

1 put it on the record as another undertaking.

2 MS. HUTCHISON: That is agreeable Mr. Poretti,
3 thank you.

4 Q MR. PORETTI: Mrs. Poitras, we saw that there was
5 a letter from Mr. Glancy dated October 28, 1997. And I
6 asked you earlier what took place after that point in
7 time. And to the best of your recollection, between
8 October 1997 to March --

9 MS. HUTCHISON: I'm sorry to interrupt, Mr.
10 Poretti, you asked her previously what occurred between
11 October 22, 1996 and October 28, 1997.

12 MR. PORETTI: Okay.

13 MS. HUTCHISON: Just putting you on notice you
14 haven't asked about post '97.

15 MR. PORETTI: Fair enough.

16 Q MR. PORETTI: Between October of 1997 and March
17 2003 do you recall what steps you took with respect to
18 gaining your membership status with the Sawridge First
19 Nation?

20 A I don't recall doing anything, but just waiting for the
21 results of the court case.

22 Q So is it fair to say that after October of 1997 the
23 matter was pursued by you, through your legal counsel
24 at the time, through the court case that had been
25 commenced?

26 A Can you repeat your question?

27 Q Yes. Between 1997 and 2003 I take it your efforts to

1 gain access, or to gain membership in the Sawridge
2 First Nation was dealt with through your legal counsel
3 in the litigation that had been commenced for that
4 purpose. Is that fair?

5 A Yes, I just left it to my counsel.

6 Q Now was there a mediation that you were involved in, in
7 or around 2002, where you attempted to resolve the
8 issue?

9 A I believe it was in November, and it was in St. Albert
10 at, I don't know, at North Star?

11 Q Yes.

12 A Yeah, there was a mediation.

13 Q And you think that that was in November of 2002?

14 A I think so. I can't remember the date.

15 Q Obviously it would have been prior to March 2003 when
16 Justice Huggessen's order was granted?

17 A Yeah, yeah.

18 Q And I think we looked at this earlier. On March 27,
19 2003 Justice Huggessen granted an order whereby you
20 became a member of the Sawridge First Nation, correct?

21 A I and several other people.

22 Q Thank you. And those individuals that were included in
23 the order have sometimes been referred to as the
24 acquired-rights people, correct?

25 A Yes.

26 Q And as of today you are recognized as a member of the
27 Sawridge First Nation, correct?

1 A Yes, I am.

2 Q And you indicated this morning, in reference to your
3 application form, that you still had not received a
4 response from the Sawridge First Nation. And I think
5 what you have since told us you never received a yes or
6 a no?

7 A M-hm.

8 Q Now since becoming a member pursuant to court order on
9 March 27, 2003 is there some reason why you would
10 expect a response from Sawridge First Nation in
11 relation to your application?

12 A I don't really expect a response. I am just saying
13 that it still was never dealt with, that it does not
14 have to be dealt with now because I am a full band
15 member.

16 Q Fair enough. You have been a member for the last 12
17 years or so?

18 A Already, yeah.

19 Q So you don't expect a response at this point in time?

20 A No, no.

21 Q Correct?

22 A No, I don't.

23 Q Now if I could take you back to your Affidavit,
24 paragraph 11. And there in the first sentence you
25 indicate, "While I do not know the dates on which this
26 occurred, I know that three of the other
27 acquired-rights women, Clara Midbo, Bertha

1 L'Hirondelle, and Freida Draney were not only restored
2 to membership but had their children restored to
3 membership."

4 Now these three individuals that you refer to, they
5 were part of the acquired-rights women that were
6 captured by Justice Huggessen's order of March 27,
7 2003, correct?

8 A They would have been, yes.

9 Q Now --

10 MS. HUTCHISON: Sorry, Mr. Poretti, in fairness
11 could we put that order in front of the witness. I'm
12 not sure that that is correct.

13 MR. PORETTI: Let's go off the record.

14 (Discussion off the Record.)

15 Q MR. PORETTI: So with respect to paragraph 11 of
16 your Affidavit, the three other acquired-rights women,
17 Clara Midbo, Bertha L'Hirondelle, and Freida Draney,
18 they were not included in the Justice Huggessen order;
19 is that your understanding?

20 A That is my understanding.

21 Q Now with respect to the restoration of their children
22 to membership, I take it that you would agree that
23 Bertha L'Hirondelle did not have any children, correct?

24 A No, she didn't. She did bring up her nieces and
25 nephews.

26 Q Well, when you make the comment in paragraph 11 that
27 not only did Bertha L'Hirondelle have herself restored

1 to membership but her children were restored, are you
2 referring to her nieces and nephews?

3 A Well, I'll just strike that. I'll go Clara Midbo and
4 Freida Draney.

5 Q So that was in error, if you will?

6 A Okay.

7 Q You are not making any reference to Bertha
8 L'Hirondelle's children because she didn't have any,
9 correct?

10 A Yes.

11 Q Now with respect to the children of Clara Midbo and
12 Freida Draney, are you aware of whether application
13 forms were submitted for these children?

14 A No, I am not.

15 Q Do you have any firsthand knowledge with respect to the
16 process that was followed with respect to these
17 children, as far as their admission?

18 A No, I am not. Everything is so secretive.

19 Q You are not privy to any of the discussions that took
20 place between Chief and council or the membership
21 committee relating to these children, correct?

22 A I wasn't privy to anything.

23 Q Now if I could refer you to paragraph 12, and there I
24 will just read the first sentence. "I am informed by
25 my daughter, Tracey Poitras-Collins, that she has been
26 applying to Sawridge Indian Band for membership
27 directly since approximately 1985 and has never

1 received a response to her applications."

2 Now your daughter, who I will call Tracey, you will
3 understand I am referring to your daughter?

4 A Yes.

5 Q She did not swear an Affidavit in this particular
6 action as far as you know, correct?

7 A As far as I know.

8 Q And as far as you know there was nothing preventing her
9 from swearing her own Affidavit, correct?

10 A I don't know if you can just go to a lawyer and say I
11 want to do an Affidavit. She wasn't asked.

12 Q But she is certainly capable mentally and physically to
13 do so, correct?

14 A Oh, yeah, yeah.

15 Q Now you say that Tracey did not receive a response.
16 Again, I asked you earlier about your use of the word
17 response. Are you saying that she never received a yes
18 or a no in relation to her application?

19 A She never even received -- she never even got a letter
20 to say your application was received on this day.
21 There was no communication at all in regards to her
22 application.

23 Q Did she fill out an application form?

24 A Yes, she did.

25 Q And your understanding is that she did so in
26 approximately 1985?

27 A Yes, in 1985 and several times after that.

1 Q Well, in 1985 what kind of application form did she
2 fill out?

3 A She didn't fill out an application. It was a letter.

4 Q So she sent a letter in 1985?

5 A Yeah. But I am not going to answer any more for
6 Tracey. If you need answers from her you will have to
7 ask her. I just know that she never got a response.

8 Q And I will have to ask her because you don't have all
9 of the information that she would have; is that
10 correct?

11 A I can't answer for her is what I am saying.

12 Q Well, you don't know what communications she may have
13 had directly with Sawridge First Nation, isn't that
14 fair?

15 A At the time that I swore this Affidavit, which was
16 December 9th, 2011, I know for a fact that she hadn't
17 had any response at all from Sawridge. Thereafter, if
18 she has had any communication, that is after the fact.

19 Q By any response, you mean a yes or a no, correct?

20 A Yes.

21 Q But you don't have any specific knowledge in respect of
22 what correspondence would have gone back and forth
23 between Tracey and Sawridge, do you?

24 A I do, because I would phone her and I would say have
25 you heard from Sawridge. Phone them and ask them on
26 the status of your application. And I would phone her
27 and ask her again. And she would say no, they haven't

1 responded. And I would tell her well, keep phoning.

2 Keep on them.

3 Q Okay.

4 A So we had a conversation, and that is how I know. We
5 had communication.

6 Q Do you know that she has received no written
7 communication from Sawridge?

8 A I know that to 2011 she had not received any
9 communication from Sawridge.

10 Q None?

11 A None.

12 Q Nothing in writing?

13 A Nothing in writing.

14 Q And nothing verbally?

15 A Verbally.

16 Q And that was since 1985?

17 A Yes.

18 Q And that is based on Tracey advising you of this?

19 A Yes.

20 Q And when you say no communication, you mean not only no
21 yes or no answer, but any communication of any kind?

22 A Any communication of any kind.

23 Q And you are confident sitting here today that that is
24 the case?

25 A I am very confident, yes.

26 Q Well, I would like you to undertake to ask Tracey to
27 provide you with any written communication, either to

1 or from the Sawridge First Nation, relating to her
2 application for membership, and if she provides that to
3 you, to provide it to us. Will you undertake to do
4 that?

5 A That would be from 1985 --

6 MS. HUTCHISON: Sorry, Liz. My witness anticipates
7 my question. From what time period? Are we talking
8 about the date of this Affidavit being sworn or up to
9 today's date?

10 MR. PORETTI: From 1985, approximately 1985, to
11 the point in time that she became a member, because my
12 understanding is that she is now a member.

13 MS. HUTCHISON: I will note that that goes far
14 beyond the scope of Ms. Poitras' Affidavit because of
15 course she is providing evidence up to December 20,
16 2011.

17 MR. PORETTI: That is the date her Affidavit is.
18 She is here today.

19 MS. HUTCHISON: Correct. But her evidence was, as
20 she said a number of times, as of December 20, 2011. I
21 can't give evidence nor can you, Marco. We know things
22 changed for Tracey after this Affidavit was filed, so.

23 MR. PORETTI: Let me ask you --

24 MS. HUTCHISON: So let me give you your
25 undertaking. We will use best efforts, based on the
26 fact that Tracey is not our witness, but we will use
27 best efforts to obtain documents, I think you asked for

1 documents of any communication between Ms.
2 Poitras-Collins and Sawridge First Nation, not the
3 Trust, but Sawridge First Nation, about her membership
4 application. We will make best efforts to gather that
5 information for you from 1985 to December 9, 2011. I
6 am going to take under advisement our obligation to
7 seek out information from December 9th, 2011 to
8 present. And we will leave it at that for the moment.

9 UNDERTAKING NO. 8:

10 RE REQUEST OF TRACEY POITRAS-COLLINS TO
11 PRODUCE COPIES OF WRITTEN COMMUNICATION
12 BETWEEN HERSELF AND SAWRIDGE FIRST
13 NATION RELATING TO HER APPLICATION FOR
14 MEMBERSHIP FROM 1985 TO WHEN SHE BECAME
15 A MEMBER (UNDER ADVISEMENT FROM DATE OF
16 DECEMBER 9, 2011 TO DATE OF MEMBERSHIP).

17 MR. PORETTI: And I would like the undertaking to
18 include any communications between Tracey and/or any
19 legal counsel that she may have had or any
20 representative that she may have had.

21 MS. HUTCHISON: Sorry. So you are not asking --
22 I'm certain you are not asking for communication
23 between Ms. Poitras' counsel and her own counsel, you
24 are asking for communications from her legal counsel to
25 Sawridge First Nation or Sawridge First Nation's legal
26 counsel?

27 MR. PORETTI: Correct.

1 MS. HUTCHISON: We will take that undertaking on
2 the same terms, so best efforts up until December 9,
3 2011 and after under advisement after that date.

4 MR. PORETTI: Thank you.

5 UNDERTAKING NO. 9:
6 RE REQUEST OF TRACEY POITRAS-COLLINS TO
7 PRODUCE COPIES OF COMMUNICATION BETWEEN
8 HER LEGAL COUNSEL AND SAWRIDGE FIRST
9 NATION'S LEGAL COUNSEL FROM 1985 TO DATE
10 OF MEMBERSHIP (UNDER ADVISEMENT FROM
11 DECEMBER 9, 2011 TO DATE OF MEMBERSHIP).

12 Q MR. PORETTI: Do you know what date your
13 daughter, Tracey, became a member?

14 A Okay. I don't know how that is going to -- that comes
15 out of my Affidavit. This was in 2011?

16 MR. PORETTI: It doesn't matter.

17 MS. HUTCHISON: You need to answer the question.

18 A When did Tracey become a band member. It was in 2013,
19 I think. And there was -- I can't remember the date.
20 I think it was in February or something. Not sure.

21 Q MR. PORETTI: Your best recollection is that it
22 was in February of 2013?

23 A Yes.

24 MR. PORETTI: And just with respect to the
25 undertaking that you took under advisement, Ms.
26 Hutchison, my request would be for any communications
27 up to and including the date that Tracey became a

1 member. And I think the fact that this Affidavit was
2 sworn back in 2011, it is my position that that is not
3 relevant with respect to any information that I may be
4 questioning on. I am entitled to question with respect
5 to anything relevant to the application, and as I
6 understand Mrs. Poitras' evidence, her evidence is that
7 there were no communications between Tracey Poitras and
8 the Sawridge First Nation and, therefore, I'm entitled
9 to seek an undertaking in relation to that regardless
10 of when he she swore the Affidavit.

11 MS. HUTCHISON: Thank you for putting your position
12 on the record, Mr. Poretti. We will certainly consider
13 those comments when reviewing the undertakings we have
14 taken under advisement. I would note Ms. Poitras'
15 evidence here today was very clearly referencing you
16 the fact that her evidence about that topic was as of
17 this date of her Affidavit. So she has clarified that
18 in her evidence today, and your statement just now
19 suggests that she gave evidence that there has never
20 been a response. She was actually quite clear in
21 telling you that her evidence in this Affidavit was, in
22 fact, as of the date of the Affidavit.

23 MR. PORETTI: Fair enough. I understand that.
24 But that doesn't mean that the undertaking request is
25 restricted to the date of her Affidavit. I'm not
26 intending to impeach -- look, I understand that the
27 Affidavit was sworn on a certain date and things have

1 changed since that date. I understand that. I'm not
2 suggesting that Mrs. Poitras can foresee the future
3 when she swears something. My only point is that it is
4 my submission that I am entitled to that undertaking
5 for a period of time after the date of the examination.
6 I understand what her evidence was.

7 MS. HUTCHISON: We understand your position; I
8 think you understand our position.

9 MR. PORETTI: You are taking it under advisement.

10 MS. HUTCHISON: We are. We are probably at the
11 point where we are debating law rather than our
12 positions. Perhaps we can move on.

13 A As far as I know Tracey does not have legal counsel.

14 MR. PORETTI: Okay, thank you.

15 Q MR. PORETTI: Well, to pick up on a point that
16 your counsel just raised. Subsequent to December 7,
17 2011, are you aware of whether Tracey had
18 communications with the Sawridge First Nation in
19 respect of her membership application?

20 A I am not sure.

21 Q You are not sure after the date of your Affidavit?

22 A Yeah.

23 Q In paragraph 12 of your Affidavit you make reference to
24 a true copy of the Sawridge application form that is
25 attached as Exhibit C. Do you see that?

26 A M-hm.

27 Q Do you know when Tracey received this application form?

1 A No, I don't.

2 Q Do you know who provided it to her?

3 A No.

4 Q Could you undertake to ask her when she received this
5 application form, and who provided it to her, and
6 advise us of her information?

7 MS. HUTCHISON: We will use best efforts to obtain
8 that information from Ms. Poitras-Collins.

9 UNDERTAKING NO. 10:

10 RE INQUIRE OF MS. TRACEY POITRAS-COLLINS
11 WHEN SHE RECEIVED THE APPLICATION FORM
12 ATTACHED AS EXHIBIT C TO MS. POITRAS'
13 AFFIDAVIT, AND WHO PROVIDED IT TO HER.

14 Q MR. PORETTI: I take it that since Tracey is now
15 a member, she must have received a response at some
16 point from the Sawridge First Nation. Is that fair?

17 A Yes, that is fair.

18 Q And do you know what that response was?

19 A Upon -- I can't exact words, upon reviewing the
20 application she was denied, but she was given an appeal
21 process.

22 Q So what is your understanding of the application
23 process? Once the application form is submitted who
24 considers whether a member will be accepted or not?

25 A I don't know. I don't know who decides.

26 Q You are not aware of whether -- are you aware of a
27 membership committee that exists?

1 A I am aware there is a committee. I don't know if they
2 meet. So I don't know who decides.

3 Q You are not aware that a membership committee would
4 consider the application submitted in the first
5 instance?

6 A I am not aware.

7 Q Are you aware of whether Chief and council considers
8 the application form that is submitted?

9 A I don't know who decides. I don't know if it is Chief
10 and council, or the membership committee, or both. I
11 don't know.

12 Q Do you know who advised your daughter, Tracey, in
13 respect of her application form?

14 A Who wrote to her? I think that it was Mr. McKinney
15 that wrote to her.

16 Q And Mr. McKinney would have advised Tracey that she was
17 not accepted as a member; is that correct?

18 A I believe that is true.

19 Q And then you mentioned an appeal process. What is your
20 understanding of the appeal process?

21 A I think with the letter there was a paragraph or two
22 advising Tracey that she could apply for an appeal, and
23 I don't really know how that went, but I do know that
24 the members met and they talked. And then they
25 interviewed Tracey. And then there was an election,
26 secret ballot, to see whether they would allow her in
27 or not. And that is how she got in. I don't know how

1 many votes she got or anything, but she was voted in.

2 Q So your understanding is that the Sawridge Band members
3 met and decided and voted to determine whether Tracey's
4 appeal would be successful. Is that fair?

5 A Yes, that is my understanding.

6 Q And your understanding is that the members had a secret
7 vote, correct?

8 A Yes.

9 Q And that they voted in favour of accepting Tracey as a
10 member, correct?

11 A Yes, yeah.

12 Q And your best recollection is that that was in February
13 of 2013?

14 A Yeah, that is my best recollection.

15 Q And Tracey has been a member of the First Nation since
16 that time, correct?

17 A Yes, yes.

18 Q And, in fact, she has recently been elected as a
19 councillor; is that correct?

20 A Yes.

21 Q Now you indicated that you are not sure who makes the
22 initial decision once an application form is submitted.
23 Is that fair?

24 A That is fair.

25 Q You are aware that there is a membership committee,
26 correct?

27 A Yes.

1 Q You simply don't know what role the membership
2 committee has in assessing a membership application, is
3 that fair?

4 A That is fair.

5 Q And is it fair to say that you are not sure what Chief
6 and council's role is in assessing the membership
7 application?

8 A That is fair, too. I don't know. I don't know what
9 their role is.

10 Q Have you ever asked Chief and council, or anyone else
11 at the nation, what the process is in relation to a
12 membership application?

13 A I have not.

14 Q Are you aware of whether there are any written rules or
15 regulations relating to the processing of a membership
16 application?

17 A I am not aware of the process, written rules.

18 Q You are not aware of any written rules, correct?

19 A I am not aware of any written rules.

20 Q Is it fair to say that you are simply not sure whether
21 there are any written rules, or are you certain that
22 there simply are not any written rules?

23 A I don't know if there are any written rules. If there
24 are, they haven't been given to me.

25 Q You have never asked for any, correct?

26 A No, I haven't.

27 Q Now if I could refer you to paragraph 13 of your

1 Affidavit. And there you indicate that on or about
2 October 1st, 2011 you took a copy of membership
3 applications completed by your children, Tracey,
4 Crystal, Corbin and Nicole, and hand delivered them to
5 Chief Roland Twinn, and you also advised that originals
6 were being delivered to the band office. And you were
7 informed by your children that they have not received
8 any response to their membership applications at this
9 time.

10 Now, of course, you swore this Affidavit on
11 December 7, 2011, which was just over two months after
12 you handed these forms in. Do you know whether your
13 children, Crystal, Corbin and Nicole received a
14 response since the swearing of your Affidavit?

15 A They have not received a response.

16 Q When you say they have not received a response, is it
17 fair to say that they have not received a yes or a no
18 response, is that what you mean?

19 A They have not received your application was received on
20 this day and we will look at it, they have not received
21 a letter stating that, so. And then there was no yes
22 or no response as well. But initially, they were never
23 -- they don't know if their application was looked at.
24 I know that they went there, because I put them on the
25 Chief's desk. And I told him that they will also come
26 by registered mail, simply because they would say oh,
27 we lost the application. I don't know where we put the

1 application. So this time I made sure that he got them
2 in his hands, and I also told him that they would be
3 arriving by registered mail. But there is no response.

4 Q Do you know whether the application forms for Crystal,
5 Corbin, and Nicole have been returned to them and
6 further information has been requested from them?

7 A No.

8 Q You are not aware of that happening?

9 A No, I'm not aware of that happening, and I know it
10 hasn't happened.

11 Q And how do you know that?

12 A Because I asked Crystal. Have you had a response from
13 Sawridge in any way? And she said no. Crystal is my
14 other daughter, she works in Kehewin, which is five
15 minutes from my place. And Corbin's mail comes to my
16 place, and there has never been any correspondence from
17 Sawridge. Nicole lives in Bonnyville, I haven't asked
18 her.

19 Q So with Nicole you are not sure?

20 A Not sure.

21 Q And with respect to Corbin, your information is based
22 on the fact that the mail comes to your place?

23 A Yes. Also, Bruce Poitras, that is my other son.

24 Q I don't see Bruce referenced in your Affidavit?

25 A No, I just noticed that I neglected to put him here.

26 No, I think he applied after I swore the Affidavit.

27 Q So it is your information that there has been no

1 response to Crystal, Corbin, Nicole or Bruce; is that
2 correct?

3 A Yes. I don't know how else to answer this. I have
4 told you about five times already there was no response
5 from Sawridge in regards to applications for my
6 children.

7 Q Do you know whether your children have made follow-up
8 inquiries since October 1, 2011 in relation to their
9 application forms?

10 A No, I don't. But if you looked at my initial letter in
11 1985 to the Chief, my children's names are listed on
12 there, that I wanted them to be on band membership as
13 well as myself. And so this has been going on for
14 years and years. Now they are older, they are adults,
15 so now they have to make their own application. And as
16 far as I know, there has been no response, and I don't
17 know if they have done any follow-up.

18 Q Okay. I would like you to ask each of your children to
19 provide their consent that the Sawridge First Nation
20 can provide me with their application forms and any
21 correspondence between Sawridge and the children, or
22 their legal counsel, relating to their membership
23 application.

24 MS. HUTCHISON: And we will take that undertaking
25 under advisement, Mr. Poretti.

26 A Will you do a form letter that I can sign?

27 MS. HUTCHISON: I will answer that.

1 A Okay.

2 UNDERTAKING NO. 11: (UNDER ADVISEMENT)
3 RE REQUEST OF EACH OF MS. POITRAS'
4 CHILDREN TO PROVIDE CONSENT FOR SAWRIDGE
5 FIRST NATION TO PROVIDE THEIR
6 APPLICATION FORMS AND ANY CORRESPONDENCE
7 BETWEEN SAWRIDGE AND THE CHILDREN OR
8 THEIR LEGAL COUNSEL RELATING TO THEIR
9 MEMBERSHIP APPLICATION.

10 (Questioning adjourned.)

11 (Questioning resumed.)

12 Q MR. PORETTI: Mrs. Poitras, if I could refer you
13 to paragraph 14 of your Affidavit. And you indicate
14 there that you have never been able to get an
15 explanation from the Sawridge Band as to why your
16 children have been treated differently from the
17 children of the other acquired-rights women. And when
18 you say they were treated differently, are you
19 referring to the fact that the children of the other
20 acquired-rights women have been accepted as members and
21 your children have not been?

22 A I'm going to qualify that by saying the other
23 acquired-rights women I meant Clara Midbo and Freida
24 Draney, because there are other acquired-rights ladies
25 with their children not being band members.

26 Q Okay. So that is what I wanted to clarify.

27 A Yeah.

1 Q Because there are a number of other acquired-rights
2 women, correct?

3 A M-hm.

4 Q They have children that have not been accepted as
5 members, correct?

6 A No.

7 Q I am correct?

8 A You are correct, yes.

9 Q And it is specifically with respect to the children of
10 Clara Midbo and Freida Draney that you are referring
11 to, correct?

12 A Yes, yes.

13 Q It is the fact that their children have been accepted
14 and yours have not, correct?

15 A Yes, yes.

16 Q At least other than Tracey, who has now been accepted
17 through the appeal process?

18 A That is right.

19 Q And I think that you mentioned earlier that with
20 respect -- I think you mentioned earlier with respect
21 to the children of Clara and Freida, that you are not
22 familiar with the details of any application forms that
23 they would have submitted, correct?

24 A That is right.

25 Q There are other adult members of Sawridge that have
26 children that are not members, correct?

27 A I am not privy to that. I don't know who is on the

1 band list.

2 Q You don't know whether Chief Roland Twinn's children
3 are band members or not?

4 A Most recently his son was admitted, Roy, because he
5 voted. That is how come I know. You have to be a band
6 member to vote.

7 Q Do you know what other children Chief Twinn has?

8 A I am not sure. I don't know.

9 Q You don't know the extent of his family?

10 A No, I don't.

11 Q How about Justin Twin? Are you aware of the extent of
12 his family?

13 A Justin Twin. No, I am not.

14 Q You don't know whether his children, or whether he has
15 any children?

16 A No, I don't know.

17 Q Now paragraph 15 of your Affidavit you attach as
18 Exhibit D what you refer to as what you understand to
19 be the current version of the Sawridge membership code.
20 Where did you get the document marked as Exhibit D?

21 A I think Vern, I think her last name was Homa
22 (phonetic), the secretary from Sawridge. She faxed it
23 to me.

24 Q What was her name?

25 A I think her name was Vern.

26 Q And the last name?

27 A I am not sure, Homa?

1 Q Homa?

2 A I am not sure about that.

3 Q That was the Sawridge secretary?

4 A Yeah, yeah. She didn't fax it, she emailed it. I
5 downloaded it at home.

6 Q And when did you receive this? Around the time of your
7 Affidavit, or was it earlier?

8 A Probably around the time of my Affidavit. And I just
9 got another one the other day.

10 Q Is it your understanding that the document that is
11 attached as Exhibit D to your Affidavit is the current
12 membership code for the Sawridge First Nation?

13 A I understand, yeah, that it is the current one, as I
14 got another one just the other day. It is the same.

15 Q It is the same?

16 A Yeah.

17 Q And you indicate in your Affidavit, paragraph 15, that
18 as far as you are able to tell, when comparing this
19 code to the ones that you have seen in the past, the
20 membership provisions have not changed from the
21 membership code that you saw in the 1980s. Do you see
22 that?

23 A I see that, yes. They are still asking genealogy, they
24 are still asking for essays. So it is shortened, it
25 has changed in that way, but the questions are still
26 there. The intrusive questions are still there.

27 Q Let's just be sure that we are talking about the same

1 thing, Mrs. Poitras.

2 A Okay.

3 Q I am talking about Exhibit D. So maybe if you could
4 take a moment to look at Exhibit D which is near the
5 end of the last three pages of your Affidavit.

6 A Okay.

7 Q So I am referring to what is entitled the Sawridge
8 Membership Rules?

9 A Okay.

10 Q I don't know if you were referring to that --

11 A To the membership.

12 Q -- or referring to the application form?

13 A To the application form.

14 Q Okay, that is what I thought.

15 MS. HUTCHISON: I am going to ask you to try not to
16 talk at the same time because it is really hard for
17 Susan.

18 A Okay.

19 Q MR. PORETTI: Let's step back a little bit, then.
20 Where did you receive the Sawridge membership rules
21 from? Do you recall who provided that to you? Was
22 that the Sawridge secretary, or did you get that from
23 somewhere else?

24 A I don't recall where I got it from.

25 Q In your Affidavit, though, you indicate that you
26 understand this to be the current version of the
27 Sawridge membership rules, correct?

1 A M-hm.

2 Q Is that your understanding today?

3 A Yes.

4 Q You also say in your Affidavit that as far as you are
5 able to tell when you compare Exhibit D to your
6 Affidavit to the membership rules that you saw
7 previously, they have not changed from the membership
8 rules that you saw in the 1980s; is that correct?

9 A Yes.

10 Q And my question is, do you recall when you first saw
11 the Sawridge membership rules in the 1980s? Was it
12 around 1985?

13 A It was in the fall of 1985.

14 Q And if we take a look at your Exhibit D we can see that
15 a number of the paragraphs have an annotation where it
16 states the date that the provision was passed. And you
17 will see, for example, paragraph 1 was passed on July
18 4, 1985. Do you see that?

19 A Yes.

20 Q And if you take a look just quickly through the
21 three-page document it would appear that each of the
22 provisions were passed either in 1985 or it looks like
23 there were a couple of provisions that were passed in
24 1987, referring to paragraphs 15, 16, and 17. Do you
25 see that?

26 A I see it, yes.

27 Q And is it your understanding today that effectively

1 since the late 1980s, since 1987, the Sawridge
2 membership rules have remained the same as far as you
3 know?

4 A As far as I know, yes.

5 Q We spoke earlier about the process to be followed when
6 submitting an application for membership. I take it
7 that you have read the Sawridge membership rules
8 before, correct?

9 A I have. If these are the rules, yes.

10 Q And when looking at your Exhibit D does this refresh
11 your memory at all with respect to the process that is
12 to be followed in relation to a membership application
13 for the Sawridge Band?

14 A These are the rules -- can you explain to me what
15 process means?

16 Q Yes, I asked you earlier with respect to what would
17 happen when someone would submit an application form?

18 A M-hm.

19 Q And you were not --

20 A Yes.

21 Q -- certain as to how that was processed is my
22 understanding of your evidence, correct?

23 A Yes.

24 Q When looking at Exhibit D to your Affidavit, does this
25 refresh your memory in any way as to what that process
26 would be?

27 A It doesn't, because I still don't know the process.

1 Q So if you could refer to paragraph 11 of the membership
2 rules, Exhibit D to your Affidavit. It talks about the
3 band council considering and dealing with applications
4 made pursuant to Section 3. If you could just take a
5 moment to read that paragraph?

6 A Okay, what was your question?

7 Q Does that refresh your memory with respect to the role
8 of the band council in the processing of membership
9 applications?

10 A It does not refresh. It is written on paper, but it is
11 not what really happens.

12 Q What really happens?

13 A McKinney decides whether it is going to be accepted or
14 not. He is the one that writes the letters to say your
15 application has been denied.

16 Q I am sorry, McKinney?

17 A Yes, Mr. McKinney. He is not a band councillor. I
18 don't even know if he is legal counsel. He is the
19 executive director for the Sawridge First Nations.

20 Q And is it your information that Mr. McKinney decides
21 who becomes a member?

22 A I don't know. He is the one that writes the letters.

23 Q Right. That is a little bit different than actually
24 making the determination, though, wouldn't you agree?

25 A I agree with you.

26 Q You are not certain of the band council role in
27 determining membership?

1 A No, I am not.

2 Q If you could refer to paragraph 12 of the membership
3 rules and maybe take a moment to look at that, and
4 paragraph 13 as well to refresh your memory.

5 A And again, what is your question?

6 Q Does that refresh your memory with respect to the
7 appeal process that is to be followed in respect of an
8 application for membership?

9 A I don't really know why I should know the appeal
10 process when they hadn't denied my application and they
11 hadn't accepted my application.

12 Q Well, that is not what I am asking you.

13 A But it says if your application --

14 Q Let me finish, please.

15 A Sorry.

16 Q That is not what I am asking you. I'm asking you with
17 respect to your knowledge of the process that is
18 followed once an application is submitted. And by
19 reference to paragraphs 12 and 13 I am wondering if
20 that refreshes your memory as to what process is to be
21 followed in the event that an application is dismissed
22 or denied in the first instance.

23 A It does not refresh my memory because I never had to
24 appeal a decision.

25 Q Your daughter Tracey appealed a decision though,
26 correct?

27 A That is her decision. That is her, yeah.

- 1 Q Were you not involved at all in discussing your
2 daughter's appeal at the time?
- 3 A I certainly was.
- 4 Q So you would have been aware of the appeal process that
5 she followed?
- 6 A Yes.
- 7 Q And what is your understanding of that?
- 8 A Of that appeal process?
- 9 Q Yes.
- 10 A There was two of them, Gail McConnell was one of them,
11 too, and she was denied and her appeal was thrown out.
12 They made her cry. She came out of there crying. So
13 there was secretive things. When Gail was in there it
14 was only Gail and, I don't know, Chief and council or
15 members or something. I wasn't allowed in there. When
16 it was Tracey's turn I was allowed and I went to speak
17 on her behalf.
- 18 Q So you actually attended?
- 19 A As a band member. Yes, m-hm.
- 20 Q And who did you speak to on her behalf?
- 21 A To the electors to try and persuade them that yeah, she
22 is a valuable person to have as a band member.
- 23 Q Okay. So you have had some firsthand knowledge with
24 the appeal process?
- 25 A Yes.
- 26 Q With respect to your daughter Tracey's application,
27 correct?

1 A Yes, yeah.

2 Q And is there any uncertainty in your mind today with
3 respect to what that appeal process entails?

4 A I am not sure.

5 Q Well, you are aware that the appeal is to the electors
6 or the members of the band, correct?

7 A Yes, yeah.

8 Q And you attended at such a meeting where you were able
9 to speak on behalf of your daughter, correct?

10 A Yes, I was able to speak on behalf of Tracey.

11 Q And then there was a secret vote, correct?

12 A Well, there is ballots. It was secret ballot, yeah.

13 Q And they voted to accept Tracey, correct?

14 A Yes.

15 Q You indicate in your Affidavit that the membership
16 process is unclear. When you say that it is unclear,
17 what are you referring to? Are you referring to this
18 process that we have just been discussing that is
19 contained in the membership rules?

20 A It is very unclear to me as to how some certain
21 individuals can just get membership, and other people
22 have to actually go through a lot of abuse, and I find
23 it very abusive that I have to fill and fill out
24 applications, that I have to go for all of these
25 discoveries and others don't have to do that. Namely
26 the Midbos and Draneys. And I don't see how they get
27 in so that is lack of transparency, because how they

1 get in. If I would know how they do it then I would do
2 it the same way.

3 Q So let's deal with that. And by reference to paragraph
4 16 of your Affidavit where you talk about the process
5 being unclear and lacks transparency?

6 A M-hm.

7 Q What you are saying is there are some people who get in
8 and there are others, such as certain of your children,
9 who have not been able to be accepted as members?

10 A M-hm, yes.

11 Q And you don't understand why some people get in and
12 your kids, certain of your kids have not been able to
13 get in?

14 A That is true.

15 Q And when you make reference to the fact that the
16 process is unclear and lacks transparency, is that what
17 concerns you?

18 A It does concern me. The other thing is, the same
19 application form is used for people leaving the reserve
20 and for people who want to get into the reserve. And
21 there are certain individuals that just like that, they
22 can leave the reserve and their information, their
23 genealogy, their heritage, is mine. Those are my
24 nieces and nephews. They signed out of the reserve.
25 They filled the same form. Why can't that same
26 information allow my children back in. My children
27 were never in, but will allow my children in.

1 Q So you are not certain why certain information is --

2 A Accepted.

3 Q -- acceptable to allow your children to be accepted as
4 members?

5 A Why some certain information is acceptable to delete my
6 nephew and my nieces from the band, but not acceptable
7 for my children to come in.

8 Q So you will have to help me on this. So as I
9 understand it your certain nieces and nephews asked to
10 leave the band, is that correct?

11 A Enfranchised, yeah.

12 Q And they had to provide certain information before they
13 were permitted to do that, correct?

14 A I believe that, and this is -- I never seen the forms,
15 but I believe they had to fill the same form because on
16 the very front page of the form it does say Form For
17 Application For Membership or To Leave the Reserve. So
18 I imagine they had to fill that out.

19 Q And what you are uncertain about is why certain of your
20 nieces and nephews were able to enfranchise using
21 information on the one hand, and on the other why your
22 kids have not been accepted as members providing
23 similar information?

24 A Yeah, same grandparents, same place that I was brought
25 up at.

26 Q But you would agree that it is a little bit different,
27 the factors that go into whether you are going to be

1 accepted as a member versus wanting to be enfranchised,
2 correct?

3 A The information required is the same.

4 Q But there would be different factors involved in
5 determining whether one would become a member versus
6 one wanting to enfranchise?

7 A I don't understand.

8 Q You don't understand the question?

9 A I don't understand the comment, the factors.

10 Q You don't know what the factors are that --

11 A The factors are --

12 Q Let me finish. You don't know what the factors are
13 when the band considers whether someone can be
14 enfranchised, is that it?

15 A No, that is not it.

16 Q You do know what the factors are?

17 A The fact is that it is one form that can be used to
18 delete people from membership. It is the same form
19 that allows people to come in or to apply for
20 membership. The inside of that form requires the same
21 information. So Shawn's mom is my sister, Rita, and
22 she enfranchised. And she -- I'm not going to say how
23 much she got. But by the same token my son, Bruce, is
24 my sister Rita's son, I adopted him. But he is not a
25 band member, same form.

26 Q Do you know what factors are taken into account by the
27 Sawridge Band when determining whether someone will be

1 able to enfranchise?

2 A I would have to ask the Sawridge Band what factors they
3 use because I don't know.

4 Q When you make reference in paragraph 16 to the process
5 being unclear and lacking transparency, is there
6 anything else that causes you concern other than what
7 we have been discussing?

8 A No. No, sir.

9 Q Now you continue on to say that the applicants may not
10 even receive a decision on the applications. When you
11 make reference to this, is this again that in some
12 instances individuals, whether it is yourself or
13 someone else, are not told yes or no? Is that what you
14 are referring to?

15 A Yes.

16 Q You then say in paragraph 16 that if applications are
17 processed and accepted it is not clear why applications
18 have been dealt with while others that have been
19 submitted earlier have not yet been decided. And I
20 take it there that it is your understanding that
21 certain applications are processed before other
22 applications that were submitted earlier. Is that what
23 you are saying there?

24 A That is what I am saying, yes.

25 Q And with respect to those applications that were
26 provided earlier, do you know why those applications
27 are not processed in the order that they are received?

1 A I don't know why.

2 Q So it is possible that those applications simply don't
3 provide all of the information that is required?

4 MS. HUTCHISON: Don't answer that question. It is
5 calling for absolute speculation, Mr. Poretti. Not a
6 proper question.

7 Q MR. PORETTI: Is it your understanding that
8 certain applications do not have the required
9 information and that the band will return those
10 applications to the applicant?

11 A I can't answer that question because there has been no
12 communications from Sawridge as to why they did not
13 process these applications.

14 Q We have just seen some communications that we have gone
15 through today in relation to your application form, and
16 you would agree that at least in the communications
17 that we marked as exhibits the Sawridge First Nation
18 was taking the position that your application was
19 incomplete. You would agree with that, correct?

20 A Yes.

21 Q That is the position they were taking?

22 A That is the position they took, yeah. Can I --

23 Q Yes.

24 A As far as my children they haven't even said that.
25 They haven't even corresponded to say that this is
26 incomplete. But by the same token, Chief's son Roy is
27 now a band member. So he just applied more recently

1 and my children applied way before him. So that is my
2 concern in that statement.

3 Q But you don't have any information with respect to what
4 the Chief's son, Roy, provided as far as his
5 application form, correct?

6 A No, I don't.

7 Q Mrs. Poitras, I understand that the Sawridge First
8 Nation has on occasion what are called public
9 assemblies, is that correct, for its members?

10 A They have general assemblies monthly.

11 Q And a general assembly would be an opportunity for the
12 members to attend and ask Chief and council -- raise
13 concerns with Chief and council, correct?

14 A They have their agenda pretty full and it is usually
15 passing bills, some kind of an act, the ones that I
16 have attended to. So I guess I can say yes, if you
17 want that question, at an assembly you can.

18 Q There is approximately eight of these assemblies every
19 year, is that correct, currently?

20 A I believe so. I don't think they assemble during July
21 and August.

22 Q Otherwise it is on a monthly basis or thereabouts?

23 A Thereabouts.

24 Q And these assemblies have been occurring since 2009,
25 correct?

26 A I don't know.

27 Q You don't recall?

1 A I don't recall when they started.

2 Q Do you recall prior to 2009 there being open band
3 meetings for the same purpose?

4 A I don't recall.

5 Q Where do you live currently?

6 A I live in, by Kehewin Lake, northeast of here.

7 Q In any event, you have attended some of these
8 assemblies from time to time?

9 A I have attended some of the assemblies.

10 Q Have you ever made any inquiries at these assemblies
11 with respect to your membership status, or the status
12 of the membership of your children?

13 A I have not.

14 Q Have you ever been at an assembly where membership
15 issues are raised by either the council or by members
16 of the nation?

17 A No.

18 Q Now I understand that you were recently elected as an
19 elder commissioner; is that correct?

20 A Yes.

21 Q And that was in the last month or so; is that correct?

22 A It was on March the 24th.

23 Q Can you explain -- March 24th of this year, correct?

24 A Yes.

25 Q Could you explain what an elder commissioner is?

26 A I am not really sure. I asked for a job description
27 and the Chief said you just have to look at the

1 constitution. So when I looked at the constitution it
2 is -- they are part of the governance, they -- when
3 there is issues that cannot be resolved the elders
4 commissioner can give advice, not to dictate, but
5 advice. And the Chief and council can choose to use
6 that advice not. And as an elder's commissioner I am
7 only one of two. I'm not the whole.

8 Q And so who would you be giving advice to? Would it be
9 Chief and council?

10 A I imagine it would be Chief and council. Like I said,
11 I did ask for a job description, but they haven't given
12 it to me. And it is an elected position. And I had to
13 run off with Freida Draney.

14 Q So you ran for a position and you weren't sure what you
15 were getting yourself into?

16 A I wanted to be part of the community somehow. Yes, I
17 did.

18 Q Well, hopefully that will work out for you.

19 A I hope so.

20 Q Do you know whether the elder commissioner provides
21 advice to the membership committee, for example?

22 A I am sure that they can. I was trying to figure out
23 the -- how it goes, is it Chief and council,
24 committees, commissioner; or is it committee, Chief and
25 council. I haven't been told yet, and I haven't
26 figured it out.

27 Q Is it fair to say, based on your understanding, that an

1 elder commissioner is a position where the Sawridge
2 First Nation elects two elders to fill that role to
3 provide advice to Chief and council, the membership
4 committee, and anyone else who may require some advice
5 in relation to matters of interest to the community?
6 Is that your understanding?

7 A Right now that is my understanding, yes.

8 Q Just off the record.

9 (Discussion off the Record.)

10 EXHIBIT NO. X FOR IDENTIFICATION:

11 LETTER DATED AUGUST 28, 1992 FROM MR.
12 MITCHELL TO MR. GLANCY.

13 EXHIBIT NO. Y FOR IDENTIFICATION:

14 LETTER DATED SEPTEMBER 3, 1992 FROM MR.
15 MITCHELL TO MR. GLANCY.

16 EXHIBIT NO. Z FOR IDENTIFICATION:

17 LETTER DATED SEPTEMBER 22, 1992 FROM MR.
18 MITCHELL TO MR. GLANCY.

19 EXHIBIT NO. AA FOR IDENTIFICATION:

20 LETTER DATED MARCH 11, 1994 FROM MR.
21 GLANCY TO MR. MCKINNEY.

22 EXHIBIT NO. BB FOR IDENTIFICATION:

23 LETTER DATED MAY 19, 1995 FROM MR.
24 GLANCY TO MR. MCKINNEY.

25 Q MR. PORETTI: We have now marked a number of
26 documents for identification purposes. These documents
27 are entitled without prejudice documents, and they have

1 been marked as Exhibits X for Identification, Y, Z, AA
2 and BB. And I confirm for the record that these
3 documents are marked on the basis that I indicated at
4 the outset of our questioning today relating to without
5 prejudice documents. And I will also confirm for the
6 record that that same basis applies to documents that
7 were marked in the original questioning of Mrs. Poitras
8 in May of 2014. There were a number of documents that
9 were marked for identification purposes that were
10 without prejudice, and the same rules apply, if you
11 will.

12 MS. HUTCHISON: Thank you, Mr. Poretti. And that
13 is agreeable to have those marked as exhibits.

14 MR. PORETTI: Thank you.

15 MS. HUTCHISON: For identification.

16 MR. PORETTI: Thank you. Next I would like to
17 deal with documents that had been marked where
18 Mr. Glancy was either the addressee or the addressor.
19 So he either sent or received a letter. And first of
20 all, I would like to ask one question of Mrs. Poitras.

21 Q MR. PORETTI: I take it, so we have reviewed a
22 number of these documents today, and even back in your
23 first questioning in May of 2014, I take it that you
24 have no reason to doubt that these letters are actually
25 sent and received. Is that fair?

26 A What did he say?

27 Q Sure. I am dealing with the letters that were either

1 sent to Mr. Glancy or were sent by Mr. Glancy on your
2 behalf. And what I am trying to establish, or what I
3 would like to know is that I take it that you have no
4 information to suggest that these letters actually were
5 not sent or were not received, is that fair? So what I
6 am asking you, you don't have any reason to doubt the
7 authenticity of these letters, do you?

8 A I have no reason to doubt that they were not sent or
9 not received.

10 Q Okay. Thank you. And so that is part of it. Thank
11 you for that, Mrs. Poitras.

12 MR. PORETTI: And what I would also like to do
13 then is to get an undertaking to have Mr. Glancy -- to
14 ask Mr. Glancy that he could confirm that these letters
15 were actually sent and/or received as the case may be.

16 MS. HUTCHISON: And that is acceptable with a
17 couple of provisos, Mr. Poretti. One, we are referring
18 to only letters that have been marked as exhibits
19 obviously, only letters that are either sent or
20 received by Mr. Glancy, and then the undertaking is
21 also granted on the understanding that although we will
22 grant it, there is no waiver of privilege in a general
23 sense, and certainly wouldn't allow the trustees or
24 Sawridge First Nation to go beyond the question of
25 whether letters were sent or received into other
26 privileged matters.

27 MR. PORETTI: Okay. And just to be clear, they

1 would be all documents, whether they were marked as
2 exhibits or exhibits for identification.

3 MS. HUTCHISON: Yes, that is my understanding of
4 your undertaking.

5 MR. PORETTI: Okay, thank you.

6 UNDERTAKING NO. 12:
7 RE REQUEST OF MR. GLANCY TO CONFIRM THAT
8 THE LETTERS MARKED AS EXHIBITS AND
9 EXHIBITS FOR IDENTIFICATION SENT TO OR
10 FROM MR. GLANCY ON MS. POITRAS' BEHALF
11 WERE ACTUALLY SENT OR RECEIVED.

12 MR. PORETTI: So subject to the undertakings,
13 subject to any objections, and subject to anything
14 arising out of the, I will call it the privilege issue,
15 whether it is the without prejudice issue or one of the
16 other privilege issues that we have been dealing with,
17 subject to that, those are all of my questions. Thank
18 you very much, Mrs. Poitras.

19 A Thank you.

20 (Questioning adjourned 4:00 p.m.)

21

22

PROCEEDINGS ADJOURNED

23

SUBJECT TO UNDERTAKINGS

24

25

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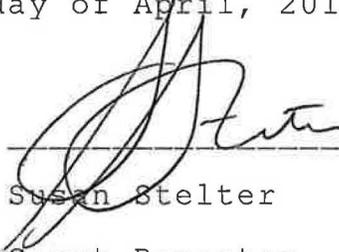
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Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed to the best of my skill and ability.

Dated at the City of Edmonton, Province of Alberta, this 16th day of April, 2015.



Susan Stelter
Court Reporter

EXHIBITS

| | | |
|----|--|----|
| 1 | | |
| 2 | EXHIBIT NO. I FOR IDENTIFICATION: | 59 |
| 3 | LETTER DATED APRIL 7, 2015 FROM MR. GLANCY | |
| | TO HUTCHISON LAW. | |
| 4 | EXHIBIT NO. 5: | 65 |
| 5 | DOCUMENT DATED OCTOBER 3, 1985 FROM | |
| | ELIZABETH POITRAS. | |
| 6 | EXHIBIT NO. 6: | 69 |
| 7 | DOCUMENT ENTITLED TRANSCRIPTION OF ELIZABETH | |
| | POITRAS CBC RADIO - SEPTEMBER 2, 1992 | |
| 8 | EXHIBIT NO. 7: | 71 |
| 9 | LETTER DATED APRIL 14, 1993 FROM MR. GLANCY | |
| | TO MR. MITCHELL | |
| 10 | EXHIBIT NO. 8: | 72 |
| | ORDER DATED JANUARY 25, 1994 | |
| 11 | | |
| 12 | EXHIBIT NO. J FOR IDENTIFICATION: | 72 |
| | LETTER DATED MARCH 21, 1994 FROM MR. | |
| | MCKINNEY TO MR. GLANCY | |
| 13 | | |
| 14 | EXHIBIT NO. 9: | 74 |
| | LETTER DATED MARCH 20, 1994 FROM MR. GLANCY | |
| | TO MR. MCKINNEY | |
| 15 | | |
| 16 | EXHIBIT NO. K FOR IDENTIFICATION: | 76 |
| | LETTER DATED APRIL 19, 1995 FROM MR. | |
| | MCKINNEY TO MR. GLANCY. | |
| 17 | | |
| 18 | EXHIBIT NO. 10: | 76 |
| | LETTER DATED APRIL 26, 1995 FROM MR. | |
| | MCKINNEY TO MR. GLANCY. | |
| 19 | | |
| 20 | EXHIBIT NO. L FOR IDENTIFICATION: | 84 |
| | LETTER DATED MAY 8, 1995 FROM MR. GLANCY TO | |
| | MR. MCKINNEY | |
| 21 | | |
| 22 | EXHIBIT NO. M FOR IDENTIFICATION: | 84 |
| | LETTER DATED MAY 12, 1995 FROM MR. MCKINNEY | |
| | TO MR. GLANCY | |
| 23 | | |
| 24 | EXHIBIT NO. N FOR IDENTIFICATION: | 86 |
| | LETTER DATED MAY 30, 1995 FROM MR. MCKINNEY | |
| | TO MR. GLANCY | |
| 25 | | |
| 26 | EXHIBIT NO. 11: | 87 |
| | LETTER DATED JUNE 15, 1995 FROM MR. GLANCY | |
| | TO MR. MCKINNEY | |
| 27 | | |

| | | |
|----|---|----|
| 1 | EXHIBIT NO. 12: | 88 |
| 2 | LETTER DATED JULY 11, 1995 FROM MR. GLANCY TO MR. MCKINNEY | |
| 3 | EXHIBIT NO. 13: | 89 |
| 4 | LETTER DATED DECEMBER 20, 1995 FROM MR. GLANCY TO MR. MCKINNEY | |
| 5 | EXHIBIT NO. O FOR IDENTIFICATION: | 89 |
| 6 | LETTER DATED JANUARY 2, 1996 FROM MR. MCKINNEY TO MR. GLANCY | |
| 7 | EXHIBIT NO. 14: | 90 |
| 8 | LETTER DATED JANUARY 8, 1996 FROM MR. GLANCY TO MR. MCKINNEY | |
| 9 | EXHIBIT NO. P FOR IDENTIFICATION: | 91 |
| 10 | LETTER DATED JANUARY 15, 1996 FROM MR. MCKINNEY TO MR. GLANCY. | |
| 11 | EXHIBIT NO. 15: | 91 |
| 12 | LETTER DATED JANUARY 16, 1996 FROM MR. GLANCY TO MR. MCKINNEY | |
| 13 | EXHIBIT NO. 16: | 92 |
| 14 | LETTER DATED JANUARY 31, 1996 FROM MR. GLANCY TO MR. MCKINNEY. | |
| 15 | EXHIBIT NO. 17: | 93 |
| 16 | LETTER DATED FEBRUARY 7, 1996 FROM MR. GLANCY TO MR. MCKINNEY. | |
| 17 | EXHIBIT NO. Q FOR IDENTIFICATION: | 93 |
| 18 | LETTER DATED FEBRUARY 15, 1996 FROM MR. MCKINNEY TO MR. GLANCY | |
| 19 | EXHIBIT NO. R FOR IDENTIFICATION: | 94 |
| 20 | LETTER DATED JUNE 19, 1996 FROM MR. GLANCY TO MR. MCKINNEY. | |
| 21 | EXHIBIT NO. S FOR IDENTIFICATION: | 95 |
| 22 | LETTER DATED JUNE 28, 1996 FROM MR. MCKINNEY TO MR. GLANCY | |
| 23 | EXHIBIT NO. T FOR IDENTIFICATION: | 95 |
| 24 | LETTER DATED JULY 16, 1996 FROM MR. GLANCY TO MR. MCKINNEY | |
| 25 | EXHIBIT NO. U FOR IDENTIFICATION: | 96 |
| 26 | LETTER DATED JULY 22, 1996 FROM MR. HENDERSON TO MR. GLANCY | |
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| 1 | EXHIBIT NO. 18: | 97 |
| 2 | LETTER DATED OCTOBER 28, 1997 FROM MR. GLANCY TO MR. CHALMERS | |
| 3 | EXHIBIT NO. V FOR IDENTIFICATION: | 104 |
| 4 | DOCUMENT ENTITLED INCIDENT REPORT DATED DECEMBER 19, 1997 | |
| 5 | EXHIBIT NO. W FOR IDENTIFICATION: | 105 |
| 6 | SAWRIDGE FAX COVER SHEET DATED JANUARY 9, 2001 WITH ATTACHED DOCUMENTS ENTITLED QUESTIONS AND DEFICIENCIES | |
| 7 | EXHIBIT NO. X FOR IDENTIFICATION: | 152 |
| 8 | LETTER DATED AUGUST 28, 1992 FROM MR. MITCHELL TO MR. GLANCY. | |
| 9 | EXHIBIT NO. Y FOR IDENTIFICATION: | 152 |
| 10 | LETTER DATED SEPTEMBER 3, 1992 FROM MR. MITCHELL TO MR. GLANCY. | |
| 11 | EXHIBIT NO. Z FOR IDENTIFICATION: | 152 |
| 12 | LETTER DATED SEPTEMBER 22, 1992 FROM MR. MITCHELL TO MR. GLANCY. | |
| 13 | EXHIBIT NO. AA FOR IDENTIFICATION: | 152 |
| 14 | LETTER DATED MARCH 11, 1994 FROM MR. GLANCY TO MR. MCKINNEY. | |
| 15 | EXHIBIT NO. BB FOR IDENTIFICATION: | 152 |
| 16 | LETTER DATED MAY 19, 1995 FROM MR. GLANCY TO MR. MCKINNEY. | |
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