

1 COURT FILE NO: 1103 14112
2 COURT: QUEEN'S BENCH OF ALBERTA
3 JUDICIAL CENTRE: EDMONTON
4

5 IN THE MATTER OF THE TRUSTEE ACT, R.S.A. 2000,
6 c.T-8 as amended

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

10
11 APPLICANTS: ROLAND TWINN, CATHERINE TWINN, WALTER
12 FELIX TWIN, BERTHA L'HIRONDELLE and
13 CLARA MIDBO, as TRUSTEES FOR THE 1985
14 SAWRIDGE TRUST

15 -----
16 QUESTIONING ON AFFIDAVIT
17 OF
18 DEBORAH A. SERAFINCHON
19 -----

20 Ms. D.C.E. Bonora For the Applicants
21 Ms. S.J. Shannon For Shelby Twinn, Patrick
22 Twinn and Deborah Serafinchon
23 Ms. C.C. Osualdini For Catherine Twinn
24 Susan Stelter Court Reporter

25
26 Edmonton, Alberta

27 22 September, 2016

1 DEBORAH A. SERAFINCHON, SWORN AT 10:10 A.M., QUESTIONED BY
2 MS. BONORA:

3 Q MS. BONORA: Is it okay if I call you Deborah?

4 A Yeah, Deb is good, Deborah, whatever you want.

5 Q Okay, thank you. And I just want to confirm that you
6 have applied to be a party in Action Number 1103 14112?

7 A Yes, I have.

8 Q And that you swore an Affidavit in this action at St.
9 Albert on the 26th of July, 2016?

10 A Yes.

11 Q Okay. And can you tell me, are you working? Do you
12 have an occupation?

13 A Yeah, I work with the Fish & Wildlife.

14 Q Okay. And what do you do?

15 A Admin.

16 Q Okay. And what is your age?

17 A I am 54.

18 Q Okay. And your level of education?

19 A High school.

20 Q Okay. And where do you live?

21 A In Edmonton.

22 Q Okay. Now you have said in your Affidavit that you
23 were raised in the foster care system; is that correct?

24 A Yes.

25 Q Were you adopted by anyone?

26 A No.

27 Q And you have retained Borden Ladner Gervais to be your

1 lawyers in this application to be added as a party,
2 correct?

3 A Correct.

4 Q And did you pay them a retainer to be a part of this
5 action?

6 A I am going to be honest with you, I can't remember.
7 The three of us worked together to do it and so I would
8 have to think it would be Patrick. So I am assuming
9 since we have her that we did.

10 Q Okay. And when you say the three of you worked
11 together, do you mean by the three of you, Patrick, and
12 you and Shelby Twinn?

13 A Yes.

14 Q Okay. And when I say Patrick, I mean Patrick Twinn?

15 A Yes.

16 Q Okay. And so I am wondering if you might undertake to
17 determine whether you paid a retainer and if you
18 didn't, if someone paid a retainer on your behalf. And
19 if so, what that amount was?

20 A I would have to talk to the other two. I have to be
21 honest with you. I just cannot remember.

22 MS. SHANNON: We will take it under advisement.

23 MS. BONORA: Under advisement or undertaking?

24 MS. SHANNON: We will take it under advisement.

25 MS. BONORA: Okay.

26 UNDERTAKING NO. 1: (UNDER ADVISEMENT)

27 RE ADVISE IF MS. SERAFINCHON OR SOMEONE

1 ON HER BEHALF PAID A RETAINER TO BORDEN
2 LADNER GERVAIS; IF SO, IN WHAT AMOUNT.

3 Q MS. BONORA: Deborah, in paragraph 4(i) of your
4 Affidavit you say that you are bringing an application
5 to be added as a party, and also to deal with the issue
6 of the transfer of assets into the 1985 Trust. And I
7 want to ask you if you are aware that that issue in
8 respect of the transfer of assets has been settled by a
9 court order?

10 A I am sorry, I missed that. I was moving my paper.

11 Q Not a problem. So my question to you, if you look at
12 paragraph 4(i) of your Affidavit?

13 A M-hm.

14 Q You are asking to be added as a party to not only deal
15 with the definition of beneficiaries, but also with
16 respect to the transfer of assets into the 1985 Trust?

17 A Yes.

18 Q Okay. And so are you aware that the transfer of assets
19 issue was settled by way of a court order?

20 MS. SHANNON: Counsel, I think we are looking at
21 the wrong paragraph. 4(i)?

22 MR. HEIDECKER: Last phrase on the bottom of the
23 page there.

24 MS. SHANNON: Thank you, I see it.

25 A No.

26 Q MS. BONORA: You are not aware of that?

27 A About the court order?

1 Q Right.

2 A No, I don't believe so.

3 Q And so is it your intention to pursue the transfer of
4 assets issue?

5 A I have to be honest with you, I'm not sure.

6 Q Okay. And in terms of paragraph 4(ii) of your
7 Affidavit, you are asking for full indemnification of
8 costs. Can you tell me what that means to you?

9 A That means that the Trust will pay for the costs.

10 Q And what costs?

11 A The lawyer's fees.

12 Q Okay. And can you tell me why you believe that you are
13 entitled to costs from the 1985 Trust?

14 A Because I believe that I am entitled to be a
15 beneficiary of the Trust.

16 Q Okay. And why are you entitled to costs from the 1986
17 Trust?

18 A Because I am Walter's daughter.

19 Q And you believe as Walter's daughter that you are
20 entitled to costs from the 1986 Trust as well?

21 A I have to be honest with you, I'm not really sure the
22 difference between the two. But either one is okay
23 with me.

24 Q Okay. In paragraph 9 of your Affidavit you talk about
25 your family. Was your mother a member of the Sawridge
26 First Nation?

27 A Yes. Well, okay, can you clarify that for me? Like

1 are you talking about did she have status, or are you
2 saying was she a member of the band?

3 Q My question is was she a member of the band?

4 A No.

5 Q And from reading your family history in the Affidavit
6 it is my understanding that your maternal grandfather
7 was not registered as an Indian or having Indian
8 status?

9 A I do not believe so. I can't tell you for sure, but I
10 don't think so.

11 Q And in paragraph 10 you talk about the fact that you
12 believe your paternal grandfather, Paul Twinn, and your
13 maternal grandmother or great grandmother Amelia
14 Nisotesis, spelled N-I-S-O-T-E-S-I-S, are you saying
15 that you are not sure if Amelia was your grandmother or
16 great grandmother?

17 A Basically, yes. I haven't really got too far into the
18 family tree to decipher which way it is. I just know
19 that they are related.

20 Q Okay, very good. And so when you were born your
21 parents were not married?

22 A No.

23 Q And you believe your father to be Walter Twinn who was
24 the Chief of the First Nation?

25 A I know he was my father.

26 Q Okay. And you know that because your mother told you
27 that?

1 A My mother told me that, and I had DNA testing done.
2 And he told me. He never denied it when I spoke to
3 him.

4 Q Okay. And you have not produced your DNA testing for
5 this action?

6 A I don't believe so.

7 Q And if we look at paragraph 15 of your Affidavit you
8 have said that you applied for Indian status
9 registration?

10 A M-hm.

11 Q Sorry?

12 A Sorry, go ahead.

13 Q Through the office of Lesser Slave Lake Indian Regional
14 Council.

15 Can you tell me what process you went through?

16 A Honestly, I believe this was the second time I applied,
17 and I had submitted all of the information that I had
18 at that time to -- oh, God, that was so long ago. I
19 can't remember when I submitted it. I think it was to
20 the band office or to the Lesser -- somebody. As a
21 matter of fact, maybe I even gave it to Catherine and
22 she submitted it for me. It was like a long time ago.

23 Q Okay. And is it your belief that the Lesser Slave Lake
24 Indian Regional Council grant Indian status?

25 A I have no idea, to be quite honest with you, how the
26 process is. All I know is I keep putting in
27 applications and it didn't work.

1 Q Okay. So you are not aware that it is actually the
2 federal government through Indian Affairs that grants
3 Indian status?

4 A Well, I had thought at that time that if I applied to
5 them they would be able to help me get the application
6 through to the government or --

7 Q And have you made any inquiries of any federal
8 departments, Indian Affairs, about your Indian status?

9 A Yes, I did send in an application, and I am going to be
10 honest with you, I have no idea what year, when, how,
11 what order it was in. But I did send in an application
12 including my DNA and was told that the DNA was not good
13 enough.

14 Q So to date you haven't been granted Indian status?

15 A No.

16 Q And so do you have any written proof of the
17 applications that you made to them?

18 A Probably not because I lost a lot of papers in a flood
19 in my basement.

20 Q Oh, that is always unfortunate. So you wouldn't have
21 any correspondence that you exchanged with the Lesser
22 Slave Lake Indian Regional Council?

23 A Probably not.

24 Q Okay. Would you be able to check and see if you had
25 any?

26 A Of course.

27 MS. SHANNON: We will take that under advisement.

1 MS. BONORA: Okay.

2 UNDERTAKING NO. 2: (UNDER ADVISEMENT)
3 RE CHECK RECORDS AND PRODUCE ANY
4 CORRESPONDENCE EXCHANGED WITH THE LESSER
5 SLAVE LAKE INDIAN REGIONAL COUNCIL.

6 Q MS. BONORA: So in paragraph 16 you talk about
7 the fact that the Lesser Slave Lake Indian Regional
8 Council informed you that the DNA sample was inadequate
9 for registration.

10 A Okay. Again, I'm not sure, because it was so long ago,
11 if it was actually them or if it was the letter I got
12 from the government. But I do know that I received a
13 letter saying that the DNA sample was insufficient and
14 that I would need to get Affidavits from Walter's
15 siblings.

16 Q And so you were told that you would need two of your
17 father's sisters to attest that you were his daughter,
18 correct?

19 A Yes.

20 Q And you have not done that?

21 A Sorry. No, I have not done that.

22 Q And you just told me about a letter that you received
23 either from the Lesser Slave Lake Indian Regional
24 Council or from the federal government. Do you think
25 that you would have a copy of that letter?

26 A Probably not. Again, there were a whole bunch of
27 papers destroyed in a flood, so.

1 Q Will you undertake to look for that letter?

2 MS. SHANNON: We will take that one under
3 advisement as well.

4 MS. BONORA: And I am just curious about the
5 taking it under advisement when it is specifically
6 referred to in the Affidavit.

7 MS. SHANNON: I need to consider what part of
8 that letter would be relevant to the application.

9 MS. BONORA: Okay.

10 UNDERTAKING NO. 3: (UNDER ADVISEMENT)
11 RE PRODUCE LETTER RECEIVED FROM THE
12 LESSER SLAVE LAKE INDIAN REGIONAL
13 COUNCIL OR THE FEDERAL GOVERNMENT.

14 Q MS. BONORA: So am I correct that you knew that
15 you had to get two letters to achieve Indian status,
16 but you chose not to get those letters?

17 A I am not going to say that I really chose not to. I
18 was told by my sibling that there was no way that the
19 aunts would provide a letter for me.

20 Q And who? Which sibling was that?

21 A Arlene Twinn.

22 Q And you never made the request of those aunts?

23 A No.

24 Q So in respect of the reason that you would like to be
25 added as a party, you are saying that you are not a
26 beneficiary of the 1985 Trust at this point, correct?

27 A Not that I am aware of. I believe that I should be a

1 beneficiary, but.

2 Q But today you believe that you are not a beneficiary?

3 A No.

4 Q And if the definition is amended to be such that the
5 beneficiaries will be the Sawridge First Nation
6 members, then you will also not be a beneficiary; is
7 that correct?

8 A Like I said, that is part of the reason that we are
9 here, is to make sure that I am not discriminated
10 against and not excluded.

11 Q Okay. So I am just going to ask you the question
12 again. If the definition is changed so that the
13 beneficiary definition in the Trust is Sawridge First
14 Nation members, is it correct that you will not be a
15 beneficiary?

16 A Not necessarily, because if I get my membership done I
17 would be, wouldn't I?

18 Q Right. And have you made an application for
19 membership?

20 A Not yet.

21 Q Are you planning to make an application for membership?

22 A I am going to be honest with you. I am not sure
23 because the process is long and arduous and painful.

24 Q And when you say the process is long and arduous and
25 painful, how do you know that?

26 A Because I have seen some of the -- I had an
27 application, one of the very first ones, that was for

1 want of a better word scary. I don't think that it is
2 any of their business about my sex life or anything
3 like that. The second application I don't think was
4 that much better, not to mention the fact that it is
5 common knowledge that the application process is hard.
6 It is pick and choose and not consistent.

7 Q Okay. So I just want to break down your answer. When
8 you say that the application has information that is
9 none of their business, are you saying that you read
10 the application form and you don't -- you choose or
11 believe that some of those questions you shouldn't have
12 to answer?

13 A On the original application there were questions that
14 should not have been there, right.

15 Q And is that true of the application form today?

16 A Again, it has been a while since I seen the second
17 application form. I think maybe the first one was a
18 little stuck in my mind more because it was so
19 invasive. And the second application I know wasn't
20 quite as, but it was still long and -- and I have been
21 told, anyways, it doesn't matter how many applications
22 that I fill out my chances are slim to none.

23 Q But you haven't, in fact, filled out any applications,
24 correct?

25 A Pardon me?

26 Q You have not filled in any applications?

27 A Oh, I filled them in.

1 Q So did you fill in the applications and submit them to
2 the Sawridge First Nation?

3 A No.

4 Q And who told you that your potential to be made a
5 member was slim to none?

6 A My sister.

7 Q And who is that?

8 A Arlene.

9 Q Okay. And did you investigate with anyone at the
10 Sawridge First Nation in the administration or in Chief
11 and council about your ability to become a member of
12 Sawridge First Nation?

13 A It is kind of hard to talk to people who don't speak to
14 you.

15 Q So does that mean that you did not make those
16 inquiries?

17 A I did not.

18 Q And in terms of the application that you are making,
19 you wish to add illegitimate females to the class of
20 beneficiaries in the 1985 Trust, correct?

21 A Say that again, sorry?

22 Q In terms of what you would like to do in terms of being
23 added as a party, you would like to add a class of
24 illegitimate females to the class of beneficiaries in
25 the 1985 Trust?

26 A I don't know so much as I want to add a class, as I
27 would like it not to include illegitimate or gender.

1 Q Okay. So I am reading paragraph 17 of your Affidavit.
2 You say, "I may be excluded as a beneficiary under the
3 1985 Trust as a result of being born an illegitimate
4 female. As an illegitimate female who is a direct
5 descendant of the male line of the Sawridge First
6 Nation member I am not entitled to be a beneficiary as
7 a result of the language in the Indian Act. I believe
8 this to be discriminatory."

9 And then you go on in paragraph 18 to say, "I
10 believe that I should have the same entitlement as my
11 brothers and other siblings who are considered
12 beneficiaries of the 1985 Trust and the 1986 Trust."

13 So I am asking you what it is that you wish to add
14 to or change in the definition of beneficiaries?

15 A Like I said, I think they should change that there is
16 no gender included, and for the legitimacy.

17 Q Okay. Now when you say that in paragraph 18 that you
18 should have the same entitlement as your brothers and
19 other siblings who are considered beneficiaries of the
20 1985 Trust and the 1986 Trust, do you understand that
21 their entitlement to be beneficiaries is different than
22 you?

23 A How so?

24 Q Well, let me ask you that question. The question I am
25 asking you is do you understand that their entitlement
26 is different than your entitlement?

27 A No, I don't understand that.

1 Q Okay.

2 A I believe that my entitlement should be the same as
3 theirs.

4 Q Okay. And you are not aware that your brother's
5 entitlement come from the fact that they are the
6 children of two members?

7 A That they are the --

8 Q The children of two members of the Sawridge First
9 Nation?

10 A And my mother is a descendant as well.

11 Q Right. But we confirm that your mother was not a
12 member of the Sawridge First Nation, correct?

13 A No, but her ancestry is, so she should have been as
14 well.

15 Q So when I asked you your mother is not a member, is
16 that correct, you answered no.

17 Your mother, can you tell me for sure was your
18 mother a member --

19 A My mother has passed away.

20 Q Was your mother a member of Sawridge First Nation?

21 A She wasn't on the band list.

22 Q In paragraph 19 of your Affidavit you are asking for a
23 change to the Indian Act; is that correct?

24 A Yup. Well, I am hoping that, again, that there is no
25 gender included and/or legitimacy.

26 Q Okay. And then you say, in paragraph 19, "I may also
27 have an absolute right from birth to be on the Sawridge

1 Band list."

2 Have you made any applications to Indian Affairs to
3 be added to the original band list?

4 A No.

5 Q And are you aware that the original band list was set
6 by Indian Affairs?

7 A No.

8 Q And is that part of what you are seeking in this
9 application, to be added to the original band list?

10 A Right now all I want to do is make sure that I am not
11 discriminated against and I can become a beneficiary.

12 Q So you are not seeking that in this application?

13 A I can't get it in this application. It has nothing to
14 do with band membership, correct?

15 Q I am just asking the questions, right. So it is hard
16 to have an answer to a question as another question.
17 So if we just answer the question, you are not seeking
18 to be put on the original band list because you would
19 have had an absolute right from birth to be added to
20 the band list?

21 A No.

22 Q And you understand that if the amendment in the advice
23 and direction application is made then your status
24 would not change, correct?

25 A My status?

26 Q As a beneficiary would not change?

27 A I am sorry, I didn't understand the question.

1 Q Okay. So if the court chooses to change the definition
2 of beneficiary to be the Sawridge First Nation members,
3 you would then still not be a beneficiary?

4 A Okay.

5 Q Is that correct?

6 A Yes.

7 Q And when you, in paragraph 19, you say that "I'm not
8 entitled to be a beneficiary under the 1985 Trust
9 because I am not on the Chief and council controlled
10 Sawridge Band list." Do you see that in your
11 Affidavit?

12 A I see that.

13 Q Okay. And do you believe that Chief and council are
14 the sole determination of who will be on the membership
15 list?

16 A Yes.

17 Q Are you aware that there is an appeal of the membership
18 decision by Chief and council to the electors of the
19 Sawridge First Nation?

20 A No.

21 Q Have you investigated the membership code and the
22 process to become a member?

23 A I have a --

24 Q Just a minute.

25 (Discussion off the Record.)

26 COURT REPORTER: (By Reading)

27 "Q Have you investigated the membership code and

1 the process to become a member?"

2 A I think I answered but I forget what I answered. I
3 haven't -- I glanced at it, but it is not something
4 that I have read thoroughly.

5 Q MS. BONORA: Did someone tell you that it was
6 only the Chief and council who decided?

7 A I remember hearing it, but I am not sure where it was
8 from again. It was a long time ago, probably ten years
9 ago.

10 Q So you don't remember who told you that?

11 A No.

12 Q And if it was ten years ago, you have done no
13 investigation since then about the membership process?

14 A No.

15 Q In paragraph 20 you say that you understand that the
16 Sawridge trustees, with the exception of Catherine
17 Twinn, are seeking to bury the definition of
18 beneficiary under the 1985 Trust. Can you tell me what
19 Catherine Twinn has told you about her position in this
20 litigation?

21 MS. SHANNON: Counsel, I think that it would be
22 fair to say I think the more appropriate person to be
23 answering a question like that would be Catherine.

24 MS. BONORA: I think I can ask her when she
25 specifically made reference to Catherine Twinn in her
26 Affidavit.

27 MS. SHANNON: The reference she made is that

1 Catherine Twinn, she said with the exception.

2 MS. BONORA: So you are leaving your objection
3 on the record?

4 MS. SHANNON: Or you could rephrase your
5 question.

6 Q MS. BONORA: Have you had discussions with
7 Catherine Twinn about the litigation?

8 A About what litigation?

9 Q This litigation?

10 A We have -- I don't know so much about discussions, but
11 I guess not a discussion. It has been brought up
12 casually, we will say. And I know that -- and she has
13 helped me to figure out where to go.

14 Q And she helped you with your Affidavit?

15 A No, she had nothing to do with my Affidavit.

16 Q Okay. And did she tell you anything about her position
17 with respect to the variation of the definition?

18 A Can you rephrase that again? Or not rephrase it, but
19 ask me again? I am not quite sure what you asked me,
20 sorry.

21 Q Did you have discussions with Catherine about her
22 position on the variation of the definition?

23 A Yes.

24 Q And what? What was the substance of those discussions?
25 What did you talk about?

26 A I asked her questions about some of the, I don't know
27 how to put this without making it sound stupid -- it is

1 what it is. I asked her questions about some of the
2 long words, and some of the definitions, because I am
3 not a lawyer, I don't understand everything.

4 Q Yes, it can be hard sometimes. Did she tell you,
5 because you have said in your Affidavit you understand
6 the Sawridge trustees, with the exception of Catherine
7 Twinn, are seeking to vary the definition of
8 beneficiary. Do you see that?

9 A Yes, I see that.

10 Q So I am asking you how you determined, and what
11 discussions you had to swear in your Affidavit that the
12 Sawridge trustees are seeking to vary the definition
13 with the exception of Catherine Twinn. I want to know
14 what you have been told by Catherine Twinn about what
15 position she is taking, because you have sworn in your
16 Affidavit that she is taking an exception.

17 A She explained to me that changing the definition would
18 mean that it would be band members only decided by the
19 Chief and council only.

20 Q So she told you that it was by Chief and council only
21 deciding membership?

22 A Well, not necessarily. You can't quote me on that,
23 because I am not repeating verbatim what she said to
24 me. I'm just telling you what I understood what she
25 said to me.

26 Q Okay. And she took exception to that change?

27 A She believes that I should be included just as I

1 believe I should be included.

2 Q She took exception to the change of definition?

3 A I can't tell you what she takes exception to because I
4 can't read her mind. You would have to ask her.

5 Q So are you saying that you don't -- when you said this
6 in your Affidavit, with the exception of Catherine
7 Twinn, you actually didn't have any knowledge to put
8 that in there because you don't know what her position
9 is?

10 MS. SHANNON: I think she has already answered
11 what she understood Catherine's position to be.

12 MS. BONORA: Well, she just said to me she
13 doesn't know Catherine's position because she can't
14 read her mind.

15 A No, what I said was I didn't know what she was
16 thinking. I can't speak for Catherine. What I said
17 was as far as I know she wants me to be included. That
18 is what I said.

19 Q MS. BONORA: Okay. And then you could be
20 included if you became a member, correct?

21 A Yes.

22 Q And in paragraph 20 when you say, "and that they seek
23 to amend the definition of beneficiary to band members
24 only, a list of individuals that the Chief and council
25 currently dominate and control." What do you mean by
26 that?

27 A Exactly what it says. The Chief and council decide who

1 is a member and who isn't a member.

2 Q And that is your understanding of the membership
3 process?

4 A Yeah.

5 Q And again, you didn't have any understanding that there
6 is an appeal process to all of the electors of Sawridge
7 First Nation?

8 A Let's put it this way. My understanding is that the
9 appeal process also gets decided by Chief and council.

10 Q Have you ever heard about Tracy Poitras and the fact
11 that her appeal was, in fact, successful in front of
12 the electors?

13 A Say that again, I'm sorry.

14 Q Have you heard about Tracy Poitras and her application
15 being successful in front of the electors?

16 A Is that one out of 50,000?

17 Q I am asking you if you have ever heard of that process?

18 A No.

19 Q Okay. And so your suggestion is that your
20 understanding is that the Chief and council dominate
21 and control and that the elector's process is also
22 flawed?

23 A Yes.

24 Q And what are you basing that on?

25 A Again, it is stories that I have heard from people. I
26 have gone to Slave Lake, I have gone to Faust, all
27 around that area, and I have heard all sorts of

1 stories. People love to tell me stories about how
2 corrupt the band membership is.

3 Q So that is a very strong word to say, corrupt. And you
4 believe that it is corrupt?

5 A Yes.

6 Q And who are these stories from?

7 A Oh, I can't give you names. Like I said, everywhere --
8 well, that is exaggerating, sorry. People that I have
9 spoken to in Faust and Slave Lake, all around that
10 area, have told me that.

11 Q And you have no names for me?

12 MS. SHANNON: Counsel, I'm not really following
13 relevance of this line of questioning to this
14 application.

15 MS. BONORA: I'm following the Affidavit. The
16 Affidavit talks about the membership process.

17 MS. SHANNON: Yes.

18 MS. BONORA: If you are saying membership is
19 irrelevant, then it is throughout this Affidavit,
20 several times.

21 MS. SHANNON: And I mean I'm just saying the
22 questions that you are asking now are for her to give
23 you names of people who have had problems with
24 membership. I'm not sure that I am following how that
25 is relevant to her application here.

26 MS. BONORA: I believe I get to investigate the
27 sources of the information for the information sworn in

1 the Affidavit. You are welcome to put the objection on
2 the record, if you wish.

3 MS. SHANNON: Okay. I have already.

4 Q MS. BONORA: You have had no personal experience
5 in respect of the membership process, correct?

6 A I have not applied, no.

7 Q I am going to ask you to provide your full financial
8 records, including income and savings, liabilities,
9 employment income, in respect of your application for
10 full indemnification costs. Will you do that?

11 MS. SHANNON: We will accept that undertaking.

12 UNDERTAKING NO. 4:

13 RE PROVIDE FULL FINANCIAL RECORDS
14 INCLUDING INCOME AND SAVINGS,
15 LIABILITIES, AND EMPLOYMENT INCOME IN
16 RESPECT OF THE APPLICATION FOR FULL
17 INDEMNIFICATION COSTS.

18 Q MS. BONORA: Has your lawyer told you what the
19 expected budget is for participating in this
20 litigation?

21 A I am sorry?

22 Q Has your lawyer told you what the expected budget is
23 for your participation in this litigation?

24 A Again, no.

25 Q Pardon me?

26 A Again, that is something that like the three of us have
27 been working on and I have left it up to Patrick and

1 Shelby to look after.

2 Q Okay.

3 A I don't know. Sorry, go ahead.

4 Q So you don't have any information from your lawyers on
5 what the litigation will cost in terms of your
6 participation?

7 A Considering that it is with all of these lawyers, it is
8 going to be a lot, I'm assuming.

9 Q So I am asking you about you and your lawyer. Have you
10 had a discussion about how much it will cost for your
11 participation in this litigation?

12 A No.

13 Q And I am wondering, then, how you can advise that you
14 can't afford that if you don't know what the budget is?

15 A Because I know that lawyers cost a lot of money, and I
16 don't have that kind of money unless she is going to do
17 it for free. Will you do it for free?

18 Q In paragraph 23 of your Affidavit you say, "I do not
19 believe that I am the only potential beneficiary to
20 have been placed in the foster care system."

21 Can you tell me how being placed in the foster care
22 system affects your beneficiary status?

23 A I am not quite sure that I understand the question, I
24 am sorry.

25 Q I am just reading your Affidavit and I would say I
26 don't understand your statement, that is why I am
27 asking you the question. You say, "I do not believe

1 that I am the only potential beneficiary to have been
2 placed in the foster care system."

3 And I am wondering how the potential beneficiary
4 status is affected by the foster care system?

5 A It is not affected by the foster care system, it is the
6 fact that there is probably people in the same position
7 that I am. I am not saying anything about the foster
8 care system as opposed to that they are the same
9 circumstances as I.

10 Q And that same circumstance is that you were born
11 illegitimate?

12 A Yes.

13 Q Okay. And then you say that you believe that there are
14 other people in the same position as you who are
15 illegitimate children. Can you tell me who they are?

16 A I can't give you names. I don't know everybody that
17 was illegitimate and born outside, but I can almost
18 guarantee that there is more than me.

19 Q Do you know anyone?

20 A Not offhand. I can go look if you like.

21 Q Are you suggesting --

22 A But I don't have any -- I don't have any names for you,
23 no.

24 Q Okay. You say in paragraph 23 that you believe that a
25 determination of the interest like yours are of public
26 importance. Can you tell me how you believe that your
27 interests are of public importance?

1 A Because, like I said earlier, there were other people
2 who are in my circumstances who probably would -- who
3 probably are being discriminated against.

4 Q So the public importance is other people in your
5 situation?

6 A Yes.

7 Q Is that right?

8 A Yes.

9 Q But you don't know anybody else in your situation?

10 A Again, I don't know names, no.

11 Q I am going to take a short break.

12 (Questioning adjourned.)

13 (Questioning resumed.)

14 MS. BONORA: So subject to anything arising from
15 undertakings or objections, I am concluding my
16 questioning.

17 MS. OSUALDINI QUESTIONS THE WITNESS:

18 Q MS. OSUALDINI: I am counsel for Catherine Twinn,
19 and I just have a few questions.

20 A I don't know why I can't hear you.

21 Q Deborah, my name is Crista, I am counsel for Catherine
22 Twinn and I just have a few questions for you.

23 A Yeah.

24 Q Are you aware of someone named William McDonald?

25 A Yes.

26 Q And do you know if William McDonald is the illegitimate
27 son of Chester Twinn?

1 A Yes, he is. I forgot about him.

2 Q Do you know if Chester Twinn was a band member with
3 Sawridge?

4 A I believe he was, yes.

5 Q And are you aware if William McDonald had a wife?

6 A Yes.

7 Q And are you aware if William McDonald had children?

8 A I believe so, yes. Yes, he has a daughter my age.

9 Q Do you know how many children he had?

10 A I'm sorry, I can't remember. I think he said three.

11 Q Okay. Those are all of my questions. Thank you.

12 MS. BONORA: I think we are done.

13 (Questioning adjourned 11:00 a.m.)

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PROCEEDINGS ADJOURNED

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SUBJECT TO UNDERTAKINGS

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1 Certificate of Transcript

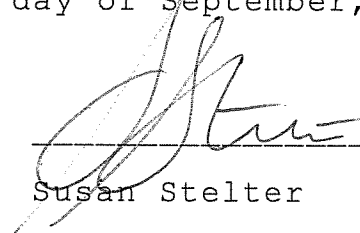
2

3 I, the undersigned, hereby certify that the
4 foregoing pages are a complete and accurate transcript
5 of the proceedings taken down by me in shorthand and
6 transcribed to the best of my skill and ability.

7 Dated at the City of Edmonton, Province of
8 Alberta, this 26th day of September, 2016.

9

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Susan Stelter
Court Reporter

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UNDERTAKINGS

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UNDERTAKING NO. 1: (UNDER ADVISEMENT) 3
RE ADVISE IF MS. SERAFINCHON OR SOMEONE ON
HER BEHALF PAID A RETAINER TO BORDEN LADNER
GERVAIS; IF SO, IN WHAT AMOUNT.

UNDERTAKING NO. 2: (UNDER ADVISEMENT) 9
RE CHECK RECORDS AND PRODUCE ANY
CORRESPONDENCE EXCHANGED WITH THE LESSER
SLAVE LAKE INDIAN REGIONAL COUNCIL.

UNDERTAKING NO. 3: (UNDER ADVISEMENT) 10
RE PRODUCE LETTER RECEIVED FROM THE LESSER
SLAVE LAKE INDIAN REGIONAL COUNCIL OR THE
FEDERAL GOVERNMENT.

UNDERTAKING NO. 4: 24
RE PROVIDE FULL FINANCIAL RECORDS INCLUDING
INCOME AND SAVINGS, LIABILITIES, AND
EMPLOYMENT INCOME IN RESPECT OF THE
APPLICATION FOR FULL INDEMNIFICATION COSTS.