

FORM 3-9
(Rule 3-9)

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

PLAINTIFF(S) D'ARCY HANDE, VALERIE ZINK, ANDREW
LOEWEN

DEFENDANT(S) THE NORTHERN VILLAGE OF PINEHOUSE, MIKE
NATOMAGAN

Clerk's Stamp

NOTICE TO DEFENDANT

1 The plaintiff may enter judgment in accordance with this Statement of Claim or the judgment that may be granted pursuant to *The Queen's Bench Rules* unless, in accordance with paragraph 2, you:

- (a) serve a Statement of Defence on the plaintiff; and
- (b) file a copy of it in the office of the local registrar of the Court for the judicial centre named above.

2 The Statement of Defence must be served and filed within the following period of days after you are served with the Statement of Claim (excluding the day of service):

- (a) 20 days if you were served in Saskatchewan;
- (b) 30 days if you were served elsewhere in Canada or in the United States of America;
- (c) 40 days if you were served outside Canada and the United States of America.

3 In many cases a defendant may have the trial of the action held at a judicial centre other than the one at which the Statement of Claim is issued. Every defendant should consult a lawyer as to his or her rights.

4 This Statement of Claim is to be served within 6 months from the date on which it is issued.

5 This Statement of Claim is issued at the above-named judicial centre on the _____ day of _____, 2_____.

Local Registrar

STATEMENT OF CLAIM

1. The Plaintiff, **D'ARCY HANDE**, is a citizen who resides at 10 Birch Place in the City of Saskatoon, S7N 2P6, in the Province of Saskatchewan.
2. The Plaintiff, **VALERIE ZINK**, is a citizen who resides at _____ in the City of _____, _____, in the Province of Saskatchewan.
3. The Plaintiff, **ANDREW LOEWEN**, is a citizen who resides at _____ in the City of _____, _____, in the Province of Saskatchewan.
4. The Defendant, **THE NORTHERN VILLAGE OF PINEHOUSE**, is incorporated as a local government pursuant to the *Northern Municipalities Act* with a mailing address at Box 130 Hilltop Avenue, S0J 2B0, in the Province of Saskatchewan.
5. The Defendant, **MIKE NATOMAGAN**, is the mayor of The Northern Village of Pinehouse, with a mailing address at Box 130 Hilltop Avenue, S0J 2B0, in the Province of Saskatchewan.
6. The Plaintiffs, on April 2nd and April 16th, 2013, sent two formal "Access-to-information requests" to the Northern Village of Pinehouse. These requests met all formal requirements necessary for an access to information request. The reason for these requests was in regards to an investigative story by the Plaintiffs for the magazine Briarpatch concerning the recent contracts between The Northern Village of Pinehouse, Cameco and Areva.
7. On June 6th, 2013, the Defendants responded to the access requests, however the representations were inaccurate and did not provide the information requested.
8. On June 24th, 2013, the Office of the Information and Privacy Commissioner wrote to the Mayor of Pinehouse, Mr. Mike Natomagan, advising him that, as per *The Local Authority Freedom of Information and Protection of Privacy Act* ('*The Act*'), that the response by Pinehouse was inadequate and must be remedied. No adequate response was given by Pinehouse or Mr. Natomagan.
9. At that time, the matter in question was escalated to the Commissioner, as is considered proper procedure to commence an expedited review. On September 9th, 2013, the Commissioner wrote to Mr. Natomagan informing him that he would be issuing a Review Report concerning the procedural defects by Pinehouse.
10. On November 18th, 2013, the Office of the Information and Privacy Commissioner issued the Review Report, referred to as LA-2013-004, concerning the formal access to information requests by the Plaintiffs, Files No. 2013/037 and 2013/038.
11. In the Review Report, noted as LA-2013-004 above, the Commissioner found that Pinehouse:
 - a. had failed to ensure an appropriate delegation of authority to the Administrator to deal with access requests under The Act;

- b. had failed to respond appropriately to either of the two subject request for access to information in general, and specifically that Pinehouse had provided no proper section 7 response in accordance with The Act;
- c. had failed to respond appropriately to the Office of the Saskatchewan Information and Privacy Commissioner when it was notified that a formal review was underway pursuant to Part VI of the Act;
- d. that the failures described above were without lawful excuse and with knowledge on the part of the Mayor and the Administrator that such actions constituted a violation of the Act;

12. Further, the Commissioner recommended the following based on his Review Report:

- a. that Pinehouse issue compliant section 7 responses to the Applicant (the Plaintiffs) and his office within 15 days of the issuance of the Review Report;
- b. that the Minister of Justice ensure that Pinehouse is assisted in properly delegating powers to a Privacy Officer, that the Privacy Officer receive clear job descriptions and appropriate training, and that the appropriate policies and procedures be implemented for compliance with The Act;
- c. that the Minister of Justice and Attorney-General consider prosecution of Pinehouse under Section 56(3) of The Act for their refusal to comply with the lawful requirement of the Commissioner;

13. The Plaintiffs submit that the Village of Pinehouse is in violation of Section 56(3) of The Act, specifically:

- a. Pinehouse has wilfully obstructed, hindered and/or resisted the commission and any other person in the exercise of the powers, performance of the duties and/or the carrying out the functions of the commissioner or other person pursuant to Section 53(3)(a) of The Act.
- b. Pinehouse has refused and/or wilfully failed to comply with any lawful requirement of the commissioner or any other person pursuant to Section 53(3)(b) of The Act.
- c. Pinehouse has wilfully made false statements to mislead, and/or attempted to mislead the commissioner and any other person in the exercise of the powers, performance of the duties and/or carrying out the functions of the commissioner or other person pursuant to Section 53(3)(c) of The Act.

14. The Plaintiffs further submit that an appeal should be heard under Section 46 of the Act to require the Court to order Mr. Natomagan and Pinehouse to provide the records requested with no conditions on production, as the Plaintiffs have the rights to the records requested and have complied with all procedural steps required under The Act.

15. The Plaintiffs therefore claim:

- a. An order requiring the release of all documents requested in File No. 2013/037 and 2013/038 with no conditions on production.
- b. A fine of \$1,000.00
- c. Costs of this application;
- d. Such further and other relief as this Honourable Court may deem appropriate.

DATED at the City of Regina, in the Province of Saskatchewan, this ____ day of _____, 2013.

(signature)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

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