

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

**REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS**

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F I L E D	FEDERAL COURT- COUR FÉDÉRALE
July 24, 2023	
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Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AFFIDAVIT #2 OF ALLAN MEDRICK MCKAY

I, ALLAN MEDRICK MCKAY, of the Village of Laxgalts'ap/Greenville, BC, in the Province of British Columbia, SWEAR THAT:

- I have personal knowledge of the facts and matters deposed to in this affidavit. Where facts are not within my personal knowledge, I have stated the source of that information, and I believe those facts to be true.
- I am 70 years old. This affidavit is further to my affidavit sworn October 4, 2018, in which I detail my experiences in the Boarding Homes Program. I prefer not to repeat that testimony here because it is painful for me to recall such experiences.
- I regularly spoke to my lawyers and they kept me informed of the progress of the litigation involving the Boarding Homes Program. I was told when the class action was certified, and of what my obligations and duties were as a court appointed representative plaintiff.

4. Since the Boarding Homes Program class action lawsuit was filed, I have been telling people in my community about the class action. Many people that I have talked to are looking forward to being able to tell their stories through the claims application process and claim the Category 1 and 2 compensation, which they believe will go a long way toward healing the trauma they suffered because of the Boarding Homes Program.

5. Although I was not able to attend the mediation in Toronto, I was briefed by telephone and I was pleased that an Agreement in Principle was obtained. My lawyers also told me about their efforts to finalize a settlement agreement. When the Settlement Agreement was signed, my lawyers went over it with me and explained its features to me.

6. I strongly believe that this Honourable Court should approve the Settlement Agreement. After discussing it with my lawyers, I understand this Settlement Agreement has a lot of features that are improvements over agreements signed for other class actions. For example, I am glad that I can prove the injuries I suffered because of the Boarding Homes Program in writing instead of giving that testimony orally, which I believe would be too traumatizing for myself and most of the Class Members.

7. I am also glad that every survivor of the Boarding Homes Program will get Category 1 compensation, and then they can apply for enhanced compensation later under Category 2. Because of my age, the compensation from the Boarding Homes class action will go a long way to helping me retire soon. It will be nice to have some money in my pocket when I retire.

8. I know that reliving their experiences will be hard, even in writing, so I'm also glad that Class Members have access to mental health and emotional support services during the claims application process under this Settlement Agreement. So many of our people have suffered long-lasting trauma because of their experiences being boarded far away from home, and having the additional help will be important for us to get through the claims process.

9. The memories of what happened to me when I was in the Boarding Homes Program have not gone away, and I still have physical and mental scars because of it. I know this to be the case

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for a lot of the people I have spoken to about this class action who were also forcibly taken from their homes.

10. The loss of connection to my culture and language, which I have been rebuilding since I left the homes I was placed in, has also had a profound impact on me. I will soon be Chief of my House, but because I was not allowed to speak my Nisga'a language as a child, the requirement of a Chief to only speak the Nisga'a language when making speeches to our people is a source of stress for me. While I am learning my language as best I can today, the Boarding Homes Program took away my fluency in Nisga'a, leading to difficulties now as I approach becoming the Chief of my House.

11. I am glad to see that there is a Foundation that I hope will help revitalize Indigenous languages and cultures, and help Indigenous Peoples and Nations heal from the trauma the Boarding Homes Program caused.

12. I am relieved and very happy to see this case finally resolved and I believe strongly that the compensation from this class action and Settlement Agreement will help survivors.

13. I was not physically present before the commissioner, but was linked with the commissioner utilizing video conference technology. I have sworn this affidavit via video technology in accordance with s. 53(2) of the *Federal Courts Act* and the guidelines from the Federal Court Practice Direction (COVID-19): Update #7 (January 18, 2021).

SWORN VIRTUALLY with
the Commissioner in Vancouver,
and the witness in Laxgalts'ap/Greenville,
in the Province of British Columbia
this 23 day of July, 2023

A Commissioner for Taking Affidavits
in the Province of British Columbia

Allan Medrick McKay

Cherlene Nesto
KleinLawyers LLP
400 - 1385 W. 8th Ave.
Vancouver BC V6H 3V9.

CW

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CERTIFICATE OF COUNSEL – COVID-19 AFFIDAVIT

I, Cheyenne Neszo, am the commissioner of the Affidavit #2 of Allan Medrick McKay, sworn
July 23, 2023, by remote technology.

I was satisfied that the process was necessary because it was impossible for the deponent and the
commissioner to be physically present together.

July 23, 2023



Cheyenne Neszo