November 20, 2017

David Sterns
T 416-977-5229
dsterns@sotosllp.com

Assistant: Georgia Scott-McLaren
T 416-977-5333 ext. 310
gscott-mclaren@sotosllp.com

VIA EMAIL

Tina Head
CBA Legislation & Law Reform
CBA National Class Actions Task Force
The Canadian Bar Association
500 - 865 Carling Avenue
Ottawa, ON K1S 5S8

Dear Ms. Head:

Re: Submission re Notice of Consultation – CBA National Class Actions Task Force, dated October 23, 2017

Please find below submissions regarding the above Notice of Consultation.

I. Overview

Sotos LLP, Siskinds LLP, and Koskie Minsky LLP[1] make this joint submission in response to the Notice of Consultation issued by the CBA National Class Actions Task Force ("**Task Force**") in October 2017. The Notice of Consultation relates to a draft protocol titled "Canadian Judicial Protocol for the Management of MultiJurisdictional Class Actions and the Provision of Class Action Notice" ("**Draft Protocol**").

We would like to thank the Task Force for its tireless efforts in this project. We believe that the Draft Protocol represents a positive step in coordinating certain discrete aspects of multijurisdictional class actions. We also welcome the Draft Protocol's proposed judicial communication methods geared towards the case management of multijurisdictional class actions.

While it is a significant step forward, our concern is that the Draft Protocol does not go far enough insofar as case management is concerned. The Draft Protocol fails to create any procedure to effectively case-manage multijurisdictional class actions across Canada during active and contested stages of the litigation.

Strong policy and legal rationales support the creation of a case management procedure for multijurisdictional class actions. We request that the Draft Protocol at a minimum re-adopt the

[1] Each of these firms carries a practice consisting of provincial and multijurisdictional class actions on many subject areas.

language that the Task Force had initially included in its 2011 proposed protocol ("**2011 Proposed Protocol**") regarding a Case Management Procedure. That draft language is reproduced as Schedule "A" to these submissions.

We believe that by addressing case management, the Draft Protocol could become a more effective tool that would promote judicial economy and access to justice across all Canadian jurisdictions. It would also provide the courts with a procedure to coordinate national class actions and use creativity within the boundaries of the law to resolve some of the practical problems that arise from Canadian multijurisdictional class actions today.

Our submissions also address some practical concerns regarding the conduct of the joint settlement approval hearing and the minimum requirements for the short-form notice.

II. Case Management and Multiplicity of Class Actions

This submission does not purport to engage in an analysis of the problems posed by multiple duplicative proceedings in the superior courts. Canadian judges, practitioners, and academics have written extensively on the problem and the possible solutions.[2] In this submission, we will only briefly touch upon some of the concerns that, we believe, drive the need for action now rather than later.

A. The Current State of Multiplicity in Canadian Class Actions

The current state of affairs typically involves one or more of the following scenarios.

First, multiple overlapping class actions are filed within the same jurisdiction. These are normally benign in that they either resolve themselves by way of a class counsel consortium or by way of a carriage motion.

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[2] See *e.g.*, *BCE Inc v Gillis*, 2015 NSCA 32; *Kohler v Apotex Inc*, 2015 ABQB 610; Craig Jones, "The Case for the National Class" (2004) 1 Can Class Action Rev 29; Elizabeth Edinger, "The Problem of Parallel Actions: The Softer Alternative" (2010) 60 UNBLJ 116; F. Paul Morrison, Eric Gertner and Hovsep Afarian, "The Rise and Possible Demise of the National Class in Canada" (2004) 1 Can Class Action Rev 67; Janet Walker, "Are National Class Actions Constitutional? A Reply to Hogg and McKee" (2010) 48 Osgoode Hall L J 95; Janet Walker, "Coordinating Multijurisdiction Class Actions Through Existing Certification Processes" (2005) 42.1 OHLJ 112; Jeffrey Haylock, "The National Class as Extraterritorial Legislation" (Fall, 2009) 32 Dalhousie LJ 253; Peter W. Hogg and S. Gordon McKee, "Are National Class Actions Constitutional?" (2010) 26 NJCL 279; Stephen Lamont, "The Problem of the National Class: Extra-Territorial Class Definitions and The Jurisdiction of the Court" (2001) 24 Advoc Q 252; Tanya J. Monestier, "Lepine v. Canada Post: Ironing out the Wrinkles in the Interprovincial Enforcement of Class Judgments" (2008) 34 Advoc Q 499; Uniform Law Conference of Canada, Civil Law Section, "Report of the Uniform Law Conference of Canada's Committee on the National Class and Related Interjurisdictional Issues: Background, Analysis, and Recommendations (Vancouver, March 2005); Uniform Law Conference of Canada, Civil Law Section, Supplementary Report on Multi-Jurisdictional Class Proceedings in Canada (ULCC: Edmonton, August 2006); Valèrie Scott, "Access to Justice and Choice of Law Issues in Multi-Jurisdictional Class Actions in Canada" (2011-2012) 43:2 Ottawa L Rev 233; Ward Branch and Christopher Rhone, "Solving the National Class Problem", online: <http://www.branchmacmaster.com/storage/articles/Solving-the-National-Class-Problem.pdf>; Ward Branch, "Chaos or Consistency? The National Class Action Dilemma", online: <http://www.branchmacmaster.com/storage/articles/chaos_consistency.pdf>.

Second, in some cases there are parallel, yet not necessarily overlapping, provincial or regional class actions on the same subject matter (*e.g.*, where a Quebec class action covers Quebec residents while a parallel Alberta class covers Alberta residents). This scenario also does not *per se* cause the sort of problems that are at the heart of this submission.

Third, in some instances, several class actions on the same subject-matter are brought at the same time in different jurisdictions. For example, numerous class actions were commenced throughout Canada regarding the Volkswagen dieselgate scandal.[3] Such scenarios are not rare.[4] Our submission is geared towards this third situation.

B. Multiplicity of Overlapping Cases Defeats Class Action Objectives

While it may be inevitable that at times more than one class action is commenced regarding the same subject matter and class, duplicative class actions cause numerous problems when left unaddressed. Uncertainty for the parties and the courts is the first issue. Class members are often included in various overlapping class actions, which may result in conflicting judicial decisions. Defendants have to defend several actions regarding the same subject-matter.[5]

Multiple cases in the various jurisdictions means more overall delay, which creates a hindrance to access to justice. Duplication of efforts and legal services by counsel increases the overall "transaction cost" which can result in more fees and less money to the class members. This in turn can result in lower recovery for class members who may become discouraged from taking steps to participate in the proceeding.[6]

Furthermore, duplicative class actions drain scarce judicial resources where one national class would, at least theoretically, suffice. Judicial economy has recently become an even larger concern following the Supreme Court of Canada's decision in *R v Jordan*.[7] In that case, a majority of the Court reframed the analytical framework under s. 11 (b) of the *Canadian Charter of Rights and Freedoms* regarding the criminally accused's constitutional right to be tried within a reasonable time. In so doing, the Court created a presumptive ceiling of 30 months—from the charge to the actual or anticipated end of trial—in the superior courts beyond which delay is presumed to be unreasonable. With more judicial resources being channeled to criminal matters, the efficient management of multijurisdictional class actions is an imperative.

In sum, overlapping multijurisdictional class actions pose a threat to access to justice and judicial economy.

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[3] Approximately 15 of these Volkswagen class actions seem to have been registered on the CBA's National Class Action Database (see online: <http://cbaapp.org/ClassAction/Search.aspx>). Given that not all class actions are normally registered in the Database, the actual number is likely much higher.
[4] See e.g., *Joel v Menu Foods Genpar Limited*, 2007 BCSC 1482 (CanLII) and *Osmun v Cadbury Adams Canada Inc*, 2010 ONSC 2643 (CanLII).
[5] Janet Walker, "Coordinating Multijurisdiction Class Actions Through Existing Certification Processes" (2005) 42.1 OHLJ 112 at 112.
[6] *Kohler v Apotex Inc*, 2015 ABQB 610 at para 58.
[7] [2016] 1 SCR 631.

III. Our Submission on Multiplicity

We are cognizant of the constitutional federalism constraints that render options such as the U.S. Judicial Panel on Multidistrict Litigation[8] challenging at this point in Canada. Nonetheless, we believe that Canada can go farther than what the Draft Protocol presently proposes.

We believe that a mechanism to deal with case management issues substantially akin to the 2011 Proposed Protocol is the very minimum that can be done to advance that goal at this stage. We request its inclusion in the Draft Protocol for two reasons.

First, the removal of the case management proposal from the 2011 Proposed Protocol has been attributed to certain objections made during the consultation process.[9] At the time, the Task Force's Chair was quoted as stating that the underlying concerns centred on whether judges could delegate their management powers to a colleague in another province and on the lack of an appeal process in relation to a case management judge's decisions.[10]

We do not believe that either one of these concerns is valid or compelling with respect to the inclusion of the 2011 Proposed Protocol's case management procedure in the Draft Protocol. Nothing in the 2011 Proposed Protocol suggests that a judge would be delegating his or her case management powers to a colleague. On the contrary, the Draft Protocol is emphatic that each court will retain its jurisdiction.[11]

We also disagree that an appeal process is a necessary requirement for the exercise of the case management functions described in the 2011 Proposed Protocol. The Case Management Judge is expressly excluded from deciding carriage, jurisdiction or certification/authorization anywhere outside his or her own jurisdiction. Scheduling and other procedural decisions are effectively non-reviewable as the law stands. It is hard to fathom the need for an appeal from case management decisions such as the scheduling of motions and imposition of timetables. The Canadian courts' strong commitment to ensuring that cases are determined in the forum that is most suitable based on the interests of all the parties and the ends of justice[12] should alleviate any concern that the courts' procedural case management orders will require an appeal. Even if an appeal process is ultimately found to be necessary, the proper approach would not be to abandon the initiative altogether but to fashion an appeal process.

Second, the Supreme Court of Canada has stated that "[m]ore effective methods for managing jurisdictional disputes should be established in the spirit of mutual comity that is required between

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[8] See 28 US Code § 1407 - Multidistrict litigation, online: <https://www.law.cornell.edu/uscode/text/28/1407>.
[9] Christopher Naudie and Luciana Brasil, "National Class Actions in Canada: The Benefits (and Limits) of the Protocol and the Recurring Challenges to Managing National Settlements" (10th National Symposium on Class Actions (Toronto: Osgoode Hall Law School), April 2013) at 9 online: <http://static1.1.sqspcdn.com/static/f/299713/25885155/1421973129163/Osgoode+Paper+-+Managing+National+Class+Actions.pdf?token=S9CwFgrJFuqD4Y641zP2sV%2ByGC0%3D>.
[10] Glenn Kauth, "Editorial: Bar drops ball on national class actions" (Law Times, August 22, 2011), online: <http://www.lawtimesnews.com/author/glenn-kauth/editorial-bar-drops-ball-on-national-class-actions-9882/>.
[11] See *e.g.*, present Draft Protocol, at paras 11, 19.
[12] Janet Walker, "Coordinating Multijurisdiction Class Actions Through Existing Certification Processes" (2005) 42.1 OHLJ 112 at 117.

the courts of different provinces in the Canadian legal space".[13] The jurisprudence has matured since 2011 in favour of procedures that allow for judicial efficiency and easier access to justice. The Court has called for a culture shift to welcome processes that make justice efficient and accessible.[14] The Court stated most recently regarding multijurisdictional class actions:

> A broad interpretation of these statutory powers [under the various class proceedings statutory provisions listed at the end of the Draft Protocol], which confirms and reflects the inherent authority of judges to control procedure, helps to fulfil the purpose of class actions and to ensure that procedural innovations in aid of access to justice will not be stymied by unduly technical or time-bound understandings of the scope of the class action judge's authority.[15]

In sum, we support calls in the literature and from the bench[16] to revisit the case management procedure in search of a more robust solution. Inaction on the most problematic issue in multijurisdictional class actions does not adequately respond to the need for the effective management of multijurisdictional class actions in the spirit of mutual comity between the courts of different provinces in the Canadian legal space.[17] We therefore respectfully request that the Draft Protocol be amended to include the case management procedure contained in the 2011 Proposed Protocol.

IV. Conducting the Joint Settlement Approval Hearing

In our experience with joint hearings, the courts will typically confer in advance and a single judge will take leadership in managing the hearing and will provide opportunity for the other judges to ask questions. To the extent that there are jurisdictional specific issues (for example, terms of a bar order), such matters have been addressed "offline" after the joint submissions. This process has generally worked well.

There have however been some challenges associated with joint hearings, namely: (i) difficulties with establishing the technological connection between courtrooms. It is recommended that the system be tested in advance to better ensure the timely commencement of hearings; and (ii) difficulties scheduling a date that is workable for both the courts and counsel. In our view, barring extraordinary circumstances, the courts' availability should dictate the hearing date (both for settlement approval and joint case conferences).

We believe that once a national class has been certified in a particular province, in the ordinary course, there should be a single settlement approval hearing in that province. Provided that the

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[13] *Canada Post Corp v Lépine*, [2009] 1 SCR 549 at para 57.
[14] *Hryniak v Mauldin*, [2014] 1 SCR 87 at para 28.
[15] *Endean v British Columbia*, [2016] 2 SCR 162 at para 4.
[16] The Honourable Associate Chief Justice John D. Rooke, "The Problem of Competing Multi-Jurisdictional Class Proceedings: A New Call for Direction" (Paper 2.1 presented at Western Canada Class Actions Conference—2016) at 2.1.7, online: <http://www.cle.bc.ca/practicepoints/LIT/16-The-Problem-of-Competing-Multi-Jurisdictional-Class-Proceedings.pdf>.
[17] *Canada Post Corp v Lépine*, 2009 SCC 16 at para 57.

principles of order and fairness, as described in *Currie v McDonald's Restaurants of Canada Ltd*,[18] are respected, other provinces' superior courts should recognize and enforce the resulting orders. The courts would, of course, be able to consult amongst themselves and determine whether there are special circumstances that require hearings in other provinces. If the courts determine that hearings are required in other provinces, consideration should be given to whether those hearings could proceed in a more streamlined fashion (*i.e.*, by writing or teleconference, or with directions from the court on the specific areas of concern).

We are in agreement that a single judge should be charged with responsibility for overseeing all issues relating to the administration of the settlement, including in relation to the distribution of settlement funds and appeals of any individual class member claims (to the extent that appeals are returnable before the court).

V. Contents of Notices of Settlement

In terms of establishing the minimum content for the short-form notice (for publication in newspapers, industry magazines, etc.), consideration should be given to maintaining the readability and attention-grabbing nature of the notice, as well as the medium. For newspaper notices, there has been a movement towards designing the notice in a more visually appealing manner, using minimal text and, in some cases, a simple graphic. This is consistent with the purpose of the short-form notice, which is to capture the class member's attention and direct them to where they can obtain additional information. Attached as Schedule "B" are recent sample notices. Attached as Schedule "C" is an older sample notice that was drafted to comply with the statutory requirements of the class proceedings legislation. This notice is considerably denser and less visually appealing.

There has also been a trend towards digital notice (Facebook, Twitter, Google Display ads, etc.). Those mediums often have size or character limits that could restrict the included content.

Please do not hesitate to contact us for any questions or inquiries regarding these submissions.

Yours very truly,
Sotos LLP

David Sterns

Encl.

cc: Louis Sokolov and Mohsen Seddigh, *Sotos LLP*
Charles M. Wright, Linda J. Visser, Daniel Bach, and Karim Diallo, *Siskinds LLP*
Kirk Baert and Rob Gain, *Koskie Minsky LLP*

[18] [2005] OJ No 506 (CA) at para 30.

Schedule "A"

CASE MANAGEMENT PROCEDURE

8. Any party to an Action may bring a Motion for a Multijurisdictional Case Management Order.

9. Any party bringing such a motion shall serve all affected parties in each jurisdiction and file the materials in each Court.

10. The motion shall be heard orally unless all parties consent to a hearing in writing.

11. An oral hearing shall be conducted in a manner that will permit all parties and all judges to participate in the hearing. This may be effected by video link or other means.

12. Any party who may be subject to the proposed order may appear at the hearing of the Motion. Such appearance will not constitute an attornment to the jurisdiction for any purpose other than the determination of the Motion.

13. Once all materials relating to a Motion for a Multijurisdictional Case Management Order have been filed with the Courts, those Courts may communicate for the purpose of determining:

a. Whether the Courts are in agreement that a uniform Multijurisdictional Case Management Order should be issued;
b. The content of a Multijurisdictional Case Management Order;
c. The manner in which the Multijurisdictional Case Management Order is to be administered; or
d. Any other issue relevant to the Motion for Multijurisdictional Case Management.

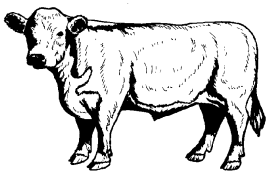
14. Communication between Courts for the purposes set out in paragraph 13, or after the hearing of the motion, may take place in the absence of counsel.

15. If all Courts are in agreement that a Multijurisdictional Case Management Order should issue, a Multijurisdictional Case Management Order shall be issued in each jurisdiction and may be in any form and in any manner which is, in the opinion of all Courts, just and expeditious.

16. A Multijurisdictional Case Management Order may designate a Judge of any Court as a Multijurisdictional Case Management Judge for the purposes of case management of the Actions.

17. A Multijurisdictional Case Management Judge may, if the Order so provides, determine the scheduling of all motions pertaining to the Actions before all affected Courts, and may impose timelines on all aspects of the Actions in all jurisdictions. For clarity, the Order shall not empower the Case Management Judge to determine motions relating to carriage, jurisdiction or certification or authorization of a case in other than the jurisdiction in which he or she presides.

Schedule "B"



DID YOU PURCHASE OR CONSUME RECALLED XL BEEF?

A settlement, which resolves the action in its entirety, has been approved by the Alberta Court in the class action relating to the fall 2012 recall of beef products processed by XL Foods Inc.

You could be eligible for settlement benefits if you purchased or consumed recalled beef or if you purchased beef that could not be positively identified as not being recalled beef. The deadline to apply for settlement benefits is: August 17, 2016.

For more information, visit www.xlbeefclassaction.com or call 1-800-951-3201

DID YOU PURCHASE DRYWALL?

Did you purchase drywall in Canada between September 2011 and March 2016? If so, you might be affected by a class action settlement.

Pursuant to the settlement, TIN Inc. has agreed to pay CDN $100,000. The settlement is a compromise of disputed claims and is not an admission of liability or wrongdoing by TIN.

The settlement requires court approval in Ontario, British Columbia and Quebec. Settlement class members may express their views about the proposed settlement. To do so, you must act by October 7, 2016.

Settlement class members have the right to exclude themselves from the class proceedings ("opt-out"). If you wish to opt-out of these proceedings, you must submit a request to opt-out postmarked no later than November 15, 2016.

For more information visit **www.classaction.ca/drywall**
email **drywallclassaction@siskinds.com** or call **1.800.461.6166 x2286**

Did you purchase LCD Panels and/or televisions, computor monitors or laptop computers containing LCD Panels between 1998 and 2006?

If so, you may be affected by class action settlements with the LG and HannStar defendants. Pursuant to the settlements, the LG defendants have agreed to pay CDN$21,200,000.00 and HannStar has agreed to pay CDN$2,050,000 for the benefit of the settlement class. The settlements of disputed claims are not admissions of liability or wrongdoing by the LG or HannStar defendants.

The settlements must be approved by the Ontario, British Columbia and Quebec courts. Settlement class members may express their views about the proposed settlements to the courts. If you wish to do so, you must act by March 20, 2017.

For more information visit **www.classaction.ca/lcd**
email **lcdclassaction@siskinds.com** or call **1.800.461.6166 x1315**

AUTO PARTS PRICE-FIXING CLASS ACTIONS

Did you purchase or lease an automotive vehicle in Canada and/or for import into Canada between January 1999 and 2017? And/or did you purchase any of the following automotive parts: automatic transmission fluid warmers, automotive wire harness systems and/or radiators?

If so, you might be affected by recent settlements in the related class actions. The settlements are not an admission of liability, wrongdoing or fault. The settlements require court approval in Ontario, British Columbia and/or Quebec.

If you would like to remove yourself from the automatic transmission fluid warmers or radiators actions, you must act by January 5, 2018. The time to opt out of the automotive wire harness systems action has expired.

The law firms of Siskinds LLP, Sotos LLP, Camp Fiorante Matthews Mogerman and Siskinds Desmeules s.e.n.c.r.l. represent members of these class actions.

For more information visit **www.siskinds.com/autoparts**
email **autoparts@sotosllp.com** or call **1.888.977.9806**

Schedule "C"

If you purchased LCD panels and/or televisions, computer monitors or laptop computers containing LCD panels, in Canada, between January 1998 and December 2006, your legal rights could be affected by class action settlements.

Background

Class action lawsuits have been initiated in Ontario, British Columbia and Quebec alleging that the defendants conspired to fix prices for LCD (liquid crystal display) panels and televisions, computer monitors and laptop computers containing LCD panels ("LCD products").

On May 26, 2011, the Ontario action was certified in respect of a national class on behalf of certain purchasers of LCD panels and LCD Products. The defendants were granted leave to appeal certification and the appeal is pending. The plaintiff has brought a motion to amend the class definition to include all purchasers of LCD panels and LCD Products during the relevant period and that motion is also pending. More information is available online at www.classaction.ca.

Proposed Settlement

A settlement has been reached with Samsung Electronics Co., Ltd. and Samsung Electronics Canada Inc. (collectively, "Samsung"). Pursuant to the settlement, Samsung has agreed to pay $21,250,000 for the benefit of settlement class members, in exchange for a full release of claims against it and its related entities relating to the pricing of LCD panels of all sizes and products containing such LCD panels. Samsung has agreed to provide cooperation to the plaintiffs in pursuing the class actions against the remaining Defendants. The settlement represents a resolution of disputed claims. Samsung does not admit any wrongdoing or liability.

The class actions have been certified against Samsung for settlement purposes. Motions to approve the Samsung settlement will be heard by the Ontario Court in the City of London on ●, 2013 at ● a.m., the British Columbia Court in the City of Vancouver on ●, 2013 at ● a.m., and the Quebec Court in the City of Quebec on ●, 2013 at ● a.m. At these hearings, the Ontario, British Columbia and Quebec Courts will determine whether the settlement is fair, reasonable, and in the best interests of settlement class members.

Settlement class members are entitled to file written submissions and/or appear and make submissions at the settlement approval hearings. Settlement class members who wish to exercise either of these rights must submit written submissions postmarked no later than ●, 2013. Instructions regarding the process for making submissions are available online at www.classaction.ca.

Opting Out of (or Excluding Oneself From) the Class Actions

In the context of a prior settlement, settlement class members with purchases directly from a defendant, an entity related to a defendant, a named original equipment manufacturer or a named distributor between September 21, 2001 and December 11, 2006 were given the right to opt out of the class actions and were informed that no further right to opt out would be provided. Thus, these settlement class members are not eligible to opt out.

As the Samsung settlement contemplates a broader settlement class (all purchasers of LCD panels or LCD products during the period January 1, 1998 to December 11, 2006), settlement class members who were not previously given the right to opt out are now eligible to opt out of the class actions. Information regarding how to opt out and the implications of opting out (or not opting out) are available online at www.classaction.ca. The deadline for opting out is ●, 2013.

Claiming Part of the Settlement Funds

The settlement funds are being held in an interest bearing account for the benefit of settlement class members. At the settlement approval hearings or shortly thereafter, the Courts will be asked to approve a method for distributing the settlement funds to settlement class members and the process for settlement class members to apply to receive part of the settlement funds. A copy of the notice advising of the method for distributing the settlement funds and applying for settlement benefits will be posted online at www.classaction.ca. If you wish to receive a copy of that notice by email or mail, please register online at www.classaction.ca or contact class

counsel at the contact information listed below.

Class Counsel & Legal Fees

The law firms of Siskinds LLP, Camp Fiorante Matthews Mogerman and Siskinds Desmeules s.e.n.c.r.l. are class counsel. Their full contact information is available online at www.classaction.ca.

Class Counsel legal fees and disbursements must be approved by the courts. Class Counsel will collectively be requesting that legal fees of up to 25% of the Samsung settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the Samsung settlement funds.

Further Information

Further information about the class actions and the settlements is available online at www.classaction.ca or by contacting Class Counsel toll free at 1-800-461-6166 ext. ● or by email at charles.wright@siskinds.com.

This notice has been approved by the Ontario, British Columbia and Quebec courts.

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upped the ante by declaring the church a historic property and ordering the Diocese to re-attach the fallen steeple.

Tensions rose again in April, 2010, when a workman, under orders from the church, was spotted removing pews. "The [Royal Newfoundland Constabulary] were called and these pews had to be returned," read a Portugal Cove-St. Philip's newsletter recapping the episode.

Shortly after, church officials demanded that the volunteer guard stand down.

"The parish, through their lawyer, told the town that we could not be there on church property, and yet we were protecting their property," said Mr. Sharpe.

In a testament to 1890s Newfoundland building practices, the wood steeple survived the 30-foot fall relatively unscathed.

Aside from being rolled onto pallets to protect it from rotting — an action that was also carried out by anonymous actors — to this day the fallen steeple remains perched in front of the church.

And last April, Portugal Cove-St. Philip's "order to repair" was thrown by the East-

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aid to be one of the oldest buildings in
ere has been an effort to have it removed.