

COURT FILE NO. 1103 14112 and 1403 04885

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE TRUSTEE ACT, R.S.A.  
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 Trust"),

AND

IN THE MATTER OF THE SAWRIDGE TRUST  
CREATED BY CHIEF WALTER PATRICK TWINN,  
OF THE SAWRIDGE INDIAN BAND NO. 19,  
AUGUST 15, 1986 (the "1986 Trust")

Clerk's Stamp:



APPLICANT CATHERINE TWINN, as Trustee for the 1985 Trust and the 1986 Trust

RESPONDENT ROLAND TWINN, BERTHA L'HIRONDELLE, EVERETT JUSTIN TWIN AND MARGARET  
WARD, as Trustees for the 1985 Trust and the 1986 Trust

DOCUMENT **APPLICATION BY CATHERINE TWINN**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

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**NOTICE TO RESPONDENTS:**

**ROLAND TWINN, BERTHA L'HIRONDELLE, EVERETT JUSTIN TWINN and MAGARET WARD, as  
Trustees for the 1985 Trust and the 1986 Trust**

**This application is made against you. You are a Respondent.**

You have the right to state your side of this matter before the Justice in Chambers.

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

<b>Date:</b>	Tuesday, September 13, 2016
<b>Time:</b>	10:00 a.m.
<b>Where:</b>	Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2
<b>Before Whom:</b>	Justice in Chambers

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 imposing deadlines for the completion of all steps necessary to allow the Applicant's Special Chambers Application for payment of her legal costs relating to these Actions from the 1985 Trust and the 1986 Trust (the "**Costs Application**") to proceed as scheduled on November 9, 2016, including:
  - (a) Deadlines for the parties to file any Affidavit evidence they intend to rely upon at the Costs Application;
  - (b) Deadlines for the completion of any Questioning on Affidavits; and
  - (c) Deadlines for the filing of each party's written submissions.
2. Costs of this Application on a solicitor and his own client basis;
3. Such further and other relief as this Honourable Court deems just and appropriate in the circumstances.

**Grounds for making this application:**

4. The Applicant, Catherine Twinn ("**Twinn**"), filed the Costs Application on December 11, 2015, in both Action No. 1103 14112 (the "**2011 Action**") and Action No. 1403 04885 (the "**2014 Action**") seeking to have the legal costs incurred by her in her capacity as a Trustee of the 1985 Trust and the 1986 Trust paid from the 1985 Trust and the 1986 Trust. The Costs Application was served on counsel for the Respondents on December 17, 2015, along with the supporting Affidavits referenced in the Application.
5. The Costs Application was originally returnable on January 6, 2016. On January 19, 2016, it was adjourned by consent to a full day special chambers date on November 9, 2016.
6. On August 14, 2016, counsel for the Respondents in the 2014 Action indicated that she wished to cross-examine Twinn on her Affidavits, and proposed dates, including September 8 and 21, 2016. Counsel for the Respondents in the 2014 Action indicated that counsel for the Respondents in the 2011 Action was also available on those dates.
7. On August 23, 2016, counsel for Twinn proposed a schedule to complete the remaining steps needed to allow the Costs Application to proceed on November 9, 2016. Counsel for the Respondents in the 2011 Action and Respondents in the 2014 Action now say that they are no

longer available on September 8 and 21, 2016, but have not proposed an alternate schedule to complete the remaining steps needed to allow the Costs Application to proceed on November 9, 2016.

8. The Trial Coordinator's office indicates that the next available full-day special chambers date is in October 2017.
9. Given the extended delay that will result in the hearing of the Costs Application that will result if it does not proceed on November 9, 2016, it is just and appropriate in the circumstances that the Court provide a procedural order imposing deadlines for the completion of all steps necessary to allow the Costs Application to proceed on November 9, 2016.

**Material or evidence to be relied on:**

10. The Affidavit of Danielle Pfeifle, filed.

**Applicable rules:**

11. Rules 1.2, 1.3, 1.4, 1.5, 1.7, 4.9, 4.10, and 4.11 of the Alberta *Rules of Court* and such further and other Rules as counsel may advise and this Honourable Court deems just.

**Applicable Acts and Regulations:**

12. N/A

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

13. None.

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

14. To be heard by the Presiding Justice in Chambers

**AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.**

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant 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 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 a reasonable time before the application is to be heard or considered.