

COURT OF APPEAL FILE NUMBER: 1603-0033AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: Edmonton



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 (the "1985" Sawridge Trust")

APPLICANT: MAURICE STONEY

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

DOCUMENT: **Affidavit of Paul Bujold Opposing Application for a Filing Extension**

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AFFIDAVIT OF PAUL BUJOLD

Sworn on the 10th day of FEBRUARY, 2016

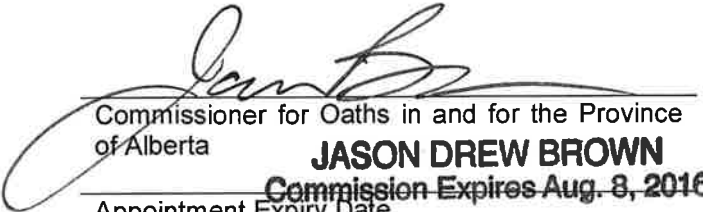
I, Paul Bujold, of Edmonton, Alberta make oath and say that:

1. I am the Chief Executive Officer of the 1985 Sawridge Trust and as such have personal knowledge of the matters hereinafter deposed to unless stated to be based upon information and belief, in which case I verily believe the same to be true.
2. I am advised by my counsel that Maurice Stoney filed an appeal of the decision of Justice D.R.G. Thomas dated December 17, 2015, *1985 Sawridge Trust v. Alberta (Public Trustee)*, 2015 ABQB 799 ("Decision").
3. I am advised by my counsel that the Notice of Appeal filed on behalf of Maurice Stoney was not filed within the required time limits.
4. I attended the case management application on September 2 and 3, 2015 before Justice Thomas that resulted in the Decision and observed that the lawyer for Maurice Stoney, Priscilla Kennedy made no submissions at the application. Attached and marked as Exhibit "A" are the Clerk's notes from the application that show that neither Priscilla Kennedy nor anyone else on behalf of Maurice Stoney made submissions at the application.
5. I am advised by Ed Molstad, solicitor for the Sawridge First Nation, that Mr. Stoney has had costs awards made against him in previous applications against the Sawridge First Nation in which Mr. Stoney was unsuccessful and has failed to pay any such costs.
6. Mr. Stoney is not a member of the Sawridge First Nation and not a beneficiary of the Sawridge Trusts.
7. I make this affidavit to oppose the application for granting an extension of time for Mr. Stoney to file his appeal.

SWORN OR AFFIRMED BY THE DEPONENT BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA, AT EDMONTON, ALBERTA ON THE 10th DAY OF FEBRUARY, 2016.



 PAUL BUJOLD



 Commissioner for Oaths in and for the Province
 of Alberta
JASON DREW BROWN
 Commission Expires Aug. 8, 2016
 Appointment Expiry Date

Jason Brown
JASON DREW BROWN
Commission Expires Aug. 8, 2016

Description	TWINN VS. TRUSTEE ACT / 1103 14112 / COM / JUSTICE THOMAS PRESIDING		
Date	Location	03/09/2015	EDM516QB

This is Exhibit **A**
referred to in the
Affidavit of
Paul Bujold
of *February*
A.D. 20 *16*
above
A Notary Public,
A Commissioner for Oaths
in and for the Province of Alberta

Time	Speaker	Note
<u>08:32:32</u>	Clerk	Melanie Lacasse
<u>08:32:39</u>	Clerk	Mic Test ok
<u>08:33:15</u>	Appearances	For Sawridge Trustees: D. Bonora and M. Poretti For 4 other Trustees and action no. 1403 04885): J. Kueber For Sawridge First Nation: E. Molstad For Public Trustee of Alberta: J. Hutchison and E. Meehan For C. Twinn: K. Platten and C. Osualdini
<u>10:14:50</u>	Court Opens	
<u>10:15:51</u>	D. Bonora	in response
<u>11:02:30</u>	J. Kueber	introductions
<u>11:08:29</u>	Justice	anyone else want to say anything about that?
<u>11:10:22</u>	K. Platten	submissions
<u>11:12:49</u>	Justice	can apply to seal materials
<u>11:14:00</u>	C. Osualdini	want to clarify
<u>11:15:21</u>	J. Kueber	matter was adjourned
<u>11:16:12</u>	D. Bonora	responds
<u>11:17:22</u>	J. Hutchison	make a suggestion
<u>11:17:53</u>	Justice	half hour, come back 20 to 12
<u>12:02:34</u>	Court Opens	
<u>12:02:38</u>	J. Hutchison	thank you for extra time
<u>14:03:51</u>	Court Opens	
<u>14:04:07</u>	J. Hutchinson	thank you, trying to cut down on some material
<u>14:31:35</u>	E. Molstad	would like to make a few submissions
<u>14:31:53</u>	J. Hutchinson	no issues with him responding
<u>14:32:12</u>	E. Molstad	submissions
<u>14:40:12</u>	J. Hutchison	3 quick points in response
<u>14:45:42</u>	Justice	thank you for submissions
<u>14:45:49</u>	*	judgement on production application is reserved
<u>14:46:42</u>	D. Bonora	60 days
<u>14:46:55</u>	Justice	were you able to prepare order?
<u>14:47:05</u>	D. Bonora	reservation on items, can finalize if we get another order
<u>14:47:24</u>	E. Meehan	responds
<u>14:48:29</u>	M. Poretti	my friend is speaking about other orders
<u>14:48:42</u>	Justice	as far as I understood we settled the terms of that order
<u>14:49:31</u>	J. Hutchison	I can do it and will try to get it to my friends tomorrow, if not then Tuesday the latest

<u>14:49:52</u>	Justice	deferred the 6 items, not going into this order
<u>14:53:59</u>	E. Meehan	last draft of order
<u>14:55:36</u>	Justice	theres a proposed agenda
<u>14:57:48</u>	E. Meehan	responds
<u>15:13:33</u>	Justice	this is all directed at trying to settle paragraph 9
<u>15:13:47</u>	E. Meehan	the reason we mention, there is a conflict
<u>15:23:58</u>	Justice	reasons for adjournment and why I didnt want to, thats basically in my mind, now involving 2014 & 2015 action
<u>15:25:21</u>	E. Meehan	responds
<u>15:26:34</u>	Justice	go next to the counsel for the trustee on why #9 is not appropriate of June 30 order
<u>15:26:54</u>	M. Poretti	submissions
<u>15:43:30</u>	J. Kueber	agree with my friend
<u>15:46:49</u>	Justice	paragraph 9 of case mgmt order covering the meeting, case mgmt of that date, had opportunity to review portion of the transcript dealing with what we were that day, the particular portion, the 2014 action, then became aware of 2015 issue, this is another case mgmt issue, purpose of case mgmt is to get things taken care of,
<u>15:50:31</u>	E. Meehan	regarding costs
<u>15:53:14</u>	Justice	just going to get settled that we are talking about accounts here
<u>15:53:37</u>	E. Meehan	replies
<u>15:54:56</u>	Justice*	put in the order, it will be created for todays case mgmt meeting, let the trustees prepare the order for today, response brief on cost will be provided by close of business on Friday September 18th. September 25th.
<u>15:56:34</u>	C. Osualdini	Ms. Twinns legal fees have become an issue as well, process for her payments as well, in the event if it cant be resolved it may be prudent to have a process involved
<u>15:57:14</u>	Justice	if you cant resolve it you will make an application
<u>16:00:20</u>	D. Bonora	happy if its sealed, would like to think about that when you look at it and will be in response
<u>16:00:40</u>	Justice*	statement of account to be sealed, my eyes only, will not look at it until the issue has been dealt with of the briefs
<u>16:02:18</u>	E. Meehan	responds
<u>16:07:00</u>	M. Poretti	some background
<u>16:09:27</u>	D. Bonora	responds
<u>16:10:30</u>	E. Meehan	responds
<u>16:13:13</u>	J. Hutchison	definitely related to plan
<u>16:15:21</u>	D. Bonora	argues
<u>16:16:57</u>	M. Poretti	responds
<u>16:17:24</u>	Justice	good enough for me, not putting it in an order, do not want to get drawn in to the 2014 & 2015, not making orders that touch those, no order made in respect to this motion that was taken out entitled application dealing with conflict filed July 15, 2015

Description	TWINN VS. TRUSTEE ACT / 1103 14112 / COM / JUSTICE THOMAS PRESIDING		
Date	02/09/2015	Location	EDM516QB

Time	Speaker	Note
08:04:13	Clerk	Melanie Lacasse
08:04:18	Clerk	Mic Test ok
08:04:53	Appearances	For Sawridge Trustee: Doris Poretti (Dentons) and Marco Poretti (Reynolds Mirth) For 4 Trustees: J. Kueber (action no. 1403 04885) (Bryan & Company) For Sawridge First Nation: E. Molstad (Parlee McLaws) For Public Trustee of Alberta: J. Hutchison and E. Meehan (Supreme Advocacy) For C. Twinn: K. Platten and C. Osualdini
10:06:13	Court Opens	
10:06:17	Justice	just get sorted out
10:09:25	D. Poretti	it is not resolved in a sense that we offered an affidavit or records, my friend at the public trustees office said it wasn't sufficient
10:12:14	J. Hutchison	replies
10:12:31	D. Poretti	perhaps hand this to you
10:13:26	Justice	the one dated August 31
10:13:36	D. Poretti	look at form of consent order, first 4 paragraphs are our offers
10:14:37	Justice	basically your proposal is wrapped up in the first 4 paragraphs
10:14:53	D. Poretti	responds
10:21:25	Justice	cut to the chase
10:22:04	D. Poretti	thats it. If friend builds proper foundation then it can come forward again. These are inappropriate pre determined matters, our submission that the offer to accept affidavit of records should be accepted
10:23:04	Justice	go to #7, the adjournment sine die
10:23:16	D. Poretti	not sure either
10:25:19	J. Hutchison	focus on if my friends had notice
10:27:14	Justice	5 is out
10:28:28	J. Hutchison	responds
10:28:44	Justice	Paragraph 7 is out
10:29:10	J. Hutchison	looking at 6
10:32:47	Justice	I am making an order right now, not a consent order, it will cover paragraphs 1,2,4 and 8 of draft order and leave out consent
10:34:31	J. Hutchison	responds
11:05:07	Justice	responds
11:30:24	J. Hutchison	refers to documents, discussing examples
12:22:30	Justice	take a break, until 12:50 then hear from Mr. Molstad, pull June 19 affidavit
12:53:57	Court Opens	

<u>12:54:34</u>	E. Molstad	introductions, what will be discussing and referring
<u>13:22:23</u>	Justice	replies
<u>13:22:34</u>	E. Molstad	will check on that
<u>13:40:24</u>	Justice	replies
<u>13:41:52</u>	E. Molstad	continues submissions
<u>14:12:08</u>	Justice	adjourn until 10:00 tomorrow morning