean we would know because they were not in their uniform basically.

Q. And they weren't -- at least they weren't supposed to be socializing with other students, that's fair, right?

A. Yes, that's correct, yeah.

Q. And sometimes they didn't eat with the rest of the students? They were somewhere other than the dining room, is that right?

A. I think that could be true, the guest dining room, I think they would have people on D in there, if I remember, but yeah -- I mean yes. That's the recollection [indiscernible] for sure.

Q. Okay, thank you. You mentioned something to my friend earlier this morning about staff kids sort of being held to a tougher standard and you kind of felt bad for them sometimes. I just want to clarify though, there were no special rules to your knowledge just for the staff kids, we're talking about them breaking the same rules that applied to you and the other students, right?

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5 A. I don't - I don't know if -- I wouldn't be able to know if they had different rules. But in my observation as a teenager it felt like the -- their -- the expectations on them were at times harder than what we were exposed to, yes. I definitely remember it being that way.

Q. One of the - the fellas in your - in your ski team, when you guys were reprimanded by the ski patrol, was Andy Chase, right?

A. Yes.

10 Q. And he's a Community of Jesus kid, is that right?

A. I can't remember if he was in the ski thing, but he was definitely in the kitchen raid.

Q. Oh, he was in the kitchen raid, I apologize.

15 A. Yeah, I don't think he was part of the ski group.

Q. Did he get special discipline, over and above what the rest of you got for the kitchen raid then?

A. Not in that instance, I don't believe.

20 Q. No, okay.

A. I have no recollection of him getting extra.

Q. But they would make examples of the staff kids so the regular students would sort of get in line and - and understand what was expected of them, is that - is that fair?

25 A. I don't know if their discipline were -- I don't know the motivation for their discipline, whether it was meant to set an example or not, I can't speak to that.

30 Q. But did you take it as an example that you learned from? Watching these other kids on discipline, I guess whether they're staff or otherwise?

A. Oh, I think that dressing kids in civilian clothes, not in their uniform, yes, they were -- we were meant

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to know who was on discipline, that was - that was more than anything [indiscipline] yes. I don't think that the staff kids, like, you had earlier asked me, and I totally agree with, I did feel - feel for some of the staff kids and the community kids who were sent up there, that they were put upon, you know, a little harder on them at times than others. But I don't think that they or, you know, kids not in that group who were on discipline, you know, it wasn't a secret who was out there today.

10 Q. Okay, thank you. I just want to move onto the topic of the light sessions, or the public assemblies. You mentioned that they could happen in the chapel or - or dining room usually, after breakfast, correct?

A. I don't think they...

15 MR. ADAIR: I don't think he said that, I think he said...

THE COURT: Hold on, Mr. Creighton, there's an objection.

20 MR. ADAIR: I don't think that was his testimony, if it was I am mistaken.

MS. LOMBARDI: I'll ask it more open ended.

Q. There were public assemblies held at Grenville, yes?

25 A. Public -- sorry, no, it was just the school, there were assemblies held, yes, and those were -- students were in attendance.

Q. And where would those assemblies be held?

30 A. Most often I think the assemblies were, you know, we were either at the dining table, I guess you can call that an assembly. Or, in the chapel, yeah, in the - in the larger gathering area, if it wasn't in the chapel.

Q. And those assemblies would be headed up by

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who?

5 A. I think various people. No, most often the head master, Father Farnsworth, in my - in my time there was [indiscernible] well he definitely led the church services, among a few others on occasion. Assemblies could have various people leading them, the principal, other - other staff members at times for the assemblies, but Father Farnsworth as the head of the school was the -- you know, I remember him being, you know, running the church services and running those large
10 meetings at the time.

Q. You mentioned that at these talks or at these assemblies, sometimes there would be religious topics or sermons I think you said were - were given? Do you remember some of the topics of those - those religious talks or the sermons that you
15 heard at Grenville?

A. Yeah, I mean - I mean I guess I could say generally it was a Christian School, that there were a lot of Christian feelings come up in sermons that you might expect. I remember a lot of stories, some of them specifically from the
20 sermon. I remember I'd say, you know, there were times they were very funny and fun and with a message, and there were times where they were very -- that they were a bit intense at times, there were sermons that were definitely -- that's where I would use the word intense, sermons about, you know -- I'm trying to
25 think of a good thing to help you out here, but....

Q. Well, let's see if I can try. Was homosexuality ever a topic?

A. I don't remember ever having homosexuality as a - as a topic in a sermon.

30 Q. Bible passages read about homosexuality being a sin, that's not something that you remember?

A. I don't. That was not on my radar.

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Q. How did you know then that homosexuality was not acceptable at Grenville?

A. Me personally?

Q. Mm-hmm.

5 A. How did I know that homosexuality wasn't acceptable Grenville? I - I - I would say that I don't remember any specific conversations about that, however, I will tell you that if there were a teenager concluding they were gay, it would not have been a comfortable place to come out, at Grenville. I
10 don't think that -- I actually had [indiscernible] and a close friend who, James Morten who - who was, you know, gay, and we didn't know -- I didn't know he was gay in high school, and it was -- we were friends in -- I'm trying to remember, I think I've had conversations -- we've had conversations about
15 Grenville a lot. But I don't think it was -- yeah, I don't think it -- if - if - if I were a gay teenager, I would feel comfortable coming out at Grenville. I don't know if it was ever said or [indiscernible] but I can just imagine that at a Christian school, with a lot of, you know, they were strict
20 about relationships between boys and girls, imagine if it was two boys. I mean I don't think it was - it was a big leap to thing that that wasn't acceptable. I don't remember it ever being a topic of conversation though.

Q. At these public assemblies or these talks,
25 outside of the I guess religious topics, you said sometimes stories, religious stories were told. Do you remember specifically which biblical stories were sometimes recounted at those?

A. No, I don't remember specifically, which I'm
30 sure I learned a lot -- I've heard a lot of biblical stories. I mean I remember random stories, like the first time I heard it from a duck [indiscernible] I mean I remember a lot of -- we had

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various teachers at our school, and I do remember just -- personally, and I know that's saying a lot for a teenager, but I remember really enjoying most of the - the sermons.

5 Q. At these public -- sorry, go ahead. Please finish your - your sentence, Mr. Creighton, I'm sorry I cut you off.

A. No, I didn't [indiscernible]. I just remember going -- like, I - I liked - I liked the public speakers, so....

10 Q. At these public assemblies, again, outside of the religion, was what - what was or wasn't a bad attitude ever discussed?

A. Attitude was often discussed. I just mean the word attitude -- not even only attitude -- gratitude, there were phrases surrounding -- there were phrases on the wall and I think attitude was a great big deal, yes.

Q. And if a student was perceived to have a bad attitude, were they sometimes stood up at these assemblies and singled out?

20 A. Yes.

Q. You said you were singled out once at one of these assemblies, do I have that right?

A. At least once, yes.

Q. And why were you singled out?

25 A. They would -- for a period of time there was a catch-phrase by the name of haughty, H-A-U-G-H-T-Y, and I was stood up and - and sort of to say, you know, get your feet on the ground and stop -- the feeling was that I was acting in haughty fashion. That was the word that was used to me.

30 Q. And - and how was it that you were acting in a haughty fashion? I guess in my definition that maybe means self-centred or maybe even proud of ones self. Is that how you

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were perceived to be acting?

5 A. No, I don't think it -- I don't think there's any positive side to haughty. I mean there is proud, and there is, you know, haughty. But haughty is a - is obviously a negative term, there's no positive definition of haughty.

Q. Did you feel you were acting haughty?

10 A. Sometimes no, and sometimes if it was pointed out to me, it caused introspection and they wanted me to work with that, so I don't think it -- I - I - I - I'm - I'm guessing I probably needed that at times, and - and I'm certain there were other times when I felt like I don't know what you're talking about. Yeah, so the answer is yes to both, I mean I - I do think there were times -- there were -- I can remember times where that was said to me and I was like I have no idea what
15 you're talking about, and would ask what - what am I doing that's haughty? The answer was [indiscernible].

20 Q. And did you ever get told you were that term outside of these public assemblies, for example in relation to rehearsals or performances in the - in the musical productions that you were a part of at Grenville?

25 A. I don't know where at school that term was used, you know, for me specifically. I remember it was used when I was stood up one time, again, I don't remember -- I had a - I had a fantastic relationship with gentleman who ran dramatic arts up there and the ladies who did -- the teachers who did, women who did, and I mean that was something -- because I was involved in a lot of things, and I, you know, I guess the confident student I [indiscernible] that was something that they kept an eye on about me, for sure. I'm sure it was said
30 [indiscernible] I was -- I don't remember being anything but supported in terms of my performing it -- performances. I mean, I - I, you know, I don't remember anything but being supported

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in that area.

Q. Were you ever singled out for a singular performance, or were you always kind of exalted in the group? Like the - the whole team or the - the whole group of students?

5 A. Sorry, I don't understand the question, can you say that again?

Q. I'll - I'll just leave that aside, I'll come back to it. I just want to keep on with haughty here a little bit longer. Who were the staff that would use that term with you?

A. I can remember Dave [indiscernible] a teacher and a coach there, who used that term with me. I think as a - as a senior, a prefect, or, you know, I had - I had good relationships with many of the students and many of the staff, and some of the younger staff, and they -- I think they would say it to me not as a - not as a major [indiscernible] but just a reminder of the people who might have used that word. I mean it wasn't -- it - it - it popped up now and again, it wasn't a, you know, daily or ordinary thing that - that hampered [indiscernible] my senior experience, it wasn't something that hampered my [indiscernible]. To answer your specific question, I remember Dave [indiscernible] using it, I remember Father Farnsworth using it, I remember -- those are the two I can really specifically remember.

25 Q. Who was the teacher that you disliked and that would yell at you way too much for ridiculous things?

A. Yeah, that was Dave [indiscernible]. It wasn't -- yeah, I felt like he didn't like me, and as a result I didn't really like him. You know, you have that with teachers, and later, as you mentioned, I had an ongoing communication with the school, we were extremely friendly, you know, no lingering issues there.

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Q. But he would yell at you?

A. Yeah, he definitely got up in my face at various times, yes.

5 Q. Can you tell us a little bit more about that, what do you mean got up in your face?

A. Well, just that he -- as a - as a leader I can remember - I can remember standing outside at the top of the stairs, this one instance in particular was -- I was out on the landing outside where the phone is, and I can remember him, you
10 know, sort of being a foot or two in front of me, and - and using that word haughty and - and a bad attitude, and I don't remember obviously the specific conversation, but I can remember that moment feeling like, you know, he was - he was - you know, he lied.

15 Q. Was it intense?

A. Yeah, that was intense, yeah -- time for sure.

Q. You - you gestured with your finger, would he also point at you and - and - and use his hands to kind of come
20 at you a bit when he was yelling at you?

A. I don't remember any physicality, in particular, I don't have any recollection of feeling physically threatened or anything like that. I definitely remember feeling it was intense, and that he did not like me and I don't like
25 him.

Q. Okay.

A. At that moment.

Q. So in that situation -- but also thinking about the times when you were publicly singled out, whether it was haughty or whatever it was, do you agree with me that that
30 was embarrassing, if not humiliating, that experience?

A. I'm trying to remember how I felt at the

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time, because you know when you haven't -- it doesn't - it doesn't trigger anything for me, and it might -- and I know it does for some, and that's totally fair, for me I - I imagine it was embarrassing, I don't remember ever feeling humiliated, I don't remember, you know, that would be an intense moment, I would put that as an adverb.

5

Q. Okay.

A. You want an example of an intense moment, that would be a bad intense moment, yes.

10

Q. These sessions then, where students were singled out in front of the whole student body, how - how long would they last?

15

A. I don't - I don't specifically remember length and time. Usually they happened between four -- I remember on occasion they happened between sort of [indiscernible] so whatever period of time that is. To be honest I can't accurately answer that question, I don't know how long.

20

Q. Did you ever recall a time when you didn't make it to some of your morning classes because it went on and ran into the class time?

25

A. I don't - I don't specifically remember that, but I - but I do -- I really think that there were probably times where things came up and there was -- if that was felt to be important, you know, having that session, then a schedule could be moved, it could become later or something. I - I don't remember that specifically, but I - I think that probably -- I'm guessing that probably happened, yes, but I don't know.

30

Q. Okay.

A. I don't have a distinct memory of that.

Q. And you mentioned that these sessions would be headed up by various people, but you do remember the Head

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Master heading up the sessions. Would any other staff members participate?

5 A. Yes. There was always -- not always, but there was various staff members that would do various assemblies.

Q. I guess I should be more specific. Would staff members ever participate in terms of dealing with a student being singled out? Would they sort of join in on that?

10 A. I - I - I think yes, the Dean of - the Deans of men and women were -- they'd get involved in that. I can't -- honestly, I don't - I don't -- yeah, I'm guessing at that. I don't really -- I do believe that other staff would - would speak up in - in, you know, various assemblies. But are you're talking specifically about when people were stood up and
15 reprimanded?

Q. Yeah, let's talk about that.

A. Is that your question?

Q. Yes.

A. Was it very -- would various people?

20 Q. Would sometimes other staff be invited after Farnsworth was done standing the student up, would other staff be asked to kind of chime in or - or add on to what Father Farnsworth had said about that student or about the behaviour that was being exemplified by that student?

25 A. Again, I'm going to say I'm guessing yes, but I don't remember...

THE COURT: So...

THE WITNESS: ...being spoken to [indiscernible] at all stated...

30 THE COURT: Mr. Creighton?

THE WITNESS: ...there were sometimes when....

THE COURT: Mr. Creighton?

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THE WITNESS: Yes?

THE COURT: It's happened a couple of times, and I've not stopped you, but this is about the third time I've heard you say, "I'm guessing." So, I think, if I can just ask you to please tell us what you remember rather than trying to fill in or to guess. It's important that the evidence be your recollection and not what you surmise or think could have happened.

THE WITNESS: Right.

THE COURT: Okay, thank you.

THE WITNESS: Pardon me, yes. Thank you.

THE COURT: Perhaps I'll ask counsel to just go to her next question?

MS. LOMBARDI: Q. Sure, my next question, Mr. Creighton, would be were other -- were you as a prefect or student leader, ever invited to participate and add to that, I guess, discussion? Either about the specific student being stood up, or the behaviour that they were exemplifying?

A. I don't remember that ever happening in first person in a large assembly, I do remember prefect meetings where some prefects talked to other prefects.

Q. So you never....

A. I - I remember, like, a prefect meeting in the guest dining room where - where a prefect would talk to another prefect.

Q. So, that's an example of this prefect meeting of these smaller light sessions involving a smaller group of students or a grouping of staff, where these same types of issues would be discussed. Is - is that fair?

A. Yes, it would be about attitude or something of that nature, yeah. But in the large assemblies, I don't

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remember prefects talking.

5 Q. What about other students other than prefects and student leaders, did anyone stand up and kind of chime in, again about the behaviour at issue or the particular student, or maybe even some other student? Was there any participation at those?

A. I don't believe - I don't believe so, no.

10 Q. You had to write a weekly letter to your parents when you were at Grenville, is that correct?

A. Yes.

Q. And what would you do with that letter, how would you get it to your parents?

A. Hand -- it would be collected when they made breakfast on Monday morning, is my recollection.

15 Q. So you didn't drop it off in a Canada Post mailbox or anything like that?

A. I don't think there was a Canada mail box to drop it in.

20 Q. So you had to hand it off at breakfast, was this a hand off to a staff member?

A. I don't - I don't recall.

Q. Do you have any knowledge about what happened to those letters once you handed them in?

25 A. My personal letters, I have most of them because my parents kept them and gave them back to me later on in life, but I - I -- no, I didn't track them from the time I handed them off until they arrived at my parents house, no.

Q. Did you keep the envelopes that those letters were posted in, do you have those as well?

30 A. Yes, I do.

Q. Did you need permission to use the phones?

A. Yes, you had to get permission to use the pay

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phones there.

Q. To your knowledge, were kids on discipline given permission to use the phones?

A. I don't know the answer to that.

5 Q. Do you know the criteria for the giving of permission to use the phones?

A. I don't remember.

Q. Where were the phones located?

10 A. I remember a banker phone in the main hallway of the lower level. I can't remember if there were others, but I remember there was a little phone there -- pay phone.

Q. What else is in that hallway? Were there staff offices, anything like that?

15 A. No, next to the student lounge, and a computer [indiscernible] art room. The library was on that hallway. The music room was in that hallway.

Q. Okay, thank you.

A. Breakfast room.

20 Q. Would you agree with me that the singling out of students publicly, their isolation when they were on discipline from fellow students, these were regular occurrences at Grenville?

25 A. There were students put on discipline as we've discussed and described, yes. And what was the other part?

Q. Publicly -- or singled out publicly in those assemblies. These were regular occurrences at Grenville?

30 A. It definitely happened, I mean it wasn't a weekly thing or anything, but yeah it -- yes, as I've described it, it definitely happened.

Q. You say you had a positive experience at Grenville, you followed the rules, you conformed, is that fair

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to say?

5 A. No. I - I -- it's fair to say I had a positive experience at Grenville. It's fair to say that I understood the lay of the land and wanted to be, you know, get the most out of my experience there, as for following the rules, as you've described them very -- and I guess for any normal teenager, but I - I - I generally understood - I generally understood the rules.

10 Q. So when you lost your prefect and student leader pins, you say you got them back, so you must have been on the straight and narrow after those brushes with discipline, correct?

15 A. Correct. I think that I - I think the reason I got them back is they felt that I had grown and learned from, you know, learned from my -- grown to the point where I had earned their right to be a leader again, or the right to wear the pin again.

Q. And - and could exemplify the rules and the expectations for the other students?

20 A. I - I - I think they felt that, I remember [indiscernible].

Q. Okay. And you're not surprised though that other students didn't fare as well as you, right?

25 A. Not surprised? Everybody had their own journey through that school, I was just trying to do the best that I could personally.

Q. You've had an awareness of people having more negative experiences than yourself, as early as 2000, isn't that right?

30 A. Yes, as I was saying to you before that, there were definitely people who went and did not like their experience there.

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MS. LOMBARDI: I think this might be a convenient time to stop for lunch.

MR. ADAIR: Well...

MS. LOMBARDI: I'm going to move onto a new topic.

MR. ADAIR: ...Your, Your Honour, Mr. Creighton, I know, has a business appointment at 2:45. I'm wondering how much longer my friend is going to be?

THE COURT: Do you know how much longer you'll be?

THE WITNESS: I'm happy to stay here as long as you need right now, but because -- I'm sorry, I've been away from my job for two months, I'm going back to my job tonight, and I have a rehearsal and preparation to do before that.

MS. LOMBARDI: I think I might be at least an hour.

MR. ADAIR: Might be what?

MS. LOMBARDI: An hour. Maybe less, I'll certainly try.

THE COURT: Well, Mr. Creighton we have staff, and everyone working has to take their lunch break, it's almost one o'clock. We'll go right until one, and maybe over lunch -- when do you have to actually leave where you are right now?

THE WITNESS: If I left here at 2:30, I can be where I need to be at 2:45.

THE COURT: Even if we take a shorter lunch break, I don't think you will finish. What are the options?

MS. LOMBARDI: I'm in the court's hands, I...

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A. Do you want me to attempt to push that back?

THE COURT: Are you - are you able to - are you able to push it back by an hour?

THE WITNESS: You know, the answer to that question is no I'm not, because...

THE COURT: All right.

THE WITNESS: ...however...

THE COURT: Are you able to return tomorrow morning if we were to break it up?

THE WITNESS: Yeah, I guess I am. I mean, can we continue -- how long is the lunch break?

THE COURT: Normally we take it from one to two-thirty, but we could take a shorter lunch break, but at least -- I would give the staff at least an hour. So it may be two...

THE WITNESS: Then can we come back at two, and I'll try to be as brief as I can.

THE COURT: I think we can do. Let's try, and if necessary, I'm very sorry, we may have to ask you to come back in the morning to finish off, but I'm going to ask counsel to do their best over the lunch break to tighten things up and move it along.

THE WITNESS: Okay. And over lunch I will definitely see how much time we need.

THE COURT: And it would - it would be useful if you use [indiscernible] questions, perhaps, I'm noticing that some of the questions tend to be rather open ended, but if you - if you know where you're going, that would also I think assist us move through the witness. Does that make sense?

MS. LOMBARDI: Absolutely, Your Honour, sure.

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THE COURT: All right. Mr. Adair, do you have anything further that you wish to say?

MR. ADAIR: No, thank you, Your Honour.

THE COURT: All right. So let's - let's try, Mr. Creighton, we're going to - we're going to take a lunch break now until two o'clock, we will try to get your evidence finished today, and then we'll deal with the ruling after that. All right? So thank you all, very much.

R E C E S S

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

THE COURT: Good afternoon, Mr. Creighton.

ROBERT CREIGHTON: Good afternoon.

MS. LOMBARDI: Q. Before we broke for lunch, Mr. Creighton, you had advised that you were aware of negative experiences as early as 2000, and you had answered that you were aware even before that while you were a student at Grenville. But I just want to ask you next if you were aware of the apology letter sent by Grenville to alumni of December 2000?

A. Yes, I remember that letter at that time, yes.

Q. And your awareness of that letter, was it merely because you received a copy?

A. What - what was the date of the letter?

Q. I believe December 7, we can turn it up, that might refresh your memory.

A. Yes, I remember the letter. I remember -- was I on the board at the time or was I -- I mean I'm Alumni Association so I - I didn't have knowledge of the letter before

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I -- like, I had nothing to do with the letter, but I received it, yes, in the mail.

5 Q. And - and you were aware of it in your - in your capacity as alumni president, correct? That letter was something that the association talked a lot about, is that right?

A. The letter?

Q. Yes.

10 A. I think there was - there was a lot of reaction to the letter. I forget at what stage that was, it would be on Facebook if it got to that point or not, but....

15 Q. This is early 2000, so this pre-dates -- I'm talking about a time that pre-dates FACTnet and all of that stuff. In and around -- let's say between 2000 and 2004, as the President of the Alumni Association, you were aware that an apology letter had been written, correct?

A. I was not aware that there -- in my capacity as President of the Alumni Association, I was -- I think I just got the letter like everybody else, if I recall.

20 Q. Okay. So I'd like to turn you to a document, it's one that should be printed out in front of you, it's called The Grenville Christian College Alumni Association -- GCCA, 2004 to 2006 Strategic Business Plan, and it's dated January 2004. That's right on the front page.

25 A. Yes, I have it.

Q. And so, I just want to take you through a few pieces of this document, to see if maybe if that just refreshes your recollection a little bit. First of all, are you aware of this document?

30 A. You mean aware of the GCCA document?

Q. Yeah.

A. Yes, I see it there.

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MS. LOMBARDI: I'd like to mark it as the next exhibit then, please.

CLERK REGISTRAR: Exhibit 58.

THE COURT: Any problem with this?

5

MR. ADAIR: I don't know what my friend is going to use it for, or anything else. She's talking about refreshing the memory of the witness before the witness has even said he doesn't remember.

10

THE COURT: I think the other issue that this particular document might raise is the fact that it's titled -- this document has officially been shelved. So I'm also not clear on what basis it's being tendered as an exhibit, since it appears not to be the actual official plan?

15

MS. LOMBARDI: It - it is a draft of the things discussed. The official plan, Your Honour, is the May 30th, 2004 plan, which that is the last half of this....

20

THE COURT: So, it's attached to this document?

MS. LOMBARDI: It's attached as well, yeah.

THE COURT: And - and what will the purpose of filing the document be?

25

MS. LOMBARDI: I'd like to ask questions about -- this sets out what the - what the goals of the Association are, and - and their knowledge with respect to how to reach their goals for this Alumni Association, those - those background pieces are not part of the May 30th, 2004 document, so even if it's a draft I'm still interested in the witnesses knowledge in the drafting of this. He was the President, he signs the letter in this January version.

30

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THE COURT: And what's the relevance to the issues on the - on the trial?

MS. LOMBARDI: Well, it's talking about the Alumni Association's knowledge at this time frame, following the apology letter of the negative experiences and of the need to reconcile the image of the school based on those negative experiences.

THE COURT: Well....

MR. ADAIR: What page is being referred to?

MS. LOMBARDI: We can start with the - the letter. So if you turn the page over, the cover page, you'll see a letter dated 12 January, 2004, and it's sort of introducing this business plan and if we look at the second paragraph, it says:

The plan outlines the way ahead that we, the GCCAA executive board field would be best serve the alumni of GCC and GCC itself. It is a visionary document which presents past and present variables, in which concludes that GCC and the Community of the Good Shepherd, along with the GEF [which is the Grenville Education Foundation] and the GCCAA would be best served [as a] strategic alliance.

And then it goes on to again, lay out what their role is and how they come to understand, how they are to approach I guess a successful plan for this - for this Alumni Association.

MR. ADAIR: With respect, Your Honour, this doesn't seem at all relevant, what my friend

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read. I'm sure there must be some point that my friend wants to put to the witness specifically, and if there is, please, she should get on with it.

5 THE COURT: I must say, I'm....

MR. ADAIR: And we can address it then. I can't address this general statement.

10 MS. LOMBARDI: Okay, I'll just -- may I refer to the document, because that's how my questions are - are framed?

THE COURT: So, before we mark it, why don't you take it to the next step, but I tend to agree, I'm not seeing how that general statement would be relevant.

15 MS. LOMBARDI: Okay, sure.

THE COURT: So, perhaps you could just take the witness right to the proposition you want to put and - and it might become clearer how it relates to the issues.

20 MS. LOMBARDI: Okay.

Q. Well, I guess given the paragraph that I just read, Mr. Creighton, does that accurately reflect the visionary role of the Alumni Association, to your knowledge as it's President?

25 MR. ADAIR: How is that relevant? With - with great respect, how is that possibly relevant? Whether it reflects it or doesn't reflect it?

MS. LOMBARDI: Let's turn to page 6 then, I'll just keep moving on until, I guess my friend...

30 MR. ADAIR: Well....

MS. LOMBARDI: ...has a better sense of what this document is.

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5

THE COURT: I think it would help if - if I had some sense, and if you want to have Mr. Creighton put on mute so you can be much more specific, to understand where you're going with the content of the document, and how it relates to the issues on the trial. Do you want to be able to make submissions in the absence of the witness?

MS. LOMBARDI: Sure, I can do that.

10

THE COURT: All right. So, Mr. Creighton, we are going to just put you on mute for a minute while I hear some argument from counsel. Thank you.

15

MS. LOMBARDI: Your Honour, this evidence is the longstanding knowledge of Grenville with respect to the negative experience that it was advised of by it's alumni over the period long before this proceeding was commenced.

20

THE COURT: Isn't that already in evidence by virtue of the letter of apology that reflects that exact issue, that is we know -- words to the effect that we know things have not been good for some of you, and if this is just a repetition of that, is it necessary?

25

MS. LOMBARDI: Well, Mr. Creighton, as the Alumni President, has in other public forums, like FACTnet and other Facebook and other areas, said things like, he was -- he only became aware of the negative experiences, you know, post this litigation, or upon reading FACTnet and things like that, and this shows that he had a longstanding knowledge of these issues.

30

THE COURT: So, oh I see. So you're saying it goes to his credibility?

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MS. LOMBARDI: It - it does.

THE COURT: But it sounds like your sort of putting the cart behind the horse. Why not just put to him you had knowledge of this for quite some time? You don't even have to go to the document, do you? Just put it to him?

MR. ADAIR: Mm-hmm.

THE COURT: Have you -- I'm - I'm not sure if you did ask him that question?

MS. LOMBARDI: I didn't, I could do that. I do think the document is helpful though in understanding the school's own thoughts on - on these negative experiences, right? They identify them as weaknesses, skeletons in their closet, things like that.

THE COURT: Well....

MS. LOMBARDI: And - and he also says he - he was aware of the apology letter in terms of receiving it as a student, and in my mind that means that that's where his knowledge ends, and I think this document shows that it's much more expansive than that, at least post receipt of that letter.

THE COURT: I'm not sure a school can have thoughts. This witness can have knowledge and thoughts. I'm going to suggest that you put to him directly what it is you want him to agree to, one fact per question, and if you get the answer that you think you can then teach using the document then take him to the document. So, I think that's the - the problem I'm having in understanding its relevance...

MS. LOMBARDI: Okay.

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THE COURT: ...because I haven't heard him deny it yet.

MS. LOMBARDI: Okay.

THE COURT: Does that make sense?

5 MS. LOMBARDI: Yes, thank you, Your Honour.

THE COURT: All right. So we'll -- Mr. Creighton, can you - can you hear us?

A. Yes, I can hear you now.

THE COURT: All right, great. We'll continue.

10 MS. LOMBARDI: Q. In your role as Alumni President of the Alumni Association, was one of the - the goals of that association to reconcile the school's history and any of the perceived negatives into opportunities to try to turn former class members into supporters of the alumni association and possibly garner membership dues from them and raise money for the school?

THE COURT: Ms. Lombardi, that's about five different questions in one question. So, if you could please break it into one at a time, one - one thought at a time, as soon as you throw in the "and" I won't know if - if they -- if the witness answers "yes" I won't know what the yes is for. So, that would be very helpful, if you just broke it up.

25 MS. LOMBARDI: Q. Was the Alumni Association aware that there were some negative experiences of its alumni?

A. Well, like, as I stated earlier, we were all aware that some people loved going to Grenville, some people hated going to Grenville. I was simply involved because I loved going to Grenville, and I -- the goal -- the very clear goals in my mind of the Alumni Association was to reconnect upon that. Yes, I knew there were people who did not enjoy their experience

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at Grenville, for sure.

Q. And so are you saying then that there wasn't a broader negativity besides some people just didn't like it? That the Alumni Association was cognoscente of and trying to reconcile in order to build its membership?

MR. ADAIR: Well, he's already said...

THE WITNESS: Our goal was not to reconcile....

THE COURT: Mr. Creighton, just stop, stop for one sec, sorry. When -- you - you maybe can't see it, but when counsel get on their feet it means there's an objection, so I'll have to ask you to wait.

MR. ADAIR: He's already said that the Alumni Association, at least through him, was cognoscente. Now my friend asked two questions in one, cognoscente and whatever -- reconciliation of the views, he's already said cognoscente.

THE COURT: It's - it's again kind of a multiple part question. If you can break it down into something that hasn't yet been asked, put it directly to the witness, that I think will prevent further interruptions and objections.

MS. LOMBARDI: Q. Was the Alumni Association trying to reconcile the past?

A. Sorry, I'm just thinking that word reconcile -- I - I -- my role, or my involvement was based on wanting to -- not making up for anything but trying to connect alumni, and the school had not done a good job at that point of keeping alumni connected. The goal was for the Alumni Association not to reconcile anything from the past.

Q. Okay. May I ask you to turn up in - in the

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document put before you....

A. Sorry?

Q. That GCCAA document dated January 24th, could you turn to page 24, you'll see a chart, it's a SWOT analysis.

5 THE COURT: Sorry, counsel, where are the page numbers?

MS. LOMBARDI: The page numbers are not there I'm afraid, Your Honour.

10 THE COURT: Oh, I thought you said page 24. 24th page in?

THE WITNESS: I'm sorry, are we still on the GCCAA document?

MS. LOMBARDI: Q. Yes, sir. It's -- you'll have to count the pages, but it's page...

15 A. Ah.

Q. ...24. It's a - it's a chart called SWOT, S-W-O-T analysis.

THE COURT: It looks like this.

THE WITNESS: This chart?

20 MS. LOMBARDI: Q. No, the SWOT Analysis.

MS. MERRITT: Two more pages over.

MS. LOMBARDI: Q. Two more pages over, I can help you.

A. Okay, I've got it.

25 Q. If you would please look at the opportunities row under the customer column, you'll see there are five bullet points there. The second bullet point is, "Financially contribute to the positive change in the GCC." The third bullet point says, "Communicate changes, no forcing of one's belief on another." And then the fourth bullet point says, "Reconcile the past." Do you know what that's referring to in terms of the role of the Alumni Association?

30

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A. Well I - I assume it means to not, you know, to be open to people that have had bad experiences at Grenville. I don't really...

Q. Okay, let's - let's....

5 A. ...I don't really....

Q. I don't want you to guess, so if you don't know I guess the answer is you don't know. So, let's go down one more row.

10 THE COURT: Before you go to the next question, I just want to see if the witness adopts that suggestion. Do you adopt that suggestion from counsel that you don't know what that means?

15 THE WITNESS: I don't - I - I don't remember reconciling the past as a goal of the Alumni Association.

MS. LOMBARDI: Q. Do you - do you remember being identified as an opportunity with respect to gaining customers for the alumni association as it's represented in the SWOT Analysis?

20 A. Yes, it's -- part - part of the reason for forming the Alumni Association as it -- as a group, was to -- as most private institutions do today, make their alumni promote the school.

Q. Okay.

25 A. If that's the question to me, yes, like customer.

Q. Maybe if we turn over to the next page, page 25, it says, "Market Analysis, Market Demographics." And let's look at the last paragraph on that page. I'll read it:

30

It is understood that there are alumni that will not participate

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due to past perceived negative
experiences in which current
disassociation is their
fulfillment.

5

Do you agree with that statement?

A. Yeah, because some people hated going to the
school, and I doubt they would participate.

10

Q. Okay. The next sentence is:

The goal of the GCCAA is to
reconcile the differences with
these alumni and work with them
to join the customer base, while
still respecting their privacy.

15

Do you agree that that was one of the goals
of the Alumni Association?

20

A. So, the way I read that is that everyone was
welcome, and you want to make people who had bad experiences
feel welcome in the alumni association.

25

Q. But my question to you, sir, was that last
sentence, "reconciling the differences with these alumni and
working with them to join the customer base." Was that a goal
of the Alumni Association?

MR. ADAIR: He already answered, he just answered
that, with respect. He just answered it.

THE WITNESS: The goal?

THE COURT: I'd like to hear the answer.

30

THE WITNESS: The goal of the Alumni Association
was to include everyone, those who loved going to
the school, and those who didn't love going --

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who hated going to the school.

MS. LOMBARDI: Q. Okay. Can we please turn over
this page?

A. [Indiscernible].

5 THE COURT: Sorry.

THE WITNESS: I have -- you said the goal of
reconciling the past, is it difference --
reconciling differences? My career is perfect,
and the Alumni Association was just to go, you
10 know, invite everyone to [indiscernible] and get
back together. That's what our - that's what our
number one goal is.

MS. LOMBARDI: Q. Okay. Can I ask you to turn
the page please, to page 26? The middle of the first paragraph:

15
However, there is the perception
and in many cases it has been
confirmed, that there are some
bad feelings from the market
20 towards some aspects of the
school.

THE COURT: Sorry, I can't see where you are,
counsel, sorry.

25 MS. LOMBARDI: Market needs, it's - it's -- from
the paragraph we were reading.

THE COURT: Oh, it's in the middle of the
paragraph, okay.

MS. LOMBARDI: Oh, I'm sorry.

30 THE COURT: Yes, thank you.

MS. LOMBARDI: Yes, in the middle.

THE COURT: No, I see it. Thank you.

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MS. LOMBARDI: Q. (Reading):

5 ...there are some bad feelings
 from the market towards some
 aspects of the school. GCCAA
 needs to work in conjunction
 with alumni and the school to
 reconcile those differences.
 Meeting this need is critical to
10 the success of the GCCAA.

 So, how was the Alumni Association working to
reconcile these differences?

15 A. We wanted to make everyone feel welcome,
 whether they had great experiences at school, or whether they
 hated going to the school. It was a separate entity meant to
 connect all the alumni.

20 Q. Okay. But how were you attempting to
 reconcile that, to achieve that goal of folding those with
 negative experiences back into the alumni?

25 A. Well, we -- I mean, as far as we had
 contacted everyone in terms of contact information, we reached
 out to everyone, we didn't - we didn't pick people that had
 great experiences, who knows who had great or bad experiences?
 We wanted to make everyone feel approved. I'm not - I'm not
 clear on what you're purporting to, the fact that some people
 loved it and some people hated it, I'm not sure what you're
 looking for, sorry.

30 Q. Was it maybe something more than just some
 people liked it and some people hated it? That's what I'm
 putting to you, Mr. Creighton. Is that true? It was more than
 just some people didn't like it? It was much more than that, in

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fact, wasn't it?

THE COURT: I'm not sure how the -- how the witness can ask that, because it requires him to assume and can you...

5

THE WITNESS: Yeah, to my knowledge...

THE COURT: Mr. Creighton?

THE WITNESS: ...to my knowledge....

10

THE COURT: Mr. Creighton, hang on. Sorry. Only one of us at a time. As you asked the question, it's not clear what the more might be, so if you could put what - what you would like the witness to agree to, we don't have to guess at what he think he knew.

15

MS. LOMBARDI: Q. Is - is the more, I guess that I was referring to, more than just simply not liking it? Does that include something like abuse? To your knowledge were there other students with these negative experiences, that were abused at Grenville?

20

MR. ADAIR: He should -- the witness should know the only way he can answer this is to his personal knowledge.

THE COURT: I believe counsel said to your knowledge...

MR. ADAIR: Yeah.

25

THE COURT: ...acceptable.

THE WITNESS: Do I -- well, I think as I stated when asked directly, I didn't feel abused at the school, and I - I can't answer for other people, okay, if the fact that they hated it was because they felt abused.

30

MS. LOMBARDI: Q. Okay. I'm just going to take you to one more section of this document, and then I'm going to

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put it aside. You can go to page 27, please. It's just over from the last thing that we read from. The third paragraph....

A. [Indiscernible] there's no page numbers, so that's where the paragraph starts?

5 Q. So at the very top of the page, the very first word of the paragraph on page 27 is "Director Position in GCC in 2000."

A. Uh-huh.

10 Q. Okay, and if you look at the third paragraph, that's the last thing I want to look at in this document.

15 The market views this school as an institution that has gone through many changes, most positive. The changes that have occurred are a great piece of information that will aid in the sale of new members. GCC is viewed by some alumni as being somewhat weak financially in infrastructure and in current value standards. It is being seen as a Christian school battling its tough love standards in current levels of acceptance.

20

25

Do you know what this document is referring to when it says "tough love standards?"

30 A. Yes, the things we've been talking about all day. Getting stood up in front of a - a group, and getting need to improve, I mean it was -- as I stated, an intense place to go

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to school at. And that, at one point in our culture might have been acceptable to many, and - and certainly in 2000 [indiscernible] it probably wouldn't be.

5 Q. Did you feel when you were attending Grenville, that those standards were - were appropriate?

A. If standards were appropriate?

Q. Yeah, these tough love standards, these examples, do you feel they were appropriate?

10 A. I understood the rules at school, and I -- as I said, as a teenager some of them agreed with and some of them I did not -- I didn't. But I knew what they were and I did my best to function in that scene.

15 Q. Now you just said that the tough love standards that you just described would not be appropriate when this document was written?

A. I - I - I'm -- you don't want me to guess, so...

Q. Right.

A. ...I mean, I can't answer that.

20 Q. I'd like to turn you to a new document now, please. It is the Board of Directors meeting dated Saturday September 23rd, 2006.

25 THE COURT: Before we go to the next line of questioning, it is 2:30, and I know that there is a rehearsal that you have to get to. What...

THE WITNESS: I have until 3:20.

THE COURT: You have until 3:20, okay.

THE WITNESS: And if I can't leave by 3:20, I'll have to come back tomorrow, I'm sorry.

30 THE COURT: All right, well, thank you. I just wanted to check in on the time. Thank you. So this document was used and referred to...

Robert Creighton - Cr-Ex.
(Ms. Lombardi)

MS. LOMBARDI: May I mark it as an exhibit?

THE COURT: ...are you seeking to have it be made
an exhibit?

MS. LOMBARDI: Yes, Your Honour.

5

THE COURT: Any issue with that? It's been
referred to now, it would assist with the notes
as to what the witness was read. Any issue Mr.
Adair? Mr. Adair?

MR. ADAIR: Sorry, Your Honour?

10

THE COURT: Counsel wants to make this an exhibit
at this stage.

MR. ADAIR: I have no problem.

THE COURT: Thank you. Next exhibit?

CLERK REGISTRAR: Exhibit 58.

15

EXHIBIT NUMBER 58: GCC Alumni Association
January 2004 - produced and marked.

20

THE WITNESS: Sorry, can you repeat which
document I need to have in front of me?

MS. LOMBARDI: Q. Yes, it is the Board of
Directors Meeting Agenda, Saturday September 23rd, 2006. It
would have been something printed out for you, I believe.

25

MR. ADAIR: What?

A. Yes, I see one for September 17th, 2005.

Q. It's a much smaller package of documents.

A. September 23rd, 2006?

Q. 2006.

A. I have it.

30

Q. That's right.

A. Yes, I have it.

Q. Yes. And you actually referred to this

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earlier in your testimony, you know that there is a letter that you wrote that's part of this package. Can you turn up that letter? It's on page 11 of the document, though the document is not numbered.

5 A. I think I have it.

Q. And this letter was written September 11, 2006, by yourself?

A. Yes.

Q. And you wrote this to - to the board?

10 A. Yes.

Q. Yeah. And if I can turn your attention....

A. The second paragraph answers the previous question, I believe. That's what I was trying to say, I just couldn't remember.

15 Q. Right. That you were trying to connect alumni together?

A. Yes, all alumni, mm-hmm.

Q. Okay. And if we can go to the fifth paragraph of the letter:

20

This was evidence by the infamous letter sent out seven or eight years ago to alumni and parents, that was filled with many heartfelt apologies for certain choices of the past and prayerful hope about the future of the school, but concluded with "now can you send some money," as a post script. It caused a wide range of very strong reactions. Personally, I

25

30

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(Ms. Lombardi)

5 never felt wronged by the school
and was grateful for the myriad
of experiences I had there, so
was wishful that I had more in
the way of finances to give
back. For many it was a slap in
the face, having felt like they
were put upon too harshly at
certain times, and now here is
10 an apology so I will give you
some money? I believe without
that last line the letter could
have been a major, major first
step forward for the
15 relationship building process,
as it was, we're still
recovering.

A. Yes. I agree with all of that.

20 Q. What do you mean when you define things of
choices in the past, "heartfelt apologies for certain choices of
the past?" What are you referring to?

A. Well, I - I recognize the nature of the
letter, as I said I didn't feel wronged, but the people felt
25 like they needed to apologize for the tough love, as you
mentioned categorizing earlier. And I think people felt - felt
that it was too much, and I recognized that. People who hated
going there, felt that way. And I - I don't deny that.

30 Q. What were the very strong reactions that
you're referring to in that paragraph?

A. I - I don't remember specifics, but
[indiscernible] oh man, well my reaction was if you're going to

Robert Creighton - Cr-Ex.
(Ms. Lombardi)

write an apology letter, don't ask for money at the end of it.
Apologize [indiscernible].

5 Q. Right. I get that, Mr. Creighton, but my --
sorry, but my question was what were the very strong reactions
and - and you said you don't recall. Is that your answer?

10 A. No. I just told you my strong reaction,
which was if you are going to send an apology letter, and you
need to send that, then you should not be asking for money in
that same letter. That's my strong reaction. And I know people
felt that strong reaction as well. Also, well that's - that's
what I can say, that's my reaction on that.

Q. But you - but you write in this letter it
caused a wide range of very strong reactions. So, are you aware
of reactions other than your own?

15 A. Fine, yes, I must have been. I'm trying to
remember what those were. I guess, I'm - I'm - I'm just trying
to be careful of saying I guess they would have been, so I'm
trying not to [indiscernible] in that. There were wide -- sure,
it's hard to say, I don't have -- I mean people -- I think
20 people respond with [indiscernible] the school, recognizing
things, that they - they felt -- some people feel that maybe
they deserved an apology, others would be too little too late, I
mean I - I don't remember - I don't remember -- I can tell you
specifically my reaction, which I wrote there. I didn't feel
25 wronged, but I did feel if you're going to apologized because
you need to, then don't ask me for money at the same time.

Q. Okay. What do you mean by "put upon too
harshly at certain times?"

30 A. Again, [indiscernible] kids in their
vulnerable teenage years who were stood up and felt embarrassed
and that sort of thing, or felt like because the system of
punishment in that school was a work situation where you had to

Robert Creighton - Cr-Ex.
(Ms. Lombardi)

scrub pots or do a chore, those would be the things that I -- the things that I knew, as I've described them, they were happening at the school, and I found kids responded to very angrily. And they certainly have a right to respond that way.

5 Q. And finally, my last question, what do you mean by "as it was we are still recovering?"

A. I think my -- well, my personal feelings is like, start doing that -- at this point they're more tough -- you know, back then they were wanting to apologize
10 [indiscernible] or someone felt the need to write that letter, which is great that they felt - they felt the need to write that, write it. But I felt like it did connect apologizing and asking for money was one with a reaction that, you know, that's how I felt about it, so....

15 Q. But what are you still recovering from? "As it was, we are still recovering."

A. From the - the disconnect I just described in that letter. From feeling vulnerable, perhaps, as someone wanted to show remorse, but also asking to help us, you know,
20 finance us to keep going. I don't know how to say it.

Q. Okay, thank you. One final question, at the closing ceremonies that I believed you M.C'd, is that right?

A. I believe I did, yes.

25 Q. Yeah. You made a mention there that - that the GCCAA might - might still keep going beyond the school's closing, is it still a functional organization?

A. No.

MS. LOMBARDI: Thank you, those are all my questions.

30 THE COURT: Thank you. Any re-examination?

MR. ADAIR: May I just have your indulgence, for a brief moment?

Robert Creighton - Cr-Ex.
(Ms. Lombardi)

THE COURT: Ms. Lombardi, this last document that you were referring the witness to?

MS. LOMBARDI: Yes, Your Honour.

5

THE COURT: Are you seeking to have that made an exhibit or --

MS. LOMBARDI: I am, I'm sorry.

THE COURT: All right. Sorry, before you continue, the last document was not yet made an exhibit?

10

MR. ADAIR: All right, I have no problem with that.

THE COURT: You have no problem? Exhibit 59.

15

EXHIBIT NUMBER 59: GCC Board of Directors Meeting Agenda September 23, 2006 - produced and marked.

MR. ADAIR: I have no questions for the witness.

20

THE COURT: You have no questions? All right. All right, the document will be Exhibit 59. And, Mr. Creighton, I'm sure you're happy to hear you're free to go, you're going to make your meeting on time, thank you very much for making time for us today.

25

THE WITNESS: Thank you, good luck. Thank you, very much.

THE COURT: Thank you. All right, so that's Exhibit 59. Would this be a good time to give the reasons on the two questions of recalling Donald Farnsworth?

30

MR. ADAIR: Yes.

THE COURT: Yes?

Ruling

5

MR. ADAIR: Shall I -- I thought it appropriate before - before Your Honour delivers her ruling to advise that I do not believe it is necessary to recall Mr. Farnsworth on the matter of the matter, because I intend to put it to Mr. Mintz, and I advised my -- the next witness, Reverend Mintz, and I advised my friend of that on the weekend and my friend indicated that she would be objecting, presumably, on the Browne and Dunn argument which I can address in about two seconds if you'd like, because we don't have to deal with it on the same -- on the separate issue of recalling him on that point?

10

THE COURT: Interesting.

15

MR. ADAIR: I'm in your hands. I just wanted to tell you that...

THE COURT: Sure.

MR. ADAIR: ...before.

20

THE COURT: No, that's helpful. But I think it may assist if I give the ruling and then if there are future submissions to be made, you'll at least see the thinking?

MR. ADAIR: Thank you.

THE COURT: All right.

25

MR. ADAIR: Thank you.

THE COURT: So, let's do that. All right.

R U L I N G

30

LEIPER, J. (Orally):

The defendants have made an application to recall

Ruling

a witness, Mr. Don Farnsworth, to testify at first about a banner described by a witness in the dining hall.

5

The discretion to permit a witness to be recalled is found in rule 53.01(3) of the Rules of Civil Procedure, which say the trial judge may at any time direct that a witness be recalled for further examination.

10

The witness, Ms. Bakken, recalled a banner in the dining room, which read "Humiliation is the place of entire dependence upon God." She wondered if they meant humility and thought it was bizarre.

15

Ms. Bakken mentioned the banner on two occasions in her evidence, once while describing her first impressions of the school, and the second time when she described being pulled by her ear by a staff person out of the dining room to the kitchen to be disciplined for something she had said to a student earlier.

20

Ms. Bakken was not cross-examined on her description of the banner. It was not central to her story about her experiences at Grenville, but it was a background detail to a first impression on a day in the dining hall she described. A banner has been located which reads "humility is the place of entire dependence upon God."

25

30

Counsel seeks to recall Donald Farnsworth to put this evidence in now.

Ruling

5 There are more than one issue arising from the application. We have the test for recalling a witness. Counsel referred to the rule of *Browne and Dunn* during their submissions. It also puts in play the collateral fact rule which prevents evidence being tendered to contradict a witness on a matter that is collateral to the main issues in the case.

10 In this case, if the evidence is put in, it would have to establish that this was the only such banner at GCC at time Ms. Bakken was a student there, and it would tend to contradict her recollection as to what the banner said. As
15 such, it seems to me it would be a matter of credibility or reliability as a witness.

20 Counsel referred me to the decision of Justice Quinn, in *Griffi v. Lee*, [2007] CanLii 120704, in which Justice Quinn at paragraph 12 discussing some of the elements of sub rule 53.01(3), where counsel for a moving party has made a conscious and informed decision to conduct the case in a certain fashion and then decides to take a
25 different approach. Generally, a court would not grant leave to recall a witness.

30 That example is not this case, the banner was not in the will-say that was provided to the defendants. The cross-examination of Ms. Bakken tended to ask questions of the substance of what happened to her rather than descriptions of the

Ruling

school, including the banner.

Another factor that Justice Quinn refers to is:

5

When considering explanation as to why this is to be recalled, the court must be mindful of maintaining the integrity of the Rules of Civil Procedure.

10

I would include also the integrity of the rules of evidence.

15

In circumstances where counsel for a moving party misapprehends the law and conducts their case consistent with that [sic] misapprehension, leave is likely to be granted as long as there is no [sic] irreparable prejudice caused by the other side.

20

This is not such a case. Justice Quinn goes on to note that:

25

30

If recalling a witness is necessary to correct some other mistake such as a misapprehension of the evidence, leave should be granted again so long as there is no prejudice to

Ruling

the opposite party that's
irreparable.

This is not our case.

5

Where counsel for a moving party
inadvertently omits to ask a
question or questions of a
witness, leave should be granted
again if there is no irreparable
prejudice.

10

It does not appear to me that this was a matter
of inadvertence during Mr. Farnsworth's evidence,
in fact he testified that he would be looking for
the banner, so it was on the mind of the witness,
and perhaps of counsel during his evidence.

15

Justice Quinn also talks about the fact that:

20

Recalling a witness is not meant
to allow a litigant to polish
his or her case, it is intended
to cure a material omission and
the evidence of a party such
that to refuse leave will create
the reasonable risk of a
complete failure of justice
based upon the court record as
it stands at the time, (in other
words, a miscarriage of
justice.)

25

30

Ruling

5 This last point is a segway into the collateral fact rule. A number of commentators have provided this guidance to the collateral fact rule, and Watt's Manual of Criminal Evidence, Toronto Carswell Thompson Canada Limited, 2002, paragraph 22.03, page 265, quote:

10 The collateral fact rule prohibits the introduction of evidence for the sole purpose of contradicting a witness testimony concerning a collateral fact. The rule seeks to avoid confusion and proliferation of issues, wasting of time, an introduction of evidence of negligible assistance to the trier of fact in determining the real issues of the case. It endeavours to ensure that the side show does not take away the circus.

25 In general, matters that relate wholly and exclusively to the credibility of a non-accused witness are collateral, hence beyond the reach of contradictory evidence.

30 Further, Sidney Lederman, Alan Bryant, Michelle Fuerst in the Law of Evidence in Canada, 4th edition, provides that:

Ruling

5 The collateral fact rule does
not curtail what is otherwise
proper cross-examination of a
witness. It potentially limits
the matter in which answers
given may be subsequently
challenged by extrinsic
evidence.

10 Finally, Dean Wigmore has a test of whether a
matter is truly collateral, "Could the fact as to
which error is predicated have been shown in
evidence for any purpose in dependably of the
15 contradiction." I interpret this guidance to say
that Ms. Bakken could have been cross-examined on
whether the banner, in fact, read "humility"
rather than "humiliation", which would tend to
accord with logic as well as grammar.

20 However, the collateral fact rule would not
permit calling that very evidence now proposed.
The fact that Ms. Bakken was not cross-examined
does raise the rule in *Browne v. Dunn*, however in
25 considering the nature of the evidence, I have
concluded that this is a matter of credibility
and ought to be decided with respect to the
collateral effect rule.

30 Accordingly, I have concluded there is no
reasonable risk of a miscarriage of justice, the
case does not turn on what this banner said. The

Ruling

application to recall Mr. Farnsworth from this point is dismissed.

5 The second issue raised by counsel on the issue of Mr. Farnsworth is to recall Mr. Farnsworth so that he can add to his answer to a question about whether he turned his mind to the impact on children being taken from their parents within the community.

10 As I noted in the earlier ruling, but I will repeat it for the purposes of this one, Justice Quinn in *Griffi v. Lee* noted that the discretion to recall a witness is not "intended to provide an opportunity to polish or otherwise rehash evidence already given. The proposed evidence from Mr. Farnsworth about whether he turned his mind to the appropriateness of removing children from their parents would appear to fall under this category. He was asked the question in cross-examination and again at the end of his evidence. His answer sought to give an example and the question was re-stated. He did not say he did not understand the question and he gave an answer. Counsel were given an opportunity to ask any further questions arising from that question.

25 His evidence was given on October 7th, and the request to return and provide a further answer was made on October 11th. In reviewing Justice Quinn's summary of the factors to be taken into account in considering whether to recall a

30

Ruling

witness, none would support recalling a witness who has considered his answer and wants to elaborate or polish the answer, particularly days after the first answer and without any intervening event or misapprehension of law.

The proposed evidence is not a material omission in the evidence of a party such that to refuse leave would create reasonable risk of a complete failure of justice based upon the court record as it stands now.

Accordingly, the application to recall Mr. Farnsworth to give additional evidence on this point is dismissed.

MR. ADAIR: Thank you, Your Honour.

THE COURT: Thank you for your submissions.

MR. ADAIR: I beg your pardon?

THE COURT: Thank you all for your submissions on - on that certain point.

MR. ADAIR: Your Honour, obviously in light of your ruling I will not be putting it to Mr. Mintz because clearly in accordance with the ruling that would be a violation of Browne and Dunn. If I may, Your Honour, I'll move on and call Lieutenant Colonel Reverend Mintz, M-I-N-T-Z, Gordon Mintz. I'm wondering, Your Honour, we started at two and I'm wondering if it's worth taking 10 minutes now before we start Mintz, if that's convenient?

THE COURT: I think that makes sense.

MR. ADAIR: Yeah.

Gordon Mintz - in-Ch.
(Mr. Adair)

THE COURT: Yes, thank you. We'll take the
afternoon break now for 10 minutes. Thank you.

R E C E S S

5

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

MR. ADAIR: Thank you, Your Honour. Lieutenant
Colonel Mintz?

10

GORDON MINTZ: SWORN

EXAMINATION IN-CHIEF BY MR. ADAIR:

15

Q. Sir, I understand you are an ordained
Anglican Minister?

A. That is true.

Q. And tell me I started off correctly by
calling you Lieutenant Colonel?

A. That is true, but Gordon is just fine too.

20

Q. Okay. And you're a Lieutenant Colonel in the
Canadian Armed Forces I understand?

A. That's correct, as a Military Chaplin.

25

Q. And you are -- you have a Bachelor of Arts
degree from the University of Western Ontario in Commercial and
Administrative Studies?

A. Correct.

Q. And a Master of Divinity from Wycliffe
College, University of Toronto in 1992?

A. Yes.

30

Q. And....

A. No, 2002.

Q. Oh, I'm sorry.

Gordon Mintz - in-Ch.
(Mr. Adair)

A. For the Master of Divinity.

Q. 2002, of course. You started in nineteen
ninety...

A. It was a long journey, it was postponed.

5

Q. ...ninety-nine. And you completed the
Chaplin Basic Officer training with the Canadian Armed Forces in
2008?

A. Correct.

Q. And you were awarded a prize for top student?

10

A. That's true.

Q. And sir, what rank did you receive upon....

A. I was Captain at the time.

15

Q. You were Captain, and I understand that
subsequently you were promoted to Major and the subsequently
promoted to Lieutenant Colonel?

A. That is true.

Q. And you've completed the Joint Command
program at Canadian Forces College, and the Royal Military
College in Kingston?

20

A. The Canadian Forces College is the satellite
of RMC, it's located here in Toronto.

Q. Oh, I see.

A. So, I finished that program here. But the
degree is awarded by RMC.

25

Q. All right, and you were awarded a prize
presented to the Officer having contributed most overall to the
success of the program by your peers?

A. That's true.

30

Q. And I gather you also completed 9 of 10 units
of the Canadian Association of Independent Schools Leadership
Institute Diploma Course?

A. That's correct.

Gordon Mintz - in-Ch.
(Mr. Adair)

Q. What - what do you - what do you take at that course?

5 A. So it's a - it's a course that was put together by the Canadian Association of Independent Schools, leadership, governments, interfacing with ministry in terms of education, so that - that was a 10 unit program of which I completed 9 in the 2 years that I was Head Master.

10 Q. And sir, you I gather have had much experience since being ordained in various parishes, primarily in Ontario?

A. Correct.

Q. And in addition to that, you found time, I gather, to volunteer in a number of organizations as a hockey coach...

15 A. Yes.

Q. ...including the South Grenville Hockey League in the Pembina Hockey Association?

A. That's correct.

20 Q. And, mister -- or is it more appropriate to call you Lieutenant Colonel or Reverend Mintz?

A. Either one is fine.

Q. All right. Reverend Mintz -- I'm more familiar with that...

A. Certainly, yes.

25 Q. ...so we'll stay with that, if you don't mind?

A. Not at all.

30 Q. Can you outline for us your history, sir, at Grenville Christian College beginning with how you came to be there and - and follow that up with how many years you spent there...

A. Certainly.

Gordon Mintz - in-Ch.
(Mr. Adair)

Q. ...and what you did.

5 A. Certainly. In 1984 I went there for -- originally for a week to visit, it was in-between -- I was accepted to Wycliffe College at that time, and sponsored by
10 Diocese of Toronto and my summer construction job was delayed, so I asked if I could come and volunteer and work there for a week just to experience this place that my brother and sister had gone to, and was very, very impressed in the week that I was there, they were organizing a track meet. So, I subsequently asked for permission to defer going into Wycliffe College to
15 spend a year in fulltime Ministry there, being a young person I wanted to discern if this was something that I was truly cut out to do, and was impressed with what I saw. So, subsequently deferred my acceptance to Wycliffe College at that point, and with the permission and full blessing of both the Bishop of Toronto, who was Lewis Garnsworthy at the time, the Great Reverend Lewis Garnsworthy and the Principle of Wycliffe College deferred for a year -- which turned into 16 before I actually finished going back to Grenville...

20 Q. Correct.

A. ...oh sorry, going back to Wycliffe.

Q. And so what year was it that you went for your visit at Grenville?

A. 1984, the spring of 1984.

25 Q. And then that particular summer of 1984, were you back in Toronto or at Grenville?

30 A. I actually finished that week, came back, and there had been a lot of rain, and found out my summer construction job had been delayed for three weeks or more. So, I thought maybe this was a sign because I was very impressed, like I said, with what I saw, so that's what started me to explore with the seminary and with the Bishop about the idea of

Gordon Mintz - in-Ch.
(Mr. Adair)

spending a year there. So, no I was only in Toronto -- I guess, I don't know, it would have been another week or so to get my things ready and blah, blah, blah and then go back to Grenville. But the intent was to be there for a year. The fact that it
5 took 16 maybe proves I'm a slow learner, I'm not sure, but....

Q. All right. No, so far you're okay. Reverend Mintz, so you got back to Grenville in or about the summer of...

A. Correct.

Q. ...1984, and how long are you there for
10 before you leave for any extended period?

A. I was there pretty much until 1999, when I was accepted to Wycliffe.

Q. All right. I understand there was a
hiatus...

15 A. Yes.

Q. ...of three months or so...

A. Yes, there was...

Q. ...at the Community of Jesus.

A. ...there was a time when I was pursuing a
20 relationship that I thought maybe I would move to the Community of Jesus, and so I think that was probably the fall of '86 I'm going to say. And then that didn't work out, so I came back to Toronto, stayed with my mom for a couple of months, and worked solid to pay off some university debts. And then at that point
25 went back to Grenville, so that would have been spring of '87 I'm going to say.

Q. All right. And I understand that when you got back to Grenville you, I think, started off doing maintenance work?

30 A. The first year I was there I did maintenance, and - and observed an accounting class, and basically helped mark for the accounting teacher who was always -- also the

Gordon Mintz - in-Ch.
(Mr. Adair)

business manager, because my intent was not to stay. And then when I came back I started apprentice teaching, helping out more in the dorm, and doing some of those kinds of things.

5 Q. Okay. And when you came back, this would be in 1987...

A. Yeah.

Q. ...where did you live, sir?

10 A. I think we would have -- I'm not sure if the new dorm was finished then. So, in the centre of the upstairs was a - was a men's supervisor's apartment. So there was four of us who lived in that apartment, I believe. I can't remember exactly the details, because shortly after that the new dorm was completed and I lived on the third floor of the new dorm before moving into the House Master's residence.

15 Q. Okay. And when you - when you lived in the dorm...

A. Yes.

20 Q. ...whether the old one or the new one, what were your duties there in respect of the dorm itself and the students in the evening?

25 A. Right. We would provide supervision in the morning and the evening, making sure the chores were finished, making sure that the dorm was quiet enough at night and those who were studying late nights went and did that, and that there wasn't people running up and down the halls and that kind of thing. A lot of it was - was having the opportunity to mentor and coach as well, and we would talk to people who wanted to talk in the - in the common room.

30 Q. All right. And I understand that along the way you married your wife whose first name momentarily...

A. Margaret.

Q. ...escapes me? Margaret.

Gordon Mintz - in-Ch.
(Mr. Adair)

A. Yes.

Q. And she is Ken MacNeil's daughter?

A. Correct.

Q. And you and Margaret are still married?

5

A. That's correct.

Q. With two children?

A. Three children, three boys.

Q. Three boys, and you I gather live in the
Collingwood....

10

A. Correct.

Q. And tell me, over the years at Grenville, I -
I gather that from the time you came back, 1987, you were there
until 1999?

A. Correct.

15

Q. And what -- why did you leave in 1999?

A. I felt it was time to finish what I had --
what had brought me to Grenville to originally and had reapplied
to Wycliffe and was pursuing an ordination track at that point,
with the hope and intent of coming back and serving as Chaplain
to the college.

20

Q. Okay. And tell me, over those years from
when you first arrived at Grenville, 1984, until 1997, other
than assist with the maintenance and accounting you told us
about that, and other than dorm supervisor, what else did you
do?

25

A. Well my passions were hockey and business,
computing, that kind of thing. So, I helped to found a hockey
team and got my bus license to help defer the cost to drive the
hockey team around, and I really enjoyed that. And also, I was
instrumental in - in starting our laptop program. And, I was
Director of Information Technology as well as a business teacher
at the time, so I taught computer science, and accounting and

30

Gordon Mintz - in-Ch.
(Mr. Adair)

5 the pedagogy of incorporating the laptop into that whole delivery was just starting to get some momentum, so we negotiated an arrangement with IBM whereby they would give us the hardware at a discounted price and we would be a bit of a test bed for them. So, we wound up being the first high school in North America to implement a laptop delivery program, which was pretty exciting.

Q. And I gather that you had had some background with the -- in the computer world...

10 A. Correct.

Q. ...with IBM or?

A. Only through business school and - and taking computer science, I had no connection with IBM before that.

15 Q. All right, my mistake. Reverend Mintz, so you -- I take it then, in addition to engaging in activities like hockey and helping form the computer program and updated the technology, I gather you taught?

A. Correct. I taught computer science and accounting, and economics.

20 Q. And in addition to your teaching and the other duties you've already mentioned, did you have any part in the administration of the school?

A. No, I -- other than being Business Department Head, which was lower down.

25 Q. All right. And one thing I'd like to ask you is over the years that you were at Grenville, what kind of students did Grenville attract?

30 A. It was a wide variety. We attracted a lot of very gifted people whose parents wanted to invest in their future. We also attracted students from troubled backgrounds, some who had been expelled from other schools that Grenville wanted to give a second chance to. We really wanted to have a

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breadth of student body and - and build a family, build a community family that strove for excellence together, and got the - the most potential out of young people.

5 Q. And tell me, on - on that vein, how would you describe the Grenville philosophy or approach to educating and caring for the young people that came under Grenville's charge?

10 A. It was very understandably a Christian structured environment that had a positive pressure to push forward to maximize the gifts that each of us are given. And it certainly was a culture of excellence, so it was -- there was a positive pressure, again as I said, to get the most out of - out of everybody who came, including us as staff, and we modelled that by living there and being a Christian community that ran a school.

15 Q. And did you -- how'd the hockey team do under you?

A. Not very well.

Q. So maybe the coach was a little lacking?

20 A. I would - I would -- there were no draft picks in the NHL coming from that team, but it was a fantastic time to flood the rink and just have an outlet that so many young people enjoyed.

Q. Yeah. And what other activities were offered to students over the years that you were there?

25 A. I helped coach badminton...

Q. What are some?

A. ...track and field, there was an endless list of activities that students could be involved in, as well as clubs.

30 Q. And I - I gather the staff would supervise...

A. Yes.

Q. ...or coach?

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A. Yeah.

Q. And tell me, what, if any, comment can you share with us regarding the attitude of the staff towards their responsibilities?

5 A. It was - it was a hundred percent commitment, and - and we wanted to model the excellence that we were trying to have our young people strive to attain as well. So it was -- that was one of the things that really struck me when I was there for that first admission visit, the commitment of the
10 staff to have meals with the students in the - in the dining room, to have family night, to invite them over, to build that kind of report, and I'm - I'm still in contact with many of the alumni, because of that relationship that we built.

15 Q. I gather that there was a system of student leaders and prefects for at least part of the time you were at Grenville?

A. I think most of the time I was at Grenville -- I certainly do recall that, yes.

20 Q. And what - what were the duties of the prefects?

A. They would help supervise activities, they would help supervise the dorm, they would be given some delegation of tasks and coached through that to develop their
25 leadership skills and gifts. And then often there was a weekly or every other weekly meeting of prefects with either the boys dorm supervisor or the girls dorm supervisor so that we could have the coaching and mentoring time with them, and help them debrief and find out what are the stressors on them and care for them as they help lead the student body.

30 Q. Okay. And how about the student leaders?

A. I can't remember if they were included right away with that group or if there was an invitation -- that there

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was a graduation night, I just don't recall. They were -- you were a student leader before you were a prefect, and I don't remember if student leaders were always part of the program or if they were a later thing?

5 A. Right. Okay.

Q. There was a prefects meeting, I just don't recall if the student leaders were invited to it.

10 Q. Yeah, I understand. And tell me, did - did prefects have any responsibility with respect to keeping good order among the students, or seeing that they behaved appropriately?

15 A. The model was as a family together, that what -- we're in it together, it affects all of us. So, to the extent that somebody was having a difficulty or creating difficulty, that would probably come up in - in the prefects' meetings. The - the intent of prefects was never to have spies within student body or that kind of connotation though, it wasn't to have a network of information or any of that kind of thing. It was a matter of us being a family together, and what
20 affects us all.

Q. And can you tell us, Reverend Mintz, from your recollection, can you give us a picture of the daily routine of students in the high school, boarding students, at Grenville.

25 A. So, there would be morning chores to clean the dorms, and those would be distributed by room or section. And then once the dorm inspections happened, they would be -- the students would be dismissed to breakfast in the dining room. There would be sometimes delegation of chores for food put away
30 and dish crew and that kind of thing. After breakfast people would go to class. In the -- some afternoons were activity afternoons where they'd be specifically scheduled sports

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practices that we knew we could count on, those would be in the
afternoons of course, I would book ice time and those kinds of
things. And then in the evening, same routine in terms of
dining room, lunch and supper, and then in the evening there
5 would be study hall where those of us who taught were on a
rotation to help supervise and also use that as a time for
tutoring. And then the evening would conclude with compline in
the Chapel, with which a series of us shared responsibility to
lead, and was often commented as a - as a favourite time to sort
10 of quiet, put the - put the community to bed as it were, and
then the - the dorms would be people getting to bed or getting
their dorm space clean and then going to late lights if they had
permission or they had a test or whatever was the routine. And
that was -- I think late lights was supervised by prefects as
15 well and then monitored by staff.

Q. So it was a busy life for you?

A. Very, very full. Very full, for all of us.

Q. And what -- in terms of the activities they
would do, what - what was the attitude, if any, at Grenville
20 about celebrating excellence, for example of a student who had -
had won a public speaking competition, or if the hockey team had
won the championship, or whatever?

A. The hockey team's a bigger "if" than public
speaking.

25 Q. Okay.

A. But the debating was - was always -- and the
Sears Music Festival, the Arts were very much celebrated. And
Athlete of the Year, and that kind of thing. But there - there
was quite a bit of success for a small institution, and it was
30 absolutely....

Q. Quite a bit of?

A. Success in things like debating and - and the

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year book would often win awards, and those things were absolutely celebrated so that the students could be proud of their achievements.

5 Q. Now, obviously at any school you have to have some rules?

A. Correct.

Q. And what I would like you to do is tell the court, if you will, Reverend Mintz, what the rules were at Grenville and how they were enforced?

10 A. The rules were laid out in the student handbook, usually, well always. And, the rules -- I can't remember them all, but they were based on the context of being a Christian family together. So they were conservative Christian values that parents knew that they were -- they were subscribing
15 to, and having their son or daughter participate in as part of. So, the least popular of those in terms of being a family was the - the rule of not having boy girl relationships that were public and - and on display. And the thoughts behind that was that it was to be a Christian family together and to encourage
20 young people to develop relationships as brother and sisters, you know, with teenage hormones in - in play, that had mixed success, and was - was often a point of contention.

I think the principle was valid and its
25 application was more difficult. And from that, the rest were just housekeeping maintenance kinds of things, you can take your turn to do dishes, if you make a mess clean it up, if you -- if there's -- if we -- we would go to Brown's Bay and have a picnic, and the mantra was always to leave a place more clean when we left it than we found it, and just those good kind of
30 rules and principles to be taught to young people.

Q. Right. And - and just before I leave the boy girl thing, I understand -- or what can you tell us to Father

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Farnsworth's approach towards this boy girl thing and - and your view on that?

5 A. You know, I think it was - it was certainly a preoccupation that the - the Christian view of sexuality probably was laden with more teaching -- a fear based teaching rather than - than celebrating like God intended it to be, and having it be a little bit more balanced. Certainly, hindsight is 20-20, but -- yeah, I think it's fair to say there was a preoccupation with that, which wasn't necessarily as healthy as
10 it could be.

Q. Okay. And sir, the - the - the other rules, what about things like smoking and....

A. Yeah, they -- there was a - there was a student contract that when I was Head Master that they signed, I
15 don't know if it was enforced prior to that.

Q. When were you Head Master?

A. The last two years.

Q. All right. 2005 to 2007?

A. Correct. And I know there was a student
20 behaviour contract at that point that students signed, I couldn't actually recall if - if they did it beforehand. But the students knew that there was no smoking, that -- obviously no stealing, and those kinds of things.

Q. How about Walkmans?

25 A. Oh yes. There was a -- no private music and that kind of thing.

Q. And what about....

A. Mostly because -- it wasn't the music itself, it was that was often a way that people would stay up late at
30 night and it would interfere with their studies.

Q. Right.

A. We'd - we'd do a late-night check of the

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dorms and find people listening to Walkmans at midnight.

Q. Yeah. And what was -- what about wearing apparel?

A. I'm not sure....

5

Q. Jeans?

A. I don't think -- I can't remember when jeans were allowed. They were certainly allowed when I was Head Master but they weren't before then, I don't remember when that rule changed.

10

Q. Okay.

A. It was a very conservative e-thoughts in terms of dress as well.

15

Q. Sure. Now, what about the enforcement of rules? Can you shed some light on how rules were generally enforced, what the system was?

20

A. Yeah. The - the first time was always a verbal warning. And later a system of demerits wound up working and you would work of demerits, you'd have extra work jobs or whatever. If rules were continued to be broken or it was a serious enough infraction, you may be assigned extra chores and working in the kitchen and it became known as being on discipline and....

Q. Being on D?

A. Being on D, yes.

25

Q. All right. And what did being on D consist of?

30

A. Well, like I said, it would usually involve chores in the kitchen, or out in the maintenance areas, always under supervision. And then those of us who helped in the dorm would check-in with those students at night, make sure that the teacher's had conveyed homework, make sure they were given time to study, because the - the object was to push them forward not

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to get them behind, be it academically or any other way.

Q. All right. And - and for example, were --
what - what was the -- how long -- if you were put on D, if you
got to that point where you were put on D, how long was D likely
5 to last?

A. One or two days, at the most, unless it was
something very serious, and then it, you know, if it was longer
than that it would be involving a conversation with the parents,
to -- and maybe they would be on D for three or four days in
10 lieu of a suspension at home or something, I'm not really sure.

Q. All right.

A. But in general, it was a day or two.

Q. And what about the ability to wear the
uniform on D?

A. No, you were in work clothes usually because
15 you're either outside...

Q. And...

A. ...or helping in the kitchen.

Q. ...and was there something called Hotel D?

A. There was something called Hotel D, I can't
20 remember what it was -- I forget it's the -- they stayed in the
dorm -- in the - in the infirmary or something, I forget
exactly. I vaguely recall something about Hotel D, but it was
something us staff ever referred to, and I forget what the
25 students meant by it.

Q. All right. And what - what about silence on
discipline?

A. So, the - the silence piece was so that they
wouldn't -- they weren't to be socializing with their friends,
30 they were to be thinking about what changes they want to make in
their life. So, that was part of it. It -- that you were --
you didn't have the privilege of wearing the uniform in part

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practically, you had to wear work clothes, and you had to work yourself back to being full speed and full part of the - of the school again.

5 Q. All right. And - and in terms of silence, how about -- did anybody speak to...

A. Oh yeah.

Q. ...the students on D?

A. No, they would be - they would be conversation with staff regularly.

10 Q. All right. And, Reverend Mintz, did - did you ever observe any punishment at Grenville that you considered excessive?

A. No, I had heard in the past of alleged paddling and that kind of stuff, but I had -- none of that ever happened when I was there, at least that I ever saw.

Q. All right. Were - were - were you aware of any paddling when you -- from the time you arrived there in 1984 onward?

A. None whatsoever.

20 Q. All right. And the - the -- we've heard in this case about something called -- some people call light sessions, and just so you know what I mean, I'm referring to a student being stood up and castigated or given a dressing down, or a lecture, something of that nature, in a public way in the sense it being in front of part of or the whole of the student body. Was there such a practice at Grenville?

25 A. The light sessions were something that were for staff, there were student meetings if the attitude had slipped or something like that. I do recall a student meeting
30 where - where the discipline -- I forget what they -- what caused the meeting to be called, but I do recall a situation where a student was wanting to point out another student's

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attitude so that person was asked to stand up and this - this student may or may not have been a prefect, I don't recalled, dressed them down from constantly being a problem in the dorm and saying your attitude seems to change, which seemed a little
5 excessive for a student to do that to another student, but I do recall that happening once.

Q. All right. And were there lectures or -- sorry, lectures is the wrong word, were there occasions where Farnsworth -- where Father Farnsworth would pick out a student
10 and publicly chastise them?

A. The - the staff -- the school meetings were held for whatever reason triggered by an attitude. So, there may have been -- if there were two or three or four people on discipline for -- at the same time, that - that may be a reason
15 that he would say this group is - is - is acting thus and so, you know, what needs to change to that we can be in a more positive environment together? So, did he specifically have individuals stand out and point them out? Possibly, I don't recall specifically. It was certainly an intent to raise the
20 level of attitude in the student body.

Q. All right. And....

A. It's quite likely...

Q. Yeah.

A. ...looking back at it that that happened.

Q. Yeah, okay. And, tell me, well I'm on the
25 subject, the -- it's my understanding, that - that there were students at the school living in the dorm who were called staff kids in that they were the children of Grenville staff?

A. True.

Q. And what can you tell us about the treatment
30 of that group of students in particular?

A. There was certainly a higher standard from

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5 staff kids. And - and part of that -- I actually don't - I don't want to speculate as to the reason, I guess because they were part of the community, but they - they certainly were expected to be an example, and they would be -- it would be typical that they would be expected to become the prefects and leaders of the school.

10 Q. All right. And the -- did you ever observe any discipline that could fairly be characterized as mean spirited in the sense of forcing someone to cut a lawn with scissors, or pulling out rocks with their fingers, or something like that?

A. Never.

15 Q. And what - what about staff swearing at or abusing students, did you ever see any of that?

A. I did not see any of that, no.

Q. And in particular, did you ever hear young female students being referred to as sluts, or whores, or jezebels?

20 A. I never saw any of that when I was there. I read about it after Grenville closed that that was alleged, but I had never witnessed any of that when I was there.

25 Q. And Reverend Mintz, one incident in particular I want to ask you about is Andrew Hale-Byrne testified in this court that you opened his bathrobe and pulled his underwear forward and looked at his genitals with a flashlight, did that ever happen sir?

A. Absolutely not, that is complete fiction.

30 Q. Now, Reverend Mintz, we know about -- or we're aware of the fact that some of the students that went to Grenville would be children of Grenville financial supporters, or children of parents on the Board of Patrons or Board of Advisors, or someone like Simon Best whose mother was a doctor,

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was there any differentiation in treatment between those students and other students?

A. I would not say so. I certainly witnessed none of it.

5 Q. All right. Reverend Mintz, I want to ask you a couple of general questions, sir. If you'll just bare with me for a moment?

A. Certainly.

10 Q. Can you help us to the best of your ability in understanding what the -- from your observations, what the prevailing atmosphere was among the student body in your Grenville years up to 1997?

15 A. Overall it was very positive. People by and large enjoyed the activities and the sense of family. Going camping and all the different things that we did. Nobody likes rules, so of course there was some conflicts around those kinds of things, but I think the spirit -- the - the student body understood the spirit and intent behind it and supported it and knew that they had the product of an excellent education. I
20 certainly saw it in my own family, my brother and sister very much benefitted from the Grenville education, so I think that that was by and large the experience that people were very glad for the chance and the privilege to go to Grenville.

25 MR. ADAIR: May I have your indulgence briefly? Thank you Reverend Mintz, my friend will have some questions for you.

THE WITNESS: Certainly.

THE COURT: Thank you, cross-examination?

30 MR. ADAIR: Your Honour, may I, without interfering any way with my friend, just send a quick text related to the case...

THE COURT: Of course.

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MR. ADAIR: ...while I'm sitting here?

THE COURT: I don't feel like you need my permission to do that.

MR. ADAIR: Well....

5 THE COURT: But thank you, for mentioning it.

CROSS-EXAMINATION BY MS. MERRITT:

10 Q. Reverend Mintz, you indicated in your answers to Mr. Adair's questions that Grenville often celebrated the success of it's students, and I'm suggesting to you that that was true, that in public ways, in news letters or at the school or otherwise those successes were celebrated, but I'm suggesting it's also true that students who are considered too proud of their achievements sometimes had their achievements taken away from them, for example being replaced in a lead role in the play because they were too haughty, is that right?

A. I wasn't in the drama program.

Q. So, you don't know about that?

A. No.

20 Q. All right. How about having their....

A. People would - would -- if people were being very proudful, haughty was a very overused term at Grenville, I admit it. So, they -- that would be something that would be addressed in terms of the character challenge, but not -- I'm not aware of it being punitive.

25 Q. Now, when you say a character challenge, you mean like a character in the play, you mean the person's own character as a human being, correct? That's how you're using the word character?

30 A. Yes.

Q. All right.

A. Yeah, not as in a role...

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Q. Right.

A. ...but as an area for development.

5 Q. Right. And are you aware of situations where students were too enthusiastic about their grades, for example, and their grades being withheld from them?

A. No.

Q. No. Okay. You know that Julie Shirreffs and Lannie Newell have given evidence in this trial, correct?

10 A. I heard that Julie Shirreffs did, I didn't know about Lannie Newell.

Q. Oh, and you heard that from Don Farnsworth, did you?

A. Correct.

15 Q. And you and Mr. Farnsworth sat together in the lobby from the beginning of this morning until about 3:00 p.m. today?

A. He wasn't here this afternoon.

Q. Oh.

20 A. And he came -- I came at 11:15, he came about 11:20.

Q. Okay. So, from about 11:20 until?

A. Until whenever the court dismissed, one?

Q. All right. And did he tell you some of the things you might be asked about today?

25 A. No, not at all. He shared that Julie -- that he enjoyed the fact that Julie wasn't part of his family, he wasn't particularly close to her, but he shared that Julie came in and sat with his wife during the time he gave testimony and it was nice to reconnect. That's all he said about Julie.

30 Q. Okay.

A. So, I inferred that he -- that Julie had testified since she was here.

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Q. And nothing else about the case?

A. None -- not whatsoever. We wound up -- he's doing a Master's of Divinity now, we wound up talking about that and voting.

5 Q. Okay. You've said that Grenville had a positive effect on its graduates, and I take it you're referring to the fact, you explained I think, that they were pushed to achieve to excellence both in academics as well as extracurricular activities, correct?

10 A. Correct.

Q. And at one point did the school have combination locks on the drawers in the dorms?

A. I don't recall.

Q. Okay.

15 A. It's possible that students had their own locks, I don't recall that.

Q. No, my understanding is they were school supplied locks and the school had the combinations, do you know about that?

20 A. No.

Q. All right. Sir, you're still an e-vowed member of the Community of Jesus, are you?

25 A. I actually have no idea. I was an oblate, and I haven't been there in a while, so I really don't know what my status is -- it's not an active relationship.

Q. All right. When was it last active?

A. That's a good question. I went there for a personal retreat in 2014...

Q. Okay.

30 A. ...when I was in Ottawa.

Q. Okay.

A. I think it was 2014-2105, and I was there for

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three or four days, and I hadn't been there for years since then, probably 2008, probably since Grenville closed.

Q. But you took vows for life, did you not sir?

5 A. We took vows at Grenville, thinking to be part of Grenville, and they were sort of transmuted to the community, so I remember having a conversation with the leadership there that I didn't feel called to be a member there, that I - I felt like my - my vocation was here in Canada at Grenville.

10 Q. So, when....

A. And then when that closed I pursued vocation in the military.

Q. But let me understand, did you take the first vows and the final vows of the...

15 A. No.

Q. ...Community of Jesus, or not?

A. No, I took oblate vows.

Q. Yeah, that's what I mean, but there were first vows and final vows for the oblate members?

20 A. I never took -- I took one set of vows at Grenville.

Q. Okay. And those vows were the Community of Jesus vows, right?

A. Correct.

25 Q. All right. And your mother, Joan Preston lives there, at the Community of Jesus, does she not?

A. No.

Q. Has she ever?

A. She's spent eight months there.

30 Q. Okay. And -- so she was never a nun...

A. No.

Q. ...at the community? Okay. Is your wife,

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Ken MacNeil's daughter Margaret, a member of the Community of Jesus?

A. No.

Q. Has she ever been?

5 A. Yes. She took the same oblate vows I did, but she hasn't been there longer than I have.

Q. And your sister-in-law lives at the Community of Jesus, does she?

10 A. Yes. Her sister Victoria is a nun, her identical twin.

Q. Were there photos of the mothers Cay and Judy hanging all the staff homes at Grenville?

A. There wasn't in our home.

Q. You were never in anyone else's home?

15 A. I was, but I don't recall seeing them. There was some - there was some in the sacredcy (sic) I know, when we would robe and there was some of the pope and different religious leaders there.

20 Q. But you don't recall seeing them in the staff homes?

A. I -- no. I couldn't tell you what pictures are in my home though.

Q. Okay. Would it be fair to say that at Grenville the students were encouraged to fit in?

25 A. I guess it would depend on your definition of "fit in"...

Q. Well....

30 A. ...if you're going to -- you -- we certainly encouraged everybody to be a family moving in the same direction together. Not to the extent of - of disavowing the individual gifts that people have.

Q. Could you -- I think it's there in front of

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you, the Joint Exhibit Book, Volume 1?

A. Okay, yeah, got it.

Q. If you turn to Tab 3, the first page there?

A. Oh, yeah.

5

Q. (Reading):

A new student at Grenville
enters a new world. The day of
arrival begins an orientation
which spreads over several days.
Each student is encouraged to
fit in.

10

Do you agree with that statement sir?

15

A. I guess it -- again, it depends on the
context. I have no idea what the date of this is. That
certainly wasn't the - the e-foss (sic) in terms of being --
making everybody the same. Cooperative yes, and functioning
together as a family, yes.

20

Q. I'm just using the words of the document,
sir.

A. I know, I've never seen this document before
and I don't know what the date is.

Q. Okay. But you'll agree that....

25

A. That's not how we would mark it our self,
when - when I was aware of - of those kinds of things when I was
on the board and things like that, so obviously this is....

Q. You were on the board?

A. Yeah, I was on the Board of Directors.

30

Q. When?

A. That would have been at the time I was
serving the parishes in the Diocese of Ontario.

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Q. Yeah, what year, sir?

A. That would have been 2000 and 2001 I sat on the board, not as a voting member, but as an observer of the -- the community had two observers on there.

5 Q. Okay.

A. So, I was on there and I think Julie Case was on there. And I was a voting member 2004-2006.

10 Q. Okay. So, maybe I can help clarify something. The period of time we're primarily interested in, in this lawsuit, is from 1973...

A. Yeah.

Q. ...to 1997. So unless I take you outside that frame -- that timeframe, and for you I guess it would be 1984, when you first volunteered there, to 1997....

15 A. So, at no point was I on the board during that period.

Q. Right. So, let's not talk about...

A. Understood.

20 Q. ...being on the board, we're talking about the school as you experienced it while you were a volunteer, while you were a staff member, while you were supervising in the dorms, up until you left in '99, okay, let's talk about that period.

A. Okay, understood.

25 Q. Okay. So, would you agree that during that time it was a close-knit community?

A. Absolutely.

Q. The teachers lived there?

A. Correct.

30 Q. They ate with the kids?

A. Correct.

Q. You had the family nights on Saturdays, I

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think you told us?

A. Yeah, sometimes Fridays, but generally the --
once a week.

5 Q. And the staff lived in the dorms with the
kids?

A. Or in the attached housing.

Q. Right. And the staff were basically with the
kids from the time they woke up at night [sic] until they went
to bed, some with some kids.

10 A. Correct.

Q. All right. And, at GCC, it was a place where
they wanted kids attitudes to change, habits to change, hearts
to change, relationships to change, behaviour to change, and
their level of achievement to change, that's what was the goal,
15 correct? All of that.

A. I would not agree with that statement,
because...

Q. All right.

20 A. ...you're - you're saying change, and the --
unless - unless it needed to change, some students came and
contributed right away without having to change anything.

Q. Okay. Let's go to the Joint Exhibit Book at
Tab 36. Now, this I -- granted is before your time, December
1979?

25 A. Correct.

30 Q. And this is a statement by the Reverend
Alastair Haig, "Obedience changes attitudes," and just reading
at the top, "Grenville Christian College is a special place
where lives are changed. At Grenville attitudes change, habits
change, hearts change, relationships change, behaviour patterns
change, levels of achievement change." You don't agree that
that was still the philosophy when you were there in 1984?

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MR. ADAIR: Well, with respect, my friend put -
put to the witness on the basis as if Grenville
changed attitudes. The -- you know, by force or
compulsion, the context here is attitudes
changed.

5

MS. MERRITT: I didn't say forced or compulsion,
and I'd appreciate my....

MR. ADAIR: Well, I know, but you implied it...

MS. MERRITT: No...

10

MR. ADAIR: ...with respect.

MS. MERRITT: ...no, I didn't.

MR. ADAIR: Okay.

THE WITNESS: The odd...

THE COURT: So, hold on. There's an objection.

15

THE WITNESS: Certainly.

THE COURT: I'm sorry. You're response to that
is you did not use the phrase forced or
compulsion, I'm looking....

MS. MERRITT: Or imply it.

20

THE COURT: ...I'm....

MS. MERRITT: I just said, "My impression was at
Grenville these were goals, attitudes change,
habits change, hearts change, relationships
change, behaviour changes, levels of achievement
change, that was the overall goal, right?"

25

MR. ADAIR: Excuse me, that is exactly my
objection, to say it was the goal as if it was
Grenville's goal to do this as opposed to -- and
then puts the passage to it that stands for
something completely different, it's not fair.

30

MS. MERRITT: For goodness sakes, this is a
cross-examination. I'm entitled to ask him a

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question, he can agree or disagree.

THE COURT: You can ask the question.

MS. MERRITT: Thank you.

5

THE WITNESS: My response is that the goal was not to make people change.

MR. ADAIR: Too bad.

THE WITNESS: Do you want me to answer?

10

MS. MERRITT: Q. It's just that you're now answering what my friend has suggested in his objection, so perhaps we might get an answer -- the judge can respond.

THE COURT: Well, hang on. If - if the witness needs to step out, maybe you can hear it when you start to hear the objection.

MS. MERRITT: I will.

15

THE COURT: It's not the witness' fault.

MS. MERRITT: No, no, it's not at all the witness' fault, but it - it is a problem. So, I'll deal with it differently next time...

THE COURT: Okay.

20

MS. LOMBARDI: ...objection, Your Honour, thank you.

THE COURT: Okay.

25

THE WITNESS: I did start to answer that question previous to that though, and I wouldn't -- this -- you said in 1984 was this the goal...

MS. MERRITT: Q. There's no question here now. So, Mr. Mintz, you'll agree that the purpose of having light groups was to have light sessions, correct?

A. For the staff.

30

Q. Yes. Is that a yes?

A. Yes.

Q. All right. And, we've heard evidence at

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Grenville there were two different kinds of light sessions. There were small group light sessions where there could be a student being called out for breaking rules and it might one student and two or three staff members, maybe a prefect
5 confronting them about their infraction, or - or attitude problem, or whatever it was, and the purpose of this was correction, do you agree those happened?

A. They were not called light sessions, light sessions were for the staff.

10 Q. Okay. Let's not fuss about the term, we're talking about little small group meetings at Grenville, little sessions where a student would be called out for breaking the rules, and there could be one student, two or three staff members, maybe a prefect, there to confront them about either
15 their rule infraction, or their attitude problem, or something like that, did those things happen?

A. Yes.

Q. All right. And sometimes the staff would raise their voices during those sessions, correct?

20 A. Probably. That was not the intent though.

Q. Thank you. Now, we're going to talk about the public light sessions, or assemblies, or meetings, or whatever you want to call them, but the big group meetings where the whole school was there...

25 A. Correct.

Q. ...or all the boys or all the girls?

A. Correct.

Q. And a problem....

A. And sometimes just a floor.

30 Q. Pardon?

A. It could also be that third floor would have a meeting themselves.

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Q. Okay.

A. Yeah.

Q. So it could be...

A. So it could be a sub-set.

5 Q. ...it could be a subset or the whole school,
but we're talking big groups as opposed to the little groups we
just talked about, okay?

A. Understood.

10 Q. All right. So, let's just call them big
group sessions, okay?

A. Understood.

15 Q. All right. So, there would be big group
sessions, as I understand it? You - you said, I think, you
maybe recall one -- let me just see what you said exactly, just
give me a moment, oh dear. I did not mark the page where you
started, just give me a moment. Oh here, my friend has it.
Okay, I'm not -- yeah, okay, there were student meetings where
one person wanted to point out another's attitude -- oh, I think
you said there was one where a student pointed out or dressed
20 down the other student. But, sir, my understanding is -- and
we've heard evidence from a number of witnesses on both sides,
that these meetings happened on a regular basis, fair?

A. The meetings did, yes.

25 Q. All right. And, like, the prevalence we've
heard, is approximately two or three of these big meetings per
term. Is that fair?

A. Or per school year.

Q. No, two or three per term...

A. I don't recall them being that frequent.

30 Q. ...or five. Okay, so you dispute that, you
think there were two or three a year?

A. Yes, that's my recollection.

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Q. All right. And that's including the whole school, all the boys, all the girls?

A. Oh no, no, no, just were just the whole school meetings.

5 Q. Okay, well let's include all the big meetings.

A. Oh, okay. That's probably more accurate then, two or three a term then.

10 Q. All right, all right. And, sometimes at these meetings there would be some kind of a sermon, yes?

A. There would be a point to a meeting. It would not be presented in terms of a sermon.

15 Q. All right. Well, I'm just referring now to the will say statement that your lawyer gave me, and the information I have, and you can tell me whether this is right or wrong, whether you told this to Mr. Adair or someone on his team, or you didn't. It says you do recall school meetings when issues such as vandalism or tardiness became problematic. You noted there would be a sermon, and children would be called out and identified as examples of the problem, and sometimes
20 prefects would join in the criticism. Is that true?

A. Yes.

Q. All right.

25 A. When you said sermon, in my context now, I'm thinking of using scripture and that kind of thing. So, that -- my point of reference has changed on that, but that's true.

Q. Okay, I was just using your words.

A. Yeah.

30 Q. Honestly, I don't know a sermon from a speech.

A. No, it's all good. There was certainly a point to be taught and raised.

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Q. All right. And I take it, by called out, you mean stood up, right?

A. Not necessarily.

Q. So, kids weren't stood up at these meetings?

5

A. Sometimes they were, sometimes they would all be sitting on -- in the common room and - and individuals -- the issues would be raised at that point, but they weren't necessarily stood up.

10

Q. All right. Well, lets talk about some of the ones that happened in the dining room or in the chapel.

A. Yes.

Q. Kids were stood up?

A. Correct.

15

Q. Correct? Yes. All right. And Father Farnsworth, and or other staff would talk to them about what they did wrong, yes?

A. Correct.

Q. All right. And sometimes others, I think you agreed prefects...

20

A. Yes.

Q. ...for example, might join in, yes?

A. Yes.

Q. And other staff could join in as well on occasion, yes?

25

A. Yes.

Q. And would it be fair to say that these students who were being stood up, looked as though they felt badly?

A. Sometimes.

30

Q. Looked uncomfortable sometimes?

A. Yes.

Q. Embarrassed?

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A. Sometimes.

Q. Humiliated?

A. I wouldn't say so.

5 Q. And how about if some of those students who were stood up, testified that they felt humiliated, would....

A. That - that wouldn't surprise me.

Q. All right. Did you ever feel sorry for them?

A. I -- like I said, when that one student was addressing another student, I did.

10 Q. That was the only time you ever felt sorry for anybody?

A. No. It would -- sometimes it would make me uncomfortable.

15 Q. All right. And I take it, sometimes they were stood up for rule infractions like the boy girl thing, or smoking, or something like that, but also sometimes they were stood up for attitudinal matters, correct?

A. I don't really -- it wouldn't surprise me, but I can't think of specific examples.

20 Q. Bad attitude, haughty?

A. Yes.

Q. Sinning in their minds?

A. No.

Q. No sinning in the minds?

25 A. No.

Q. You don't remember the cold grits with the girls?

A. I remember hearing of it, but sinning in their mind wasn't....

30 Q. Well, they hadn't actually broken any rules, they were just sinning in their minds as I recall, and that's the evidence we've heard.

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A. I couldn't speak to that.

Q. You don't remember?

A. No.

5 Q. All right. So the - the rules you've talked about at - at the - at the school included I think we've talked about no smoking, no drinking, those are strictly forbidden?

A. Correct.

Q. Students couldn't leave the grounds without permission?

10 A. Yeah, that's true, yes.

Q. All right. Chapel and bible studies were compulsory activities were they?

15 A. Not compulsory, but certainly -- like for compline and stuff, you could -- if you had a reason to miss it, you would talk to the dorm supervisor and miss it.

Q. Okay. Subject to getting special permission not to go...

A. Okay, yes.

Q. ...on occasion, as a general rule...

20 A. Right.

Q. ...bible study and chapel were compulsory attendance, yes?

A. Correct.

25 Q. All right. And we've heard no relationships were allowed with the opposite sex, yes?

A. Correct.

Q. And we've heard....

A. Well, friendships of course.

Q. Yeah. Okay, no romantic...

30 A. Correct.

Q. ...or exclusive...

A. Correct.

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Q. ...relationships, right?

A. Correct.

5 Q. All right. And I think you mentioned no Walkmans because -- and the reason I think you told us was no Walkmans because you didn't want them staying up late. Did I hear you correctly?

A. Correct.

Q. All right. So, it had nothing to do with rock music being the devil's music?

10 A. Correct.

Q. Nothing to do with that?

A. No.

15 Q. So, why would a student -- if you can explain this to me, have an Iron Maiden t-shirt confiscated, because a t-shirt can't keep anybody up late, can they?

A. I -- that's a good question.

Q. Well, that student was told because it was rock music and that was the devil's music.

20 A. Well, that's not a situation I was involved with so I couldn't speak to that.

Q. And you never heard Father Farnsworth say that rock music was the devil's music?

A. Yes, I did.

Q. You heard him say that?

25 A. Yes.

Q. Oh, okay. All right. And - and not only that, but TV was closely supervised as well, mostly news channel or - or documentaries, or educational programs, that's what the kids were mostly allowed to watch, correct?

30 A. I suppose, I don't remember a bunch of time to watch TV.

Q. Okay.

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A. I don't remember it being monitored specifically.

Q. Well, I take it they weren't watching R-rated movies?

5 A. Correct.

Q. All right. And from 6:30 in the morning until 10:00 at night I think what you said, hardly any time for TV, it was very highly structured, yes?

A. Correct.

10 Q. All right. Teachers were involved with the kids, I think we've already established...

A. Yeah.

Q. ...at all times? Assigned to staff tables at meals, yes?

15 A. Correct.

Q. There for the activities and teams, yes?

A. Correct. Yes.

Q. And there was homework in every course?

A. Yes.

20 Q. And mandatory work duties that would be supervised...

A. Yes.

25 Q. ...by -- all right. And, would it be fair to say that a major rule violation, like alcohol, could result in expulsion, yes?

A. Possibly.

Q. And a minor infraction like bad attitude could get you three days on discipline?

30 A. I would be surprised if it was three, but certainly one. Unless it was persistent.

Q. I'm just going to have to wait a second here. Okay, so I don't know that I have the date. I am going to show

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you an article from MacLean's magazine in May 15th, 1995. Have you seen this MacLean's magazine article?

A. I have.

5 Q. You have, okay. So - so I'm just looking, in the right....

MR. ADAIR: Can we have a copy?

MS. MERRITT: Oh, sorry. I had one for you.

MR. ADAIR: Thank you.

10 MS. MERRITT: Q. In the right-hand column, it says, in the first full paragraph:

15 And it follows that disorder does not go unnoticed. Serious violations of the code of conduct, such as drug or alcohol use lead to expulsion. Minor infractions demonstrating a bad attitude or showing disrespect to others, often result in a
20 three-day trip to the kitchen outside classroom time to scrub pots.

25 Do you agree that's what was going on at Grenville in 1995?

A. In an extreme circumstance, yes.

Q. All right. Okay, so just -- yeah, actually I'd like to mark that article as an exhibit, you're quoted in this article are you not?

30 A. Yes, I'm recalling that now as I read it.

Q. All right.

MS. MERRITT: So, Your Honour, I would like to

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mark this article as the next exhibit?

CLERK REGISTRAR: Exhibit 15.

MR. ADAIR: No objection, Your Honour.

THE COURT: Exhibit 60.

5

EXHIBIT NUMBER 60: Article from MacLean's
Magazine - produced and marked.

10 MS. MERRITT: Q. Okay. Turning back to this no
boy girl relationships, I think - I think we've established that
going steady would be strictly forbidden, correct?

A. Correct.

Q. And the rule was strictly enforced? Again,
we're talking 1984 to 1997.

15

A. Yes.

Q. Yes. And we've established no exclusive or
special relationships, but isn't it also true that there were no
-- to be no displays of any physical affection?

A. True.

20

Q. And there was in fact a rule called the
six-inch rule, requiring students to stay at a minimum of
six-inches away from each other, boys and girls, correct?

A. This is true.

Q. All right.

25

A. It was the subject of many skits.

30

Q. Yes. And I think you talked about the fact
that a lot of the rules were for the students, you said they
were housekeeping or safety, you talked about some of the big
ones, and then you said the rest of them were - were sort of for
-- one moment, I just want to remember what the word was you
used there, yeah housekeeping and maintenance. You said there
no boy girl relationships, that was a big one and the rest were,

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you know, having to do with kind of housekeeping and maintenance stuff and then Mr. Adair took you to specific rules dealing with smoking and stealing, and Walkmans and jeans, yes?

A. Correct.

5 Q. But they went a little further than that kind of thing, did they not? Weren't there rules prescribing the type of underwear girls had to wear?

A. I have no absolute recollection of that.

10 Q. All right. So, let's turn up Exhibit 2, that's the Joint Exhibit Book 2, Tab 71.

A. Yes, I'm there now.

15 Q. Okay. And this is the girls -- I've got to [indiscernible] excuse me for a second, I keep losing where I went back to. Okay, so this is 88-90, so that would have been during your time there, yeah?

A. I must be in the wrong tab, this is 89-90. You said 88, right?

Q. No, 89-90.

A. Okay, yes, I'm on the right tab.

20 Q. Yeah. Okay, so yeah - yeah - yeah. If you look at the - the seventh paragraph, it's the second one from the bottom?

A. Yes, I'm there.

25 Q. And this is the girls dress regulations, it says:

30 A full slip or camisole or half slip must be worn with dresses and skirts, briefs must be regular waist style with no hip hugger or bikini types. Bras must be supportive; the thin tripod types are not acceptable since they are inadequate during sporting events.

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And then it goes on, pajamas and what not.
So, you'll agree sir, there were regulations about what kind of
underwear the girls should wear, yes?

A. It appears so.

5

Q. Yes.

A. I don't recall ever reading this before.

Q. Okay. Well, do you recall there ever being
dorm searches, to look for things that might violate the rules?

10 A. In the boy's dorm we always looked for things
like Walkmans or knives, or anything that was not safe, we would
not check people's underwear.

Q. No, I understand, the boys didn't have
underwear rules.

A. I guess not.

15

Q. But those dorm searches, you wouldn't - you
wouldn't be involved in any dorm searches in the girl's side...

A. Correct.

Q. ...just the boy's side?

A. Correct.

20

Q. All right. And I take it you were never at
any lectures that Father Farnsworth gave to the girls in the
lounge off the girls dorm, in the evening...

A. No.

Q. ...in their pajamas and bathrobes, no?

25

A. No.

Q. All right. Okay. I think you said, in
answering Mr. Adair's question, that -- and I forget what he
asked you, but he asked you something about the duties of
prefects, and you volunteered that prefects were never spies.
30 Do you recall saying that?

A. Yes.

Q. All right. So, we've heard a lot of evidence

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5 about the honour code, and specifically that the honour code meant that if a student saw someone do something wrong, they should first speak to that person and tell them to report themselves, and if they didn't do that, they should report on their behalf, like report them. Was that the honour code?

A. No, they should address it to them directly and they should make the change themselves.

Q. Right.

10 A. And then if that didn't -- then that would be the subsequent measure, what you're describing.

Q. Yeah, so eventually they would have to report them? First level is...

A. Correct.

15 Q. ...I'm going to tell you, you should change, and if you don't change, or you don't change to my satisfaction, then I report you, yes? That's the honour code?

20 A. That's a - that's a narrow interpretation of it. I report you is not exactly how it's -- it's meant to push themselves, and it's the same honour code that I've experienced in the military, or in the hockey team, to -- where a group pushes for excellence together. And so, you pass no fault, if somebody's slacking off in a hockey practice, you encourage them to push themselves.

25 Q. Right. But you don't on a hockey team, and I suggest to you, and I know because my kid's been on many hockey teams...

A. Yeah.

30 Q. ...you don't have a rule requiring the kid to report the other kid to the coach because they weren't trying hard enough.

A. That's true.

Q. All right. Sorry, I'm just a little coughy

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today.

A. No worries.

Q. Now I take it, sir, it was an honour to be a
prefect for the students?

5

A. Yes.

Q. And there was a bit of a ceremony when they
got the pin?

A. Correct.

Q. And it was something they would be proud of?

10

A. Absolutely.

Q. And in order to earn that pin, they would
have to be a student who followed the rules?

A. Most of the time.

Q. Yes. They'd be expected to be a good leader?

15

A. Correct.

Q. And that would include both the written rules
as well as sort of the unwritten rules of the school, true?

A. True.

20

Q. And they had to continue to follow those
rules to stay a prefect, yes?

A. Yes.

Q. And if they didn't, they'd lose their prefect
pin, and that sometimes happened?

A. Correct.

25

Q. And if it....

A. And sometimes it was re-awarded.

Q. They'd have to earn it back?

A. Correct.

30

Q. All right. And then, we had these student
leaders, at least for a time, who were junior prefects working
their way up, yes?

A. Correct.

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Q. All right. Did prefects, in addition to the other things they did, oversee kids on discipline?

A. They would help us with that.

Q. Okay.

5 A. So, a prefect may be assigned to escort somebody to a study hall or something like that.

Q. Why would they need to be escorted?

A. To make sure that they contained their conversation and socializing, and maintained an attitude of - of reflection rather than entering....

Q. To keep them isolated?

A. No. But -- because they would walk through the hallway, so it's hardly in isolation.

Q. Yeah, but they weren't allowed to look at or talk or....

A. Correct. Their social...

Q. Interaction?

A. ...was limited.

Q. All right. And we've already heard a lot of evidence in this trial about discipline or D, and you answered some questions for Mr. Adair, and I just want to make sure we go down the checklist. So, when a student was on D, there was no uniform, correct?

A. Correct.

25 Q. No going to class?

A. Sometimes they did go to class if there was a test or something like that, but in general, correct.

Q. All right. And we've established now they were not to be speaking or socializing to others, and they would have a prefect assigned...

A. Correct.

Q. ...specifically, to enforce that, yeah? And

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they would do work jobs, yeah?

A. Correct.

5 Q. Now, no -- I think - I think you already told us about -- you didn't know about Hotel D, but you -- they might have stayed in the infirmary, so I'll move on from there. I just didn't want to leave it off the list. So, would it be fair to say that Father Farnsworth didn't like students to have a bad attitude?

A. Yes.

10 Q. And would it be fair to say that bad -- sorry, poor work, wrong attitudes, as well as bad behaviour were not permitted at GCC?

A. They were not encouraged.

15 Q. Well, they were not ignored or excused either, were they?

A. If they were excessive in repeating, no.

Q. Okay. Well, lets go to the Joint Exhibit Book -- or sorry, Exhibit 1, The Joint Exhibit Book, Volume 1, Tab 6.

20 A. Okay.

Q. Page 7 -- sorry, page 2 I think, hold on.

A. Yes.

Q. Yeah, page 2.

A. Yeah.

25 Q. My 2 looks like a 7 here.

A. Mine too.

MR. ADAIR: Tab 6?

MS. MERRITT: Tab 6, page 2.

MR. ADAIR: Thank you.

30 MS. MERRITT: Q. The third paragraph...

A. Yes.

Q. ...fourth line, starting on the right-hand

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side:

5 Poor work, wrong attitudes, and
 bad behaviour will not be
 ignored or excused. Instead,
 they are confronted, faced up to
 and lovingly corrected. Second
 best is not good enough at
 Grenville.

10

 Is that a fair statement of how it was when you
were there?

A. Yes. That was certainly the goal.

15

 Q. All right. And students who had bad
attitudes sometimes were subject to these private meetings that
were not called light sessions, or the broader public
meetings...

A. Correct.

20

 Q. ...that were also not called light sessions,
or put on discipline, or all of the above, correct?

A. Correct.

 Q. Sir, I think you said you did 9 out of 10 of
the courses at the Canadian Association of Independent Schools,
correct?

25

A. Correct.

 Q. And that's an Association of Private Schools,
is it sir?

A. Yes, it is.

30

 Q. And I understand that the association was
formed in 1979 as a result of amalgamation of two organizations;
the Canadian Head Master's Association and Canadian -- or sorry,
the Association of Canadian Head Mistresses, do you know that,

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sir?

A. I don't know that for sure.

Q. Okay.

5 A. And, just to be fair, the timeframe you're
talking about is outside of the...

Q. When you took....

A. ...the range of the court.

Q. Yeah, when you took the courses?

A. Correct.

10 Q. Yeah, okay. But it's my understanding that
Grenville was in and out of that association on a couple of
different occasions. Do you know that?

A. No, I don't.

Q. All right, I'm going to show you....

15 A. I know that it applied and was accepted
during the time that I was there. I wasn't - I wasn't aware it
was in and out.

20 Q. Okay. I'm showing you a document, it's
actually a photocopy of the cover of a book called Strength of
Choice, a history of the Canadian Association of Independent
Schools, by Ed Thomas Russell. And if you turn -- I've got some
pages excerpted here, if you turn to the last page...

A. Yeah.

Q. ...page 55.

25 A. Yes.

Q. This shows, if you look -- one, two, three,
four, five, six, seven, eight lines down, middle low, left to
right, Alastair Haig, Grenville Christian College.

A. Yes.

30 Q. And then on the very back page, this is the
second CAIS conference held in the autumn of 1981, and again,
just about the middle of the page it talks about the fourth

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row...

A. Yes.

Q. ...on the right side, Alastair Haig...

A. Yeah.

5

Q. ...Grenville?

A. I see it.

Q. So, Grenville was at least involved in 1981,
fair to say?

A. Absolutely, it looks like it.

10

Q. Yeah, and then when we have the index of the
schools, which is at the front of the book, or even the
conference at page 99, which is in the middle at the bottom
there...

A. Yeah.

15

Q. ...the 1990 conference, there's no mention of
Grenville. They were out in 1990, were they?

A. I have no idea.

Q. Well, when - when were they back in according
to you? You said during your time they were back in?

20

A. Yes, so that would have been -- my -- I was
aware that they were back in when I started serving on the board
in 2002.

Q. All right.

A. So, I'm not aware of the history, sorry.

25

Q. All right. So, you're not aware that they
were out of the association on a couple of occasions because of
quote, unquote, "questionable practices?"

A. No, I've never heard that before.

30

MS. MERRITT: All right. I'm about to move into
a new and lengthy area, I will not definitely be
done at any foreseeable time in the future.

So...

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THE COURT: All right.

MS. MERRITT: ...I think this might be the convenient time to break.

5

THE COURT: All right. So, we're going to break for the day, could you please return tomorrow at 10:00 a.m.

THE WITNESS: I can.

10

THE COURT: And given that you're under cross-examination, please do not discuss your evidence with anyone?

A. I will do so.

THE COURT: Thank you very much. We will resume at 10:00 a.m. tomorrow.

15

...COURT IS ADJOURNED UNTIL OCTOBER 16, 2019

WEDNESDAY, OCTOBER 16, 2019

20

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

GORDON MINTZ: PREVIOUSLY SWORN

25

COURT REGISTRAR: Reverend Mintz, just to remind you, you're still under oath.

THE WITNESS: Absolutely.

COURT REGISTRAR: Thank you.

THE COURT: Good morning.

THE WITNESS: Good morning.

30

MS. MERRITT: Your Honour, I didn't at the point when I referred to it yesterday make the excerpt from the Strength of Choice book an exhibit, and

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I would like to do so now.

COURT REGISTRAR: Exhibit 61, Your Honour.

THE COURT: All right. Exhibit 61.

5

EXHIBIT NUMBER 61: Excerpt from Strength of
Choice book - produced and marked.

CROSS-EXAMINATION BY MS. MERRITT:

10

Q. Good morning.

A. Good morning.

Q. Reverend Mintz, I take it from, from on
occasion, you've had the opportunity to participate in a light
session?

A. Yes.

15

Q. Do you know what the term "blasting" refers
to?

A. I do not in this context.

20

Q. Okay. You said yesterday that you didn't
recall the term, "hotel D," which was a reference to where
students slept while on discipline. I take it you do remember
the room above the gym that was beside your apartment that had
sleeping quarters for students?

A. Yes.

Q. All right.

25

A. Just to clarify, what I said yesterday is
"hotel D," wasn't this term that the staff used. I have heard
the students refer to it as that.

Q. Oh, oh, I am sorry. I misunderstood that.

A. No.

30

Q. So, and you know that hotel D was referring
to that room above the gym where the boys who are on discipline
slept?

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A. I, I thought sometimes they referred to the infirmary as the same.

Q. Yeah.

A. So....

5 Q. Because sometimes they slept in the infirmary as well?

A. Right. Right.

Q. It could be either the infirmary or the room above the gym, yes?

10 A. Yes.

Q. Okay. Thank you. And we briefly touched on the cold grits yesterday. It's my understanding that cold grits was for boys as well as girls, correct?

15 A. Again, I recall the term. I don't recall the details.

Q. All right. Do....

A. I know there is a morning exercise regiment, and I think that might have been what you're referring to. But I don't exactly recall.

20 Q. Yeah. Would it help your recollection if I told you that we've heard evidence that it was Father Farnsworth who said that the students were cold grits and they had to run every morning until they warmed up. Does that help you remember what it was about?

25 A. I don't recall that.

Q. Okay.

A. Being, being said exactly.

Q. Do you recall anything like that?

A. No.

30 Q. All right. I take it you do recall Father Farnsworth talking about sin?

A. Yes.

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Q. And you laughed. He did that a fair bit, did he?

A. Correct.

5 Q. All right. And when he was talking about sin, you'll recall him talking about students being haughty?

A. Yes.

Q. And rebellious?

A. Yes.

10 Q. And having a bad attitude?

A. Yes.

Q. All right. Thank you. What were his teachings on homosexuality?

A. That it was explicitly forbidden.

Q. The worst sin of all?

15 A. I don't recall him saying that. I think he considered blasphemy and, and association with Satan worse.

Q. Okay. But didn't he....

A. But it was up there for sure.

20 Q. It was up there for sure. Okay. But didn't he consider homosexuality a sign that somebody was affiliated with Satan?

A. I am not aware of that.

Q. All right. If I could have you look at the joint exhibit book. It's Exhibit 1, tab 58. Oh, sorry.

25 A. Fifty-eight?

Q. It's - no, no, it's in number 2.

A. Okay.

Q. I apologize, it's in 2.

A. No worries.

30 Q. Tab 58.

A. Yes, I am there now.

Q. All right. This document appears to be a

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list of students withdrawn or dismissed during the 1987-88 school year as of February 18th, 1988. Do you see that at the top?

A. Yes, I do.

5 Q. All right. And that's the year that you went back to Grenville, is it not?

A. I believe so, yes.

10 Q. All right. Some of these students have a little explanation with them, for example, the third one down, "Debbie Forbes ran away October 13th, and never returned." Do you see that there?

A. I do.

15 Q. And then going down a little further, five from the bottom, "David Lindsay, ran away from home over the semester break and never returned to GCC." You see that one?

A. I do.

Q. And "John Connor was suspended and sent home, and then ran away and has not yet returned to GCC."

A. Yes, I see it.

20 Q. All right. And this list, sir, seems to go from the beginning of the school year, I would assume in 1987 until February 1989 - February 18th, 1988. That would be approximately half of the school term?

A. Correct.

25 Q. All right. And I noticed that some of them say, "withdrawn," and others say, "officially withdrawn." Do you have any insight for us on, on the distinction between being "withdrawn" and "being officially withdrawn?"

A. I'm sorry, I do not.

30 Q. All right. And this appears to be the only document we have documenting students leaving partway through a term. They are all partway through the term, right, they're all

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after...

A. Yes.

Q. ...September 26th and before...

A. Correct.

5 Q. ...February 18th. Do you know whether there were similar statistics kept for the remainder of that year?

A. I do not.

Q. Or any subsequent years?

A. I don't, sorry.

10 Q. Or any prior years?

A. No, I have no knowledge of those.

15 Q. All right. So we don't know or do you know whether this represent a typical sampling of students withdrawing, running away, or being suspended, and then withdrawn?

A. It seems like a high list, but I am - it's really not based on anything. I just don't recall that many students being withdrawn or expelled in a year.

20 Q. All right. So that might been a bad patch?

A. It might have been.

Q. Was there anything going on at the school unusual at that time that would cause that bad patch, to your recollection?

A. Not that I recall.

25 Q. It was pretty much business as usual that first year you went back?

A. Yeah, I think so.

30 Q. All right. I would like to turn to a different topic, and that topic relates to a parent survey that was sent out in 1987, do you remember that questionnaire being circulated?

A. I don't.

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Q. All right. Well, we have copies of the, the documents. I'm not sure I need to take you to them, but some parents, you'll agree, criticized the way things were being done at Grenville, is that fair to say?

5 A. It is indeed.

Q. All right. One parent - actually, let, let's go to it, let's go to, so that we can all look at it together, the joint exhibit book, Volume I, tab 49. So there on the first page, this is the - a document called, "Criticism from Parent's
10 questionnaire, May 25th, 1987."

A. Yes. I am there.

Q. Yeah. And under, "Christian Teaching Wirsbinski" do you know that parent?

A. Yes. Wirsbinski, yes.

15 Q. All right. That parent said, they feel children should be able to share their feelings without being told they're rebellious when they get sick of the rules. Do you see that?

A. I do.

20 Q. And then the last one, Pat and Maureen Graham say, they don't understand the reasoning behind having children tattle. Do you see that?

A. I do.

25 Q. All right. Looking back now on that first one I showed you, "feel children should be able to share their feelings without being told they're rebellious," looking back on that now, where you sit from today, do you think that was a valid criticism?

A. I do.

30 Q. All right. And then this number 2, "Don't understand..." this is the Grahams...

A. Yes.

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Q. ...Pat and Maureen, "Don't understand the reasoning behind having children tattle." That, that's a reference to the honour code, is it not, sir?

A. Correct, it is.

5

Q. All right. And then if we flip over the page, not the back side of that first page, but the next page, May 25, '87, criticism from parent's questionnaire, it's the third page in the documents.

A. Yes, I am there.

10

Q. "General Comments."

A. Yeah.

Q. One parent says - oh, sorry, I'm, I'm ahead of myself. Turn over one more page to the handwriting, "General Comments."

15

A. I am there.

20

Q. It's a bit hard to read, but it says, "Your method of obtaining information about what other students are doing or have in their possession, e.g. Walkmans, is not the Christian way." And further down, the start of the next paragraph, "Publicly humiliating students is again appalling." And then, if we go back the previous page, so we're on the third page, "the General Comments," the, the parent's name is "Stock." I am looking at the third point Stock makes, "Don't approve of one student informing on another, no mercy." And then, if we go to page, the ninth page, you sort of have to count your way in. I am going to have question at the end of this.

25

A. No worries.

30

Q. Okay. So this is the one, it has sort of a, a count of numbers on the right side in handwriting and on the left, or sorry, on the, on the left side, on the right, it starts with, "The features we most like."

A. Yes.

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MS. MERRITT: Okay. So go, if we go down to
"Criticisms."

5 As we understand it, you have a
so-called honour or caring
system, which is plight name for
encouraging children to tell
tales. This is simply horrific
and has to be stopped. It is
10 one of the worst features of all
totalitarian societies that
rewards are offered for
denouncing non-conformists.

15 MS. MERRITT: Q. So, having looked at all those
criticisms of the honour code and tattling and this not being
Christian way, and being described as "horrific," looking back
now from where you are today, do you think maybe that having the
children tattling on each other was maybe not such a good idea?

20 A. I would say the honour code, if it was
applied over exuberantly and children, and students were trying
to appease staff by ratting out on their fellow students, I
would agree. And the fact that sometimes staff let that happen
or encouraged it, I would agree. The fact that the honour code
25 was explained to be something where we as a community and a
student body could live in the most healthy way possible, and
hold each other to a high standard, I don't agree. So I think
it was misapplied at some point is where I am going with that.

Q. Okay. So....

30 A. But I, in general, I support the honour code,
and, and we lived by it.

Q. So, so the honour code itself was not

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necessarily a bad thing, the difficulty arose in its application?

A. Correct.

5 Q. All right. And one parent said - oh, of course, I've shut my book now. Again, back, back on the first page...

A. Yes.

10 Q. ...of that document, we're going down to the heading, "Discipline," Parents "Stock, said, "More acknowledgment for positive behaviour rather punishment for negative behaviour." And again, looking back today, from where you sit today, do you agree that Grenville at times focused too much on the negative behaviour and not as, not on the positive?

15 A. No, I wouldn't agree with that, because as you recall the newsletters and things like that were full of accolades for the students, and the students were encouraged when they did positive things, but that's not usually what they told their parents. So I can understand a parent putting that down.

20 Q. Okay.

A. But I don't think that's an accurate statement.

Q. All right.

25 A. I think we - I know for sure we encouraged the positive actions as well as the, addressed the negative.

Q. All right. Well, I'll like to take you to another document then. Oh, actually, it's in Exhibit 57.

A. In this binder?

30 Q. No. I am sorry, Exhibit 57. The registrar is going to it back to you.

A. Thank you.

Q. Exhibit 57.

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A. Yes.

Q. Okay.

A. September 17, 2005 Minutes.

5 Q. Yeah, Board of Directors Minutes. Now, if
you go over to - let me find it - I don't have my copy, sorry,
bear with me a second. I'm hoping I put a note on the passage I
wanted to look at. Oh, yeah, okay, so if you go to page 20 of
Exhibit 57.

A. Yes.

10 Q. So, this is written by you, "Headmaster's
report, Father Gordon G. Mintz, September 17th, 2005 Board
meeting."

A. Correct.

15 Q. All right. And if we go down to the third
paragraph, it starts, "What follows is a point form overview of
my first six weeks on the job."

A. Yes.

20 MS. MERRITT: All right. So this is much later
in 2005, I agree, but the middle point there, it
says:

25 Called every parent in North
America, and had many
significant conversations and
many were very grateful for the
vision offering a more positive
structured environment. Some
30 who were on our rolls in June
were grateful for the call, but
had decided to withdraw their
students and could not be
convinced to trust us again.

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So, what did you mean by a "more positive structured environment?"

5 A. When I took over, the school had gone through a pretty significant structural shift in that we had our first headmaster who was not a member of the Community, which was a good thing in many regards, and caused some confusion in some other regards. And one of the hallmarks of Grenville was this Christian community that ran a school that the parents entrusted
10 their children to. So there was a sense in which part of my job was to recapture the faith in the good way that Grenville was in terms of being a family, Christian family that ran a school. And the previous headmaster, Dave Dargey was a Christian, very solid individual, with just a different way of operating, and
15 there was customer retention that I was to deal with.

Q. So, so you're saying, you wanted to get the -
I am trying to understand this, you're saying, it was negative after Farnsworth left?

20 A. Yes.
Q. And then you wanted it positive.

A. Correct.
Q. Okay.
A. Not everything was negative.

25 Q. No, I understand.
A. Everybody has their different opinion.

Q. But you're, you're saying, a more positive structured environment.

A. Yes.
Q. So tell me, in what ways was it negative?
30 A. It was negative just in the perception that Grenville had changed so much and needed to capture some of, of the family nights and things like that which we were running out

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of gas to do at that point. And we were hiring more staff who were not part of the community because our community was getting older. So there was a sense of capturing the best of the past and going forward.

5 Q. Okay.

A. Family nights was something I heard a lot about. We had more group activities at that point arranged by dorm supervisors, and....

10 Q. So, what, what, what then does it mean that "some who on our rolls in June were great for the call but had decided to withdraw and could not be convinced to trust us again." Why were you not trustworthy?

15 A. I, I think, as I recall those conversations were things had changed so much, they weren't sure they wanted to keep their students there. That's the best recollection. As you can appreciate, that was 14 years ago.

Q. I understand.

A. I do remember hearing a lot about students missing family night.

20 Q. Okay. Let's go back then, if we can, to the parents' complaints, which are in the exhibit book at tab 49. If we look at, we're on the first page again...

A. Yes.

Q. ...tab 49 under discipline.

25 A. Yes.

30 Q. The third parent from the bottom, or sorry, for - the one right in the middle, fourth down, "Ottawa?" "When a student or a group of students do something wrong, the student body as a whole should not be chastised or made to feel they are to blame." And I think we saw earlier on parent said, "Publicly humiliating students is appalling." Do you understand these to be - oh, yes, sorry, there is one more on, on the third page

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over, the one under "General Comments Stock: Don't think the group should be punished for the misdemeanors of a few." I'm trying to put ones that are on a similar theme together.

A. Yes.

5 Q. Do you understand these three comments to be a criticism of these public assemblies?

A. Correct.

Q. All right. And one parent, if we look on page one, this is another one, Namen, third from the bottom.

10 A. Yes.

MS. MERRITT: "Heard staff children exiled to community as disciplinary measure. Feels that if they don't conform." Well, "conformed," it says there, "exiled, feels this is appalling, feels it will stunt their adult lives."

15

Q. I take it they're referring to kids, staff kids being sent down to the Community of Jesus, is that what that's about?

A. Correct.

20 Q. All right. And you agree that happened?

A. Yes.

Q. All right. And then if we look at the very last line of that first page, the comments by Hollingworth.

A. Yes.

25 Q. (Reading):

30

Feel children should be prompted by the holy spirit to confess things and not have any external pressure to do this. It creates anxiety.

Do you agree pressuring a child to confess can

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cause anxiety?

A. It's really hard to interpret that comment. Because people are, are going to confess once they're made aware. So making somebody aware of it and encouraging
5 confession is different than pressuring and coercing, so it's hard to extrapolate from that comment what exactly happened.

Q. The way I read that is children should be prompted from within, the holy spirit inspiring them to make a confession, just, you know, like how they do in catholic
10 religion. You got priests line up in boxes...

A. Yes.

Q. ...and you voluntarily go in there and you spill the T about whatever it is that...

A. That's true.

15 Q. ...you feel you've....

A. I hear you making that point.

Q. Right. That, that's what their point they're making, right, rather than, hey, you stand up, you're a sinner, this is your sin, blah, blah, blah, right, that's what they're
20 trying to say, isn't it?

MR. ADAIR: Well, how, how does he know what they're trying to say?

MS. MERRITT: It's an obvious interpretation of the, of the sentence I would suggest.

25 Q. But you, you can't - do you find it confusing?

A. I think you're reading a situation in there that I don't read.

30 Q. All right. So but you do agree that pressuring children to confess did happen at these public assemblies, yes?

A. Yes.

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Q. All right. And I think you, you told us yesterday that staff kids were treated even more harshly than regular students, correct?

A. Correct.

5 Q. But the regular students would see that, correct, it wasn't hidden from them in any way, was it?

A. That's true.

Q. All right. And in fact, the staff kids were held out as examples to the other students?

10 A. Correct.

Q. I, I don't mean to tell you how to answer, but for the court reporter's sake, it would be helpful, if you wait 'til finish the entire question.

A. Okay. I'm sorry.

15 Q. No, no. It's, it's a normal human way of talking when one person knows what the other one is going say, you jump in, it's I'm not in any way being critical, sir. I'm just trying to keep transcript clean for the reporter. Do you have a brother, Andrew?

20 A. No. I have a brother-in-law, Andrew.

Q. I'm so - oh, brother-in-law, Andrew. Okay. Thank you. Did Andrew tell you he regretted not standing up for what thought was wrong in the Father Farnsworth days at GCC?

A. Not that I recall.

25 Q. Do you feel - well, let me ask you if he said this, did Andrew ever tell you he felt students were often in survival mode?

A. Yes. Sorry, I did it again.

30 Q. That's okay. And had to tow the party line or be forever on discipline, do you recall him saying that?

A. Not forever on discipline.

Q. Okay. But being on survival mode and had to

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tow the party line or be on discipline?

A. Yes.

Q. And do you agree that's how it was?

A. I, I can, I can see where he is coming from.

5 I don't agree that's how it was always. I think that context is exactly what I was referring to before as a staff child, he felt additional pressure, and was put under additional pressure.

10 Q. Would it be fair to say - oh, hold on, I am going to do that somewhere else. I am going to go back to this. When you left in 1999, as I understand it, the deal was that you were going to go to this seminary, get your credentials and come back to GCC, correct?

A. Correct.

15 Q. And did the then current administration somehow back down on that deal?

A. After the first year, the financial picture change significantly, so they weren't able to continue.

Q. All right. And then you went to the Brockville Church?

20 A. Correct.

Q. Okay. And they, they were paying you, you said, but they ended up not paying you, and you had to repay money to the school, is that right?

25 A. I don't recall exactly. I know there was - I was continuing to advise the new IT director that we hired, and there was a salary for the first year while I went to school, and then the financial picture change, and I remember the details. I know my main - my main salary came from the Anglican Church of Canada at that point, or the Diocese of Ontario, not
30 the Anglican Church of Canada.

Q. Okay. But wasn't at, there at Grenville, a Revenue Canada audit that made it clear that they had to stop

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paying you?

A. I'm not aware of that.

Q. Okay. I'm going to just show you a document.
This appears to be a letter dated May 24th, 2001 addressed to
5 you in at Grenville Christian College from Bob Bayles, the Human
Resources Manager at Grenville.

A. Yes.

Q. If you look at the second sentence of the
letter, well, first it says, "As discussed between you and Bill
10 Bales..." I guess that's the guy wrote the letter. "...as of
July 1st, 2001, the college will no longer be able to keep you
on salary, and have you donate the take home pay back to the
school." Oh, "and have you donate." Is that what you were
doing, you were getting a salary and donating it back?

A. I don't actually recall.

Q. (Reading):

It has become clear in a recent
Revenue Canada audit that this
20 needs to stop.

You don't remember what this was about?

A. It's quite possible that that was the
arrangement. I don't remember details.

Q. Or why it was a problem with Revenue Canada?

A. Well, I can see why that would be a problem.

Q. Okay. But you don't know why you were doing
that?

A. As I said, the, the first year I went
30 seminary, the arrangement was I continue to get a salary, and I
would consult for the current IT director to make sure there was
a transition since I founded the laptop program. And then that

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arrangement changed. This may have been the official notice of that changing. I, I was advised it had changed in a conversation with Bill Bayles.

5 Q. Right. But you have no recollection or, or about why you'd be getting the money and paying it back?

A. No.

Q. All right.

A. Oh, yeah, I do remember that unofficial paid leave of absence letter.

10 Q. All right.

THE COURT: Are you tendering the letter?

MS. MERRITT: No.

THE COURT: No.

MS. MERRITT: I don't think it's....

15 THE COURT: Okay.

MS. MERRITT: And he doesn't really remember what it's about anyway. I don't think it's...

THE COURT: All right.

MS. MERRITT: ...significant.

20 THE COURT: Thank you.

MS. MERRITT: Q. Would it be fair to say around this time period that we're talking about here which would have been '99, 2001, generally, the pendulum had swung too far the other way and Grenville students were going out to parties at sister schools and taking a cab back at late, late at night, and you talked to your brother-in-law, Andrew, about how you felt it had gone too far, but you agreed that going back to the way things were run under Father Farnsworth was wrong. Is that a fair summary of a conversation you had with him?

30 A. It, it, it sounds possible. I don't recall that conversation.

Q. But, but the content of it, it, you don't

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recall?

A. It's possible that that conversation happened.

5 Q. Yeah, that the pendulum had gone too far one way, but you didn't want it going back all the, all the way the other way, correct?

A. Yeah. I don't really recall...

Q. All right.

10 A. ...feeling strong one way or the other about that at the time.

Q. All right.

A. It's certainly plausible Andrew and I had that conversation. And it was clear that Grenville was figuring out a new way and needed to do so.

15 Q. Yeah. Well, in '98, there was a task force set up to try to figure out how to regroup and move forward after Farnsworth, Father Farnsworth left, right?

A. I, I believe so, yes.

20 Q. All right. If we go then to Exhibit 2, tab 103, this is notes from Community Retreat January 8th to 11th, 1998, and your name is listed there under worship, so you were there, correct?

A. Yes.

25 Q. All right. And I understand it that, the, the, the plan that flowed from the retreat was to follow three steps, and they're set out there. Step 1, step 2, step 3, and step 1 was to brainstorm for two to three weeks, and I take it the idea behind that was you wanted to have a lot of new ideas to consider. Is that fair?

30 A. I'm not tracking where you are exactly on this document.

Q. Oh, sorry, are you at tab 103?

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A. 103.

Q. Yes.

A. No. Sorry, I was on tab 3, no wonder I was
lost.

5

Q. Okay. Tab 103...

A. Okay. I'm there now.

Q. ...is notes from Community retreat...

A. Yes.

Q. ...January 8th to 11th, 1998.

10

A. Yes.

Q. And under "worship," you see your name there,
"Gordon..."

A. Yes.

15

Q. "...Gordon Mintz," yeah. And then there were
three steps set out, and the first step is two or three weeks of
brainstorming. And I take it, the idea behind that was to
generate a lot of new ideas about...

A. Correct, yes.

Q. ...how to move forward.

20

A. Yes.

Q. And then number 2 was to have a number of
committees, committees of the three to five headed up by one
person, and take a few months. In this sort of planning stage,
it says at the bottom there, months," as opposed to "weeks,"
yes?

25

A. Correct.

Q. All right. And then step 3 was to figure out
a way to work between the two groups. Now, what, what - it
says, "Figure out a way/system to work between our two groups."
What, what two groups is this referring to?

30

A. I don't recall.

Q. All right.

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A. I, I remember these committees being setup, and I remember being on the worship committee. I don't remember the delineation of the two groups.

5 Q. Okay. Could that have been the school and the community?

A. Oh, yeah, probably likely.

Q. Okay. All right.

A. But I thought these were community groups.

10 Q. Yeah, but if the purpose of the community groups is trying to figure out how to work together between the school, Grenville Christian College and the community, Grenville community.

A. Right.

Q. Does that seem right to you?

15 A. Possibly. I don't - one of the groups may have been the board as well.

20 Q. All right. Would it be fair to say that by this point, there was some understanding of the problem of having only one person in authority and one person making all the decisions?

A. Yes.

THE COURT: Sorry, I, I was listening to something else. Could you say that question again.

25 MS. MERRITT: Yes.

Q. Would it be fair to say that by this point, there was some understanding of the problem of having only one person in authority and one person making all the decisions?

A. And my response was, yes.

30 Q. Right.

A. And under step 2, in fact, it says, "Caution, don't want so many people, there is no cohesion, but also don't

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want everything under, "one." O that's a specific reference to that, yes?

A. Correct.

5 Q. And then under step 3, there is a caution there as well. "Group, shouldn't be too large to be counterproductive, but should not resort back to one person again." Again, this reference to one. That, I take it is a reference to how things were done under Father Farnsworth's time, correct?

10 A. Yes.

Q. All right. And if we turn over the page to page 2, there, there are main bullets and sub-bullets. Let's look at the main bullets, if we can. The third one down says, "Stay away from patterning ourselves after the Community of Jesus, define ourselves what is not exportable." What was your understanding of "What is not exportable," what does that mean?

15 A. I was just wondering the same thing.

Q. Oh, so you don't know, you don't remember?

20 A. No. I do remember the intentionality of not just copying the Community of Jesus.

Q. Okay. So that was a change you were looking to make?

A. Yes.

Q. All right.

25 A. It was, it was - I wouldn't say it was a change. It was a discovery in who we felt called to be, and the lazier thing to do would be to copy the Community of Jesus, and not discern for ourselves.

30 Q. All right. And under Father, Mr. Farnsworth, it says:

We need to get things resolved

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5 for the future pretty soon. We
need to make a move at some
point, and not wait for
him/them. Father is deposed, as
a result of us moving in to take
care of the community. He
doesn't see the vision as
clearly and, in some ways, we
10 have a standoff. He has to wait
until we the executive counsel
tells him what his place is in
the community.

Was he being pushed out?

15 A. Yes, I would say so.

Q. All right. And then under "Things we need to
discuss," that's the fourth bullet under "Father Mr. Farnsworth"
It says, "Things we need to discuss, the school, we owe the
public some explanation." Is this about some explanation about
20 Father Farnsworth leaving, is that what the explanation was to
the public that was owed?

A. I would be speculating. I'm really not sure.
I think the - those close to us could see that there is some
turmoil going on. So that may have been what it is, but again
25 I'd speculating.

Q. All right. But it take it, it would be fair
to say that as a group, you were concerned about public
perception about the school?

A. Correct.

30 Q. All right.

A. There were many local stakeholders.

Q. All right. And there was discussion about

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the Farnsworths still being a part of the community and how were we going to handle them and what do we have to offer, and some practical matters there, yes?

A. Yes.

5 Q. All right. And then it says, "Letter of resignation. Give him time to draft a letter and announce his resignation." But it was to be on your timing, correct, you were gonna let him do it, but he wasn't gonna be able to take forever, fair?

10 A. Not my timing. This is the first time I've seen this document.

Q. No. I mean the groups. Were you not at this meeting here? It says you were there.

A. I don't remember all these notes.

15 Q. Okay.

A. So whether we broke off into the worship task force and the rest were notes of the meeting, I just don't recall.

Q. All right.

20 A. I have not seen this document before.

Q. All right.

A. That I recall.

Q. That's okay. We're just going with your best recollection.

25 A. Yeah. Yeah. Maybe this was handed out to everybody after. I really don't remember.

Q. It probably was handed out ever - after, because it seems to be a summary of the notes...

A. Yeah.

30 Q. ...right?

A. Yes.

Q. All right. So look there on page 3 under the

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heading, "Care for Community."

A. Yes. I'm there.

Q. Oh, maybe I've got the wrong spot. Oh, no, just above, "Care from the Community." I apologize, it's the
5 bullet there, "No one should be going to Father to, "get straight with him," that time is passed." So what was happening that previous weekend? "After this weekend, no one should be going."

A. This, again, this is speculation, but this
10 may have been the weekend where one of the pastors from the Community of Jesus was with Father Farnsworth, and people could go and, and like it says there, "get straight with him," things that they felt grieved about in the past, you get it out, and have it sort of be done with so we could move on.

Q. Right. So he....

A. That's how I read this.

Q. Yes. So he....

A. I do remember this is there was an
20 opportunity given, and the encouragement was to take that opportunity so we could collectively move on.

Q. Okay. And when these people were going to Father Farnsworth and maybe the person from the Community of Jesus with him and airing their grievance, was he apologizing to them, do you know?

A. I wasn't there.

Q. So you didn't go?

A. I did not.

Q. All right. Sir, would it be fair to say that before '97, '98, the Community and the school were really one?

A. Yes.

Q. And the task force was trying to figure out how to separate the school and the Community, correct?

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A. Correct.

Q. And figuring out, I think at page 4, in the third paragraph, it seems to suggest at the meeting you were trying to figure out how can people - how can - how can people could be part of the school without being a part of the Community, as well, how could they join the community without being a part of the school. So that was of one the things you were struggling with?

A. Yeah, I remember that.

Q. All right.

A. And this was s time when, again, we're getting older, so a helpful development was we were hiring more outside people and they became quite investing the mission of the school. So there, there was a, an intentionality around honouring that, and bringing them to the extent they wanted to.

Q. Yes. Just a sec. Okay. Under the heading there on that same page, "Individuals," the first bullet says, "We have allowed people to detach and either not notice or not pursue, example some maintenance men." Does "detach" mean leave?

A. I don't know.

Q. All right.

A. I'm not sure what that, that's referring to.

Q. But would it be fair to say that prior to 1997, generally when people left Grenville, they were cut off, unless they went down to the Community of Jesus?

A. Yes.

Q. All right. And I understand, Reverend Mintz, you were involved in the reconciliation and renewal task force in 2002 as well? Well, just look at it.

A. It's....

Q. It's not meant to be a memory test.

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A. Thank you.

Q. Again, if we look in this Volume II at....

A. There been so many different names, just so many different things.

5 Q. Yeah, that's fine. That's why we'll look at the documents. In tab 117, there is a document there called, "Reconciliation...."

A. Oh, yes.

10 Q. "Reconciliation and Renewal task force." Now this one doesn't have your name on it, but if we flick over to 119, and we go to page 2, and we, we're were seeing at the bottom:

15 A motion duly made, seconded, unanimously carried, it is resolved that all existing voting members of the corporation having resigned effectively following the close
20 of this meeting, the following persons are appointed, the voting members of the corporation.

25 And flip over to page 3, and the right-hand column alphabetically, your name, "Gordon Mintz, is there, correct?

A. That's correct, yes.

30 Q. All right. So you were a voting member of the corporation as of February 6, 2002.

A. Correct.

Q. All right. So I take it, you would, you, you

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would have been involved then, if we go back to tab 17, on
February 5th, the day before the Reconciliation and Renewal task
force? Sorry, 117. We're just looking at the documents at 119
and 119. One is dated February 6 and the other one is February
5 5th, both 2002.

A. I'm not trying to be obtuse; I just don't
remember.

Q. Okay.

A. It's, it, it's, it's possible.

10 Q. Okay. All right. Well, let me just ask you
some general questions about it then.

A. I'm just looking at these notes to see if I
recall any of this, but go ahead.

15 Q. All right. Well, the first conclusions that
were agreed on was, "We were not going to talk about our
community being a cult now or ever having been one." Do you
recall any discussions to that effect?

A. I do not.

20 Q. All right. Let's look at number 5 there. It
says:

25 It seems to us that there are
several excessive behaviour
issues that would be present in
the past. We are not presenting
this list as exhausted and
complete at this time. There
simply issues we agree upon as
being present. (a) overemphasis
30 on sin without the balance of
accompanying grace.

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Do you recall that discussion?

A. No. I don't recall any of this discussion.
But I would agree with point 5(a).

5 Q. Okay. And would you also agree with point
5(b) "Strong submissions of leadership," had gone on in the
past?

A. Yes.

10 Q. All right. And point (c), a controlling
leadership, and then there is a little point under that:

15 Individual development and
creativity squelched by the
ideas of leadership thought by
them to be superior. This
overriding of the individual
fostered false submission, fear,
and rebellion in members.

Do you agree that happened?

20 A. No. I do agree with the first sentence, but
not the second.

Q. All right. And then look down to number 7,
and it says there:

25 Because we're dealing primarily,
"in-house," we do not believe
any overt public spoken or
written apology or
30 acknowledgment is advisable or
required. We have the concern
that any such statement,
document, or action might be

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taken out of context and used
against us in some way.

Do you recall a discussion along those lines?

5 A. I do not. I must not have been part of this
meeting.

Q. All right. But forget about this meeting.
Do you recall at any time a discussion about....

A. At the board level, yes.

10 Q. The risk of a public apology at the board
level, yes.

A. Not the risk, but the, the conversation
around transparency.

Q. Right, but....

15 A. Because of the, the local public mostly knew.

Q. Knew what?

A. That they were, that things were going
through a, a transition, and that the community and school were
separating, and what did that mean, so it caused some angst
20 amongst our student parents.

Q. But, but to be fair, this is talking about a
written...

A. Yeah, it is.

Q. ...apology or acknowledgment, and it, it not
25 being advisable or required and the concern is "will be used
against us." Were you discussing that at the board level?

A. No.

Q. Anything like that?

A. No.

30 Q. All right. So that just made its way into
this task force minutes, and you don't know anything about it,
fair to say?

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A. That is correct.

Q. All right. In 2007 when the school was closing, the students started sharing stories on a website called, "FactNet," which is a website devoted to cults. You
5 know about that sharing of stories on that website, do you?

A. I do.

Q. All right. And you were quoted in the Globe and Mail as saying, "The allegations being made were without
10 foundation."

A. Correct.

Q. All right. And do you stand by that today?

A. The, the Globe and Mail misrepresented that situation. They asked me had I heard of any of these abuses, and I told them the story of an, of a story who had emailed us
15 asking for three years of her tuition back, alleging she had been abused. We replied to her saying, please, come forward, and we'll work with the authorities, and she didn't. So we sent a registered letter, and it was not received, it was declined. So I shared that story to the Globe and Mail, having done many
20 interviews with the media, explaining why we were suddenly closing the school, and that's how they chose to interpret that.

Q. So you never said the allegations were without foundation?

A. Nope. I said that specific situation was without foundation; we assume, because we asked her to come forward and report it to the police.

Q. So, okay, I understand you, you're, you're now saying you didn't say all of the allegations were without
30 foundation, and so did you ever consider there might be reasons why this person may not want to come forward any further, other than she is a liar?

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A. No.

5 Q. All right. And when that Globe and Mail article came out wrongly attributing to you the, the, the general statement that all of the allegations were without foundation, did you come forward with a correction?

A. No.

Q. Did you think about how hurtful that comment could be to the people making the allegations?

10 A. You're asking me if I thought the Globe and Mail misrepresenting me was hurtful?

Q. Yeah. Did you think about that at the time, how bad that was?

A. No, I did not.

15 Q. All right. Did you go onto Fact Net and look at the comments people were making who were saying they were hurt?

A. Sometimes.

Q. All right.

20 A. I didn't spend a lot of time there. I read a couple of them.

Q. All right. Do you recall a student named Chris Turner?

A. I recall the name.

25 Q. Okay. Do you recall that he told you he was suicidal?

A. I do not.

30 Q. I'd like to show you a student report. So this is a student report April 30th, May 1st, 1993 from the Department of the Dean of Mean. It's a report by you concerning Chris Turner.

A. Yes.

Q. And it says - and I'm summarizing it a bit -

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he came down to your class, was visibly shaking, said, he needed to go home, and that he couldn't take it any more. You asked him if it was anything he could talk about or anything to do with the school. He said, it wasn't, he needed a break, and had
5 hardly slept. You offered to give him sleep permission, et cetera. And then in the 1, 2, 3, 4, 5, 6th bullet, I told - oh, he said he was losing his happy thoughts, that's the previous bullet. "I told him to be more specific and asked him if he was
10 thinking of hurting himself again, and his reply was, "yes." And then if you go to the second bullet from the bottom, "he shared that when he was at his worst last week...

A. Wow.

Q. (Reading):

15 ...when he attempted suicide, he saw a tunnel with a dark black hole at the end of it which he knew to be eternity. He asked me if his vision was accurate.
20 I said, I really couldn't say, but that I do know that people chose heaven or hell, light or darkness and choosing suicide is directly against God and the
25 gift of life he has given each of us, so it may very well be his vision was a warning of the consequences of his actions.

30 Does that basically accurately reflect what happened on that occasion, sir?

A. I can only assume so. I don't even recall

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this incident.

Q. All right.

A. I really hope I referred him to the nurse right after this.

5 Q. Well, what it says you did was, "I told him, he ought to have a life confession if he is serious about putting his past behind him and walking on with God." Do you recall telling him that?

10 A. I don't. But it doesn't surprise me that I did.

Q. All right. So it sounds like something you would've said?

15 A. Yes. It's not written here, but typically we would talk to the nurse when situations like this arose, and it should have been documented.

Q. But you don't know whether you talk to the nurse or you didn't?

A. I can't say. I don't, to be honest, I didn't recall the situation until you put this in front of me.

20 Q. All right. Do you remember a student name, Benjamin Bott, B-O-T-T?

A. I do.

25 Q. He says he was on discipline for two months and wasn't allowed to take a shower and had to work all day in the kitchen, the grounds, doing inventory, and he slept alone in the annex - that's that room above the gym - and for a while on Tuesday's lunch, he would be brought to you and Jim MacNeil for light sessions. Now, do you agree with that?

30 A. I may have had lunch with him. I - there is no way he was on discipline for two months and didn't have a shower.

Q. Okay. You may have had lunch with him, but

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did you have light sessions with him, or confrontations about what he was doing wrong?

5 A. I would have a - if when I had a situation like that, I would have lunch with them and the conversation would go similar to what's recorded here. And I have asked them, in the Chris Turner one you gave me, and I'd see where they want to take the conversation.

10 Q. Okay. So, all right, we'll leave that for the moment. I'd like to turn to Mike Phelan, I take it you know Mike?

A. Yes.

15 Q. All right. And I'm gonna read something to you and then I'm gonna ask you whether you agree that happened. He says, in 1991 at 13-years old, he was forced to move out of his parents' apartment on campus and move in with another staff family. And the reason he was given for this by Reverend Farnsworth was that his parents were idolatress. In other words, because they loved me too much and had an emotional and blood attachment to me, they therefore were not the best
20 equipped to know what was best for me and make decisions likewise. I lived with the staff family for a year." Do you agree that happened?

25 A. I don't recall that incident. I do know that Father Farnsworth would talk about parents being idolatress. I don't, I don't recall him living with another family, because I think we lived with them at the time. I think he was in the dorm, but he always had a room. When, when I lived with Phelans, when Margaret and I lived with the Phelans, they, the boys had a room back at the apartment, and they lived in the
30 dorm.

Q. Well, he, he says, it was the summer of '92 when he was forced by Reverend Farnsworth move into the boys'

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dormitory in spite of the fact that the school was no longer in sessions and his parents lived on campus in the staff apartments, and he lived in this dorm until he graduated in 1997, and was forced to remain there during many holidays, including Christmas. Do you agree that happened?

A. No. Because I was there when he came home for Christmas.

Q. All right. And he says, "Early in the summer of 1992, I..."

A. He may have slept in the boys' dorm, but he, he, he wasn't banished from his house over Christmas holidays.

Q. Oh, no, no, we're not suggesting that. He is talking about sleeping. He moved in and he slept in the boys' dorm even over holidays. He might have been allowed to go over to his parents' for dinner....

A. No. He came home for holidays. He was there in the apartment over holidays?

Q. Sleeping?

A. Yeah.

Q. Okay.

A. As was Luke, as was Eric.

Q. Okay. He says:

Early in the summer of '92, Reverend Farnsworth gathered up all the teenage staff boys for an early morning meeting. In his priestly clothing, he told all of us we were spoiled and we had bad attitudes, and he was putting us on a boot camp discipline. So on top of the 8

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5 to 9-hour workdays that were
already being forced to work at
GCC, this boot camp consisted of
brutal military training regimes
often lasting two hours or more
after our work time, and we were
forced to dedicate our Saturdays
to these boot camp disciplines,
and I lived with a different
10 staff family during the summer
of 1992."

Do you agree that happened?

A. I don't recall that.

15 Q. All right.

A. There was a morning exercise program that I
was part of, if, if that's what is referring to. But we
certainly didn't go for two hours.

20 Q. All right. Well, he says, "In the winter of
[his] grade 9 year, that's 1992, Reverend Farnsworth assigned
Gordon Mintz, one of the staff supervisors...

A. Yeah.

25 Q. ...surrogate parent in charge of me to carry
out a special discipline that he had come up with..." I think
that's Father Farnsworth had come up with "...to make more of a
man. While my parents were given notice that I was going to be
put on this discipline, they were not asked permission." Do you
agree with that?

30 A. No. We, he's - it's, it's true, we did have
extra exercises in the morning, that was Father Farnsworth's
idea. But Bob Phelan and I sat down and discussed it with Mike.

Q. Okay.

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A. And, yes, I was, I was the one who led it with him.

Q. All right.

A. I was...

5 THE COURT: Sorry, you said you were the one that what?

THE WITNESS: I, I was often there exercising with him.

10 MS. MERRITT: Q. Did you just say, "I was the one who led it?"

A. So, Mike Phelan and I would go and run stairs or we would go for a job, or something like that, and that was part of this morning activity.

15 Q. All right. Well, he says, he was living in the boys' dorm at the time, and three days a week, Monday, Wednesday and Friday, to the best of his memory, he was instructed to wake up at 5:00 a.m. and meet Gordon Mintz at various locations in the school and he would have physical training for an hour, and then he would go back to the dorm, shower and dress, and perform his dorm duties, and after the
20 first session, he began vomiting. Later that day, he told you of this, and your response was, "Well, then we're doing something right." Do you recall that?

A. No.

25 Q. All right. He says....

A. I do remember exercising in the morning. It was, was, was not five o'clock. I don't remember exactly the details. But I certainly didn't say, we're doing something right, if you're throwing up.

30 Q. So, so I'm getting the feeling by the way that you're describing this, that this is just like healthy fitness, good for you, not discipline?

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5 A. No. It was additional exercise. So if you want to call it discipline like that, it was meant to put more pressure, to have, have the, these group of boys advanced. Because I do remember Father Farnsworth thinking they were getting soft and spoiled.

10 Q. Okay. And he says, he became ill, Mike does, and that he was having anxiety and stress and only sleeping two or three hours a night, and having gastrointestinal problems, and he asked you, if he could please stop the discipline of running. And there was a meeting with his parents and him and you, and you reprimanded his parents for feeling sorry for him, do you recall that?

A. I do not.

15 Q. All right. Do you recall telling Mike's parents that he was not sick?

A. No.

Q. And he was an actor.

A. No.

20 Q. Do you recall the training continued - no, I don't have a date, never mind. He says, "Reverend Charles Farnsworth was made aware of the fact that I was, according to Gordon Mintz, faking illness." He says, he told Father Farnsworth of the difficulties he was having with the discipline, and he did nothing to investigate whether I was
25 actually sick or not, but allowed it to continue, and within a couple of years, he was diagnosed with a stomach ulcer, do you know if that's true?

A. I do not know that is true.

30 Q. All right. Do you remember Dan, I think it's Michielsen, M-I-C-H-I-E-L-S-E-N?

A. I think so.

MR. ADAIR: Your Honour, I, I gather my friend is

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going through various students in the same fashion, and I hadn't objected to date, but I do object now.

5 THE COURT: So before we go further, I think this might be a good objection to hear in the absence of the witness. I may have some questions that counsel to address.

MR. ADAIR: Sure, sure.

10 THE COURT: Mr. Mintz, would you mind just stepping out for a moment.

A. All right.

THE COURT: So I can discuss with counsel.

...WITNESS EXIT COURTROOM.

15 THE COURT: Is the objection - well, I'll, I'll ask you if you can assist me, it had occurred to me to wonder if there was going to be reply evidence called, given some of the scenarios that are being put to the witness that he is not a doctor. However, you may have a different objection.

20 THE COURT: All right. Now, everyone is kinda jumping up and down, but you have actually the question I had, because I didn't remember that evidence either.

MS. MERRITT: It didn't happen.

25 THE COURT: It really doesn't matter at this point. What I think should happen next is we should take the morning break. I'd like to think about the point. It's, it's an interesting point, and it bears a little bit of

30

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contemplation, because you've made submissions about trial fairness, and that's important. So thank you for airing it out. Before we do, so is that going to be going into evidence?

5

MS. MERRITT: Yes. Thank you.

THE COURT: Shall we make that an exhibit, just for housekeeping, and we'll take a 25-minute morning break.

10

MS. MERRITT: Perfect. I don't know what number that is.

COURT REGISTRAR: EXHIBIT 62.

EXHIBIT NUMBER 62: Statement of Mike Phelan - produced and marked.

15

THE COURT: 62. And while I have you counsel, I wonder, just thinking ahead, if we do finish the evidence today, which I understand we're still on track to do, in order to avoid putting too strong a line under the preliminary submissions I invited you to give, you might consider doing it tomorrow, so that you don't feel you have to do more than give some high level, and we can have a bit of a conversation about submissions and where they'll go. So and that would give you Friday. So maybe think about that at the break as well.

20

25

MR. ADAIR: I'm, I'm sorry, you're, you're suggest - you're proposing of suggesting that what we were going to do on Friday, we do on Thursday?

30

THE COURT: Yes. I wonder if that might suit everybody?

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MR. ADAIR: All right.

THE COURT: Given that it's meant to be high level, you may have already made some plans around it, and if it, it that doesn't work, that's fine, I but I thought, I'd propose it and see what you thought.

MR. ADAIR: All right.

THE COURT: I am available both days.

MR. ADAIR: I would be delighted to do that.

THE COURT: All right.

MR. ADAIR: Maybe Thursday afternoon.

THE COURT: Maybe Thursday afternoon.

MR. ADAIR: Yes.

THE COURT: That's, anyway we'll talk about that. Let me think about the point you've raised, and we'll take 25 minutes then.

MR. ADAIR: Thank you, Your Honour.

R E C E S S

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

THE COURT: Counsel, thank you for the extra time to consider the matter of Mr. Adair's objection.

R U L I N G

LEIPER, J. (Orally):

On cross-examination, counsel have broad latitude to put suggestions to witnesses. Suggestions maybe made to a witness where the cross-examiner

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has a good faith basis. In the Supreme Court of Canada decision in *R. v. Little*, the court explains that:

5 ...a good faith basis is a
function of the information
available to the cross-examiner,
his or her belief in its likely
accuracy and the purpose for
10 which it is used. Information
falling short of admissible
evidence maybe put to the
witness. In fact, the
information maybe incomplete or
15 uncertain, provided the
cross-examiner does not put
suggestions to the witness
recklessly, or that he or she
knows to be false. The
20 cross-examiner may pursue any
hypothesis that is honestly
advanced on the strength of
reasonable inference, experience
or intuition. The purpose of
25 the question must be consistent
with the lawyer's role, as an
officer of the court. To
suggest what counsel generally
thinks possible on known facts
30 or reasonable assumptions is, in
our view, permissible. To
assert or imply in a manner that

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is calculated to mislead is, in
our view, improper and
prohibited.

5 And that is *Little* at paragraph 48.

10 In the *Law of Evidence* by Paciocco and Stuesser,
the authors consider whether a cross-examiner
needs to adduce evidence to support the
15 suggestions made, and the authors conclude, no,
that is not necessary. They discussed some
confusions spawned by the Supreme Court's
decision in *R. v. Howard*, which some courts
interpreted as requiring counsel to prove facts
asserted. The Supreme Court in *Little* has put
this interpretation to rest.

Quoting from Paciocco and Stuesser at page 429:

20 There is a crucial difference
between questions that relate to
and rely on inadmissible
evidence and cross-examination
on unproven facts. As the court
25 noted, it is not uncommon for
counsel to believe that
something is true without being
able prove that it is so.
Therefore, counsel do have a
30 right to cross-examine on
relevant and otherwise
admissible areas without proof,

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provided they have a good faith
basis.

5 In addition, in note in the book, *Advocacy Skills*
Law and Practice, 2nd Edition, the author refers
to the underused area of turning a witness to
elicit evidence out of the mouth on an
adversary's witness. It appears to be that this
10 is what is taking place now, and that Ms. Merritt
may put the questions forward. However she will
be potentially stuck with the answers she gets.
The questions themselves are not evidence, and I
will specifically direct myself as such for any
15 questions that are not adopted by the witness.

So, can we have Mr. Mintz back in.

MS. MERRITT: Thank you, Your Honour.

REPORTER'S NOTE: OTHER MATTERS DEALT WITH

20 THE COURT: Yes. For the, for the purposes of
the record, Mr. Adair made a very quick quip.

GORDON MINTZ: RESUME WITNESS STAND

25 THE COURT: Thank you for your patience, Mr.
Mintz. We took the morning break in the middle
of all of that, and the cross-examination is
ready to resume.

30 THE WITNESS: Perfect. Thank you.

THE COURT: Thank you.

MS. MERRITT: If you could, Madam Registrar, put

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Exhibit 49 in front of the witness.

5 Q. Reverend Mintz, we've marked as Exhibit 49 one of the front covers, or inside page, sorry, of the yearbook, the '91, '92 yearbook there, and that's a picture of the front of the school, is it not?

A. Correct.

Q. And the flag to the right of the Canadian flag, that's the flag of the Anglican Church of Canada, isn't it?

10 A. It is indeed.

Q. All right. Thank you. So going back to Dan Michielsen, firstly, he is the student who was involved in the mattress incident where he had wet the bed and the mattress was brought eight propped up in the dining room or outside the dining room, and there was a discussion about him wetting the bed, that's right, isn't it?

A. No.

Q. Who was the mattress student?

20 A. I don't recall the mattress ever being involved. I remember hearing people talk about it as maybe it's posted on Fact Net or something, I don't recall. I remember hearing about this incident being alleged. I have no recollection of it ever happening.

Q. All right.

25 A. In fact, I extremely doubt that that would happen.

30 Q. Okay. November 1986, Dan Michielsen says that there was a random dorm locker search and a few Walkmans and Rock-themed T-shirts were discovered, as well as a Rolling Stone Magazine under his bed, and five students were put on discipline, and the first night woken up after they had gone to sleep and they had what he calls, "small group light sessions"

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where he was required to read selected verses from the Bible about being sinners because they deceived and embraced the, the Satanic rock music and were forced to confess sins and, and, and look for sins and you, Jim MacNeil and Dan Furlany was there.

5 Do you agree with all of that, disagree with all of that, or agree with some and disagree with others?

A. Disagree with all of it.

Q. So...

10 A. We never woke up students and made them read scripture.

Q. Okay.

A. It didn't happen.

15 Q. All right. And he says, in October '88, he was accused of having an exclusive relationship with Josie Luvana, do you recall that?

A. I don't.

20 Q. All right. He says, he - she was a fellow student on the cross-country team, and he was put on discipline for three days and had his student leader pin taken away, and that there were, again, light sessions with you and Jim MacNeil about this. Do you agree or disagree with that?

A. I have no recollection of that.

Q. All right.

25 A. I do remember him being on the cross-country team, that, that you mention that. I don't remember the, any of the rest.

30 Q. All right. And he says, in March of '89, about three weeks before mid-terms, there was a meeting of the whole school in the main chapel and at the front of the chapel was Charles Farnsworth with a group of student who were he, he alleged self-centered, self-righteous, liars and thieves, and that he berated them about, about these things, and then the

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says, you asked him in front of all the students if he was still a masturbating pervert. Did you do that?

A. Absolutely, not.

5 Q. All right. John Connor was one of the students we, we looked at on the list of, of people who had withdrawn partway through that year...

A. Yes, I recall.

10 Q. ...in the Exhibit 58. You recall that. My understanding is that there was a session in the dining room, and he was stood up and accused of stealing, and he was standing with his head down, and Father Farnsworth is speaking to him about his stealing, and suddenly John lifted his head, swore, and said, "You're lying, I never stole, I'm not putting up with this, I'm out of here," and he walked out. Did that, do you recall that happening?

A. I don't.

15 Q. All right. Did any student, to your recollection, ever say to Farnsworth, "You're lying, that's not true, I didn't do that."

20 A. Not that I recall.

Q. All right. Do you recall being in charge of Brad Mercin while he was on discipline, you and Bill Bayles?

A. No. But it's very likely.

25 Q. All right. He says, on one occasion, Father Farnsworth body-shamed him when he was in the shower and you were present. Do you recall that calling - Father Farnsworth calling him fat or something like that?

30 A. No. I was never present when Father Farnsworth had - Father Farnsworth and I wouldn't have been present to Brad Mercin showering.

Q. Okay. Did you not shower in that shower?

A. What shower are....

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Q. The boys' shower in the boys' dorm when you lived in the....

A. Yes. In, the, in the new dormitory, not in the old dormitory.

5 Q. All right.

A. In the old dormitory, the men supervisors had its own shower.

10 Q. All right. Just going to come back to this in a moment. Reverend Mintz, you know that some of the staff at Grenville considered the, the conditions there intolerable, isn't that right?

A. Yes.

Q. Margaret Mayberry, for one?

A. Yes.

15 Q. She felt the environment was abusive and you know that, right?

A. Correct.

20 Q. And Joan Childs, she also said it was abusive, and she's apologized publicly for the hurt and pain that she and the other leaders caused at GCC.

A. Correct.

Q. All right. And some staff, I guess, left GCC after Farnsworth retired, would it be fair to say they felt freer to do so after he was no longer in a leadership position?

25 A. That's not for me to say.

Q. All right. Would it be fair to say that working at Grenville was hard on the staff at times?

A. It was certainly a challenge.

30 Q. Yes. In, in 1997, you spoke about how difficult it was and this was after Father Farnsworth left, do you recall that?

A. Not in particular.

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Q. All right. I'm showing you an email that you wrote...

A. Oh, yeah.

5 Q. ...July 30th, 1997 to Sue and Judy M, where you, you talk about the fact that you're earning \$11,000 a year in 1997. I, I did the math there, you, you were, you were asking to be paid \$20,000, and that would be 9,000 more than your current salary. So I did the math there, and you would have been earning about 11,000 in '97, is that correct?

10 A. That sounds accurate.

Q. And you were saying that couldn't make ends meet on that salary.

A. Correct.

Q. And you were drowning in work.

15 A. That is true.

Q. And losing any sense of community.

A. I haven't read that far, but it sounds accurate.

Q. All right. And if you look at....

20 A. Okay. Yes, yeah, I see it down there now, yeah.

Q. All right. At the bottom paragraph...

A. Yeah.

25 Q. ...the third line, the sentences starts halfway across, "I was very encouraged by our meeting yesterday. I hope we make drastic changes. I know I personally feel like I want to learn how to be a person again, and maybe even enjoy my friends and family." Can you help us understand why you didn't feel like a person?

30 A. Because I was burying myself in the launching of the laptop program, and I got a lot of approval for it, so it, it was rewarding, but I was losing myself. I was becoming a

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machine and programming late at night, and, and losing a sense of community.

Q. I see. So it was just excessive hard work?

A. Yes.

5

Q. Okay. It's my understanding that when you were doing the early morning exercise discipline with Michael Phelan, you were living in at the, the housemaster's quarters in the boys' dorm, and he had to go in and check with you nightly. It was only in his senior year when your family moved in with his parents in the staff apartments, is that correct?

10

A. That's not how I remember it.

Q. All right. Do you remember when you moved in?

A. No.

15

Q. All right.

A. Moved into what?

Q. Into the, the, the apartment with the Phelans?

A. No.

20

Q. All right. Okay.

THE COURT: Ms. Merritt, are you tendering the email that was put to the witness?

MS. MERRITT: No.

THE COURT: No. Okay.

25

MS. MERRITT: No. It's fine. Well, actually, maybe I should, because he's talked about the last paragraph, yes, I think I will.

COURT REGISTRAR: Exhibit 63.

THE COURT: Exhibit 63.

30

EXHIBIT NUMBER 63: Email of Gordon Mintz - produced and marked.

Gordon Mintz - Cr-Ex.
(Ms. Merritt)

MS. MERRITT: Thank you, Your Honour.

THE COURT: Thank you.

5 MS. MERRITT: Q. Do you recall a student named
Bradley Mercin?

A. Yes.

Q. And - oh, I think we talked about this a
little bit.

A. Yes, we did.

10 Q. Sorry. I wanted specifically to put some
information to you about him. Sorry, I just want to find the
passage I'm referring to. He says, the first week of school -
and I'm not sure which year this was - you were a yearbook
adviser that particular year, and you told him he was to lead
15 the group in a prayer, and he said to you that he was not going
to lead people in something that he was so sure of himself in
order, in order to keep to the idea of the truth, and he says,
he was replaced in his position as editor and Jason Whiting took
over his spot, and is that correct?

20 A. Brad would have been invited to pray. I
don't remember telling him to pray, and I don't remember who was
exactly the editors. I thought Brad was an editor, maybe it was
the previous year after. I remember both, working with both
Jason Whiting and Brad Mercin on the yearbook.

25 Q. Okay. But do you know if, if Jason replaced
Brad?

A. I don't.

Q. All right.

30 A. And he would not have been replaced because
he decided not to pray, and he would never have been ordered to
pray.

Q. All right. He, Brad says, in his computer

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class, you were an assistant to Mr. Childs, who was the teacher,
and if Mr. Childs couldn't get to the class, you would sometimes
give the lecture, and that you also worked in the kitchen, the
dorm, the garage at landscaping and, and doing the hockey. Is
5 that a fair and accurate statement?

A. Yes.

Q. All right. He says, Father Farnsworth used
to tell him he was the antichrist and once brought him to the
woodchip burner how the school was heated. I think we've
10 referred to it as the "boiler."

A. Yes.

Q. And showed him the flames of hell. Are you
aware of that happening with him or any student?

A. I heard that that did happen with students.
15 I'm not aware that he specifically happened with Brad.

Q. All right. And he also says, on one
occasion, while I was a student, he was confronted while naked
in the shower by you and Farnsworth and a student prefect, and
the shower curtain was pulled back, and he was body-shamed, told
20 he was fat, and he was screamed at. And I take it, from what
you said earlier, you denied that happening?

A. Absolutely.

Q. All right. And Reverend Mintz, I understand
that there is currently an investigation by the Canadian
25 Military into your relationship with the Community of Jesus and
your activities at Grenville, the outcome of which may have some
impact on your future employment with the Military, is that
correct?

A. No.

Q. Okay.

A. I'm not aware of it, if it is.

Q. All right. I'm just going to show you a
30

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letter. This is a letter to Bradley Mercin dated October 10th, 2019, formally acknowledging a receipt of his letter of September 1st, and saying that he was previously not aware or he was not aware of the previous correspondence and the letter is indeed very disconcerting and the Armed Forces takes this very seriously and an investigation has been initiated and he will keep Mr. Mercin appraised. Is this the first you're hearing of this?

A. It is.

Q. All right. Reverend Mintz, I take it you'll agree that you and the other staff at GCC didn't always get everything right?

A. Correct.

Q. All right. And could you give us some examples of, of what you say now, looking back of what you think the, the school didn't get right? You....

A. Yes. There was certainly some excesses. And one of the examples you just raised in terms of taking a student down and showing him the boiler as the fires of hell. You know, those kinds of things, to me, were an over-exuberance. But overall, I would not say that the Grenville experience was abusive. It certainly an environment like I said that was challenging and intentionally challenging. But I think we overstepped. We overstepped in terms of being a little bit paranoid about a, a solid Christian teaching and in terms of sexuality and the exuberance of you know, equating the fires of hell like the boiler, to me was well-intentioned, but overtop, over the top.

Q. All right. Well, do you regret not standing up for what you thought was over the top back at the time?

A. When I felt like something really over the top, I said so.

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Q. So, you, you - do I take it the answer to that question is no, there is nothing....

A. Could you repeat the question?

5 Q. Well, what I said was, do you feel regret for not standing up for what you thought was over the top in the, in the days of Father Farnsworth?

A. I don't think so.

Q. All right.

10 A. I, because I did address things individually with students when they felt like it was over the top. And if I felt like Father Farnsworth was being harsh with an individual, I addressed it with him directly.

Q. So, you had no problem expressing your dissent to him?

15 A. Correct.

Q. A moment's indulgence. Do you feel, Reverend Mintz, that you had any part in causing suffering to some students at Grenville?

20 A. I think, like, I said, as a collective, we were over exuberant at times. So as part of that collective, yes.

Q. All right. And are you sorry about that today?

25 A. Yeah. There is things I would change for sure.

Q. All right. Thank you. Those are all my questions.

THE COURT: Any re-examination?

30 MR. ADAIR: Excuse me, Your Honour, I'm just looking for one particular reference.

RE-EXAMINATION BY MR. ADAIR:

Gordon Mintz - Re-Ex.
(Mr. Adair)

Q. If you go, if you would turn to tab 49, which is in Book 1, Reverend Mintz. Tab 49, sir.

A. Yes. I am here now.

5 Q. It's that criticisms from parents questionnaire.

A. Yes.

Q. Under "Christian Teachings: Wirsbinski."

A. Yes.

10 Q. Did the Wirsbinski child or student graduate from Grenville?

A. I believe so. I don't really recall.

Q. All right.

A. There is - there was a couple.

15 A. Okay. And if you go further down, the last name is Graham.

A. Yes.

Q. Pat/Maureen, was Patrick Graham a student at Grenville?

A. He was indeed, as was Maureen.

20 Q. And was Maureen Graham a student at Grenville?

A. They were.

Q. And did both of them graduate from Grenville?

A. Yes, they did.

25 Q. And was Ms....

A. I believe they were both prefects as well.

Q. Yeah. Sorry?

A. I believe they were both prefects.

30 Q. Yeah. And was Mrs. Graham a supporter of the school?

A. Both the Graham parents were.

Q. All right. And you see under Wirsbinski

Gordon Mintz - Re-Ex.
(Mr. Adair)

where it says, "feel that children should be able to share their feelings without being told they are rebellious." And then after it says in brackets, "when they get sick of rules."

A. Correct.

5 Q. Under what, what availability was there for children to share their feelings?

A. A lot of availability. Many of us on dorm supervision would sit with the students in the common room and, and have these kinds of one on one conversations.

10 Q. And, and under what circumstances if a student was sharing their feelings might they be told they're rebellious?

A. I guess if it was in a public situation. But I've had many one on one conversations where students were expressing their, their getting sick of it kind of thing, which was normal. And we encouraged them to talk about their feelings.

Q. Okay.

20 A. So there was no, there was no repercussions for processing that individually.

Q. And then, if you go down under discipline, for example...

A. Yes.

25 Q. ...you'll see under Wirsbinski, again, "Hear more from children and from school, children feel discipline is too strict, but parents agree with it."

A. Correct.

Q. You see that?

A. Yes, I do.

30 Q. And then if you go over to, to the third page of that same tab, under Wirsbinski, it, the second name there.

A. Yes, I see it.

Gordon Mintz - Re-Ex.
(Mr. Adair)

Q. Third line, "Feel we're doing an excellent job in preparing a total person."

A. Correct.

5 Q. And it goes on to say, "But children feel they are too protected (parents like the protection)." And then there is something about, "Wonder about having former students talk to kids about making choices."

A. Yes.

10 Q. Et cetera. Did you yourself have an opportunity from time to time to have feedback with parents at Grenville?

A. Often. And especially when if their child was being put on discipline, we would always do that in consultation with the parents.

15 Q. And what, what do you say, sir, or can you give us any assistance, given the few examples that my friend read out to you about parents' complaints, what do you say about the general level of approval?

20 A. The broad scope of comments was very positive, and the, the parents were very glad of the successes that their students were able to achieve and what they went on to do in university and other things, that it was a very good preparation especially with the diversity of activity in the arts and sciences, and music.

25 Q. Now, tell me, my friend asked you about a parent complaint to the effect of if a student has done something wrong, students as whole should not be chastised. Do you recall that?

A. Yes.

30 Q. And tell me something, in the, in any of these public sessions where there would be either a portion or all of the student body present, and there was a focus on one or

Gordon Mintz - Re-Ex.
(Mr. Adair)

a couple of students doing something wrong, what would be said about the rest of the student body?

5 A. I don't recall there being a group assembly for one individual being pointed out. I do recall a, a few. And to answer your question, it would be this is a family, we need to take care of negative attitude so that the ship can rise. And often, that metaphor was used that we move forward in a more positive direction if we clear the air and phrases like that.

10 Q. Okay. Now, this, this complaint my friend referenced about this honour code and students shouldn't be forced to tattle on each other or squeal, or whatever the word one chooses, what would students be told during your time there up until 1997, what would students be told about their
15 responsibilities in the event of some form of problem or wrongdoing with another student, what would they be told?

A. That the -- was the collective and the word community was often used that we're a school family together and what effects one affects all, so that we should have a, a
20 collective commitment to strive for excellence and address areas that were not meeting the standards.

Q. All right. And was any, was any pressure put on children to tattle or squeal?

A. It was often interpreted that way, that the
25 honour code was you must tell on people. And there is no denying that at the end of the day, if there was to say a fair significant think that was, that was true. But it often required coaching and interpreting to parents that this is not a tattling mechanism, this is a commitment to accountability as a
30 whole that is part of our program of having, as I've said before, a positive pressure.

Q. All right. And how were students to bring

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(Mr. Adair)

forward any problem?

A. To tell one of the staff supervisors or another prefect.

Q. All right. Okay. Tell me, there is...

5 MR. ADAIR: Sorry, Your Honour, if I may just have your indulgence for brief moment.

THE COURT: Sure.

MR. ADAIR: Q. If you go to tab 71, it's in
Volume II.

10 A. Yes.

Q. You will see this business of girls dress regulation.

A. Correct.

15 Q. And what I want to know is how, how was this regulation put forward to students and/or parents?

A. This isn't part of the rest of the document, but I imagine this was part of the student handbook or a mailing that would go out. That was the typical way this communicated. So parents would have this before going -- and long uniform.

20 Q. All right. And this student handbook, take a look at tab 43 in Volume I.

A. Yes.

Q. I want you to look at that and tell me if that was indeed the handbook for 1987 and 1988?

25 A. I believe so.

Q. And what, what would be done with these handbooks so that students and parents would know what they were getting into?

30 A. They would be mailed to new enrolments for re-enrolments.

Q. All right. Thank you.

MS. MERRITT: I, I think we're going a little

David Webb - in-Ch.
(Mr. Read-Ellis)

further than what was raised in cross at this point, Your Honour.

MR. ADAIR: Well, fortunately I have no more questions.

5 THE COURT: All right.

MR. ADAIR: Thank you.

THE WITNESS: Thank you.

THE COURT: Thank you, Mr. Mintz, for coming, you're free to go.

10 THE WITNESS: Thank you.

MR. READ-ELLIS: Your Honour, we'll call David Webb. I wonder if I may just go out to bring him in.

15 THE COURT: Of course. Thank you. David Webb.

DAVID WEBB: SWORN

EXAMINATION IN-CHIEF BY MR. READ-ELLIS:

20 Q. Good afternoon, Mr. Webb. Can you tell us, your occupation?

A. The - I'm an account representative at Western Tarpaulin.

Q. Okay. And do you have any previous occupation?

25 A. For over 25 years, I worked in the ski industry across Canada, and then had a little change in my health status, and changed occupations in 2016.

Q. Okay. And where do you reside?

A. Right here in Toronto.

30 Q. Can you tell us when you attended Grenville Christian College?

A. From 1984 to '87.

David Webb - in-Ch.
(Mr. Read-Ellis)

Q. And what grades did you attend for?

A. It was grade 11, 12, and 13.

Q. Now, where did you live when you were at
Grenville?

5 A. Right on campus, the, the top floor of the,
of Grenville was the boys' dormitory, and I was there for three
years.

Q. And where did your family live while you were
there?

10 A. Just outside of Walkerton, actually, it was -
I was a lucky guy that grew up in rural Ontario. I always refer
to the area a "Webbville." It was a, they had a great place out
there.

Q. How, how did you end up going to Grenville?

15 A. Well, funny story. The family friends of
ours introduced the school to my mom and dad, and it was my
sister that went before I did. And as time went on, it was
offered up to my good friend, Bob and myself to attend
Grenville, and at the time, we thought, wow, that's a pretty
20 cool idea. So actually my sister finished her first year there,
and I was in grade 10 at the time, and I had a busy life in high
school, between sports and playing in the band and academics,
perhaps, academically, I might not have been reaching my full
potential.

25 Q. And so when you - what, what period of time
are you referred to then, when you're saying, academically,
you're reaching your full potential?

30 A. Oh, so, it, it was funny, in grade 9 and 10,
the - I was, I went to school at Walkerton District Secondary
school where my mom and dad were both school teachers, so they
certainly knew what was going on in school, and knew all my
teachers. I had a great time there. You know, don't get me

David Webb - in-Ch.
(Mr. Read-Ellis)

wrong, I enjoyed and a lot of my friends that I know there, I still see today, but when the opportunity presented itself to go away to a boarding school, yeah, I was pretty excited by the opportunity.

5 Q. Can you tell us about your first day at Grenville?

A. Well, no, that would be a bit challenging. My first day to see Grenville was when we drop my sister off. But my first day, I don't have a lot of recollection, other than
10 excitement and moving into the dorm and, um, but my first impression of Grenville was as a sibling, I got to see where my sister was going.

Q. And when did your sister attend Grenville?

A. It would have been, she was there the year
15 before I was, so she would have started in '83, I believe.

Q. And how long was she there?

A. Right through 'til she would have finished grade 13 there.

Q. Okay. So, let's go back to your first day
20 there. Do you remember what you were wearing?

A. Oh, that was fun. The, I don't remember in great detail, but I do remember I had denim jeans on, and it was funny - I never really thought much of it, but at the time, one of the teachers came up to me and he kind said, hmm, you better
25 send those jeans home with your mom and dad. Uh-huh, oh, yeah, okay, no problem, and away they went.

Q. And how would you describe the tone of that conversation?

A. Well, I wouldn't have known at the time, but
30 Mr. Poth (sic) ended up being my phys-ed teacher and one of my coaches, so it was just more of a, by the way, just in case, you didn't read the handbook or see the handbook, here is a, a bit

David Webb - in-Ch.
(Mr. Read-Ellis)

of guideline.

Q. And did anything else follow from that incident?

A. No.

5 Q. Okay. You mentioned earlier that you were involved in, in sports at your previous school. Were you involved in any extracurricular activities at Grenville?

10 A. Fortunately seasonally, the in our community cross-country running, and when that finished the basketball season started, and when that finished, the badminton season started. So I played sports pretty much year-round. One year I switched and gone into cross-country skiing, but for the most part, probably basketball, badminton, and cross-country skiing would have been my go-tos.

15 Q. Were there any other activities that you got to participate in, you know, school trips, or anything like that?

20 A. There was it's funny, two events that I do remember that were the most fun, and I think it was just coincidental at the same time that Father Farnsworth was getting hooked on skiing, we had a couple of trips down to Big Tupper. So there was some skiing that I just loved and I remember some of my Grenville buddies from the States that were into skiing too. Like, we had a ton of fun on the ski trips.

25 Q. Okay. And I think you mentioned two, is there, is there something else that you remember?

30 A. There it was my grade 12 year, the senior students, we went on a bus trip all the way down to Cape Cod. And that was - I knew some of the people that were there, 'cause they call it, "down to the community," so one of my roommates, Andy Chase - or I should say, dorm mates - is where is ended up staying down there.

David Webb - in-Ch.
(Mr. Read-Ellis)

Q. Okay. And so you mentioned, "the community," is that the Community of Jesus?

A. Yes.

5 Q. Okay. What, what do you remember about that trip?

A. Well, the - I don't remember a lot about it, other than one of the highlights was Andy took us on a tour of the community itself, and then as a class, I think we even got a tour, you know, Cape Cod a little bit. A lot of the detail, I
10 don't really remember. I remember seeing their chapel, it had a massive pipe organ. But other than that, I don't have a real recollection.

Q. Okay. And so you said, it was with your class. Was, was t his a mandatory trip?

15 A. Well, I can't say, yes or no to that, but I would say, I think so. Like, we were all there. I don't know if anyone was excluded or not. It'd be hard to, hard to tell.

Q. Okay. Let's turn to the academic program at Grenville, what, what was your impression of the academic
20 program?

A. Well, I must say I, I did like that. There, the class sizes were certainly smaller than I had at Walkerton District, and the study halls that we had Monday to Thursday were certainly beneficial for me. We had a supervised study
25 time from 7:00 'til 9:00 Monday to Thursday nights.

Q. How would you describe the relationship between the staff and students at the school?

A. Well, I was fortunate. Because I was involved in sports, the - some of my school teachers ended up
30 being my different coaches in the different activities. I mentioned Mr. Poth, he ended up being one of my coaches in the, I believe it was cross country skiing. Don Farnsworth was my

David Webb - in-Ch.
(Mr. Read-Ellis)

coach on the basketball court, and I remember one teacher, Mr. Ordolani, who, that was a touch math class. I remember if my marks weren't at a certain level, I would be missing a game or two. So, you know, truly, they motivate you, you, you do want to do well, and they certainly were great encouragers. We were a - highlight for me at school was how well we did on the sports field. Like, Grenville had less than 300 students I think at it, but we competed with public schools and, you know, did well.

Q. Now, how would you describe the staffs' attitude towards the extracurricular activities and academic programs, in terms of their expectation from students?

A. There Ms. Stewart was my badminton coach, and I, you know, she would, she would also be encouraging me in study hall to make sure that the effort was put forth to, you know, stay over a 75 average, and that wasn't always easy for me, but the, I recall that the attention that the teachers to the way I was studying or working or handing in assignments, they certainly knew what was going on.

Q. And what about in terms of extracurricular activities?

A. Well, I, I, I certainly didn't miss much. So extracurricular-wise. The - because we lived right at school from I don't know if it was 3:30 or four o'clock, but from 3:30 'til just before supper, we would practice probably four nights a week, and the gymnasiums would be open on part of the day on a weekend, whether it was as Sunday afternoon or a Saturday afternoon, I don't really recall, but there was certainly lots of access.

Q. Now, I understand there were student leaders at Grenville, did you ever hold a student leadership position?

A. Well, I did find my prefect pin in my box of goodies, so yes, is the answer to that.

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Q. Can you describe your responsibilities as a prefect?

A. You know what, I think for me the responsibility was kinda lead by example. Like, I felt I throughout my life I've had a positive attitude, wanted to be involved with whatever was going on, and in to give that example the classmates that I had or in the example of the dormitory, we were also section leaders. So as a section leader, if you had eight guys in your section, just the morning activities that we would do, you would monitor those, making beds, locker inspection, cleaning the bathrooms, whatever it was, you know, we were motivators. And there was, we always took pride in whatever section we were in. I do remember being my first year there, I was in a section called, Ioda, and that was my first welcome to it, and I think Steve Kruger, to give a good example how to be a section leader, and then the following two years, that ended up as one of my roles.

Q. So in terms of your responsibilities in the dorms as a prefect, how would you deal with a situation where one of the students in your section was, was not complying with the rules?

A. I can't recall of any big disagreements that would come up. The one little disagreement I think that I had in my maybe halfway through my first year, I wasn't a prefect then, but was guitar playing, and we'd be playing guitars, and my good friend, Paul Rustin, was quite a musician, and he was helping me out quite a bit, and I really enjoyed playing, and anyway that, that got cut short in the fact that Paul was a very good guitar player, and he could come up with almost any rock and roll song going, and that would lead to maybe a little more rowdy playing than was acceptable, and they changed the plan a little bit, and any music practice only happened in the music

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room down in the lower level. So that was one of the kind of the changes I saw and really, that wasn't a perfected change, it was one of the dean of student that changed it.

5 Q. Okay. Let's talk about discipline at the school. What was your impression of discipline at Grenville?

A. The I don't know - in my first year, I really didn't notice as much because I was kind of a young guy. I don't even think I had turn 16 yet, so for me I was - my big goal was to keep my marks up, play on the sports team, and dorm
10 life was kind of fun. So I didn't notice a lot of maybe people on discipline in my first year, or the first half of the year, but if there were a couple times when people were put on a discipline, it would be, you know, in the kitchen, they were doing pots or, you know, I could tell you my personal
15 experience, but I didn't see a lot of it.

Q. Okay. So you mentioned your personal experiences, why, why don't you tell us your personal experience with discipline.

A. There, it's funny, this must have been in my
20 second year, because there was a trip to Big Tupper, and we had a, you know, just a bit of a ski race unsanctioned, and a group of guys, maybe five or six of us were at the top of the hill, 3-2-1, it was a race to the bottom, and in ski areas, that's not one of the things that's acceptable, and the ski patrol soon saw
25 us, and perhaps we just didn't realize that every bottom of the hill was the chair lift and they could get you whenever they want, so the ski patrol kinda reprimanded us, and said they'll be no more of that. And they really, they wanted to take our tickets at the time, but somehow we talked ourselves out of
30 that. But then a couple of the supervisors of the ski trip, some staff from Grenville, heard about this little ski race, and because we were kinda leaders, prefects at the time or whatever,

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it was truly a bad example and didn't reflect well on Grenville. So, what I remember was the walkway between Ken MacNeil's and the main chapel, there was a frozen walkway that we were chipping ice on for, you know, a good part of the next day.

5 Q. And how was it communicated to you that that would be your discipline, the chipping of ice?

A. I don't remember all the detail. But when we came back from the bus - I don't know if something got said to us on the bus or if something got said to us once we return to school. But one of my roommates, Paul Irving, who ended up being my university roommate for three years, was one of the guys involved, and my good friend, Bobby Creighton was involved, and anyway, a group of kinda fun skiers, well, we, we weren't all doing the same disciplinary task, but I know what I was ended up doing, and it was chipping the ice the next day. So nothing happened that day of. So I'm sure we drove back that evening, and then that morning, I think is when we got down to, you know, admitting the fact that it was a bad example that we set for the school and we absolutely didn't want to lose our privileges for going back there and, you know, we wouldn't be doing that again. But we carried on and worked away at chipping the ice off.

20 Q. And how would you describe the tone of the conversation where you, where, where this was addressed by staff, whether it was on the bus or when you got back to the school?

A. It must not made much of an impact on me, 'cause I really don't remember too much of that. It's funny, the detail of, of any interactions that I had with the staff would have been more with maybe clowning around in the boys' dormitory than getting in trouble with a, a ski race or a what have you, yeah, I don't really recall.

30

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Q. Okay. Did you have any other personal experience with discipline at the school?

5 A. There I really, I'm trying to remember the detail of it, 'cause I know for sure I was with Dan Vales, and he and I were cleaning the washrooms on the lower level, and Ms. Seaforth was our supervisor, supervising teacher at the time, and I don't really remember what it was from, if it was a little after ice chipping - very well could have been that actually -
10 but it was, you know, cleaning washrooms, and to this day, I probably still clean washrooms better than most guys. So I think I learned a little lesson or two.

Q. Okay. So you mentioned chipping ice and, and cleaning the washroom, were you given the appropriate tools to do those jobs?

15 A. Oh, yeah. And cleaning washrooms for me wasn't a biggie, because work jobs, I think we did work jobs Saturday mornings, and I had been on washroom detail before, so we knew what we were up to. I had another friend, Paul Rustin, he would be on floor detail on Saturday mornings, I remember
20 that. Like, we looked after maybe only 50 percent of it because the staff would really do most of it, but Paul was the best floor buffer ever. Some of the guys that I knew were pretty good at cleaning washrooms, and laundry was another one. I remember being on the laundry work job program. But that was
25 fine too. Like, it was nothing that out of the ordinary for, for us.

Q. And so, when you just mentioned the laundry work job and that other stuff, was that as a form of discipline?

30 A. No, no. That was just part of your day to day contribution to the your life at Grenville. If you can imagine, I don't if there would be 200 boarding students or if there would be more than that, but around there - all the

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laundry gets done, and it was there'd be a couple supervisors there. For the most part, the, the student will be doing the, the sorting and putting in their laundry, and the supervisors would run the machines.

5 Q. All right. So let's focus on a second, for a second just on work jobs as a form of discipline.

A. Hmm, okay.

10 Q. Did you, did you ever see a situation where a student was given work as a form of discipline without being given the proper tools to do the job?

15 A. No. No, I can't say that. I can say if you're on discipline, for the most part, from my recollection, you either ate your meals out in the just off to the dining room, or you ate your meals in the back of the dining room. I can remember one of my good friend, Bobby Creighton was on discipline, and you know not that we laughed about it, but you know, we got kind of a kick out of it, 'cause he'd be eating his lunch, dinner and supper in the back of the dining room, and it was all under a little food caper that went on at between 1:20
20 and 2:00 in the morning. But anyway, it wasn't serious, I'd - never really affected me.

Q. So when, when you were put on - were there any other instances when you were put on discipline, other than the ice chipping and, and the bathroom cleaning?

25 A. I don't, no.

Q. Do you remember how long each of those instances lasted?

30 A. Whether it was half a day, it could have been half a day on the ice chipping. For sure it was just half a day on the bathroom cleaning. So, yeah, it wasn't a real extended period of time.

MR. READ-ELLIS: Your Honour, I'm going to turn

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onto a new topic, I'm happy to break now or to
continue. I'm in your hands.

THE COURT: All right. If you don't think you'll
be finish in five minutes, then...

5 MR. READ-ELLIS: No.

THE COURT: ...we will take the lunch break.
Please, return at 2:30.

A. Okay.

10 THE COURT: Thank you.

R E C E S S

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

15 MR. READ-ELLIS: Q. Mr. Webb, while you were a
student at Grenville, had you ever the term, "light session."

A. The - I've heard the word more in the last
few months, but no, not when I was at Grenville. I said, "late
lights," is what I knew about.

20 Q. And what were "late lights?"

A. After study hall from 7:00 'til 9:00, if you
had a big exam or maybe a math program you didn't get quite
finished, you could ask for permission to do late lights. And
it was down on the third floor, and it would be a supervised
25 room. And basically, you could have extra study time between
10:00 and 11:00. And, you know, I had to get permission for
that a few times, but that's what I had, "late lights."

30 Q. Okay. Did you ever experience a situation
where the school or a large group of students were gathered
together to address discipline issues?

A. Like, we, the, the dining hall to me was
where they would address issues that I can remember, or even in

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the, in the chapel.

Q. Okay. And can you describe one of those incidents for us?

5 A. The, well, it was, it was interesting. The one I remember most was my cousin, Richard Spencer, was being addressed, and the theme in the, in the chapel that was coming up was, you know, the, the attitude of the school was a little negative or something, and you know, certain people might have had an attitude adjustment of some kind. Well, I remember
10 Richard because he was a year ahead of me, and we were from the same small town, and he was being stood up for something and I'm thinking, holy mackerel, what could Richard have ever done, but apparently he had a bit of a haughty attitude and I just remember him being kind of singled out in the chapel in that
15 environment, and I don't remember a lot of detail about it, but you know, I was sitting in the same pew he was, and looked over and thinking, hmm, yeah, yikes.

Q. So you said, you were sitting in the same pew, but he was stood up, where was Richard when he was stood
20 up?

A. I'd say, he probably be in the middle of, middle of the chapel. There, and again, to me, the, this is why we think about it, we go back about 30 years, so I, I can't even remember. I know the girls were absolutely on one side, the
25 guys were absolutely on the other, and we were probably somewhere on the back mid-left side, 'cause I think even the grade 9 and 10s were up closer than the grade 11s. I don't recall that, but, yeah.

Q. And do you remember who spoke to Richard
30 during that incident?

A. That, that would have been Father Farnsworth.

Q. Was there anyone else involved in the

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conversation?

A. Not, not that I remember.

Q. Do you remember what Father Farnsworth said?

5 A. It had something to do about his attitude,
and but I don't remember the details, and Richard was pretty
quiet kinda guy, pretty academic fellow, but, no, I, I was
comments in - and you know, I think Father Farnsworth was
questioning him about something, and Richard would answer him
back, but more it was probably listening to what was - Father
10 Farnsworth was saying.

Q. And how would you describe the tone of that
conversation?

15 A. The, well it was certainly directed at
Richard. There was no missing that point on that one. And you
know, knowing that I wouldn't want to be stood up, I am sure it
wasn't a comfortable feeling; that's what I could tell you.

Q. Okay. Do you know if there was any
discipline for Richard that followed from that?

A. Not that I recall.

20 Q. Okay. Did you experience any other incidents
like that while you were there?

25 A. In the main dining room, it would seem if it
was breakfast time or, you know the morning meal of the day, if,
if, if there ever was a slip in the overall morale of the
school, it would be addressed at those times, and there sure
weren't many. Like, if I think back, and if was there for three
years, I, I can only think of two or three situations, and then
some of the other situations where would be addressed would be,
you know, on a much more, almost comical situation.

30 MS. MERRITT: I missed that word.

MR. READ-ELLIS: I think he said, the other ones
would be addressed in almost comical situations.

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Q. Is that right, Mr. Webb?

A. Yes.

5 Q. All right. So, Mr. Webb, I heard you said, you said you could remember maybe two or three situations when that happened, what were the situations that you my have seen two or three times?

10 A. The - it was an incident where Andrew, one of the big guys in the dorm was - and I, it's too bad, I can't remember his last name - but you couldn't miss him, because he was six foot three or four, and he, he came across too aggressively verbally in one situation or what have you, and that just wouldn't be tolerated. And I remember him being stood up, and you know in the back of the room, there is, there was - he, yeah, like it, to me it was made clear that you wouldn't

15 speak out of line and you certainly wouldn't disrespect any of the staff or any of the teachers at the school.

Q. Okay. So Andrew was another incident of a student stood up, is that right?

A. Yeah.

20 Q. And you said, there were two or three incidents, do you remember another incident where that happened?

A. Well, there only the one - was the comical one, that I was referring to, and I call it the "chocolate bar caper." The grade 12s, we had fundraiser going on and young Bobby Creighton had stolen the chocolate bar and put up a ransom note, and but fun ransoms, like "cookies for all at study break time," or whatever. Like it was made clear that it wasn't a vindictive prank. It was just kind of a funny senior prank. And that was address in, you know, in front of the cafeteria

25 absolutely.

30

So, you know whether it's good news or bad news, they certainly seem to share both of them. I don't know, the

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5 other event that I remember, and again, it was more on the funny side - and I don't even know who the Board of Directors was, but in the dining room, there was a whole wall of Board of Directors, and I think there might have even been a, a bishop
10 pictured on the wall - well didn't a bunch of senior guys take those photos and put their own images up on the wall, and I then I think they even had like prison numbers underneath or whatever. Like it was, again, a bit of funny prank, but you know it was addressed, and it was addressed in a manner that may
15 have kinda funny on one hand but then kinda serious on the other. No disrespect meant, but clarified. Again, kind of a senior prank.

Q. Okay. So just to make sure we've got this clear, over your time as a student at the school, how many times
20 would you say students were stood up in front of a large group in order to address disciplinary issues?

A. For sure, I, I can remember another one in the chapel. But I can't necessarily remember the players involved. The - it, it wasn't my kinda close circler of
25 friends, but if you were stood up in the chapel and you were addressed, think of me as a teenager, I just wouldn't care for that, and I minded myself accordingly. Like if it was an attitude adjustment or you're out of line, it would seem that there would be a, it would be made known that that wasn't
30 acceptable.

Q. And how many times would you say that happened over your time there?

A. Yeah, like if it were three or four times over three years, that would probably be it.

Q. Let's change gears a little bit. Did you ever see or experience paddling while you were at Grenville?

A. No. It's funny, when I - paddling, I went to

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5 a public school in Paisley, Ontario, and it was a known fact
that the principal had a strap on his desk, and you know if you
went to the principal's office, you could get it. Like, it
wasn't unheard of for my classmates in grades 6, 7, or 8 to get
the strap on the hand. Like, I remember whatever they had done,
they did, they got, they got the strap. And you knew, you know,
you wouldn't do that. And you wouldn't, you known want that
happen to you, so behave yourself. Well, when it came to a
paddle, I think if there was a paddle, I would have known about,
10 because I would, you know been a bit leery.

Q. So, just to be clear on that, was it a known
fact for you, what, that there was a paddle or some other
instrument...

A. Yeah. No....

15 Q. Let me just finish the question.

A. Yeah, sorry.

Q. Was it a known fact that there was a paddle
or some other instrument of corporal punishment at Grenville
while you were there as a student?

20 A. No.

Q. Were you ever involved in any kind of
physical altercation while you were at the school?

A. The, the, you know what, in grade 11, I was
in a physical altercation, and it was just, it was bizarre,
25 because at Grenville, you know everybody, and you play on sports
teams and whatever, but Mark Hunter and I were in a physical you
know conflict, and it all had to do with a tennis racket that he
wanted to use at the end of the day just before dinner, and I
had said, no, you can't use my tennis racket.

30 Q. And who is Mark Hunter?

A. Well, he was a senior student, and he was a
very good basketball player; we played basketball together, but

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he was a year older than I was, and he really wanted this tennis racket and maybe I said, incorrectly, I said, no, you can't use my racket, there is no time to use my racket, we got to get changed and ready for supper. So we were leaving the tennis court, well, he said something back to me, and inappropriate. So on record, I'm not gonna say what he said, but inappropriately said, you're such a wimp, and swore a little, and I said, well, Mark, that vocabulary is very limited if that's what you're coming up with, and that was the wrong thing to say in a heated moment, 'cause then he clocked me right in the face.

So, again, I am a slow learner, 'cause I said something else that was kinda, you're a senior taking on a junior, you got to be kidding me. Well, he wasn't kidding, because that's when he punched me in the face two or three more times, and that was the end of it for me. The - I went up to the dorm and then my face started to swell up, and I can remember it was the staff that came up to me after they heard I didn't make it down to dinner, and then they - I was off to the infirmary, later that night, I was off to hospital, and later that night, my mom and dad arrived from Walkerton.

Q. So, how would you describe the staffs' reaction to your injuries?

A. They're - well, I know for sure, Don Farnsworth, who was my basketball coach, he was there, and you know he felt terrible about the whole situation, and down in the infirmary, Ms., Ms. Ralston was certainly checking me out, and she was the greatest lady. Like, you'd see Ms. Ralston if you needed anything from the infirmary side of things, medicine, and for me I had to take a few medications every once in a while due to my asthma, but no, they, she was the most caring lady ever. And the guys, you know all my classmates were feeling really bad

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for me, 'cause who wants to see their little buddy get beat up,
'cause then I was a little guy, like, I think I was five foot
seven or eight, and Mark was a big guy. And wouldn't you know
it, later in life, there is the guy I'm reading about in the
5 Toronto Star that gets charged by his father for abuse.

MS. LOMBARDI: Your Honour, this is, I mean, it
was said, I guess.

THE COURT: We seem to be - that's fine, I don't
think you expected that full answer.

10 THE WITNESS: I'm sorry.

THE COURT: We're trying not to have evidence of
things that you read from somewhere else or heard
from somewhere else, but you wouldn't have known
that. So, I'll ask counsel to...

15 MR. READ-ELLIS: I don't expect to rely on that,
Your Honour.

THE COURT: ...move to the next question.

THE WITNESS: Sorry. Sorry. I am sorry.

20 THE COURT: Try to listen to the question and,
and answer exactly what you're asked.

MR. READ-ELLIS: Q. You mentioned that you ended
up in the, the hospital that evening, how, how did that happen?

25 A. There - I just had to go for x-rays. They
were worried about a concussion. So the, from my memory, it was
staff from Grenville that took me in and my parents. It was a
five-hour drive for them coming from Walkerton, so they met me
at the hospital. And I think in any emergency, you, you, you
know, if it's not life-threatening, you could be there a while.
So likely, I was at the hospital for a while.

30 Q. Okay. Do you know what happened to Mark
Hunter as a result of this incident?

A. Well, it was near the end of school, and the

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next day, he was picked up by his parents, and taken home. It was made clear to me that he would be allowed to come back and write his exams afterwards, but he was suspended.

5 Q. Were you present at one of these large group assemblies where Mr. Hunter was addressed for his behaviour?

A. No. He was never addressed on that. That I think crossed the line, and left school.

10 Q. Okay. Let's sort of change gears again. How would you describe the treatment of female students at Grenville?

A. In my opinion, they guys had it a little easier than the girls.

Q. What do you mean by that?

15 A. It just seemed in years later, 'cause I stayed in touch with all my, a lot of my close Grenville friends, that the guys just had more of a stories, or more of a bond later in life, and all the experiences we had up in the, in our dorm and on basketball games, or on soccer games, like, they were fun, we had a blast.

20 Q. Did you ever hear staff refer to female students using sexually derogatory names, like, slut, whore, bitches in heat?

A. No.

25 Q. I'd like to hand you a document, Mr. Webb, do you recognize this document?

A. Yes.

Q. What is it?

A. This is a page out of the yearbook.

30 Q. And is that you at the student at the bottom in the rightened column?

A. Yes.

Q. Now, there is a blurb there, do you know who

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wrote that?

A. You know, I don't know who was on the yearbook committee.

Q. Did you write it?

5

A. No.

Q. So I'm interested in the first sentence in the blurb there, it says, "Dale hails from what he calls, Webbville," which actually consists of his house and backyard, and I think that's a term that you used earlier. Do you know what that's referring to?

10

A. Yeah, absolutely. I, again, I, I was lucky growing up. My grandparents had a very large farm, and my dad bought five acres from his father, and my dad's brother bought 10 acres from his father, and there were three Webb families all at an intersection in rural Ontario, and we jokingly said, 'cause my one cousins, there were five kids in that family, and my grandma down the road, and my sister and I, we called it, "Webbville." Seventeen miles from Walkerton, nine miles from Paisley, four miles from Cargill, right in the heart of Webbville.

15

20

Q. And do you have any idea how whoever wrote this blurb knew that?

25

A. I would joke, I, like, I, I loved where I grew up, and I would, that was kind of a thing that followed me for quite a few years. My parents didn't move until I was probably 21, so when I finished Grenville, I think they moved into the Town of Hanover, but for the first 21 years of my life, I was pretty happy to be from Webbville.

30

Q. And did you use that term while you were at Grenville?

A. Oh, yeah.

Q. Did you get any kinda of discipline for that?

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A. No.

Q. Or any sort of talking to by staff?

A. No.

5 Q. Mr. Webb, how would you describe your
experience at Grenville?

10 A. Well, I was a fortunate guy. Like, the
friends I have met from Grenville have been lifelong friends.
And for me it was a big sacrifice for my mom and dad to make it
so that I could go there after my sister started. To have two
kids at Grenville was a big outlay for my mom and dad, and but
they saw it as a big investment in my education, and it was a
great experience.

15 Q. Now, based on your observations, when you
were there at the school, how would you describe the general
student experience at the school?

20 A. There, well, I kind of had three circles of
friends at Grenville. Bobby Creighton who introduced me, it was
their family that introduced me to Grenville, and he's been a
lifelong friend forever. John Murray was three years younger
than I was, and he was in the junior dorms and we cross-country
ski raced together, and we still stay in touch, you know
probably 10 times a year. Our three circles of friends, we all
knew, you know, that we'd have friends for life, and our even
some of the guys later, like, like Paul Rustin, he was a great
25 athlete, but even better than that, he was a musician. Well, I
got to follow Paul when I was working in Whistler went to his
concerts. Like, it was the people that I've met from the guys
there have been great. So, yeah, I was a fortunate guy.

30 Q. And based on your observation at the time,
what was your view of other students' experience at the school
at the time?

MS. LOMBARDI: Oh, Your Honour...

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MS. MERRITT: Come on.

MS. LOMBARDI: ...I, I think asking the witness to comment on other peoples' experiences is inappropriate. He can comment on his own and he has.

MR. READ-ELLIS: I asked him to comment on his observation of other students. It's not the first time that type of question been asked.

THE COURT: I think this question has been asked of other witnesses, so I don't see why it shouldn't, as long as it's put from the perspective of based on what you observe. I believe that has been asked. So just make sure it's based on observation and not to invite speculation.

MR. READ-ELLIS: Yes.

Q. So, Mr. Webb, based on your observation at the time that you're at the school, based on your observation, what was your view of other students' experiences at the time at Grenville?

A. I must've hung with the positive crowd, 'cause I even went the following year, some of the great Grenville guys were biking across Canada, and I had a chance to join them for a day. Like the guys you want to spend time with. So their experiences absolutely was great.

Q. Are....

A. The basketball team was almost unbeatable. They were great. Our soccer team, yeah, we got knocked around a little, but we certainly held our own. Like, the, the experience in the follow-up that I've had had with my circle of friends at Grenville has been amazing.

MR. READ-ELLIS: Thank you, Mr. Webb, those are

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(Ms. Lombardi)

all my questions.

THE COURT: Cross-examination. Now, do you want that made an exhibit?

MR. READ-ELLIS: Oh, I am in your hands. I don't, I don't think it needs to be marked as an exhibit.

THE COURT: All right. It's the record is clear what was asked. Thank you.

10 CROSS-EXAMINATION BY MS. LOMBARDI:

Q. Mr. Webb, you said that you came to Grenville, based on the recommendation of the Creighton family, correct?

A. Yes.

15 Q. You were good friends with the Creightons long before you went to Grenville?

A. Yes.

Q. And are you still good friends with the Creighton family?

20 A. Yes.

Q. Okay. A Dr. Creighton, Bobby's dad, he was a family doctor in Walkerton near where you lived, is that right?

A. Yes.

25 Q. And, and Bobby's two sisters also went to Grenville, correct?

A. Absolutely.

Q. And did they sort of give you and Bobby the, the layout and the lowdown on in terms of what Grenville was all about?

30 A. Yeah.

Q. Yeah. And you said, your own big, older sister, she attended Grenville?

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(Ms. Lombardi)

A. Yes.

Q. Was she there with you the - your whole time there or how many years did you guys overlap?

5 A. We overlapped, I believe, for a year and a half, no, two years, two years.

Q. Two years. And did she also kind of give you a heads-up of what you were walking into and what to expect, what to do, what not to do, that kind of thing?

A. Yes.

10 Q. Yeah. And your sister actually became a staff member at Grenville some time later, is that right?

A. Yeah. I'd have to check what year that was, but she moved back to Brockville.

15 Q. She moved back to Brockville, but she taught at Grenville, is that right?

A. I don't think she was a teacher. I think she was the dean of women students.

Q. I see.

A. But I am not sure.

20 Q. Okay.

A. I think she was in the administration.

Q. But she was, she was at Grenville Christian College, whatever her role might be.

A. Yes, absolutely.

25 Q. She was there, okay. And your parents, hard as it was for them to send two of their kids to a private school, they did manage to also be regular donors themselves, is that right? They donated extra money to the school?

30 A. That I don't know. Their - I knew my dad wasn't a fan of the one charity that they ran, they called it an auction, and it was to buy tickets for a lottery. And I remember my dad explaining to me, you know, David, I am not

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buying tickets to that lottery because I don't believe in gambling. But you know, if I want to make a contribution to the school, I'll make a contribution.

Q. Okay.

5 A. But I don't know that he did or didn't, I'm not sure.

Q. Well, I'm going to show you some documents to show that they did.

A. Oh, okay.

10 Q. So here is the first document, and this is a June 1985 Grenville Christian College newsletter.

A. Yes.

15 Q. I'll just wait 'til you have it. If you flip to the very last page, you will see not very back page, I guess, second last page, there is a box, and inside the box, the title is "We acknowledge our recent donors," do you see that?

A. Yes.

20 Q. Yeah. And if we go follow it alphabetically, on the rightened column, third from the bottom, there is a "Mr. and Mrs. Clarence Webb," are those your parents?

A. Absolutely.

MS. LOMBARDI: I'd like to mark this as the next exhibit.

COURT REGISTRAR: Exhibit 64, Your Honour.

25 THE COURT: 64. Thank you.

EXHIBIT NUMBER 64: June 1985 Grenville Christian College newsletter - produced and marked.

30 MS. LOMBARDI: And if I could, please, have Exhibit 39, 41, and 42 put before the witness, please.

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(Ms. Lombardi)

COURT REGISTRAR: 36, 41 and?

MS. LOMBARDI: 39, 41 and 42.

5 Q. If you turn to page 5 of Exhibit 39, it's the same kind of listing that we just looked at. And Exhibit 39, if you go to the very front is June 1986, so it's the very next year.

A. Yes.

Q. (Reading):

10 Grenville Christian College
news. We acknowledge our recent
donors.

15 And this time you can find Mr. and Mrs. Clarence Webb in the middle column, it looks like fourth from the bottom in that middle column.

A. Yes.

Q. And that's your parents, right?

A. Yes.

20 Q. Yeah. Okay.

A. Just for the record, my mother would not be impressed that with the Mr. and Mrs. Clarence Webb.

25 Q. Noted. Okay. Exhibit 41 is the next exhibit I'll have you look at. And that is the June 1988 Grenville Christian College News, and if you turn at page 11 of that newsletter, you'll also find your parents - no, I have to find them. I didn't mark them. Actually, it's page 10, I believe. There we go, page 10, in the third column of those listed on page 10, very far right, from the top there, they are the
30 eleventh names listed from the top in that far rightened column, "Mr. and Mrs. Clarence Webb."

A. Yes.

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Q. Right, those are your parents.

A. Yeah.

5 Q. Yeah. And finally, Exhibit 42 is December 1988, and on page 6 on that newsletter, on page 6 of that newsletter, actually, there is a Mr. David Webb and Ms. Laura Webb in the far right-hand column on that page.

So, Mr. David Webb, that's you, you donated as well, didn't you?

A. You know, I bet my dad did that for me.

10 Q. Okay.

A. I think I was off to university then.

Q. Okay.

A. I wouldn't have had any money really.

Q. Okay. And Ms. Laura Webb, who is that?

15 A. That's my sister.

Q. That's your sister. So either you and your sister, or your parents maybe on behalf of you and your sister made a donation that year as well?

20 A. I would have been happy to, but I bet my dad did it for me.

Q. Okay. But you don't dispute that donation was made?

A. No, not one bit.

25 Q. Okay. Perfect. So you'll agree with me that Grenville was a place of strict rules and discipline, correct?

A. Yes.

Q. And that students learned what was expected of them through experience and they knew the consequences of breaking the rules, is that fair?

30 A. No.

Q. Okay. Do you remember writing an affidavit in 2011?

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(Ms. Lombardi)

A. Yes.

Q. You do. Okay. And you were cross-examined on that affidavit in June 2011, correct?

A. Yes.

5 Q. So I am just going to read you what you say at paragraph 6 of your affidavit.

10 Grenville Christian College had strict rules, but students learned what was expected of them through experience and knew the consequences of breaking the rules.

15 Do you remember saying that?

A. Yes.

Q. So you'll adopt that now, that's true?

A. Yes.

Q. Yes. Okay.

20 A. I thought that was the only way they learned.

Q. I see.

A. Okay.

Q. There, there were many ways to learn, but experience was certainly one of them, wasn't it?

25 A. Yes.

Q. Yeah. And what experience was that?

30 A. They, I would say, number one, having a bit of a background of how to wear a uniform, when to wear a uniform, how to behave, how to - and when it comes to even following the rules, you know, it's they're assigned. And it was the boys' stairs, girls' stairs, well, don't go up the girls' stairs.

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Q. Right.

A. You know, like it was obvious.

Q. Follow the rules. So experience, does that
also mean, if you broke the rules, like on your ski trip, you,
5 you learn that way too, right, by suffering the consequences?

A. Yes.

Q. Yeah. And is it fair to say that seeing
other kids on discipline was another way that you learned not
what to do?

10 A. I didn't see that many kids on discipline.

Q. Okay.

A. But would I learn from them, yes.

Q. Yes. And, and seeing people like your cousin
being stood up, right, that...

15 A. Yes.

Q. ...was a lesson to you of what not to do,
right?

A. Yes.

Q. And so, how did you as a student learn what
20 the consequences of discipline were, or, or what discipline look
like? You, you said you didn't often see, but you did sometime
see other kids on D, was that one way that you learned of?

A. Yes.

Q. You listed off some rules, I think one of
25 them that just said now, was there was a stairwell for boys and
a stairwell for girls, and that was a rule, you didn't take the
wrong stairwell, right?

A. Correct.

Q. And there was also some other rules about no,
30 no exclusive relationships, is that right?

A. Yes.

Q. Is it fair to say that Grenville was a co-ed

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school, but it never really felt like a co-ed school?

A. Yes.

Q. And there were more rules than just those written down respecting boys and girls. So we've got no stairwells written down, correct?

5

A. Yes.

Q. No exclusive relationships written down, correct?

A. Yes.

10

Q. There was also something called the six-inch rule, isn't that right?

A. Yes.

Q. Yes. And that was not written down, was it?

A. I don't think so.

15

Q. Okay. And what was the six-inch rule?

A. There are - in a classroom environment, for example, if Pamela Wirsbinski on my yearbook page, was sitting beside me in chemistry class, I shouldn't be closer than six inches.

20

Q. I see. Were you allowed to take strolls one on one with girls up and down the laneway?

A. No.

Q. What was...

A. Now, two girls and one guy was fine.

25

Q. Right.

A. But two guys and one girl was not.

Q. Right And that's something that, that you learned, not because it was written down for you, but you picked that up?

30

A. I wish I had the handbook still. Was that not written down?

Q. Do you remember it being written down?

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A. No.

5 Q. Okay. And in chapel, I think you mentioned when you were describing the chapel sessions, boys and girls didn't even sit near each other. There was a girl section and a boy section, is that correct?

A. Yes.

10 Q. So I just want to go back to the - there was only that one instance where you were put on discipline, is that right, for the ski trip thing?

A. Yes.

Q. Yeah.

A. To my best recollection.

15 Q. Right. And so, were you put on discipline because your behaviour on the ski hill was deemed to be embarrassing for the school?

A. I think it was the code of conduct code with the ski patrol. I think their, you know, the 10 steps to code of conduct in skiing.

Q. Okay.

20 A. So we broke one of them.

Q. I see. So when you....

A. Which in turn wouldn't reflect poorly on the school.

Q. Right.

25 A. Yes.

Q. But you weren't put on discipline at Grenville because you explicitly broke the skiing code of conduct, though? It was your behaviour and how it reflected back on the school, right?

30 A. I'm not sure. Like I am pretty sure it was from ski racing.

Q. Right. So that code of conduct for skiing,

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you were a ski instructor for most of your life?

A. Sure.

Q. Did you guys get kicked off the hill for that racing?

5 A. Yeah. In some areas are a little more strict on that rule.

Q. Uh-huh.

A. But like we didn't at Big Tupper...

Q. Okay.

10 A. ...they were a little bit lenient.

Q. I see. So they let you keep skiing, but in any event when you got back to Grenville, you got in trouble for your conduct that day.

A. Yes.

15 Q. Yes. And you said part of your punishment was being put to work outside chipping off ice on some driveway.

A. Yeah, the walkway.

Q. Right. And you also said, you had to clean some bathrooms.

20 A. Yes. Yes.

Q. Yes. And so, when you were asked about how long that lasted, you said, like a half day each. So that was the end of the discipline for you?

A. I believe so.

25 Q. And were the other fellows that were racing with you, were they on discipline longer than you?

A. Not that I recall.

30 Q. No. So if I were to tell you that Bobby told us he was on D for two days, that, that doesn't correspond with what you said?

A. Oh. Hmm. Then my memory serves me, um, I, I could be wrong.

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Q. Okay.

A. Like, if it was one day or two days.

Q. Okay. Could have been two days.

A. Could have been.

5 Q. Okay. Did you see other students on D that were punished a little more harshly than you, than your one experience with it?

10 A. Hmmm. I - there - I can't remember the names, but there was one person who played the trumpet for raising the flag, he was an American guy, he got put on discipline for something, and he was on longer...

Q. How....

A. ...like two or three days probably.

Q. Two or three days.

15 A. Yes.

Q. And do you remember what he was doing?

A. No. I, I don't remember.

Q. How did you know when someone was on D?

A. Oh, he wouldn't be wearing a uniform.

20 Q. I see. Would you be going to class?

A. No.

Q. Would you be socializing with other students?

25 A. There would be no socializing, really. I, I think it was a time for reflection. Like, you weren't allowed to talk to any other students during that time. You could only chat with your supervisor. In my case, it was Ms. Seaford.

30 Q. So I just want to go back to your affidavit that we talked about, at paragraph 18 there, you said that, "If staff kids broke the rule, I saw that they were disciplined more harshly than the other students." So I don't know if that helps your memory at all, but what do you remember seeing with respect to discipline of staff kids?

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A. Their, hmm, if they were, you know, not wearing a uniform for a while and on just whether it is two or three days, I am having a hard time remembering, but their - yeah, I wish, I, I wish I could tell you for sure.

5 Q. Okay. But to your memory, there were no special staff kid only rules at Grenville, right?

A. Yeah. There was never certainly a list like that.

10 Right They, they lived in the dorms with you guys, I think you mentioned, Andy Chase, he was - was he a staff kid or a C of J kid?

A. He was a Community of Jesus kid.

Q. Okay.

15 A. Okay. But Joe Bushnell was a good friend of mine that was a staff kid.

Q. And he was a staff kid?

A. Yeah.

Q. And he was in your, your dorm?

A. Yeah.

20 Q. Yeah.

A. He was a year younger; good soccer player.

Q. So you were first made a student leader and then eventually you made your way to prefect, is that right?

A. I believe so.

25 Q. And how did you become a student leader? Was there a special ceremony?

A. Not that I recall.

Q. Was there a pin for student leader?

30 A. Yes. And the, the student leader was a bar, if I remember.

Q. I see.

A. For your cardigan.

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Q. But then you were elevated to prefect. Was there a ceremony when you became prefect?

A. I really don't remember.

Q. Okay. Was there a pin for prefect?

5

A. Oh, yes.

Q. Yes.

A. Yeah.

Q. What were the differences between the duties as a student leader and prefect?

10

A. I wish I could remember that. But I know, you know your, like, as a prefect, if we were setting up the dining room, for example, you know, you're - or we're serving, we're dressed up as servers, and you have your black vest on, you know, you kinda be team leader in there. Like Ms. Barnes was, Mrs. Barnes was kinda head of the dining room, but she'd kinda line up the jobs, and you'd be kinda helping make sure all those jobs got done.

15

Q. Okay.

A. In that capacity.

20

Q. And you had some dorm duties as well, at least, as prefect?

A. Yeah. Yeah.

Q. Like, maybe similar dorm duties as a student leader?

25

A. Yes.

Q. Yeah. And did you ever lose your, your prefect pin?

A. No.

30

Q. So when you got in trouble for the ski trip, you didn't lose your prefect pin?

A. I must not have been a prefect by then, yeah. Maybe I was, I don't know. But no, I didn't lose my prefect

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pin.

Q. You don't remember losing your pin?

A. No.

5 Q. You had that one instance with D, and that
was it, right?

A. Correct.

10 Q. And I think you told my friend earlier that
you understood that as a student leader and prefect, your role
was to exemplify appropriate student behaviour at Grenville,
that was...

A. Yes.

Q. ...your job.

A. Yeah.

15 Q. Yeah. To be an example for other students to
follow.

A. Uh-huh.

Q. Yeah. So is it fair to say that your
conformed then with the expectations put on you by Grenville?

20 A. That's an interesting word. But if I
wouldn't say, no, to that, like if I conformed, I liked what I
conformed into.

Q. Okay. So you agree that you, you conformed.
You didn't get into any more trouble anyway?

A. Sure, yes, correct.

25 Q. Right. And is it fair to say that the ones
that didn't conform like you might be subject to being publicly
stood up and spoken to, either in the chapel or the dining room
or put on discipline, is that fair?

30 A. I would never want to judge what other people
did, but if their attitudes were negative, and I could see that
maybe they weren't conforming, if we're gonna use that phrase...

Q. Uh-huh.

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(Ms. Lombardi)

A. ...then the chances of them being reprimanded is high.

Q. Okay.

5 A. Like there was a standard that they wanted to bring students to.

Q. Right. Okay. Thank you. Just want to show you - my friend showed you a yearbook picture, and I have another one for you to look at. So this one comes from 1986, 1987 yearbook. If you flip over, we'll see the little excerpt,
10 "David Clare Webb," that's you, right?

A. Yes, I am.

Q. And just the first line, "David Webb...the name brought to mind such words as prefect." And then it lists off other words like, athlete, and fun, and energetic, and
15 friendly, and other words, but the first word that it brought to mind was "prefect." So you really were a model student at Grenville, is, is that fair to say?

A. Maybe not academically, but I tried my best.

Q. Yeah. The first word that comes to mind is
20 "prefect." So you were setting an example of what it meant to be a student at Grenville, to the, to the best of your abilities, is that fair?

A. Yeah.

Q. Okay.

25 A. That's good. Whoever did that, who it was. I should read that. Thank you.

MS. LOMBARDI: I'd like to make this the next exhibit, please.

COURT REGISTRAR: Exhibit 65.

30 THE COURT: Exhibit 65.

EXHIBIT NUMBER 65: Grenville Christian College

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yearbook 1986, 1987 excerpt - produced and
marked.

5 MS. LOMBARDI: Q. Did you ever have
responsibilities as a prefect with respect to supervising kids
on discipline, was that ever part of what you did?

A. No.

Q. Yeah. But other prefects did have those
duties, to your knowledge, right?

10 A. I don't think so.

Q. Did you ever had to escort a student to or
from the dorm is they were on discipline or to their class?

A. No.

Q. You never had to do that?

15 A. No.

Q. Do you know about the honour code at
Grenville?

A. No.

Q. Do you know that there was an honour code?

20 A. Is this a written down code?

Q. It is a written down code.

A. Okay.

Q. And it's not a memory test. So, why don't I
put something to you.

25 A. Yes.

Q. Exhibit 1, Volume I, Tab 7, please. So are
you at Tab 7. If you flip all the way over...

A. Yeah.

Q. ...to Roman numeral VII, it's page 3.

30 A. Yes.

Q. And so, I'll just read it to you.

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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
10 school spirit."

Does that help you better understand the honour
code?

A. Yes.

15 Q. Yeah. And, and you recall that this was sort
of part of your job as a prefect, right?

A. No, I don't. But it, it sounds like a - was
this in a handbook somewhere?

20 Q. Well, it was written down. Does this
generally coincide with your own understanding of what it was to
be a good student at Grenville?

A. Let me just read it one more time.

Q. Sure.

25 A. Wow. If I went back to say that I don't, I,
I don't - I, I'm not familiar with this "willing to require
others to meet the same standards." I never felt that.

Q. You didn't?

A. Like I would live my life by an example
positive attitude, try hard kinda guy.

Q. Uh-huh.

30 A. But as far as "willing to require others to
meet the same standard," you know, I was 16 or 17, like, I was,
you know, a teenager, if I could do that, then, you know good

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for me. But I don't think that was part of my job description.

Q. Okay. I'm going to take you to another document then.

A. Okay.

5

Q. Exhibit 2, Volume II, Tab 131.

A. Sorry, Exhibit 2, what?

10

Q. Tab 131. So, this is a transcript of a recording by Charles Farnsworth, and so I want you to flip to page 10 of the document. The numbers are just at the top there in the middle of the page.

A. Yeah.

Q. Page 10.

A. Yeah.

15

Q. And I'm just going to read you a portion of the very last paragraph on page 10, that starts sort of in the middle of the paragraph with:

20

We also had a code of honour.

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

25

30

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5 did not do that, the second
person would go back to them and
say, I will go with you, and we
will report this. And if they
10 didn't do that, it'd just be
it's just like we would do in a
family with a brother. If my
brother had stolen money from my
mother or father, I would tell
15 him to go and put it back and
confess it. If not, I would go
with him to confess it. If not
that, then I would have to go
tell on him to keep order in the
place.

Is, is that a description that you would agree
with in terms of how the honour code worked at Grenville?

A. For the staff kids, yes.

20 Q. And why didn't it apply to you?

A. It was never stressed like that. But I would
say, absolutely.

25 Q. But if Father Farnsworth, these are his
words, is saying, that's what the honour code at Grenville was,
you disagree with him, is that what you're saying? These are
his own words.

A. Sure. I, I don't think it was ever expressed
to, to me like that.

Q. I see.

30 A. But to say that it wasn't expressed like that
would not be like, like, I, I, I'm not, I'm not, I'm not shocked
to hear it said like that.

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Q. Okay.

A. But did I ever hear that, no.

Q. So I guess, the other question I have for you is did you ever report on other kids as a prefect?

5 A. No.

Q. Never?

A. Never.

Q. Okay. In addition to the public assemblies at Grenville - sorry, I am moving onto a new topic here - you, you went over them with my friend, you remember at least a few where kids were stood up and publicly admonished, yes.

10 A. Yes.

Q. Yes. Were there other times in the chapel or dining room where there would just be a talk given by the headmaster?

15 A. Yes.

Q. Okay. Do you remember some of the topics of those talks?

A. I've heard a lot of topics.

20 Q. Okay.

A. This is a while ago.

Q. Okay, fair enough. Why don't I give you some examples then.

A. Sure.

25 Q. Do you remember talks or readings from the Bible that had anything to do with homosexuality?

A. The - I do remember when the AIDS crisis was starting and that would have been in the 80s, and there was a correlation between homosexuality and AIDS.

30 Q. And, and that was something that was spoken to the students?

A. Yes.

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Q. Or, sorry, that was talk to the student...

A. Yes.

Q. ...about that correlation.

A. Uh-huh.

5 Q. Did they talk about where that correlation
came from?

A. Where, where the correlation between
homosexuality and AIDS came from?

10 Q. Yeah. You, you, said you remember a talk
about AIDS.

A. Yes.

Q. And that there was a correlation...

A. Yes.

Q. ...between AIDS and homosexuality.

15 A. Yeah.

Q. That was something that...

A. That was, that was....

Q. ...the staff communicated to the students?

A. Yes.

20 Q. Okay. Thank you. And thinking back on your
time at Grenville, was homosexuality something that was
considered a sin, is that fair to say?

A. I think so.

25 Q. I think when you mentioned, I think it was
your cousin, Richard, is that right?

A. Yes.

Q. So did Richard also overlap with you for a
number of years at Grenville?

A. Just one year.

30 Q. Just one year. Were there any other cousins
that attended Grenville?

A. No. So my closest friends, John Murray, who

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I mentioned already.

Q. Uh-huh.

A. And Bobby Creighton and myself were probably
the closest friends that went to Grenville and then branched out
5 from there.

Q. Right. And then your sister also was there
with you...

A. Yeah.

Q. ...one or two years, maybe.

10

A. Yeah, yeah, yeah, yeah.

Q. Yeah. So when Richard was stood up, I think
you said something to the effect of, he's beside you, he's being
stood up, and you were like, yikes.

15

A. Yikes. Yeah, like in the room. He was
there, I was there playing the role. He was kinda down a bit,
but, yes, yikes, was the word.

Q. "Yikes was the word." So, "yikes," does that
mean, boy I never want that to happen to me?

A. Yes.

20

Q. How did you - did you feel sorry for Richard?

A. Yes.

Q. Did Richard seem embarrassed to you?

A. Yes.

Q. Did he seem humiliated?

25

A. Yes.

Q. And I think you also mentioned that they,
they told him he had a haughty attitude.

A. Right.

30

Q. Was "haughty attitude," was that a, a big
thing at Grenville, did you hear that a lot?

A. Yes.

Q. Do you recall an instance when the whole

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student body was put on silence?

A. Yes.

Q. Do you remember what brought that about?

5 A. I'm - and again, memory is what it is, but I am, it was an overall feeling that the school attitude by more than a few players had, was dropping down a notch.

Q. I see.

10 A. And in silence, kinda when you're on discipline, you're - I remember this, you know, inward reflection. Well, in a 16 or 17-year old mind, you're thinking inward reflection, I don't want to go too inward, because I don't want to be haughty, but on the other hand, I don't want to, you know, I want to reflect.

Q. Right.

15 A. So, yeah, it was a, it was a time, and you reflect. And for me, you got to just change your attitude. Like be positive or don't be.

Q. Okay.

A. Like, okay.

20 Q. You are a really positive guy, right?

A. I according to this writeup, I was.

Q. Okay. And you describe yourself that way.

A. Uh-huh.

25 Q. That's fair. So this, did you even think that this silence really applied to you, this attitude problem, did you think of it as a, it's something I am contributing to in any event?

A. Whether I was contributing or not, you know, I was, I was never perfect. So...

30 Q. Sure.

A. ...overall, it, it didn't really bother me, to be honest.

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Q. Right.

A. I certainly remember it, though. Like, you would remember something like that.

5 Q. And you said, it was, it was a time of reflection being on silence, whether it was discipline or this instance.

A. Yeah.

10 Q. You said, but not to - not - you don't want to go too far inward, because then you're haughty, so did you fine that line, that balance difficult, you know, difficult to kinda figure out as a kid?

15 A. Yeah. Like, what's, what's the difference between confidence and being haughty? Oh, sorry, I didn't mean to ask you that, but, you know, that's what in my mind, that's what I mean.

Q. Right. You, you kinda struggle with figuring out what it all meant, right?

A. Yeah.

20 Q. Yeah. Would you agree with me generally, that the giving and receiving of corrupt [sic] correction was a part of this spirit of Grenville? That, that formed a part of it, right?

A. Could you ask me that again?

25 Q. Sure. Would you agree with me, generally that the giving and receiving of correction was absolutely part of the spirit of the school?

A. Like, I don't think we received that much correction, but there was certainly correction given.

30 Q. Okay. But you wouldn't say that it was absolutely part of the spirit of the school?

A. Well, that, you know, I would, it was absolutely part.

David Webb - Cr-Ex.
David Webb - Re-Ex.

Q. Okay. Thank you. And the singling out of students publicly, their isolation on disciplines, sort of being ostracized from their fellow students, that was something that did occur at Grenville, correct?

5 A. Yes.

Q. You had a positive experience at Grenville, correct?

A. Correct.

10 Q. You followed the rules, you conformed, correct? I think we established this, but I need you to say, yes, or no, again.

A. Oh, sorry, yes.

15 Q. Yes. Okay. Thank you. You're not surprised, though, that there is other students, those that didn't conform or didn't even pretend to confirm, that did not fare as well as you, is that fair?

A. That's fair.

20 Q. You are aware that there are some students out there that had more negative experience than you, correct?

A. Yes.

MS. LOMBARDI: Those are all my questions. Thank you.

THE COURT: Any re-examination?

25 MR. READ-ELLIS: Yes. I, I just have a couple of questions.

RE-EXAMINATION BY MR. READ-ELLIS:

30 Q. You were asked a question about giving and receiving correction was a part of the school, you remember that?

A. Yes.

Q. Did you ever give any correction while you

David Webb - Re-Ex.
(Mr. Read-Ellis)

were at the school?

A. No.

Q. Did you ever receive any correction?

5 A. There for sure from that ski trip, I'd have
to say, yes.

Q. And were you ever put under any pressure to
report another student to staff?

A. Not that I can remember. That's why I had to
read this a couple of times. There I truly don't think I did.

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

THE COURT: Thank you for coming, Mr. Webb,
you're free to go.

A. Thank you.

15 THE COURT: Thank you. Mr. Adair, any further
evidence?

MR. ADAIR: No, Your Honour, no further
witnesses.

20 THE COURT: End of witnesses. Is there - will
there be more evidence tendered in any other
form?

MS. MERRITT: Any more evidence that you have?

25 MR. ADAIR: Well, I think we both had some, have
some read-ins that we were gonna give Your Honour
the numbers of. Other than that, that's it. I
can give them to you when we do our argument and
give them to my friend as well.

THE COURT: All right. That's fine. Is there a
significant volume of read-in evidence?

30 MR. ADAIR: I am sorry, Your Honour?

THE COURT: Is there a significant volume of the
read-in evidence?

David Webb - Re-Ex.
(Mr. Read-Ellis)

MR. ADAIR: Excuse me for a moment, Your Honour.

THE COURT: Sure.

MR. ADAIR: No.

5

THE COURT: Yeah. So it's not something that I should have now or soon to read?

MR. ADAIR: I don't think so.

THE COURT: All right. Have counsel considered whether they would like to have the preliminary submission discussion tomorrow or Friday?

10

MR. ADAIR: Today is Wednesday, isn't it?

THE COURT: Yes.

MR. ADAIR: I, I....

MS. MERRITT: We're happy to go tomorrow afternoon, sure.

15

MR. ADAIR: I'm, I am happy to go tomorrow afternoon. I wouldn't mind the morning to think about things.

THE COURT: Sure. Shall we say, 2:30 tomorrow.

MS. MERRITT: Sure. Thank you.

20

THE COURT: Okay.

MR. ADAIR: Thank you.

25

THE COURT: All right. 2:30 p.m. And, and as, as previously discussed, counsel are also planning to make written submissions, so if you want to give some thought to a timetable before tomorrow afternoon, we can discuss that, and then if you're scheduling a date for oral submissions, full oral submission or we could decide once the written submissions are in. And so, for my part, I'm, I'm going to use the morning to think about some questions to have you take away. I'm assuming that will be of assistance. And other

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than that, I think that's all our business for
today. See you tomorrow.

...WHEREUPON THESE PROCEEDINGS WERE ADJOURNED

5

THURSDAY, OCTOBER 17, 2019

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

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THE COURT: Good afternoon, counsel. So before
we begin then today as had been discussed, we
talked about today being sort of a high level
reflection on where you may be going with your
submissions without getting into full
submissions.

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20

In terms of a time table, I'll be asking all
counsel to think about how much time you will
need to prepare your written submissions and then
how much time you think you would like for full
oral submissions. And I'll just put a few things
if you like in play and then you can respond or
react to that. I had wondered about
approximately a two to four week period to
prepare and file written and then perhaps finding
a date, a week or so past that with about a half
day each for oral submissions.

25

30

And you can tell me if you think that's
sufficient or not but I thought I'd put some
ideas forward not wanting the, the matter to
linger too far past the hearing of the evidence.
Just some of the things that I thought you might

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5 be able to assist today with some sort of ideas,
first of all, are there any significant legal or
factual issues that are no longer in dispute?
You, you may or may not be in a position to say
but if you have given some thought and there are
that would be helpful. What do you think I
should be keeping in mind as I review the
evidence because I'm going to review the evidence
while you're preparing your written submissions?

10

What use do you suggest I make of the documentary
exhibits aside - and, and your answer may be as
short as just, just read them. Just read them
and then I'll be able to appreciate your written
15 submissions. And the other question I had for
you today, and again, you may or may not be able
to address it and if you're not, that's fine,
but, but what do you say at this point are the
really thorny issues to be grappled with and what
do you say they are for the other side? And so,
20 I'm talking about mountain tops here. I'm not
talking about the mountains or the grass in the
mountains, I'm just talking just and I think
today we don't need to spend a lot of time
25 actually.

25

I was thinking we may be able to finish in an
hour unless you've prepared something more
elaborate, but I really didn't expect you to.
30 And I gave some thought about it overnight. I
thought I'd - I want you to have the opportunity
to really put your best into the, the written and

30

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5 the full oral submissions but I thought we could
make a little bit use of the time with all the
evidence fresh in our minds. So, so I don't know
if that accords with what you - I thought you'd
do today but I'll turn it over to you. I just
thought I'd give you a few guideposts from my
perspective.

10 MS. LOMBARDI: Thank you, Your Honour. I have
prepared some, some submissions for today that I
hope might address some of the points that you
raised but certainly maybe at the end of the day
after hearing submissions from both parties we
could maybe just address a few of the points
that...

15 THE COURT: Sure.

MS. LOMBARDI: ...weren't covered in the
submissions if that's helpful.

THE COURT: Sure.

20 MS. LOMBARDI: In terms of knowing where we're
headed with the written and the further oral
submissions down the road.

THE COURT: Okay.

25 MS. LOMBARDI: And I also wanted to offer just
for the sake of your note taking, if you wanted a
copy of my submissions that I'll be speaking to
you today, I'm happy to send them to you but
that...

THE COURT: Thank you.

30 MS. LOMBARDI: ...you can just let me know if
that's something that would be helpful.

THE COURT: Sure, thank you.

MS. LOMBARDI: So, at the outset of this trial we

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5 submitted that the key question to be determined
at this common issues trial is whether the
patterns of behaviour policies under practices of
Grenville Christian College applied or in place
throughout the class period fell below the
standard of care owed by a reasonable boarding
school and breached the fiduciary duties owed to
the class and whether the failure of Grenville
Christian College to have policies in place to
10 prevent students exposure to certain abusive
patterns of behaviour or practices amounts to a
breach of those duties that they owed the class,
and again, that class being those students who
attended Grenville between 1973 and 1997.

15 The evidence adduced that this common issue trial
overwhelmingly supports the fact that Grenville
Christian College's pattern of behaviour,
policies and practices were below the standard of
care and amounted to maltreatment of its
20 students. In other words, Grenville Christian
College was operating below the standard of care
expected of a similar boarding school and they
were systemically negligent in so operating.
25 What Grenville created by employing the patterns
of behaviour, policies and practices it did was
to create an environment that was likely to cause
harm.

30 The plaintiff's evidence supported by much of the
evidence from the documents and the defendant's
witnesses as well, shows Grenville to be a school

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5 that consciously and purposefully turned its back
on the standards of the day and embraced a
philosophy and employed practices it knew to be
counter to the prevailing standards in society
let alone in education at the time.

10 Those new standards in education were established
before even the Berean School was operational in
Ontario. Those standards are set out in the
Hall-Dennis Report of 1968 that Dr. Axelrod spoke
of. Alastair Haig's own words speak to the
failures of the Berean School in fulfilling their
Christian mission or more importantly, their
financial obligations in their desperation for a
change that would enable them to continue on.

15 That change involved a total abandonment of the
educational philosophies and standards of the
day. Mr. Haig says, our philosophy as a school
followed the normal philosophy of the day which
20 was take the liberal open-ended approach to
education and to discipline of young people. We
along with the rest of our nation and generation
accepted the theories of Dr. Benjamin Spock that
you shouldn't curb the psyche of a youngster, you
25 should let him do what he wants. Let him choose
his own way. Just passively guide him, let him
make his choices, let him express himself how he
wants to.

30 Our whole Canadian education system has swallowed
this philosophy hook, line and sinker. Our
mothers and fathers of our nation swallowed this

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5 philosophy hook, line and sinker with the result
that we have a whole generation of insecure,
angry, frustrated young people. Our education
system has reduced its standards. Its steered
away from basics. It has abandoned the old tried
and true way of learning mathematics, learning
grammar, learning spelling, learning how to read
and write. The modern approach says, let's make
10 education fun. I'm not against having fun in the
classroom but there is no substitute for hard
drill, careful repetition dogged determined
learning.

15 Suffice it to say, Grenville for the first four
years of our history followed the easy way. Our
teachers followed the philosophy of the day which
is peace at any price. Don't cross the students.
Well, they may not like you. Don't demand too
much of a student. Let him go at his own pace,
20 let him choose for himself. The result was our
school was like any other public school filled
with angry, rebellious self-willed children.

25 Then came the day that heralded the biggest
miracle in all the history of Grenville, the two
directors of the Community of Jesus on Cape Cod
came to visit our college. And he later goes on
to say, our teachers are no longer afraid of
their pupils. They have taken their place as the
30 authority in the classroom and the students know
it and accept it and respect it. We have learned
something the world has seemed to have forgotten.

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5 Young people long to have authority over them.
They want parents and teachers that they can
respect. They don't want parents and teachers
who are pushovers and pantywaists. We don't any
longer try to manipulate our students. We tell
them exactly what's required of them and we stick
to it and persevere with them until what we want
of them is accomplished. I know that our
10 philosophy runs counter to the accepted
philosophy of the day but we've accepted the fact
that we are in a very definite way a
counterculture.

15 Grenville Christian College was not, as my
friends would have you believe, simply a quaint,
conservative albeit old fashioned school that was
at times a little too heavy on the tough in its
tough love approach. The evidence at this trial
from the representative plaintiffs, former staff
20 members and student witnesses, both for the
plaintiff and defence, overwhelmingly shows that
Grenville Christian College was a controlling,
overbearing and intolerant total institution. It
controlled all aspects of the student's lives
25 imposing a strict routine as well as high and
strict standards of behaviour.

30 It employed practices such as light sessions and
harsh disciplines in order to force students into
submission, not only to authority an orderliness
but into the mould, the underlying Christian
mission and the vision mandated. Grenville

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5 Christian College was not operated by educators
by and large. Rather, it was run and operated
predominantly by missionaries whose calling had
brought them to this school as the vehicle
through which to live out their mission of
spreading their knowledge of and devotion to
Christ to others.

10 The operating minds of Grenville during the class
period were Alastair Haig and Charles Farnsworth
neither of whom had certification to teach,
though Al Haig did have post-secondary education,
Charles Farnsworth did not have any formal
15 post-secondary education whatsoever. While some
of the teachers and administrators like Grenville
did have teaching certificates or bachelors of
education, most did not. These missionaries that
ran Grenville were devoted to a specific version
of Christian life they believed to be superior to
20 anything else they had experienced previously.

25 This lifestyle was transplanted to Grenville and
those of the Grenville community from the US sect
known as the Community of Jesus to which they
all, all the Grenville staff, became avowed
members during the class period. That lifestyle
required complete obedience and yieldingness to
its leadership both at Grenville and the
Community of Jesus. Initially, the lifestyle was
30 seen to be enlightened and beneficial to living
out - to the living out of their mission and
living in a Christian community.

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5 In time however, the lifestyle devolved into an abusive and dysfunctional existence. This community lifestyle was the foundation upon which Grenville Christian College was built and operated. The principles of obedience, admonishment and chastisement, correction, discipline, submission and yieldingness were all features of and foundational to the policies and
10 practices employed by the school with its students. From the prescription of underwear to rules restricting relationships and an honour code that required students to inform on one another, it all worked together to create an
15 environment of oppression, distrust and isolation. Punishments that were excessive, public, humiliating and are degrading contributed to this atmosphere and the examples of these come from the evidence; being put on discipline
20 included being segregated and ostracized from the rest of the student body. Students being assigned menial, manual labour tasks to be performed in lieu of attending classes, out of uniform in silence and being deprived of other
25 social interactions with students such as eating meals separately and sometimes not sleeping in the dorms with their fellow students.

30 And then there were special disciplines on top of this such as boot camp or cold grits defined at best as an early morning exercise regimen meant to be punitive and at worse, as a gruelling

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5 punishment. And when corporal punishment was imposed at Grenville, it was imposed for a variety of infractions including being in a relationship with the opposite sex outside of school, exchanging notes with other students and talking during a test. A wooden paddle was used at Grenville and as many as 10 to 20 licks would be given. When a student collapsed from the pain, he was propped up and continued to be 10 beaten. One student bled and another tried desperately to escape the beating and that's Mr. Blacklock who unfortunately we weren't able to hear from personally during this trial.

15 Though corporal punishment may not have been a criminal offence during the class period, any discipline that utilized excessive force or was carried out with caprice was unacceptable, and according to Dr. Axelrod, not in keeping with the 20 standards of the day. Public light sessions were another feature where students were singled out, stood up, publicly chastised and humiliated for rule breaking or perceived to behavioural or attitudinal transgressions, and where other staff 25 or other students could join in on the chastisement, sometimes using raised voices all of which led to the student feeling ashamed with no clear idea of what she or he had done wrong.

30 The other students subjected to these sessions or observing them were fearful of being singled out themselves and publicly shamed, similarly.

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5 And then finally, we have private light sessions
that we heard about with multiple staff sometimes
aggressively confronting a student or group of
students over similar types of transgressions to
try to coerce confessions about other rule
breaking by other students as well. These
sessions, we heard, could be intimidating. We
heard from one witness that the staff to student
ratio at an individual light session planned for
10 her sister prompted her to attend it in order to
protect her sister.

15 Teachings and messaging at Grenville respecting
gender and sexuality were grossly inadequate and
inappropriate, even taking into consideration the
Christian basis from which they might be said to
have developed all of these features combined to
create an abusive atmosphere and an environment
likely to cause harm. Those that conformed to
20 the requirements imposed upon them, and who
embraced the practices and policies of Grenville,
fared better than those that did not or could not
do so. However, all class members, however they
fared at the end of the day, were exposed to
25 maltreatment and risk of harm in this environment
at Grenville between 1973 and 1997.

30 Dr. Barnes opined that many, if not all class
members, experienced maltreatment or trauma while
attending Grenville and to the extent that they
were subject to such maltreatment or trauma are
at increased risk for multiple psychological

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5 difficulties. She further outlined how Grenville
functioned, to a large degree, as a total
institution where staff subjected many class
members to coercive control. And she concluded
that these aspects of Grenville's structure and
operation likely increased class members
vulnerability to abuse. Dr. Barnes provided us
with a helpful definition of a total institution.

10 She described it as an institution where children
lived separate from their parents and families
for extended periods and, thus, were completely
reliant on staff for care, guidance, protection,
15 instruction and discipline. And that at these
institutions, there was an attempt to
re-socialize students by instilling new rules,
skills, or values using practices that included
breaking down the barriers that ordinarily
20 separate the three spheres of life: work, play
and sleep.

Dr. Barnes further opined that GCC functioned in
many respects as a total institution on the basis
that the students at Grenville lived separate
25 from their parents and families for extended
periods of time, whether that was living in dorm
residences or in the case of some of the staff
kids, other adults other than their parents. All
students were reliant on Grenville staff care and
30 many had few, if any, alternatives when concerns
arose. Physically leaving the school or
communicating with the outside world was hindered

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5 both because of the rural setting, Grenville's geography, but importantly, by the control and supervision of that outside communication, controlling who could use the phones and when they could use the phones.

10 We heard some evidence of those phone calls being eavesdropped upon or, or even mail being intercepted. For the staff kids, they had no one to turn to. They were stripped from their own parents who themselves were chastised and punished for their own idolatry. But for the regular boarding students, the barriers were equally strong considering their young age,
15 distance from their parents, inability to leave freely or to articulate their experiences sufficiently to parents and guardians, and also the pressuring guilt that they would feel with respect to the monetary consequences of their
20 complaining.

25 We heard evidence of them being fully aware of how much money it cost their parents in tuition to send them to Grenville.

30 Staff at Grenville were closely involved in every aspect of the students' daily lives, their day and night time routines. We've heard a lot of evidence about a timetable that started as early as 6:30 a.m. and earlier even for those subjected to special disciplines or work duties all the way through to 10 p.m. in the evening, leaving little

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free time for the students to simply exist
unsupervised.

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There is also family nights, whereby students are forced to interact with staff families on weekends, as well. And we even had evidence about square dancing that none of the witnesses feigned any kind of enthusiasm for, not to mention the fact that staff share every single meal with the students. To say that this was a close-knit community is an understatement. Students at Grenville were expected to conform to the rules, expectations and direction of the staff.

There were high expectations for good behaviour, all of the students told us this. The plaintiff and defence witness described it as a standard of perfection or a push to excellence but all agreed the expectations on students were very high. Strict discipline was employed for the purpose of socializing the students to adhere to Grenville's view concerning values and behaviour and that included the use of the public and private light sessions and the various forms of discipline. Dr. Barnes also explained that once that sense of unchecked power of those in authority is firmly established in a total institution, an atmosphere of fear and insecurity pervades that institution. She explains children do not have to experience arbitrary or excessive punishment to want to avoid it, they just have to witness enough of it

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to understand that they could be next.

5 We heard from the witnesses that gave evidence
about their presence at those public assemblies
or those public light sessions where they at
least witnessed students being stood up, singled
out and publicly reprimanded and chastised for
rule breaking or attitudinal transgressions such
as being haughty, rebellious or rude. Many
10 testified to be, to feeling badly for the one's
singled out but also relieved that it wasn't
them.

15 Dr. Barnes also told us that total institutions
tend to impose conditions of disconnection,
degradation and powerlessness on children in
their care and that those conditions are all
aspects of emotional harm which is a form of
maltreatment. Dr. Barnes considered the various
20 ways that Grenville staff subjected students to
repeated, varied and severe forms of maltreatment
and trauma or emotional harm and we've covered
some of those already. Many of the class members
experienced this in the form of physical abuse,
25 being the use of generally accepted physical
punishment that was overdone, prolonged unduly
or, or excessive force was used.

30 The class members experienced cruel or
inappropriate treatment which in the case of
Grenville included menial and degrading manual
work jobs for days at a time, public

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chastisements that were humiliating, physical exercise regimes like boot-camps that were gruelling and punishing.

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The class members also experienced sexualized abuse which at Grenville included sexual confessions; sexual touching and suggesting; berating students for being or in sighting lustfulness; prescribing one's undergarments and enforcing same through regular dorm raids, bathing suit inspections that, that required females to bend over forwards and backwards to determine how revealing the suit was only to have the suit covered up with a t-shirt and shorts; being called derogatory names like temptress, bitches in heat, sluts or jezebels; the vilification of homosexuality; the humiliation and or punishment of both male and female adolescents who displayed signs of romantic or sexual feelings that were normal for their age; and more generally the unbalanced Christian view of and latent preoccupation with sexuality, which Mr. Mintz spoke of yesterday.

The other types of abuse and maltreatment identified by Dr. Barnes are the neglect of physical and mental health needs which she says involves harming a child physically or emotionally or placing them at risk for physical or emotional harm. And in terms of the evidence that we've heard in this trial, we have a student who while on discipline performing a work job

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5 experienced an asthma attack and was sent back
into that working environment with minimal
accommodations being made. We've heard evidence
of a student with a prosthetic leg, who after
hours of hammering in rebar for a snow fence
experienced severe pain but was not, even upon
revealing same, allowed to switch to a different
task or stop the harmful task all together. The
10 same student was also assigned a task of
vacuuming with a dust buster as opposed to an
upright vacuum that on account of his disability
he found to be extremely difficult and
uncomfortable.

15 And, again, upon his request for accommodation to
use a different tool or to stop it all together,
he was, he was denied that ability. There's
evidence of a student, who after an attempt to
run away in the dead of winter and being brought
20 back to the school, did not receive medical care
upon his return and nor were his parents notified
of this incident, and this is referring again to
Mr. Blacklock.

25 Dr. Barnes also points out neglect can occur
where the child's parent or caregiver doesn't
provide or consent to treatment and we've heard
evidence of a situation like that. We, we heard
evidence that upon receiving a confession of
30 self-harm and a suicide attempt, there was no
record of medical assistance being sought. We
have heard evidence of a student who had long

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5 suffered with anorexia and bulimia who was put on
diets and her, her eating was supervised but no
medical treatment was sought. Dr. Barnes also
pointed out and identified that another type of
maltreatment is emotional harm which she defined
as involving a repeated pattern of caregiver
behaviour or extreme incidences that encourage an
individual to believe that he or she is
10 worthless, flawed, unloved, unwanted or, or only
valued to the extent they meet someone else's
needs.

15 And she, she gave us examples of how this might
come about. She spoke to us about spurning,
about terrorizing, meeting the setting of rigid
or unrealistic expectations with the threat of
loss or harm or danger if they're not met.
Isolating, which includes caregiver acts that
consistently deny the child opportunities to meet
20 needs for interacting or communicating with
peers.

25 Exploiting, which she defined as including or
encouraging coercion or abandonment
developmentally and, and appropriate autonomy and
finally the denial of emotional responsiveness.
And at Grenville, the examples of these in
evidence, again we've reviewed but just, just to
30 summarize, it's the group assemblies or public
light sessions, private light sessions,
inappropriate sexual messaging, you know, that
included the denigration of sexual feelings and

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5 that applies to both boys and girls alike. And
it also includes the AIDS testing policy along
with the messaging about AIDS being God's
punishment for sinful homosexual behaviour. The
disciplines, the act of being put on D as it were
and the other special extreme disciplines already
discussed. It also includes the threat of
burning in the fires of hell and being brought
10 down to the boiler room to see the flames of
hell. It involves the controlling of
communication as previously discussed but also
the regular dorm reassignments and the honour
code itself.

15 The micromanagement of student life that's
evidenced in the timetable and the consistent
enforcement of punishment for relationships
between students, particularly those of the
opposite sex. The extremely modest dress code
20 for girls in particular that prescribed their
underclothes and swimwear, all of which were
regularly inspected by Grenville staff. And
finally, having to confess sexual or other
private thoughts. These are all examples of how
25 emotional harm was inflicted at Grenville.
As a boarding school, Grenville's primary purpose
should have been to provide educational and
boarding experiences that would foster child and
adolescent development, however, the patterns of
30 behaviour, policies and practices they employed
created an environment where harm was the likely
result.

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Dr. Axelrod explained that while education up to the 1950s had been founded on values of honesty and Christian love and the unquestioned authority of the teacher and the principal who, who had the responsibility of discipline. He explained to us about the reforms of the 1960s which crystalized in Ontario in the Hall-Dennis report of 1968 and marked the beginning of a liberalization of the education policy and standards in, in Ontario through the '70s all the way through to the '90s. The guidelines and guidance that grew out of that 1968 report included a letter the very next year from the Ministry of Education to all schools in Ontario, including private schools, outlining the Ministry's position with respect to the abolition of all corporal and other degrading forms of punishment and speaking to the new educational atmosphere being one of respect and trust. This also led to the further reforms in the education regulations in Ontario.

But other influences that speak to the standard of care over the, the relevant time and that emerged in the '80s and '90s included the introduction of the Charter of Rights and Freedoms in 1982, which underscored the growing priority of individual rights and helped frame the discussion and education regarding the role of religion in the schools as well as the privacy rights of students. Later in the '80s, the Ministry of Education finalized resource guides

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respecting discipline and behaviour based on the theories that grew from the reforms that started in, in the '60s.

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And in the 1990s we have the adoption of the UN declaration of rights of the child which finalized the growing attention paid to children's rights which began back in 1959, the goal of which was to enhance children's rights and sustaining environments where they would be free from harm. And also, the development of healthcare guidelines, again, by the Ministry of Education with respect to physical and emotional health of children. Taken together, these combine to form the basis of the standards respecting education in Ontario in the 1970s through to the 1990s. We know Grenville specifically and purposefully rejected the standards of the day and instead adopted the principles in the Community of Jesus vows, obedience, chastity, admonition and yieldingness, et cetera.

Dr. Axelrod told us that the stated philosophies of education principles, patterns of behaviours, policies and practices of Grenville fell well below the standards of the day as compared to other educational institutions in Ontario including other private schools. Specifically, Dr. Axelrod told us that Grenville's stated goals were unclear, vague and confusing. The degree of control exhibited was both unsophisticated and

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5 suggestive of a repressive environment not at all
keeping with comparable institutions, that the
penalties imposed at Grenville, the hostile way
in which students were treated and their
vilification along with the abusive language used
were unique and again not in any way in line with
or in keeping with the standards of the day even
taking into consideration that corporal
10 punishment was not a crime during this time
period.

15 And with respect to the light sessions and the
public humiliations, he said it was unheard of
and constituted emotional maltreatment. Overall,
Dr. Axelrod concludes Grenville was unusually
harsh, doctrinaire and very severe compared to
other similar institutions. He opined that the
discipline and teachings at Grenville were
abusive and at odds with schools in Ontario and
20 were harmful and hurtful to students.

Dr. Axelrod's expert opinion was not
contradicted. No expert was called by the
defence to provide an opinion to the contrary.
Your Honour has our memoranda on law but briefly
25 with respect to duties of care breach, systemic
negligence is established where a plaintiff can
show that the systemic negligence of the
institution created the necessary context for the
acts complained of and the harm sustained.

30 The institutional duty of care maybe breached,
for example, through inadequate provision of

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5 entitlements, to inherently damaging or
destructive institutional policy or through a
failure to have policy in place to deal with
abuse. It's well established in Canadian law that
firstly, school authorities and administrators
owe their students the duty of care and secondly,
that the standard of care to be exercised by
school authorities and administrators in
10 providing for the supervision and protection of
their students is that of a careful or prudent
parent at the time of the alleged negligence.

15 The standard of care is breached where the school
authority fails to adequately supervise, fails to
detect signs of abuse that would be apparent to a
prudent parent or fails to properly report or
investigate allegations of abuse. And
importantly, the standard of care is also
breached where the school authorities acts or
20 omissions, i.e.: Systemic negligence created or
maintained a persuasive culture of abuse. It is
clear from the evidence adduced at this trial
that Grenville's institutional acts, its patterns
of behaviour, policies and practices created or
25 maintained a pervasive culture of abuse and as
such we submit that they have breached the
standard of care owed to the class members.

30 In the case *Seed*, Justice Horkins confirmed that
the fiduciary obligations owed by a school to
their students is similar to that of a parent.
She defined the fiduciary duty as to ensure that

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5 reasonable care is taken of the students, both physically and emotionally, and that they are protected from intentional torts and there's the assurance of a student's safety at the school and while in residence.

10 On the totality of the evidence adduced at this trial, we respectfully submit that Grenville failed to meet their fiduciary obligations. They failed to provide an environment for their students free of emotional, physical and sexualized abuse and maltreatment. Their patterns of behaviour, policies and practices in fact created this unsafe environment and they
15 allowed their religious beliefs and devotion to their counterculture lifestyle and their so-called Christian mission to supersede their purpose as an educational institution in the best interest of their students.

20 The actions of Grenville, their breaches to the class we say do warrant punitive damages. Grenville's systemic negligence towards the class was oppressive, high handed and harsh. Grenville
25 was indifferent to the consequences of its patterns of behaviour, policies and practices employed with its students, the class members. An award of punitive damages is appropriate to not only denounce this conduct but to deter
30 similar conduct at large in the future. However, we would also further submit that given that this is a class proceeding, the tools

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5 available to this court by virtue of the *Class Proceedings Act*, that the punitive aspects might also be dealt with or subsumed in an award of aggregated damages which we say might be appropriate in this case to not only address the concepts of denunciation, retribution and vindication that will be part of a punitive award but also some base level of compensation for both 10 general and aggravated damages of the class members harmed.

15 In *Ramdath* and *George Brown College*, at paragraph 75 to 78, the Ontario Court of Appeal acknowledged the need to consider the use of aggregate damages under the Act in order to effect justice and give meaning to the tripartite principals underlying class proceedings legislation being access to justice, judicial 20 economy and behaviour modification. The other tools available to this court under the *Class Proceedings Act* at sections 23 and 25, may also be, may also need to be considered to achieve --

25 The, the litigation plan was certified in this proceeding contemplates the continued involvement of this court can under taking those next steps and ideally, we would ask this court if we succeed at this stage to order a further hearing to determine the processes and the way forward 30 respecting the assessment of damages.

To conclude, we submit that on the basis of all

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5 of the evidence elucidated at this trial through lay witnesses including former staff of Grenville as well as students along with the expert evidence and opinions of Dr. Barnes and Axelrod's and the case law, that it's clear that Grenville breached its duties of care along with their fiduciary obligations to the plaintiffs and class.

10 While the behaviour of Grenville does merit an award of punitive damages, we submit that the underlying principles of punitive damages such as denunciation, deterrence and retribution might better be addressed or subsumed by an aggregate
15 award of damages that would also include damages for the general liability established of this trial to be determined at a later stage or stages with this courts help and subject to any questions, those are our submissions.

20 THE COURT: Thank you.

MR. ADAIR: Your Honour, I begin with a general
comment in this vein and this, I must say it's a
matter that has troubled me for the 12 years that
this case has been in existence and the, the
25 problem as I see it is this, if the plaintiffs general portrayal of Grenville is what my friend termed a controlling, overbearing, intolerant institution, a dysfunctional institution, an abusive atmosphere and an institution marked by
30 an environment of oppression and isolation, if all of that is true and correct, how is it that so many former students like Julie Sheriff, Emma

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5 Postlethwaite, Lucy Maxwell, Robert Creighton,
David Webb, Simon Best and others, how is it that
they managed to miss this prevailing atmosphere
and oppressive, dysfunctional, abusive place,
whether they were affected by it or not?

10 How could they miss that atmosphere? And how
could it be that almost every person, former
student who testified, interestingly on either
side, arrived at Grenville on the recommendation
of friends or acquaintances? How could a place
of that description have an apparent good
reputation in the general community?

15 And how is it that students who went home in the
summer, at least, and for the most part at other
times during the year and had every opportunity,
and one would expect they would be asked about
their experiences at Grenville, how is it that
20 parents, apparently the overwhelming majority of
parents, sent their students back year after year
after year if these students were reporting
things the way my friend says?

25 And how is it this court heard from so many
witnesses who had siblings attending Grenville
before them if those siblings were subjected to
this overriding and abusive institution? And it
strikes the defendants very much that these are
30 some general observations that are well worth
reflecting on when you consider the credibility
of the plaintiff's entire case.

5 Now my friend, with great respect, engaged in
what amounted to a repetition of the plaintiff's
evidence and the expert evidence based on the
plaintiffs evidence and jumped from there to a
ringing condemnation of Grenville but failed to
engage in any way, shape or form in the
analytical structure this court has to bring to
10 the whole of the evidence in answering the common
issues regarding duty of care. And if I will
consider my comments to have been a success if
Your Honour leaves the courtroom with one thing
and one thing only taken from these comments and
that is in terms of analytical framework that if
15 you're going to arrive at a fair and just
determination according to law, you absolutely
have to begin, you have to begin by identifying
the critical factual issues that need to be
decided in order to answer the breach of duty
20 questions.

If you don't it may not be inevitable but it's
close to it that you'll wind up with the wrong
result. And normally, the analytical structure,
25 the questions to be identified in a negligent
section are pretty simple and we don't think much
about the analytical structure that factual
questions to be addressed are plain and obvious
but when you've got a situation of a class action
30 involving alleged systemic negligence in an
institutional setting like this case the problem
is infinitely more complex because the questions

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5 you have to ask yourself, the key factual questions, are shaped by the fact that this is a systemic negligence action and the fact that the duty of care as agreed upon between the parties is in essence to take reasonable steps to avoid actionable harm. And I underline actionable harm.

10 And the - let me explain the reason why these two concepts, systemic negligence and breach of duty of avoiding actual harm shape the questions you have to answer. First, with respect to systemic negligence, it is important that you appreciate that the plaintiff could only have this action certified on the basis of resting their case on the grounds of systemic negligence. If they had
15 chosen instead to present the case as one of a breach of duty in individual circumstances the action when you read the decisions leading to certification could never have been certified.
20

25 There'd be no common issue. And limiting the claim to systemic negligence, as the case law indicates, hugely increases the difficulty of establishing liability but that's the path the plaintiffs have chosen to follow and they have to follow it because that's the basis upon which the case was certified. And systemic negligence is defined in *Rumley v. British Columbia*. I'm just getting the paragraph for you. Paragraph 30,
30 sorry, paragraph 34 it is of *Rumley*. Chief Justice McLachlin as she then was, defined

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5 systemic negligence as being "negligence not
specific to any one victim but rather to the
class of victims as a group." And because of
that definition in the concept of systemic
negligence, it is of overriding importance for
you to weed out negligence directed to
individualistic circumstances, and I'll give you
an example or two, because that is entirely
irrelevant to a breach of duty to the class as a
10 whole unless it is part of a pattern of conduct
that is systemic.

15 Let me give you a perfect example, the evidence
of Tyler Holmes regarding what happened upon his
homosexuality coming to the attention of father
Farnsworth was troubling is a gross
understatement but the problem with that from the
plaintiff's perspective is it was negligence in
individual circumstances to Tyler Holmes alone
20 and to virtually with perhaps one exception,
nobody else. It can not be a particular of
negligence directed to the class as a whole. So
the factual question you ask yourself has got to
take these things into account. And as I said,
25 it also has to take into account actionable harm.

30 The law is clear that not all conduct resulting
in mental harm breaches the standard of care.
The duty of care at common law, and it's
reflected in the agreement between the parties,
is to take reasonable care to avoid causing
foreseeable mental injury, take reasonable care

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5 to avoid causing foreseeable mental injury. And
mental injury has been defined by the and
addressed by the Supreme Court of Canada in two
fairly recent cases. One is *Saadati*, you may
well be familiar with both of them,
S-A-A-D-A-T-I. And the other is the well-known
Mustapha case, M-U-S-T-A-P-H-A. And it's a, it's
a psychological disturbance that is, has to rise
of the level of serious and prolonged. So in
10 considering the conduct that went on at
Grenville, including the conduct regarding which
there is no doubt, such as, for example, repeated
public light sessions, if you will, as they are
called in this trial when, when you consider
15 that, it's not just enough, as my friends would
apparently have you do, do say, well, did that
happen and to what degree and how often was it
bad?

20 The critical issue you have to address in order
to know what the answer to the common issues is,
is whether or not it created a, a, a risk of
foreseeable mental injury as defined by the
Supreme Court of Canada, otherwise, there's no
25 breach of duty. So it's, it's not very helpful
to say well, this happened a whole bunch of
times, therefore, Grenville was this horribly
repressive place. What matters is whether or not
a risk of, whether or not there was a risk, a
30 foreseeable risk of mental injury as defined by
the Supreme Court of Canada to (A) Someone who,
who was a - stood up and dressed down; and (B) to

those watching.

5 So the questions, the critical factual questions
you have to address have to take all these things
into account and I've spent a good deal of time
10 thinking about what these, what I see these
critical factual issues to be and to me there are
three questions the court has to focus on, above
all else.

15 And number one is did any or all of the
defendants engage in a pattern of conduct toward
the class as a whole that (A) fell below the
standard of care; and (B) might reasonably have
been expected to give rise to actionable harm.
And the second question is simply this, if the
answer to question one is yes, then what did such
conduct consist of? And I'll repeat all these in
20 my written argument but number three is, if the
answer to question one is yes, over what period
of time did the conduct identified in question
two, above, take place because we're dealing with
a 24-year class period here.

25 And the reason that questions two and three have
to be part of the mix is that you need the kind
of nuanced answer to coin a phrase used by Chief
Justice McLachlin in *Rumley*, you need a nuanced
answer because this court might find, for
30 example, that some conduct breached a standard of
care while others did not. You might find some
conduct related to the class or it was a breach

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5 to the class as a whole while some was only to
individual circumstances. You might find in
respect of the same kind of conduct, referencing
paddling, that some of that conduct what I would
refer to without downgrading the seriousness of
it is ordinary paddling did not breach the
standard of care while other such conduct,
paddling to excess, most certainly would breach
10 the standard of care, at least to the individual
involved. Whether it did or did not represent a
breach to the class as whole is another issue.

15 And this court might find that some of the
conduct complained of occurred only during a
portion of the class period. So that the point
is this, in the overall analysis, if you don't
answer questions two and three - well let me put
it in the positive first. If you do answer
questions two and three, the court determining
20 individual trials knows subject to proof of
causation and injury who and for what they
compensate people for. If you don't answer it,
the court charged with conducting the disposition
of individual cases is left with no idea and that
25 is why it is so critical.

30 For instance, if you were to determine, to take
an example that is really too trite but - or, or
simplistic, but if you were to find that paddling
ended in 1982 and someone's only complaint
causing injury was paddling in 1986 the, the
court charged with disposing of the individual

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5 case knows that person is not entitled a recover.
So the, the bottom line and what I want to stress
above anything else here is that it isn't good
enough to forcefully contend for one side of the
evidence only and buttress that with ringing
condemnations. There has to be an analysis of
the case in a very careful way that takes into
account always all those factors that we've
10 talked about in order to arrive at a
determination that is according to law.

15 And I forget the name of the case, I'll probably
mention it in my final argument but it remarked
on how challenging is findings of fact for a
court in our circumstances. Like it's a huge
job. And you have to go through it and examine
all of the evidence and arrive at individual
factual findings, who you believe, who you don't
believe, what really happened, how is that
20 individualistic circumstances or was it
negligence to the class as a whole and so on and
so forth.

25 In order to determine the critical factual issues
I've outlined which then answer the common issues
about which are a question of mixed fact and law,
99 percent fact. And you have other challenges
of course. In our respectful submission, you've
got to be very careful to distinguish between
30 conduct towards the class as a whole and the
operation of Grenville Christian College and
conduct in the nature of community matters.

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For example, one suspects that few people would subscribe to taking children from their parents to the extent that happened or didn't happen at Grenville but you have to concern yourself with is that, was that a community thing or was it a school thing because this case is about the operation of Grenville Christian College School not the way these people lived their lives. And it's equally important, there being no sub-classes in this case, that the court understand that negligence or breach of duty to staff kids is not breach of duty to the class as a whole.

So there is an enormously challenging factual analysis to be undertaken, always with the focus in the back of mind that it has to be negligence, a breach of duty to the class as a whole, specific conduct. And that is not to ignore the overview my friends have taken because in our respectful submission, the overview, the sort of characterization of repression and fear and everything else on a broad general basis is hopelessly unsupported by a reasonable body of credible evidence and common sense.

So having said that, let me tell you that we're not about to engage, I don't understand this to be the forum to address the evidence in any way, I want to tell you that the only two things, one, the credibility of some of the plaintiff's

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witnesses will be seriously challenged, for what we regard as major not trivial reasons. And two, the evidence of the experts, as I expect you will see and as at least Dr. Axelrod so candidly admitted completely turns on whatever findings of fact you make. And the defendant's position in all of this I can reiterate in a nutshell, and it is this, number one, while there were what Robert Creighton described I think as intense moments at Grenville, there was no overriding atmosphere of fear and oppression and isolation and abuse and overbearing and intolerant.

And two, the only conduct that is of concern with respect is essentially the same conduct very few of the parents in that questionnaire complained of which was largely these public light sessions. And in connection with those, you have to consider all the factors I mentioned, particularly actionable harm, as in reasonably foreseeable, there's going to be mental injury as defined to those observing. Was there even mental injury to those being stood up? And I am not for one minute, not for a moment condoning the practice.

What I am saying is the issue is whether it's embarrassing and humiliating which obviously it would be and very uncomfortable, or whether it goes beyond that to the level of mental injury and the risk thereof. And the second form of conduct I think the court has to examine

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5 carefully is paddling. There can be no question
that paddling to excess was a breach of anybody's
standard of care almost going back long before
Grenville was ever founded, I assume and hope.
But what you're going to have to consider is
whether given the circumstances under which
paddling took, such paddling took place and the
frequency to the extent you can determine it is
whether or not it represented negligence to the
10 individual.

15 It was all - always seemed to be in the
circumstances of doling out discipline whether it
represented a breach to the individual or to the
student body as a whole. And the third thing
that was troubling in the evidence, we don't back
away from it, was the evidence of language
denigrating these young girls and again, you're
going to have to through the same kind of
20 analysis with it, when it said likely to the
extent it happened give rise to a reasonable risk
of mental injury. And, you know, in answering
these things a nuanced answer and in all kinds of
respects that identifies what conduct was really
25 a breach of duty to the class as a whole is
available to you.

30 And the last two things I want to say deal with
this business of aggregate damages and punitive
damages and I'll be very brief. I'll deal with
them fully in our final argument but in my
respectful submission aggregate damages are

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5 compensatory and in circumstances such as these
where you have various individuals you can just
imagine the range of possible findings of
causation and injury in, in individual trials and
in circumstances such as these where the damages,
the compensatory damages, are so unique,
aggregate damages are not to be awarded and I
have authority for that which I provide. And,
and as far as punitive damages go there are - it
10 is certainly open to you to make a finding as to
whether or not punitive damages ought to be -
whether or not punitive damages are warranted but
there is a line of cases that in my submission
make it clear on the basis of ordinary logic that
15 you want not to in a case like this, a case like
this make any determination as to quantum because
you have no way of knowing whether a compensatory
damages are an adequate remedy or not.

20 And you do not have to say yes or no to are
punitive damages warranted. You have the
authority under section 8(3) of the *Class
Proceedings Act* to in effect punt that to the
judge disposing of individual trials which in my
25 submission is far more appropriate then, then
finding, then a finding that they are warranted
because that judge can then make a determination
as to whether they are, are warranted bearing in
mind the compensatory damages.

30 And we say they are not warranted in any event
because they don't fit the, the rubric of, of

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5 Witten. So I don't know whether there's anything
else I can say. Above all else it, it just to me
is critical that you start down the path by
identifying that questions an issue, factual
issues and bearing in mind the, the factors that
inform those questions throughout your analysis.
And of course, we'll address the evidence fully
in our final submission in details. So unless
there are any - if there's anything I can assist
10 with...

THE COURT: That's very....

MR. ADAIR: ...glad to try.

15 THE COURT: No, it's very helpful both of your
submissions. I think if come at the questions
that I laid out at the beginning and it's giving
me a very good framework to think about the
evidence. So, so thank you, thank you both.
Shall we talk about a timetable for written
submissions?

20 MR. ADAIR: Good by me. I, I'm good speaking for
myself with the two weeks to a month. I, I don't
- it's never fair to the court to let it go stale
although I doubt it will but I would appreciate
if it could be a little more towards the month
25 for purely selfish reasons.

THE COURT: Just a moment.

MR. ADAIR: And as far as that goes once the,
once the submissions are in it's fine by me to do
the argument anytime after having maybe a day or
30 two.

THE COURT: Does that timeframe work for the
plaintiff's counsel?

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MS. LOMBARDI: She does.

THE COURT: All right. So four weeks from today would be November 14th. Is that a reasonable time to exchange your submissions?

5

MR. BOGHOSIAN: Could we make it the 15th?

THE COURT: We could. And I'm going to leave it to counsel unless you need my help in terms of who sends what over first and if there's reply.

10

If you need a day for some brief reply to something, I think you can probably work that either side of the 15th. Is that reasonable?

MR. ADAIR: Sorry, Your Honour, I'm just checking my calendar here or trying to. Yeah.

15

THE COURT: And to make it even easier and more efficient, counsel are invited to send electronic copies if they wish. You need not do it all in hard copy. If you would like to send it through my judicial assistant that would be acceptable.

MR. ADAIR: You mean the final submission?

20

THE COURT: Yes.

MR. ADAIR: Yes, we could do both if it is....

THE COURT: Whatever works best for you.

MR. ADAIR: Sure.

25

THE COURT: But don't feel you need to do hard copy if you prefer.

MR. ADAIR: Okay.

THE COURT: And then the next question will be when counsel are available to return to make oral submissions?

30

MR. ADAIR: I just realized the 15th is very difficult for me. I'm wondering about the 12th or 13th? I hear my friend not here on the 14th.

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THE COURT: I, I think that's just the deadline for written submissions to be in.

MR. ADAIR: Yeah, oh of course.

THE COURT: You don't have to physically be here.

5 MR. ADAIR: I'm - yeah. Yeah, no.

THE COURT: So if you want to send them early, that's, that's acceptable.

MR. ADAIR: I don't know what I was thinking, Your Honour, quite so.

10 THE COURT: So do you want to try to find a date the week of the 18th to 21st to follow on the heels of having done that or counsel may have other commitments?

15 MR. ADAIR: I'm good that whole week. Probably prefer not the Monday but.

THE COURT: Fair enough, Mr. Boghosian, are you available that week?

MR. BOGHOSIAN: If we could avoid the Wednesday and the Thursday.

20 THE COURT: Right, how about the Tuesday, the 19th of this month?

MS. MERRITT: Yeah, I've got a major appeal that week. I'm just wondering if we could do it the following week?

25 THE COURT: So I'm not here the two weeks following that week. I will be here the week of December 10th, and 11th. That may be too long.

30 MR. ADAIR: I'm, I'm - the Monday it was just a side comment. I don't know whether my friend's schedule permits the Monday.

THE COURT: Oh, I see.

MR. ADAIR: But I can certainly do Monday the

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18th.

THE COURT: The 18th. It sounds like Ms. Merritt's got an appeal that whole week.

5

MS. MERRITT: Yeah, that - yeah, my concern is - the Friday the 22nd could work. No?

THE COURT: I'm not here that day. I have every other day that week.

MR. BOGHOSIAN: Your Honour, I can, I can move something on the, on the Thursday the 21st.

10

THE COURT: On the Thursday?

MS. MERRITT: What day, the....

THE COURT: Could we do the 21st, Ms. Merritt?

MS. MERRITT: The 21st, yeah sure.

THE COURT: All right, thank you, Mr. Boghosian.

15

MR. ADAIR: Thank you.

THE COURT: All right, let's make it, let's set November 21st. Now is, is one day sufficient, do you think? Having heard the benefit of this and, and thank you, that was a quick turnaround to provide some overviews. Very useful. I'm sure the written material will also be useful. So I, I was thinking half a day each. Is that what you were all thinking?

20

MS. MERRITT: Yes.

25

MR. ADAIR: Yes, I think that - I'm quite happy to see a time limit put on it of two hours each or two hours and 15 minutes. I think my friend, Ms. Merritt, is nodding in agreement so.

MS. MERRITT: Yeah, I think that's fine.

30

THE COURT: Very good. All right, then we will adjourn until November 21st at 10 a.m. Courtroom to be determined and counsel to be advised.

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Written submissions to be delivered by November 15th, 2019 to my judicial assistant. Are there any other matters today that counsel need to address now?

5

MR. ADAIR: Oh, there actually is. I forgot about these discovery read-ins and I was going to ask if we could do it by a letter to the court that in due course could be marked an exhibit to be delivered say no later than Monday or Tuesday. To tell you the truth I, I was so focused on this that I just didn't have time to get my things together and of course copy my friend.

10

THE COURT: Any objection to...

MR. ADAIR: And that way....

15

THE COURT: ...dealing with it that way?

MS. LOMBARDI: No, Your Honour.

THE COURT: All right, that's acceptable.

MR. ADAIR: Thank you, Your Honour.

20

THE COURT: All right, so read-ins to be provided by way of letter and we will mark that as an exhibit then. Thank you all for your care and attention.

MR. ADAIR: Thank you, Your Honour.

25

THE COURT: We will see you on the next date or next to see each other.

...PROCEEDING ADJOURNED

30

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FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

5

Evidence Act

10

I, Octavia Cumberbatch, certify that this document is a true and accurate transcript of the recording of Cavanaugh v. Haig in the SUPERIOR COURT OF JUSTICE held at 361 University Avenue, Toronto, Ontario taken from Recording Nos. 4899_8-2_20191015_092704__10_LEIPERM.dcr, 4899_8-2_20191016_092851__10_LEIPERM_DCR, 4899_8-2_20191017_082857__10_LEIPERM which has been certified in Form 1. No.

15

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July 3/20

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