

**COURT OF APPEAL OF ALBERTA**



COURT OF APPEAL FILE NUMBER: 1803 0076AC  
COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: EDMONTON  
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")

**Fast Track**

APPLICANTS: MAURICE FELIX STONEY AND HIS BROTHERS AND SISTERS

STATUS ON APPEAL: Interested Party

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

STATUS ON APPEAL: Respondents

RESPONDENT STATUS ON APPEAL: PUBLIC TRUSTEE OF ALBERTA (the "OPGT")  
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: **EXTRACTS OF KEY EVIDENCE OF THE RESPONDENT, SAWRIDGE TRUSTEES**

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

---

**EXTRACTS OF KEY EVIDENCE  
OF THE RESPONDENT, SAWRIDGE TRUSTEES**

---



**FOR THE APPELLANT,  
Priscilla Kennedy**

**Field LLP**

2500 Enbridge Centre  
10175 – 101 Street NW  
Edmonton, AB T5J 0H3

**Attn: P. Jonathan Faulds, Q.C.**

Phone: (780) 423-7625

Fax: (780) 429-9329

Email: [jfaulds@fieldlaw.com](mailto:jfaulds@fieldlaw.com)

File No.: 65063-1

**FOR THE RESPONDENT,  
Sawridge Trustees**

**Dentons Canada LLP**

2900 Manulife Place  
10180 – 101 Street  
Edmonton, AB T5J 3V5

**Attn: Doris Bonora & Mandy England**

Phone: (780) 423-7188

Fax: (780) 423-7276

Email: [doris.bonora@dentons.com](mailto:doris.bonora@dentons.com)

File No.: 551860-1-DCEB

**FOR THE RESPONDENTS,  
Sawridge First Nation**

**Parlee McLaws LLP**

1700 Enbridge Centre  
10175 – 101 Street, NW  
Edmonton, AB T5J 0H3

**Attn: Edward Molstad, Q.C.**

Phone: (780) 423-8500

Fax: (780) 423-2870

Email: [emolstad@parlee.com](mailto:emolstad@parlee.com)

File No. : 64203-23

**INTERESTED PARTY**

Maurice Felix Stoney  
500 4<sup>th</sup> Street NW  
Slave Lake, AB T0G 2A1  
Phone: (780) 516-1143

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3.	Transcript of questioning on Affidavit of Maurice Stoney (Sept 23, 2016) at p. 25, lines 19-27; p.26, p. 27, lines 1-3 and p. 61, 63-64	R5
4.	Correspondence to the Court of Appeal from Maurice Stoney: <ul style="list-style-type: none"> <li>• Civil Notice of Appeal</li> <li>• Fax – Attn: Registrar’s office filed December 4, 2017</li> <li>• Fax – Attn: Judge Watson filed December 4, 2017</li> <li>• Fax – Attn: Case Management filed February 20, 2018</li> <li>• Fax – Attn: Court of Appeal dated February 26, 2018</li> </ul>	R12 R15 R16 R17 R18
5.	Copies of correspondence with Court of Queen's Bench and Court of Appeal regarding Sawridge #9: <ul style="list-style-type: none"> <li>• Letter from Justice Thomas dated December 20, 2017</li> <li>• Email from Jon Faulds to Nicole Stansky dated December 20, 2017</li> <li>• Email from Nicole Stansky to Jon Faulds dated December 22, 2017</li> <li>• Letter from Edward Molstad to the Court of Queen's Bench dated January 12, 2018</li> <li>• Letter from Justice Thomas dated March 20, 2018</li> <li>• Letter from Doris Bonora to Court of Appeal dated March 29, 2018</li> <li>• Letter from Doris Bonora to Maurice Stoney dated March 29, 2018</li> <li>• Letter from Justice Thomas dated May 2, 2018</li> </ul>	R19 R20 R21 R23 R25 R26 R27 R28

# TAB 1

10:02:34 a.m. 04-23-2018	1	780493128
04/23/2018 09:52AM		7808493128

NICOLET INSURANCE

ENT 12  
PAGE 01/01

\* FOC 780 422 4127 - APR 23/18

Court of Appeal of AB.  
Case Management Office  
Attn: B J McDevitt

I write you to say, I  
am in agreement with  
the submissions re:

Suedredge # 9. This is the  
appeal by Priscilla Kennedy  
# file 1863 0076 AC, of which  
will be heard on June 8/18.

I am listed as a interested  
Party.

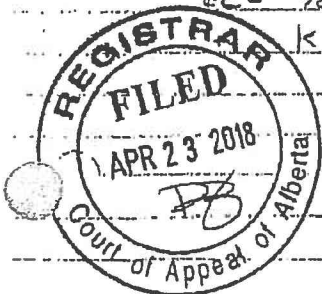
Yours truly  
M. Stoney

780 516 1143

cc- 780 428 9329  
K. Precht

500 4th NW Shave Lake  
AB T09 0A1

cc: D. Bonora 780-423-7276  
E. Molstad, O.C. 780-423-2870



## TAB 2

**COURT OF APPEAL OF ALBERTA**

COURT OF APPEAL FILE NUMBER: 1703 0239AC

COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: EDMONTON

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 TWIN, 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 FIRST NATION**

---

Appeal from the Case Management Order of  
The Honourable Mr. Justice D.R.G. Thomas  
Dated the 31<sup>st</sup> day of August, 2017  
Filed the 6<sup>th</sup> day of October, 2017

---

**FACTUM OF THE RESPONDENT, SAWRIDGE FIRST NATION**

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abusive litigation that was a collateral attack on prior decisions and did so in the face of prior unpaid costs awards against his client;<sup>33</sup> where counsel attempted re-litigate the causes of action and the issues that were settled in prior proceedings;<sup>34</sup> where counsel attempted re-litigate earlier actions and collaterally attack court orders and where the claims were known to counsel to have been raised (or were capable of being raised) in earlier actions;<sup>35</sup> and where counsel knew or ought to have known that the client he represented lacked standing to bring a motion and that the motion was frivolous and amounted to a collateral attack as the issues raised were previously adjudicated and *res judicata*.<sup>36</sup> While recognizing that the specific rules are worded differently across provinces, these cases are nevertheless of assistance in considering the nature of misconduct that may attract such an award, particularly since the Courts in those cases applied the same or a similar test and recognized the rare and exceptional nature of such awards.

(i) Kennedy's misconduct constituted serious abuse.

24. Kennedy acknowledges the Stoney's "claim to potential beneficiary status was grounded in their assertion of entitlement to membership";<sup>37</sup> however, her suggestion that she advanced this position on a legal basis never previously raised, argued, or adjudicated is disingenuous. It ignores the substance of the submissions made by Kennedy to the CMJ, which clearly assert acquired rights membership on the basis of Bill C-31 and the 2003 decision of Justice Hugessen in *Sawridge Band v Canada*,<sup>38</sup> which was upheld by the Federal Court of Appeal in 2004.<sup>39</sup> Justice Barnes rejected this very argument in the 2012 Action.<sup>40</sup>

25. A review of the written submissions made on the Stoney Application reveals that the argument now described is not what was presented to the CMJ. To give but a representative example, we refer the Court to those submissions, where she asserts the Stoney's membership in Sawridge on the basis of the Bill C-31 amendments to the *Indian Act* and on the basis that they fall within the category of persons contemplated by Justice Hugessen's order, an argument previously rejected by Justice Barnes.<sup>41</sup>

26. It is difficult to conceive how the CMJ and all counsel could be found to have misconstrued Kennedy's argument. She made the same arguments in submissions filed September 28, October 27, and

<sup>33</sup> In *Best v Ranking*, 2015 ONSC 6279 (CanLII) at paras 20, 39-41 [Tab 6 Sawridge's BOA], aff'd *Best v Ranking*, 2016 ONCA 492 (CanLII) at paras 41, [Tab 7 Sawridge's BOA], leave to appeal refused *Paul Stansky v Kingsland Estates Limited, et al.*, 2017 CanLII 4178 (SCC), the Court awarded full indemnity costs of \$84,000.00 to be paid jointly and severally by the Plaintiff and his counsel.

<sup>34</sup> In *Scderstrom v Hofimar-La Roche Limited*, 2008 CanLII 15776 (ON SC) at paras 24, 27, 59, 66-68 and 80 [Tab 8 Sawridge's BOA], the Court awarded costs on a substantial indemnity basis to be paid jointly and severally by the Plaintiff and his counsel.

<sup>35</sup> In *Denmor Industries Ltd v Kamlin Canada Inc. (No. 2)*, 1992 CanLII 7543 (ON SC) [Tab 9 Sawridge's BOA], the Court awarded solicitor-client costs of \$29,087.32 to be paid jointly and severally by the Plaintiff and its counsel.

<sup>36</sup> In *2403177 Ontario Inc. v Bending Lake Iron Group Limited*, 2017 CNCS 3566 (CanLII) at paras 32-34, 37-39 [Tab 10 Sawridge's BOA], the Court awarded costs to be paid jointly and severally by the client and its counsel.

<sup>37</sup> Appellants Factum at para 7.

<sup>38</sup> *Sawridge Band v Canada*, [2003] 4 FC 748, 2003 FCT 347 (CanLII) [Tab 11 Sawridge's BOA]

<sup>39</sup> *Sawridge Band v Canada*, 2004 FCA 16 (CanLII) [Tab 12 Sawridge's BOA]

<sup>40</sup> *Stoney* at paras 8-17 [Tab 19 Appellants' BOA]

<sup>41</sup> Kennedy's September 28, 2016 submissions at paras 14, 16, 19-21, 28 [Sawridge's EKE at R273-R277]; Kennedy's October 27, 2016 submissions at paras 4, 19-21, 36, 39-40, 42-45, and 53 [Sawridge's EKE at R282, R285-R286, R291-R294]; Kennedy's November 15, 2016 submissions at paras 2-3 [Sawridge's EKE at R299-R300]



November 15, 2016, the latter two of which were filed after Sawridge's September 28, 2016 submissions, and the final of which was filed after of Sawridge's and the Trustees' October 21, 2016 submissions.

27. It is also problematic that Kennedy waited until this Appeal to raise this issue. Neither she nor her counsel addressed the apparent misconstruing of her submissions during the July 28, 2017 hearing which was convened specifically by the CMJ to provide her with an opportunity to explain why she ought to not bear personally liability for costs. Instead, her counsel admitted she had prosecuted Stoney's claim too far in bringing the Stoney Application. These admissions were not lost on the CMJ, who noted that Kennedy's counsel admitted the Stoney Application was hopeless and constituted an abuse of process.<sup>42</sup> The admissions should not be ignored on this Appeal, although Sawridge acknowledges that, to the extent any admissions may be characterized as admission of law, they do not bind this Court.<sup>43</sup>

28. Furthermore, section 35 of the *Constitution Act, 1982* and *Treaty No. 8*, which relied upon as a new basis on which to assert membership, were raised by Kennedy in the grounds for the application for judicial review she filed on behalf of Stoney in the 2012 Action and in her written submissions in that court.<sup>44</sup>

29. In any event, the argument now advanced by Kennedy fails to distinguish between indigenous persons' right to recognized status under the *Indian Act* as compared to any right to membership in Sawridge. Bill C-31 gave Stoney the right to have his Indian status restored, but gave him nothing more than the right to apply for membership in Sawridge, as conceded and determined in prior proceedings.<sup>45</sup>

30. The question of Stoney's automatic right to membership was *res judicata* having been denied by the Justice Barnes. It was not, and is not, open to Kennedy to circumvent that unappealed decision by making the same or alternative arguments on membership to the CMJ (or now to the Court of Appeal).

31. The effect of the Stoney Application was a collateral attack on the Federal Court's decision and authority, as it was "an attack made in proceedings other than those whose specific object is the reversal, variation, or nullification of the order or judgment."<sup>46</sup> The effect of accepting Kennedy's position would be to reverse or nullify Justice Barnes' decision by recognizing Stoney as a member of Sawridge. There is no denying she was re-litigating the same ultimate subject – membership – as noted by the CMJ.<sup>47</sup>

<sup>42</sup> *Sawridge #7* at para 130 [Tab 11 Appellant's BOA]

<sup>43</sup> Transcript from July 28, 2017 [Tab 19 Appeal Record] at p 4 lines 38-40, p 5, lines 13-21, p 6 lines 22-26, p 7 lines 15-19, and p 8 lines 23-28], *R v Barros*, 2010 ABCA 115 (CanLII) at para 47 [Tab 13 Sawridge's BOA]

<sup>44</sup> May 11, 2012 Application for Judicial Review [Sawridge's EKE at R253-R257]; Affidavit of Maurice Stoney on Judicial Review [Sawridge's EKE at R258-R259]; Kennedy's Written Submissions on the Judicial Review at paras 20-24 [Sawridge EKE at R264-R265]

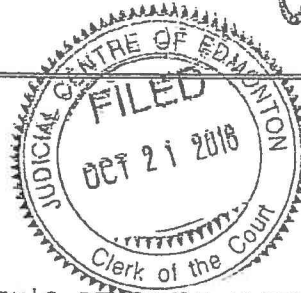
<sup>45</sup> *Huzar* paras 4-5 [Tab 20 Appellant's BOA]; *Stoney* at paras 15-17 [Tab 19 Appellant's BOA]

<sup>46</sup> *Sawridge #7* at para 125 [Tab 11 Appellant's BOA]

<sup>47</sup> *Sawridge #7* at para 126 [Tab 11 Appellant's BOA]. In its decision ordering security for costs against Stoney on his appeal of *Sawridge #6*, the panel noted "[t]here is no obvious reviewable error in the conclusion of the case management judge that the proposed arguments are barred by issue estoppel. The merits of the appeal are questionable": *Stoney v Trustees for the 1965 Sawridge Trust*, 2017 ABCA 437 at para 5 [Tab 10 Appellant's BOA]

## TAB 3

R5  
ORIGINAL



COURT FILE NUMBER: 1103 14112

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: 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 CHIEF WALTER PATRICK TWINN,  
OF THE SAWRIDGE INDIAN BAND NO. 19

-----  
QUESTIONING ON AFFIDAVIT

OF

MAURICE STONEY  
-----

P. E. Kennedy, Ms.

For Maurice Stoney

D. C. Bonora, Ms.  
E. M. Lafuente, Ms.

For the Trustees of the  
Sawridge Band Inter Vivos  
Settlement

C. C. Osualdini, Ms.

For Cathrine Twinn

Joanne Lawrence, CSR(A)

Court Reporter

Edmonton, Alberta  
September 23, 2016

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A.C.E. Reporting Services Inc.  
Certified Court Reporters  
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SCANNED



1 as it asserts or assumes that the  
2 respondents are entitled to band  
3 membership without the consent of  
4 the band. It is clear that until  
5 the band's membership rules are  
6 found to be invalid, they govern  
7 membership of the band, and the  
8 respondents have, at best, a right  
9 to apply for the band for  
10 membership -- sorry, to the band for  
11 membership. Accordingly, the  
12 Statement of Claim against the  
13 appellants, Walter Patrick Twinn as  
14 chief of the Sawridge Indian band  
15 and the Sawridge Indian band, will  
16 be struck as disclosing no  
17 reasonable cause of action.

18 Do you see that, sir?

19 MS. KENNEDY: Those are what the words on  
20 the page say, and what the legal argument means and  
21 the intent that it has with respect to this  
22 particular proceeding are legal questions, and I  
23 will be making argument on them.

24 MS. LAFUENTE: Okay.

25 MS. KENNEDY: And Mr. Stoney will not be  
26 answering questions about legal interpretation.

27 MS. LAFUENTE: Okay. I think my question to

1 Mr. Stoney was, had he ever been told by the  
2 Federal Court that he did not have an automatic  
3 right to membership, to which --

4 MS. KENNEDY: And --

5 MS. LAFUENTE: Just a second, Ms. Kennedy.  
6 To which he indicated he had not been told that.

7 MS. KENNEDY: No, and he had not. This is a  
8 judgment. He doesn't read --

9 MS. LAFUENTE: Of the Federal Court.

10 MS. KENNEDY: -- judgments of the Federal  
11 Court. His lawyer may very well. What his lawyer  
12 says to him is a question of solicitor-client  
13 privilege, and I am telling you that, as his  
14 lawyer, I will be making legal arguments.

15 MS. LAFUENTE: Okay.

16 MS. KENNEDY: That's the end of the  
17 questions on that.

18 MS. LAFUENTE: Well, I have a couple more  
19 questions.

20 Q MS. LAFUENTE: Sir --

21 MS. KENNEDY: Fine, but we're not going to  
22 be answering them.

23 Q MS. LAFUENTE: Sir, did you read the Federal  
24 Court of Appeal decision?

25 MS. KENNEDY: Don't answer that.

26 MS. LAFUENTE: You're objecting to the  
27 question of whether he read it?

- 1 MS. KENNEDY: Yes, I am.
- 2 MS. LAFUENTE: Okay. We'll put your  
3 objection on the record.
- 4 MS. KENNEDY: That's right.
- 5 OBJECTION TO QUESTION:  
6 Sir, did you read the Federal Court of  
7 Appeal decision?
- 8 MS. LAFUENTE: I'd ask that this Federal  
9 Court of Appeal decision be marked for  
10 identification.
- 11 MS. KENNEDY: It doesn't need to be marked  
12 for identification. It's clear what it is, and you  
13 can cite it any time you want.
- 14 MS. KENNEDY: I'm going to ask for it be  
15 marked for identification because we're going to  
16 probably need to proceed with these objections and  
17 deal with them, and it is going to be much easier  
18 for the Court if we can identify what document we  
19 were each looking at. And there is no prejudice to  
20 you of marking it for identification purposes.
- 21 MS. KENNEDY: No, and there is no need to do  
22 it either. Go ahead and do it.
- 23 MS. LAFUENTE: Thank you.
- 24 MS. KENNEDY: You don't need one with an  
25 Exhibit 'D' stamp on it that's from Roland Twinn's  
26 Affidavit --
- 27 MS. LAFUENTE: That's the one that I have, so



1                   to the 1986 trust, beneficiary status is  
2                   restricted to members?

3       Q     MS. LAFUENTE:            Okay.  Sir, have you ever read  
4             the 1985 trust?

5       A     I won't answer that.

6       Q     why won't you answer that question?  It's factual,  
7             sir.  Have you read it?

8       MS. KENNEDY:                 No.

9       MS. LAFUENTE:                 Sorry --

10      A     No.

11      MS. LAFUENTE:                 -- Ms. Kennedy, are you  
12             saying "no" as in he shouldn't answer the question,  
13             or are you providing him an answer?

14      MS. KENNEDY:                 I'm telling him no because  
15             it's a legal -- we're talking about legal arguments  
16             with respect to these documents.

17      MS. LAFUENTE:                 So your word "no" is meant to  
18             advise him not to answer the question, the factual  
19             question, as to whether he has read the trust deed?

20      MS. KENNEDY:                 That's right.

21      MS. LAFUENTE:                 Okay.

22                   OBJECTION TO QUESTION:

23                   Sir, have you ever read the 1985 trust?

24      Q     MS. LAFUENTE:            Sir, have you read the 1986  
25             trust deed?

26      A     I won't answer that.

27

1 MS. KENNEDY: In one particular portion,  
2 yes.

3 MS. LAFUENTE: Okay.

4 MS. KENNEDY: And what it says with respect  
5 to the rest of it is the wording in the trust deed  
6 which is what we're arguing about before the Court.

7 MS. LAFUENTE: And that's what you're  
8 attempting to bring before this Court by being  
9 added as a party.

10 MS. KENNEDY: That's what we're arguing in  
11 terms of our ability to be before the Court as a  
12 beneficiary.

13 Q MS. LAFUENTE: Okay. Sir, going back to  
14 paragraph 12 of your Affidavit, we talked about  
15 this first sentence here before, "All of our  
16 applications for membership in Sawridge were  
17 ignored," and we were focussing on your  
18 application. Can you tell me whose applications  
19 you mean when you say "our applications," the word  
20 O-U-R?

21 A I won't answer it.

22 Q why won't you answer that, sir? It's your  
23 Affidavit, and I want to know what you mean when  
24 you say, "Our applications were ignored."

25 A Did you ask that question before?

26 Q No. I'm asking what you mean by the word, "Our" --  
27 the words, "our applications." whose applications?

- 1 A No, I won't answer that.
- 2 Q Sir, why aren't you answering that question?
- 3 A I'll leave it up to the courts.
- 4 Q You -- I'm going to point out that your counsel did  
5 not put an objection on the record but that you are  
6 refusing the answer the question because you want  
7 to leave it up to the courts.
- 8 MS. KENNEDY: That's what he said.
- 9 Q MS. LAFUENTE: Okay. So, sir --
- 10 MS. KENNEDY: You don't have to repeat it.
- 11 Q MS. LAFUENTE: -- how is the Court supposed  
12 to -- how is the Court supposed to understand what  
13 you mean by the word "our" if you won't tell us  
14 what you mean?
- 15 MS. KENNEDY: Okay. Now, let's not get into  
16 arguments with him, and that's what you're doing by  
17 characterizing the way he has made an answer. He  
18 has made an answer. You may not like it, but he  
19 has made an answer.
- 20 MS. LAFUENTE: Okay.
- 21 OBJECTION TO QUESTION:
- 22 Okay. Sir, going back to paragraph 12 of  
23 your Affidavit, we talked about this  
24 first sentence here before, "All of our  
25 applications for membership in Sawridge  
26 were ignored," and we were focussing on  
27 your application. Can you tell me whose



## TAB 4

7804224127 COA Registry

12:14:32 p.m. 08-11-2017 2/4

08/11/2017 11:04AM 7828493129  
RECEIVED

COURT OF APPEAL OF ALBERTA

COURT OF APPEAL FILE NUMBER: 1103-0195AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: Edmonton

PLAINTIFF/APPLICANT: Maurice Felix Stoney and His Brothers and Sisters

STATUS ON APPEAL: Appellant

DEFENDANT/RESPONDENT: Roland Twin, Catherine Twin, Walter Felix Twin, Bertha L'Hirondelle and Clara Midbo, As Trustees for the 1985 Sawridge Trust

STATUS ON APPEAL: Respondent

DEFENDANT/RESPONDENT: Public Trustee of Alberta

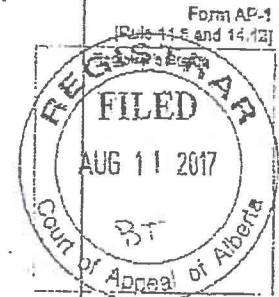
STATUS ON APPEAL: Not a Party to the Appeal

DEFENDANT/RESPONDENT: The Sawridge Board

STATUS ON APPEAL: Other

DOCUMENT: CIVIL NOTICE OF APPEAL

APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION: Maurice Stoney  
500 4th Street NW  
Stevs Lake, AB, T0G 2A1



not a party to appeals  
PH -  
PH- 780 516 1143

**WARNING**  
To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: July 12, 2017

Date set aside: July 12, 2017

File #  
corrected leaf  
Joe

GTS2019 (201405)

Doris Bonora

Page 1 of 4

Fax 980 423 7276

7804224127

COA Registry

NICOLET INSURANCE

12:14:49 p.m. 08-11-2017

3/4

11-12:06 p.m. 08-11-2017 2 7808493128

08/11/2017 11:04AM 7808493128

RECEIVED 08/11/2017 10:33AM 7808493128 NICOLET INSURANCE  
11-Aug-2017 10:43 AM DLA Piper (Canada) LLP 780-428-1066

NICOLET INSURANCE PAGE 02/03  
3/4

Date served: July 12, 2017

Official neutral citation of reasons for decision, if any.  
(do not attach copy) 2017 ABQB 436

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

Court of Queen's Bench

Judicial Centre: Edmonton

Judge: Mr. Justice D.R.G. Thomas

On appeal from a Queen's Bench Master or Provincial Court Judge?  Yes  No

Official neutral citation of reasons for decision, if any, of the Master or Provincial Court Judge.  
(do not attach copy)

(If originating from an order of a Queen's Bench Master or Provincial Court Judge, a copy of that order is also required: Rule 14.18(1)(c).)

Board, Tribunal or Professional Regulatory Body

Specify Body: \_\_\_\_\_

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)):

Permission not required, or  Granted

Date: \_\_\_\_\_

Judge: \_\_\_\_\_

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rules 14.12(2)(c)):

Whole, or

Only specific parts (if specific part, indicate which part):

5. Provide a brief description of the issues:

Whether or not I and my brothers and sisters are beneficiaries or potential beneficiaries of the 1985 Szwedzki Trust

6. Provide a brief description of the relief claimed:

To find that I and my brothers and sisters are beneficiaries or potential beneficiaries of the 1985



11-Aug-2017 11:04AM 7808493128

RECEIVED 08/11/2017 11:04AM 7808493128

11-Aug-2017 10:43 AM OLA Piper (Canada) LLP 780-428-1066

NICOLET INSURANCE PAGE 03/03  
NICOLET INSURANCE 4/4

Sawridge Trust

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

Yes  No

8. Does this appeal involve the custody, access, parenting or support of a child? (Rule 14.14(2)(b))

Yes  No

9. Will an application be made to expedite this appeal?

Yes  No

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.30)

Yes  No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

Yes  No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 8.25, 14.12(2)(a), 14.33)

Yes  No

If yes, provide details:

(Attach a copy of any order.)

13. List respondent(s) or counsel for the respondent(s), with contact information:

1965 Sawridge Trusts - Denton LLP, DC Bentz and A. Lopez, Q.C. 2900-10150-101 Street  
NW Edmonton, AB, T5J 3V5

Public Trustee of Alberta - Janet Hutchison, Hutchison Law, 150 Broadway Boulevard, Sherwood  
Park, AB, T8H 2A3

Catharine Twinn, Trustee - Karen Platten, McLennan Ross LLP 600 McLennan Ross Building,  
12220 Stony Plain Road, NW, Edmonton, AB, T5N 3Y7

Sawridge First Nation - Edward Molstad, Q.C. Parlee McLaws LLP, 10175-17th Ave. NW, 1700 Subjelective  
Edmonton, AB T5N 0H3.

If specified constitutional issues are raised, notice on the Attorney General is required under s 24 of the  
Access to Information Act; Rule 14.18(1)(c)(iv).

14. Attachments (as applicable):

Order of judgment under appeal, if available (not reasons for decision) (Rule 14.12(3))

Earlier order of Master, etc. (Rule 14.12(1)(c))

Order granting permission to appeal (Rule 14.12(3)(a))

Copy of any restricted access order (Rule 14.12(2)(a))

If any documents is not available, it should be appended to the return, or indicated elsewhere in the appeal record.

Fax 1.780 422 4127

attn: Registrar's Office, Dec 4/17  
Case Management,  
B.J. McDermitt

Dear Bobbi Jo,

Would it be possible for  
me to get on attention  
for the court of appeal Dead  
line which is Dec 11/17,  
until the court hearing is  
over on Dec 14/17



Yours Truly  
Maurice Storey

PH 780 5161143

12/04/2017 01:51PM 7808493128

NICOLET INSURANCE

PAGE 31/31

TO Registrars office  
Law Courts Bldg:  
Bobbi Jo McDevitt

Fax 780 422 4127

Distributed to Panel

1703-0195AC

December 04, 2017

Dec 4/17  
Court of Appeal



Attn: Judge Watson

To whom this may concern,  
My name is Maurice Stoney  
of Slave Lake, AB. I sir was  
born a Sawridge Bandmember in  
1941, I am receiving old age  
pension from the Federal Gov.  
My pension I get is approx,  
\$1437.75 a month. My assets are,  
a car & trailer, of which I pay 440.  
a <sup>month</sup> mortgage, to the Scotto  
Band. A truck worth \$34 approx,  
I pay \$1000. @ month, to B.M.O.  
I work as a cab driver,  
to make ends meet. I have a  
4x4 quad, \$5000, & I'm paying for  
by the month. A camper trailer  
worth \$1000. pull type.

Sawridge Band  
Treaty # 454001101

Yours truly  
Maurice Stoney

10:24:01 a.m. 02-20-2018 | 1 | 780493128

02/20/2018 10:15AM 7808493128

NICOLET INSURANCE

PAGE 01/01

*Proc 422 4127*

APPEAL NO.: 1703-0195AC

*Case Management*

Attn: B. J. McDevitt



*Feb 20/18*

Dear Madam,

*I have until Feb 29/18 to pay a court order cost, for \$10,000. money I don't have I guess I am going to need an extension until July. We have a court in June 8/18, that is my lawyer Priscilla Kemdey, I am asking for more time to find out what is to take place next, after the June 8/18 hearing.*

*Thank You  
Maurie Stoney*

*780 516 1143*



Feb 26/18

Registrar, Court of Appeal  
Law Courts Building  
1-A Sir Winston Churchill Square  
Edmonton, Alberta, Canada  
T5J 0R2

Re: <sup>Court</sup> Appeal # 1703-0195 AC

Dear Court of Appeal

I'm asking for an emergency applic:  
to be heard this wk. a 9:30 AM  
Tue or Wed.  
I will need more time to deal  
with the Feb 25/18, deadline for costs  
security. I'll need until July 3/18.

I am calling the other parties as well.

(cc)

K.A. Platlen QC.  
McKenna Ross LLP

\*Fax 780-482-9100

(PH)

" - 482-9200

Yours truly  
Maurice Stoney

(cc)

ED Molstad QC  
Parlee Melaus LLP

(PH)

\*Fax 780-423-2870

(cc)

D C Bonora / A. Lopano  
Denton's Con. LLP

\*Fax - 780 423 7296

# TAB 5

THE HONOURABLE MR. JUSTICE  
DENNIS R. THOMAS



COURT OF QUEEN'S BENCH OF ALBERTA

THE LAW COURTS  
EDMONTON, ALBERTA  
T5J 0R2  
TEL: (780) 422-2200  
FAX: (780) 427-0334

December 20, 2017

Edward Molstad, Q.C.  
Parlee McLaws LLP  
Email: emolstad@parlee.com

Jon Faulds, Q.C.  
Field Law LLP  
Email: jfaulds@fieldlaw.com

Dear Counsel:

**Re: Solicitor and own client full indemnity costs award in Sawridge #6,  
Sawridge #7 and Sawridge #8  
Action No. 1103 14112**

I have received a request for resolution of a dispute between some of the parties in respect to solicitor-client costs. The communications on this subject are reflected in Mr. Molstad's letter of November 15, 2017 and Mr. Faulds' letter of November 16, 2017.

These issues will be resolved at a case management session to be held at 2:00 p.m. on January 5, 2018. This is the only time slot that I have available to deal with the file in the foreseeable future.

I am copying this letter to the other counsel who are involved in this file.

I have also included Mr. Stoney, who will be notified by regular mail.

At the case management meeting set for that time, I will also want an update on the status of this litigation and a report as to what progress counsel may be making in reaching a settlement of this long outstanding dispute.

I look forward to seeing you on the afternoon of January 5, 2018.

Yours truly,

  
D.R.G. Thomas

DRGT/pa/ns

cc: Doris Bonora and Anna Loparco (via email)  
Karen Platten, Q.C. (via email)  
Janet Hutchison (via email)  
Maurice Felix Stoney (via regular mail)  
Sharon Hinz, Case Management Coordinator (via email)

**England, Mandy**

---

**From:** Jon Faulds <jfaulds@fieldlaw.com>  
**Sent:** 20-Dec-17 4:15 PM  
**To:** 'Nicole Stansky'; emolstad@parlee.com  
**Cc:** Sharon Hinz; Loparco, Anna; Bonora, Doris; jhutchison@jlhlaw.ca; kplatten@mross.com  
**Subject:** RE: Stoney, et al v Sawridge, et al 1103 14122

Ms. Stansky,

Could you kindly bring the following to the attention of Justice Thomas:

Dear Justice Thomas,

Thank you for your letter of today's date scheduling a case management session on January 5, 2018 at 2 p.m. to address, *inter alia*, the costs issue identified in your letter.

Unfortunately I will be out of the country on holiday from January 5 to 14, 2018. Accordingly I am writing to ask if the costs issue in question might be dealt with separately from the case management session at some other time.

I apologize for the inconvenience this request may cause to the court and other counsel and will make myself available at any other possible time.

Jon Faulds

**FIELD LAW** **P. Jonathan Faulds, QC | Partner**  
T 780-423-7625 | F 780-428-9329 | [jfaulds@fieldlaw.com](mailto:jfaulds@fieldlaw.com)  
2500 - 10175 101 ST NW, Edmonton AB T5J 0H3

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---

**From:** Nicole Stansky [<mailto:Nicole.Stansky@albertacourts.ca>]  
**Sent:** Wednesday, December 20, 2017 3:17 PM  
**To:** Jon Faulds; [emolstad@parlee.com](mailto:emolstad@parlee.com)  
**Cc:** Sharon Hinz; [anna.loparco@dentons.com](mailto:anna.loparco@dentons.com); [doris.bonora@dentons.com](mailto:doris.bonora@dentons.com); [jhutchison@jlhlaw.ca](mailto:jhutchison@jlhlaw.ca); [kplatten@mross.com](mailto:kplatten@mross.com)  
**Subject:** Stoney, et al v Sawridge, et al 1103 14122

Counsel,

Attached is a letter from Justice Thomas for your information and attention.

**Nicole Stansky**

**Judicial Assistant**

**780-422-1867**



**England, Mandy**

---

**From:** Nicole Stansky <Nicole.Stansky@albertacourts.ca>  
**Sent:** 22-Dec-17 9:09 AM  
**To:** jfaulds@fieldlaw.com; emolstad@parlee.com  
**Cc:** Sharon Hinz; Loparco, Anna; Bonora, Doris; jhutchison@jlhlaw.ca; kplatten@mross.com  
**Subject:** RE: Stoney, et al v Sawridge, et al 1103 14122

Counsel

Justice Thomas advised that it will remain on January 5 for the time being because of his limited availability . He will revisit the request when he gets back into the office on January 2.

Merry Christmas,

**Nicole Stansky**

**Judicial Assistant**

**780-422-1867**

>>> Jon Faulds <jfaulds@fieldlaw.com> Dec 20, 2017 04:15 PM >>>  
Ms. Stansky,

Could you kindly bring the following to the attention of Justice Thomas:

Dear Justice Thomas,

Thank you for your letter of today's date scheduling a case management session on January 5, 2018 at 2 p.m. to address, *inter alia*, the costs issue identified in your letter.

Unfortunately I will be out of the country on holiday from January 5 to 14, 2018. Accordingly I am writing to ask if the costs issue in question might be dealt with separately from the case management session at some other time.

I apologize for the inconvenience this request may cause to the court and other counsel and will make myself available at any other possible time.

Jon Faulds

**FIELD LAW**  **P. Jonathan Faulds, QC | Partner**  
T 780-423-7625 | F 780-428-9329 | [jfaulds@fieldlaw.com](mailto:jfaulds@fieldlaw.com)  
2500 - 10175 101 ST NW, Edmonton AB T5J 0H3

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---

**From:** Nicole Stansky [<mailto:Nicole.Stansky@albertacourts.ca>]  
**Sent:** Wednesday, December 20, 2017 3:17 PM  
**To:** Jon Faulds; [emolstad@parlee.com](mailto:emolstad@parlee.com)  
**Cc:** Sharon Hinz; [anna.loparco@dentons.com](mailto:anna.loparco@dentons.com); [doris.bonora@dentons.com](mailto:doris.bonora@dentons.com); [jhutchison@jlhlaw.ca](mailto:jhutchison@jlhlaw.ca); [kplatten@mross.com](mailto:kplatten@mross.com)  
**Subject:** Stoney, et al v Sawridge, et al 1103 14122

Counsel,

Attached is a letter from Justice Thomas for your information and attention.

**Nicole Stansky**

**Judicial Assistant**

**780-422-1867**



January 12, 2018

EDWARD H. MÖLSTAD, Q.C.  
 DIRECT DIAL 780-423-8500  
 DIRECT FAX 780-423-2870  
 EMAIL: emolstad@parlee.com  
 COURTHOUSE 64203-7111M

Court of Queen's Bench of Alberta  
 6<sup>th</sup> Floor Law Courts Building  
 1A Sir Winston Churchill Square  
 Edmonton, Alberta T5J 0R2

**HAND DELIVERED AND  
 DELIVERED VIA EMAIL AT  
 nicole.stansky@albertacourts.ca**

**Attention: Ms. Nicole Stansky**

Dear Madam:

**Re: In the Matter of the Trustee Act, RSA 2000, c T-8, as Amended et al v. Roland  
 Twinn, Catherine Twinn et al  
 Court of Queen's Bench Action No: 1103 14112**

Please find enclosed the written submissions on behalf of the Sawridge First Nation in relation to costs, which we would kindly ask that you provide to Mr. Justice Thomas.

We have copied Mr. Faulds, Ms. Precht, Ms. Borora, Ms. Platten, and Ms. Hutchison on this letter via e-mail and have provided all counsel with a copy of our written submissions via e-mail. We are also providing a copy of this letter and our written submissions via facsimile and ordinary mail to Mr. Stoney at his address for service.

Additionally, a hard copy of this letter with the enclosed written submissions will be hand delivered to the Court this afternoon and we would kindly ask that you provide the same to Mr. Justice Thomas.

Yours truly,

PARLEE McLAWS LLP

EDWARD H. MÖLSTAD, Q.C.

EHM/DJC

Encl.

cc: Jon Faulds, Q.C., Field LLP  
 Via email: [jfaulds@fieldlaw.com](mailto:jfaulds@fieldlaw.com)

- 2 -

- cc: Kimberly Precht, Field LLP  
*Via email: [kprecht@fieldlaw.com](mailto:kprecht@fieldlaw.com)*
- cc: Doris Bonora, Dentons Canada LLP  
*Via email: [doris.bonora@dentons.com](mailto:doris.bonora@dentons.com)*
- cc: Karen Platten, Q.C., McLennan Ross  
*Via email: [kplatten@mross.com](mailto:kplatten@mross.com)*
- cc: Janet Hutchison, Hutchison Law  
*Via email: [jhutchison@jhlaw.ca](mailto:jhutchison@jhlaw.ca)*
- cc: Maurice Stoney  
*Via facsimile: (780) 849-3128*

*Via ordinary mail:*  
500 4 Street  
Slave Lake, AB  
T0G 2A1



THE HONOURABLE MR. JUSTICE  
DENNIS R. THOMAS



COURT OF QUEEN'S BENCH OF ALBERTA

THE LAW COURTS  
EDMONTON, ALBERTA  
T3J 0R2  
TEL: (780) 422-2200  
FAX: (780) 427-0334

March 20, 2018

Via Email:

Edward Molstad, Q.C.  
Parlee McLaws LLP  
Email: [emolstad@parlee.com](mailto:emolstad@parlee.com)

Jon Faulds, Q.C.  
Field Law LLP  
Email: [jfaulds@fieldlaw.com](mailto:jfaulds@fieldlaw.com)

Doris Bonora  
Dentons Canada LLP  
Email) [doris.bonora@dentons.com](mailto:doris.bonora@dentons.com)

Dear Counsel:

**Re: Memorandum of Decision on Costs (Sawridge #9)  
Action No. 1103 14112**

I enclose a copy of my Memorandum of Decision on Costs (Sawridge #9) which was filed today.

Please forward a formal order to document this decision as soon as possible.

I am copying the other counsel involved by email and Mr. Stoney by ordinary mail.

Yours truly,

A handwritten signature in black ink, appearing to be 'D.R.G. Thomas', written over a horizontal line.

D.R.G. Thomas

DRGT/bn

Encl.

cc:

Karen Platten, Q.C. (via email) [kplatten@mross.com](mailto:kplatten@mross.com)

Janet Hutchison (via email) [jhutchison@jlhlaw.ca](mailto:jhutchison@jlhlaw.ca)

Maurice Felix Stoney (via regular mail) (500 4 Street, Slave Lake, AB T0G 2A1)

Sharon Hinz, Case Management Coordinator (via email)

**大成 DENTONS**

Doris C.E. Bonora

doris.bonora@dentons.com  
D +1 730 423 7188Dentons Canada LLP  
2900 Manulife Place  
13180 - 101 Street  
Edmonton, AB, Canada T5J 3V5

dentons.com

March 29, 2018

File No.: 551800-9

**DELIVERED**Court of Appeal of Alberta  
Registrar's Office  
Law Courts Building  
1A Sir Winston Churchill Square  
Edmonton, AB T5J 0R2

Attn: Bobbi Jo McDevitt, Case Management Officer

Dear Ms. McDevitt:

RE: **Court of Appeal File Number 1803 0076AC**  
**Re: Priscilla Kennedy, Sawridge First Nation and the Trustees of the 1985 Sawridge Trust**

We write on behalf of our clients, the Trustees of the 1985 Sawridge Trust ("Trustees"), in respect of the application in this matter that is returnable on April 4, 2018.

We have reviewed the written submissions filed on behalf of the appellant, Ms. Kennedy, and our co-respondent, the Sawridge First Nation ("SFN"). We write this letter, pursuant to Rule 14.41(b), to advise the Court that we concur with the position advanced by the SFN, we rely on their submissions, and we do not intend to file further materials.

We ask that this letter be filed on the Court record and thank you in advance for your assistance.

Yours truly,  
**Dentons Canada LLP**



Doris C.E. Bonora

c.c. P. Jonathan Faulds, Q.C. (e-mail)  
 Edward H. Molstad, Q.C. (e-mail)  
 Maurice Stoney (recorded mail) \*

大成 DENTONS

Doris C.E. Bonora

doris.bonora@dentons.com  
D +1 780 423 7188

R27

Dentons Canada LLP  
2900 Manulife Place  
10<sup>th</sup> Floor - 101 Street  
Edmonton, AB, Canada T5J 3V5

dentons.com

March 29, 2018

File No. 551860-6

**EXPRESS POST**

Maurice Felix Stoney  
500 - 4th Street NW  
Slave Lake AB T0G 2A1

Dear Sir:

**RE: In the Matter of the Sawridge Band Inter Vivos Settlement  
Court of Appeal: 1803 076AC**

We enclose a copy of our letter to the Court of Appeal filed March 29, 2018 with respect to the Priscilla Kennedy's Application for Permission to Appeal in Appeal Action 1803 0076AC.

Yours truly,  
**Dentons Canada LLP**

Doris C.E. Bonora

DCEB/sh

Enclosures

THE HONOURABLE MR.  
JUSTICE DENNIS R G THOMAS



THE LAW COURTS BUILDING  
1 A SIR WINSTON  
CHURCHILL SQUARE  
EDMONTON, ALBERTA  
CANADA, T5J 0R2  
780.122.2200  
780.422.8854 (FAX)

COURT OF QUEEN'S BENCH OF ALBERTA

May 2, 2018

Kimberly Precht  
Field Law LLP  
Sent by email: [kprecht@fieldlaw.com](mailto:kprecht@fieldlaw.com)

Dear Ms. Precht:

Re: **Stoney v Twinn (Sawridge #9)**  
**Court of Queen's Bench Action No. 1103 14112**

Further to your letter of May 1, 2018, I am returning, by way of your Court agent, a filed certified copy of the formal Order dealing with the costs on Sawridge #9, along with a PDF copy.

I am copying all counsel involved with the PDF version of the filed form of Order. I am also copying Mr. Stoney by regular mail.

Yours truly,

D.R.G. Thomas

DRGT/ns

Edward Molstad  
Parlee McLaws LLP  
[emolstad@parlee.com](mailto:emolstad@parlee.com)

Doris Bonora  
Dentons Canada LLP  
[Doris.bonora@dentons.com](mailto:Doris.bonora@dentons.com)

Karen Platten, QC  
McLennan Ross  
[kplatten@mross.com](mailto:kplatten@mross.com)

Donald Wilson  
DLA Piper LLP  
[Donald.Wilson@dlapiper.com](mailto:Donald.Wilson@dlapiper.com)

Janet Hutchison  
Hutchinson Law LLP  
[jhutchison@jlhlaw.ca](mailto:jhutchison@jlhlaw.ca)

Maurice Stoney  
500 – 4 Street  
Slave Lake, AB T0G 2A1