

## **THE APPLICANT'S SUMMARY OF HOW SHE PERCEIVES THE DECISION OF THE SUPREME COURT OF CANADA SHOULD HAVE READ.**

### **LEAVES TO APPEAL DISMISSED**

[Back to top](#)

#### **CIVIL PROCEDURE: MOTIONS TO STRIKE**

The Applicant brought forward one claim (Amended Fresh Copy) organized into 3 parts, claiming damages on a continuum, as per the 'rule of discoverability', claiming that the impact of the damages in all 3 parts began in 1971, with the full impact being discovered between the fall of 2003 and the beginning of 2005, claiming that the impact of the damages would last her lifetime. The alleged damages being sought arose from (1) a falsified pre-adoption report and other negligent actions attributed to the Government of Saskatchewan and the Government of Canada beginning in 1971, and (2) members on the 'integrated sexual abuse team' and included as defendants; the Government of Saskatchewan, the doctors named and Regina Police Services (Chief Cal Johnson and Corporal Debbie Ferguson) who individually and collectively acted negligently and did breach their trust and duty in their professional capacities towards her and her daughter's children, beginning in 1996 and (3) arising from a conspiracy between certain public servants employed by the Government of Saskatchewan and the Government of Canada, the City of Regina Police Service and Joyce LaPrise, who together orchestrated a hostile illegal eviction interrupting her legal right to dispose of the said property to recover her investment. Further she claims she lost valuables from her business and these actions disrupted her ongoing counseling business and she suffered a breach of her rights as per the Canadian Charter of Rights and Freedoms.

The Applicant filed a lengthy statement of claim known as the original claim which she replaced with a shorted amended claim referred to as Statement of Claim (Amended Fresh Copy). The hearing proceeded on March 7, 2006. Although several issues were before the court, the substantive issue was whether the statement of claim as amended should be struck; the issues of allowing further amendments, specifically the adding of a new pleading for the wrongful death of her infant (**grand-**)daughter and the adding of the above parties.

**These amendments would be moot if the claim was struck in its' entirety (but the claim as amended should never have been struck).**

The Applicant in her Memorandum 'to take leave (stated)--- **that the defendants failed to file (either new or amended) a motion to strike her amended claim nor (did they file) any substantive materials in support of 'striking' her Statement of Claim (Amended Fresh Copy).** The C.A. appellate justices found that the Saskatchewan Q.B. judge did err in striking both the original Statement of Claim and the Statement of Claim (Amended Fresh Copy) but that the final outcome of his decision to strike was valid but the **Applicant argues that the CA judge in documenting that no substantive materials filed with the court for the striking of the original claim could be used in support of striking the amended claim failed to recognize the importance of this finding being that no motion to strike her amended claim or substantive materials (were before the court) and therefore counsel lost their legal right to strike her amended claim, which was the only claim before the court (to be considered).**

*Arlene Lowery v. Saskatchewan Government, C. Norman, M.D., S. Leibel, M.D., L.P. Ruthnum, M.D., E. Ivanochko (Reg. Psychologist), City of Regina Police Department, Chief Cal Johnston, Corporal Debbie Ferguson - and - Attorney General of Canada (Sask. C.A., September 9, 2010) (33944)* **"The application for leave to appeal...is waived and the decision of the Saskatchewan Court of Queen's Bench judge is overturned with damages and costs to the Applicant as Plaintiff to the amended claim. Furthermore, all parties proposed to the amended claim are added, (defendants) being found in default (for not filing). The damages claimed for in all three parts are to be doubled with interest with costs."**

\* Words added in black font within a bracket was done so for added clarity.