

Scanned Copy of Affidavit to Settle  
with Subsequent Affidavit for Amendments of same  
with the one page Reply of Restitution Required to Settle.

Exhibit I  
/k

Saskatchewan



Ministry of  
Justice and  
Attorney General

900, 1874 Scarth Street  
Regina, Canada  
S4P 4B3

Civil Law Division

April 6, 2011

Please Reply To:  
Darryl J. Brown  
Phone: (306) 787-8953  
Fax: (306) 787-0581  
File No.: 8394-G

Arlene Lowery  
1808 Smith Street  
REGINA, Saskatchewan  
S4P 2N6

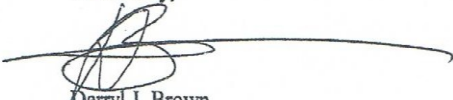
Dear Madam:

**Re: Lowery v. Regina Police Department, Johnston, Ferguson et al**  
**S.C.C. Court File No: 33944**

Enclosed please find Bills of Costs regarding Queen's Bench, the Court of Appeal and The Supreme Court of Canada in this matter. If you agree not to bring or be responsible for the bringing of any further actions based on the matters covered by this action (now struck), or of a similar kind to the action that you have brought previously herein, whether in whole or in part, we would agree to not taking further steps regarding these costs including pursuing and/or seeking to collect any of them.

We look forward to hearing from you in this regard.

Yours truly,

  
Darryl J. Brown  
Crown Counsel

DJB/jb  
encl.

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CANADA

File Number: 33944 of A.D. 2010

IN THE SUPREME COURT OF CANADA  
ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL

BETWEEN:

Arlene Lowery

APPLICANT  
Appellant (Plaintiff)

AND:

Saskatchewan Government  
-and-  
Dr. C. Norman, M.D.,  
Dr. S. Leibel, M.D., Dr. L.P. Ruthnum, M.D.,  
Dr. E. Ivanochko (Reg. Psychologist)  
City of Regina Police Department,  
Chief Cal Johnston, Corporal Debbie Ferguson

RESPONDENTS  
Respondents (Defendants)

---

REPLY OF ARLENE LOWERY  
to the Joint Response of Mr. R. Watson, Q.C. (Dr. Ivanochko)  
and Mr. D. Brown (Saskatchewan Government)  
for Reconsideration of Application for Leave to Appeal  
*as per the Supreme Court of Canada, Rule 73: subrule 3(b) to (d) inclusive.*

---

*Arlene Lowery, Applicant/Appellant (Plaintiff)*  
203-1808 Smith Street  
Regina, SK CAN. S4P 2NP  
Telephone number: (306) 205-4160  
Fax Number: (306) 205-4161

Deputy Minister of Justice and  
Attorney General, Saskatchewan Government  
Saskatchewan Justice  
Civil Law Division  
9<sup>th</sup> Floor - 1874 Scarth Street,  
Regina, SK, Canada,  
S4P 4B5  
Telephone number: (306) 787-8953  
Fax Number: (306) 787-0581

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**AFFIDAVIT OF ARLENE LOWERY IN SUPPORT OF HER REPLY**

PREAMBLE:

1. On April 28<sup>th</sup>, 2011 in the forenoon I was served a letter from Mr. Darryl Brown, counsel for the Saskatchewan Government dated April 06, 2011, with a proposal to waive their Bill of Costs. This letter is attached at Exhibit 1.
2. Upon receiving clarification as to if he was speaking on behalf of all of counsel, which I presumed he was not, I am now prepared to respond.
3. This court case has been oppressing even to the Supreme Court of Canada level where I did not deem that the 3 justices who reviewed the materials I painstakingly put before them, appreciated the issues therein, which were serious and should have raised some 'alarm bells'.
4. It seems no one within the court system in Saskatchewan and even at the Supreme Court level is prepared to rule justly.
5. It was an embarrassment to me to read how the Supreme Court of Canada worded their Summary Judgment which I had attached at Exhibit 1 to my Application.
6. This Application and other documents will be attached to Charlene Dobson and my website at <http://justiceatlast.page.tl> which is currently under construction and soon to be released to the Internet.
7. Further, the legal community across Canada will be privy to it.
8. Mr. Brown's proposal in his letter of April 06, 2011 would never have arrived on my desk on April 28<sup>th</sup>, if I had not filed this Application.
9. Filing this Application had to make him realize that even at my age I am still seeking justice and will continue to do so with Charlene Dobson beside me.
10. I could not agree to Mr. Brown's proposal 'in light of' the enormity of what he was asking of me and how that would impact justice for my grandchildren.

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AFFIDAVIT OF ARLENE LOWERY IN SUPPORT OF HER REPLY

11. I wanted to know if all of counsel was on board for this proposal but found out they are not.
12. Yet, they should have the same concerns as Mr. Brown about the next pending lawsuits should justice not be served here.
13. The issues within this lawsuit literally 'screams-out' for justice!

LITIGATIONS PENDING:

14. The first litigation pending would be as an outcome of the chamber judge's decision on page 8 [19] line 5 where he states:  
  
**" The plaintiff abandoned any claim against the individual public servants involved with her daughter's adoption and subsequent difficulties, ...."**
15. Counsel who signed the Consent Order at the end of November, 2005, to remove the public servants from my amended claim, all knew why I **abandoned any claim against the public servants** in both governments.
16. It was because Mr. Brown took advantage of me as a self-litigant and further took advantage of me as the litigation guardian for the infant children named.
17. It was morally and ethically wrong as per their professional Code of Ethics for lawyers and it was a felony.
18. Mr. Watson (Dr. Ivanochko), Mr. Werry (Regina Police Services, Corporal Debbie Ferguson, Chief Cal Johnston), Mr. Brad Hunter (Dr. C. Norman, Dr. S. Leibel and Dr. L.P. Ruthnum) and Mr. Scott (Government of Canada) are as guilty as Mr. Brown.
19. Further, they knew it was a criminal act under the Criminal Code to undermine my rights and take advantage of not only me but the 4 infant children proposed. As I pointed out in my application 'to take leave' (Appendix: Exhibit A to my Affidavit).

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**AFFIDAVIT OF ARLENE LOWERY IN SUPPORT OF HER REPLY**

20. To recap, Mr. Brown for the Saskatchewan Government advised me by telephone in November, 2005, to remove the public servants which were named on my original claim in my amended claim telling me that I could not legally add them.
21. He never had me sign this order, only counsel and then filed it.
22. Further, the Attorney Generals of the Government of Canada and Saskatchewan knew that to do this was clearly a felony. They should not be law breakers.
23. The Chambers' judge, the appellate judges and the Supreme Court of Canada justices knew that this had occurred and ignored it.
24. So the matters pertaining to the above would be the first litigation pending.
25. Other probable future litigations for damages against the public servants whose names were removed are highly probable.
26. It would be morally and ethically wrong for me to agree to such a proposal that only Mr. Brown put forth as is.
27. I have struggled with all of these deep matters and continue to do so and I can not rest or stop the personal grieving until closure comes.
28. I take no pleasure in litigating anyone.
29. It is always a last resort, particularly as a Christian.
30. Yet, when it comes to vulnerable babies and children who are 'at risk' being in the care of the Minister of Social Services then we as a society, in particular the judiciary need to see that justice is served for them and not undermine it.
31. Mr. Tim Korol, [whom the Ministry of Social Services hired to look into what changes were needed in protection services and apprehensions] and the truth became too much for them and they fired him.

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AFFIDAVIT OF ARLENE LOWERY IN SUPPORT OF HER REPLY

32. On May 04, 2011 Mr. Korol along with 2 other longtime social workers spoke about the travesties within Social Services in a press release.
33. Charlene Dobson, Jonathan Dobson and my husband and I were present at the press release.
34. Charlene was on the CTV television newscast the next day, to tell about the deaths of her infant sisters and the abuses she and her siblings suffered while under the care of Social Services (Protection).
35. Charlene is healing from her trauma and is becoming more articulate and she is another grandma in many ways with 'the tenacity of a tiger' and she has many years ahead in which to advocate for the vulnerable like her and her siblings.
36. She and her siblings have time to litigate you on the issues within this lawsuit and you can be sure all that is filed with this court will be at their disposal and as long as I have life I will help them to get 'justice at last'.
37. We will use what ever means at our disposal to get justice.
38. We have a webpage under construction and we have an email address: justiceatlast@ymail.com.
39. Mr. Korol's group intends to organize a class action to litigate, like I did, because they realize as I did, that the problems within Social Services is overwhelming and promises to do better never works.
40. He, like I know that is a FACT.
41. Charlene and I could be a part of that class action if we chose to.

CONCLUSION:

42. Almost 6 years has been long enough to be an adversary of these government public servants and the governments they work for and the Respondents they have hired or contracted with for services.

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**AFFIDAVIT OF ARLENE LOWERY IN SUPPORT OF HER REPLY**

43. What I really want, and I believe everyone connected with this case desires also is that there be no further litigations from me or the infant children named.
44. My husband, Chuck Lowery and myself and Charlene Dobson do not want the said children to have to ever see the inside of a court room and experience what we did.
45. Yet, when I filed this lawsuit and stood on the steps of the courthouse on Victoria Avenue, Regina, on July 25<sup>th</sup>, 2005 I promised God and my family that I would see justice for them and for me.
46. An agreed offer will end that journey and justice will be served for us.
47. What I (we) are all offering, [and Charlene will submit her Affidavit of her agreement upon your acceptance of this] is that we will not litigate on any issues that have arisen from this lawsuit in whole or in part.
48. My husband, Chuck Lowery and myself as guardians of the other 3 minor children named in this action will sign on their behalf and will take any possible liability of this action should one ever arise.
49. We are both prepared to sign a waiver in this regard.
50. All of counsel, including the Government of Canada are to sign off on this offer and agree to this proposal at Exhibit 2.
51. If Mr. Brown would be so kind, he can write this offer in legal terms and present it to all parties to sign.

Sworn before a Commissioner of Oaths this 06<sup>th</sup> day of May, 2011 in the City of Regina, Saskatchewan, CAN.

  
\_\_\_\_\_  
Commissioner of Oath

  
\_\_\_\_\_  
ARLENE LOWERY

A Commissioner for Oaths in and for Saskatchewan

My Commission expires Feb 28, 2016

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Exhibit 2.

PROPOSAL TO NOT LITIGATE FURTHER AND TO WITHDRAW THE  
APPLICATION UNDER RULE 73 FOR RECONSIDERATION OF THE  
**SUPREME COURT OF CANADA JUDGMENT FILE NO: 33944**  
SOR/2006-203, s.37 (2)

**A. Monetary Relief:**

- Counsel on behalf of the respective Respondents or on their own behalf are to pay to Charlene Dobson, Jonathan Dobson, Kayla Dobson and Lance LeCaine a sum total of \$10,000,000.00 to be allocated as follows:
  1. Charlene Dobson a sum of ----- \$3,500,000.00.
  2. Jonathan Dobson a sum of -----\$2,500,000.00
  3. *Leslie* a sum of -----\$2,000,000.00
  4. *Lyle* a sum of -----\$2,000,000.00Total disbursements are-----\$ 10,000,000.00
  
- Counsel on behalf of the respective Respondents or on their own behalf, are to pay to Arlene Lowery and her husband a total of \$10,000,000.00 to be allocated as follows:
  1. Arlene Lowery ----- \$6,666,667.00
  2. Chuck Lowery ----- \$3,333,333.00Total disbursements are----- \$ 10,000,000.00

**B. Restitution**

1. The Aboriginal Healing Foundation is to have their funding re-instated and not interrupted or withdrawn, but assisted by the Government of Canada to maintain this fund indefinitely for a 'target group of First Nations and Aboriginal peoples, if this has not already occurred.
2. The Government of Canada [Canadian Heritage] is to fund the Urban Aboriginal Youth Centre's program entitled Healing the Nation-One Family At A Time and assisted to maintain it indefinitely, , if this has not already occurred.
3. The Bill of Costs which were submitted by Mr. Darryl Brown for me to pay are to be times by five, representing all five parties who signed the Consent Order and put in a trust fund in memory of the two deceased infant sisters of Charlene Dobson, Jonathan Dobson, *Leslie* and *Lyle* , namely Autumn Starr and Lily Adele. This trust fund will be called MORNINGCHILD after their mother's birth name and will be used to assist mothers like their mother to be free from addictions and parent and headed-up by Charlene Dobson.
4. Any other court costs in this matter are to be those of the Saskatchewan Government,
5. Never again will these two governments interfere with the operations of First Nations peoples or demand only Aboriginal representation for leadership,  
We are one Nation and One people under One Creator  
- we are all treaty people-are we not?

**This Offer is open to acceptance up until 17:00 hours on May 27, 2011. It is non-negotiable. However the terms are worked-out is between the parties named.**

Submitted by: Arlene Lowery as Exhibit 2 to her sworn Affidavit as a REPLY to Mr. R. Watson, Q.C. and for Dr. Ivanochko; and for Mr. Darryl Brown for the Attorney General, Saskatchewan Government and applies to all counsel whoever participated in this lawsuit.



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CANADA

File Number: 33944 of A.D. 2010

IN THE SUPREME COURT OF CANADA  
ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL

BETWEEN:

Arlene Lowery

APPLICANT  
Appellant (Plaintiff)

AND:

Saskatchewan Government  
-and-  
Dr. C. Norman, M.D.,  
Dr. S. Leibel, M.D., Dr. L.P. Ruthnum, M.D.,  
Dr. E. Ivanochko (Reg. Psychologist)  
City of Regina Police Department,  
Chief Cal Johnston, Corporal Debbie Ferguson

RESPONDENTS  
Respondents (Defendants)

---

AFFIDAVIT SERVICE OF REPLY

And

AMENDMENTS TO SAME

for Reconsideration of Application "To Take Leave to Appeal ..."  
*as per the Supreme Court of Canada, Rule 73 (SOR/2006-203, s. 37(2)).*

---

Arlene Lowery, Applicant/Appellant (Plaintiff)  
203-1808 Smith Street  
Regina, SK CAN. S4P 2NP  
Telephone number: (306) 205-4160  
Fax Number: (306) 205-4161

Deputy Minister of Justice and  
Attorney General, Saskatchewan Government  
Saskatchewan Justice  
Civil Law Division  
9<sup>th</sup> Floor - 1874 Scarth Street,  
Regina, SK, Canada,  
S4P 4B3  
Telephone number: (306) 787-8953  
Fax Number: (306) 787-0581

AND TO:

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AFFIDAVIT OF SERVICE OF REPLY with AMENDMENTS

1. This is the Applicant's Affidavit of Service of the her Reply on counsel for the respective Respondents and the Registrar of the Supreme Court of Canada.
2. May 10<sup>th</sup>, 2011, Mr. Chuck Lowery, husband to the Applicant, served in person, to counsel's respective offices a true copy of the Reply which was previously faxed May 06, 2011 (13 pages); delivering to the Regina City Solicitor's office, counsel for Ms. Christine Clifford [Regina City Police, Chief Cal Johnston and Corporal Debbie Ferguson] at 16:35 and delivered the same to counsel Mr. C. Cann for Respondents Dr. C. Norman, Dr. S. Leibel and Dr. L.P. Ruthnum; and at 16:40 to Mr. D. Brown, counsel for the Attorney General, Saskatchewan Government.
3. Mr. Watson did not have this document delivered since he acknowledged receipt of it.
4. Today, Mr. B. Gibson counsel, for the Attorney General for the Government of Canada, was mailed the same, which he'd already received by fax on May 06<sup>th</sup>, 2011.
5. Since May 13<sup>th</sup>, 2011, is the deadline (10 days) for my Reply and I have realized important amendments to my Reply I will bring them to your attention at this time.
6. This Affidavit of Service is to be faxed to all of you on May 12<sup>th</sup>, 2011 and mailed by regular mail the same day.
7. This will complete all submissions for this Application.

AMENDMENTS:

8. In reviewing my Reply at page 3 [15] line 1, the Consent Order I am referring to was not the end of November but should rather should read the end of **October**, 2005.
9. Upon careful review of this matter I determined that it was Monday, October 31<sup>st</sup>, 2005 when I spoke with Mr. Brown by telephone and told him about the death of my infant granddaughter <sup>not the</sup> on Friday, October 28, 2005.
10. It was during this conversation he told me that he would need to have me sign a Consent Order to remove the names of the public servants.

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AFFIDAVIT OF SERVICE OF REPLY with AMENDMENTS

11. I requested the matter be adjourned until I and my family had time to grieve.
12. He called me back within the next day or so in that same week, to tell me that Mr. Watson would not agree to any postponement and it would be back in court on November 17<sup>th</sup>, 2005.
13. I notified Mr. Brown to let him know that I had a medical leave for 2 weeks for grief from my family doctor, Dr. S. Matand, but he told me that it had to return to court on November 17<sup>th</sup>, 2005 regardless.
14. I told Mr. Brown that on November 17<sup>th</sup>, 2005 my husband would be in attendance for me, as I was not able to attend.
15. It was during this time in court that Mr. Brown presented this document and had my husband sign this Consent Order on my behalf.
16. Today I realized that the date of October 28<sup>th</sup>, 2005, is not the date I spoke to Mr. Brown about this Consent Order, but it was on October 31<sup>st</sup>, 2005.
17. I never fully realized until today, upon reviewing the signatures on this Consent Order [which was only Mr. Darryl Brown] that the date of October 28<sup>th</sup>, 2005, the date of my granddaughter Autumn Starr LeCaine's death, while in the care of the Minister of Social Services, Mr. Brown's client, was on that same date.
18. I was not in the City of Regina from the morning of October 24<sup>th</sup> to the evening of October 28<sup>th</sup>, 2005, but at Indian Head, Saskatchewan, where my daughter Melinda LeCaine telephoned me hysterically to tell me of Autumn's death.
19. I never spoke with Mr. Brown until Monday afternoon in which he returned my telephone call to him, in which I was seeking an adjournment to have the matter go to court.
20. All of counsel knew I had filed to amend my original claim and was in the midst of preparing my draft of amendments to the original claim.

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AFFIDAVIT OF SERVICE OF REPLY with AMENDMENTS

21. It is clear to me now and my husband, Chuck Lowery, that Mr. Brown back-dated this Consent Order to make it appear that it was signed on October 28<sup>th</sup>, 2005, when it was signed by Mr. Lowery while in court on November 17<sup>th</sup>, 2005.
22. Mr. Brown purposely back-dated this order and had spoken with counsel as mentioned on page 3 [18] and all of counsel knew what he was up to.
23. Chief Justice Klebuc and Justice F. Kovach were provided copies of this application with a covering letter that is attached.
24. My husband and I believe that the public domain would also think that it is unconscionable to manipulate the legal system and take advantage of the vulnerable, who is me as a grieving self-litigant impacted by a needless death of my grandbaby.
25. The vulnerable were also the 4 infant children (proposed) also grieving for the death of their sister.
26. The game of 'hood-winking' me into believing that Mr. Brown was advising me ethically and with professional integrity is false just as the assurances of Mr. Chief Justice Laing in his personal letter to me, that I am being treated fairly by the Saskatchewan Court of Queen's Bench.
27. Changing dates to suit Mr. Brown for his client the Attorney General of the Saskatchewan Government is nothing new, not even for the Registrar, Mr. Dauncey.
28. Mr. Dauncey manipulated records such as the Events Report taking off the Chamber's meeting of December 01, 2005 and back-dated the filing date of the judgment to March 06<sup>th</sup>, 2008 from the actual date it was filed March 12<sup>th</sup>.
29. The Registrar for the Saskatchewan Court of Appeal, Ms. Lian Schwann, said I should not be concerned about the change of the date because she let me 'perfect my appeal' anyway.
30. Yet, she ordered Mr. Watson to compile and file my Appeal Book so counsel could have the ability to put forward their filed materials that they had no legal right to.

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AFFIDAVIT OF SERVICE OF REPLY with AMENDMENTS

31. I consider their collective actions 'breaches of their duties' as public servants and felonies affecting me and the 4 vulnerable infant children and breaches of their professional Code of Ethics and Conduct.
  32. I refused to perfect my appeal because of such 'high-handed' tactics but Ms. Schwann threatened me as did counsel that they would prosecute me if I didn't.
  33. I perfected my appeal only to receive more of the same.
  34. Counsel should not have been found in default only, for never filing new or amended but they should have been found guilty of 'breaking the law' and undermining our rights as per the Charter of Rights and Freedoms.
  35. My husband Chuck Lowery will sign this Affidavit of Service with Amendments that pertains to the matters of this Consent Order being signed on November 17<sup>th</sup>, 2005.
  36. Please note one other amendment to my Reply on page 4 [25] an addition to this sentence should read "as well as those Government of Canada public servants identified in this action who caused the Applicant alleged damages in this action".
- 
37. I will await a final decision by the Supreme Court of Canada justices on my Application for a Reconsideration of their decision to allow me "To Take Leave ..."  
but you can be certain that further lawsuits and public exposure of this will occur.
  38. My Proposal or Offer To Settle at Exhibit 2 remains the same.
  39. Please govern yourselves accordingly.

I respectfully submit this sworn affidavit to complete my REPLY for the  
Application to Reconsider....?

*CLL 12*  
Sworn before me this 11<sup>th</sup> day of May, 2011 A.D. in the City of Regina and the  
Province of Saskatchewan.

*Waken*  
\_\_\_\_\_  
Commissioner of Oaths

*A Lowery*  
\_\_\_\_\_  
Arlene Lowery, Applicant

*Chuck Lowery*  
\_\_\_\_\_  
Applicant's husband,  
Chuck Lowery

in and for the  
Province of Saskatchewan.

My Commission expires *July 31, 2013*.