

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

**ALBERT BECK, MANITOBA MÉTIS FEDERATION and
MANITOBA MÉTIS FEDERATION INC.**

Plaintiffs

- and -

THE GOVERNMENT OF MANITOBA

Defendant

Proceeding under *The Class Proceedings Act*, C.C.S.M. c. C.130

FILED DEC 05 2025

STATEMENT OF CLAIM

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TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *King's Bench Rules*, serve it on the plaintiffs' lawyer or where the plaintiffs do not have a lawyer, serve it on the plaintiffs, and file it in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Manitoba.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGEMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

DEC 05 2025

Date _____

Issued by _____

Deputy Registrar

**B. BOTELHO
DEPUTY REGISTRAR
COURT OF KING'S BENCH
FOR MANITOBA**

**COURT OF KING'S BENCH
MAIN FLOOR - 408 YORK AVENUE
WINNIPEG, MANITOBA R3C 0P9
CANADA**

TO: **THE GOVERNMENT OF MANITOBA**
104 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

CLAIM

1. The Plaintiffs claim:
 - (a) an order certifying this action as a class proceeding under the *Class Proceedings Act*, C.C.S.M. c. C130;
 - (b) a declaration that, as a consequence of the Sixties Scoop, the Defendant breached and continues to breach its constitutional, fiduciary, and/or common law duties owed to the Class;
 - (c) a declaration that, as a consequence of the Sixties Scoop, the Defendant breached and continues to breach its obligations to the Class under international conventions and covenants, including the *United Nations Declaration on the Rights of Indigenous Peoples*;
 - (d) a declaration that, as a consequence of the Sixties Scoop, the Defendant breached and continues to breach the linguistic and cultural rights of the Class, including those rights as they are protected by provincial legislation, the *Constitution Act, 1867*, the *Constitution Act 1982*, and international conventions and covenants;
 - (e) damages for the Defendant's breaches of its legal duties and obligations to the Class;
 - (f) an order for an aggregate monetary award and judgment pursuant to section 29(1) of the *Class Proceedings Act*;

- (g) punitive and exemplary damages;
- (h) pre-judgment and post-judgment interest pursuant to *The Court of King's Bench Act*, C.C.S.M. c. C280;
- (i) costs of the action on a full indemnity basis; and
- (j) such further and other relief as this Honourable Court deems just and appropriate.

OVERVIEW

2. For several decades during the 20th century, the federal government and several provincial governments, including the Government of Manitoba (“**Manitoba**”), caused Indigenous children to be forcibly removed from their families and placed with non-Indigenous parents, often out of their home province or in the United States. This period in history has been called the “Sixties Scoop”.

3. In 2017, the Government of Canada entered into a settlement in a class proceeding relating to the Sixties Scoop and openly acknowledged its role in and its liability for perpetrating the Sixties Scoop and the considerable harms it caused. In announcing the settlement, the former Minister of Crown-Indigenous Relations called the Sixties Scoop a “dark painful chapter in Canada’s history”.

4. The Red River Métis, however, were excluded from that settlement. More than eight years later, no level of government has compensated Red River Métis victims of the Sixties Scoop for the harms they suffered.

5. In this class action, the Plaintiffs seek redress for the thousands of Red River Métis who were victimized by the Sixties Scoop as perpetrated by Manitoba and its agents.

6. The Sixties Scoop caused significant, irreparable harm to the Red River Métis children that were removed from their homes and communities. They suffered trauma and physical, sexual, and psychological abuse. Their Red River Métis identities were suppressed by their new families, and they grew up with little or no connection to their Red River Métis roots. They continued to suffer the effect of these harms into adulthood, causing considerable challenges for them in their personal and professional lives.

7. Manitoba owed duties to the Class in the context of the Sixties Scoop as a consequence of the central role it played in designing, funding, delivering, and overseeing child welfare services. Manitoba breached those duties by funding, directing, and overseeing forced apprehensions that placed Red River Métis children outside their communities, and failing to implement safeguards to protect Class members' health and well-being and their Red River Métis identity and culture.

THE PARTIES

(i) Albert Beck

8. The Representative Plaintiff Albert Beck was born on October 20, 1968 in Sainte Rose de Lac, Manitoba. His birth mother is Red River Métis. He was apprehended by a Manitoba-operated Children's Aid Society ("**CAS**") shortly after birth and placed in foster care. He was placed with another family in Cranberry Portage in April 1969 and was formally adopted by that family in September 1970.

9. When Mr. Beck was around the age of five or six, he was told that he was adopted. At around the same time, Mr. Beck and his family moved to British Columbia. After he finished grade four, the family moved back to Manitoba to live in The Pas.

10. Mr. Beck's adoptive parents are not Indigenous, and they told him nothing about his Red River Métis roots. He did not learn about his Indigenous identity until he was reunited with his birth family when he was 28 years old. Although he has developed a deep connection with the Red River Métis since learning about his Indigenous identity, he has suffered and continues to suffer from complex post-traumatic stress disorder, anxiety, and depression, as a result of the many years he was unaware of his identity and his community.

11. Mr. Beck currently resides in Ottawa, Ontario. He is a registered Red River Métis Citizen with the Manitoba Métis Federation ("**MMF**"). He also works at the MMF as the Director of the MMF's Sixties Scoop and Residential Schools Department, and has spent many years advocating for the rights of Sixties Scoop survivors.

(ii) The Class

12. Albert Beck brings this action on behalf of all Red River Métis persons who, from 1939 to 1991 (the "**Class Period**"), were apprehended by Manitoba's employees, officers or agents, including provincial CASs, and placed in the care of non-Red River Métis foster or adoptive parents (the "**Class**").

(iii) The Manitoba Métis Federation

13. The MMF is the national government of the Red River Métis. The Red River Métis, also known as the Manitoba Métis, is an “aboriginal people of Canada” within the meaning of section 35 of the *Constitution Act, 1982*.

14. The Red River Métis refers to the historic and modern-day collectivity which emerged from and lived in the historic Northwest. Its territory is commonly referred to as the Red River Métis Homeland. Red River Métis Citizens are individuals who are listed in the MMF Citizenship Registry.

15. The MMF is the representative body of the Red River Métis. The MMF is a democratically elected national Indigenous government. The MMF is mandated to provide responsible and accountable self-government through its governance systems and institutions as set out in the MMF Constitution, applicable laws, policies, procedures, practices, customs, and traditions, as amended from time to time. It engages with third parties, including governments at all levels, on behalf of the Red River Métis. The MMF provides community and support programs to Red River Métis Citizens.

16. On July 6, 2021, the MMF and Canada executed the *Manitoba Métis Self-Government Recognition and Implementation Agreement* (the “**Self-Government Agreement**”), which immediately recognized the MMF as the democratic representative government of the Red River Métis. It also recognized that Red River Métis Citizens and those that are entitled to become Citizens are “today located within what is now Manitoba as well as elsewhere inside and outside Canada”.

17. The Self-Government Agreement provided for the continued negotiation and conclusion of a Red River Métis Treaty and the passage by Parliament of implementation legislation to give the Treaty the force of law and constitutional protection.

18. The Self-Government Agreement also reflects the MMF's jurisdiction with respect to child and family services. Paragraph 32 states that "the inherent right of self-government of the Manitoba Métis includes the jurisdiction of the MMF in relation to child and family services, including legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority".

19. On November 30, 2024, the MMF and Canada executed the Red River Métis Self-Government Recognition and Implementation Treaty (the "**Treaty**"). The Treaty affirms and builds on the provisions of the 2021 Self-Government Agreement. Once the Treaty has been formally ratified by Canada through federal implementation legislation, it will receive constitutional protection and will replace the 2021 Agreement.

20. The Treaty recognizes and affirms the right of the Red River Métis to self-government. Its preamble states that the "MMF is the recognized government of the Red River Métis and deals with the rights and interests of the Red River Métis".

21. In paragraph 1, the Treaty defines the MMF as, among other things, "the democratic representative government of the Red River Métis" and notes that the "Red River Métis acts exclusively through the MMF in... exercising its collectively held rights, powers, privileges, Jurisdictions, and other interests, in particular its right to self-determination, including its inherent right of self-government".

22. The Treaty also provides, at paragraph 65, that the “inherent right of self-government” of the Red River Métis recognized and affirmed by section 35 of the *Constitution Act, 1982* extends to “jurisdiction in relation to child and family services, including legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority”.

23. Manitoba Métis Federation Inc. (“**MMF Inc.**”) is a body corporate formed out of necessity. It was incorporated in 1967 pursuant to the *Manitoba Corporations Act*, R.S.M. 1987, c. C225, as a company without share capital and subsequently continued in 2023 under the *Canada Not-for-Profit Corporations Act*, S.C. 2009, c. 23. The MMF was required to incorporate MMF Inc. because, at the time, the federal government and other institutions refused to deal with the MMF unless it was incorporated. The MMF currently includes MMF Inc. Unless otherwise stated, all references to the MMF include reference to MMF Inc.

24. The MMF is a necessary party to this proceeding pursuant to Rule 5.03(1) of the *Rules of Civil Procedure* and is qualified to act as a representative plaintiff for the Class, given its mandate as the National Government of the Red River Métis, the role it currently plays overseeing the delivery of Métis child and family services in Manitoba, and its past experience in litigation involving historical wrongs committed by the Crown against the Red River Métis.

(iv) Manitoba

25. The Government of Manitoba is the entity against which proceedings against Manitoba are brought pursuant to *The Proceedings Against the Crown Act*, C.C.S.M. c. P140. Accordingly, references to Manitoba in this Statement of Claim include the

provincial Crown, the Government of Manitoba, and employees and servants of the provincial Crown and the Government of Manitoba.

26. During the period of the Sixties Scoop, Manitoba had constitutional, legislative, and *de facto* jurisdiction and control over child welfare and adoption within the province, including provincial CASs and related agencies.

27. Manitoba is vicariously liable and/or has legal responsibility for the acts and omissions of its employees, servants and agents. This includes the actions of CASs under Manitoba's jurisdiction and control that were operating in Manitoba during the period of the Sixties Scoop.

28. At all times, Manitoba owed the Red River Métis fiduciary, constitutional, statutory and common law duties.

THE SIXTIES SCOOP AND THE RED RIVER MÉTIS

(i) The Sixties Scoop was carried out by provincial CASs

29. For several decades during the 20th century, it was common practice for CASs – in Manitoba and across Canada – to remove Indigenous children from their homes and place them for adoption or foster care with non-Indigenous families, and often families outside of their home province and/or in the United States. That practice is now referred to as the “Sixties Scoop”, although in Manitoba that practice started in the 1950s, and potentially earlier.

30. For example, in the 1950s, the Manitoba government and provincial CASs directly engaged with American Catholic welfare agencies in Minnesota to make arrangements for placing Indigenous children in care in Manitoba in American homes.

In correspondence with the Minneapolis Catholic Welfare Association, the Manitoba Supervisor of Child Welfare Services referred to children that were “part Indian” and of “part Indian origin” and “with varying degrees of Indian characteristics”. The correspondence also stated that the “larger percentage” of these children were Catholic. Given Red River Métis are of mixed ancestry and predominantly Catholic, the children referred to in these letters were almost certainly Red River Métis.

31. CASs in Manitoba continued the practice of “scooping” Indigenous children throughout the 1960s, 1970s and into the early 1980s.

32. The removal of Red River Métis children from their families was due to a mixture of factors including:

- (a) government policy aimed at assimilating Indigenous people and their children into Euro-Canadian culture;
- (b) CAS caseworkers and government policymakers who held the discriminatory belief that Red River Métis families, values and culture were inferior to Euro-Canadian families, values and culture, particularly with respect to child-rearing practices;
- (c) provincial child welfare legislation that intentionally and unfairly targeted Indigenous families;
- (d) the impoverished circumstances of many Red River Métis families caused by historical wrongs committed against the Red River Métis; and
- (e) the impact of residential and day schools.

33. Manitoba CASs justified seizing Red River Métis children based on Euro-Canadian assumptions about appropriate child-rearing practices. For instance, there were instances of social welfare agents assuming Red River Métis children were left unattended because they failed to recognize traditional Red River Métis community-based child-rearing in which the extended family would share responsibility for raising children.

34. The effect of the Sixties Scoop on the Class was severe emotional and physical trauma and the irreparable loss of their identity, culture, and language.

(ii) Manitoba knew or ought to have known about the Sixties Scoop

35. Throughout the Class Period, social services for the Red River Métis in Manitoba were funded and delivered by the province. Child welfare services in Manitoba were delivered by the province through CASs, and the Red River Métis were always included in the population to whom those services were delivered.

36. Throughout the Class Period, CASs in Manitoba were under the jurisdiction, control, and direction of Manitoba. They reported to and were accountable to Manitoba.

37. Manitoba knowingly allowed, funded, and otherwise contributed to the Sixties Scoop to promote its own racist, colonial, Euro-Canadian values. Among other things, the Sixties Scoop was intended to, and did:

- (a) erase Red River Métis identity, culture, and language and replace them with Euro-Canadian identity, culture, and language;

- (b) reduce the number of individuals identifying as Red River Métis, which would commensurately reduce Manitoba's obligations to Red River Métis people and communities; and
- (c) break the connection between Red River Métis children and the community, and to weaken the Red River Métis by removing Red River Métis children from their Indigenous community.

38. Manitoba at all relevant times knew or ought to have known that its provincial CASs were removing Class members from their homes and placing them outside of their communities, and often out-of-province or out-of-country, at significantly higher rates than non-Indigenous children, and that they were suffering harms as a result.

39. The result was that scooped children lost their identity as Red River Métis persons. They faced and have continued to face incredible difficulties reuniting with their biological families and rekindling their connection with the Red River Métis.

(iii) Manitoba ends out of province adoptions and orders inquiry

40. In the 1970s, Indigenous activists began actively opposing the practice of scooping Indigenous children and placing them outside of their home community.

41. For example, in 1971, Métis activists called the "Métis Society" undertook a public campaign to make known that non-Indigenous foster parents failed to accept Métis identity. They argued that adoption programs were detrimental to the Métis community as a whole, and that the child welfare system was repressive and discriminatory towards the Métis.

42. In response to public pressure, provinces began terminating out of province adoptions for Indigenous children. Manitoba, however, ignored this activism and call to action, and Manitoba's CASs continued to seize Indigenous children at disproportionate rates and place them outside of their communities and often out of province.

43. As of 1982, Manitoba was the only province in Canada that still allowed Indigenous children to be adopted outside of Canada. That year, the Manitoba government finally ordered a stop to out of province adoptions of Indigenous children. At the same time, the province appointed Associate Chief Judge Edwin Kimelman of the Provincial Court, Family Division, to lead an inquiry into the treatment of Indigenous people within the child welfare system.

44. By the time Manitoba finally put an end to out of province adoptions of Indigenous children, thousands of Red River Métis children had fallen victim to the Sixties Scoop.

45. The precise number of Red River Métis children who were scooped, however, is impossible to know. Unlike First Nations children, Red River Métis children were not recognized by Manitoba as distinct and instead viewed and treated as simply another minority group within the broader provincial population. As a result, the CASs made no effort to track or document the removal and placement of Red River Métis children separate and apart from other children.

(iv) The Kimelman report: Sixties Scoop was “cultural genocide”

46. Justice Kimelman’s inquiry was lengthy and extensive. He released his final report, *No Quiet Place*, in 1985. The report made numerous observations and conclusions, including:

- (a) the decades-long practice of removing Indigenous children from their communities was “cultural genocide”;
- (b) “All available information would indicate that the Indian people were correct in their assertions that once their children entered the child care system they were not likely to ever be returned to their own families. The evidence would indicate they were correct in their claim that not only were those children lost to their own communities, the lives of the individual children were seriously and permanently impaired”;
- (c) “The Director of Child Welfare had the authority to develop standards for child welfare services and to ensure agencies are acting accordingly but the Director has not exercised that authority”;
- (d) “The Children’s Aid Society of Winnipeg had no positive characteristics that could be identified. There was no evidence of cost efficiency or program effectiveness. Staff tensions were evident and morale low. Relationships with the client and the professional communities had not been developed or were negative”;
- (e) “In 1982, no one, except the Indian and Métis people, really believed the reality—that Native children were routinely being shipped to adoption

homes in the United States and to other provinces in Canada. Every social worker, every administrator, and every agency or region viewed the situation from a narrow perspective and saw each individual case as an exception, as a case involving extenuating circumstances. No one fully comprehended that 25% of all children placed for adoption were placed outside of Manitoba. No one fully comprehended that virtually all those children were of Native descent. No one comprehended that Manitoba stood alone amongst all provinces in this abysmal practice”.

MANITOBA APOLOGIZES FOR SIXTIES SCOOP

47. On June 18, 2015, Manitoba formally apologized for its role in the Sixties Scoop.

Then-Premier Greg Selinger acknowledged that the impact of the Sixties Scoop continues today:

The Sixties Scoop must now be recognized for the harm it caused and continues to cause. Many of the adoptees experienced profound shocks as they lost their heritage, language, families and their identity. Many of those who later returned to their communities as adults found it equally challenging trying to rebuild their relationships and connect with their culture.

Today, as Premier, I would like to apologize on behalf of the Province of Manitoba for the Sixties Scoop – the practice of removing First Nation, Métis and Inuit children from their families and placing them for adoption in non-Indigenous homes, sometimes far from their home community and for the losses of culture and identity to the children and their families and communities.

...

It was a practice that has left intergenerational scars and cultural loss. With these words of apology and regret, I hope that all Canadians will join me in recognizing this historic

injustice. I hope they will join me in acknowledging the pain and suffering of the thousands of children who were taken from their homes.

In closing, I would like to once again apologize, on behalf of the Province, to the innocent children and their families for this practice that in the words of the Truth and Reconciliation Commission removed thousands of Aboriginal children from their families and communities and placed them in non-Aboriginal homes without taking steps to preserve their culture and identity.

48. That same week, Manitoba opened up its provincial adoption records “to ensure they are more accessible to survivors of the Sixties Scoop along with other adoptees”.

MANITOBA OWED FIDUCIARY DUTIES TO THE CLASS

49. In *Manitoba Métis Federation v Canada (Attorney General)*, the Supreme Court of Canada confirmed that the relationship between the Red River Métis and the Crown, viewed generally, is fiduciary in nature.

50. Manitoba owed fiduciary duties to the Class with respect to the actions and omissions that gave rise to the Sixties Scoop. Manitoba (i) assumed discretionary control over an Aboriginal interest of Class members, namely their individual interest in preserving and continuing their Red River Métis identity and culture; and (ii) undertook to protect and preserve the Class members’ Red River Métis identity and culture.

(i) Manitoba assumed discretionary control over Red River Métis identity and culture through its control over child welfare services

51. The Class members, as Red River Métis people, each had specific, cognizable Aboriginal interests in learning about, staying connected to, and preserving their Red River Métis identity, culture, and language.

52. Manitoba assumed discretionary control over those Aboriginal interests through its legislated authority over child and family services and its direction and control of the CASs that carried out those services. It was Manitoba, through its employees, officers, and agents, who made the decisions regarding the apprehension, placement, and adoption of Class members throughout the Class Period, which caused Class members' severe harm.

(ii) Manitoba undertook to protect the Red River Métis' collective interest in identity, culture and language

53. Manitoba also undertook, expressly or impliedly, to protect the Class members' interests in Red River Métis identity, culture, and language. That undertaking arises out of, among other things, Manitoba's long-standing historical and constitutional relationship with the Red River Métis, its obligations pursuant to the honour of the Crown, and the legal obligations of the province and its agents to act in the best interests of the child in the delivery of child welfare services, which necessarily included preserving their connection to their traditional community.

MANITOBA OWED DUTIES OF CARE TO THE CLASS

54. Manitoba owed a duty of care to the Class with respect to:

- (a) the delivery of child welfare services;
- (b) the removal/apprehensions of Class members from their families and communities;
- (c) the placement of Class members with non-Red River Métis adoptive parents and foster homes; and

(d) addressing the impact of removal and placement for Class members.

55. Manitoba funded, controlled, supervised and was ultimately responsible for the delivery of child welfare services to the Red River Métis. The provincial CASs who delivered child welfare services to the Red River Métis, and who carried out the removal of Class members from their homes and communities, were operated under Manitoba's direction and control, reported to Manitoba and were ultimately accountable to Manitoba.

56. Manitoba knew or ought to have known, and it was reasonably foreseeable, that apprehending Class members from their families and communities and placing them with non-Red River Métis adoptive or foster families carried the significant risk of harm to the Class, including trauma, physical and psychological abuse, and the loss of language, culture and identity.

57. In fact, Manitoba intended for that outcome to occur, as it was part of Manitoba's discriminatory view that Indigenous people and children were better off assimilating into Euro-Canadian society and abandoning their traditional culture, customs, traditions, and way of life. Alternatively, even if Manitoba did not expressly intend for that outcome, Manitoba showed reckless disregard for the consequences of the actions of its CASs because it was indifferent to the continuation and growth of Red River Métis culture and way of life.

MANITOBA BREACHED ITS DUTIES TO THE CLASS

58. As a result of Manitoba's fiduciary and common law duties owed to the Class, Manitoba was, and remains:

- (a) obligated to act with the utmost loyalty to and in the best interests of the Class;
- (b) responsible for the health and welfare of the Class;
- (c) obliged to uphold the honour of the Crown in all of its dealings with the Class;
- (d) required to be aware of, and prevent, policies and practices of the province and its agencies and departments that may cause harm to the Class;
- (e) required to remedy harms suffered by the Class that were caused by policies and practices of the province and its agencies and departments.

59. In the context of the Sixties Scoop, these duties meant that Manitoba had the additional duties and responsibilities to:

- (a) act in the best interests of each Class member;
- (b) preserve and protect each Class members' physical, psychological, and emotional security;
- (c) preserve and protect the Class members' family units;
- (d) preserve and protect the Class members' culture, including the Michif language, traditional foods, harvesting, trapping, songs, dances, clothing, and artistry;

- (e) monitor, safeguard, secure and otherwise protect the vital interests of vulnerable Class members and, in particular, their cultural identity, all which is fundamental to the security, welfare and survival of Red River Métis persons;
- (f) respect the Aboriginal rights of the Class, including but not limited to their rights to engage in and practice their traditional way of life; and
- (g) take corrective and remedial steps to restore and rehabilitate Class members' knowledge and awareness of Red River Métis identity and culture.

60. Manitoba breached its fiduciary and common law duties to the Class by, among other things:

- (a) directing, permitting, and/or failing to prevent the removal of Class members from their families and communities;
- (b) directing, permitting, and/or failing to prevent the placement of those Class members with non-Red River Métis adoptive parents or foster care families;
- (c) failing to take any steps to prevent or mitigate the harms suffered by Class members caused by the apprehension and placement of the Class members, including:
 - (i) physical, psychological, and emotional trauma and abuse;

- (ii) disruption to, and in many cases the destruction of, Red River Métis family units;
 - (iii) the loss of knowledge and awareness of Red River Métis culture, language, and traditions;
 - (iv) the loss of Red River Métis identity; and
- (d) failing to take remedial steps to restore and rehabilitate Red River Métis language and culture, and failing to assist the Red River Métis in doing so.

MANITOBA BREACHED INTERNATIONAL LAW OBLIGATIONS TO THE CLASS

61. Manitoba has, at all material times, committed itself to honour international law in relation to the treatment of its people. These obligations form minimum commitments to the Class, which have been breached.

62. Manitoba's conduct in respect of the Sixties Scoop includes the failure to comply with the terms and spirit of the *Convention on the Prevention and Punishment of the Crime of Genocide*, 78 U.N.T.S. 277, entered into force January 12, 1951, and the *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/925, U.N. Doc. A/RES/61/295 (September 13, 2007), 46 I.L.M. 1013 (2007) ("**UNDRIP**").

63. Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide* states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

...

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

...

(e) Forcibly transferring children of the group to another group.

64. The Sixties Scoop satisfies the definition of genocide. Manitoba intended, caused, allowed, facilitated, and/or contributed to the forcible removal of Red River Métis children from Red River Métis families and placement of them with non-Indigenous families.

65. By engaging in the intentional destruction of the culture of Red River Métis children and communities, Manitoba caused profound, permanent and on-going bodily and mental harm to the Class. The Sixties Scoop deliberately inflicted on the Class conditions of life calculated to bring about their physical destruction.

66. Manitoba also breached various Articles of UNDRIP, including, but not limited to, Article 7(2) which states:

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

67. Manitoba allowed the forcible and intentional removal of Class members from their Red River Métis families, and the placement of those children with non-Indigenous families, breaching their international law obligations under UNDRIP.

68. The Class also pleads and relies on the Preamble and Articles 1-15, 17-28, 31, 33-46 of UNDRIP.

69. Manitoba's obligations under international law inform their common law, statutory, fiduciary, constitutionally mandated and other duties, and a breach of the aforementioned international obligations is evidence of, or constitutes on its own, a breach under domestic law.

70. In *The Path to Reconciliation Act*, C.C.S.M. c. R30.5, Manitoba confirmed its "commit[ment] to reconciliation", which "will be guided by the calls to action of the Truth and Reconciliation Commission and the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples and the calls for justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls". *The Path to Reconciliation Act* defines "Reconciliation" as "the ongoing process of establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples in order to build trust, affirm historical agreements, address healing and create a more equitable and inclusive society".

MANITOBA BREACHED THE ABORIGINAL RIGHTS OF THE CLASS

71. The Red River Métis, as an Indigenous collectivity, exercised its Indigenous laws, customs and traditions integral to its distinctive society prior to European control. The Red River Métis has sustained its distinctive culture by speaking Michif and practicing its customs and traditions.

72. As a result of Manitoba's role in the Sixties Scoop, the Class members were denied the ability to exercise and enjoy their Aboriginal rights, some particulars of which include, but are not limited to:

- (a) cultural and traditional activities have been lost or impaired;
- (b) traditional social structure has been lost or impaired;
- (c) Michif has been impaired;
- (d) traditional family structures have been lost or impaired; and
- (e) Red River Métis skills for gathering, harvesting, trapping and preparing traditional foods have been lost or impaired.

73. Manitoba has at all material times had, and continues to have, a duty to respect, honour and protect the Aboriginal rights and interests of Class members, and an obligation not to undermine or interfere with these rights and interests. Manitoba failed in these duties, without justification, through its role in the Sixties Scoop. Manitoba therefore breached Aboriginal rights and interests of the Class and caused the Red River Métis cultural, linguistic and social harm.

DAMAGES SUFFERED BY THE CLASS

74. As a consequence of Manitoba's breaches of its duties and obligations to the Class, the Class has suffered injury and damages, including but not limited to:

- (a) mental, emotional, and spiritual abuse and suffering;
- (b) physical abuse and suffering;

- (c) sexual abuse and suffering;
- (d) deprivation of Red River Métis culture, customs, traditions, language, and spirituality;
- (e) deprivation of Red River Métis identity;
- (f) deprivation of monetary and non-monetary benefits for Red River Métis persons;
- (g) forced cultural assimilation;
- (h) deprivation of family and familial relations;
- (i) deprivation of a healthy development and childhood;
- (j) deprivation of one's ability to pass one's culture and identity on to one's children;
- (k) loss of self-esteem and self-worth;
- (l) social dysfunctionality and alienation from family, spouses and children;
- (m) impaired capacity for employment and to earn income;
- (n) the need for psychological, psychiatric and medical treatment as a result of the above; and
- (o) pain and suffering.

75. Manitoba is liable to the Class for compensation in respect of these injuries and damages suffered by the Class.

PUNITIVE AND EXEMPLARY DAMAGES

76. Manitoba deliberately participated in, directed, funded and/or planned the policies and practices that gave rise to the Sixties Scoop, and supported the policies and practices developed by CASs that gave rise to the Sixties Scoop. It knew or ought to have known that these policies and practices would lead to the harms suffered by the Class.

77. Manitoba's actions in connection with the Sixties Scoop were malicious and intended to cause harm, or they were wilfully ignorant and showed reckless disregard for the harms caused by its actions and omissions. In the circumstances, punitive and exemplary damages are appropriate and necessary.

MANITOBA JOINTLY AND SEVERALLY LIABLE WITH CANADA

78. *Varley v Canada (Attorney General)* ("**Varley**") is a class proceeding in the Federal Court that seeks redress as against Canada for the individual interests of "non-status Indians" and Métis people who were subject to the Sixties Scoop. The Class members in this action are also a part of the class in *Varley*.

79. To the extent that in *Varley* Canada is determined to be liable and owe damages to the Class members, Manitoba and Canada are jointly and severally liable for the harms suffered by the Class as pleaded in this Statement of Claim and the Class is entitled to seek recovery against either Canada or Manitoba.

RELEVANT LEGISLATION AND REGULATIONS

80. The Plaintiffs plead and rely upon the:

- (a) *Constitution Act, 1867*, 30 & 31 Victoria, c. 3 (U.K.);
- (b) *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c. 11;
- (c) *Manitoba Act, 1870*, S.C. 1870, c. 3;
- (d) *Indigenous Languages Act*, S.C. 2019;
- (e) *Crimes Against Humanity and War Crimes Act*, S.C. 2000, c. 24;
- (f) *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14;
- (g) *The Proceedings Against the Crown Act*, C.C.S.M. c. P140;
- (h) *The Path to Reconciliation Act*, C.C.S.M. c. R30.5;
- (i) *The Aboriginal Languages Recognition Act*, C.C.S.M. c. A1.5;
- (j) *An Act respecting Child and Family Services (Indigenous Jurisdiction and Related Amendments)*, S.M. 2023, c. 26;
- (k) *An Act respecting Child and Family Services (Indigenous Jurisdiction and Related Amendments)*, S.M. 2024, c. 36; and
- (l) such further and other legislation and regulations as counsel may advise.

81. The Plaintiffs therefore claim the relief described in paragraph 1.

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