

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER:

1703-0252 AC

TRIAL COURT FILE NUMBER:

1103 14112

REGISTRY OFFICE:

Edmonton

IN THE MATTER OF THE TRUSTEE
ACT, RSA 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 Sawridge Trust")

APPLICANTS:

MAURICE FELIX STONEY AND HIS
BROTHERS AND SISTERS

STATUS ON APPEAL:

~~Interested Party~~

Not a party to the Appeal - vs

RESPONDENTS (ORIGINAL
APPLICANTS):

ROLAND TWINN, CATHERINE TWINN,
WALTER FELIX TWIN, BERTHA
L'HIRONDELLE AND CLARA MIDBO,
AS TRUSTEES FOR THE 1985
SAWRIDGE TRUST (the "1985 Sawridge
Trustees" or "Trustees")

STATUS ON APPEAL:

Respondents

INTERVENOR:

THE SAWRIDGE BAND

STATUS ON APPEAL:

Respondents

RESPONDENT:

Public Trustee of Alberta ("OPTG")

STATUS ON APPEAL:

Not a party to the Appeal

INTERESTED PARTY

PRISCILLA KENNEDY, Counsel for
Maurice Felix Stoney and His Brothers and
Sisters

STATUS ON APPEAL:

Appellant

DOCUMENT:

**CIVIL NOTICE OF APPEAL
re Sawridge #8**



APPELLANT'S ADDRESS FOR
SERVICE AND CONTACT
INFORMATION:

Field LLP
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File: 65063-1

WARNING

To the Respondent: 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: September 12, 2017

Date entered: September 12, 2017 *KP*

Date served: September 12, 2017 *KP*

Official neutral citation of reasons for decision, if any:

1985 Sawridge Trust v Alberta (Public Trustee), 2017 ABQB 548 (*Sawridge* #8)

2. Indicate where the matter originated:

Alberta Court of Queen's Bench

Judicial Centre: Edmonton

Justice: Honourable Mr. Justice D.R.G. Thomas

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:
n/a

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):

All of those parts of the decision which concern the Appellant's conduct and submissions on behalf of her client, Maurice Felix Stoney, in the underlying application and in the hearing regarding Mr. Stoney's potential Vexatious Litigant Status, and which resulted in the finding that the Appellant had engaged in serious misconduct warranting referral to the Law Society of Alberta.

5. Provide a brief description of the issues:

The Appellant, a barrister and solicitor, appeals from the decision of Thomas J sitting as Case Management Justice (the "CMJ") in which the CMJ concluded that an application brought by the Appellant on behalf of her client, Maurice Felix Stoney, disclosed indicators of vexatious and abusive litigation, and thus made an order restricting Mr. Stoney's access to the Alberta

Court of Queen's Bench. As part of that decision, the CMJ concluded that the Appellant's conduct and submissions in the underlying application and in the hearing regarding Mr. Stoney's potential Vexatious Litigant Status amounted to serious misconduct and warranted sending a copy of the judgment to the Law Society of Alberta for review in respect of the Appellant.

The issue on appeal is whether the CMJ erred:

- a. in finding the Appellant's submissions on behalf of Mr. Stoney with respect to his potential status as a vexatious litigant were improper and warranting sanction; and
- b. in sending his judgment to the Law Society of Alberta as a result.

6. Provide a brief description of the relief claimed:

An Order setting aside the CMJ's finding that the Appellant engaged in serious misconduct warranting referral to the Law Society of Alberta.

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(s) or counsel for the respondent(s), with contact information:

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~~Maurice Felix Stoney~~
~~500 4th Street NW~~
~~Slave Lake, AB T0G 2A1~~
~~Phone: 780-516-1143~~
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If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

☒ ☐ Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

Order will be filed once finalized. - KP
The attached Court Access Control Order for Maurice Felix Stoney does not pertain specifically to the Appellant. This Order, which was issued by the Court, appears to include the following errors in its style of cause:

- The Court File Number should read "1103 14112" instead of "1103 114112";
- One of the 1985 Sawridge Trustees is incorrectly identified as "Martha L'Hirondelle" instead of "Bertha L'Hirondelle"; and
- The name of one of the 1985 Sawridge Trustees is incorrectly spelled "Clara Midho" instead of "Clara Midbo".

A further Order pertaining to the Appellant will be filed once finalized.

☐ 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.