

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
10 SAWRIDGE FIRST NATION, ON APRIL 15, 1985
11 (The "1985 SAWRIDGE TRUST")

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

16 -----
17 QUESTIONING ON AFFIDAVIT
18 OF
19 SHELBY TWINN
20 -----

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

26 Edmonton, Alberta

27 22 September, 2016

1 SHELBY TWINN, SWORN AT 9:10 A.M., QUESTIONED BY

2 MS. BONORA:

3 Q MS. BONORA: Can I call you Shelby?

4 A Yes.

5 MS. SHANNON: Before we get started can we get it
6 on the record why the other parties aren't in the room
7 for questioning.

8 MS. BONORA: There are two other affiants who
9 have sworn Affidavits, Patrick Twinn and Deborah
10 Serafinchon, who are also applying to be parties, and I
11 have objected to them being in the questioning while
12 the other party is being questioned because their
13 Affidavits are very similar. And so I have objected to
14 them being in the room.

15 MS. SHANNON: Okay, thanks.

16 MS. BONORA: Did you want to add anything?

17 MS. SHANNON: No.

18 MS. BONORA: Very good. Thanks for reminding
19 me.

20 Q MS. BONORA: And you are an applicant in Action
21 1103 14112 to be added as a party to this action; is
22 that correct?

23 A Yes.

24 Q And you have sworn an Affidavit, and your Affidavit was
25 sworn on July 26th, 2016?

26 A Yes.

27 Q And can you tell me, do you have an occupation? Are

1 you working?

2 A Yeah, I am working as an accounts payable for Rolling
3 Mix Concrete.

4 Q And can you tell me what your education is, the level
5 of education you have achieved?

6 A I have graduated high school and I am currently in an
7 accounting program course at NAIT.

8 Q Okay, perfect. And can you tell me where you live?

9 A I live in Edmonton. I live just -- I actually live on
10 the Enoch Reserve in a building just behind the River
11 Cree Hotel.

12 Q Okay.

13 A Yeah.

14 Q And you live on the Enoch Reserve because you have some
15 status there?

16 A No, just that was a choice to live.

17 Q Okay. You are allowed to live on the reserve? Are you
18 a member of the Enoch Reserve?

19 A No.

20 Q Do you live with someone who is a member of the Enoch
21 reserve?

22 A No. I live with roommates who are not.

23 Q Okay. And your father lives on the Sawridge First
24 Nation reserve, correct?

25 A Yes.

26 Q And you lived on Sawridge First Nation reserve until
27 you were five?

1 A Yes.

2 Q And after you left did you do anything to keep your
3 address known to the Sawridge First Nation?

4 A I do not know. I was five, so I don't know what was
5 done back then.

6 Q Okay.

7 A Being five I couldn't have kept anyone in contact where
8 my address was.

9 Q Right. So in the times that you have known about your
10 address being known to the Sawridge First Nation, did
11 you do anything to keep your address known to them?

12 A No. I was in contact with family members who had the
13 ability to reach me who are members of the Sawridge
14 Band. So I was never completely cut off of contact.

15 Q Okay.

16 A From aunts, uncles, cousins.

17 Q Okay.

18 A Always in contact.

19 Q And do you have Indian status?

20 A Yes.

21 Q And are you entitled to education from the Sawridge
22 First Nation because you have Indian status?

23 A Because I am a beneficiary of the 1966 trust -- or '85
24 trust, sorry, yeah.

25 Q I am not asking you about the trust.

26 A Yeah.

27 Q I am asking you about the fact that as a status Indian

1 you would have access to education funding. So I am
2 asking you about that, not about the trust?

3 A As far as I know, just being a status Indian with the
4 government, that that does not just automatically give
5 me access to education funding.

6 Q Okay. You haven't pursued that in any event?

7 A No.

8 Q So in your Affidavit in paragraph 4 you said that the
9 trustees, with the exception of Catherine Twinn, are
10 seeking to amend the definition of beneficiary under
11 the 1985 Trust?

12 A M-hm.

13 Q Can you tell me what your understanding of Catherine
14 Twinn's position is?

15 A Is that she would like to involve the beneficiaries in
16 making sure their interests are heard on the amending
17 of the definition of beneficiary.

18 Q And so when you say with the exception of Catherine
19 Twinn, that is the only exception, is that she wants to
20 involve other people in the amendment?

21 A I don't understand what you mean by that question.

22 Q Okay. So your statement in your Affidavit is "I
23 understand that the Sawridge trustees, with the
24 exception of Catherine Twinn, are seeking to amend the
25 definition of beneficiary under the 1985 Trust."

26 A M-hm, yes.

27 Q So what I am asking you is what has Catherine Twinn

1 told you about the fact that she is the exception in
2 terms of amending the definition? So just focusing on
3 the amendment to the definition?

4 A As in she is the one who is not on board with them
5 changing that definition with them right now, yeah.

6 Q So you have had those discussions with Catherine Twinn?

7 A Yeah, she has been the only one involved with the Trust
8 to reach out to me and involve me and say you are a
9 possible beneficiary, this is what is happening.

10 Q She reached out to you?

11 A Well, I reached out to her because I had moved to
12 Edmonton and I had been invited to her house through
13 her sons, and I guess kind of me reaching out to her.

14 Q Okay. And so then you have had discussions with her
15 about the Trust and this action?

16 A Yes, absolutely.

17 Q And when did those discussions start?

18 A Late 2013.

19 Q Okay. And from 2013 to now did you take any steps to
20 get involved in the litigation?

21 A Not as I am right now.

22 Q Okay. And other than what you have just said now, did
23 Catherine Twinn tell you anything else about the
24 position that she was taking?

25 A No, as far as I know it is just pretty much the same
26 position that I am taking.

27 Q Sorry, what is --

1 A Being wanting to be involved in changing, amending of
2 the definition.

3 Q And in terms of wanting to be involved in amending the
4 definition, what do you want to be involved in?

5 A I want people to have a say in what this definition
6 will be amended to.

7 Q Okay. And what would be your position on that?

8 A My position on that in amending the definition would be
9 to strike out any discriminatory aspects, but that is
10 it. Keep the definition the same and take out anything
11 that is discriminatory, which would continue my
12 beneficiaries.

13 Q You believe that can be achieved?

14 A Absolutely.

15 Q And so is your position, then, similar to what the
16 position of Catherine Twinn is taking?

17 A Yes.

18 Q And did she encourage you to bring this application?

19 A She not so much encouraged me, she gave me the
20 information and told me what was going on. I decided
21 on my own that I should get involved because I am going
22 to be the one who cares about my interest.

23 Q Now you have hired Borden Ladner Gervais to represent
24 you?

25 A M-hm.

26 Q Is that a yes?

27 A Yes.

1 Q You have to say yes because she can't record a nod.

2 And when you retained Borden Ladner Gervais did you
3 pay them a retainer?

4 A I personally did not pay them a retainer. My
5 grandmother helped us out in that.

6 Q Who is your grandmother?

7 A Catherine.

8 Q Catherine Twinn?

9 A Yup.

10 Q So Catherine Twinn paid the retainer for Borden Ladner
11 Gervais?

12 A Yes.

13 Q Do you know the amount of the retainer?

14 A No.

15 Q Can you undertake to find that out for me?

16 A Yes.

17 Q Okay.

18 UNDERTAKING NO. 1:

19 RE ADVISE THE AMOUNT OF RETAINER PAID TO
20 BORDEN LADNER GERVAIS.

21 Q MS. BONORA: Now you advised that you are not a
22 member of Sawridge First Nation?

23 A Yes.

24 Q And have you ever applied to be a member of the
25 Sawridge First Nation?

26 A No.

27 Q Do you ever intend to apply to be a member of the

1 Sawridge First Nation?

2 A That is still up in the air. Depending on how I feel
3 -- as I am a young adult I don't know where I am at
4 emotionally, and when I know to take that I will, and
5 until then I am not sure.

6 Q Okay. You say that you are a beneficiary of the 1985
7 Trust, correct?

8 A Yes.

9 Q And is it your understanding that you are a beneficiary
10 because you are the child of a male member of Sawridge
11 First Nation?

12 A Yes.

13 Q And so your father is Paul Twinn?

14 A Yes.

15 Q And he is a member of the Sawridge First Nation?

16 A Yes.

17 Q And he is also the brother to Patrick Twinn?

18 A Yes.

19 Q And he is also an applicant in this application?

20 A Patrick.

21 Q Yes. And Aspen is Patrick's daughter?

22 A Yes.

23 Q And so Aspen is your cousin?

24 A Yes.

25 Q Okay. And there is no other way that you are a
26 beneficiary of the 1985 Trust, correct?

27 MS. SHANNON: I am not sure she can answer that,

1 counsel. Legal determination whether or not she is a
2 beneficiary.

3 MS. BONORA: I am just asking for her
4 understanding of it, not for a legal determination.

5 Q MS. BONORA: So from your understanding of the
6 facts that you know you are a beneficiary because you
7 are the daughter of Paul Twinn, correct?

8 A Yes.

9 Q Okay. Now in paragraph 4 of your Affidavit you say
10 that you are not a member of the Sawridge Band and you
11 are not on the Sawridge Band list which is controlled
12 by Chief and council. So what do you mean by that in
13 terms of being controlled by Chief and council?

14 A That they are the ones who get to decide who is a
15 member and not a member.

16 Q Okay. And are you aware of the membership process in
17 terms of the fact that as a first application goes to
18 Chief and council, but then there is a number of
19 appeals that can happen subsequent to that?

20 A No, as far as I know you apply and then just see what
21 happens.

22 Q Okay. So your understanding of the process is that
23 Chief and council decides, and that is the end of the
24 process?

25 A As far as that, yes.

26 Q Okay. And so that is the reason that you have said
27 that the list, the membership list, sorry, is

1 controlled by Chief and council?

2 A Yes.

3 Q So you are not aware that after the Chief and council
4 make the decision on membership that, in fact, there
5 can be an appeal to all of the electors of the Sawridge
6 First Nation?

7 A I was not aware of that.

8 MS. SHANNON: Counsel, for reference, do you mind
9 if I put her Affidavit in front of her?

10 MS. BONORA: Gosh, no. Sorry, I thought she
11 might have it. My apologies, yes, yes. Please feel
12 free to read it and take the time if you need that.

13 Q MS. BONORA: Who told you that there was 44
14 Sawridge Band members?

15 A Catherine.

16 Q And when you were retaining Borden Ladner Gervais, did
17 Catherine attend with you as well?

18 A Attend?

19 Q When you met with your lawyers to discuss this action,
20 did Catherine Twinn attend as well?

21 A No.

22 Q In paragraph 5 of your Affidavit you say you wish to be
23 added as a party to deal with the definition of
24 beneficiaries, but also to deal with the transfer of
25 assets into the 1985 Trust. Do you understand now that
26 the transfer of assets issue has been settled?

27 A Yes.

1 Q And is it your intention to deal with the transfer of
2 assets issue if you are added as a party?

3 A No.

4 Q So you won't be challenging the transfer of assets
5 issue?

6 A No.

7 Q Okay. In paragraph 5(ii) of your application you are
8 asking for an order that the Sawridge trustees provide
9 an accounting and pass their accounts for the 1985
10 Trust; is that correct?

11 A Yes.

12 Q And you are also seeking in 5(iii) of your Affidavit
13 advance costs and full indemnification costs?

14 A M-hm.

15 Q What does that mean to you, full indemnification costs?

16 A That means to cover my legal fees ongoing.

17 Q And you are seeking full indemnification costs from the
18 1986 Trust. Why do you think that you can get costs
19 from the 1986 Trust?

20 A That, I honestly don't know why that is on there.

21 Q You don't believe that you have any rights to get costs
22 from the 1986 Trust?

23 A No.

24 Q In paragraphs 9 and 10 of your Affidavit, if you take a
25 look at them, you describe yourself as registered as an
26 Indian in paragraph 9. And in paragraph 10 you say,
27 "My biological father, Paul Twinn, is recognized as a

1 status Indian."

2 Can you tell me if there is any difference between
3 those two?

4 A No, as far as I know.

5 Q So you would be a status Indian as well?

6 A Yes.

7 Q And so you lived on the Sawridge First Nation reserve
8 until you were five, and is it true that you basically
9 had no connection with the Sawridge First Nation until
10 you made some contact with Arlene Twinn more recently?

11 A True, yes.

12 Q Okay. And when did you start to have some contact with
13 Sawridge First Nation?

14 A It must have been maybe late high school age for me,
15 around there, through social media.

16 Q And you have no contact with your father?

17 A No.

18 Q Since you were five?

19 A No. No contact.

20 Q And so you had some contact with Arlene Twinn in high
21 school, and then did you maintain some contact with
22 your relatives from high school on?

23 A Yeah.

24 Q And did that include contact with Catherine Twinn and
25 her family?

26 A No, that didn't happen until -- contact with Catherine
27 didn't happen until I moved to Edmonton.

1 Q That was in 2013?

2 A Yes.

3 Q Okay. And did you have any contact with your
4 grandfather, Walter Twinn?

5 A Not since I was five.

6 Q And so you didn't speak to him before his death?

7 A No.

8 Q Okay. In paragraph 14 of your Affidavit you say that
9 you had no contact with the Trust administrator or
10 didn't learn about the Trust until 2013.

11 When was the first time that you learned about the
12 Trust?

13 A In 2013.

14 Q Okay. And at that time did you contact the Trust
15 administrator?

16 A No, I believe I didn't contact until I had sent in
17 school funding which would have been 2014 maybe.

18 Q Okay. And when you had some contact regarding the
19 Trust in 2013, did you learn about the action then
20 involving the Trust as well?

21 A Yes.

22 Q And did you learn about the web site that had the
23 documents listed at that time as well?

24 A Yes, I knew about the web site.

25 Q And that was all in 2013?

26 A Yes.

27 Q Okay. Arlene Twinn, in paragraph 15 of your Affidavit,

1 you say Arlene Twinn asked you to complete a membership
2 application; is that correct?

3 A Yes.

4 Q And you have chosen not to complete that membership
5 application?

6 A Yes.

7 Q And is it true, then, that you have reservations about
8 becoming a member of Sawridge First Nation because you
9 don't want to be part of the Sawridge First Nation
10 community?

11 A I'm not ready to be a part of the Sawridge First Nation
12 community.

13 Q Is it your understanding that the assets in the Trust
14 belonged and do belong to the Sawridge First Nation
15 members?

16 A Which Trust are we speaking about?

17 Q The only one that you are interested in is the 1985
18 Trust?

19 A Yeah, so that would belong to the people who are
20 beneficiaries under the rules.

21 Q Okay. And so let me start, do you understand that the
22 assets in the Trust belong to the Sawridge First Nation
23 members before it was put in the Trust?

24 A I don't understand that question.

25 Q Okay. Do you know where the assets came from that went
26 in to the Trust?

27 A No.

1 Q In paragraph 16 of your Affidavit you talk about your
2 sister being included for grandfathering. Tell me how
3 you know about that.

4 A That I was made aware by Catherine.

5 Q So your sister was represented by the Office of the
6 Public Guardian and Trustee? Do you know that?

7 A I don't know that.

8 Q Okay. So in terms of your sister being included for
9 grandfathering, what do you know about that?

10 A That they had presented a list of minors at a certain
11 time. With that they would grandfather in, with the
12 striking and amending of the previous beneficiary rule.

13 Q Okay. And so today you don't know that at that time
14 your sister was on a list being represented by the
15 Office of the Public Guardian and Trustee?

16 A No.

17 Q And you say in paragraph 16 that your sister has never
18 been contacted by the Trust?

19 A No.

20 Q Okay. She has told you that?

21 A She has never told me that which means that she has
22 never been contacted.

23 Q So she hasn't told you that she hasn't been contacted?

24 A Yeah.

25 Q She has just never told you about being contacted?

26 A No, she has never told me because she has never been
27 contacted. She has never had the need to tell me.

1 Q Because you are assuming that she tells you everything?

2 A Absolutely.

3 Q Did you tell her about your conversation with Catherine
4 Twinn about this action in 2013?

5 A No, I have not included my sister in any of the
6 conversations because she does not want to be included
7 or involved.

8 Q How do you know that she doesn't want to be included --

9 A Because she has told me --

10 Q Just wait, I have to put the question on the record,
11 okay. How do you know that she doesn't want to be
12 involved if you never talked to her about it?

13 A Because she has told me she does not want to be
14 involved with anything that has to do with Slave Lake
15 or Sawridge.

16 Q So you simply avoid that conversation with her?

17 A Yeah, out of respect for her.

18 Q And so you don't know for sure that she wasn't
19 contacted by the Office of the Public Guardian and
20 Trustee in respect of this action?

21 A She has not told me.

22 Q In paragraph 17 you say, "I do verily believe that my
23 paternal grandfather who settled the Trust would have
24 wanted my sister and me to be beneficiaries regardless
25 of our Sawridge Band membership status."

26 It is true that you did not ever hear that from
27 your grandfather?

1 A I have not heard that from him, no.

2 Q So that is simply your belief?

3 A Looking at the rules that he had put in place in the
4 deed for that Trust, yes, that is where I am pulling my
5 information from.

6 Q Okay. But you don't know from him what he believed?

7 A No.

8 Q Okay. Or what his intentions were?

9 A I know his intentions through the rules that he set in
10 that deed for us, that Trust.

11 Q Right. But you don't know anything outside of that
12 from your grandfather?

13 A No.

14 Q So in paragraph 17 you say, "I strongly oppose the
15 proposal to change the rules that define beneficiary in
16 the 1985 Trust to band members controlled by the Chief
17 and council as that we would not be beneficiaries." Do
18 you see that sentence?

19 A Yes.

20 Q So we have already talked about the fact that you
21 weren't aware of the whole membership process in terms
22 of how members are brought in to the band and the fact
23 that it is not entirely controlled by Chief and
24 council, correct?

25 A Yes.

26 Q And in terms of being strongly opposed to the proposal
27 to change the rules that define beneficiaries, you said

1 that you wish to be included but you would like to also
2 end the discrimination?

3 A Yes.

4 Q And you believe that can be achieved?

5 A Absolutely.

6 Q In paragraph 18 you say, "I believe the purpose of the
7 1985 Trust was to ensure that a larger, more inclusive
8 family group beyond that of individual members picked
9 by Chief and council." Do you see that?

10 A Yes.

11 Q And you will agree with me again that this whole issue
12 of members picked by Chief and council was based on a
13 belief that wasn't entirely accurate in terms of how
14 the membership process is in place at Sawridge First
15 Nation?

16 MS. SHANNON: I am not sure I understand that
17 question, counsel.

18 A Yeah.

19 Q MS. BONORA: Okay. So there is this continuing
20 reference to members being chosen by Chief and council.
21 So I just want to start by the fact that this third
22 reference in your Affidavit to the band members as
23 controlled by Chief and council was based on a belief
24 that wasn't accurate in terms of the membership
25 process; is that correct?

26 A Yes.

27 Q And so when you say I believe that the purpose of the

1 1985 Trust was to ensure a larger and more inclusive
2 family group beyond that of individual members, your
3 belief is based simply on you reading the Trust?

4 A My belief on that from what I understand is that there
5 are only 44 members of the band, and that this would
6 include family members and many people who should be,
7 it would include them. So it would not only be 44
8 members.

9 Q Right. So that is not really my question, but perhaps
10 my question was poor. So let me try again.

11 So in paragraph 18 you talk about you believe the
12 purpose of the Trust was to ensure a larger, more
13 inclusive family group beyond that of the individual
14 members?

15 A Yes.

16 Q I am asking you what you base your belief on and
17 suggesting that you are basing that belief simply by
18 reading the Trust documents?

19 A Yes.

20 Q And you have had no discussions with anyone about the
21 history of the Trust and why it was created, have you?

22 A No.

23 Q And have you ever been told that there was an intention
24 from the start to perhaps change this Trust once Bill
25 C-31 was put in place? Have you ever been told that?

26 A That there was an intention to change the Trust, no.

27 Q Okay. We have talked a bit about your knowledge of the

1 membership process. So you haven't done any individual
2 investigation about the whole membership process in
3 Sawridge First Nation?

4 A No.

5 Q And how did you come to believe that it was just
6 members are chosen simply by Chief and council?

7 A That is just as far as I know, that they are the ones
8 who decide who is in, who is out. That is ...

9 Q And how did you come to know that? Were you told that
10 by someone? Did you read the membership code?

11 A No, I was told that Chief and council are the ones who
12 control the band list.

13 Q And who told you that?

14 A Catherine.

15 Q And do you understand that if the definition is changed
16 to members, that if you apply to be a member and you
17 are successful then you would be a beneficiary of the
18 Trust?

19 A I would be if it was successful.

20 Q Do you have any reason to believe that your application
21 would not be successful?

22 A I don't know either way.

23 Q You have made no inquiries?

24 A No.

25 Q In paragraph 18 you say, you start by saying "This
26 would include a larger, more inclusive family group
27 beyond the individual members" and then go on to say,

1 "this would include women who married male band members
2 and their children." Is there some reason you put that
3 into your Affidavit?

4 A That would just -- just informational purposes, that
5 they are family members. It would include a larger
6 group of family members.

7 Q Okay. Are you suggesting that women who marry male
8 band members cannot become members of the Sawridge
9 First Nation?

10 A I am not saying that.

11 Q So you don't know anything about that. It is possible
12 that they could become members of the Sawridge --

13 A If approved to become a member, yes.

14 Q And that is also true of their children, their children
15 could apply to become members of the Sawridge First
16 Nation?

17 A Yes.

18 Q Okay. You go on to say that you believe that it is
19 essentially impossible to marry within the Sawridge
20 Band as there is only 44 Sawridge Band members. Can
21 you tell me how it is relevant in terms of why it would
22 be important that it would be impossible to marry?

23 A As in passing on the right to be a band member
24 indefinitely would not be an option.

25 Q And do you think that if you married a Sawridge First
26 Nation member that you would be able to pass on
27 membership indefinitely?

1 A I'm not a member, so no.

2 Q Okay. So that paragraph or that sentence is there only
3 because you are suggesting that there are people, if
4 there were two members who could marry, they could pass
5 on membership indefinitely?

6 A Yes.

7 Q Now in paragraph 19 of your Affidavit you wrote a
8 letter to Paul Bujold to ask for an accounting of the
9 1985 Trust?

10 A Correct.

11 Q And did you have any assistance in writing that letter?

12 A Yes.

13 Q And who helped you with that letter?

14 A Catherine helped me with this email.

15 Q And was there a particular reason that you focused on
16 getting the legal accounts?

17 A After knowing how long this -- how many years these
18 trusts have been involved in this, as being a
19 beneficiary I have a right to know where the money of
20 that Trust is going and how much is being used.

21 Q Okay. And did Catherine Twinn specifically talk to you
22 about getting the legal accounts?

23 A Yes.

24 Q And then you go on to say that you believe that the
25 request for the accounting was refused?

26 A Yes.

27 Q Okay. And when we look at Paul Bujold's response do

1 you believe that he made an absolute refusal, or that
2 he only made a refusal to provide it at a particular
3 time?

4 A How I read that was that at the moment, so waiting for
5 the definition to change where he would not have to
6 submit information to me is how I read that.

7 Q And it is your intention that you wish to have the
8 accounting -- the accounts passed by the courts,
9 correct? That is the application?

10 MS. SHANNON: I'm going to object to that.
11 Accounts passed is legal terminology.

12 MS. BONORA: Okay.

13 Q MS. BONORA: Now you are seeking full
14 indemnification costs. So I am going to ask you if you
15 could provide for us your full financial statements
16 including all assets you own, savings, vehicles,
17 employment income, and liabilities. And if you would
18 undertake to do that?

19 MS. SHANNON: She can undertake to provide the
20 information that she has access to.

21 UNDERTAKING NO. 2:
22 RE PROVIDE FINANCIAL STATEMENTS
23 INCLUDING ASSETS OWNED, SAVINGS,
24 VEHICLES, EMPLOYMENT INCOME AND
25 LIABILITIES

26 Q MS. BONORA: So you say in paragraph 22 that
27 without this financial assistance there is no way that

1 I can proceed and no way -- no realistic option for you
2 to bring this issue to the court.

3 Can you tell me what you have been told about what
4 kind of budget you need in order to proceed as a party
5 in this litigation?

6 A I have not been aware of any budget.

7 Q So you have not been told how much it will cost to be a
8 party?

9 A No.

10 Q So I am going to ask you how can you determine that you
11 can not afford it if you don't know what the cost is?

12 A Because I am barely managing my personal costs. I
13 guarantee to you an extra \$100 every month is not going
14 to cover what needs to be, costs.

15 Q You haven't asked that question of your counsel?

16 A No.

17 Q In terms of the Trust do you and your sister have any
18 different interests?

19 A No.

20 Q In paragraph 23 you say that you don't believe -- you
21 do not believe that your sister and you are the only
22 children of Sawridge First Nation who would qualify as
23 beneficiaries under the current definition and who
24 would lose their entitlement to under the Sawridge
25 trustee's proposed amendment. Who are the other people
26 that you are speaking of?

27 A I do not know them personally, but by the sheer fact

1 that there are only 44 band members, that I believe
2 that there are many more out there.

3 Q So it is a simple belief. You don't know anyone in
4 particular?

5 A No.

6 Q And then you go on to say that you believe that my
7 interests are of broader public import. What do you
8 mean by that?

9 A As in this will help anyone else going through the
10 exact same thing that I am going through.

11 Q So you are suggesting that broader public import is
12 simply helping the people who are in exactly the same
13 position as you are, being the child of a male band
14 member?

15 A Yes.

16 Q Is that it?

17 A Yes, they have a right to voice their interest.

18 Q So they have a right to voice their interests, and you
19 are saying that is your broader public import, that you
20 want to represent the people who are also children of
21 male band members, correct?

22 A Yes.

23 Q And that at this point you don't know who those people
24 are?

25 A No.

26 Q Are you aware that the Office of the Public Guardian
27 and Trustee represents children who are the children of

1 male band members?

2 A Minors, yes.

3 Q Okay. And do you think that their interests are
4 different than yours?

5 A No.

6 (Questioning adjourned.)

7 (Questioning resumed.)

8 MS. BONORA: So Shelby, thank you very much. I
9 am concluding my questions. So subject to anything
10 arising from the undertakings that were given, I'm
11 concluding my questioning.

12 A All right, thank you.

13 MS. OSUALDINI: Just to start I would like to place
14 on the record that in attendance today are Paul Bujold
15 and Brian Heidecker who I understand is the Trust
16 administrator and the chair of the Board of the
17 Trustees. And I understand that that is Denton's
18 clients who are giving instructions. That is the
19 reason why they are present today.

20 MS. BONORA: You can put your understanding on
21 the record. I'm not going to respond to that.

22 MS. OSUALDINI: Is that a correct understanding?

23 MS. BONORA: My clients are the trustees and
24 they have certain arrangements in terms of how they
25 give instructions which I don't think is information
26 that I am prepared to put on the record.

27 MS. OSUALDINI: On what basis are these two

1 gentlemen here today?

2 MS. BONORA: They are part of the client team.

3 MS. OSUALDINI: Okay.

4 MS. OSUALDINI QUESTIONS THE WITNESS:

5 Q MS. OSUALDINI: Shelby, my name is Crista and I am
6 counsel for Catherine and I just have a few questions
7 for you.

8 This morning you were asked about your reservations
9 about being part of the Sawridge community and applying
10 for band membership. What are those reservations?

11 A My reservations about applying and being part of the
12 community are that through personality shortcomings of
13 my father, and the treatment of my mother by not only
14 my father, other members, makes me a little wary of
15 getting involved with that emotionally. I don't know
16 if I am in an emotional spot right now in my life to be
17 able to handle that and take that ...

18 Q Is there any reservation that you have about the band
19 membership process and applying?

20 A I am concerned that in applying I will end up waiting
21 years for an answer. I don't much know how fast the
22 decision process is that if I will apply, I could get
23 it right away, I could wait years.

24 Q And why do you think that you might wait years?

25 A Due to other possible applicants who have applied and
26 waited years.

27 Q You are aware of other people applying and waiting for

1 years?

2 A Yes.

3 Q We spoke this morning about the Office of the Public
4 Trustee?

5 A M-hmm.

6 Q Have you ever been contacted by the Office of the
7 Public Trustee about litigation related to the 1985
8 Trust?

9 A I have not been contacted by them. I contacted a
10 lawyer who worked for the public trustee.

11 Q Okay. When did you contact them?

12 A My goodness, maybe a year or so ago. A year or two
13 years ago.

14 Q And when did you first become aware that the trustees
15 of the 1985 Trust, with the exception of Catherine,
16 were seeking a change from the definition of
17 beneficiaries from what it is currently to membership
18 in the band?

19 A Late 2013 I was made aware that the beneficiary rules
20 were in question.

21 Q Okay. You were aware that the beneficiary rules were
22 in question, or what was going to be done about them?

23 A What was going to be done about them.

24 Q Okay. All right, thank you.

25 MS. BONORA: I just want it on the record as
26 well that Catherine Twinn is here today.

27 MS. OSUALDINI: That is fine.

1 MS. BONORA RE-QUESTIONS THE WITNESS:

2 Q MS. BONORA: One follow-up question. In terms
3 of the answers that you have just given with respect to
4 the membership process that people have waited years to
5 be approved for membership, who did you get that
6 information from?

7 A Through Catherine and Gina.

8 Q And that is Catherine Twinn?

9 A Yes.

10 Q And Gina?

11 A McDonald, I believe.

12 Q Okay. Who is she?

13 A She is another person who has applied to become a band
14 member.

15 Q And how did you meet Gina McDonald?

16 A Through Catherine.

17 Q Okay. Thank you, those are all of my questions.

18 (Questioning adjourned 10:05.)

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PROCEEDINGS ADJOURNED

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SUBJECT TO UNDERTAKINGS

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1 Certificate of Transcript

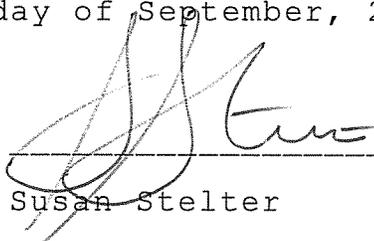
2

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.

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Susan Stelter

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Court Reporter

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UNDERTAKINGS

UNDERTAKING NO. 1: 8
RE ADVISE THE AMOUNT OF RETAINER PAID TO
BORDEN LADNER GERVAIS.

UNDERTAKING NO. 2: 24
RE PROVIDE FINANCIAL STATEMENTS INCLUDING
ASSETS OWNED, SAVINGS, VEHICLES, EMPLOYMENT
INCOME AND LIABILITIES