

Sister Jane McDonald

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Last updated September 10, 2005

Written and maintained by Tony Dalmyn

Archive - General

This is an archive of copies of the major documents filed in the late Sister Jane's proceedings against Jeanne Wilfort, the Sisters of Holy Cross and Homes for Growth in the Manitoba Court of Queen's Bench.

The documents reproduced on this archive page should be read in the context of general comments, which are explained in more detail below:

- The documents here are [copies](#).
- The original documents are on file in a [court of record](#).
- The documents were filed in a specific proceeding under Manitoba law to [extend a legal Limitation period](#).
- The [proceedings were suspended](#) when Jane died, and dismissed on procedural grounds because she died.

Copies

The documents on this page are copies of documents originally printed on paper, which were filed in Court. The documents filed in Court were printed in the format required by the Rules of the Court of Queen's Bench, on numbered pages, with the text organized in numbered paragraphs. Each document had a cover page with the title of the proceeding and name and address of the issuing lawyer. The title of the proceeding appeared again on the first page of the document. Affidavits ended with a "jurat" for the formal attestation of the evidence. The original Affidavits were sworn before a Notary Public or a Barrister, in accordance with the Manitoba Evidence Act. The original documents were filed in the Registry of the Manitoba Court of Queen's Bench in Winnipeg and copies were delivered to the Respondents or their legal representatives.

I made electronic text format copies of each archived document and marked up the text with HTML tags to create the documents in this archive. I left out cover pages, titles, paper page breaks and paper page numbers. I have inserted some navigation tags within the longer documents. Some of the Affidavits refer to other documents as "Exhibits", attached to the original Affidavits filed in Court. For one Affidavit, sworn by Vicki Frankel in April 2005, with 8 Exhibits, I included the text of the Exhibits on this Archive page, in line, after the body of the Affidavit, with links from the body of the Affidavit to the Exhibit, and from the Exhibits back to the body of the Affidavit. The Affidavit sworn by Jane McDonald May 10, 2002 has over 30 Exhibits. I plan to scan the Exhibits into image files. Image files will open in a new browser window.

Queen's Bench Registry

Jane Mary McDonald took Court proceedings in the Manitoba Court of Queen's Bench, which is a superior trial Court. The Court has an [online Registry](#) which

bench, which is a superior trial court. The Court has an [Online Registry](#), which includes an index of the documents filed in Court in this proceeding. The documents themselves are not online. The Registry Index for Sister Jane's proceeding may be searched by going to the main Registry, following the link for a File Number search, and entering or pasting the file number CI02-01-27450 in the search field. Enter it exactly as I have done here. (The first two characters are capital letters "C" "I", followed by numerals). Then activate the search. The search function will load a page which identifies the parties and the lawyers and lists the contents of the Court file.

The full title of the proceedings in the Court record is:

**THE QUEEN'S BENCH
WINNIPEG JUDICIAL CENTER**

BETWEEN:

Jane Mary McDonald,

Applicant,

and,

Jeanne Wilfort, Maisons de Croissance Inc.,

Les Soeurs de Sainte-Croix, Province Sainte-Thérese – Sisters of Holy Cross,
Saint Theresa Province,

and The Sisters of Holy Cross,

Respondents.

Application to Extend the Limitation Period

Jane's Court proceeding was an Application, which is a process in which the Court is asked to receive Affidavit evidence and to make a ruling granting an Order in the exercise of powers conferred on the Court by a statute.

The general legal rule is that an adult who has been wronged must commence court proceedings within a fixed period of time. If a claim is brought out of time, the defendant can ask the Court to dismiss the case at a preliminary stage. Sometimes this depends on a resolution of disputed evidence. In Manitoba, the Courts will dismiss an action or lawsuit on a preliminary Motion on evidence that demonstrates that the limitation period had expired before the Court case was started, and there are no disputed facts about when the relevant events happened. Jane's claims could have been barred by limitation

periods of two years for assault (non-consensual physical touching) or six years for breach of contract (failure to respect Jane's vows of chastity as a member of her religious Order). These time periods are calculated from the original events, regardless of Jane's awareness that the events were wrong or harmful. Jane's claims could have been described as claims for breach of fiduciary duty – special duties of good faith and fair dealing. The limitation period for claims for breach of fiduciary duty runs from when the claim is discovered – which can be an elusive concept.

The general rule in Canada is that the time to bring proceedings for sexual misconduct within a family relationship or a relationship in which the victim is under the power and influence of the perpetrator is calculated from the time the victim, after receiving appropriate counselling, recognizes that the conduct was wrong and that it caused enduring emotional problems. Under this rule, a victim can sue the perpetrator in an "action" or lawsuit. The Defendant has the right to assert the limitation statute, but the merits of the defence will be determined at the trial of the action. The national general rule does not apply in Manitoba because there is a process under Part II of the Limitation of Actions Act for a victim to apply for an extension.

In Manitoba a victim who has not acted within the basic period must apply to the court, within one year after discovering "new material facts of a decisive character" for permission to sue the Defendant. The victim cannot start an action without leave. The process for getting an extension is an Application. The Applicant files an Application accompanied by Affidavits. The Applicant is required to prove that she has a legally recognized claim, and that it was only discovered within the past year. The Responding parties are entitled to challenge and answer the Application. The Court is not supposed to review the facts of the original claim, because that would lead to a full-blown trial, which is premature. The Court is supposed to screen the Application to make sure there is a *prima facie* case. The main point of the Application is to get a ruling on the question of when the Applicant discovered that there was a legal claim.

The Applicant has to file Affidavits outlining her case. The Respondents have the right to file Affidavits and other evidence. They can respond to the story of the claim with a denial or explanation, although the Court is not supposed to resolve the truth of the Applicant's claim or the Respondents' denials or explanations. The views of lawyers on whether a Respondent should engage with the Applicant's story vary. Some favour getting the Respondent's story on the record, some favour putting forward the Respondent's answer to the claim on the basis of casting doubt on the Applicant, and some would advise avoiding engagement over the merits of the claim at this stage. The Respondents have the right to challenge the Applicant's claims about when she discovered her claim. They can file Affidavit evidence on the issue, and they have the procedural right to cross-examine or depose the Applicant and the Applicant's supporting witnesses. If they cross-examine they have to file their

Applicants supporting witnesses. If they cross-examine they have to file their own Affidavit evidence before starting the cross-examination.

Status of the Case

The case was not heard in Court. Jane started an Application in the spring of 2002. Her Application was supported by Affidavits, written statements attested under oath, presented as evidence in support of her Application to the Court. The Respondents did not file Affidavits at that stage. In the fall of 2002 the Respondents wanted to cross-examine Jane and another witness. They did not file Affidavits at that stage. The cross-examinations were not held because Jane's cancer had recurred, and she was in treatment through the fall of 2002 and the winter of 2002-2003. She died July 29, 2003.

Jane's death suspended the proceedings. Manitoba Queen's Bench Rule 11 provides that no steps may be taken in a proceeding after a "transmission of interest". Where a litigant has died, her personal representative - appointed by the probate Court - may file a transmission Order if the litigant's estate wishes to pursue the litigation.

The Respondents wanted the Applicant's personal representative to abandon the Application. When that wish was not granted, in April 2005 the Respondents filed a Motion to dismiss the case. The Applicant's personal representative filed a further Affidavit shedding light on the progress of the case from the time Jane's cancer was diagnosed until she died. It also discusses an attempt by the Respondents to get the Applicant's executor, lawyer, heirs and family to enter a gagging agreement.

One of the Masters - judicial hearing officers - of the Court granted the Respondents' Motion on May 4, 2005. The Master's written decision is in this archive.

Archive - Texts

Notice of Application, April 2, 2002

NOTICE OF APPLICATION

TO: The Respondents

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants appears on the following pages.

THIS APPLICATION will come on for a hearing before a judge, on Tuesday the 11th day of June, 2002 at 10:00 a.m. at the Law Courts Building located at the

corner of Broadway Avenue and Kennedy Street, Winnipeg, Manitoba.

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than 4 days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

DATED: April 2, 2002

Issued by (stamped on original) "L. Blue"

Deputy Registrar

TO:

Jeanne Wilfort
Box 47, Group 40, RR 2
Lorette, Manitoba
ROA 0Y0

Maisons de Croissance Inc.
Box 47, Group 40, RR 2
Lorette, Manitoba
ROA 0Y0
Attention: Sister Claire Marquis CSC

Les Soeurs de Sainte-Croix, Province Sainte-Thérese – Sisters of Holy Cross,
Saint Theresa Province,
8745 – 92 Avenue North West
Edmonton AB T6C 1S2
Attention Sister Lucienne Landry CSC

Sisters of Holy Cross
Central Administration
905 Rue Basile-Moreau
Saint-Laurent, Quebec
h3L 4A1
Attention Sister Liette Finnerty CSC

APPLICATION

The Applicants make application for relief as follows:

- i) An Order under s. 14 of the Limitation of Actions Act granting the Applicant leave to commence an action against the Respondents, asserting a cause of action that the Respondents are liable for sexual abuse of the Applicant,
- ii) Costs.

The Applicant sets out and relies upon the following facts and grounds for seeking the relief sought in this Application:

1. The Applicant joined the Sisters of Holy Cross, an international Congregation of women in the Roman Catholic Church in 1972, and is presently a member of the Congregation.
2. The Congregation has been organized, at all material times, into Provinces or Regions. The Sisters of the Congregation within a region are members of non-profit corporations controlled by the Congregation, as well as members of the Congregation.
3. At all material times the Applicant was a member of the Western Canada Province or Region, which was incorporated at all material times by Private Acts of the Alberta Legislature, including Chapter 16, Statutes of Alberta, 1957 and a further Act enacted in 1985.
4. At all material times the Applicant was a member of the international Congregation, which was incorporated at all material times by Acts of the Quebec Legislative Assembly.
5. At all material times the Respondent Wilfort was a professed Holy Cross Sister, and was the Applicant's superior, and director of Formation in the Congregation. At all material times the Respondent Wilfort was an officer of the Western Province or Region and the International Congregation, and an officer of the corresponding corporations.
6. At all material times, the Respondent Wilfort was an officer of the Respondent Maisons de Croissance Inc. (Homes for Growth), which was a corporation formed by the Respondent Wilfort and others with the express authority of the Congregation to carry out a ministry approved by the Congregation.
7. At all material times, the Respondent Wilfort acted in the course and scope of her authority in the Congregation and the various associated Corporations which are the Respondents in this Application.

8. Over a period of time from late 1978 to late 1979 the Respondent Wilfort

8. Over a period of time from late 1978 to late 1979 the Respondent Wilfort sexually assaulted and abused the Applicant, in house in which the Applicant, the Respondent Wilfort and several other Sisters of Holy Cross resided as a religious community, in Lorette Manitoba.
9. The sexual assaults took place under the pretext and guise of religiously and spiritually oriented personal counselling and therapy, and the Applicant submitted to the assaults by virtue of the Respondent's authority and influence, and by virtue of misrepresentations as to the nature and purpose of the acts.
10. The Respondent Wilfort also thereby violated fiduciary duties owed by her and the other Respondents to the Applicant.
11. The Respondent Wilfort influenced the Applicant to keep the Respondent Wilfort's conduct a secret.
12. The Applicant experienced anxiety and depression for a number of years.
13. In the period from May 30, 1999 to April 1, 2001, the Applicant began to disclose the Respondent Wilfort's conduct to her superiors in the Church and sought support from the Congregation. Further, during that time she received spiritual counselling and received some independent confirmation of the fact that the Respondent Wilfort's conduct had been abusive.
14. In April 2001, the Applicant began to receive professional counselling and therapy.
15. On April 17, 2001, the Applicant's therapist confirmed that the Applicant has been abused, and that the Applicant was depressed and suggested that the Applicant had been harmed by the Respondent's conduct.
16. Gradually, over a period of time after April 17, 2001, the Applicant has begun to understand that she is depressed and to understand that the Respondent Wilfort caused her present psychological problems.
17. The Applicant has a meritorious cause of action against the Respondents for assault and trespass to the person but the time for bringing such an action has expired. (The Applicant has a meritorious cause of action for breach of fiduciary duty and considers that the time for bringing an action for that cause of action has not expired).
18. The Applicant has recently and within one year before making this Application, as stated above, learned material facts of a decisive character concerning the merits of her cause of action against the Respondents.

The following documentary evidence will be used at the hearing of the

Application:

The Affidavit of Jane Mary McDonald;

The Affidavit of Vicki Frankel, and,

Such further evidence as counsel may advise and be permitted.

DATE: Tuesday April 2, 2002

Brodsky & Company

Barristers

1212-363 Broadway Avenue

Winnipeg, Manitoba R3C 3N9

ANTHONY H. DALMYN

Telephone: 940-4431

Fax: 940-4430

Affidavit - Jane Mary McDonald, May 10, 2002

I, Mary Jane McDonald, of the City of Winnipeg, in the Province of Manitoba,
MAKE OATH AND SAY THAT:

1. I am the Applicant in this Application. I have personal knowledge of the facts hereinafter deposed to by me, except where I state my belief and the information upon which that belief was founded. Where I state my belief upon information received, I verily believe such facts to be true. This Application pertains to a proposed action.
2. I am a member of the Congregation of the Sisters of Holy Cross, which is a religious Order of women in the Roman Catholic Church. The Congregation has a superior general and is administered by the Superior General and a General Council. The present Superior General is Sister Liette Finnerty, CSC. She is also known as the Congregational Animator. Her office is situated in the City of Saint-Laurent, in Quebec.
3. The Congregation is organized into Regions. There is a Western Region with administrative offices in Edmonton, which includes all of Western Canada. Each Region is further divided into districts. The Western Region has two Manitoba districts. Places where Sisters live together in the same domicile are referred to as Houses. (The names and boundaries of the Regions have changed. At one time, Regions were called Provinces. The present Western Region was known as the Western Canada Province).
4. I am informed by my counsel, Anthony Dalmy, that he has had some preliminary discussions with counsel for Holy Cross, who has suggested that I

was a member of the Western Region at the relevant time, and has advised that the Western Region was incorporated under a special Act of the Alberta Legislature under the name Les Soeurs de Sainte-Croix, Province Sainte-Thérese – Sisters of Holy Cross, Saint Theresa Province.

5. I have documents (which are marked as Exhibits later in this Affidavit) which indicate that I was member of a corporation representing the Canadian Provinces together, or the entire Congregation. This corporation is a corporation under Canadian law, with its head office in St. Laurent, in the Province of Quebec.

6. I am 50 years of age. My date of birth was December 27, 1951. I was born in Manchester, New Hampshire, and educated in New Hampshire. I completed high school and then I worked for a couple of years.

7. I was sexually, physically, and emotionally abused by members of my family when I was at home in Manchester.

8. I did not receive any professional therapy or counselling until April, 2001. I have had insights into my actions and emotions in therapy, and I presently understand things that I did not understand at the time that they happened.

9. In therapy, in the last year, I have had some insights into my emotions toward my family. I did not feel safe at home.

10. My family was a Catholic family and I was raised within the traditions and practices of the Roman Catholic Church. I had strong religious feelings and experienced a calling to the religious life as a member of a religious Order.

11. I joined the Sisters of Holy Cross in 1972, when I was 20. I became a postulant, and then a novice and I attended the Novitiates in Franklin, New Hampshire, Albany, New York, and Groton, Connecticut, for a period of three years for formation or training in the religious life. In the second year of Novitiate, I was assigned to teach at a grammar school (equivalent to junior High School) owned by a Catholic parish in Groton, Connecticut.

12. I proceeded through those programs with all the other women who had joined the Congregation at the same time. When I was teaching and working, I did so on a full time basis.

13. In my education as a Catholic, and in my training as a postulant and novice in the Holy Cross Order, I learned that membership in a Religious Order was not a career but a vocation or calling from God to the service of the Church, the people of God.

14. In my education as a Catholic, and in my training as a postulant and novice in the Holy Cross Order, I learned that members of a Religious Order swore

in the Holy Cross Order, I learned that members of a religious Order swore vows of obedience to the Rule of the Order, and to their duly constituted superiors in the Order. The vow of obedience was explained as necessary to the good of the Order and the Church. It was a part of my religious beliefs.

15. In 1975, the New England Province invited the Respondent Wilfort to deliver a presentation on personality and human development to the Sisters of the New England Province at the Novitiate and Retreat Center in Franklin, New Hampshire. The presentation was made in the summer of 1975 and was attended by a large number of Sisters in the New England Province.

16. At the time, the Respondent Wilfort was about 40 years old. She was, at that time, the Provincial Superior of the Western Canada Province. She made it known that she had been trained in a method of therapy called "PRH" (Personality in Human Relationships) originated in France by a priest, Father Rochais. Her specialty in PRH was Affectivity which is supposed to be how to love and be loved, and to express oneself affectionately.

17. At that time, the Congregation was exploring changes in religious life, which were later implemented. Until that time, the Congregation has been heavily involved in education. The Congregation and its members later began to close schools or transfer the responsibilities for schools to other agencies, and the Sisters looked for new expressions being educators after closing our schools.

18. At the presentation, the group was divided into smaller groups, and I met the Respondent Wilfort for the first time. She was actively encouraging younger Sisters and professed Sisters who were having difficulty living in a traditional community to consider moving to Canada to the Western Canada Province. I spoke with her and shared my hopes of living in a religious community. She had some documents with her, which were evaluations of their program of formation, under the supervision of the Respondent Wilfort, written by young sisters in the Western Canada Province. She read excerpts to me. I became very interested in what she was holding out.

19. I applied to transfer to the Western Canada Province for one year and I was transferred in September 1975. I spent the next year involved in a program called a "desert year" at the Congregation's Western Canada Provincial House in Edmonton. This program was conducted by the Respondent Wilfort. At that time, the Respondent Wilfort was in charge of Formation, the education of younger sisters in the Religious life, and she was still the provincial superior for the Western Canada Province.

20. During my time in Edmonton, I was present for a meeting at which the Respondent Wilfort sought support to form a new program. I was not fluent in French and I did not understand the discussion, but I believe that the Sisters in Edmonton did not support the new program and would not permit it to be

Edmonton did not support the new program, and would not permit it to be formed in Alberta.

21. I swore promises (temporary vows) of poverty, chastity and obedience. I swore those promises at Edmonton, Alberta at Easter in 1976. Later in September 1976 I was asked to sign some documents relating to my membership in the Congregation. I signed documents in Franklin, New Hampshire. Several years later I swore perpetual vows in 1985.

22. I returned to Franklin New Hampshire for a year of study at the Congregation's College there. After that I continued my studies at a College in Manchester New Hampshire, but I did not graduate or earn a degree.

23. The Respondent Wilfort was in contact with me during the two years that I was in Franklin and Manchester, and encouraged me to come to Western Canada. She made it known that she was starting a new community and ministry in Manitoba, and she encouraged me to join her in that.

24. During my time in Edmonton and in New England, the Respondent Wilfort counselled me, using PRH techniques. Among other things, she advised and encouraged me to be physically close to other women – including holding. This was supposed to help to heal me from my rigid fear of being held and touched.

25. Recently, in therapy, I have started to consider whether the Respondent Wilfort used the psychological techniques of the PRH program, or other psychological techniques, negligently or purposefully, while I was in Edmonton in 1975, and in her subsequent communications with me, to influence my behaviour and make me see her as a powerful spiritual leader.

26. I asked to be assigned to this new community, which I understood to be a House of Sisters of the Congregation. The house was situated in Lorette Manitoba. I was assigned to this House and I moved to the House in Lorette in May 1978.

27. When I joined the house, its members were the Respondent Wilfort, and three or four other Holy Cross sisters. There was an Oblate priest, father Raymond Beauregard O.M.I., who I understood to be a chaplain and spiritual adviser. I was informed by him and by the Respondent Wilfort that he had been the Master of Novices for the Order for many years.

28. At that time, the Respondent Wilfort was the regional superior of the Congregation in Manitoba, and the head of the House in Lorette. The authorities in the Congregation agreed that she should supervise my religious formation and act as my director of formation.

29. At the time when I first went to House in Lorette, and throughout the first

few years that I was there, the senior members of the Congregation and the Superiors of the Congregation consistently favoured the Respondent Wilfort and her project with praise and support. Many superiors visited and they treated the Respondent with tangible respect and deference.

30. Sister Jeanne Dusseault was the Superior General of the Congregation for 11 years (1974–85 to the best of my recollection). She was a formidable religious leader in her own right. She visited Homes for Growth and strongly and almost unconditionally supported the Respondent Wilfort on matters with the Congregation.

31. The Respondent Wilfort was considered as a leader and a voice of moral authority in the Congregation.

32. Throughout my time at the House in Lorette, I had no contact with or direction or guidance from any other superior except the Respondent Wilfort. She had the full support of all of the authorities in the Congregation, and she had complete control of the Lorette House. In fact the authorities in the Congregation appeared to me to be deferring to her on all issues in which she had any interest.

33. When I arrived at the House in Lorette I learned that the Respondent Wilfort was calling it Maisons du Croissance, or Homes for Growth.

34. Later, I learned more about Homes for Growth. Maisons de Croissance was formed in 1977 as an unincorporated body. It was registered as a registered charity. It was incorporated in Manitoba in December 1980. My counsel has searched and a copy of the search report is marked as Exhibit A. The Respondent Wilfort was a founder of Homes for Growth and was an officer of the unincorporated body and the corporation at all material times.

35. The mission of Homes for Growth was stated by the Respondent Wilfort and other senior personnel of Homes for Growth in several documents which I received over the years, which are marked as Exhibits as below. Some of the documents are dated, and others are not dated. I have tried to place them in order, by context and content:

- * Exhibit B, Homes for Growth, by Therese Fortin dated June 24, 1984
- * Exhibit C, Faith, a poem by Theresa Fortin dated June 27, 1984
- * Exhibit D, the Sacredness of Time, a poem by Theresa Fortin undated
- * Exhibit E: Orientation Day, October 3, 1984<
- * Exhibit F, "to remember"

- * Exhibit G, Orientation Day September 25, 1986
- * Exhibit H, The Sacredness of Persons, September 25, 1986
- * Exhibit I, Orientation Day October 4, 1987
- * Exhibit J, Orientation Day October 9, 1988
- * Exhibit K, Homes for Growth – School of Life
- * Exhibit L, The Vision of Homes for Growth Inc by Jeanne Wilfort
- * Exhibit M, the Vision of Homes for Growth Inc by Raymond Beauregard.

36. Within the first few months that I was at the Homes for Growth House in Lorette, I saw many leaders from many religious Orders and communities within the Church attending programs at Homes for Growth or visiting to learn about its programs. I saw the Respondent Wilfort receiving acclaim as an innovator and leader and receiving great respect from responsible persons holding many offices in the Church in Canada, the United States and France.

37. The program of Homes for Growth included a psychological component. The Respondent Wilfort questioned each person who attended Homes for Growth about their needs and feelings. She held the view that people were all wounded and needed to be healed, and she impressed this view on everyone. If people disagreed with her, she said that they lacked insight, resisted healing, or were possessed by evil.

38. She spoke critically or negatively of professional therapists or counsellors because the majority of them did not have faith in God. She said their counselling could not heal "the whole person".

39. Her approach was supported by various writing and by the existence of other programs. There was, and has been continuing interest in the Catholic church and other Christian communities, in psychologically influenced spiritual programs. Her emphasis on woundedness and healing appeared to appeal to the main themes in the writings of well regarded spiritual writers such as the late Father Henri Nouwen, who wrote a well regarded book on pastoral ministry called "The Wounded Healer". Her theories were plausible to me and appeared to be well received in the Church.

40. I thought that the program had been approved by the appropriate authorities in the Congregation and that the Congregation knew and approved of the methods employed in that community.

41. A short while after I had arrived in Lorette, the Respondent Wilfort praised me and said that I was made for Homes for Growth

me and said that I was made for Homes for Growth.

42. The Respondent Wilfort and Father Beaugard were both active in the PRH movement and were involved in giving PRH training to various groups of people – mainly Catholic religious and Catholic lay people in Manitoba.

43. The Respondent Wilfort also suggested that I should receive PRH training, but that never came to pass.

44. The Respondent Wilfort emphasized the special character of the Homes for Growth community and insisted on confidentiality, amounting to secrecy, concerning the programs and activities of Homes for Growth, and avoiding contact with people outside the community.

45. She held counselling sessions for the members of the Homes for Growth Community. Generally the sessions were in small groups. Some member of the Homes for Growth community received private counselling, one on one, from the Respondent Wilfort, or from Father Raymond Beaugard, or from Sister Claire Marquis who was (and still is) a Holy Cross Sister.

46. In my case, the private counselling was by the Respondent Wilfort and the sessions were held in my bedroom. The counselling sessions included the Respondent Wilfort holding and hugging me. She told me that she would heal old hurts and make me a whole person, and would act as a good mother to me. She said that my mother had been evil, and that she, Jeanne Wilfort was pure goodness.

47. On several occasions, the Respondent Wilfort and Sister Claire Marquis came into my room together for counselling sessions. On several of those occasions they would both lie on the bed with me in between them. They said that I needed to be surrounded by love.

48. In the course of counselling, I disclosed the facts of my experiences at home in Manchester – the fact that I had been abused – to the Respondent Wilfort. I discussed my emotional struggle with her. Since I started to receive professional therapy in 2001, I have looked back on this and realized that she must have known that I was vulnerable and needed support and therapy.

49. A few months after this counselling started, she began to tell me that I was special. Shortly after that she came into my bedroom at night and got into my bed and undressed herself. She said she had a special sacred gift for me. She directed me to get undressed. The first time this happened, I refused to remove my underpants.

50. She said I had an evil mother and that I had to suck her spiritual goodness. She asked me to suck her breasts and I complied with that request. This conduct was repeated several times over the next few months and escalated.

For the first few episodes, I would not remove my underpants. After the first few episodes I agreed. She would pull me on top of her and say that now we could be really close, and that this was much better.

51. She touched me all over my body and guided my hand to touch her body, including her genital area. She ran her hands over my body. She said this was to help me know my body. In later episodes, she would insert her fingers into my vagina. As she did this, she said it was "God's healing".

52. I did not become sexually aroused by her conduct. I could not tell if the Respondent Wilfort was sexually excited.

53. On some occasions, she insisted on bathing me.

54. At the time, I did not see these events as a sexual violation. I was not comfortable with this behaviour. At the time, I thought that her behaviour was unusual. It did not correspond to anything that I knew about religious observance, spiritual practices or psychological counselling. However it was presented by my superior in the Congregation, within the context of religious formation and personal counselling.

55. I complied with the Respondent Wilfort's demands, as stated in the preceding paragraphs, because she was my superior and counsellor. I felt that I had to comply because she was my superior, and knew what was best, and that I had to submit to this in order to keep my membership in Holy Cross and to carry out my vocation.

56. Throughout, the Respondent Wilfort said that our relationship was special and secret and should not be discussed with others. She said that what she had done was a sacred but secret matter.

57. Recently, in therapy, since April 2001, I have had further insights. I am now aware that I these events were a degrading invasion, which destroyed my dignity as a human being. I do not know whether or not the Respondent Wilfort experienced any sexual pleasure, and I am not sure if she was trying to seduce me. She exercised power over me, to the point of stripping me naked and touching me intimately.

58. After several months, I refused to comply with her demands for this conduct, and she flew into a rage and struck me. This was in 1979. After that, she became very cold to me and humiliated me in front of the community. I was excluded from meetings and events that were attended by other Holy Cross Sisters involved in Homes for Growth. I felt pressured and stressed. I lost weight.

59. The Respondent Wilfort stopped counselling me, and I received individual

counseling from Father Raymond Beauregard, who was an officer and agent of the Respondent Homes for Growth. He said that the Respondent Wilfort was very hard on me, and that I was being treated worse than anyone else. He advised me that if I was to have a future with Holy Cross I must give in to Jeanne Wilfort.

60. I would not submit. In therapy, I have realized that I was beginning to isolate myself from her, and from people who were under her control or influence, in order to try to get a sense of security or safety.

61. In the summer of fall of 1979, a number of younger sisters in Western Canada Province of the Congregation were sent to Congregation's House of Formation in Saint-Laurent Quebec, for a year of formation, including theological study under the supervision of Sister Liette Finnerty.

62. The Respondent Wilfort told me that I was not going. She said that I was receiving the formation I needed in Homes for Growth. She said that I was made for Homes for Growth. She said that she had consulted with the Superior General, who had approved her decision.

63. As I stated earlier, I have had some insights into my actions and emotions since I started therapy in 2001. In therapy, recently since 2001, I have realized that the Respondent's decision had the effect of isolating me from my friends and contemporaries in the Congregation.

64. In therapy, I have realized that I felt isolated. All of my friends from home and from my noviate were back in New England, and I was alone in Lorette in the Respondent Wilfort's chosen community.

65. I left the Homes for Growth House in Lorette in 1980. I went to a House in Milner Ridge for the summer. I went to Saint-Laurent (which is a part of Montreal) for the year of formation that fall. I returned to Manitoba the following year.

66. When I left Montreal, I was told by the Superior General that I should return to Winnipeg, enroll in University and complete my degree. We believed that I needed two years of study to complete my degree. When I returned, I discovered that the University would not give credit for my college courses and that I would have to start again.

67. The Respondent Wilfort told me that I did not need a University degree. She directed me to live in the House (it was originally a House owned by the Congregation, which has since been transferred to Homes for Growth) in Lorette and work in the garden there. After a while, a Catholic lay person who was involved in a Homes for Growth community, who was working at the Main Street project in Winnipeg, as a cook, took a holiday. The Respondent Wilfort directed me to replace her at the project. When this person returned from her

directed me to replace her at the project. When this person returned from her holiday, she did not want to return to the Main Street project and I replaced her.

68. I continued to work there for 1 and half or 2 years until 1983. I worked on a part time basis, 2 to 3 or sometimes 4 days a week. Then I worked for the Salvation Army at Baldwin House for 2 years, until 1986. I worked on a part time basis, 3 or sometimes 4 days a week. My salary was paid to the Congregation and I received room and board and living expenses.

69. During the early 1980's Homes for Growth was expanding. It acquired several houses in Winnipeg, and certain properties owned by the Congregation in Lorette and Milner Ridge were transferred to Homes for Growth.

70. After my return from Montreal in 1981, I stayed in Lorette again for a short time, and then after I started working in Winnipeg, I moved into one of the Congregation's houses in Winnipeg. For the next few years, I lived in various Houses of the Congregation and Homes for Growth.

71. There was physical violence in Homes for Growth and in some of the Congregation's houses. I was once assaulted in a Congregation house by Sister Marie Jalbert. On at least two occasions, I witnessed the Respondent Wilfort hitting Sister Jalbert.

72. The Respondent Wilfort had a great degree of control over the lives of people in Homes for Growth and the Congregation.

73. All the Holy Cross sisters in Manitoba knew that there was an issue between the Respondent Wilfort and me, and I felt that many of them were cruel to me because they knew they had her protection and support. My perception at the time was that Home for Growth had become a cult, rather than an authentic religious community and that the Respondent Wilfort and her followers had gained influence within the Congregation.

74. In therapy, I have realized that I did not feel safe in Homes for Growth, or in the Congregation's Houses, because of the Respondent's Wilfort's influence and power in both. I have not given up my opinion that Homes for Growth was a cult. In therapy, I have had further insights into my own situation and the way that the actions of the Respondent have affected me.

75. During this time (1979 to 1986) other women who had joined the Congregation with me were being educated in Universities and receiving professional degrees. My own hope was to study behavioural science or social work and to work with the poor. This would have been a professional career in keeping with the Church's mission to the poor, which would also have allowed me to earn a salary and to contribute to the finances of the Congregation.

76. However, I was isolated within the Congregation. I had incurred the displeasure of the Respondent Wilfort and through her, other superiors in the Congregation. I was never offered a chance to go to school after 1981, and I was afraid to ask.

77. I started a poverty ministry, a drop-in center on Main Street in May 1987. It is called Our Place/Chez Nous. This was consistent the Congregation's decision to adopt an Option for the Poor as a central part of its Ministry. The Congregation agreed to support my Ministry. I tried to keep a link to the Congregation and tried to ensure that I had one or more members of the Congregation on the Board of Directors. The Congregation insisted that I had to find an independent source of funds and I recruited a volunteer board. After the first few years, the fundraising was successful enough to allow the center to pay its expense including a small stipend to me.

78. I did not have the energy or strength to deal with the public for more than 4 days a week.

79. For the next several years, after 1987, I worked independently of the control of the Respondent Wilfort. I completely left Homes for Growth, and would not attend anything connected with that group. I had some contacts with Sister Wilfort, because she was a leading member of the Congregation. As most of the other Sisters in Manitoba were supporters or members of Homes for Growth, I had very few contacts in the Congregation. For a time the Respondent Wilfort was on the Board, but I asked her to resign.

80. In the later part of the 1990's, around 1997, the Congregation went through some administrative changes. As a result of those changes, a number of Sisters who had been trained by Sister Wilfort in their formation, and/or in Homes for Growth, and who were known to me as women who looked up to Wilfort, took charge of Regional administration, and asserted authority over me and my ministry at Chez Nous/Our Place.

81. At this time I began to experience mental distress. At the same time, I was starting to experience health problems. I did not understand it at the time, but in therapy I have realized that I was losing my sense of safety, and that I did not and could not trust anyone connected with or influenced by the Respondent Wilfort and Homes for Growth.

82. When, in therapy, I have looked back at my life since 1980, I have realized that my interactions with other groups and agencies has been minimal, and that it has been difficult for me to maintain any close personal relationships. I was estranged from my family in New England and my friends back home. I was withdrawn and isolated. I did not trust anyone. I never felt safe.

83. When, in therapy, I have looked back at my life since 1980, and considered

my feelings and emotions, I have seen that I had feelings of depression, helplessness, hopelessness, and shame. I had a poor body image, and I was not taking care of myself very well. I had sleep disturbances. I was prone to tears. At times, I had thoughts of suicide.

84. I did not have insight into those issues at the time. I thought that I had managed to escape from the cult and to avoid its influence in the Congregation. I thought that I was strong in my ministry and my faith.

85. In therapy, I have been trying to understand my feelings about the Respondent Wilfort's conduct. I was afraid of her, and I was afraid to disobeying her directions to keep her conduct secret. I did not believe I had a choice. All through this the time, I thought that the Superior General knew about the Respondent Wilfort's ways. It was not until many years later that I realized this was not true.

86. The Respondent Wilfort was a senior and well-respected member of the Congregation in Western Canada, and almost everyone in the Congregation appeared to hold her in high regard. Most members of the Congregation in Manitoba were also involved with Homes for Growth. Other Holy Cross sisters outside Manitoba appeared to hold her in high esteem.

87. I avoided her and I avoided other persons involved in Homes for Growth, which meant that I was isolated within the Congregation and separated from the support of the Congregation and my superiors. I thought that she was an influential person in the Congregation and that she was hostile to me. I thought she was working to punish me and undermine my ministry and to undermine my standing in the Congregation. I was very afraid of her power. I have realized in therapy that my fear was demonstrated as a negative attitude, amounting to withdrawal.

88. My reaction to the Respondent Wilfort was noticed, but not understood in the Congregation. I was informed by various women in the Congregation, who were connected to the Respondent Wilfort, that I was defective, and unable to be loved. I was informed that I was the one who had a problem, and that there was something wrong with me.

89. Our Place/Chez Nous now has its drop in center on the main floor of a building at 676 Main Street Winnipeg. There is a small suite on the third floor of the building, and I have lived there for 6 years. I was living there in December 1998.

90. In December 1998, I had a visit from Jacques Cornet who was a Franciscan brother. He had been involved in Homes for Growth. He had volunteered to work with me at Our Place/Chez Nous. When he did, he assured me that he had broken with Homes for Growth. However, he became involved with them again.

I knew him to have some emotional problems, and they appeared to have been aggravated by his re-involvement with Homes for Growth.

91. At times he was very difficult. He was on this occasion and I found it hard to be near him, so I left the premises and went next door. While I was in the neighbouring building, I fell through a trap door and sustained an injury. I had a broken hip. Someone called an ambulance and I was taken to hospital, although I was soon discharged home. I later learned that Jacques Cornet had tried to contact Sister Claire Marquis to advise her of my injury, and that information about my injury reached the Respondent Wilfort. The Respondent Wilfort arrived at the Hospital and said that she was going to care for me. I was discharged into her care. This disturbed me deeply.

92. I have realized in therapy that I was traumatized by the fall and I felt vulnerable. I was afraid of her. She had, in the past, humiliated me and physically attacked me and I was afraid of her anger and her power in the Congregation.

93. I felt I had to get protection. I turned to the Congregation for protection and support. At the time, I attempted to break the Respondent Wilfort's command of secrecy and to disclose her conduct to the Congregation.

94. I had never thought about whether the Respondent Wilfort's actions had harmed me, and I had never received professional care or advice on my own mental health in the period from 1980 to May 30, 1999. I did not in fact begin to receive professional care until April 2001.

95. In May 1999, saw myself as attempting to justify myself, and to gain some understanding and respect from the Congregation. I believed that the Respondent Wilfort was leading a sort of cult, operating within the Congregation. I thought that I was being persecuted by the Respondent Wilfort and by other members of the cult within the Congregation. I thought there was a problem, which was the Respondent Wilfort's problem, and a problem for the Congregation to resolve under its own rules, and within the canon law of the Roman Catholic Church.

96. I telephoned the Superior General of the Congregation, Sister Finnerty and began to discuss my situation and the history. I wrote her a letter dated May 30, 1999, a copy of which is marked as Exhibit N. I spent about 3 hours on the telephone disclosing what had happened at the Homes for Growth House in Lorette. Her response was to say that Wilfort's conduct had been intended to be therapeutic and that it had beneficial effects.

97. She directed me to discuss these issues with Sister Lucienne Landry, who was the Regional Animator for the Western Region, based in Edmonton. I followed through and travelled to Edmonton to meet with Sister Landry, and I

spoke with her frequently.

98. In my conversations with Sister Finnerty and Sister Landry, I shared some personal history with them. I told them that I had been abused, in my family as a child. I tried to explain what the Respondent Wilfort had done was especially hard on me, after my abuse as a child.

99. Sister Landry had been involved in Homes for Growth and regularly visited Manitoba for retreats and programs. I learned from her that her own experiences had been positive. She said she could not understand what parts of my experience with the Respondent Wilfort were causing my distress. She appeared to acknowledge that I was genuinely distressed and hurt. She told me that she would direct the Sisters in the Congregation who were involved in Home for Growth to leave me alone.

100. The responses of Sister Finnerty and Sister Landry to the information I presented was guarded. At first, I thought that they did not believe what I was saying. It was clear that they could not believe that I had not had a positive experience at Home for Growth. They suggested that I had problems. However they did not suggest that I should see a therapist or offer any financial support for therapy.

101. I did not hear from Sister Finnerty again until I received a letter in January, 2000.

102. I did not receive professional care or advice on my own mental health during the period from May 30, 1999 to January 2000.

103. In therapy I have realized that I became focussed, in that period on being believed and getting the Congregation to take some action against the Respondent Wilfort in order to relieve my fear of her, for myself and others. I did not have a clear idea of what should be done.

104. In that period of time I contacted other people who had been in Homes for Growth, whom I believed to have been aware of the activities of the Respondent Wilfort with me or to have had similar experiences and shared my story with them. I learned that other people had experienced the same pattern of conduct, or similar conduct, by the Respondent Wilfort. I learned that some of them had felt harmed and had since received professional therapy. I will not identify them in this Affidavit. I have identified them to Sister Finnerty and I identified them to Archbishop Weisgerber, and to Sister Letourneau, in my interactions with them, which I will mention later in this Affidavit.

105. I heard from Sister Finnerty when she sent me a letter dated January 13, 2000, which is marked as Exhibit O. I received it during the third week in January.

106. Earlier in January 2000, I began to receive some spiritual counselling from Father Dominic Kerbrat, who is a priest (a member of the Oblate order) with a degree in psychology. I told him about the behaviour of Sister Wilfort toward me at Homes for Growth, which I have described in this Affidavit. He told me that he thought that her conduct had been abusive. He said that her conduct was one of the worst forms of sexual abuse, because the victim had a hard time recognizing that the conduct was abusive.

107. I continued in spiritual counselling with him for a short time. I was not able to continue, because I discovered, later in January 2000, that I had cancer.

108. I tried to understand what Father Kerbrat had said. He confirmed that the conduct of the Respondent Wilfort had been wrong. At the time, I did not understand that I had been harmed or how I had been harmed. Since I started professional therapy in 2001, I have realized that I might have progressed further in my understanding of those issues if I had remained in counselling with Father Kerbat, but I was not able to do that at the time, due to cancer.

109. My cancer had already progressed to the third stage. I understand that this is very advanced, very close to being incurable and terminal. In February 2000, I commenced a course of chemotherapy which lasted for 18 weeks. I was constantly nauseous. I lost my hair. I was in pain. I was exhausted and drained. My immune system was weakened and I was ill with a variety of infections.

110. In the course of the next several months, I had a radical mastectomy in July 2000, losing a breast, 13 lymph nodes and great deal of muscle tissue and connective tissue. I experienced an allergic reaction to anesthesia, which lengthened my recovery. I then had radiation therapy – a series of 30 sessions. I had to attend for therapy, to try to regain the use of my arm. It was a physically and emotionally draining process.

111. I continued with medical treatment for cancer until November 2000. My physician has finally told me, in February 2001, that my cancer is in remission, but I am still recuperating from the treatment at this time.

112. I was constantly in fear and emotional and spiritual distress. My physician advised me, from January 2001 onward that I was depressed and that I should have therapy for that. She recommended anti-depressant medication.

113. During the course of my cancer treatment, I told my personal physician that I had been abused. When she asked if I was receiving counselling, I gave her an ambiguous answer, and I resisted the idea of counselling.

114. In therapy, I have come to realize that I was fearful of trusting a therapist. I felt at the time that I was not able to deal with my issues about Sister Wilfort until after I had my cancer under control. I was communicating with my

superiors, Sister Finnerty and Sister Landry during that time, as I will mention shortly, and they told me to concentrate on surviving cancer, and to trust them to take care of the situation.

115. I did not see a mental health professional or seek an opinion or assessment, or receive any counselling, therapy or treatment until April 2001. I did not know that I had mental health problems. I did not know or understand the consequences of the conduct of the Respondent Wilfort, and I did not know or believe that she had caused me to suffer psychological harm.

116. I continued to write to Sister Finnerty through the year 2000 and into 2001, as I struggled with cancer. I was also in contact with Sister Landry regularly.

117. In my letters to Sister Finnerty and my conversations with her and with Sister Landry, I continued to address the conduct of Sister Wilfort as an issue of discipline and trust within the Congregation. My letters to and from Sister Finnerty in the period after January 13, 2000 until February 2001 are marked as Exhibits:

- * To Sister Finnerty, undated, Exhibit P,
- * From Sister Finnerty, February 16, 2000, Exhibit Q,
- * To Sister Finnerty February 16, 2000, Exhibit R,
- * From Sister Finnerty April 19, 2000, Exhibit S,
- * From Sister Finnerty July 14, 2000, Exhibit T,
- * To Sister Finnerty July 16, 2000, Exhibit U,
- * To Sister Finnerty July 18, 2000, Exhibit V,
- * From Sister Finnerty July 19, 2000, Exhibit W,
- * From Sister Finnerty August 15, 2000, Exhibit X,
- * To Sister Finnerty December 31, 2000, Exhibit Y,
- * From Sister Finnerty, February 14, 2001, Exhibit Z,
- * To Sister Finnerty, April 13, 2001, Exhibit AA.

118. I was speaking to Sister Landry regularly. I trusted her and confided in her. I discussed my medical situation and my pain and my fear.

119. In the first few months of my cancer treatment, I did not discuss the issue

119. In the first few months of my cancer treatment, I did not discuss the issue of Sister Wilfort with Sister Landry. In the summer of 2000, when I had returned home from the hospital and started radiation therapy, I mentioned it again. I told her that I had mentioned the conduct of Sister Wilfort to my physician. Sister Landry was upset about this. I told her that I was struggling to understand what had happened to me. I said that I felt I was not getting any support from the Congregation on that issue.

120. In the course of those discussions, I made a suggestion to Sister Landry. I knew that she was involved with some organizations in Edmonton and knew or had access to professional counsellors. I suggested she should contact some qualified professionals and get some guidance and she reacted strongly. She seemed to think that I was suggesting something and telling her to get counselling for herself, although that is not what I was saying.

121. She commented directly on the conduct of the Respondent Wilfort. She said that the Respondent Wilfort was practicing something that she had learned in Quebec in the 1960's and that it was a beneficial therapy, and that I should not question it. She said I was making something of nothing.

122. She also suggested that if I was unhappy in her Region, I should leave it and go back to the New England Region. I said that I had established myself and my ministry in Winnipeg and that I was committed to it.

123. Sister Finnerty, in her letters above and in her conversations with me, continued to avoid the issue or to tell me, in our conversations, that the conduct of Wilfort had been therapeutic and beneficial. She said that I should trust her to take care of the situation.

124. Both Sister Finnerty and Sister Landry expressed confidence in Sister Wilfort and told me that she had healing gifts and spiritual gifts.

125. In August, 2000, Sister Finnerty came to Winnipeg for a meeting and she visited me at home. Before she arrived, she had sent me a fax indicating that she did not want to hear from me about Sister Wilfort, and in fact the subject was not discussed. I did not hear from her on the subject again.

126. I became increasingly depressed, and I considered leaving the Congregation. I thought that Sister Landry and Sister Finnerty were protecting Sister Wilfort, and that they had not shown compassion or support for my concerns. At that stage, my concerns were still concerns of religious discipline within the context of the Congregation and the Church.

127. I brought my concerns to the Roman Catholic Archbishop of Winnipeg, James Weisgerber. I contacted him in December 2000, and had a meeting with him. I presented him with the facts. I mentioned my belief that Homes for Growth was a cult. I left it to him to determine if the conduct of the Respondent

Wilfort was a cause for concern.

128. He said that he did not want me to worry about it while my health was bad. I gave him the names of contacts and witnesses. I was later informed by him and do verily believe that he contacted and interviewed some of them.

129. In March 2001 the Archbishop informed me that the Congregation for Religious in Rome had appointed Sister Marguerite Letourneau to make inquiries. Sister Letourneau was a member of the Sisters of Charity of Montreal, also known as the Grey Nuns. She had been the Superior General of her Order. He asked me to meet with her.

130. In March 2001, I was in a crisis. I felt suicidal. I had seen a TV program on abuse, and I called a 1-800 number and received some advice. I called Klinik, and I called the employee assistance program of the Grey Nuns. I obtained a referral to the practice of Cynthia Jordan and her associates. I spoke to her associate, Ms. Frankel. I had my first sessions with Ms. Frankel in late March 2001, and Ms Frankel assessed my case and began to treat me by psychotherapy.

131. In a letter dated April 13, 2001, addressed to Sister Finnerty, marked as Exhibit AA (above), I requested the financial support of the Congregation for a course of therapy. I was later informed that they had agreed, for a period of one year.

132. Ms. Frankel and Ms. Jordan prepared a letter to the Congregation dated April 17, 2001. I was informed and do verily believe that the letter was sent. A copy is marked as Exhibit BB to this Affidavit.

133. I was very moved when I read this letter. This was the first time I had received an opinion from a qualified professional. For the first time, I was told that the Respondent Wilfort's conduct towards me had caused significant psychological harm.

134. I did not understand the nature and degree of the harm until later in therapy, and the process has been painful. It is an incomplete process. I have continued in therapy since April, 2001, with an appointment almost every week.

135. In May 2001, I met with Sister Letourneau. I gave her the names of my contacts – other women who had been abused in Homes for Growth by the Respondent Wilfort, or who were witnesses to her behaviour. I authorized my therapist to meet with her and to disclose information, and I am informed by Ms Frankel that she met with Sister Letourneau.

136. Sister Letourneau treated me with respect and compassion. She said that

she hoped that I could meet with Sister Wilfort, so that she could see the pain she has caused. I do not know what Sister Letourneau reported to the Congregation for Religious and what directions were given to the Congregation and the Respondent Wilfort.

137. In the summer of 2001, I spoke to Archbishop Weisgerber about the investigation by the Congregation for Religious. I had started to think that the Church was covering up on the issue of the Respondent Wilfort's abuse and I suggested that I would go to a lawyer to see if the Respondent Wilfort could be charged with criminal offences. He encouraged me to be patient and to wait for the results of the investigation (by Sister Letourneau).

138. He also told me that Sister Finnerty and the Congregation were providing him with negative information about me, and that he thought the same information was being given to Sister Letourneau. He advised me to avoid communicating with the Congregation.

139. The Archbishop advised me to remain in the Congregation and to look to the Congregation for the cost of various treatments and support that I required at the time.

140. One issue that arose in the summer of 2001 was a vacation. My doctor was recommending a long vacation. I was being criticized by the Congregation for other expenses, such as dental bills and I was afraid to ask the Congregation for funds for my trip.

141. Later in the summer, in August, the Archbishop told me that he did not know the results of the investigation by Sister Letourneau and would likely not get the results.

142. In the summer of 2001, in consultation with my therapist, and her supervisor Dr. Jordan, my doctor prescribed an anti-depressant medication. I have become more depressed, and I was starting to have suicidal thoughts again. I realized that I have had suicidal thoughts, off and on, since 1979 when I lived in Lorette.

143. The medication has assisted in fighting depression, and since I started on the medication, I realized that I have been suffering for a long time.

144. I have realized in therapy that I have not had the energy to work full time since 1978. I have learned that there is a connection between the Respondent's Wilfort's action, and my difficulties in dealing with people, my lack of energy, and my isolation in the communities. My counsellor has told me that I am depressed and suffering from post-traumatic stress disorder, and that I am, at present, disabled.

145. I am unable to concentrate on one thing. I am not able to sit still and read

145. I am unable to concentrate on one thing. I am not able to sit still and read. I cannot carry out tasks like balancing a checkbook. I find that I have become increasingly fragile, although my therapist expects healing to start.

146. My depression has continued. It is not predictable. I have some good days, and then bad days. I work two days a week. I never spend time with the clients alone. I am too vulnerable and it is hard for me to feel safe.

147. I have a further employment handicap. I have a high school education, for reasons explained already. I have had a very specialized and narrow working experience as I tried to pursue a vocation in the Congregation under the circumstances that I have described. My work has been limited by my ongoing depression and personal issues as described above. This is contributing to my disability, and to financial losses.

148. I have found it difficult to concentrate during religious services and I have a problem listening to preaching or liturgy in which the authority of the Church is emphasized. I have a strong, and unchanged faith in God, but I am now experiencing issues with authority.

149. In the fall of 2001 after my situation was more stable, my therapist suggested I should see a lawyer and I first met with a lawyer about this case on November 28, 2001.

150. I have found that reviewing the case with my therapist and my lawyer leads to episodes of depression, and the process has been difficult for me.

151. In December 2001, I applied to the authorities in the Congregation and the Church to be released from my vows. I wrote to Sister Finnerty on December , 2001. A copy of my letter is marked as Exhibit CC.

152. I have recently been informed by Sister Liette Finnerty that the Congregation for Religious has granted an indult. She wrote to me on March 5, 2002 and a copy of her letter is marked as Exhibit DD. The enclosures to her letter are marked as Exhibits EE, FF, GG and HH. The enclosures include copies of documents I had signed in the years that I took my vows, 1976 and 1985.

153. I have not accepted the indult or resigned from the Congregation.

154. In my knowledge of the practice of the Congregation, a departing member who leaves with the approval of the Church meets with her superiors and is treated with dignity. Sister Finnerty and Sister Landry have not offered to meet with me. A departing member who leaves with the approval of the Church normally receives transitional financial assistance, which is often calculated as an allowance of \$500.00 for each year of service. This has not been paid or offered to me.

155. At first, when I turned to my superiors in 1999 I expected compassion and support. I have realized that they are concerned to suppress knowledge of the unconventional therapies administered by Sister Wilfort, and to suppress knowledge of her abusive behaviour, and the complicity of the Congregation in these matters.

156. I felt that I had received unjust adverse treatment from my superiors because I have raised issues over the practices of Sister Wilfort – not only with me but with several other people – and Home for Growth.

157. I have realized that I was sexually abused by the Respondent Wilfort and that the Respondent Wilfort used psychological techniques to affect my behaviour over a period of time starting in 1975, and including the time when I was involved with Homes for Growth, and that I have suffered harm as a result of her actions.

158. I seek leave to commence an action for damages. My proposed action is against all the Respondents in this Application. The proposed pleading would allege a cause of action for negligence, breach of fiduciary duty and deliberate misconduct by the Respondent Wilfort in the course of purported psychological counselling and therapy during my religious formation, from 1975 to 1979. The proposed pleading would allege a cause of action for assault, negligence, and breach of fiduciary duty by the Respondent Wilfort, with respect to sexual, physical and emotional abuse at the Lorette House, in 1978 and 1979.

159. I am advised by my counsel that my causes of action may be affected, in part, by the operation of a limitation provision in the Limitation of Actions Act and I seek relief.

160. I make this Affidavit in good faith.

SWORN BEFORE ME at the City of Winnipeg in the Province of Manitoba, This 10th day of May, 2002 (Signature on Original) Jane Mary McDonald

Affidavit - Jane Mary McDonald, May 31, 2002

I, Mary Jane McDonald, of the City of Winnipeg, in the Province of Manitoba,
MAKE OATH AND SAY THAT:

1. I am the Applicant in this Application. I have personal knowledge of the facts hereinafter deposed to by me, except where I state my belief and the information upon which that belief was founded. Where I state my belief upon information received, I verily believe such facts to be true. This Application pertains to a proposed action.

2. I have previously sworn an Affidavit in this matter on May 10, 2002. I am

informed by my counsel and do verily believe that it has been filed in Court and served.

3. In my earlier Affidavit, I said that I first encountered the Respondent Wilfort in 1975, and that I applied to transfer to the Western Canada Province for one year. I said that I was transferred in September 1975 and spent the next year involved in a program called a "desert year" at the Congregation's Western Canada Provincial House in Edmonton, under the supervision of the Respondent Wilfort. I also commented on my further contacts with the Respondent Wilfort in the two following years after I returned to New England, and her invitation to join her in a new religious community in Lorette, Manitoba, which I joined in May 1978. I have explained what happened after that in my earlier Affidavit.

4. I was not initially comfortable with the Respondent Wilfort, and did not immediately trust her. However, in those years from 1975 to 1979, I felt increasing admiration and respect for the Respondent Wilfort. I felt that she was a good person, a spiritual person and a strong leader. She became a role model and personal hero. My feelings were reinforced by the respect shown to her by senior leaders in the Congregation and the Church. I felt a great deal of personal loyalty and affection towards her. When she began to counsel me, and when I went to the Lorette House in 1978, I trusted her completely, and I relied on her advice and guidance. I placed my emotional and spiritual well-being in her hands.

5. My attitude and feelings changed after she sexually and physically abused me, as explained in my earlier Affidavit.

6. In my earlier Affidavit, I explained my work and my activities after leaving Homes for Growth, and I commented on my lack of energy and some of my feelings and emotions. I have been discussing those issues with my therapist Ms. Frankel, and trying to describe my experiences, feelings and emotions to her.

7. When I have talked to Ms. Frankel in therapy, I have often become emotional and cried, or been on the verge of tears. In many instances I have been depressed when I talked to her. When she asks me to talk about the sexual activity with the Respondent Wilfort, I change the subject. I have difficulty talking about it and I become sad and cry.

8. In my reflection on my life since 1979, I have realized that:

- a. My mood is often depressed, and I am very sad,
- b. My interest in taking care of myself decreased;

c. My interest in work is decreased, and I have felt less interest in my work.
Many days I feel emotionally unable to do my work;

d. I have difficulty concentrating and have difficulty with simple mental tasks, even simple arithmetic. I have to struggle to read a book, due to lack of concentration. I was an avid reader before Homes for Growth, but for the last 15 years it has been a struggle;

e. At times I withdraw from friends, and I become isolated for extended periods of time. I have generally become more isolated;

f. I have lost belief in the goodness of other people;

g. I have lost the sense of my value as a human being;

h. I experience sleep disturbances and changes in appetite;

i. I am unable to sleep with any comfort if there is someone else in the same room;

j. I experience difficulty with the ability to focus and concentrate;

k. I am often very low on energy;

l. When I am very distressed I have suicidal thoughts;

m. I feel emotional but I am not able to cry openly because I do not trust anyone;

n. I am overwhelmed by grief over the friendships and opportunities lost while I isolated myself since 1979;

o. On many occasions I have intrusive memories of the Respondent Wilfort's sexual and physical assaults on me;

q. I often avoid going out or being in parts of the City where I believe I am likely to meet the Respondent Wilfort or anyone associated with her;

r. I feel as though the Respondent Wilfort were still a threat to my personal safety and integrity;

s. At times I experience significant anxiety, and I do not feel safe anywhere in Winnipeg outside my home;

t. I constantly feel like I am caught in trap that I cannot get out of;

u. I feel helpless that I will never feel safe again.

9. I have been discussing and sharing these recollections of my emotional and mental condition at various times with my therapist Ms. Frankel.

10. On several occasions after discussions with Ms. Frankel, especially the discussions in which I deal with the abuse itself, I have felt suicidal. I subsequently reported this to Ms. Frankel.

11. I make this Affidavit in good faith.

SWORN BEFORE ME at the City of Winnipeg in the Province of Manitoba, This 31st day of May, 2002 (Signature on Original) Jane Mary McDonald

Affidavit of Vicki Harrison Frankel, May 31, 2002

I, Vicki Harrison Frankel, of the City of Winnipeg, in the Province of Manitoba, MAKE OATH AND SAY THAT:

1. I have personal knowledge of the facts hereinafter deposed to by me, except where I state my belief and the information upon which that belief was founded. Where I state my belief upon information received, I verily believe such facts to be true. This Application pertains to a proposed action.

2. I am a registered social worker and counsellor. I presently work in a private practice with several other therapists. I am an associate of Dr. Cynthia Jordan, who is a practicing registered clinical psychologist, who is my clinical supervisor.

3. My professional education and experience are summarized in a curriculum vita, a copy of which is marked as Exhibit A to this my Affidavit. I have earned the degrees, held the positions and done the work stated in that document.

4. I have been qualified as an expert witness to deliver written reports and to testify in Court in many cases in the Family Division of this Court. My opinions in those cases pertain to family functioning, parent-child interaction and related areas.

5. I worked in Child welfare as a social worker and senior manager for the Children's Home of Winnipeg (which is now known as New Directions for Children, Youth and Families) and other agencies for many years. In those positions I worked with hundreds of children who had been sexually abused, and with their families. In many cases the parents in the family had also been sexually abused. I have had clinical experience with many sexually abused adults, in individual and group therapy. I organized and administered group therapy for groups of sexually abused adults. I have taken continuing professional education in my field including several courses and seminars on sexual abuse.

6. The greater part of my professional work has been in individual and family therapy, which is a particular specialized mental health field. Within my practice, I have worked with individuals and families with a broad range of presenting problems.

7. My professional practice in engaging with a new client includes the following: to obtain a complete history, including symptoms, to observe and assess the client for clinically significant behaviours, and to develop appropriate treatment goals and plans.

8. My professional practice in engaging with clients is to maintain a position of respect and trust. It is not my role to cross-examine my clients and to challenge their description or recollections of events. At the same time, I assess their accounts of their history for internal consistency and consistency with professionally recognized patterns and symptoms.

9. In March 2001, I agreed to see the Applicant Jane McDonald, to assess her condition and to start therapy as required. I have continued to provide therapy under the supervision of Dr. Jordan continuously since April 2001, on a weekly basis except for intervals of personal holidays.

10. Throughout the period of time that I have seen Jane in psychotherapy, I have regularly consulted with and been supervised by Dr. Jordan. Dr. Jordan has met with Jane independently of me in order to allow her to consult with me, and to provide therapy when I have been absent.

11. In the early sessions, Jane expressed feelings of depression, helplessness, hopelessness, and shame. She had a poor body image, and her self-care was poor. She appeared to be withdrawn and isolated, and her history of friends and social interaction indicated that she was isolated and withdrawn. She showed significant trust issues. She described sleep disturbance. She was prone to tears, and agreed that she cried privately too.

12. She described that she had most of these symptoms and problems for many years, and that that they had become more intense and severe in the last 3 years.

13. I observed her behaviour during these sessions and her posture and affect were consistent with the feelings and history reported.

14. Of particular significance was that she appeared insecure and not trusting. She positioned herself so that she could see the door and frequently looked at the door. There appeared issues of boundaries, safety, and personal space.

15. All of these symptoms and observations are consistent with a major

depression, and post-traumatic stress disorder.

16. In her early sessions with me, she related her experiences with the Respondent Jeanne Wilfort at the Homes for Growth house in Lorette, Manitoba in the period 1978–1980. Her recitation of the facts to me was appropriately detailed, and that she was able to describe particular things that had occurred. Her description of the facts was internally consistent, across sessions, and it was in fact consistent with patterns of behaviour consistent with observations of individuals who have been the victims of sexual assault. I observed that she was only able to tell me those events with apparent great distress and pain, with a sense of shame.

17. I have read Jane's Affidavits sworn May 10, 2002, and May 31, 2002 which I am informed have been filed in this matter. The relevant facts that she has described to me in therapy are stated in those Affidavits.

18. My professional opinion, after the first few hours of assessment, was that the Applicant Jane McDonald was depressed, and had post-traumatic stress disorder. My full reasons for that this opinion are stated later in this Affidavit. I reached this opinion on a careful consideration of the professionally recognized definitions of depression and post-traumatic stress disorder in the Diagnostic and Statistical Manual of the American Psychiatric Association, in consultation with Dr. Cynthia Jordan.

19. I considered whether the conduct of the Respondent Wilfort as reported by Jane could be considered, within general consensus of reputable mental health professionals to be sexual abuse. For reasons explained later in this Affidavit, I came to the conclusion that the reported conduct was sexual abuse.

20. I considered that the conduct of the Respondent Wilfort as described by Jane was abusive and that this kind of abuse is well understood by professional therapists – whether psychiatrists, psychologists or social workers – as being wrong, and as being significantly harmful to the victims of such abuse.

21. Jane's report that she had been sexually abused by the Respondent Jeanne Wilfort was consistent with her mental health problems and appeared credible. Assuming her allegations to be true, my opinion was (and still is, as discussed later in this Affidavit) that the reported sexual abuse was a significant contributing cause of Jane's depression and related symptoms, and that the reported sexual abuse was the major trauma which caused her post-traumatic stress disorder.

22. On April 17, 2001, Dr. Jordan and I wrote to Jane's Superior General, Sister Finnerty. A copy of our joint letter is marked as Exhibit B to this Affidavit. I provided a copy of this letter to Jane at the time.

23. In early May I received a letter from Sister Finnerty, dated April 30, 2001. A

23. In early May, I received a letter from Sister Finnelly, dated April 30, 2001. A copy is marked as Exhibit C to this Affidavit. Dr. Jordan and I replied on May 23, 2001. A copy of that letter is marked as Exhibit D to this Affidavit.

24. I have continued to provide therapy continuously since April 2001, on a weekly basis except for intervals of personal holidays.

25. In the course of therapy, Jane has provided me with detailed information. She has always been consistent in the content of the information, and her affect and manner have been appropriate and consistent. In the course of therapy, Jane touched on a few more areas of special relevance. In the summer of 2001, she admitted to an adult history of suicidal thoughts. Her physician prescribed anti-depressant medication, in the summer of 2001.

26. I have read Jane's Affidavits sworn May 10, 2002, and May 31, 2002 which I am informed have been filed in this matter. The relevant facts that she has described to me in therapy are stated in those Affidavits.

27. My professional opinion at the present time is that the Applicant Jane McDonald was depressed, and has features of post-traumatic stress disorder. My full reasons for that this opinion are stated in the next few paragraphs. I reached this opinion on a careful consideration of the professionally recognized definitions of depression and post-traumatic stress disorder in the Diagnostic and Statistical Manual of the American Psychiatric Association, in consultation with Dr. Cynthia Jordan.

28. In reaching my opinion that Jane was and is depressed, as stated above, both in April and May of 2001 and at the present time, I have noted that Jane has experienced many of the recognized symptoms:

- a) Her mood is often depressed;
- b) She is often emotional and close to tears;
- c) She reports much sadness;
- d) Her interest in taking care of herself is decreased;
- e) Her interest in work is decreased;
- f) Many days she feels emotionally unable to do her work;
- g) At times she withdraws from friends, and she becomes isolated for extended periods of time;
- h) She experiences sleep disturbances and changes in her appetite;
- i) She experiences difficulty with the ability to focus and concentrate.

i) She experiences difficulty with the ability to focus and concentrate,

j) She is often very low on energy;

k) When she is very distressed she has suicidal thoughts.

29. In reaching my opinion that Jane was and is experiencing post-traumatic stress disorder, as stated above, both in April and May of 2001 and at the present time, I have noted that Jane has experienced many of the recognized symptoms:

a) She reports sexual and physical assault by a woman who was her superior in a religious Order or Congregation and a self-styled therapist or healer, as well as childhood sexual abuse;

b) She generally feels unsafe in the community, as though her perpetrator in the Congregation were still a threat to her personal safety and integrity;

c) On many occasions she has intrusive memories of the reported assaults by the Respondent Wilfort;

d) She often avoids going out or being in parts of the City where she believes she is more likely to meet her perpetrator or anyone associated with her;

e) At times she experiences significant anxiety and does not feel safe anywhere in Winnipeg outside her home;

f) She feels helpless that she will never feel safe again despite her faith;

g) In therapy she has much difficulty in discussing the reported sexual and physical abuse and uses avoidant strategies to change the subject, and if encouraged to stay focussed she becomes emotional, especially sad and teary. On several occasions after these discussions she has felt suicidal;

h) She has less interest in her work and has become more isolated.

30. Her allegation that she had been sexually abused by the Respondent Jeanne Wilfort was consistent with her mental health problems and credible. Assuming her allegations to be true, my opinion is that the reported sexual abuse was a significant contributing cause of Jane's depression and related symptoms, and that it was the major trauma which caused her post-traumatic stress disorder.

31. Jane had not received any professional therapy or assistance before she began therapy with me. Her progress has been very slow. She has been seriously depressed and has difficulty at times with maintaining the routines of daily living.

32. She had difficulty, in the early stages, accepting that she had a psychological illness. She was depressed and was overwhelmed by having to review and confront this history in therapy. In therapy she has begun to understand the connection between her reported sexual abuse and other difficulties in her life.

33. In the course of therapy, Jane told me about her discussions with Sister Finnerty and Sister Lucienne Landry and has reported the suggestion, made by one or both of them, that Sister Wilfort had helped Jane.

34. As I have stated above, I considered that the conduct of the respondent Wilfort as reported by Jane was sexual abuse when I first heard Jane describe it, and my opinion has not been changed by hearing the suggestions just noted.

35. I consider that the physical conduct of the Respondent Wilfort, in the bedroom of the Lorette House, as described by Jane, was abusive and that this kind of abuse is well understood by professional therapists – whether psychiatrists, psychologists or social workers – as being wrong, and as being significantly harmful to the victims of such abuse.

36. I consider that the physical conduct as described, which I referred to in the preceding paragraph, is sexual abuse. I note first, obviously, the naked body contact and contact with breasts and genital area.

37. I have also considered the context and circumstances reported by Jane, in which Jane over a period of time came to respect and admire the Respondent Wilfort, accepted her invitation to join a small religious community, and left her friends and family behind. I have considered the reported counselling and therapeutic techniques, and the social control methods used by the Respondent Wilfort and other leaders of Home for Growth.

38. I have noted Jane's expressed belief that Homes for Growth was a cult. I have not agreed or disagreed with her on the issue of whether it was a cult. I do not have enough information about the operations of the group to be able to comment on whether it is a cult, according to the definition and understanding of that concept in the professional community.

39. A history of cult membership does not necessarily in itself create a disorder or problem. People who have left cults can have a variety of problems and may require proper professional therapy, but the problems and the appropriate therapy vary according to the person, the kind of cult, the cult leadership, the person's history in the cult and many factors. A history of cult membership can be a relevant factor in a diagnosis of depression and of post-traumatic stress disorder. In my opinion, and assuming the Homes for Growth group was functioning as cult in 1978 and 1979, this could be a relevant factor.

40. Jane has been naïve and uninformed about the mental health consequences of cult membership. Jane acted, according to her reports to me, as if being apart from the Respondents Wilfort and Homes for Growth was the answer. She did not know or understand that she was depressed or had post-traumatic stress disorder, or that personal emotional difficulties, subsequent to her experience with the Respondent Wilfort were most likely a consequence of her experience with the Respondent Wilfort. I note that Jane had never, since leaving Homes for Growth, had any exit counselling or any other recognized therapy.

41. In my opinion, Jane's expressed belief that she had been associated with a cult, and her efforts to break from and guard herself against the cult, distracted her from looking at or considering her mental health problems.

42. I have noted the relationship between Jane and the Respondent Wilfort, in which the Respondent Wilfort appeared to conduct a form of unprofessional – that is without professional training and qualifications and without any professionally recognized standards for treatment and without professional ethical standards – psychotherapy. As reported by Jane, the Respondent Wilfort held herself out as trained in a personal growth system called PRH and held herself out as healer and guide. The program described by Jane was a program of intervention which was presented as a special program devised by the Respondent Wilfort which combined spiritual formation in the religious life with personal growth.

43. I assume for the purpose of stating my opinion that The Respondent Wilfort was not licensed or accredited by any known public regulatory agency or private association to provide professional therapy. There are few or no stated professional standards or principles relating to the interventions that she attempted.

44. Some parts of the reported program appear to be similar to conventional counselling and psychotherapy administered by a variety of professionals. Typically, a therapist in such a relationship gains the client's trust.

45. Some of the events that Jane described to me, and described in her Affidavit, correspond to some aspects of modes of therapeutic intervention often described as primal therapy, reparenting and regression. I am not an expert in these interventions. I believe on the basis of my general knowledge of psychotherapy, and a review of the literature, that there are differences between the theoretical foundations of these respective interventions, and that the methodologies vary.

46. I know that these modes of intervention are relatively rare, and that many qualified professionals regard these modes of therapy as unscientific, and as inappropriate for most patients and clients.

47. The description of being bathed is unusual. I have heard of this in connection with children and more very rarely with adolescents, but not with adults.

48. I have not heard or read of any professional therapy involving bodily contact, particularly when the therapist and/or the patient are nude or partially undressed. The physical contact between therapist and client, while nude or undressed, in a bed, is entirely unknown in professional literature as an acceptable therapy. I have never heard of the sucking of the breasts of a female therapist as a form of therapy and I have found that it is entirely unknown in professional literature as an acceptable therapy. Breast-sucking is not and has never been acceptable from any qualified professional in any model of therapy. I have only seen references to these behaviours in the literature of sexual and professional abuse committed on clients by therapists (including clergy) or persons holding themselves out as therapists.

49. In my opinion, which I believe to be supported by the consensus of all reputable professional therapists, sexual contact between therapist and client crosses all professional and ethical boundaries. Crossing those boundaries and sexually exploiting a client is well understood as a source of harm to clients. Confronting clients in an angry way, and striking clients (as described by Jane) is also considered to be professionally unacceptable and a source of harm. The described conduct of the Respondent would be considered as a violation of professional ethics in all recognized mental health professions.

50. In my opinion, if the practices of the Respondent Wilfort reported by Jane were part of a therapeutic program, or personal growth program, the program would clearly be harmful, and certainly not helpful. I am referring to the sexual and physical aspects, and I am also referring to the entire program.

51. The problems in the relationship are also well known in the literature of abuse of patients by therapists. There is a considerable body of information relating to abuse by persons who act as therapists, with proper professional qualifications and without professional qualifications, and including clergy and religious leaders.

52. The history related by Jane indicates the Respondent Wilfort appeared to have several problems in this relationship, leading up to the sexual, physical and emotional abuse:

- a) She reportedly lacked professional training and had minimal professional qualifications and little or no supervised clinical experience;
- b) She appeared focussed on her own scientifically untested theories and methods, and ignored and denigrated proper professional assistance;

- c) She reportedly required unquestioning personal loyalty and exercised pressure, including anger and physical force against anyone who questioned her methods or her healing gifts;
- d) She reportedly did not take a proper history, and she did not assess Jane's pre-existing problems properly;
- e) She reportedly did not explain her methods or obtain informed consent from Jane;
- f) She reportedly did not consult with appropriate professionals about Jane's real problems;
- g) She did not appear to properly manage transference and countertransference;
- h) She reportedly ignored the appropriate boundaries;
- i) She reportedly did not follow the moral or ethical principles that apply to psychotherapy, and she did not follow the rules of her religion and religious order as to celibacy and as to respect for Jane's person.

53. I note that the reported conduct of the Respondent falls into a pattern of abuse that is recognized by professional therapists – psychiatrists, psychologists and social workers – as abuse by therapist, a member of the clergy or any person in a special relationship of emotional and psychological trust and power.

54. I also note that the reported conduct of the Respondent in approaching the Applicant and relating to her over a period of time before the physical contacts, and her reported insistence on maintaining the secrecy of the relationship was basically similar to the grooming that a pedophile predator or sexually abusive parent often exercises on a child.

55. The techniques the Respondent Wilfort used are well known in psychological practice and in the psychological literature. She appeared to gain Jane's confidence as her religious superior and leader, and as therapist, and abused the trust.

56. The reported sexual conduct of the Respondent Wilfort towards the Applicant was therefore, in all the circumstances, in my opinion, sexual abuse.

57. I also consider have considered, as I have discussed above, the entire reported program of interventions and therapy attempted by the Respondent Wilfort, in the light of professional standards and the body of knowledge and ethical standards of professional therapists. In my opinion, her management of

the therapeutic relationship was unprofessional, foolish and harmful to Jane. Her reported efforts to dominate Jane were negligent and unprofessional for any professional therapist. Her reported management of Jane's reaction to her conduct, her reported characterization of Jane's character and problems ever since was at least negligent and at worst fraudulently self-serving. Her program of intervention was, in my opinion, harmful.

58. I considered, in reaching my opinions about Jane, whether there were other possible causes for her past and present problems.

59. There was no evidence to support a diagnosis of a thought disorder.

60. I knew that Jane had recently, in the period from early 2000 until very recently, been diagnosed and treated for cancer. I did not regard her cancer and cancer treatment as the most significant factors causing the post-traumatic stress disorder because almost all of her relevant symptoms had been present for many years before she had cancer. As well, some of her issues appeared unequivocally connected to reported sexual abuse. She showed trust issues and body issues that are strong indicators of sexual abuse. It is possible that her diagnosis of cancer and her recovery from cancer have been a contributing cause to her depression, although there is evidence of depression over a number of years prior to the cancer. This has complicated and delayed her recovery from the sexual abuse of the Respondent, which she has reported.

61. Jane had disclosed to me that she had been abused at home, in her family of origin before she became a nun. I agree that abuse in her family of origin would also be a contributing cause for her present symptoms, but I place as much or greater emphasis on the reported abuse – and particularly the physical and sexual abuse reported by Jane as committed by the Respondent Wilfort.

62. My reasons are that Jane's description of her relationship with the Respondent Wilfort is that she looked to her as a counsellor and therapist and as a religious superior. There was a relationship of trust. Jane believed that the formation and the programming of Homes for Growth had been approved by her superiors in the Congregation and that she was expected to participate in the programs initiated by the Respondent Wilfort – and to obey the Respondent Wilfort – against her own instincts and feelings and against her own judgment.

63. One of Jane's insights in therapy was that when she had entered the religious life, she had expected to find safety that had been lacking at home in her family of origin. The apparent betrayal of trust was therefore a significant psychological blow for Jane.

64. I also noted that Jane has reported that she had been functioning better in

the Order before she met the Respondent Wilfort and before she reportedly was abused by her. This could indicate that the conduct of the Respondent Wilfort was a significant factor in causing the mental disability, as well as reinforcing, aggravating, extending and compounding the effects of any other earlier abuse.

65. My own knowledge as a clinical practitioner, and all the clinical literature regarding clients abused by their own therapists, care-givers, religious leaders and persons in similar positions of trust and authority, indicate is that abuse by such parties can reinforce and compound prior abuse, and can cause severe harm to the client's ability to trust and to function in many spheres of life. Such abuse by any therapist generally results in a client having greater difficulty trusting another therapist in order to address and resolve that abuse and any earlier abuse in life.

66. I have considered whether there are other situational factors, such as stress over leaving the religious life. I have noted that her Catholic religious beliefs have not changed, and that her willingness to continue working with the poor has not changed. What has changed is her ability to remain within the Congregation of Sisters of Holy Cross, which is related to the reported conduct of the Respondent Wilfort and the reported response of the Congregation when Jane brought this to the attention of her Superiors in the Congregation. I do not see this, or any other independent situational factors, as a cause for Jane's depression. I have commented on cancer and recovery above.

67. Depression and post traumatic stress disorder can be disabling illnesses. My professional opinion was and is that the Applicant Jane McDonald is disabled from carrying on any full time occupation for wages or profit at the present time, and that she has been in that condition since I first met her. Her energy is consumed by coping with the apparent abuse and combating depression and related symptoms, and post-traumatic stress disorder.

68. It is difficult to predict how long she is going to be fully disabled. At this stage in her life, when she has apparently been living with the effects of abuse, in isolation and without treatment for many years, I would predict that she might have a very long-term disability, although not necessarily a total disability.

69. In correspondence with Jane's superiors in May 2001, there was a request from them to meet and review Jane's treatment, and their commitment to paying for therapy was limited to one year. I have recently written to Sister Finnerty to review the situation. A copy of that letter is marked as Exhibit E to this Affidavit. I have not received a response.

70. I make this Affidavit in good faith.

Affidavit of Vicki Harrison Frankel, April 27, 2005

I, Vicki Harrison Frankel, of the City of Winnipeg, in the Province of Manitoba,
MAKE OATH AND SAY THAT:

1. I have personal knowledge of the facts hereinafter deposed to by me, except where I state my belief and the information upon which that belief was founded. Where I state my belief upon information received, I verily believe such facts to be true.

2. I swore an Affidavit in support of the Application on May 31, 2002 which explained my professional relationship. At that time I was associated with firm known as Jordan and Henderson. The principals of the firm ceased to work together and I am presently associated with Dr. Jule Henderson in a counselling practice conducted from a building known as the Wolseley Elm on Arlington Street.

3. I knew the Applicant very well. I addressed her by her first name, and I will refer to her as Jane or Sister Jane in this Affidavit.

4. I have read a copy of the Respondents' current Motion to dismiss the action and Affidavit of Rocky Pollack. I am going to respond to the allegations of delay and prejudice.

5. I have knowledge of the progress of the case during Jane's lifetime because I was meeting with her regularly and she was discussing her emotions in response to various development and because Mr. Dalmyn kept me advised of developments that would affect Jane and that would affect my schedule.

6. I am informed by Anthony Dalmyn, who is the lawyer of record for the Applicant, and do verily believe that he issued a letter to Sister Liette Finnerty, the Congregational Animator of the Sisters of Holy Cross in Montreal on January 16, 2002 to place that body on notice before he issued the Notice of Application in this matter. A copy of that letter is now shown to me as [Exhibit A](#) to this Affidavit.

7. At that stage, Jane had addressed her status in the Congregation with her superiors and had initiated a process to be released from her vows but she had not been granted dispensation.

8. I am informed by Mr. Dalmyn and do verily believe that he received a telephone call from Pierre Baribeau, a lawyer in Montreal who said that he was acting for the Sisters of Holy Cross. As a result of that telephone call he met

with Mr. Baribeau in Winnipeg on February 2, 2002. I am informed by Mr. Dalmyn that Mr. Baribeau wanted assurances of confidentiality. I am informed by Mr. Dalmyn and do verily believe that he made it clear that he would not keep anything from his own client. I am also informed that later, when it appeared to Jane that the course of discussion of the lawyers' discussions mediation was being presented to various officials in the Church and to her old friends in Holy Cross in a one sided way, Jane instructed him to send a letter to Mr. Baribeau which addressed some of the details of that meeting.

9. In Mr. Dalmyn's letter of January 16, 2002, he had offered mediation if the Respondents would waive certain limitation periods. I am informed by Mr. Dalmyn that the said Mr. Baribeau did not agree to that condition at the time or later when he was reminded in email transmissions. M. Baribeau requested Mr. Dalmyn's assessment of the loss. Mr. Dalmyn said he had not made a considered assessment.

10. Within a short time after that, I was informed by the late Jane Mary McDonald and do verily believe that she received telephone calls and in at least one instance a letter from some Holy Cross sisters who advised her that the aforesaid Sister Liette Finnerty or other Congregational leaders had contacted many Sisters who knew Jane and the Respondents and had asked for letters addressing their knowledge of Jane and her religious formation in Holy Cross. I was informed by Jane that she had called 3 or 4 Holy Cross Sisters herself to advise them of her situation and her reasons for going to Court. I was informed by Jane and do verily believe that she was told that Holy Cross sisters were being told not to talk to her.

11. I am informed by Mr. Dalmyn and do verily believe that he later wrote to Mr. Baribeau without prejudice on June 20, 2002, as requested, with his assessment of the damages in this matter.

12. In view of the Respondents' failure to address the limitation issues raised in Mr. Dalmyn's letter of January 16, 2002, Mr. Dalmyn advised the Applicant to commence the present Application.

13. By the time this Application was commenced, Jane had received an Indult from the Vatican. This is addressed in Paragraph 152 of her Affidavit of April 10, 2002 and Exhibits CC and following.

14. I was informed by Jane and do verily believe that she was consulting with knowledgeable persons about Catholic canon law and that she was informed that the Indult would not operate to release her from her vows or the Congregation from its obligations to her under canon law unless she accepted it.

15. I was informed by Jane that on receipt of the Indult and the covering letter,

she wrote to Sister Finnerty, on April 4, 2002. A copy of her letter is marked as [Exhibit B](#) to this Affidavit. I was informed that she wrote to the Archbishop of Winnipeg on the same date. A copy of that letter is marked as [Exhibit C](#). I was informed by Jane then and on several other occasions before she died that she had not accepted the Indult or tender her "resignation" from the Congregation or Religious life.

16. I was informed by Jane she was told by knowledgeable persons that the Congregation should be assisting her with her living expenses, particularly during illness, while she remained a member of the Congregation. Among others, she identified James Weisgerber, the Archbishop of Winnipeg as a source of this advice.

17. Before Mr. Dalmyn issued the Notice of Application, in April 2002, he wrote to Mr. Baribeau to determine whether he would admit service for the Respondents other than the Respondent Maisons de Croissance Inc. I am also informed that the relevant communications are noted in the Affidavit of Mrs. Shuttler sworn June 4, 2002, filed June 5, 2002. M. Baribeau did not execute the admissions of service prepared by Mr Dalmyn for any Respondent. He did not agree to accept service on behalf of the Sisters of Holy Cross in a timely way. Mr. Dalmyn prosecuted a Motion that was heard by Justice DeGraves on June 28, 2002 and received the admission of service on the eve of the hearing. He did not have to address that at the hearing on June 28, and as a result only pursued the issue of extra-provincial service at the hearing on June 28, 2002.

18. I was informed by Mr. Dalmyn that M. Baribeau called him on July 4, 2002 and that they resumed discussions of mediation but the discussions broke down. I am informed that M. Baribeau again wanted an assurance of confidentiality pertaining to the discussions. I am informed that Mr. Dalmyn again said that he would brief his client and seek instructions.

19. I was informed by Jane at the time that she was trying to call her old friends in Holy Cross and that people would not talk to her because they had been told not to talk to her. She was distressed and upset. She continued, to my knowledge, to contact people who had been involved with Homes for Growth as potential witnesses.

20. At the time, Jane declined to mediate on the conditions suggested by Mr. Baribeau.

21. I am informed by Mr. Dalmyn and do verily believe that he wrote to the Respondents' lawyers on July 16, 2002 and advised them that he intended to file a Brief and set the matter down.

22. I am informed that the lawyer for the Respondent Maisons de Croissance Inc. indicated a desire to cross-examine by calling Mr. Dalmyn's office for dates

while he was on vacation in early August 2002, without indicating it that Respondent was filing Affidavits. I am informed that Mr. Dalmyn followed up with a letter to Mr. Deniset on August 21, 2002. I am informed by Mr. Dalmyn that Mr. Deniset, of counsel for the Respondent Maisons de Croissance Inc., called him back September 9 or 11 to discuss dates. Mr. Dalmyn was in a trial for a few weeks in September 2002.

23. On September 18, 2002, Jane called me and told me she had seen her doctor who had expressed concern that she had a cancer again. She asked me to attend a doctor's visit with her, and I was present on September 23, 2002, when Jane's doctor, Dr. Grenier told her that she had lung cancer, in both lungs, which appeared to have occurred through metastasis of her previous breast cancer.

24. I informed Mr. Dalmyn promptly, and I was informed by him and by Jane that they discussed her illness and her needs.

25. I am informed by Mr. Dalmyn and do verily believe that he advised the Respondents' lawyers, in letters of September 19, September 25 and September 26, 2002, that Jane had cancer again. I am informed that in the letter of September 19, 2002, he referred to the way that the Respondent Wilfort had moved in to take care of Jane after an earlier injury and requested that the Respondents should not offer that kind of support or interference, which was not welcome.

26. I am informed by Mr. Dalmyn that M. Baribeau called him again and asked to meet, and that they met in Winnipeg and discussed the matter on October 3, 2002. I am informed that M. Baribeau again wanted assurance of confidentiality pertaining to the discussions. The issue was whether the Congregation would extend any interim financial support to Jane during her illness and how such payments would affect the litigation. I am informed that Mr. Dalmyn again said that he would brief his client and seek instructions.

27. I was informed by Jane that she was upset by Mr. Dalmyn's report and that she sent a letter to the Archbishop of Winnipeg to discuss some of her concerns. A copy of her letter is marked as [Exhibit D](#) to this my Affidavit.

28. I am informed by Mr Dalmyn that he followed up on M. Baribeau's visit in a letter to M. Baribeau marked without prejudice dated October 30, 2002. He followed up on November 6, 2002 and December 5, 2002. There was no response to his letters beyond an acknowledgement of one letter by an assistant. Jane did not receive any support from Holy Cross.

29. In view of the severity of her illness and the stress of the situation, Jane was not, in my opinion, psychologically able to be examined about past sexual abuse or her dealings with the Respondents. I was informed by her doctor that the medical treatment was stressful and that some of the medications she was

the medical treatment was stressful and that some of the medications she was taking could affect her memories and her communications. I am informed by Mr. Dalmyn that he received the same information.

30. On February 21, 2003 Jane received, as she informed me, a letter from Sister Liette Finnerty and a cheque for \$5,000.00 A copy of the letter she received is marked as [Exhibit E](#).

31. This letter was the first event in a chain of events including a separate cheque delivered to Mr. Dalmyn's office by M. Baribeau, and the return of the second cheque to M. Baribeau. The events are summarized in a letter by Mr. Dalmyn to Mr. Baribeau dated March 10, 2003, which is marked as [Exhibit F](#). I am informed by him and believe the letter was sent by facsimile. In that letter, Mr. Dalmyn also addressed other issues between the parties relating to Jane's status in the Congregation, and continuing support during her illness.

32. I was informed by Jane that she did not receive any other support from the Congregation during her illness, which was terminal.

33. I was informed by Mr. Dalmyn that Mr. Pollock of counsel for the Respondent Maisons de Croissance contacted him in May of 2003 and expressed a continuing desire to examine Jane, and that Mr. Dalmyn again explained Jane's medical situation.

34. The Applicant Jane Mary McDonald died on July 29, 2003.

35. The Application was prosecuted diligently before Jane became ill and the delay is attributable to Jane's illness and death.

36. The Respondents were aware of Jane's claims for years. They have elected not to file Affidavits.

37. On July 24, 2003 she wrote a will in her own handwriting. She signed it in the presence of two witnesses.

38. In the will she appointed me as her sole executrix. After she died, I met her sister and her surviving brother and showed them the will. She left her personal effects to her next of kin and the residue to Chez Nous.

39. The building occupied by Chez Nous was held by a non-profit corporation which has continued to operate a mission to the poor out of that building, and Chez Nous had its own bank accounts. Jane had no legal interest in the real estate or in those accounts beyond a right to occupy a suite in the building, where she lived until her final illness. She had some personal belongings, which were given to her family in her will. She had about \$2,800.00 in a personal bank account. The Bank recognized my authority as executor without probate. Her family paid \$400.00 to St. Ignatius Parish for the use of the

Church building for the funeral. The funeral chapel waived its account. I was a creditor of the estate for counselling fees. The Sisters of Holy Cross had covered fees for about one year until May 2002. I had continued to see Jane until she died. She could not pay. I waived my account. I applied the money in the bank account to ordinary debts and in accordance with the will. She did not pay Mr. Dalmyn for his work. She had paid his firm \$500.00 on account of disbursements during her lifetime.

40. In view of the small size of the estate, I did not seek probate or summary administration.

41. I have not applied for a transmission Order under Rule 11 or to be appointed as litigation administrator. I understand that I have the right to apply, but I have not pursued it. In view of Jane's death, I expect that any award that might be made at the end of the process will be modest. I do not see any real benefit for the estate to pursue the litigation. I have not taken any active steps to prosecute this action.

42. I was informed by Mr. Dalmyn in the spring of 2004 that the Respondent Homes for Growth had suggested an Abandonment of the action and that he responded to their request, noting the applicable procedural rules.

43. I was informed by Mr. Dalmyn that Mr. Pollock and Mr. Baribeau requested his attendance at another meeting held on June 25, 2004. I agreed that Mr. Dalmyn should attend to see if there was any benefit to Jane's estate. Several months later there was a settlement offer in writing in a letter which was marked without prejudice. Mr. Dalmyn replied to the offer – without discussing the amount to be paid or what party was paying – in a letter dated December 3, 2004, a copy of which is marked as [Exhibit G](#).

44. Jane's next of kin have been recently briefed on the status of the litigation. The Board of Chez Nous were briefed last summer. They supported my decision and Mr. Dalmyn's decision as expressed in his letter, Exhibit G and my decision not to take active steps to prosecute this action.

45. There was no unexplained delay by the deceased or by me as her Executrix, and I am not aware of any prejudice to the Respondents' ability to defend the current application on the merits if they file material.

46. I make this Affidavit in good faith.

SWORN BEFORE ME at the City of Winnipeg in the Province of Manitoba, This 27th day of April, 2005 (Signature on Original) Vicki Harrison Frankel

Affidavit of Vicki Harrison Frankel, Exhibit A

Letter by Anthony Dalmyn, original on the stationery of his law firm.

January 16th, 2002

Attention: Sister Liette Finnerty, CSC
Congregational Animator
Sisters of Holy Cross
Central Administration
905, rue Basile-Moreau
Saint-Laurent QB H3L 4A1

Via Fax: (514) 748-0092

Dear Sister Finnerty:

RE: Sister Jane McDonald CSC

I am a lawyer and I am representing Sister Jane. My specific mandate is to represent her to assert her rights under Canadian civil law.

She has initiated the process of requesting dispensation from her vows under canon law, and she will be pursuing that through the appropriate authorities within the Church. I do not foresee that I will be involved in that process. She has been informed that there is a principle of canon Law that limits her rights to take action, in a civil court against other members of her Order or the Order.

She is contemplating legal proceedings, in a civil court, of a compensatory nature, against Jean Wilfort, Homes for Growth and the Sisters of Holy Cross for sexual assault and sexual abuse.

The events took place in Manitoba and she resides in Manitoba. She would obviously proceed to court in Manitoba, unless a court proceeding can be avoided. Unfortunately the law of Manitoba is remorseless with respect to the need to commence a civil proceeding in a Court of competent jurisdiction within a fixed time after the events giving rise to the claim. Some of the key events occurred many years ago.

Sister Jane is entitled to apply to the Manitoba Court of Queen's Bench for an Order under s.14 of the Limitation of the Actions Act for leave to commence an action, notwithstanding that the time that has passed since the assaults and abusive behaviour. However the time for making that application is itself limited, and it has to be made within a few months.

Sister Jane would like to avoid commencing any proceedings against the Order and would prefer to work through the application for dispensation from her vows and to otherwise conduct herself in conformity to canon Law.

My opinion is that Sister Jane must commence civil proceedings in the Court of Queen's Bench by April 2002 in order to preserve her rights under the civil laws of Canada and Manitoba, unless your Order is prepared to waive the benefit of the Limitation of the Actions Act with respect to Sister Jane's claim.

In all candour and fairness, I point out the waiver could take one of two forms.

1. A waiver of the period for launching an Application under s. 14 of the Limitation of the Actions Act, or,
2. A waiver of the Limitation Period with respect to the cause of the action.

Sister Jane is also open to a confidential dispute resolution process and to keep the matter out of the Court entirely, but I would still require a waiver of the Limitation Period for the time being until the parameters for any non-judicial dispute resolution process have been determined.

I urge you to confer with legal advisors and to have your legal advisors contact me immediately.

In view of Sister Jane's decision to leave the Order, she is required to address the requirements of civil law and her rights under the civil law in order to carry on with her life.

Yours truly,

BRODSKY & COMPANY

Per:

ANTHONY H. DALMYN

AHD/vh

Back to the text of [Paragraph 6 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit B](#)

This is a text transcription of a letter from Sister Jane to Sister Liette Finnerty referring to a letter of Indult which she had just received at the time.

Sister Jane McDonald
676 Main Street
Winnipeg, Manitoba
R3B 1E4

Sister Liette Finnerty
905, rue Basile-Moreau

Saint-Laurent, Quebec
h3L 4A1

April 4, 2002

Dear Sister Liette,

I am writing this to inform you that I received the letter of indult that you sent me as well as the related documents.

At this time I am unable to sign these documents. In order to sign them I need assurance that the Congregation is going to compensate me justly for all I have been through. Also it is not possible for me to sign these documents without a Sister of Holy Cross present. I have given thirty years of my life to the congregation and these years have been of value to me, my family, the congregation and to the poor and homeless. It is only right that a Sister of Holy Cross is present as a witness. A Sister who is able to acknowledge with respect the gift of these thirty years and also is with me in a spirit of reconciliation and compassion.

May the spirit of Jesus Resurrected guide us in all the decisions that we are called to make.

Sincerely yours,
(Signature: Sister Jane McDonald)
Sister Jane McDonald

Back to the text of [Paragraph 15 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit C](#)

This is a text transcription of a letter from Sister Jane to the Archbishop of Winnipeg referring to a letter of Indult which she had just received at the time. She sent him a copy of the letter she sent to Sister Liette Finnelly on April 4, 2002 (see Exhibit B, above).

Sister Jane McDonald
676 Main Street
Winnipeg, Manitoba
R3B 1E4

[April 4, 2002]

Dear Archbishop Weisgerber,

On Tuesday April 2nd, my lawyer filed a notice of application in the Court of Queen's Bench in Winnipeg. A hearing date has been set for June 11, 2002. The four parties named are Jeanne Wilfort, Maisons de Croissance Inc., Les Soeurs de Sainte-Croix, Province Sainte-Therese (Western Region) and Sisters of Holy Cross, Central Administration.

I am sending you a copy of a letter I have written to Sister Liette Finnerty. This is a difficult moral position to be in. If I understand canon law correctly I am not able to seek compensation while still within the congregation. Yet I am unable to sign these documents unless the needs stated in my letter are met. I hope that all of this can come to a conclusion with respect, dignity and compassion.

Wishing the Peace and Joy of Jesus Resurrected.

Sincerely yours,
(Signature: Jane McDonald)

Back to the text of [Paragraph 15 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit D](#)

This is a text transcription of a letter from Sister Jane to the Archbishop of Winnipeg.

October 3, 2002

Dear Archbishop Weisgerber,

I have just finished a conversation with my lawyer and I realize that there are some points that I need to clarify with you.

The attorney for the congregation met with my attorney this morning and there seem to be some real points of misunderstanding and miscommunication. I would like to make it clear that I have never said to anyone that the congregation was unwilling to enter into a mediation process. What I did say was they proposed a process that did not seem fair and we asked that something else be negotiated on. From our first communications with them we stated we were interested in a mediation process. One that would be fair and just for all concerned. My lawyer has all the documentation concerning this. He would be the one to speak with to clarify issues on this matter.

From what was communicated to me today they seem to be firm in placing the problem on me. I would hope that Father [name] did finally call you to speak with you about another Sister that he knows about who had a similar experience to mine. After the newspaper article I received a call from a married

woman who I do not know, who informed me that she had a similar experience with Jeanne in 1981. She has not given me permission to tell you her name. She is afraid of repercussions from her family. My therapist did speak with her this week and she is considering coming forward with her experience. My hope is that she will call you.

When I returned from holidays there was a message on my answering machine from a woman living in Toronto. She had read the article and also obtained copies of the affidavits. I met this woman in 1975 when she lived in a Provincial house in Edmonton the year I was there. I have had no contact with her in over 25 years. She was quite upset and also called my therapist. She was not sexually abused by Jeanne but believed that she had certainly been emotionally and psychologically abused. She also made it clear that she had a sexual relationship with [name of a man] when he was [involved with] PRH. She also had a sexual relationship with another priest who worked with Jeanne prior to the establishment of Homes for Growth. She stated that Jeanne encouraged her in this relationship. I am sure there are many such stories out there. I am sure that if those close to Jeanne were seriously questioned and a full investigation were to take place, there would be many similar stories. What we have exposed is only the tip of the iceberg. The woman has spoken with her therapist and has written out for her lawyer her experiences.

The lawyer for the congregation put on the table today an offer from the congregation to help me financially during this time of illness and treatment. It is only right since it is their obligation. I will accept the offer but need some time to evaluate what my needs are once I have a prognosis. I am still undergoing various tests. I do know that treatment whatever it will be will be immediate once all the results are in.

I will not hide from you my belief that I am sure that many hope I will not have a positive prognosis. I believe that I will and I look forward to living a long and happy and fruitful life. This is an emotionally and physically trying time for me. And I am unable to pick up the burden of dealing with the negativism and rejection of the congregation concerning the allegations of abuse. At the moment my energy is being spent on caring for my health and fostering relationships with those who are concerned with my well-being. The therapy they offer is done in the name of God and in the name of the Catholic church. What happens to Jeanne and Homes for Growth is the responsibility of others. I just want to move on with my life. I believe that someone dropped the ball on this. I do not have the physical or emotional strength to handle their continuous attacks. I hope that you or someone else may be able to intervene so that this can come to a swift conclusion. I am grateful that you intervened with the Superior General and I trust that both you and the archbishop of St. Boniface can do more to bring this to a point of permanent resolution.

You once told me that I was to them the personification of evil. I know this is

not true. And I seek refuge in you my Bishop and in my church to help us find a way to bring this to a safe and nonviolent end. The congregation and members of Homes for Growth may never be able to acknowledge the seriousness of this abuse. I ask that the abuse of my life be ended. Surely there must be a way that someone can mediate without seeking to revictimize anyone.

I trust that the answer to all of this will surface before too long. I will carry in prayer your meeting with the Papal Nuncio and Archbishop Goulet.

Wishing you the gift of the Holy Spirit in all the decisions that you are called to make.

(Signature: Jane McDonald)

Back to the text of [Paragraph 27 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit E](#)

Pending construction.

Back to the text of [Paragraph 30 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit F](#)

Letter by Anthony Dalmyn, original on the stationery of his law firm.

March 10, 2003

Attention: Mr. Pierre-L Baribeau
Lavery, De Billy
Barristers and Solicitors
1 Place Ville Marie Suite 4000
MONTREAL QB h2B 4M4

(By Fax)

Dear Mr. Baribeau:

RE: McDonald v. Wilfort, Maisons De Croissance Inc and The Sisters of Holy Cross
Our File No BC 1149.00

A few weeks ago you orally advised me that your client was going to make a

payment to Sister Jane McDonald to assist her during her illness. You said that you, as the lawyer for the Sisters of Holy Cross, would make a payment on certain conditions, to be stated in a letter delivering the funds, on behalf of your client.

On Friday February 21st 2003 my client received a letter dated February 18th 2003 which appears to have been signed by Liette Finnerty, CSC, Congregational Animator, Sisters of Holy Cross, Central Administration. It was not marked without prejudice and it does not mention settlement or impose any conditions.

My client cashed the cheque, although she takes issue with parts of the letter:

- * The suggestion that she has ceased to be a member of the Congregation;
- * The fact that your client has written to her directly, in spite of a previous request that financial and legal matters be discussed through the lawyers;
- * The statement that the money is tendered as a humanitarian gesture;
- * The statements about mediation.

On Friday February 28, your assistant telephoned me and advised that your office had sent me a letter dated February 25, and a cheque. She said that this cheque had been issued by mistake and she asked me not to cash it and to return it. Later in the morning I received the letter and the cheque. I am returning the cheque, which is enclosed.

Your client's letter of February 18, 2003 is addressed to "Ms. Jane M. McDonald". My client takes exception to this salutation. She was told by officials of the Sisters of Holy Cross that she would remain a member of the Congregation of the Sisters of Holy Cross and until she accept the indult. Your client now maintains differently, and my client considers that she has been misled.

My client has consulted with a Canon lawyer on the point and she considers that she is still a Sister of Holy Cross and that the indult itself does not terminate her status as a Sister of Holy Cross. Further, she has taken an opinion from a Canon lawyer that the indult does not relieve Sisters of Holy Cross from obligation to behave charitably toward Jane and a general obligation for her well-being.

My client has requested that communications touching on her rights under the Canon laws of the Church and her rights under Canadian law should be through her lawyers. I was led to believe that you were sending the funds, and I was surprised that your client took matters into its own hands.

Sister Finnerty transmitted the cheque for \$5,000.00 as "humanitarian help". My client considers that the Sisters of Holy Cross have an obligation to assist her during illness as member of the Congregation, and an obligation for her well-being. She accepts the money on account of those obligations.

I am not sure how your client arrived at this figure. My client is seriously ill and she has been without any assistance or support since her cancer came back last October. I do not think that the payment addresses the seriousness of Sister Jane's illness, and I suggest that token payments will not meet your client's obligations to Sister Jane under Canon law and Canadian law.

The letter from Sister Finnerty to Sister Jane McDonald also contains a troubling assertion that the Sisters of Holy Cross have been told [by you]:

"We had tried to help you through the suggestion that a mediation process take place but unfortunately with no result up to now; we did mandate our lawyers to offer a mediation process but to no avail; we have been told that the offer of mediation was made 4 times during the year 2002 directly to your lawyer starting in February 2002 but that your lawyer always refused mediation and instead blocked any move in the file and did not propose anything."

I suggested mediation when I first wrote to the Sisters of Holy Cross on January 16th 2002. You said you were open to it when you met with me in my office on Saturday February 2nd 2002. That discussion broke down for two reasons: (a) you did not want to commit to mediation until you knew Sister Jane's demands, in monetary terms; (b) I sought, without response from you, a a waiver of any applicable limitation period for Sister Jane to start proceedings, under Part II of the Manitoba Limitation of Actions Act, for an extension of the limitation period, to preserve her rights in the event that mediation broke down. I was not able to develop the demands in a principled and reasoned way on the evidence available at that stage, and you ignored my request for a waiver of the limitation period. I therefore issued an Application in Court.

You renewed the idea of mediation at a meeting in a telephone call of July 2002, but you had some preconditions. First, you asked me to suggest mediators with whom I have no professional affiliation – including any mutual referrals of clients and work. I was agreeable to that. I told you that there were a few lawyers in Winnipeg who conducted mediation and ADR practices. I noted that some of them had been appointed by various agencies and bodies, including universities with human rights codes or the provincial human rights commission to act as adjudicators or mediators in human rights matters. You said you would not accept anyone with such a background.

Many of the ADR practitioners in Winnipeg have accepted a range of

appointments. I felt it would be hard to find someone with mediation skills and an ADR background who would not have been objectionable to you. My impression was that you were insisting upon a senior or older litigation lawyer, possibly a male lawyer, as mediator. I was not sure that that there were any lawyers meeting your client's requirements who would meet my requirements.

One of the mediators I had in mind was [name], an experienced litigator who has subsequently been appointed a Justice of Court of Queen's Bench. I thought she would had met your requirements, except your requirement against anyone with any background in human rights law. Another was [name] – also an experienced litigator who has subsequently been appointed a Justice of Court of Queen's Bench. Again, I was not sure if he was acceptable after your categorical rejection of many potential mediators.

I was not interested in proposing names when you and your client were approaching the preliminary discussions with such strongly preconceived views and such large suspicions. You continued to offer mediation later but my client and I had little interest in spending more time on such discussions after the position you took in earlier negotiations.

If you wish to renew these discussions, you will have to be open to the appointment of a mediator who can address the psychological, economic, social and legal issues in a constructive way. Your client will have to be open to addressing the serious nature of Sister Jane's illness.

I await your advice. I remind you that my client does not wish to receive direct communications from the Sisters of Holy Cross.

Yours truly,

BRODSKY & COMPANY,
Per:

ANTHONY H. DALMYN,
AHD/vh

Back to the text of [Paragraph 31 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

[Affidavit of Vicki Harrison Frankel, Exhibit G](#)

Letter by Anthony Dalmyn, original on the stationery of his law firm.

December 3, 2004

Myers Weinberg

724 Cargill Building, 240 Graham Avenue
Winnipeg, MB
R3C 0J7
Attention: Pierre Deniset

Fax to 956-0625

Dear Sir:

Re: McDonald (Estate) v. Wilfort et al – Without Prejudice

In response to your letter dated October 4, 2004, I advise that the offer is not satisfactory.

I am instructed by the executrix to clarify her own personal interest. The Executrix is the therapist who provided continuing support to Sister Jane during her terminal illness after Holy Cross ceased to be responsible of the costs of therapy. She has reviewed the matter with the principals of the Jordan Henderson firm and advises that she and the principals would waive their account in favour of the beneficiary. She has no interest in seeking compensation from the estate for her time, trouble, care and expense as executrix. Accordingly she has no personal interest in accepting or rejecting any pecuniary offers.

I am not interested in recovering any fees for my work in this matter (as I have told you several times).

The Executrix and I would welcome any charitable contributions to Chez Nous in memory of Sister Jane and do not wish to discourage contributions.

The Executrix and I see no reason to abandon the Application without a settlement, whether the consideration flows to the estate – to be paid to Chez Nous – or whether the settlement involves a third party charitable contribution to Chez Nous. The process in your letter makes sense although it seems cumbersome.

The confidentiality agreement is not acceptable. The Application and the Affidavits are a matter of record in a court proceeding. There is no order sealing the court record, nor should such an order be made. The provisions in the draft agreement which would appear to prevent discussion of sworn evidence filed in court are offensive.

I told you – and I repeat – that the estate, the Executrix and I will not be party to an agreement that will allow your client or anyone to pretend that we have disavowed Sister Jane's story or abandoned her cause. I advised that we could agree that the estate could agree that would provide that the amount of the settlement was confidential and that the estate would cause the executor and

settlement was confidential and that the estate would cause the executor and counsel to deal with the media by making a statement that in view of Sister Jane's death, it was not constructive to pursue litigation to secure compensation for her pain and suffering or compensation for her residual disability and that we were settling for an undisclosed amount to be donated to further the ministry of Chez Nous.

Your draft agreement purports to make the Executrix and me personally liable for any publicity, including, evidently discussing the matter with the beneficiaries and the next-of-kin. I advised you that the Executrix and I would consider ourselves bound to explain the settlement to the beneficiary and the next of kin and that there was simply no option and no mechanism that could prevent us from doing our duty. I refuse to be responsible for what third parties may do. I believe the Law Society might be concerned about my competence – leaving aside the concerns of the Professional Liability Claims Fund (the insurance branch) – if I undertook such liability. The Executrix has the same concerns.

The Executrix and I have also considered our position regarding our respective duties to Sister Jane and her estate. In this instance the deceased and the beneficiaries and the next of kin have all expressed the view that her story should be public and relieved us from the obligations of professional silence. I have no intention of restricting myself from discussing the facts and issues.

The Executrix and I have decided that we will not become parties to an agreement with your client or Mr. Baribeau's client. We will not recommend that the estate should be bound to this agreement or any similar agreement.

Yours truly,

BRODSKY & COMPANY,
Per:

ANTHONY H. DALMYN,
AHD/lo

Back to the text of [Paragraph 43 of the Affidavit](#) sworn by Vicki Harrison Frankel on April 27, 2005.

Decision of the Master, May 4, 2005

This is a text transcription of the written decision delivered by the Master of the Court of Queen's Bench dismissing Sister Jane's Application on procedural grounds. The decision was delivered in a memorandum addressed to the lawyers, printed on the Court's stationery, dated May 4, 2005.

as I cannot image why an application would be treated differently than an action in this respect. While I have no inherent jurisdiction to deal with this, I note that Rule 1.04(2) provides that where matters are not provided for by these rules, the practice shall be determined by analogy to them. I also note Rule 1.04 which provides that the rules shall be liberally construed to secure the just, most expeditious, and least expensive determination of every civil proceeding on its merits.

In the face of the declaration that the applicant's representatives do not intend to prosecute this action, there is no point in my view in considering the detailed history of this litigation to date, or the law on delay on such an application. Since settlement negotiations broke down, there has been no activity by the applicant's representatives and there has been no intention to pursue the matter. The court has a wide discretion to dismiss for delay under Rule 38.12 and clearly these are circumstances that call for dismissal, no matter how meritorious the applicant's case may have been.

Neither party is seeking costs.

Accordingly, I am dismissing the application for delay without costs. I decline to make an order that the dismissal be a defence to any subsequent application.

J.M. Cooper, Master

Respondents' Allegations

There is nothing in the archive about the Respondents' position(s) on the facts of case because the Respondents never filed Affidavits addressing Jane's claim, and the Respondents and their lawyers never addressed the facts in any letter or document.

At the hearing before the Master on [May 4, 2005](#), Pierre Deniset, the lawyer for the Respondent Homes for Growth read from a prepared text. His text was not filed in court. Pierre Baribeau, the lawyer for the Sisters of Holy Cross, who lives in Montreal, was present in Court in Winnipeg, sitting beside Mr. Deniset. The prepared text contained passages which claiming that the Sisters of Holy Cross had been dumbfounded by Jane's allegations, and had offered to mediate the case as a humane response to her distress.