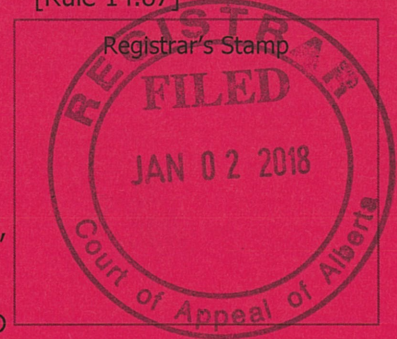


COURT OF APPEAL FILE NUMBER: 1703-0288AC  
TRIAL COURT FILE NUMBER: 1103 14112 and 1403 04885  
REGISTRY OFFICE: Edmonton



IN THE MATTER OF THE TRUSTEE ACT,  
R.S.A. 2000, c. T-8, AS AMENDED, and

IN THE MATTER OF THE SAWRIDGE BAND  
INTER VIVOS SETTLEMENT CREATED BY  
CHIEF WALTER PATRICK TWINN, OF THE  
SAWRIDGE INDIAN BAND, NO. 19, now  
known as SAWRIDGE FIRST NATION, ON  
APRIL 15, 1985 (the "1985 Trust")

IN THE MATTER OF THE SAWRIDGE TRUST  
CREATED BY CHIEF WALTER PATRICK  
TWINN, OF THE SAWRIDGE INDIAN BAND,  
NO. 19 ON AUGUST 15, 1986 (the "1986  
Trust")

APPLICANT: CATHERINE TWINN, as Trustee for the 1985 Trust and the 1986 Trust

STATUS ON APPEAL: Appellant

RESPONDENTS: ROLAND TWINN, EVERETT JUSTIN TWINN, CATHERINE TWINN, BERTHA L'HIRONDELLE and MARGARET WARD, as Trustees for the 1985 Trust and the 1986 Trust

STATUS ON APPEAL: Respondents

RESPONDENT: OFFICE OF THE PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Respondent

DOCUMENT: **APPEAL RECORD**

---

Appeal from the Decision of  
The Honourable Mr. Justice R.P. Belzil  
Dated the 13<sup>th</sup> day of October, 2017

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APPEAL RECORD  
**Volume 1 of 1**  
PART I - Pleadings, Pages P1 – P3  
PART II – Final Documents, Pages F1 – F14

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For the Appellant, Catherine Twinn, as Trustee for the 1985 Trust and the 1986 Trust

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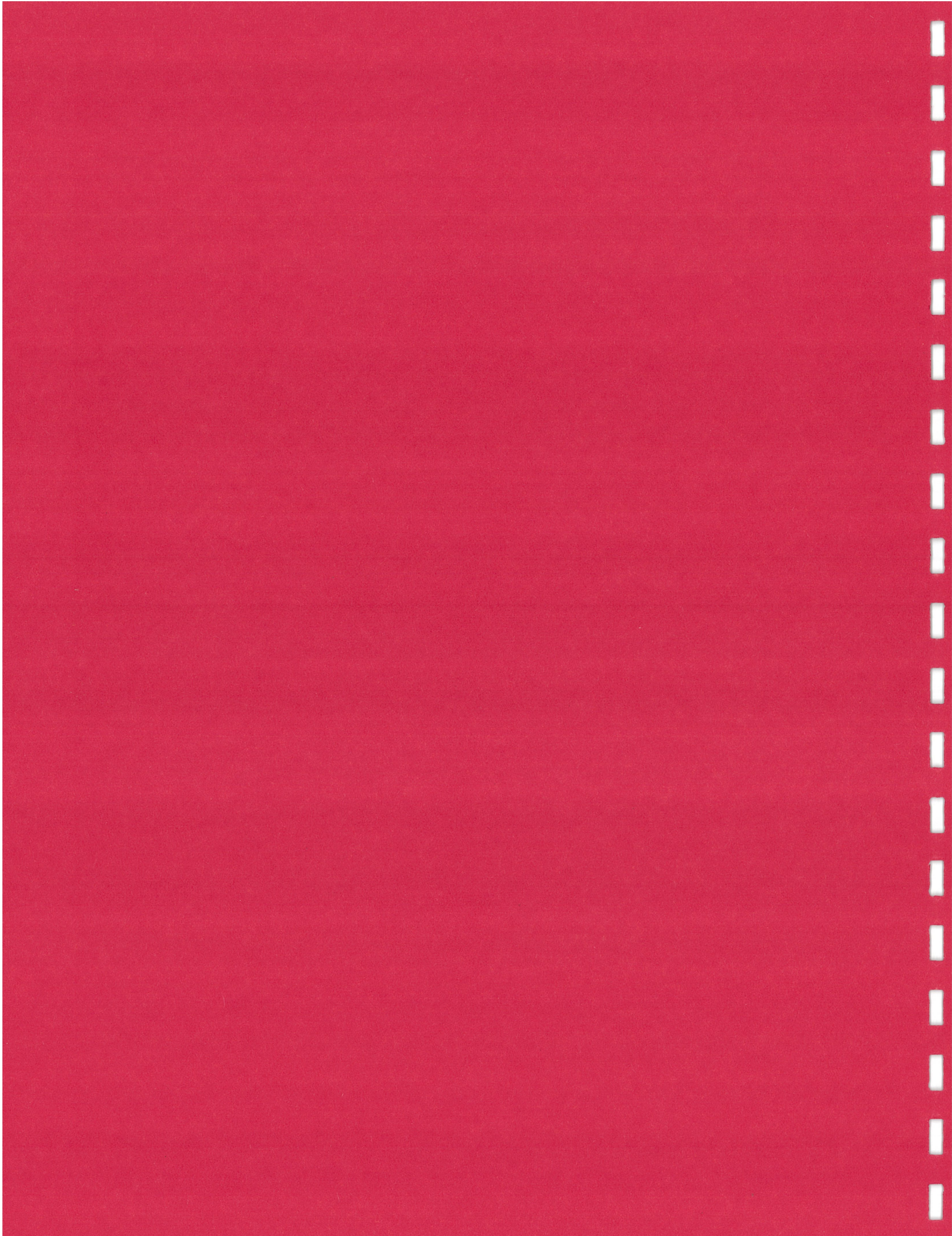
For the Respondent, Public Trustee of Alberta

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*(Appeal Record prepared by McLennan Ross LLP)*

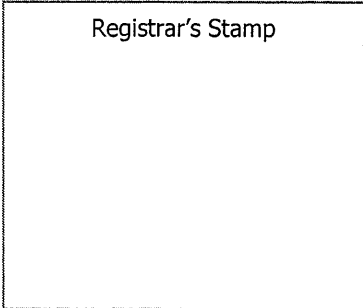
This Appeal Record has been prepared in document format.



**COURT OF APPEAL OF ALBERTA**

**Form AP-5**  
[Rule 14.87]

COURT OF APPEAL FILE NUMBER: 1703-0288AC  
TRIAL COURT FILE NUMBER: 1103 14112 and 1403 04885  
REGISTRY OFFICE: Edmonton



IN THE MATTER OF THE TRUSTEE ACT,  
R.S.A. 2000, c. T-8, AS AMENDED, and

IN THE MATTER OF THE SAWRIDGE BAND  
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IN THE MATTER OF THE SAWRIDGE TRUST  
CREATED BY CHIEF WALTER PATRICK  
TWINN, OF THE SAWRIDGE INDIAN BAND,  
NO. 19 ON AUGUST 15, 1986 (the "1986  
Trust")

APPLICANT: CATHERINE TWINN, as Trustee for the 1985 Trust and the 1986 Trust

STATUS ON APPEAL: Appellant

RESPONDENTS: ROLAND TWINN, EVERETT JUSTIN TWINN, CATHERINE TWINN,  
BERTHA L'HIRONDELLE and MARGARET WARD, as Trustees for the  
1985 Trust and the 1986 Trust

STATUS ON APPEAL: Respondents

RESPONDENT: OFFICE OF THE PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Respondent

DOCUMENT: **APPEAL RECORD**

---

Appeal from the Decision of  
The Honourable Mr. Justice R.P. Belzil  
Dated the 13<sup>th</sup> day of October, 2017

---

APPEAL RECORD  
**Volume 1 of 1**  
PART I - Pleadings, Pages P1 – P3  
PART II – Final Documents, Pages F1 – F14

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For the Appellant, Catherine Twinn, as Trustee for the 1985 Trust and the 1986 Trust

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*(Appeal Record prepared by McLennan Ross LLP)*

This Appeal Record has been prepared in document format.





**TABLE OF CONTENTS**

**PART 1 - Pleadings**

Application by Catherine Twinn, filed 2015-12-11 P1

**PART 2 - Final Documents**

Transcribed Decision of Belzil, J. (Queen's Bench Judge), dated 2017-10-13 F1

Civil Notice of Appeal to Court of Appeal of Alberta, filed 2017-11-10 F9

**PART 3 - Transcripts**

The table of contents for the Transcripts follows.

Preparer's Note – The Order of Justice Belzil has not been finalized at the time of preparing the Appeal Record. Once filed, it will be provided in due course.



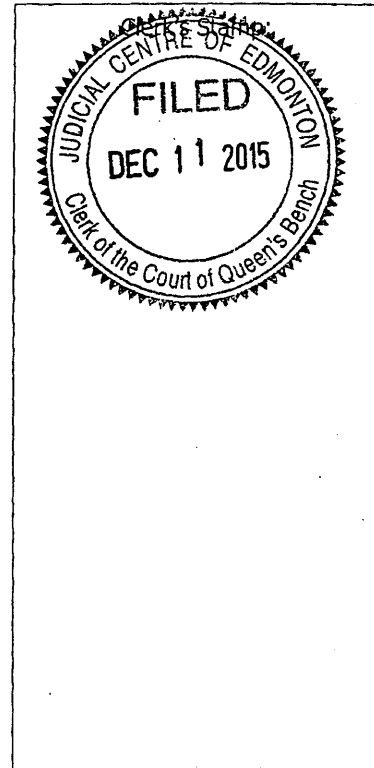
## TABLE OF CONTENTS

Description	Page
October 13, 2017	1
Morning Session	1
Discussion	1
Submissions by Mr. Risling	1
Submissions by Ms. Osualdini	10
Submissions by Mr. Risling	22
Submissions by Ms. Osualdini	23
Submissions by Mr. Risling	29
Submissions by Ms. Osualdini	31
Submissions by Mr. Haluschak	35
Submissions by Ms. Bonora	38
Submissions by Ms. Osualdini (Reply)	42
Submissions by Mr. Risling (Reply)	46
Decision	48
Submissions by Mr. Haluschak (Costs)	49
Submissions by Mr. Risling (Costs)	50
Ruling (Costs)	51
Certificate of Record	53
Certificate of Transcript	54





COURT FILE NO. 1103 14112 and 1403 04885  
  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
  
JUDICIAL CENTRE EDMONTON



IN THE MATTER OF THE TRUSTEE ACT, R.S.A.  
2000, c. T-8, AS AMENDED, and

IN THE MATTER OF THE SAWRIDGE BAND INTER  
VIVOS SETTLEMENT CREATED BY CHIEF WALTER  
PATRICK TWINN, OF THE SAWRIDGE INDIAN  
BAND, NO. 19, now known as SAWRIDGE FIRST  
NATION, ON APRIL 15, 1985 (the "1985 Trust"),

AND

IN THE MATTER OF THE SAWRIDGE TRUST  
CREATED BY CHIEF WALTER PATRICK TWINN,  
OF THE SAWRIDGE INDIAN BAND NO. 19,  
AUGUST 15, 1986 (the "1986 Trust")

APPLICANT CATHERINE TWINN, as Trustee for the 1985 Trust and the 1986 Trust  
  
RESPONDENT ROLAND TWINN, BERTHA L'HIRONDELLE, EVERETT JUSTIN TWIN AND MARGARET  
WARD, as Trustees for the 1985 Trust and the 1986 Trust

DOCUMENT **APPLICATION BY CATHERINE TWINN**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
McLENNAN ROSS LLP  
#600 West Chambers  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4  
  
Lawyer: Karen A. Platten, Q.C.  
Telephone: 780-482-9200  
Fax: 780-481-9102  
Email: kplatten@mross.com  
File No.: 144194

This application is made against you. You are a Respondent.

You have the right to state your side of this matter before the Judge.



To do so, you must be in Court when the application is heard as shown below:

**Date:** January 6, 2015  
**Time:** 10:00 a.m.  
**Where:** Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2  
**Before Whom:** Presiding Justice in Chambers

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. Catherine Twinn, as a Trustee of the 1985 and 1986 Trusts, seeks immediate payment of her legal fees incurred to date, on a solicitor-client basis, to McLennan Ross LLP for legal advice as a Trustee, in relation to Court of Queen's Bench Action No. 1103 14112 ("2011 Action") payable from the 1985 Trust.
2. Catherine Twinn, as a Trustee of the 1985 and 1986 Trusts, seeks immediate payment of her legal fees incurred to date, on a solicitor-client basis, to McLennan Ross LLP for legal advice as a Trustee, in relation to Court of Queen's Bench Action No. 1403 04885 ("2014 Action") payable on a pro rata basis from the 1985 and 1986 Trusts.
3. Catherine Twinn, as a Trustee of the 1985 and 1986 Trusts, seeks an Order declaring that pending final judicial determination of Court of Queen's Bench Action Nos. 1103 14112 and 1403 04885 and the costs award that may result in each respective Action, that her legal fees incurred prospectively, on a solicitor-client basis and in relation to each respective Action, be payable from the 1985 Trust and/or the 1986 Trust, as relevant, within 30 days of an invoice being presented to the other trustees of the 1985 Trust and/or 1986 Trust. The invoice may be redacted so as to not disclose privileged information.
4. Such further and other relief as this Honourable Court may deem just.

**Grounds for making this application:**

5. Dentons LLP ("Dentons") and Reynolds Mirth Richards & Farmer LLP ("RMRF") currently represent all of the trustees of the 1985 Trust in the 2011 Action and previously represented the collective group of trustees of the 1985 and 1986 Trusts in the 2014 Action.
6. A conflict arose amongst the group of trustees in regards to the conduct of the 2011 Action and 2014 Action and as such created a potential conflict for Dentons and RMRF given their multiple client retainer and that instructions from their clients are not unanimous.
7. As a result of the conflict amongst the trustee group, Catherine Twinn required independent legal advice and obtained it from McLennan Ross LLP ("MR").
8. The other trustees have also obtained independent legal advice from Bryan & Company LLP ("Bryan & Company") in relation to both the 2011 and 2014 Actions and counsel from Bryan & Company has made written and/or oral submissions in both the 2011 and 2014 Actions on behalf of the other trustees.



2023年10月27日

**Any irregularity complained of or objection relied on:**

20. N/A.

**How the application is proposed to be heard or considered:**

21. The application is to be heard before a Justice in Chambers.

**AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.**

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an Affidavit or other evidence with the Court and serving a copy of that Affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.



Action No.: 1103 14112, 1403 04885  
E-File No.: EVQ17SAWRIDGEBAND2  
Appeal No.: 1703-0288Ac

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE OF EDMONTON

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT  
CREATED BY CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE  
INDIAN BAND, NO. 19 now known as SAWRIDGE FIRST NATION  
ON APRIL 15, 1985 (the \*1985 Trust)

IN THE MATTER OF THE SAWRIDGE TRUST CREATED BY CHIEF  
WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND,  
NO. 19 ON AUGUST 15, 1986 (the \*1986 Trust)

AND BETWEEN:

CATHERINE TWINN as Trustee for the 1985 Trust and  
the 1986 TRUST

Applicant

ROLAND TWINN, BERTHA L'HIRONDELLE, EVERETT JUSTIN  
TWIN AND MARGARET WARD, as Trustees for the 1985 Trust  
and the 1986 Trust

Respondents

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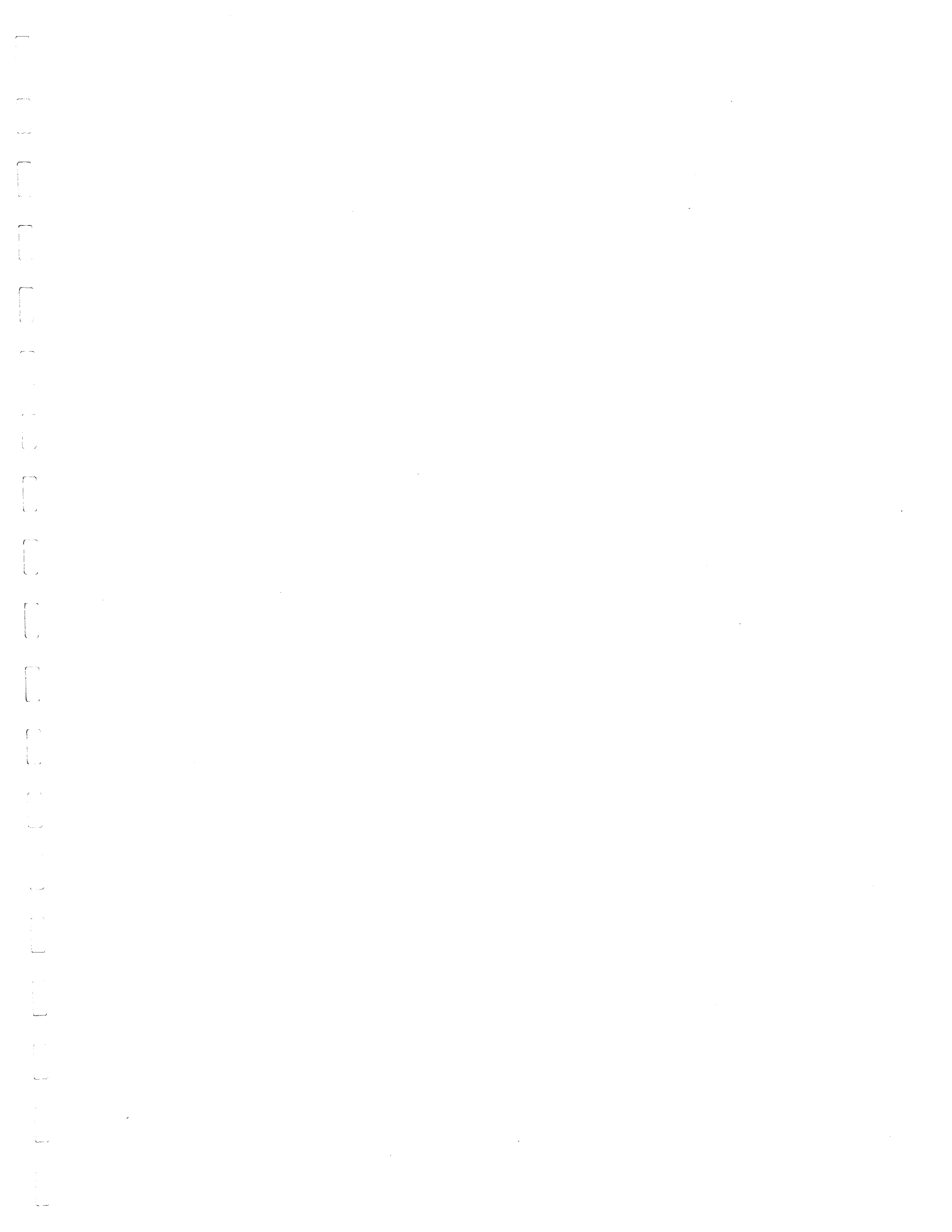
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PROCEEDINGS

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Edmonton, Alberta  
October 13, 2017

Transcript Management Services, Edmonton  
1000, 10123 99th Street  
Edmonton, Alberta T5J-3H1  
Phone: (780) 427-6181 Fax: (780) 422-2826



## TABLE OF CONTENTS

Description		Page
October 13, 2017	Morning Session	1
Discussion		1
Submissions by Mr. Risling		1
Submissions by Ms. Osualdini		10
Submissions by Mr. Risling		22
Submissions by Ms. Osualdini		23
Submissions by Mr. Risling		29
Submissions by Ms. Osualdini		31
Submissions by Mr. Haluschak		35
Submissions by Ms. Bonora		38
Submissions by Ms. Osualdini (Reply)		42
Submissions by Mr. Risling (Reply)		46
Decision		48
Submissions by Mr. Haluschak (Costs)		49
Submissions by Mr. Risling (Costs)		50
Ruling (Costs)		51
Certificate of Record		53
Certificate of Transcript		54





1 THE COURT: All right. Anything further from either side?

2

3 MR. HALUSCHAK: No. Thank you, Sir.

4

5 **Decision**

6

7 THE COURT: I'm going to deliver a very brief oral decision

8 here. I repeat what I said at the outset this morning that I spent a goodly number of hours

9 reviewing the briefs prior to court this morning. I want to compliment counsel on both

10 sides for the quality of the briefs. I thought they were excellent. And I spent many, many

11 hours reading the material. It was well set out on both sides.

12

13 I also want to reiterate what I said at the outset this morning that I'm walking a fine

14 judicial line this morning in that I am not the judge who is dealing with the substantive

15 application in the 1103 matter. I'm dealing with one discreet issue only and, thus, I am

16 deliberately abbreviating what otherwise might've been more extensive reasons. And the

17 reason that I'm doing that is that I do not want to have anything I say somehow impede

18 the discretion of the judge who ultimately hears the matter from deciding what he or she

19 thinks is appropriate on the evidence and after argument from counsel.

20

21 It is significant to me that no legal authority has been cited for the proposition being

22 advanced by the applicant. I have no doubt that there was very extensive research done on

23 both sides. The briefs reflect that. This is not a criticism of counsel. I think it's a situation

24 where the authorities simply don't exist. And, to my mind, that is significant.

25

26 I also want to make it clear that I accept without hesitation that Catherine Twinn

27 genuinely and bone fide believes the position she is adopting and has advanced through

28 counsel. That, for me, is not an issue this morning.

29

30 What is an issue is the legal effect of that. When one reduces the applicant's argument to

31 its essence, it is that because Catherine Twinn genuinely believes that she's acting in the

32 best interests of an unidentified pool of individuals who may ultimately be found not to

33 be beneficiaries, that this then justifies the position being advanced this morning which is

34 that she is entitled to indemnification of legal fees incurred to date on a solicitor-client

35 basis. And, prospectively, again on the solicitor-client basis, fees that may be incurred in

36 the future. Which I suspect will be substantial.

37

38 There is no legal authority that I'm aware of that justifies that position. In other words,

39 the fact that a party genuinely and bona fide believes something, does not necessarily

40 create legal rights which otherwise do not exist. They either exist or they do not exist. In

41 my view, when I look at paragraph of the trustees which is the indemnification provision,



1 it is not clear on its face that a dissenting trustee, in this case one dissenting trustee who  
2 voluntarily elects to incur legal fees, is necessarily entitled to be indemnified pursuant to  
3 that provision. That is a live issue which will be argued ultimately before the judge who  
4 hears the substantive application.

5

6 I repeat what I said during argument, it is not a slam dunk argument from Catherine  
7 Twinn's position. It is an arguable point that will be decided.

8

9 In my view, absent any case law to date justifying this position and absent a clear  
10 provision in the trustees, the application must be dismissed. However, I do so on the basis  
11 that this is completely without prejudice to the right of Catherine Twinn in the substantive  
12 application to advance these arguments. I think it was very fair that the respondents at  
13 paragraph 126 of their very extensive brief made that as a suggestion. And I think that's  
14 fair in the circumstances.

15

16 Having taken the position that I did, that it is not fair for me to make decisions about  
17 credibility or what people have done or not done, it stands to reason that the judge who  
18 ultimately hears the matter will make those decisions. And he or she will then be in a  
19 position to make a proper decision on this cost application.

20

21 So, in the result, the application is dismissed. However, on a without prejudice basis.

22

23 And, again, I want to thank counsel for your representations on both sides. Very  
24 interesting argument. All right. Anything further, counsel?

25

26 MR. HALUSCHAK: Costs, Sir?

27

28 THE COURT: What is your position?

29

30 **Submissions by Mr. Haluschak (Costs)**

31

32 MR. HALUSCHAK: Solicitor and client on a full indemnity basis.

33

34 THE COURT: Well, what if Catherine Twinn is found to be  
35 correct in her positions ultimately determined?

36

37 MR. HALUSCHAK: Then I suppose the judge at that time can deal  
38 with that. Take all of the proceedings and all of the costs awards to and against into  
39 account.

40

41 THE COURT: Well, in other words, just reserve that to the



1 ultimate decision-maker?

2

3 MR. HALUSCHAK: Yes. What you do today does not bind the  
4 hearing judge from deciding in the big picture what to do out of a sense of fairness or  
5 justice.

6

7 THE COURT: Okay. Mr. Risling or Ms. Osualdini?

8

9 Submissions by Mr. Risling (Costs)

10

11 MR. RISLING: Our position, Sir, is that it's appropriate to put  
12 the costs essentially in the cause given your direction. And this will be a matter for  
13 potentially the trial judge to determine. Our submission was that Ms. Twinn is already  
14 funding her position with respect to this legal battle personally, and now my friend's  
15 suggestion is that Ms. Twinn fund on a solicitor-client basis the position -- the legal  
16 arguments and positions of the four trustees in the circumstances. I submit that is  
17 inappropriate.

18

19 My view would be that the appropriate order in light of your observation that this is a  
20 without prejudice decision for Ms. Twinn to deal with at a later time, that the costs would  
21 be dealt with at that time as well.

22

23 MR. HALUSCHAK: Sir, and I've asked for solicitor and all client  
24 indemnity costs including disbursements, to be clear, incurred for all steps taken  
25 subsequent to being served with Ms. Twinn's application filed December 11, 2015. I  
26 know you've dealt with solicitor and client costs before. Our submission asked you to  
27 take into account at least some of the conduct that we have set out in the brief from pages  
28 6 to 18 of our brief, and also under tab 6 of the brief. We ask you to take into account  
29 that this was a fairly discreet issue. It was booked for a whole day. Our -- we're going to  
30 be done before noon. So, we don't think it was that complicated, we don't think a full day  
31 was necessary.

32

33 A special chambers practice note, you know, prescribes briefs that are short and concise.  
34 And in this particular case, the respondents have to deal with three briefs from the  
35 plaintiffs totalling 83 pages of narrative alone and argument. You are probably well aware  
36 of Sawridge decisions 5 and 7, and Justice Thomas' comments and analysis of the culture  
37 shift and the principles that this Court is applying. I think on a more consistent and even  
38 basis, the Court is recognizing the economic realities of litigation and especially  
39 unnecessary and unreasonable litigation.

40

41 I understand and respect the position that Ms. Twinn has taken and that her counsel has



1 advocated. But a great deal of time and effort was put into a relatively straightforward  
2 application.

3  
4 THE COURT: Well, why can't that argument be made to the  
5 judge who ultimately hears the 1103 application? I mean, I'm not disagreeing with what  
6 you're saying. These are arguments that can be addressed. But surely the judge who  
7 ultimately hears the substantive application will have the benefit of the full background.  
8 Because the conduct that you talk about and that I read about, you know, it's all in the  
9 eye of the beholder, isn't it? From the perspective of Ms. Twinn, she argues well I'm  
10 acting in the best interests of these people bona fide, in a genuine fashion, not in an  
11 obstructionist fashion. You may take a different view of it and that's fine. But surely the  
12 judge who ultimately hears it will have that benefit.

13  
14 MR. HALUSCHAK: I think you're in the best possession to assess  
15 costs vis-a-vis this particular application. You've seen what has been presented, you've  
16 heard the arguments. I think you will be in a -- or are in a better position to assess what's  
17 happened today and before today, and leading up to today than that ultimate hearer.

18  
19 THE COURT: See, I don't agree with that. And the reason I'm  
20 saying that is this, there is a big picture involved here; right? Those eight art boxes  
21 upstairs that I -- you know much more about it than I do, I've only seen a little bit of the  
22 picture here. But I -- this is one of those cases -- this is not garden-variety litigation,  
23 obviously. This is one of these cases where there are a lot of -- lot of, you know, issues  
24 and sub issues. And I really think that the judge ultimately, at the end of the day, is going  
25 to say to Ms. Twinn, you know, you're absolutely right here. There's a horrible injustice  
26 to these people. Or, conversely, that the majority has acted properly and, therefore,  
27 Ms. Twinn, you are not entitled to indemnification. Your argument for costs I think is  
28 focussed properly at that time.

29  
30 All right. Unless there's anything further, again, thank you for the excellent quality briefs.  
31 I'll return these documents to counsel.

32  
33 MR. HALUSCHAK: So, no order as to costs today --

34  
35 **Ruling (Costs)**

36  
37 THE COURT: Today. Reserved to the judge who ultimately  
38 hears the substantive application.

39  
40 MR. HALUSCHAK: Thank you, Sir.

41





1 THE COURT: And I'm not trying to restrict any arguments  
2 that you make at that time. You argue it at the fullest of time.  
3  
4 MR. HALUSCHAK: Thank you for your time.  
5  
6 THE COURT: All right. Thank you.  
7  
8 MS. BONORA: Thank you.  
9  
10 MR. RISLING: Thank you, Sir.  
11  
12 THE COURT CLERK: Order in court.  
13  
14 THE COURT: And court stands adjourned.  
15

16 \_\_\_\_\_  
17 PROCEEDINGS CONCLUDED  
18 \_\_\_\_\_

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**COURT OF APPEAL OF ALBERTA**

**Form AP-1**  
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 1703-0288AC

TRIAL COURT FILE NUMBER: 1103 14112 and 1403 04885

REGISTRY OFFICE: Edmonton



IN THE MATTER OF THE TRUSTEE ACT, R.S.A. 2000, c. T-8, AS AMENDED, and

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND, NO. 19, now known as SAWRIDGE FIRST NATION, ON APRIL 15, 1985 (the "1985 Trust"), and

IN THE MATTER OF THE SAWRIDGE TRUST CREATED BY CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND, NO. 19 ON AUGUST 15, 1986 (the "1986 Trust")

APPLICANT: CATHERINE TWINN, as Trustee for the 1985 Trust and the 1986 Trust

STATUS ON APPEAL: Appellant

RESPONDENTS: ROLAND TWINN, EVERETT JUSTIN TWINN, CATHERINE TWINN, BERTHA L'HIRONDELLE and MARGARET WARD, As Trustees for the 1985 Trust and the 1986 Trust

STATUS ON APPEAL: Respondents

RESPONDENT: OFFICE OF THE PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Respondent

**DOCUMENT CIVIL NOTICE OF APPEAL**

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File No.: 144194



**WARNING**

To the Respondents: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

**1. Particulars of Judgment, Order or Decision Appealed From:**

Date pronounced: October 13, 2017  
 Date entered: N/A  
 Date served: N/A  
 Official neutral citation of reasons for decision, if any: N/A

**2. Indicate where the matter originated:**

**Court of Queen's Bench**

Judicial Centre: Edmonton

Justice: R. P. Belzil

On appeal from a Queen's Bench Master or Provincial Court Judge?:  Yes  No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge:  
 (do not attach copy) N/A

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required: Rule 14.18(1)(c).)

**Board, Tribunal or Professional Discipline Body**

Specify Body: \_\_\_\_\_

**3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).**

Permission not required, or  Granted:

Date: \_\_\_\_\_

Justice: \_\_\_\_\_  
 (Attach a copy of order, but not reasons for decision.)

**4. Portion being appealed (Rule 14.12(2)(c)):**

Whole, or

Only specific parts (if specific part, indicate which part):



(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.).

**5. Provide a brief description of the issues:**

This appeal arises from an application by Catherine Twinn for indemnification for legal expenses incurred as a trustee of the 1985 and 1986 Trusts. The Learned Chambers Justice dismissed the application and ordered that Ms. Twinn could apply for indemnification at the final Hearing. The Justice made errors in law, as well as palpable and overriding errors in fact in regards to the following matters:

1. Failing to consider and properly apply the legal test for trustee indemnification;
2. Failing to consider that Action No. 1403 04885 has been completed;
3. Failing to consider, in applying the test for trustee indemnification, the conduct of the majority Trustees in the 2011 Action that has caused Ms. Twinn to have to act independently pursuant to her fiduciary duties, including:
  - (a) Failing to promptly file a constating application preventing an efficient, clear and effective legal process;
  - (b) Failing to take proper steps or direct proper steps be taken to identify the existing beneficiaries and potential beneficiaries of the 1985 Trust;
  - (c) Advocating for a change in the definition of beneficiary within the 1985 Trust to Band Membership exposing existing beneficiaries with irrevocable rights to a discretionary process, without requiring the Band Membership system be amended to ensure fairness and comply with the laws of Canada, including the Charter and recognized customary laws, exposing existing beneficiaries to potentially unfair discretionary decisions;
  - (d) Misrepresenting to Ms. Twinn their intentions to work with the Sawridge First Nation to improve its membership process in order to obtain her agreement for the advice and direction application and failing to take the appropriate steps in that regard;
  - (e) Failing to seek the direction of the Court regarding the validity of the existing definition of beneficiary in the 1985 Trust and advancing a position for a change in definition of beneficiary that would remove or alter the rights of existing beneficiaries without regard to a Trustee's duty of neutrality and loyalty;
  - (f) Filing an Offer with the Court on June 2015, and a Distribution Proposal in January, 2016, to end the 2011 Action that, if accepted:
    - (i) Was unsupported by any process engaging beneficiaries and potential beneficiaries;
    - (ii) Would exclude adult beneficiaries without their express, informed and prior knowledge and consent;





- (iii) Included certain minor children in the proposal that may not qualify as 1985 beneficiaries and excluded others who likely qualify as beneficiaries; and
  - (iv) Selectively discriminated against certain adult beneficiaries not included in the grandfathering proposal, including Shelby Twinn an applicant for party status in the Action, while grandfathering her sister Kaitlin Twinn, younger by two years;
  - (g) Advocating positions that burden the 1985 Trust with legal expenses, and positions that would enrich the beneficiaries of the 1986 Trust, including all five Trustees;
  - (h) Using majority rule to oppress concerns raised by Ms. Twinn despite her communication to the Trustees that they are all duty bound as Trustees to act bona fide and on legal advice and her repeated offers for ADR, JDR and a specific proposal for Trustee Succession to ensure proper identification of and collaboration with beneficiaries and potential beneficiaries;
  - (i) Refusing to give due regard and take appropriate steps in response to obvious conflicts, structural and actual, created by Band Leaders involvement in the governance of both the Trusts and the Band, which remain and affect the administration of the Trust, including the conduct of the 2011 Action and the "end goal" of the Trustees;
  - (j) Improperly delegating Trustee authority and decision making to the Trust Administrator such that he alone instructs legal counsel often without Trustee knowledge or evidence endorsement;
  - (k) Authorizing full funding of the Band and other Trustees expenses from the Trust and excluding funding for Ms. Twinn;
  - (l) Refusing or failing to participate in alternative resolution processes involving all Trustees and beneficiaries in good faith; and
  - (m) Engaging the Band to assist in advancing the "end goal" of the majority Trustees to limit the beneficiary pool.
4. Delaying the indemnification application to be made by the Trial Judge creating an unfair and oppressive financial burden on Ms. Twinn, a Trustee proceeding in a bona fide manner in relation to fiduciary duties, when adult beneficiaries and potential beneficiaries remain unrepresented and vulnerable in protecting their interests against the majority Trustees.
5. Such further and other matters as shall be raised at the hearing of this appeal.

**6. Provide a brief description of the relief claimed:**

Direct full indemnification of Catherine Twinn for past and future legal fees incurred in relation the 1103 14112 Action and 1403 04885 Action, with any issues relating to quantum to be returned to the Court of Queen's Bench for assessment.



Full solicitor/client costs to be awarded to the Appellant from the 1985 and 1986 Trust assets, or in the alternative from the Respondent Trustees, on a solicitor/client basis.

7. **Is this appeal required to be dealt with as a fast track appeal?** (Rule 14.14)  
 Yes  No
8. **Does this appeal involve the custody, access, parenting or support of a child?** (Rule 14.14(2)(b))  
 Yes  No
9. **Will an application be made to expedite this appeal?**  
 Yes  No
10. **Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate?** (Rule 14.60)  
 Yes  No
11. **Could this matter be decided without oral argument?** (Rule 14.32(2))  
 Yes  No
12. **Are there any restricted access orders or statutory provisions that affect the privacy of this file?** (Rules 6.29, 14.12(2)(e), 14.83)  
 Yes  No

If yes, provide details: \_\_\_\_\_  
 (Attach a copy of any order.)

13. **List Respondent or counsel for the Respondent, with contact information:**

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**14. Attachments (check as applicable)**

- Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))  
**Not yet available, will provide when available**
- Earlier order of Master, etc. (Rule 14.18(1)(c))
- Order granting permission to appeal (Rule 14.12(3)(a))
- Copy of any restricted access order (Rule 14.12(2)(e))

*If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.*