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| F I L E D | FEDERAL COURT COUR FÉDÉRALE March 12, 2024 12 mars 2024 Lindsay Krieger |
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**FORM 301 Rule 301
Notice of Application**

Court File No. _____

FEDERAL COURT

BETWEEN:

**KELLIE WUTTUNEE, KELLIE WUTTUNEE as legal representative of her child NOAH
WUTTUNEE**

Applicant

And

**HIS MAJESTY THE KING IN RIGHT OF CANADA as represented by INDIGENOUS
SERVICES CANADA**

Respondent

Application under sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985.

(Court seal)

Notice of Application

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at the Federal Court in Saskatoon, Saskatchewan.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

March 8, 2024

Issued by: _____
(Registry Officer) _____

Address of local office: 520 Spadina Crescent East
Saskatoon, SK S7K 3G7

TO: THE HONOURABLE MINISTER ARIF VIRANI
MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA
and THE HONOURABLE MINISTER PATTY HAJDU
INDIGENOUS SERVICES CANADA
Prairie Regional Office Edmonton
Department of Justice Canada
AGC_PGC_ALBERTA@JUSTICE.GC.CA

Application

This is an application for judicial review pursuant to sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985 in respect of the decision of the Jordan's Principle and Inuit Child First Initiate Appeals Secretariat dated March 5, 2024 which denied Kellie Wututnee's request for funding for an Educational Assistant ("EA") for the 2024-2025 school year (April-June), an EA for the 2023-2024 school year (September-March), and reimbursement for an EA for the 2022-2023 school year (September-June).

THE APPLICANT makes application for a Declaration that this decision of the External Expert Review Committee is contrary to Treaty No. 6 which provides that health of the Indians in Treaty No. 6 will be provided:

That a medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the direction of such agent.

And that education will be provided:

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the Dominion of Canada may seem advisable, whenever the Indians of a reserve shall desire it.

and also of the famine and pestilence clause:

That in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence or by a general famine, the Queen, on being satisfied and certified thereof by Her Indian Agent or Agents, will grant to the Indians assistance of such character and to such extent as Her Chief Superintendent of Indian Affairs shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them.

Jordan's Principle established to respond to the unmet needs of First Nations children, including their mental health needs.

This decision is also contrary to the requirement to provide for each Indigenous child's emotional and psychological safety, security and well-being as required by *An Act respecting First Nations, Inuit and Metis children, youth and families*, S.C. 2019, c. 24 and Jordan's Principle. Noah Wuttunee should have his Educational Assistant covered under Jordan's Principle.

The grounds for the application are:

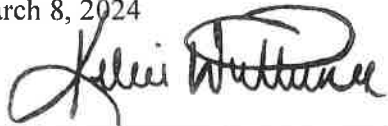
1. Kellie Wuttunee applied for funding to cover the cost of her son's Educational Assistant.
2. Jordan's Principle denied funding for Noah for the 2022-2023, 2023-2024, and 2024-2025 school years.
3. The Funding was originally denied on or about December 13, 2023.
4. The decision was appealed on February 13, 2024.
5. The appeal was sent to the External Expert Review Committee (the "Committee").
6. The appeal was decided on or about March 4, 2024.

7. The Committee was composed of health, education, and social professionals outside of government who are Indigenous or have long standing expertise in serving Indigenous communities across Canada.
8. The Committee's grounds for denial were: The Applicant's request does not meet the minimum requirements and cannot be approved under Jordan's Principle/Inuit Child First Initiative, as the supporting documentation does not directly link the requested products/services/supports to a specific unmet medical, educational or social need of the child.

This application will be supported by the following material:

- a. Affidavit of Kellie Wuttunee

March 8, 2024



Kellie R. Wuttunee

Applicant

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