



**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION**

**Citation:** *Roman Catholic Episcopal Corporation of St. John's (Re)*, 2025 NLSC 94

**Date:** June 18, 2025

**Docket:** 20220124092

**IN THE MATTER OF** an application of  
the Roman Catholic Episcopal  
Corporation of St. John's;

**AND**

**IN THE MATTER OF** the *Companies'*  
*Creditor Arrangement Act*, R.S.C. 1985,  
c. C-36, as amended (the "CCAA")

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**Before:** Justice Garrett A. Handrigan

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**Place of Hearing:** St. John's, Newfoundland and Labrador

**Date of Hearing:** June 12, 2025

**Summary:**

SR-008 is a former resident of Mount Cashel Orphanage who claims several Christian Brothers abused him when he lived at the Orphanage in 1970's. He filed a Proof of Claim in these CCAA proceedings on September 30, 2023. The Claims Officer disallowed his Claim and issued a Notice of Disallowance to him on June 28, 2024. SR-008 had 45 days to appeal the disallowance of his Claim by filing a Notice of Dispute. He did not. In early June 2025, SR-

008 contacted the Court and sought leave to appeal the Claims Officer's disallowance of his Claim.

The Court refused SR-008 leave to appeal, finding that he was too late to the process and his intervention at this point would be too disruptive to the proceedings. Costs are in the cause.

### Appearances:

Geoffrey L. Spencer, K.C.	Appearing on behalf of the Applicant, the Roman Catholic Episcopal Corporation of St. John's (the "RCECSJ")
Geoffrey E. Budden, K.C. Jennifer Helleur Clifton P. Prophet	Co-representative Counsel appearing on behalf of Claimants, Anonymous Claimants / Creditors of the RCECSJ (the "Claimants")
Robert W. Buckingham Stephen Barnes	Appearing on behalf of Claimants
Joseph J. Thorne	Appearing on behalf of Ernst & Young Inc., Monitor of the RCECSJ
SR-008	Appearing on his own behalf

### Authorities Cited:

**STATUTES CONSIDERED:** *Companies' Creditor Arrangement Act*, R.S.C. 1985, c. C-36

## **REASONS FOR JUDGMENT**

**HANDRIGAN, J.:**

### **INTRODUCTION**

[1] On June 12, 2025, I was scheduled to hear an Interlocutory Application by the Roman Catholic Episcopal Corporation of St. John’s (“RCECSJ”) to approve a Second Interim Distribution of funds to its creditors and to extend the stay of proceedings in this cause to September 30, 2025. On June 10, 2025, Maurice Chaisson, K.C., counsel for the Monitor, Ernst Young, sent a letter to the Court, “... in conjunction with the upcoming hearing ... .”

[2] Mr. Chaisson advised that “[t]he Monitor was approached last week by SR-008 who is a self-represented claimant in the RCECSJ proceedings. SR-008 filed his claim for compensation within the original claims process, and his claim was forwarded to the Claims Officer for adjudication. His claim was ultimately disallowed by the Claims Officer ... . SR-008 did not file an appeal from the Claims Officer’s determination but has advised the Monitor that he wishes to attend the hearing on June 12, 2025, and be heard by the Court concerning his claim and the resolution thereof”.

[3] I note that the Claims Officer rejected SR-008’s claim for the reasons, as stated in the Notice of Disallowance the Claims Officer issued to SR-008:

The Abuse Claimant executed or is deemed to have executed a release or other document as a term of payment in a prior proceeding that is adjudicated as having the effect of releasing the Applicant from any further claims, within the meaning of para. 40 of the CPO and sec. 3.1.8 of the ACP.

Further and in the alternative, the alleged abuse by Father [...] is adjudicated as not valid.

[4] I arranged for SR-008 to attend the hearing by videoconference on June 12, 2025. SR-008 addressed me about appealing the Claims Officer's decision to disallow his claim for compensation. I also heard from counsel for the RCECSJ, Representative Counsel and counsel for other parties, as well as George Kinsman, on behalf of Ernst Young.

[5] Finally, I obtained from the Monitor:

- a copy of its Appeal Record for SR-008, consisting of the Proof of Loss that SR-008 filed with the Claims Officer and the Notice of Disallowance that the Claims Officer issued to him; and
- a copy of the Release that SR-008 signed in previous proceedings relating to abuse by the Christian Brothers.

[6] I reserved my judgment in the matter until now.

## **ISSUE**

[7] Should I allow SR-008 to appeal the Claims Officer's disallowance of his claim for compensation?

## **ANALYSIS**

### **Background**

[8] On July 28, 2020, the Newfoundland and Labrador Court of Appeal found the RCECSJ vicariously liable for the abuse that Christian Brothers caused to former

residents of Mount Cashel Orphanage in St. John's in the 1940s to the 1970s. The Supreme Court of Canada rejected the RCECSJ's appeal from that finding and the focus then shifted to quantifying the Claimants' damages and liquidating the RCECSJ's assets to pay their damages.

[9] Initial estimates were that there would be more than 100 claimants, and their damages would exceed \$50,000,000. Ultimately, as we know, more than 365 Claimants presented, and their damages now exceed \$121,000,000. A little more than \$42,000,000 has been recovered from the RCECSJ's assets and of that amount approximately \$37,000,000 has been (or will soon be) distributed to Claimants in two interim distributions, the first in the Fall of 2024 and the other to proceed, as I approved on June 12, 2025.

[10] I note, as well, that the pool of those claiming damages from the RCECSJ was expanded from persons abused by Christian Brothers to include others who were abused by Roman Catholic clergy acting under the auspices of the RCECSJ and members of other lay religious orders for whom the RCECSJ was responsible.

[11] On April 19, 2023, the parties to these proceedings filed a Claims Procedure Order ("CPO") and an Abuse Claims Protocol ("ACP") by consent, detailing the procedure that all Claimants would follow when submitting claims for the abuse they suffered, whether from the Christian Brothers, members of the clergy or other lay religious.

[12] Again, on April 19, 2023, the Monitor issued a public notice informing Claimants that they had until September 30, 2023, the "Claims Bar Date", to send a Proof of Claim to the Monitor, after which, as highlighted in bold text in the original, **"Proofs of Claims which are not received...will be barred and extinguished forever"**. On May 30, 2023, I appointed Global Resolutions Inc. as the Claims Officer, completing the claims apparatus and enabling it to operate.

[13] On September 30, 2023, the scheduled "Claims Bar Date", SR-008 submitted his 23-page Proof of Claim to the Monitor. He set out the times, dates, and places

when and where he had been abused and the names of the people who abused him. He also described the effects that he suffered during the ensuing years because of the abuse and how it permeated all aspects of his life. SR-008 also noted under the heading of “Prior Proceedings” on his Proof of Claim that “THIS IS A DISPUTABLE MATTER AND WOULD NEED TO BE DISCUSSED IN FEAR OF ANY PERCEPTION OF MISREPRESENTATION”.

[14] On June 28, 2024, the Monitor issued a Notice of Disallowance to SR-008 advising that “The Claims Officer has reviewed your Proof of Claim dated September 30, 2023, and has disallowed your claim for the reasons set out in the attached Summary Reasons”. I set out the “Summary Reasons” above and need not repeat them here.

[15] The Notice of Disallowance also provided:

IF YOU DO NOT INTEND TO DISPUTE THE DISALLOWANCE OF YOUR CLAIM you do not need to do anything further.

IF YOU INTEND TO DISPUTE THE DISALLOWANCE OF YOUR CLAIM you must deliver a Notice of Dispute to the Monitor in writing by 5:00 p.m. on the day that is not later than twenty-one (21) days after you are deemed to have received this Notice of Disallowance in accordance with the Claims Procedure Order or such longer period as may be agreed to by the Monitor in writing, failing which your Claim shall be deemed to be disallowed as set out in this Notice of Disallowance. Following your timely delivery of a Notice of Dispute your Claim will be forwarded to the Court for a determination as to the liability of the Applicant. If liability is established, the Abuse Claim will be delivered to the Claims Officer, as described in the Claim Procedure Order, for valuation.

[Caps in original]

[16] SR-008 had 45 days to file a Notice of Dispute with the Monitor. That time expired either August 16, 2024, or September 14, 2024, depending on when he was deemed to have received his Notice of Disallowance from the Monitor. In all, the

Monitor received 62 Notices of Dispute by either of those deadlines. SR-008 did not file a Notice of Dispute.

[17] I set aside two days, October 31-November 1, 2024, to hear the appeals. The Monitor, the Claims Officer and counsel for the Claimants settled three appeals between them before the hearing. I reserved my judgment on the remaining 59 appeals and filed my reasons for judgment in them on December 18, 2024.

[18] This is the background to this matter. I turn now to discuss the issue I stated above.

### **Discussion**

[19] SR-008's request to appeal his Notice of Disallowance came before me in an unorthodox way. He represented himself in Court, as he did when he completed his Proof of Claim and then submitted it to the Monitor, for the Claims Officer's consideration. As I stated in my introduction, SR-008 approached the Monitor in early June 2025 and advised he now wanted to appeal the Notice of Disallowance that he received from the Monitor in or about early or mid-June 2024, a year earlier.

[20] I arranged for SR-008 to appear by videoconference on June 12, 2025, and through my discussion in Court with him I confirmed that he wanted to appeal the Notice of Disallowance. Initially, I considered that it might be appropriate for me to deal with the merits of SR-008's appeal by reviewing the Appeal Record that the Monitor had in its possession for him. To that end I obtained a copy of the Record, which included the Proof of Claim that SR-008 filed with the Monitor and the Notice of Disallowance that the Claims Officer issued to it.

[21] However, on further reflection, I concluded that it was more appropriate for me to treat SR-008's request as an application to obtain leave to appeal the Notice of Disallowance. My conclusion engaged concerns about SR-008's attentiveness to

pursuing the appeal. Of particular note is the timeline, as reflected in the following table:

Date of Action	Action Taken
April 19, 2023	Claims Procedure Order filed setting deadline for filing Proofs of Claim.
April 19, 2023	Monitor issued Public Notice of September 30, 2023, as last date for filing Proofs of Claim.
September 30, 2023	SR-008 filed his Proof of Claim.
June 28, 2024	Claims Officer released the Notices of Disallowance/Determination.
June 28, 2024	The Monitor notified SR-008 he had 45 days to file Notice of Dispute.
June, 2025	SR-008 advised the Monitor that he wished to file a Notice of Dispute

[22] It is evident from the preceding that SR-008 waited for a year from when he was notified that his Claim was disallowed before he expressed an interest in appealing the Claims Officer's decision. A lot happened during that time. As follows.

[23] By September 14, 2024, the Monitor had received all Notices of Dispute that were filed in response to the Notices of Disallowance that the Claims Officer issued on June 28, 2024. I heard the appeals from the Claims Officer's disallowances on October 31-November 1, 2024, and I released my judgment on December 18, 2024, allowing all 59 appeals. I also ordered the Claims Officer to determine values for the 59 Claimants whose claims it had previously disallowed.

[24] On March 14, 2025, the Claims Officer issued 59 Notices of Determination to the Claimants who appealed the Notices of Dispute they received, the aggregate value of which was \$15,300,000. The Monitor distributed those Notices of Determination either to Claimant Counsel or directly to self-represented Claimants on March 17, 2025, as with SR-008. The Claimants had until May 1, 2025, to appeal the Notices of Determination.

[25] Prior to May 1, 2025, the Monitor received eight Notices of Dispute from the Claimants, one of which was subsequently withdrawn. The remaining seven Notices of Dispute were settled in discussions involving Claimant counsel, Representative Counsel, a self-represented Claimant, the RCECSJ and the Monitor. In the net result, the aggregate value of claims arising from the Notices of Dispute rose by \$300,000 from \$15,300,000 to \$15,600,000. Overall, the value of claims owing by the RCECSJ increased to \$121,000,000.

[26] In effect, the discussions that took place in May, 2025 resolving the seven Notices of Dispute ended the appeals process that began a year earlier. With that resolution, Global Resolutions Inc. stood down as Claims Advisor and I authorized the RCECSJ to release the second interim distribution of funds, this time also involving those Claimants who filed Notices of Dispute from the Notices of Disallowance they received in June, 2024.

[27] If I give SR-008 leave to appeal his Notice of Dispute and direct him to proceed by the CPO and the ACP, I will set in motion a supplementary process for SR-008 that replicates what took a year to complete for the other 59 Claimants who filed their Notices of Dispute in a timely manner.

[28] In his remarks to the Court about SR-008's request to appeal his Notice of Disallowance, counsel for the RCECSJ alluded to the impact that allowing SR-008 to invoke this procedure at this late juncture would have on RCECSJ's restructuring process. He noted, for example, that Global Resolutions Inc., the Claims Advisor, was discharged after all outstanding Notices of Dispute were finally resolved in May 2025; so that Global Resolutions Inc. might possibly have to be re-engaged to deal with SR-008's claim.

[29] He also referred to the consequences that might follow from allowing SR-008 to initiate a process that might take an inordinate period to resolve. Overall, counsel was concerned about the impact that this chain of events could have on the integrity of the process under the *Companies' Creditors Arrangements Act*, R.S.C. 1985, c. C-36 ("CCAA") on which we have been engaged for almost four years now. To that effect, counsel also notes that his client is interested in concluding the proceedings soon and looks to September 30, 2025, as a realistic timeline.

[30] I agree with counsel. The RCECSJ has worked diligently over the last three and a half years to move these proceedings to a conclusion. It bears noting that we operate under the CCAA, as amended and generally the mandate of a corporation which invokes that legislation is to restructure as it tries to survive.

[31] That said, I am satisfied of the RCECSJ's goodwill in this case, and I do not believe that its commitment to settling fairly with the Claimants is overridden by its will to survive. I note, for example, that the RCECSJ has taken positions adverse to its parishioners on several causes. The controversy about the Chase the Ace funds that RCECSJ held belonging to St. Kevin's Parish in the Goulds comes immediately to my mind.

[32] While the issue with St. Kevin's Parish was quite early in these proceedings, it involved a large sum of money and set the tone for how the RCECSJ would deal with resistance from its parishioners. An even more recent example is the strong position that the RCECSJ adopted towards the residents of Portugal Cove South who were trying to thwart its efforts to sell Holy Rosary Church.

[33] I am also concerned about SR-008's reasons for requesting to appeal a year after the Monitor advised him that his claim had been rejected. I took these excerpts from responses that he made to several questions that I put to him in Court on June 12, 2025:

SR-008: I received a form to participate in the appeal process but like I said I didn't see anything in it that I could appeal on, I'm not a lawyer, I can't represent – I can only state what my experience was in my proof and I really couldn't add anything

to that so I couldn't appeal anything because my statement stands on its own and I didn't know what else to do.

...

SR-008: My concern was that I was disallowed because I had participated in, I was deemed to have participated in the settlement of the Mount Cashel and so I was kind of pushed out of the process, I was disallowed and because I was disallowed, I really didn't feel I had any recourse because my statement that I gave was my statement. I really couldn't add anything to it to see what could possibly qualify and so afterwards I received a number of correspondence once that time had passed and I was just talking – I found out in late May of this year that there were people that were disallowed that were then allowed to participate...

...

The Court: Tell me about [the appeal process] and why you neglected...to take part in it.

SR-008: As I said in my proof I had the tendency to shut down and this goes all the way back to when I was in the orphanage I went into a severe depression for about a week and missed school at the beginning of the school year and throughout my life these types of things cripple me and I have mentioned that in my proof that this happens and dealing with this to date does the same thing to me. It stymies me, it paralyzes me and I try to step up, I try to assert myself and then when I get that push back, I shut down and I can't deal with it. I couldn't deal with it.

[34] I discern several things from SR-008's comments:

- He knew he had a right to appeal but he did not;
- He had nothing more to say in support of his claim beyond what he had included in his Proof of Claim;

- He “shut down” because the Notice of Disallowance the Claims Officer issued to him “stymied” or “paralyzed” him from taking further action; and
- He found out in “late May of this year [2025]” that other Claimants had successfully appealed and that appears to have spurred him to act.

[35] Finally, I note that even he is allowed to appeal, SR-008 will have to demonstrate that his appeal has merit. To this end, I obtained a copy of the Release that the Claims Officer relied on when it rejected his claim for the abuse the Christian Brothers inflicted on him, as well as the Claims Officer’s rationale for rejecting his claim for damages because of what he alleges Father [...] did to him.

[36] As to the latter, SR-008 included this in his Proof of Claim:

Father [...]: I was an altar boy while in Mount Cashel. I knew Fr. [...] before going into Mount Cashel. He had been at St. Bon’s school where I attended from gr 1-gr 9. One day I was asked to be altar boy at the Church on Torbay Rd. Fr. [...] was the parish priest. He asked me if I wanted to go for a drive. I knew what that meant. He had been at Mount Cashel before looking for boys. This was affecting me in many ways.

[37] The Claims Officer offered this explanation:

In our view the described conduct of Father [...] does not constitute sexual abuse or sexual misconduct.

[38] As to the effect of the Release that SR-008 filed in earlier proceedings, the Claims Officer offered this explanation:

In our view, the “claim-over” clause of the Release is to release the Applicant (i.e. the RCECSJ) from any further claims relating to alleged abuse by Christian Brothers.

[39] The Claims Officer provided the “claim-over” clause:

IT IS FURTHER UNDERSTOOD AND AGREED that for the same consideration, aforesaid, the Releasor [SR-008] agrees not to make any claim, or take any proceedings, related to the subject matter of this release [abuse by Christian Brothers], against any person of (sic) entity [the RECESJ?] that might claim contribution or indemnity from the Releasee [Her Majesty in Right of Newfoundland and Labrador].

[brackets added]

[40] I will not consider the merits of SR-008’s appeal of these issues if he were allowed to pursue it, but suffice it to say, in both instances, the onus of proof would lie with SR-008 to establish on a balance of probabilities that the Claims Officer erred; and it is not self-evident that the Claims Officer was wrong to reject SR-008’s claim for those reasons.

[41] SR-008 appears to be earnest in his desire to appeal now but I will not allow him to do so. Let me summarize my reasons for rejecting his request for leave to do so:

- SR-008 is articulate and discerning. He understood the process on which he engaged to represent himself in these proceedings. He knew the timelines that he had to observe and how to dispute the Claims Officer’s decision to deny his claim.
- The appeal process which SR-008 would pursue if permitted could be lengthy and drawn-out and might unduly delay the RCECSJ’s restructuring, it might cost a substantial amount, and it might inconvenience the other Claimants here and affect the quantum of damages they receive.

- It is not self-evident that SR-008's appeal would succeed if he is allowed to proceed with it.

[42] I made the Claims Procedure Order on April 19, 2023, more than two years ago. The claims process got underway in earnest immediately and by September 30, 2023, Proofs of Claim from all 365 Claimants, including from SR-008, were submitted to the Claims Officer for adjudication. Over the next nine months, from October 1, 2023, to June 28, 2024, the Claims Officer considered all claims.

[43] The Claims Officer allowed all but 62 claims and the Monitor notified all Claimants whose claims were disallowed, SR-008 included, that they had a right to appeal and to file Notices of Dispute within 45 days. SR-008 chose not to file a Notice of Dispute and thereby forfeited his right to obtain the next level of review that the Claims Procedure Order provided for him.

## **COSTS**

[44] Costs are in the cause.

## **SUMMARY AND DISPOSITION**

[45] SR-008 is a former resident of Mount Cashel Orphanage who claims several Christian Brothers abused him when he lived at the Orphanage in 1970's. He filed a Proof of Claim in these CCAA proceedings on September 30, 2023. The Claims Officer disallowed his Claim and issued a Notice of Disallowance to him on June 28, 2024. SR-008 had 45 days to appeal the disallowance of his Claim by filing a Notice of Dispute. He did not. In early June 2025, SR-008 contacted the Court and sought leave to appeal the Claims Officer's disallowance of his Claim.

[46] The Court refused SR-008 leave to appeal, finding that he was too late to the process and his intervention at this point would be too disruptive to the proceedings.

[47] Costs are in the cause.

## **ORDER**

In the result, I order that:

1. SR-008's application for leave to appeal the Claims Officer's disallowance of his Claim is dismissed.
2. Costs are in the cause.

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**GARRETT A. HANDRIGAN**  
Justice