

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)

BETWEEN:

**INFANT NUMBER 10968, also known as
D. MARIE MARCHAND**

Applicant
(on application for leave)

and

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
CATHOLIC CHILDREN'S AID SOCIETY OF TORONTO**

Respondents
(Respondents)

**APPENDANT AFFIDAVIT SUPPORTING AFFIDAVIT OF D. MARIE
MARCHAND SUPPORTING A MOTION FOR RECONSIDERATION OF
APPLICATION FOR LEAVE TO APPEAL**
**(Section 73(3) and Section 47(1)(b) of the Rules of the *Supreme Court of
Canada*)**

I, D. MARIE MARCHAND, DO HEREBY MAKE OATH AND SAY AS FOLLOWS:

1. I am a self represented Applicant in an Application for Leave to the Supreme Court of Canada. I submit this further affidavit due to four major developments since bringing the Motion for Reconsideration and the Application for Leave to Appeal.
2. These 4 developments are:

- 1) The apology to Aboriginal peoples concerning the residential schools and the admission of harm done by dislocation to Aboriginal people;
- 2) The decision in *Frontenac Ventures Corporation v. Ardoch First Nations*, 2008 ONCA 534, Date 2008/07.07, Docket C47642;

Frontenac Ventures Corporation v. Ardoch First Nations, 2008 ONCA 534, Date 2008/07.07, Docket C47642

- 3) The decision in *O'Dwyer v. Ontario (Racing Commission)* [2008] O.J.2219, 2008 ONCA 446, Docket C46275, June 6, 2008

- 4) The receipt by the Applicant of the Roger Fisher Negotiation Training Scholarship.

3. I also provided this Honourable Court with a copy of the my oral argument before the Court of Appeal of Ontario, whereby I addressed the Application Judge's curtailing of the Applicant's council to address the inadmissibility of the unsinged police synopsis containing hearsay statements, and the inability of council to address the Respondent's claims that I am not a person of reasonable sensibilities.

4. I address the importance of these 4 developments in the interest of justice in the Statement of Argument accompanying this Affidavit.

5. I believe that these developments are significant to the case and issues and are necessary for the proper consideration of this important matter of law.

6. I also correct myself regarding the my submission at paragraph 26 of my Memorandum for Leave whereby I asked this Honourable Court to take judicial notice of the harm that was done to Aboriginal peoples through adoption. As a self-represented litigant, although a lawyer and having articulated in constitutional law and policy with the Attorney General of Ontario, I am limited in my time and resources and as such, I erred in omitting that the Supreme Court of Canada in *Gladue, supra* at para. 67, has already taken judicial notice of the harm to First Nations people by dislocation and, *inter alia*, the loneliness and other emotional harm that has resulted.

7. At this time, I reiterate that I have withdrawn my claim against the Respondent Attorney General for damages that were severed from the constitutional challenge by Madam Justice Steward of the Ontario Superior Court of Justice. This claim was not put

forward by me but my lawyers and I wish for this to not interfere with This Honourable Court's decision.

Affirmed before me in the City of Toronto)
in the Province of Ontario this day)
of 2008.)

A Commissioner of Oaths