

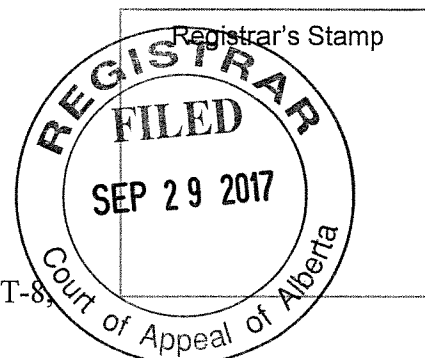
COURT OF APPEAL OF ALBERTA

Form AP-1  
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 1703-0239AC

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

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

STATUS ON APPEAL: Respondents

RESPONDENTS: PUBLIC TRUSTEE OF ALBERTA

STATUS ON APPEAL: Not a Party to the Appeal

INTERVENOR: THE SAWRIDGE BAND

STATUS ON APPEAL: As determined by the Court

INTERESTED PARTY

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

STATUS ON APPEAL:

Appellant

DOCUMENT:

**CIVIL NOTICE OF APPEAL**

APPELLANT'S ADDRESS FOR  
SERVICE AND CONTACT  
INFORMATION:

Field LLP  
2500, 10175 - 101 Street  
Edmonton, Alberta T5J OH3  
Attention: P. Jonathan Faulds, QC  
Phone: 780-423-7625  
Fax: 780-429-9329  
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: August 31, 2017

Date entered:

Date served:

Official neutral citation of reasons for decision, if any:

*1985 Sawridge Trust v Alberta (Public Trustee)*, 2017 ABQB 530

**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.)

Note: The Appellant takes the position that permission is not required, but recognizes this may be disputed. Accordingly, the Appellant has also filed an Application for Advice and Direction on Permission to Appeal and, if necessary, Permission to Appeal.

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

Whole, or

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

**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") finding her personally liable for an award of solicitor and own client costs against her client. The CMJ held that the Appellant had conducted "an unfounded, frivolous, dilatory or vexatious proceeding that denotes a serious abuse of the judicial system" and engaged in litigation on a "busybody" basis. The CMJ also directed that his decision be forwarded to the Law Society of Alberta for its review; and

The issues on appeal include:

- a. Did the CMJ err in finding the Appellant advanced an application on a “busybody” basis, warranting sanction by way of a personal costs award and referral to the Law Society of Alberta;
- b. Did the CMJ err in finding the Appellant’s conduct in advancing the application constituted serious abuse of the judicial system warranting sanction by way of a personal costs award and referral to the Law Society of Alberta;
- c. Did the CMJ err in his identification and application of the test for an award of costs against a solicitor personally;
- d. Did the CMJ err by basing his judgment on irrelevant considerations and factors wrongly characterized as aggravating;
- e. Such further issues as may be identified.

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

The Appellant requests that the decision of the CMJ be set aside.

**7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)**

Yes  No As determined by the Court

**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:**

DENTONS LLP  
2900 Manulife Place  
10180-101 Street NW  
Edmonton, AB T5J 3V5  
Attention: Doris Bonora & Erin Lafuente  
Phone: 780 423 7188  
Fax: 780 423 7276  
Counsel for the Sawridge Trustees

PARLEE MCLAWS LLP  
1700 Enbridge Centre  
10175-101 Street NW  
Edmonton, AB T5J 0H3  
Attention: Edward Molstad, QC & Ellery Sopko  
Phone: 780 423 8500  
Fax: 780 423 2870  
Counsel for The Sawridge Band

Maurice Felix Stoney  
500 4<sup>th</sup> Street NW  
Slave Lake, AB T0G 2A1

*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))

The Order under appeal has not yet been settled and filed

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.*