

COURT OF APPEAL OF ALBERTA

COURT OF APPEAL FILE NUMBER: 1703 0195AC  
TRIAL COURT FILE NUMBER: 1103 14112  
REGISTRY OFFICE: EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,  
RSA 2000, c T-8, AS AMENDED

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 Sawridge Trust")



APPLICANT: **Maurice Stoney and his Brothers and Sisters**

STATUS ON APPEAL Appellant

STATUS ON APPLICATION Respondent

RESPONDENT: **Roland Twinn, Catherine Twinn, Walter Felix Twin, Bertha L'Hirondelle and Clara Midbo, as Trustees for the 1985 Sawridge Trust ("Sawridge Trustees")**

STATUS ON APPEAL Respondents

STATUS ON APPLICATION Applicants

RESPONDENT **Public Trustee Of Alberta**

STATUS ON APPEAL Not a party to the Appeal

STATUS ON APPLICATION Not a party to the Application

DENFENDANT / RESPONDENT: **Sawridge First Nation**

STATUS ON APPEAL: Respondent

STATUS ON APPLICATION Interested Party

DOCUMENT: **MEMORANDUM OF ARGUMENT OF THE SAWRIDGE TRUSTEES FOR SECURITY FOR COSTS**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: Doris Bonora / Anna Loparco  
Dentons Canada LLP  
2900 Manulife Place  
10180 - 101 Street  
Edmonton, AB T5J 3V5  
Phone No. 780-423-7100  
Fax No. 780-423-7276  
File No. 551860-1/DCEB

CONTACT INFORMATION OF APPELLANT: Maurice Stoney  
500 4 Street  
Slave Lake, Alberta T0G 2A1  
Tel: 780-516-1183

CONTACT INFORMATION OF ALL OTHER  
PARTIES: Parlee McLaws LLP  
1700 Enbridge Centre  
10175-101 Street NW  
Edmonton, AB T5J 0H3A  
Attention: Edward H. Molstad, Q.C.  
Telephone: (780) 423-8500  
Facsimile: (780)423-2870  
File Number: 64203-21/EHM  
Counsel for Sawridge First Nation

McLennan Ross LLP  
600 McLennan Ross Building  
12220 Stony Plain Road NW  
Edmonton, AB T5N 3Y4  
Attention: Karen Platten, Q.C.  
Telephone: (780)482-9200  
Facsimile: (780)482-9100  
Counsel for the Sawridge Trustee, Catherine Twinn

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**I. INTRODUCTION**

1. On April 12, 2016, Maurice Stoney ("Stoney") and his 10 brothers and sisters (the "Stoney Applicants") applied to be added as parties or intervenors in the underlying Court of Queen's Bench Action No. 1103 14112, commenced by the trustees ("Trustees") of the Sawridge Band Inter Vivos Settlement dated April 15, 1985 (the "1985 Trust"). On July 12, 2017, the Honourable Justice D.R.G Thomas issued a Case Management Decision (Sawridge #6), which included an Interim Court Filing Restriction Order for Maurice Felix Stoney as a result of a finding of abusive and vexatious litigation and costs on a Solicitor and Own Client basis against Stoney. This decision is appealed by Stoney.
2. The Trustees are applying to this Court for an order requiring the Appellant, Stoney to post security for costs for this Appeal in the total amount of \$25,000.00 within two months of the date of the within Application.
3. In the interests of efficiency and cost-effectiveness, the Trustees wish to rely on the Memorandum of Argument filed by the Sawridge First Nation ("SFN") on November 16, 2017. The Trustees wish to add that the Trustees were also awarded costs in Sawridge #6 and the costs owed to the Trustees are in a similar amount as set out in paragraph 10 of the SFN Memorandum of Argument.

**II. RELIEF REQUESTED**

4. The Trustees request an order requiring the Appellant to post \$25,000 to secure outstanding and probable costs payable to them if the Appellant is unsuccessful on the Appeal, payable within two months of the date of this Application; staying any proceedings initiated in respect of the Appeal until security for costs is paid into Court; dismissing the Appeal without further Order of the Court if security for costs is not paid within the time limit set out therein; and costs of this Application.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED AT EDMONTON ALBERTA THIS 17<sup>th</sup> DAY OF NOVEMBER, 2017.**

**DENTONS CANADA LLP**

Per: \_\_\_\_\_

Doris C.E. Benora  
Solicitor for the Sawridge Trustees