

Registrar's stamp:  
COURT OF APPEAL FILE NUMBER: 1603-0033AC  
TRAIL COURT FILE NUMBER: 1103 14112  
REGISTRY OFFICE: Edmonton



IN THE MATTER OF THE TRUSTEE ACT, RSA 2000, c. T-8, as am.

IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND NO. 19, now known as the SAWRIDGE FIRST NATION, ON APRIL 15, 1985 (the "1985 Sawridge Trust")

INTERESTED PARTY/APPLICANT: MAURICE STONEY  
STATUS ON APPEAL: APPELLANT  
DEFENDANT/RESPONDENT: ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWINN, BERTHA L'HIRONDELLE, and CLARA MIDBO, as Trustees for the 1985 Sawridge Trust.  
STATUS ON APPEAL: RESPONDENTS  
DOCUMENT: APPLICATION FOR A FILING EXTENSION  
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#### NOTICE TO RESPONDENTS

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**WARNING**

If you do not come to Court on the date and time shown below either in person or by your lawyer, the court may give the application what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules (Rules 14.41 and 14.43)

**NOTICE TO RESPONDENTS**

You have the right to state your side of this matter before the Court.  
To do so, you must be in court when the application is heard as shown below.

DATE: February 17, 2016  
TIME: 9:30 a.m.  
WHERE: Court of Appeal Chambers

Before a single judge of the court Rule 14.37.

**Nature of the application and relief sought:**

1. To extend the time for filing an appeal from the judgment of Mr. Justice Thomas issued December 17, 2015.

**Grounds for making this application:**

2. The judgment of Mr. Justice Thomas issued on December 17, 2015 lists as parties the Public Trustee of Alberta, the Sawridge First Nation, the 1985 Sawridge Trustees, Ronald Twinn, Walter Felix Twin, Bertha L'Hirondelle and Clara Midbo as well as Catherine Twinn. This decision was made on a production application (Rule 5.13) by the Public Trustee on September 2 and 3, 2015.

3. No application occurred after the September 2 and 3, 2015 application however on December 17, 2015 this decision of Mr. Justice Thomas was issued containing rulings affecting Maurice Stoney and other interested parties, adults who were members of Sawridge in their lifetimes. No notice of the December 17, 2015 judgment was

provided to counsel for Maurice Stoney even though statements were made in this judgment specific to Maurice Stoney.

4. On January 11, 2016, counsel for the Sawridge Trustees, Doris Bonora, Dentons Canada LLP, requested clarification of Mr. Justice Thomas's decision of December 17, 2015 and provided a copy of this request to counsel for Maurice Stoney. This was the first information received about this decision of Mr. Justice Thomas issued on December 17, 2015.

4. On January 14, 2016, Mr. Justice Thomas provided a letter to counsel declining to respond to the Sawridge Trustees and this letter listed and was sent to, counsel for Maurice Stoney.

5. On January 15, 2016 an Appeal (1603-0026AC) of Mr. Justice Thomas's decision of December 17, 2015 was filed by Catherine Twinn, a Sawridge Trustee.

6. On January 18, 2016, an Appeal (1603-0029AC) of Mr. Justice Thomas's decision of December 17, 2016 was filed by the Public Trustee.

7. Once this decision of December 17, 2015 was brought to counsel's attention by the letter from Doris Bonora and the response of Mr. Justice Thomas, instructions were sought from Maurice Stoney, Aline Huzar and June Kolosky regarding an appeal and an appeal was filed on January 25, 2016.

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

8. Appeals Nos. 1603-0026AC and 1603-0029AC;

9. Affidavit of Dana Campbell;

**Applicable Acts, regulations and rules:**

10. *Trustees Act*, RSA 2000, c. T-8, *inter alia*, ss. 42, 43, *Rules of Court*, Rule 14.37;