

COURT OF APPEAL OF ALBERTA



COURT OF APPEAL FILE NUMBER 1803 0076AC
COURT FILE NUMBER: 1103 14112
REGISTRY OFFICE: EDMONTON

Fast Track

IN THE MATTER OF THE TRUSTEE ACT, RSA 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 Sawridge Trust")

APPLICANTS: MAURICE FELIX STONEY AND HIS BROTHERS AND SISTERS

STATUS ON APPEAL: Interested Party

RESPONDENTS (ORIGINAL APPLICANTS): ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWINN, BERTHA L'HIRONDELLE and CLARA MIDBO, as Trustees for the 1985 Sawridge Trust (the "Sawridge Trustees")

STATUS ON APPEAL: Respondents

RESPONDENT PUBLIC TRUSTEE OF ALBERTA (the "OPGT")

STATUS ON APPEAL: Not a Party to the Appeal

INTERVENOR: SAWRIDGE FIRST NATION

STATUS ON APPEAL: Respondent

INTERESTED PARTY: PRISCILLA KENNEDY, Counsel for Maurice Felix Stoney and His Brothers and Sisters

STATUS ON APPEAL: Appellant

DOCUMENT: **FACTUM OF THE RESPONDENT, SAWRIDGE TRUSTEES**

Appeal from the Case Management Order of
The Honourable Mr. Justice D.R.G. Thomas
Dated March 20, 2018, Filed the 2nd day of May, 2018

FACTUM OF THE RESPONDENT, SAWRIDGE TRUSTEES

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I. INTRODUCTION AND FACTS

1. The Trustees of the 1985 Sawridge Trust (the "**Sawridge Trustees**") respond to this appeal by Priscilla Kennedy of the costs award of the Honourable Mr. Justice Thomas in *Sawridge #9*. This appeal is being heard concurrently with Ms. Kennedy's appeal of the costs awarded against her in *Sawridge #7*.¹
2. The Sawridge Trustees have filed a factum in respect of the appeal in *Sawridge #7*, and repeat and rely on those submissions in this appeal. This factum addresses additional issues raised by Ms. Kennedy's factum in respect of the appeal of *Sawridge #9* ("**Kennedy Appeal Factum**").
3. In her submissions, Kennedy focuses on four grounds of appeal:
 - (a) an alleged error in finding her submissions in *Sawridge #8* continued to advance futile arguments on Stoney's behalf warranted costs against her personally;
 - (b) an alleged error in finding those submissions were a collateral attack on *Sawridge #6*, warranting costs against her personally;
 - (c) an alleged error in making a finding of joint liability for costs between Ms. Kennedy and Maurice Stoney, her former client, without providing Mr. Stoney with an opportunity to speak to costs; and
 - (d) an alleged error in finding that her submissions warranted personal liability for enhanced costs.
4. While Ms. Kennedy submits these as grounds, the following facts are important to consider:
 - (a) Mr. Stoney was aware of the proceedings in Court, which is evident from the correspondence having been copied to Mr. Stoney;²
 - (b) Mr. Stoney participates without any explicit direction from the Court or timeline being set for him, as is clear from his faxes to the Court of Appeal, especially the one sent in respect of this appeal dated April 23, 2018;³

¹ A chart setting out the chronology of these various applications, their full citations, and setting out the abbreviated references, is attached as **Appendix A**

² Letter from Edward H. Molstad, QC dated November 15, 2017 [**Appeal Record attached to Kennedy Appeal Factum at TAB 1**]; Letter from Jon Faulds, QC dated November 16, 2017 [**Appeal Record attached to Kennedy Appeal Factum at TAB 2**]; Letter from the Honourable Mr. Justice D.R.G. Thomas dated December 20, 2017 [**TAB 5, Extracts of Key Evidence of the Respondent, Sawridge Trustees ("Trustees' Extracts of Key Evidence") at R19**]; Letter from the Honourable Mr. Justice D.R.G. Thomas dated January 2, 2018 [**Appeal Record attached to Kennedy Appeal Factum at TAB 3**] ("**Justice Thomas Letter**")

³ Letter from Maurice Stoney to the Court of Appeal dated April 23, 2018 [**TAB 1, Trustees' Extracts of Key Evidence at R1**] ("**Stoney Letter**"); ³ Correspondence to the Court of Appeal from Maurice Stoney [**TAB 4, Trustees' Extracts of Key Evidence at R-12-R18**]

- (c) Ms. Kennedy did not write to Justice Thomas following receipt of his January 2, 2018 letter to raise the absence of an explicit deadline for Mr. Stoney to make submissions in respect of *Sawridge #9*; and
- (d) Ms. Kennedy's own lawyer submitted that *Sawridge #6* was, *inter alia*, a "bridge too far", "ill-advised" and "should not have been made", and yet Ms. Kennedy persisted in justifying *Sawridge #6* in her submissions for *Sawridge #8*.⁴

II. GROUND OF APPEAL

- 5. The grounds of appeal as articulated by Ms. Kennedy in her factum are set out in paragraph 3 above.

III. STANDARD OF REVIEW

- 6. While Ms. Kennedy has cited a recent decision of this Honourable Court that identified instances in which a costs appeal might succeed,⁵ her submissions did not address the actual errors alleged or the applicable standard of review.
- 7. There are four types of errors that might be alleged to warrant appellate intervention: an error of fact; an error of law; an error of mixed fact and law; and an error in exercise of discretion. The Trustees submit that errors in respect of an award of costs are errors in an exercise of discretion. Absent an error of law, which is not alleged by Ms. Kennedy, the applicable standard of review to discretionary decisions by a lower court is reasonableness, with considerable deference shown to the decisions of a case management Justice.⁶

IV. ARGUMENT

A. Ms. Kennedy's submissions in *Sawridge #8* were relevant to the scale of costs

- 8. Ms. Kennedy, in her factum, asserts that her submissions in *Sawridge #8*, which repeated the arguments previously made in *Sawridge #6*, were relevant to the vexatious litigant hearing because *Sawridge #6* was the trigger for the hearing.⁷
- 9. A finding that an individual is a vexatious litigant is not made on the basis of one application alone. The question before the Court in such a hearing is whether that litigant has demonstrated

⁴ *Sawridge #8* at paras 114-116 [TAB 3, Book of Authorities of the Respondent, Sawridge Trustees ("Trustees' Authorities")]

⁵ Kennedy Appeal Factum at para 19

⁶ *Twinn v Twinn*, 2017 ABCA 419 at paras 13, 14 [TAB 5, Trustees' Authorities]; *Bröcker v. Bennett Jones*, 2010 ABCA 67 at paras 13, 14 [TAB 6, Trustees' Authorities]

⁷ Kennedy Appeal Factum at para 22

a pattern of conduct that is vexatious. This is evident in s. 23(2) of the *Judicature Act*,⁸ which provides:

For the purposes of this Part, instituting vexatious proceedings or conducting a proceeding in a vexatious manner includes, without limitation, any one or more of the following:

- (a) **persistently** bringing proceedings to determine an issue that has already been determined by a court of competent jurisdiction;
- (b) **persistently** bringing proceedings that cannot succeed or that have no reasonable expectation of providing relief;
- (c) **persistently** bringing proceedings for improper purposes;
- (d) **persistently** using previously raised grounds and issues in subsequent proceedings inappropriately;
- (e) **persistently** failing to pay the costs of unsuccessful proceedings on the part of the person who commenced those proceedings;
- (f) **persistently** taking unsuccessful appeals from judicial decisions; . . .

10. It was not *Sawridge #6* alone that was at issue in the *Sawridge #8* hearing about vexatious litigant status. The question was not whether *Sawridge #6* raised new issues, as Justice Thomas had already decided that it did not. The question was whether an order needed to be made to restrict Mr. Stoney's access to the court due to his pattern of conduct before the courts and other tribunals respecting his litigation against the Sawridge First Nation ("SFN") and the Sawridge Trustees.
11. In *Sawridge #6*, Justice Thomas identified two other proceedings as part of this pattern of conduct:⁹ *Stoney v Sawridge First Nation*,¹⁰ which Stoney did not appeal and in which decision the Court found issue estoppel; and Stoney's attempt to extend time to appeal *Sawridge #3*, which request was denied due to no prospect of success and the fact that Stoney was a stranger to the proceedings.¹¹ After the finding in these proceedings that he was a stranger to the litigation, Stoney commenced the application to be added as a party that was dismissed in *Sawridge #6*.
12. Ms. Kennedy's submissions did not address these repeated applications, except to try to re-argue *Sawridge #6* and convince the Court that it raised new issues. Justice Thomas had already made a factual finding that it did not.¹² Such finding did not deter Ms. Kennedy, whose submissions

⁸ *Judicature Act*, RSA 2000, c J-2, s 23(2) (emphasis added) [TAB 7, Trustees' Authorities]

⁹ *Sawridge #6* at paras 53, 54 [TAB 1, Trustees' Authorities]

¹⁰ *Stoney v Sawridge First Nation*, 2013 FC 509 at paras 15-17 [TAB 8, Trustees' Authorities]

¹¹ *1985 Sawridge Trust (Trustee For) v Alberta (Public Trustee)*, 2016 ABCA 51 [Authority for reference only; not included in the Trustees' Authorities]

¹² *Sawridge #6* at paras 3, 47-49, 51 [TAB 1, Trustees' Authorities]

failed to properly address the various indicia of vexatious litigation.¹³ Instead, as described further below, the arguments were themselves a collateral attack on Justice Thomas' determination that *Sawridge #6* was an attempt to re-argue matters that were previously before the court. The submissions focused on trying to argue that they were actually new issues. There was, however, nothing new. Once again, Ms. Kennedy was arguing for Mr. Stoney's membership using the same arguments that had been used before in this action and in many previous actions, as outlined in the SFN Factum for the appeal of *Sawridge #7*.¹⁴

13. The arguments were especially flawed in that they did not relate at all to the issue before the court, which is whether the definition of "beneficiary" in the 1985 Trust is discriminatory. The case law cited did not even relate to the issue of membership, which concept is found in the definition at issue. Instead, Ms. Kennedy referred to cases dealing with status under the *Indian Act*, which issue is not raised by this advice and direction application.
14. Ms. Kennedy could have made any number of other arguments as to why a vexatious litigant order need not be made against Mr. Stoney. She might have focused on his being at the end of the road in these proceedings, so no order of the Court of Queen's Bench would be necessary. Instead, she ignored the vexatious litigant jurisprudence, and chose to re-argue that his proceedings raised new issues, despite the findings of Justice Thomas in *Sawridge #6*.
15. It is clear that Ms. Kennedy is the one who was responsible for this legal strategy. On Mr. Stoney's questioning, Ms. Kennedy made it clear that he does not read or understand the court decisions in these matters.¹⁵ In this appeal, Mr. Stoney's submissions have consisted of a single handwritten page in which he expressed unqualified support for Ms. Kennedy's position,¹⁶ despite the fact that her success on this appeal will mean that he alone is responsible for what would otherwise be a joint costs award, which is clearly contrary to his own interests. Where counsel fails to recognize the findings of the court, and makes vexatious arguments on a hearing respecting a vexatious litigant order, elevated costs are appropriate.

B. Ms. Kennedy's submissions in *Sawridge #8* were a collateral attack on Justice Thomas' findings in *Sawridge #6*

¹³ *Chutskoff v Bonora*, 2014 ABQB 389 at para 92 [TAB 10, Trustees' Authorities]

¹⁴ Factum of the Respondent, *Sawridge First Nation* (filed February 28, 2018, appeal of *Sawridge #7*) at paras 24-31 [TAB 2, Trustees' Extracts of Key Evidence at R2-R4]

¹⁵ Transcript of questioning on Affidavit of Maurice Stoney (Sept 23, 2016) at p. 25, line 19 to p. 27, line 3; pp 61, 63, 64 [TAB 3, Trustees' Extracts of Key Evidence at R5-R11] ("Stoney Questioning")

¹⁶ Stoney Letter, *supra* note 3

16. In the Court below and in questioning,¹⁷ it was clear that Mr. Stoney is an unsophisticated litigant who would be influenced by the direction and recommendations of counsel. Ms. Kennedy would have directed how this litigation was conducted. In fact, Mr. Stoney's recent submission to this Court on this appeal further illustrates this point.¹⁸
17. Justice Thomas explicitly found that the arguments advanced in *Sawridge #6* were attempts to attack an unappealed judgment of a Canadian court, and were the same arguments that had been made and rejected in other court proceedings.¹⁹ Ms. Kennedy persisted in again making these arguments in *Sawridge #8*, and insisted in her submissions that these issues were not disposed of in previous proceedings.²⁰ *Sawridge #8* was not an appeal of the findings of *Sawridge #6*. Asserting in the vexatious litigant hearing that Justice Thomas' finding in *Sawridge #6* was incorrect is the very definition of a collateral attack on his findings.
18. While Ms. Kennedy now asserts that she made unqualified acknowledgments that Justice Thomas rejected her theory,²¹ the Sawridge Trustees disagree that this is the case.
19. There was no unqualified acknowledgment in her submissions in *Sawridge #8* that Justice Thomas had found that the issues raised by Mr. Stoney in *Sawridge #6* had been raised in and determined by other court proceedings, and that raising them again in *Sawridge #6* was a collateral attack on those proceedings.²² Instead, Ms. Kennedy again asserted that these matters had not been previously determined in the past Federal Court proceedings, that they remained a live legal question, and that the contrary position was merely an argument of the SFN, rather than a finding of the Court.²³
20. The Court did not just dismiss her arguments; the Court explicitly agreed with the SFN and the Sawridge Trustees that the application was a collateral attack on past Federal Court proceedings.²⁴ The fact that Ms. Kennedy acknowledges that the application in *Sawridge #6* was dismissed does not negate the many paragraphs in her *Sawridge #8* submissions dedicated to insisting that these matters were not collateral attacks, contrary to Justice Thomas' clear holding

¹⁷ Stoney Questioning, *supra* note 155

¹⁸ Stoney Letter, *supra* note 3

¹⁹ *Sawridge #6* at paras 47-52 [TAB 1, Trustees' Authorities]

²⁰ Kennedy Appeal Factum at para 10

²¹ Kennedy Appeal Factum at paras 10, 25, 26

²² *Sawridge #6* at paras 3, 47 [TAB 1, Trustees' Authorities]

²³ Written Response Argument of Maurice Stoney on Vexatious Litigant Order at para 24 [TAB 3, Extracts of Key Evidence of the Appellant Priscilla Kennedy ("Kennedy's Extracts of Key Evidence") at A038] ("Stoney *Sawridge #8* Submission")

²⁴ *Sawridge #6* at paras 3, 47 [TAB 1, Trustees' Authorities]

otherwise.²⁵ Had she truly acknowledged Justice Thomas' findings, she would not continue making submissions that those findings were wrong."

21. The thrust of Ms. Kennedy's submissions in *Sawridge #8* were that Mr. Stoney should not be declared a vexatious litigant because there was a viable legal basis for his application in *Sawridge #6* that had not previously been before the courts. In addition to being inaccurate, that position had already been explicitly rejected by Justice Thomas in *Sawridge #6*. In continuing to advance the argument that Mr. Stoney raised a novel issue that was not previously before the courts, notwithstanding Justice Thomas' explicit finding that he did not, there cannot be any other conclusion than that Ms. Kennedy was advancing a collateral attack on Justice Thomas' findings.

C. There was no error in relation to Mr. Stoney's opportunity to participate

22. Mr. Stoney was sent copies of correspondence to and from the Court regarding submissions on the issue of costs for the written hearing of what became *Sawridge #9*.²⁶ It was clear from these documents what was occurring. While there was not a specific date directed for submissions by Mr. Stoney, it cannot be said that Mr. Stoney did not have notice or an opportunity to submit a position.
23. Mr. Stoney is not a stranger to communicating to the Court. He has done so directly on a number of occasions.²⁷ There was no impediment to his doing so in respect of this matter, as there was certainly no direction that he could not participate.²⁸
24. It is surprising that Ms. Kennedy is raising this issue as a ground for appeal. She did not raise it to Justice Thomas during the course of the correspondence that set the timelines for submissions in *Sawridge #9*. It does not seem proper that Ms. Kennedy, having recently acted as Mr. Stoney's lawyer and yet not having raised this issue at the relevant time, should now be able to invoke this argument as a ground of appeal to set aside Justice Thomas' decision in respect of her own liability.
25. Justice Thomas's factual findings in *Sawridge #9* that the parties had notice are not unreasonable nor incorrect and thus should be upheld.²⁹

²⁵ Stoney *Sawridge #8* Submission at paras 16, 20, 22, 24, 28 [TAB 3, Kennedy's Extracts of Key Evidence at A036-A040]

²⁶ Justice Thomas Letter, *supra* note 2; Copies of correspondence with Court of Queen's Bench and Court of Appeal regarding *Sawridge #9* [TAB 5, Trustees' Extracts of Key Evidence at R19-R28]

²⁷ Correspondence from Stoney to Court of Appeal [TABS 1 and 4, Trustees' Extracts of Key Evidence at R1, R12-R18]

²⁸ Justice Thomas Letter, *supra* note 2

²⁹ *Sawridge #9* at paras 24, 25 [TAB 4, Trustees' Authorities]

26. In any event, Mr. Stoney is not appealing the costs award. It is Ms. Kennedy who is bringing this appeal, in respect of the costs that were awarded against her. The failure of Mr. Stoney to have made submissions does not seem to have a direct bearing on Ms. Kennedy's own liability for costs. It is unclear whether, by this argument, Ms. Kennedy is seeking a finding that she is not jointly liable with Mr. Stoney, such that he instead has no liability and Ms. Kennedy has sole liability. Rather than negating the costs award against Ms. Kennedy, it would seem that this result would be the logical conclusion of this ground of appeal, as is admitted by Ms. Kennedy.³⁰
27. However, in all other respects of *Sawridge #9*, Ms. Kennedy effectively argues against her now-unrepresented former client, taking the position that he should be solely responsible for the costs awards of *Sawridge #6* and *#8*. Ms. Kennedy should not be able to take advantage of Mr. Stoney in this way.
28. Given Mr. Stoney's support of Ms. Kennedy in this appeal, which is against his interests, we can logically assume that Mr. Stoney would not have made submissions that would have impacted Justice Thomas' decision in any event. This argument provides no basis upon which to interfere with Justice Thomas' award of costs against Ms. Kennedy.

D. Personal liability for enhanced costs was appropriate

29. Apart from Ms. Kennedy having made a collateral attack on Justice Thomas' order by her submissions in *Sawridge #8*, it was found that *Sawridge #6* represented "busybody" litigation.³¹ It was an application based on litigating issues with respect to Mr. Stoney's and his siblings' membership applications to the SFN, which was interjected into an application to determine issues relating to the definition of beneficiaries in the 1985 *Sawridge* Trust. The justification Ms. Kennedy offered was based, *inter alia*, on the Federal Rules of Court, which are clearly inapplicable to the Alberta Court of Queen's Bench.³² Justice Thomas found that she involved third parties in litigation without their authorization,³³ which is a serious breach of her duties.³⁴ Her lawyer acknowledged she is bound by the Rules of Court Rule 1.2 in which a lawyer is bound not to file unnecessary applications and to have regard for publically funded court resources.³⁵ The

³⁰ Kennedy Appeal Factum at para 31

³¹ *Sawridge #8*, paras 84-86 [TAB 3, Trustees' Authorities]

³² *Ibid*, paras 85, 118 [TAB 3, Trustees' Authorities]

³³ *Ibid*, para 113 [TAB 3, Trustees' Authorities]

³⁴ *Ibid*, para 117 [TAB 3, Trustees' Authorities]

³⁵ *Alberta Rules of Court*, Alta Reg 124/2010, r 1.2 [TAB 9, Trustees' Authorities]; *Sawridge #7* at paras 16, 49, 66, 75, 120 [TAB 2, Trustees' Authorities]; *Sawridge #9* at para 10 [TAB 4, Trustees' Authorities]

Court found that Ms. Kennedy engaged in abusive litigation, changed positions and reargued settled issues.³⁶

30. *Sawridge #6* and *#7* were clear warnings to Ms. Kennedy that the Court found her conduct to be inappropriate. In her submissions in *Sawridge #8*, she persisted in making the same submissions many of which were misleading and inaccurate. She persisted in suggesting Mr. Stoney had an automatic right to membership and that SFN breached an injunctive order. Neither of these was correct. Mr. Stoney's right to membership had been previously rejected.
31. The Trustees agree that lawyers should not fear costs against them in their personal capacity for raising unique arguments. That proposition is in keeping with the long history of barristers, and their duty to their clients to act as vigorous advocates. However, this is not a case of a lawyer merely attempting to raise novel legal arguments. There is no concern that this could be seen as precedent that may lead to a fear that the award of costs against a lawyer personally will inhibit a lawyer in advancing arguments, nor will it interfere with the fundamental duties of a lawyer's calling. As seen in the recent *Ferreira* case, where the lawyer brings an inappropriate application and submits misleading material, such conduct is worthy of sanction.³⁷
32. Rather, this is a case in which a lawyer failed in her duty to her client, and to the court, to advise her client that the prospective application was *res judicata* from several previous failed applications and an abuse of process. In addition, Ms. Kennedy knew that Mr. Stoney had unpaid costs awards, and knew that he did not have money to pay for any further costs awards.³⁸ Section 23(2) of the *Judicature Act*,³⁹ is effectively a checklist of the conduct in respect of Mr. Stoney's application. Where it is conduct attributable to the lawyer that causes the parties to incur costs that otherwise would not have been incurred, a personal costs award against the lawyer for those costs is appropriate.⁴⁰
33. His lawyer then went on to make repeated submissions to the Court that it was not vexatious, even after the Court held that it was in *Sawridge #6*. It is a case in which a lawyer put forward "busybody" litigation without clear authority from all of the individuals who she purported to represent, and without having grounded her procedure in the rules of court in the relevant jurisdiction. It was a case in which the lawyer proceeded with such an application, even though the main arguments had failed in the past in several applications, and even though she knew that

³⁶ *Sawridge #9* at paras 30, 31 [TAB 4, Trustees' Authorities]

³⁷ *Ferreira v St Mary's General Hospital*, 2017 ONSC 6631 at paras 28, 29 [TAB 11, Trustees' Authorities], aff'd 2018 ONCA 247 [TAB 12, Trustees' Authorities]

³⁸ *Stoney Sawridge #8 Submissions* at para 21 [TAB 3, Kennedy's Extracts of Key Evidence at A038]

³⁹ See the text of this provision as set out above in paragraph 9 of this Factum.

⁴⁰ *Lynch v Checker Cabs Ltd.*, 1999 ABQB 514 at paras 12, 47, 61, 64, 68 [TAB 14, Trustees' Authorities]

client had not paid his previous costs awards, and knew that he was impecunious.⁴¹ And it was a case in which, in the face of all of these factors, the lawyer persisted in justifying this conduct on the show-cause hearing for the determination of whether there should be a vexatious litigant order, rather than addressing the legal test for such an order. In short, this is a case in which a lawyer acted in a manner that was contrary to her fundamental duties to the court. While perhaps each item on its own might not have warranted a personal costs award, taken together, they elevate the scale of appropriate costs and justify a costs award against counsel personally.

34. The liability for the costs of *Sawridge #7*, while not elevated, is similarly justified as being awarded personally against Ms. Kennedy. The parties were required to make submissions to the Court in respect of Ms. Kennedy's conduct and exposure for costs. Costs were awarded against her personally. Since Ms. Kennedy was the unsuccessful party, and the SFN and Sawridge Trustees were put to additional expense as a result of her conduct and the necessity of that hearing, the Sawridge Trustees submit that the award of costs in accordance with Rule 10.29⁴² was entirely appropriate. In any event, that exercise of discretion is entitled to deference. The applicable standard of review is reasonableness. Ms. Kennedy has not established that this exercise of discretion was so unreasonable as to justify appellate intervention.

V. RELIEF SOUGHT

35. The Sawridge Trustees seek a dismissal of this appeal, with costs awarded in favour of the Sawridge Trustees on such scale as this Honourable Court deems appropriate.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 4th DAY OF June, 2018.

Estimated Time of Argument: 15 minutes (expect to make argument following Sawridge First Nation)

DENTONS CANADA LLP

PER: _____

Doris Bonora
Counsel for the Sawridge Trustees

⁴¹ Stoney *Sawridge #8* Submissions at para 21 [TAB 3, Kennedy's Extracts of Key Evidence at A038]

⁴² *Alberta Rules of Court*, Alta Reg 124/2010, r 10.29 [TAB 13, Trustees' Authorities]

TABLE OF AUTHORITIES

TAB	DESCRIPTION
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- | | |
|-----|--|
| 1. | <i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 436, Referred to as Sawridge #6 |
| 2. | <i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 530, Referred to as Sawridge #7 |
| 3. | <i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 548, Referred to as Sawridge #8 |
| 4. | <i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2018 ABQB 215, Referred to as Sawridge #9 |
| 5. | <i>Twinn v Twinn</i> , 2017 ABCA 419 |
| 6. | <i>Bröcker v. Bennett Jones</i> , 2010 ABCA 67 |
| 7. | <i>Judicature Act</i> , RSA 2000, c J-2, s. 23(2) |
| 8. | <i>Stoney v Sawridge First Nation</i> , 2013 FC 509 |
| 9. | Alberta Rules of Court, Alta Reg 124/2010, r. 1.2 |
| 10. | <i>Chutskoff v Bonora</i> , 2014 ABQB 389 |
| 11. | <i>Ferreira v St Mary's General Hospital</i> , 2017 ONSC 6631 |
| 12. | <i>Ferreira v St Mary's General Hospital</i> , 2018 ONCA 247 |
| 13. | Alberta Rules of Court, Alta Reg 124/2010, r. 10.29 |
| 14. | <i>Lynch v. Checker Cabs Ltd.</i> , 1999 ABQB 514 |

APPENDIX A

Court of Queen's Bench of Alberta

**Relevant Decisions Rendered by
The Honourable Mr. Justice D.R.G. Thomas
In Respect of Maurice Felix Stoney and Priscilla Kennedy**

DECISION	DATE RENDERED	DESCRIPTION
<i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 436 Referred to as Sawridge #6	July 12, 2017	Decision dismissing claim by Maurice Felix Stoney
<i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 530 Referred to as Sawridge #7	August 31, 2017	Decision awarding costs against Priscilla Kennedy
<i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2017 ABQB 548 Referred to as Sawridge #8	September 12, 2017	Decision declaring Maurice Felix Stoney a Vexatious Litigant
<i>1985 Sawridge Trust v Alberta (Public Trustee)</i> , 2018 ABQB 215 Referred to as Sawridge #9	March 20, 2018	Decision to clarify costs against Maurice Felix Stoney and Priscilla Kennedy