

COURT FILE NUMBER 1103 14112

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

Clerk's Stamp

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

APPLICANTS: ROLAND TWINN, CATHERINE TWINN,  
WALTER FELIX TWIN, BERTHA  
L'HIRONDELLE and CLARA MIDBO, as  
Trustees for the 1985 Sawridge Trust

DOCUMENT **APPLICATION FOR INTERVENOR  
STATUS BY THE SAWRIDGE FIRST  
NATION**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS  
DOCUMENT Parlee McLaws LLP  
Barristers and Solicitors  
Patent & Trademark Agents  
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File No.: 64203-7/EHM

**NOTICE TO THE RESPONDENTS: MAURICE FELIX STONEY and HIS BROTHERS  
AND SISTERS**

This application is made against you. You are the Respondents.

You have the right to state your side in this matter before the Judge.

To do so, you must be in Court when the application is heard as shown below:

Date:	September 30, 2016
Time:	N/A
Where:	The Law Courts, Edmonton, Alberta
Before Whom:	Justice D.R.G. Thomas via desktop application

Go to the end of this document to see what else you can do and when you must do it.

### **Remedy Claimed or Sought:**

1. An Order pursuant to Rule 2.10 of the *Rules of Court*, Alta Reg 124/2010, granting the Sawridge First Nation (“**Sawridge**”) status to intervene in the application filed in this action on August 12, 2016 by Maurice Stoney and His Brothers And Sisters (the “**Stoney Applicants**”) to become parties (the “**Stoney Application**”), on terms which include the following:
  - a. Sawridge shall have the right to question the Stoney Applicants on any Affidavits filed as part of the Stoney Application;
  - b. Sawridge shall have the right to apply to strike the Stoney Application and/or to have the Stoney Application dismissed;
  - c. Sawridge shall have the right to make submissions in response to the Stoney Application; and
  - d. Sawridge shall have the right to seek costs as against Maurice Stoney with respect to the Stoney Application.
2. If the relief sought pursuant to Paragraph 1 of this Application is granted, then an Order striking some or all of the Stoney Application pursuant to Rule 3.68 of the *Rules of Court*, Alta Reg 124/2010, on the basis that the Stoney Application is frivolous, and constitutes an abuse of process.
3. Costs of this Application on a solicitor and his own client basis, or, in the alternative, on an enhanced basis.
4. Such further and other relief as this Honourable Court deems just.

### **Grounds for Making this Application:**

5. The Stoney Application and the materials sworn in support of same contain requests for relief and statements that concern the Stoney Applicants’ entitlements to membership in Sawridge.
6. Certain of the Stoney Applicants have been involved in litigation, administrative and other proceedings with Sawridge regarding their entitlement to membership in Sawridge. All of those proceedings involved allegations that are similar or identical to the allegations raised in the Stoney Application regarding their entitlement to membership.
7. The issue of the Stoney Applicants’ entitlement to membership has been adjudicated and decided by the Federal Court of Appeal, the Federal Court Trial Division, and the Canadian Human Rights Commission, and is accordingly *res judicata*.

8. Sawridge would be specially affected by a decision in the Stoney Application, as that decision would address the Stoney Applicants' right to membership in Sawridge.
9. Sawridge has special expertise and insight to bring to bear concerning the Stoney Applicants' allegations regarding their membership in Sawridge.
10. The Stoney Application discloses no valid claim, as the Stoney Applicants are attempting to litigate matters as part of the Stoney Application that are *res judicata*.
11. Furthermore, or in the alternative, the Stoney Applicants' attempt to litigate matters as part of the Stoney Application that are *res judicata* constitutes an abuse of process.
12. Sawridge has received orders for costs against the Applicant Maurice Stoney as a result of proceedings in the Federal Court and the Court of Appeal of Alberta, which Maurice Stoney has refused to pay.
13. Such further and other grounds as counsel may advise.

**Material or Evidence to be Relied Upon:**

14. The Affidavit of Chief Roland Twinn, sworn September 21, 2016; and
15. Such further and other material as counsel may advise and this Honourable Court may allow.

**Applicable Rules and Legislation:**

16. Rules 2.10 and 3.68 of the *Rules of Court*, Alta Reg 124/2010.
17. Part 10, Division 2 of the *Rules of Court*, Alta Reg 124/2010.

**Applicable Acts and regulations:**

18. None

**Any irregularity complained of or objection relied on:**

19. None

**How the application is proposed to be heard or considered:**

20. Via desktop application by Justice D.R.G. Thomas pursuant to Justice D.R.G. Thomas' order during a case management meeting held August 24, 2016.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.