

Clerk's stamp:



COURT FILE NUMBER

1103 14112

COURT
JUDICIAL CENTRE

COURT OF QUEEN'S BENCH OF ALBERTA
EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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 Trust")

APPLICANT

ROLAND TWINN, MARGARET WARD, BERTHA
L'HIRONDELLE, EVERETT JUSTIN TWIN AND DAVID
MAJESKI, as Trustees for the 1985 Trust and the 1986 Trust
("Sawridge Trustees")

DOCUMENT

ANNOTATED AGENDA OF THE SAWRIDGE TRUSTEES
(in respect of the AGENDA FOR CASE MANAGEMENT
MEETING OF DECEMBER 18, 2018)

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

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Attention: Doris C.E. Bonora
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-001-DCEB

DATE OF CASE MANAGEMENT
HEARING

December 18, 2018

LOCATION WHERE CASE
MANAGEMENT HEARING WILL
BE HELD

Edmonton, Alberta

NAME OF JUSTICE HEARING
THIS MATTER

The Honourable Mr. Justice John T. Henderson

Annotated Agenda of the Sawridge Trustees
in respect of for Case Management Meeting
December 18, 2018

We provide annotations for the agenda for the case management meeting set for December 18, 2018. Set out below is a summary of each point listed on the agenda. We believe the purpose of the meeting is to provide an overview of litigation and overview of the steps for which we anticipate requiring judicial assistance.

Agenda

1. Identification of parties and interested persons;
2. Overview of litigation;
3. Jurisdiction Order: which will be presented to the Court as a Consent Order;
4. Privilege Order: identifying those issues for which there is agreement and those issues for which the parties require judicial assistance;
5. Directed Hearing Application;
6. Agreed Statement of Facts negotiations;
7. Participation of beneficiaries and potential beneficiaries including dealing with letter from Shelby Twinn;
8. Litigation plan.

1. Identification of Parties and Interested Persons

Parties:

Sawridge Trustees - Roland Twinn, Everett Justin Twin, Tracey Scarlett, Margaret Ward and David Majeski - represented by Doris Bonora and Mandy England, Dentons Canada LLP

Catherine Twinn - was a trustee at the commencement of the litigation. She has now resigned as a trustee. Pursuant to a court order, even though she resigned as a trustee she is able to participate as though she were a trustee –represented by Crista Osualdini and Karen Platten, McLennan Ross LLP.

Office of the Public Trustee and Guardians Office (OPGT) - represents beneficiaries who are minors or who were minors when the litigation started, children of members, and children of applicants for membership in the Sawridge First Nation (as more particularly set out in Sawridge #3). The OPGT is represented by Janet Hutchison, Hutchison Law.

Interested Persons:

Sawridge First Nation – Sawridge First Nation is the First Nation from whose resource revenues the 1985 trust was funded. The members of the Sawridge First Nation (SFN) are the beneficiaries of the 1986 trust that is referenced throughout. SFN has been involved as there have been applications brought against SFN for the production of documents and SFN had particular knowledge of issues such as those surrounding Maurice Stoney. SFN has advised the court that it may bring an application to declare the trust void for uncertainty in the event that it appears that excessive costs will be spent on continuing the litigation and if there are significant numbers of non-members who will become beneficiaries. SFN believes that the funds in the trust belong to the members and thus are representing the members of the SFN to protect the trust assets. SFN is represented by Edward Molstad, Parlee McLaws LLP. Mr. Molstad will be in attendance at the December 18, 2018 Case Management Hearing.

Beneficiaries and Potential Beneficiaries - There are some beneficiaries or potential beneficiaries who have expressed a desire to participate in the trust litigation. Nancy Golding of BLG LLP had been representing interested parties who sought party status in Sawridge #5. Nancy Golding has filed a notice of ceasing to act. Shelby Twinn, one of the individuals who Nancy Golding represented, has written to the court expressing interest in participating for herself and for others. Shelby Twinn and others may wish to address the Court at the December 18, 2018 case management hearing. They are self-represented at the moment. Item 7 on the Agenda addresses the concerns of Shelby Twinn.

2. Overview

The litigation started in 2011 with the intention of determining if the beneficiary definition in the Sawridge 1985 trust should be amended because it was discriminatory. The definition has been deemed discriminatory by the Court pursuant to an order dated January 19, 2018. The court must now determine the remedy in respect of the discriminatory definition. The resolution may involve a change in the definition or allowing the definition to remain unchanged. If there is change in the definition, there must be a review of whether any of the current beneficiaries are affected and, if affected, what if anything should be done to deal with their interests.

There have been a number of case management decisions (Sawridge #1 to #9), but the Court started with the Procedural orders which directed how documents would be served. There is a website to which all filed documents are posted.

There have been no distributions to beneficiaries from the 1985 trust since its creation in 1985. It would be in the best interests of the beneficiaries to conclude this litigation so that the beneficiaries can begin to receive payments from the trust.

In moving towards a conclusion, we require the court's assistance on the following matters:

3. Jurisdiction Order: which will be presented the Court as a Consent Order

We believe that the Case Management Justice can make an order directing issues related to the jurisdiction of the court in respect of the final decision to be made. It is unclear whether the definition can be amended by virtue of the trust deed; the provisions of s.42 of the *Trustees Act* or by the Court direction under common law. It would be economical to have direction in this respect and the parties have agreed to have the Case Management Justice decide this issue. We are proposing an order setting out issues for which the parties seek this Court's direction. The OPGT, Catherine Twinn and the Trustees have agreed to the order attached as Tab A and seek the Court's approval of such Order.

4. Privilege Order

There have been several documents that have been introduced in this litigation and related litigation that contain privileged information. In the interests of proceeding, and efficiency in litigation, the Trustees are prepared to allow all of those documents that have already been produced to remain produced. The Trustees simply wish to prevent further production of privileged materials. Catherine Twinn wishes to protect the rights of beneficiaries to request trust documents to which they may be entitled, which the Trustees endorse. An order has been drafted and agreed upon with one exception, being paragraph 6 of the proposed order. We will seek the direction of the court to finalize the order respecting privileged documents. The two forms of order being discussed are attached at Tab B. It is only the concluding sentence in paragraph 6 of each form of order which is in dispute.

5. Directed Hearing Application

Once the jurisdiction of the Court is determined, the Trustees will seek to have the Court direct a "directed issue" on the amendment of the beneficiary definition. The options are limited for amendment and will be guided by the determination of the Jurisdiction issue. The issue is one of law. The Trustees believe that this is an issue that can be determined by the Court without the need of a trial. If the Court does change the definition, there can be a further hearing for the determination of whether any beneficiary should be grandfathered if they lose their rights by virtue of the change in definition. Until the definition is changed, the Trustees believe that it is impossible to know which beneficiaries might be grandfathered. The grandfathering issue will be lengthy and could involve oral testimony, as it may require individual genealogies and personal and First Nation histories.

The OPGT and Catherine Twinn have indicated that they do not agree to the directed hearing and thus this matter will need to be addressed before the Court as a contested matter following the Jurisdiction hearing.

6. Agreed Statement of Facts

The parties have been working on an agreed statement of facts to try and save time and costs in the final hearing. There are very few witnesses who have any personal knowledge and the Trustees are hoping to present the history of the trust and the facts which would assist a final hearing Justice to make a decision by agreement. To date there has been some progress with the OPGT and the Trustees reaching some agreement. We continue to work on the process.

7. Participation of Beneficiaries

Following the decision in Sawridge #5, as confirmed by the Court of Appeal, and following the decisions involving Maurice Stoney, no new parties have been added to the litigation. In Sawridge #5 and in the appellate decision, the court suggested that while not a party, a beneficiary of the trust might have some participatory role and the Court of Appeal encouraged the parties to sort out the issue of participation.

We have made a proposal for participation which involves interested parties having a participatory role through limited (5 page) written arguments which are not repetitive of arguments made by the parties. There is some agreement from Catherine Twinn on the Trustees' proposal but with many added elements.

Shelby Twinn has also written to the court on this issue and she raises many of the same issues raised in her previous application including seeking advance costs. Our response to the letter from Shelby Twinn is attached as Tab C.

We will need direction from the Court on beneficiary participation.

8. Litigation Plan

Once the Privilege order and Jurisdiction orders are determined, the parties can move towards a conclusion. We believe it is best to set a litigation plan. The Trustees propose the litigation plan attached at Tab D.

TAB A

Clerk's stamp:

COURT FILE NUMBER 1103 14112
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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 Trust") and the SAWRIDGE TRUST ("Sawridge
Trust")

APPLICANT ROLAND TWINN, MARGARET WARD, BERTHA
L'HIRONDELLE, EVERETT JUSTIN TWINN AND DAVID
MAJESKI, as Trustees for the 1985 Trust ("Sawridge
Trusts")

DOCUMENT **CONSENT ORDER (Hearing of Jurisdictional Question)**

DATE ORDER PRONOUNCED
LOCATION WHERE ORDER
PRONOUNCED **Edmonton, Alberta**

NAME OF JUSTICE WHO MADE
THIS ORDER **Honourable Justice J.T. Henderson**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT **Dentons Canada LLP
2900 Manulife Place
10180 - 101 Street
Edmonton, AB T5J 3V5**

Attention: Doris C.E. Bonora
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-001-DCEB

UPON the Application by the Sawridge Trustees for advice and direction in respect of the
Sawridge Band Inter Vivos Settlement ("**1985 Trust**") ("**Application**");

AND WHEREAS the Sawridge Trustees seek direction respecting the source and nature of the
jurisdiction of this Court to make changes to the definition of "Beneficiary" as set out in the 1985 Trust;

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AND WHEREAS a Case Management Justice has authority under Rule 4.14 of the *Alberta Rules of Court* to make interlocutory orders;

AND WHEREAS the Sawridge Trustees, the OPGT and Catherine Twinn consent to this Order;

IT IS HEREBY ORDERED AND DECLARED;

1. A hearing on a directed issue will be held, prior to trial, and the issues to be determined (the "Jurisdictional Question") will be as follows:
 - (a) Does the Court have jurisdiction to amend the beneficiary definition contained in the 1985 Trust (the "Definition"), on the basis of public policy, its inherent jurisdiction or any other common law plenary power?
 - (b) If the answer to question (a) is yes, what is the scope of the Court's jurisdiction to amend the Definition, including can the Court:
 - (i) Add words to the 1985 Trust deed;
 - (ii) Delete words contained in the 1985 Trust deed; or
 - (iii) Engage in a combination of addition and deletion of words to the 1985 Trust deed?
 - (c) If the answer to question (a) is no, is the Court's jurisdiction limited to what is permitted by s. 42 of the *Trustee Act*? If so, what evidence would be required by the Court to amend the Definition using s. 42 of the *Trustee Act*?
 - (d) If the Court does not have jurisdiction under any of the methods set out in paragraphs (a), (b) or (c) above, do the Sawridge Trustees have jurisdiction under the existing terms of the Trust Deed of the 1985 Trust to amend the Definition?
 - (e) If the Court proceeds pursuant to paragraph 1(c) or 1(d) above, is the Court's jurisdiction in this application affected by the Minors Property Act, and specifically, does the Court require evidence of consent to the application for a beneficiary definition change from minor beneficiaries who are over the age of 14?
2. This Jurisdictional Question will be heard and determined by the Case Management Justice.

The Honourable Justice J.T. Henderson

**CONSENTED TO BY:
MCLENNAN ROSS LLP**

Crista Osualdini
Counsel for Catherine Twinn

HUTCHISON LAW

Janet Hutchison
Counsel for the OPGT

DENTONS CANADA LLP

Doris Bonora
Counsel for the Sawridge Trustees

TAB B

Clerk's stamp:

COURT FILE NUMBER 1103 14112

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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 Trust") and the SAWRIDGE TRUST ("Sawridge
Trust")

APPLICANT ROLAND TWINN, MARGARET WARD, BERTHA
L'HIRONDELLE, EVERETT JUSTIN TWINN AND DAVID
MAJESKI, as Trustees for the 1985 Trust ("Sawridge
Trusts")

DOCUMENT **CONSENT ORDER (PRIVILEGE)**

DATE ORDER PRONOUNCED
LOCATION WHERE ORDER
PRONOUNCED **Edmonton, Alberta**

NAME OF JUSTICE WHO MADE
THIS ORDER **Honourable Justice J.T. Henderson**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT Dentons Canada LLP
2900 Manulife Place
10180 - 101 Street
Edmonton, AB T5J 3V5

Attention: Doris C.E. Bonora
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-001-DCEB

UPON the Application by the Sawridge Trustees for advice and direction in respect of the
Sawridge Band Inter Vivos Settlement ("**1985 Trust**") ("**Application**");

AND WHEREAS certain documents have been filed in these proceedings prior to the date of this Order that refer to legal advice provided to the Sawridge Trustees, including to Catherine Twinn while she was a Sawridge Trustee (the "**Filed Documents**");

AND WHEREAS Catherine Twinn has sworn an affidavit of records dated June 21, 2018, to be filed, which contains records including, but not limited to, the Filed Documents, that refer to legal advice provided to the Sawridge Trustees, including to Catherine Twinn while she was a Sawridge Trustee (the "**Twinn Affidavit of Records**");

AND WHEREAS the Sawridge Trustees do not object to Catherine Twinn filing the Twinn Affidavit of Records so long as this Order is granted;

AND WHEREAS Paul Bujold deposed affidavits on September 6, 13 and 30, 2011 exclusively in the within Court File ("**1103 Action**"); the Office of the Public Guardian and Trustee ("**OPGT**") questioned Paul Bujold on May 27 and 28, 2014 and on June 11, 2018 and transcripts are produced in respect of those questionings; Paul Bujold answered undertakings from such questionings; Exhibits were marked in such questionings; Paul Bujold deposed an affidavit of records dated November 2, 2015 and a supplementary affidavit of records dated April 27, 2018; and collectively such affidavits, transcripts, exhibits and undertakings shall be referred to as the "**Excluded Documents**";

AND WHEREAS certain of the Filed Documents have also been filed in Court File No. 1403 04885 (the "**1403 Filed Documents**");

AND WHEREAS the Sawridge Trustees did not have the intention to waive solicitor-client privilege over any further information or communications to which solicitor-client privilege would otherwise attach and that relates to the subject matter of any of the contents of the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents or the Questioning Responses as that term is defined below;

AND WHEREAS the purpose of this Order is to confirm that waiver of solicitor-client privilege in relation to any further information or communications to which solicitor-client privilege attaches that relate to the subject matter of any of the contents of the aforementioned documents in the prior paragraph ("**Subject Matter Waiver**") has not occurred;

AND WHEREAS the Sawridge Trustees, the OPGT and Catherine Twinn consent to this Order;

IT IS HEREBY ORDERED AND DECLARED;

1. No response in a questioning to date, whether by way of oral or written response including any answer recorded by transcript or answer to undertaking or interrogatories, that addresses the contents of the Filed Documents, the Twinn Affidavit of Records, and/or the 1403 Filed Documents (collectively "**Questioning Responses**"), can be construed as Subject Matter Waiver over the subject matter of any communications contained therein.

2. Any waiver of solicitor-client privilege in respect of the contents of the Filed Documents, the Twinn Affidavit of Records, the Questioning Responses and the 1403 Filed Documents is expressly declared to be limited to the content of those documents, and it is further declared that Subject Matter Waiver has not occurred in relation to any issue raised in those documents.
3. Further to paragraph 2, nothing in the contents of the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents, and/or the Questioning Responses, can be used to compel the Sawridge Trustees to produce further documents in respect of legal advice received or answer questions in respect of legal advice received by the Sawridge Trustees on the basis that Subject Matter Waiver has occurred.
4. While this is a binding declaratory order, including on the parties to the Application and the beneficiaries of the 1985 Trust, nothing in this Order is intended to expand or limit the disclosure or production to which a beneficiary of the 1985 Trust may otherwise be entitled to at law to request and obtain as a beneficiary of the 1985 Trust.
5. If the Sawridge Trustees, the OPGT, Catherine Twinn, or any beneficiary of the 1985 Trust who may choose to participate in the manner permitted by this Court, seek to file or otherwise admit evidence any other document or record in the 1103 Action, other than those covered by this Order (being the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents, and the Questioning Responses) to which a claim of solicitor-client privilege may be made, the admissibility of such document and/or the terms for protecting the privilege of such document may be determined on a case-by-case basis, either by agreement of the Sawridge Trustees, the OPGT and Catherine Twinn, or by the direction of this Court.
6. For clarity, the *Alberta Rules of Court* and such other rules of evidence as would ordinarily apply will continue to apply to the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents and the Questioning Responses in respect of their use in any aspect of the 1103 Action, and none of the parties may object to the use or admissibility of any of these documents on the basis of an argument of solicitor-client privilege. For further clarity, all transcripts from cross examination on affidavit done to date in the 1103 Action, including any associated undertakings, exhibits or written interrogatories may be used in these proceedings as though they were used in an application and the rules of evidence shall be applied as the hearing Justice shall determine.
7. This order shall not apply to the Excluded Documents.

The Honourable Justice J.T. Henderson

CONSENTED TO BY:
MCLENNAN ROSS LLP

HUTCHISON LAW

Crista Osualdini
Counsel for Catherine Twinn

Janet Hutchison
Counsel for the OPGT

DENTONS CANADA LLP

Doris Bonora
Counsel for the Sawridge Trustees



McLENNAN ROSS^{LLP}

LEGAL COUNSEL

Our File Reference: 144194

Crista Osualdini

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Danielle Pfeifle, Assistant

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PLEASE REPLY TO EDMONTON OFFICE

September 13 2018

Sent Via Email:

mandy.england@dentons.com

Dentons Canada LLP
2900 Manulife Place
10180 - 101 Street
Edmonton, AB T5J 3V5

Attention: Mandy England

Dear Madam:

**Re: Privilege Order – 1985 Sawridge Trust
Court File No.: 1103 14112**

We write further to your July 27, 2018 correspondence and our subsequent discussions in respect of this matter. We enclose with this letter a copy of the order that we propose is a resolution to the privilege issues that have been raised by the Sawridge Trustees in respect of the materials referred to therein. We are sending this letter to notify you that we are putting this proposed order on the record and intend to refer to it at the upcoming case management appearance before Justice Thomas in the event that a resolution cannot be worked out in the meantime.

Yours truly,


CRISTA OSUALDINI

CCO/blr

Encl.

00144194 - 4147-2470-6070 v.1

cc: Janet Hutchison

Sent Via Email: jhutchison@jlhlaw.ca

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Clerk's stamp:

COURT FILE NUMBER 1103 14112
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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
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(the "1985 Trust") and the SAWRIDGE TRUST ("Sawridge
Trust")

APPLICANT ROLAND TWINN, MARGARET WARD, BERTHA
L'HIRONDELLE, EVERETT JUSTIN TWINN AND DAVID
MAJESKI, as Trustees for the 1985 Trust ("Sawridge
Trusts")

DOCUMENT CONSENT ORDER (PRIVILEGE)

DATE ORDER PRONOUNCED
LOCATION WHERE ORDER PRONOUNCED Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER Honourable Justice D.R.G. Thomas

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Dentons Canada LLP
2900 Manulife Place
10180 - 101 Street
Edmonton, AB T5J 3V5

Attention: Doris C.E. Bonora
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-001-DCEB

UPON the Application by the Sawridge Trustees for advice and direction in respect of the
Sawridge Band Inter Vivos Settlement ("**1985 Trust**") ("**Application**");

AND WHEREAS certain documents have been filed in these proceedings prior to the date of this Order that refer to legal advice provided to the Sawridge Trustees, including to Catherine Twinn while she was a Sawridge Trustee (the "**Filed Documents**");

AND WHEREAS Catherine Twinn has sworn an affidavit of records dated June 21, 2018, to be filed, which contains records, including, but not limited to, the Filed Documents, that refer to legal advice provided to the Sawridge Trustees, including to Catherine Twinn while she was a Sawridge Trustee (the "**Twinn Affidavit of Records**");

AND WHEREAS the Sawridge Trustees do not object to Catherine Twinn filing the Twinn Affidavit of Records so long as this Order is granted;

AND WHEREAS Paul Bujold deposed affidavits on September 6, 13 and 30, 2011 exclusively in the within Court File ("**1103 Action**"); the Office of the Public Guardian and Trustee ("**OPGT**") questioned Paul Bujold on May 27 and 28, 2014 and on June 11, 2018 and transcripts are produced in respect of those questionings; Paul Bujold answered undertakings from such questionings; Exhibits were marked in such questionings; Paul Bujold deposed an affidavit of records dated November 2, 2015 and a supplementary affidavit of records dated April 27, 2018; and collectively such affidavits, transcripts, exhibits and undertakings shall be referred to as the "**Excluded Documents**";

AND WHEREAS certain of the Filed Documents have also been filed in Court File No. 1403 04885 (the "**1403 Filed Documents**");

AND WHEREAS the Sawridge Trustees did not have the intention to waive solicitor-client privilege over any further information or communications to which solicitor-client privilege would otherwise attach and that relates to the subject matter of any of the contents of the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents or the Questioning Responses as that term is defined below;

AND WHEREAS the purpose of this Order is to confirm that waiver of solicitor-client privilege in relation to any further information or communications to which solicitor-client privilege attaches that relate to the subject matter of any of the contents of the aforementioned documents in the prior paragraph ("**Subject Matter Waiver**") has not occurred;

AND WHEREAS the Sawridge Trustees, the OPGT and Catherine Twinn consent to this Order;

IT IS HEREBY ORDERED AND DECLARED;

1. No response in a questioning to date, whether by way of oral or written response including any answer recorded by transcript or answer to undertaking or interrogatories, that addresses the contents of the Filed Documents, the Twinn Affidavit of Records, and/or the 1403 Filed Documents (collectively "**Questioning Responses**"), can be construed as Subject Matter Waiver over the subject matter of any communications contained therein.

2. Any waiver of solicitor-client privilege in respect of the contents of the Filed Documents, the Twinn Affidavit of Records, the Questioning Responses and the 1403 Filed Documents is expressly declared to be limited to the content of those documents, and it is further declared that Subject Matter Waiver has not occurred in relation to any issue raised in those documents.
3. Further to paragraph 2, nothing in the contents of the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents and/or the Questioning Responses can be used to compel the Sawridge Trustees to produce further documents in respect of legal advice received or answer questions in respect of legal advice received by the Sawridge Trustees on the basis that Subject Matter Waiver has occurred.
4. While this is a binding declaratory order, including on the parties to the Application and the beneficiaries of the 1985 Trust, nothing in this Order is intended to expand or limit the disclosure or production to which a beneficiary of the 1985 Trust may otherwise be entitled to at law to request and obtain as a beneficiary of the 1985 Trust.
5. If the Sawridge Trustees, the OPGT, Catherine Twinn, or any beneficiary of the 1985 Trust who may choose to participate in the manner permitted by this Court, seek to file or otherwise admit to evidence any other document or record in the 1103 Action, other than those covered by this Order (being the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents, and the Questioning Responses) to which a claim of solicitor-client privilege may be made, the admissibility of such document and/or the terms for protecting the privilege of such document may be determined on a case-by-case basis, either by agreement of the Sawridge Trustees, the OPGT and Catherine Twinn, or by the direction of this Court.
6. For clarity, the *Alberta Rules of Court* and such other rules of evidence as would ordinarily apply will continue to apply to the Filed Documents, the Twinn Affidavit of Records, the 1403 Filed Documents and the Questioning Responses in respect of their use in any aspect of the 1103 Action, and none of the parties may object to the use of any of these documents on the basis of an argument of solicitor-client privilege. For further clarity, all transcripts from cross examination on affidavit in the 1103 Action, including any associated undertakings, exhibits or written interrogatories may continue to be utilized by any party to the 1103 Action as evidence at any application or trial in the 1103 Action and this Order does not affect this right.

7. This order shall not apply to the Excluded Documents.

The Honourable Justice D. R. G. Thomas

CONSENTED TO BY:
MCLENNAN ROSS LLP

HUTCHISON LAW

Crista Osualdini
Counsel for Catherine Twinn

Janet Hutchison
Counsel for the OPGT

DENTONS CANADA LLP

Doris Bonora
Counsel for the Sawridge Trustees

TAB C

December 11, 2018

File No.: 551860-1

Court of Queen's Bench of Alberta
6th Floor Law Courts Building
1A Sir Winston Churchill Square
Edmonton AB T5J 0R2

Attention: The Honourable Mr. Justice John T. Henderson

Dear Sir:

**RE: Sawridge Band Inter Vivos Trust
Twinn v. Trustee Act, Action: 1103 14112**

We write this response in respect to the letter written to the court by Shelby Twinn dated September 21, 2018. We attach the letter with paragraph numbers ascribed to it for ease of reference.

In paragraph 1, Shelby Twinn advises she is writing to the court and that she would be appearing along with Deborah Sarafinchon, Melissa Megley, Aspen Twinn, Ann Mary McDonald, Cameron Shirt and others at the case management meeting that was scheduled for September 25, 2018, for the purpose of speaking on how non-party beneficiaries and potential beneficiaries should be able to participate in future steps, in the litigation. The Trustees do not believe that Deborah Sarafinchon, Ann Mary McDonald and Cameron Shirt are beneficiaries or potential beneficiaries of the trust. In addition, Aspen Twinn is represented by the Office of The Public Guardian and Trustee ("OPGT") and is an infant.

She goes on to say that Patrick Twinn, Isaac Twinn, Julie Rudkowski, Sam Twinn, Kiki Twinn (who we believe is Courtney Twinn) and Wesley Twinn cannot attend. We believe Julie Rudkowski is not a beneficiary or a potential beneficiary. In this sentence, it appears that Shelby Twinn is requesting the ability to speak on behalf of a group of people without advising of her legal authority to do so.

In paragraph 2 of the letter, Ms. Twinn advises that the costs order to be paid by Patrick Twinn and Deborah Sarafinchon were forgiven by the trustees as a goodwill gesture in the settlement of the Catherine Twinn mediation. This issue is a matter that should have been kept confidential and is subject to a Confidentiality Agreement. Further, this is not an accurate characterization, but because the trustees are bound by this Confidentiality Agreement the Trustees cannot properly address this issue. We ask the Court to ignore this paragraph.

In paragraph 2, Shelby Twinn says the decision of the Court says that she and Patrick Twinn are current beneficiaries of the 1985 trust and the court could not foresee a circumstance where their status as a beneficiary would be eliminated. We believe this is obiter, as that issue was not before the court, and certainly this is still a live issue and is unlikely to be binding on the final Judge of this matter. While the trustees do believe that Patrick Twinn and Shelby Twinn would fit the current definition of a beneficiary under the 1985 trust, it is possible that the definition must change and therefore Shelby Twinn, if she is not a member of the Sawridge First Nation, will not be a beneficiary. We do however agree that we do

not see a circumstance in which Patrick Twinn would not be a beneficiary of the trust as he currently fits the definition under the Indian Act of 1982 and further is a current member of the Sawridge First Nation and thus would likely continue to be a beneficiary of the trust if the definition is changed.

In response to paragraph 3 of the letter, we note that Shelby Twinn advises that the costs to attempt to gain party status were significant and unfortunately those costs have left Shelby Twinn in the position where she can no longer afford legal representation. She puts Patrick and Deborah in that same category. However, we know from the questioning during that application that those costs were not entirely borne by Patrick Twinn, Shelby Twinn and Deborah Sarafinchon and in fact were at least partially paid by Catherine Twinn.

Thus, Catherine Twinn has been having her own representation in court and at least partially funding representation of other individuals in court as well. We provide this information only for the edification of the court and not to suggest that there is anything inappropriate, with the exception that when the trustees have to respond to multiple parties, it increases the costs, which reduces the amount that will ultimately be payable to beneficiaries.

In response to paragraph 4 of the letter, Ms. Twinn suggests that the Court of Appeal in its December 12, 2017 decision suggested that class counsel for current and potential added beneficiaries may be appropriate. We do not believe that the Court of Appeal suggested that class counsel for the beneficiaries may be appropriate. We do however note that Catherine Twinn, before resigning as a trustee, took a course on class action lawsuits which was paid for by the trust. We suspect that Shelby Twinn is continuing to receive legal advice and direction from Catherine Twinn, who is a lawyer, as we do not believe the whole concept of class action council is likely to have come from someone who is not a lawyer. In the event that Shelby Twinn wishes to make an application for the class counsel representation then she is at liberty to do so. However, we believe that that matter is *res judicata* in respect of her application to become a party and in respect of having her legal costs paid by the trust. These issues have already been decided by a case management judge and the Court of Appeal in Sawridge #5. The trustees do not believe that an application for class counsel can be made by way of a letter without any affidavit or any justification. The trustees request that, if the court is inclined to hear such an application, it be made on proper notice with proper evidence. The trustees oppose any further legal fees being paid from the trust, particularly as we believe that the interest of these beneficiaries are being represented by the OPGT and by the trustees who are acting on behalf of the beneficiaries as well.

In paragraph 5A of the letter of Shelby Twinn, she suggests that she, Patrick Twinn and Deborah Sarafinchon have not been able to establish a dialogue with the trustees for the purpose of ensuring their status is respected or to provide comments in respect to the beneficiary definition. We are unaware of any attempt by Shelby Twinn, Patrick Twinn or Deborah Sarafinchon to have a dialogue with the trustees. We have asked the administrator of the trust to search for emails or correspondence where such dialogue has been requested and he has found none. We believe it is completely unfair to suggest that they have been unable to establish a dialogue when no attempts for that dialogue has been made. We also note that Shelby Twinn did not respond to the request for a vote on the beneficiary definition recently sent to her by the Trustees.

To date there have been settlement meetings that have occurred between the counsel for the trustees, Catherine Twinn and the OPGT. The trustees' thought that inviting other interested persons would not be

useful at those settlement meetings but certainly left open the possibility that there may be meetings when such involvement of other interested persons may be appropriate. The trustees have never believed that any settlement is completely possible at a settlement meeting. We believe that if there could be any consensus between the trustees, Catherine Twinn, and the OPGT, such consensus would then be presented to the Court on notice to the beneficiaries. Thus, while these meetings have been called "settlement meetings", the Trustees did not understand that a binding settlement could be reached and thus the trustees believed that it was best to have the main parties come to some consensus before introducing others to the settlement process.

In paragraph 5B of the letter from Shelby Twinn, she says she understands the trustees are seeking to schedule an application for the purpose of changing the current definition to include only members of Sawridge First Nation. That has been the application before the court by the trustees since 2011. She goes on to say that we are not concurrently considering how existing beneficiaries will be protected. That is not true as the whole issue of grandfathering has been one that the trustees have been dealing with also since 2011. In fact in 2014, the trustees brought an application to have a settlement approved by the court using its *parens patriae* jurisdiction to grandfather all of the minor beneficiaries of the trust. Thus, it is incorrect to say that the trustees have not been considering how to deal with the interests of the current beneficiaries of this trust as those are defined under the 1982 Indian Act. Shelby Twinn goes on to say that she applied for membership in Sawridge First Nation in April 2018 but is yet to hear anything from Sawridge First Nation and not even an acknowledgement of the receipt of the application. The administrator of the trust has inquired with Sawridge First Nation and has been advised that Catherine Twinn personally submitted the application of Shelby Twinn and thus it is clear that the application was received, and that Shelby Twinn, in speaking with Catherine Twinn, would know that her application was received. We understand it is not the practice of Sawridge First Nation to acknowledge receipt of an application, particularly where one has been submitted in person by a member of the First Nation. We understand that Shelby Twinn's application is in process and that it is not unusual for an application to be reviewed for several months before there is a determination.

In response to paragraph 5C of the letter, it is true that the trustees have agreed to meet with the beneficiaries of the 1986 trust. The 1986 trust is irrelevant to these proceedings. The beneficiaries of the 1986 trust are known and are not uncertain. It is the 1986 trust which has been able to make distributions to beneficiaries and the trustees wish to have a meeting with the 1986 trust beneficiaries for the purpose of presenting an accounting with respect to the 1986 trust and to communicate with the beneficiaries. The trustees have every right to meet with their beneficiaries under the 1986 trust. Shelby Twinn is not a member of the First Nation and thus was not invited to this meeting.

Shelby Twinn suggested it is disappointing that, given the significant legal issues facing the current beneficiaries of the 1985 trust, the trustees are not reaching out to the adult beneficiaries and potential beneficiaries including those who applied to the trust in 2009 and 2010. The trustees have not held meetings with such potential beneficiaries or applicants because the issue of whether those individuals can be beneficiaries under a discriminatory trust is uncertain and is the very reason we are before the court. All of the information around the lawsuit has been posted to a website for easy access to anyone. The trustees do not believe that they should provide financial information to individuals until it is determined who will be the beneficiaries of this trust. It is very nature of this application that we are trying to determine the beneficiaries of the 1985 trust.

In relation to paragraph 5C, Shelby Twinn makes references to those who applied to the trust in 2009 and 2010 as a result of newspaper advertisements. While there were approximately 150 people who applied, many of those individuals are not currently beneficiaries as the trustees have determined and are also not beneficiaries in terms of people who the OPGT and Catherine Twinn have identified as beneficiaries. It would be wholly inappropriate for trustees to reach out to non-beneficiaries and provide them with information.

In relation to paragraph 5D of the letter of Shelby Twinn, she believes the trustees are not trying to meaningfully consult with the affected beneficiaries. The comments above with respect to determining affected beneficiaries is relevant to this comment as well. The trustees have reached out to those individuals they believe are beneficiaries to seek their input on a change of definition according to proposals put forward by the trustees and by the OPGT. We invited Catherine Twinn to put a definition forward as well and she declined. The trustees are not solely focused on changing the definition to First Nation membership, have fully participated in discussions around whether it is possible to grandfather, and we have always left open the possibility that the trust definition may not change.

However, it is significant the funds that were used to fund the trust came from the capital reserve of the Sawridge First Nation. An application was made to the Federal Government to release the funds to be set aside in the trust on the express condition that the funds would be used for the benefit of the members of the First Nation. The Trustees believe there was an intention by the settlor to use these funds for the members of the First Nation. The Trustees believe that the Government of Canada only released the funds because the funds were going to be used for the members of the First Nation. We believe that the Government of Canada would not have released the funds to be put into a trust if those funds were going to be used for people who were not members of the First Nation. We also believe that if the money is set aside for the members of the First Nation and a small grandfathered group, then the Sawridge First Nation will not bring an application to void the trust. Thus, the trustees have been walking a very fine line in trying to manage the trust, trying to keep the trust viable and not face an application to void the trust for lack of certainty, and trying to protect the interests of the current beneficiaries. The trustees have been clear that they understand that they have a duty to the beneficiaries of the 1985 trust.

Shelby Twinn goes on to say that the trustees seem to be focused on and favor the interests of Sawridge First Nation over the potential beneficiaries of the trust. We believe that is not true. We understand that Catherine Twinn has expressed that perception in the past. We have been very clear that we will oppose any application by Sawridge First Nation to void the trust as it is our obligation to protect the trust and to protect the beneficiaries of the trust.

Shelby Twinn goes on to say that it is a perception that the trustees have been paying for Sawridge First Nation's legal fees to participate in the litigation. There have been instances where the legal fees of Sawridge First Nation have been paid but that was because it was necessary to have their involvement for dealing with the request for documents within their control, and for dealing with the issue of Maurice Stoney with which Sawridge First Nation had significant involvement in the past, and thus it was much more efficient to have Sawridge First Nation involved. Sawridge First Nation is not a nation that can afford to spend legal fees without consideration for whose benefit these legal fees are being spent and thus Sawridge First Nation said that we could only have their involvement if in fact we paid for their legal fees. The trustees considered the position and made a decision that it was beneficial to the trust to have the involvement of Sawridge First Nation and agreed to pay their legal fees for their limited involvement.

The involvement of Sawridge First Nation is considered at every stage, and payments of their legal fees are considered at every stage of their involvement. This does not show our bias towards Sawridge First Nation; it just showed a necessity in respect of the litigation steps that have been taken thus far.

In paragraph 5D Shelby Twinn goes on to talk about a settlement proposal that was put before the court by the Sawridge Trustees in June 2015. The Trustees tried to settle with the OPGT. The OPGT refused the settlement and by Court Order the settlement was withdrawn.

In response to paragraph 5E, the trust is having difficulty with respect to its financial resources. The trust does not have a lump sum of money at their disposal for payment. The trust can only fund litigation through the generation of income through the companies in which the trust holds some interest. Those companies are dependent on the economy, including the service industry for oil and gas and the hospitality industry, both of which are very depressed. The ability to generate legal fees to fund this litigation is very difficult for the trust. It is for that reason that we opposed the payment of legal cost for Shelby Twinn. This court ultimately agreed with our position, as did the Court of Appeal, in Sawridge #5. It appears that Shelby Twinn wishes this court to revisit that issue and provide funding for class counsel, which we do not believe is any different than what has already been requested and would be *res judicata*. We believe this request clearly shows why it would not be appropriate to pay the legal fees of others who want to participate. There would simply be a great duplication of effort and if every potential beneficiary was granted costs and legal representation, then we believe it would bankrupt the trust.

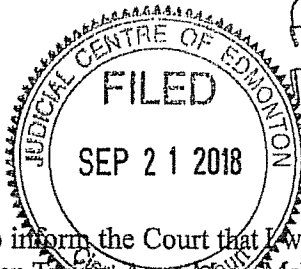
We do not expect to fully argue the issue of class counsel in this letter and will reserve that for when the court actually considers that application if in fact that application is brought. It would be very unfortunate if the desire to change a discriminatory definition would result in bankrupting the trust and thus not leaving any money for any of the beneficiaries.

In respect of paragraph 5F of the letter of Shelby Twinn, we again suggest that if Ms. Twinn wishes to bring an application to have counsel appointed, then such an application must be properly brought and argued, although again we believe that the matter is *res judicata*.

Respectfully submitted,
Dentons Canada LLP

Doris C.E. Bonora

DCEB/sh



Action No 1103 14112
Roland Twinn et al

September 21, 2018

- #1 My name is Shelby Twinn. I am writing to inform the Court that I will be appearing, along with Deborah Serafinchon, Melissa Megley, Aspen Twinn, Anna Marie McDonald, Cameron Shirt, and others at the case management meeting scheduled for September 25, 2018 for the purpose of speaking to how non-party beneficiaries and potential beneficiaries should be able to participate in the future steps in the litigation. Patrick Twinn, Isaac Twinn, Julie Rudkowski, Sam Twinn, Kiki Twinn and Wesley Twin and others cannot attend but agree on what is required to assure our meaningful and just participation in our Trust. I am aware that the Sawridge Trustees have made beneficiary participation an agenda item for the case management meeting. (See paragraphs 24-29 of the written submissions of the Sawridge Trustees filed August 24, 2018).
- #2 You will recall that myself, along with Patrick Twinn and Deborah Serafinchon were represented by Nancy Golding of Borden Ladner Gervais at an application where we were seeking party status in the litigation. The decision that your Honour issued as a result of that application declared that myself and Patrick Twinn are current beneficiaries of the 1985 Trust. You also stated that you could not foresee a circumstance where my status as a beneficiary of the 1985 Trust would be eliminated.
- #3 The legal fees that myself, Patrick and Deborah incurred as a result of our attempts to gain party status were significant. Unfortunately, the costs of these prior applications have left us in a position where we can no longer afford legal representation. This is why I, rather than Ms. Golding, am writing to you today. Late afternoon, September 20, 2018 Dentons' emailed Ms. Golding the Trustees' brief, but Ms. Golding is not acting for us.
- #4 I understand that the Court of Appeal in their December 12, 2017 decision suggested that class counsel for current and potential adult beneficiaries may be appropriate and that this issue should be dealt with in case management. The purpose of my letter is that at the September 25, 2018 case management meeting, we are seeking the appointment of class counsel for the current and potential adult beneficiaries of the 1985 Trust and that such lawyer be paid for by the 1985 Trust. Our free, prior and informed consent requires we have access to independent class counsel.
- #5 Briefly put, the reasons we believe class counsel is needed are:
- #5A • Myself, Patrick and Deborah have not been able to establish a dialogue with the Trustees for the purpose of ensuring our status is respected or to provide comments in respect of the "beneficiary" definition. See paragraphs 39 and 43 of your decision on party status that directed this to occur. We understand that settlement meetings have been occurring between the Trustees' lawyers and the other parties' lawyers, but we have not been invited by the Trustees to attend these meetings or our input sought. It is very difficult to protect our interests when we are not privy to how the parties are trying to resolve the litigation.
 - #5B • I understand that the Trustees are seeking to schedule an application for the purpose of changing the current beneficiary definition to only include members of the SFN without concurrently considering how existing beneficiaries, like myself, will be protected. If the trustees are successful, then my status as a beneficiary could be eliminated. It is very

concerning to me that the Trustees are doing this given your comments that my beneficiary status would be respected. I note that I did apply for membership in the SFN on April 23, 2018, but have yet to hear anything from the SFN, not even an acknowledgment of receipt of my application. It is very unclear whether I will ever be a member of the SFN, despite being the late Chief Walter Twinn's granddaughter, and therefore entitled to beneficiary status on this basis;

- #5C • I have come to learn from Patrick Twinn that the Trustees are holding a meeting "only with approved beneficiaries of the Sawridge Trust (1986 Trust) ...that includes only members of the Sawridge First Nation" the weekend of October 13-14, 2018. It is my understanding that the "approved beneficiaries" would only be band members of the SFN. See attached letter. It is disappointing that given the significant legal issues facing the current beneficiaries of the 1985 Trust, that the trustees are not reaching out to the adult beneficiaries and potential beneficiaries, including those who applied to the Trust in 2009/10 to keep us informed given the significant threat to our legal interests;
- #5D • We do not believe the Trustees are trying to meaningfully consult with the affected beneficiaries and are instead solely focused on changing the definition to band membership. Myself and those in my circumstances cannot rely on the trustees to represent our interest as my perception is that they favour the interest of the SFN over ours. This perception is also informed by my understanding that the Trustees have been paying the SFN's legal fees to participate in this litigation, despite their vigorous opposition to the payment of mine. In June 2015 the Trustees filed then later withdrew a Settlement Proposal with the Court. Had it been accepted, my beneficiary status would have ended, and the irrevocable status of other beneficiaries, like Patrick Twinn, would be revocable;
- #5E • I have reviewed the written submissions provided by the Trustees for this case management meeting and in particular their proposal on how non party beneficiaries like myself, can participate. I am very afraid of their proposals regarding cost consequences for failure to comply with their process. I am not a lawyer. I genuinely wish to comply with the process that is ultimately set out by the Court, however, my lack of legal training may result in me, and others like me, making mistakes. In order to properly represent my interests, I very much need a lawyer, which is why I am asking for class counsel to be appointed.
- #5F • I understand that the trustees are seeking to set timelines to have the issue of the beneficiary definition change heard. Their application could result in me being disentitled as a beneficiary. I believe that appointing counsel for me and the other adult beneficiaries would not result in unnecessary expense as the ultimate issue is on the verge of being decided and justice requires we be heard about our Trust.

With Respect,



Shelby Twinn



NOTICE OF BENEFICIARY ANNUAL GENERAL MEETING 2018

The Trustees of the Sawridge Trust (1986 Trust) have recently passed a policy to hold an annual meeting with the beneficiaries of the Trusts. The first such meetings will be held on:

Saturday, 13 October 2018
10:00 AM to 4:00 PM
Sawridge First Nation Office, Slave Lake, AB

AND

Sunday, 14 October 2018
10:00 Am to 4:00 PM
Jasper Room, Sawridge Inn-Edmonton South, Edmonton, AB

At this meeting, Trustees will present:

- An explanation of the Trusts,
- An explanation of the current actions being undertaken by the Trusts,
- An explanation of the benefits, and
- The audited financial statements for 2017.

In addition, the Trustees will consult with the beneficiaries about future directions for the Trusts and the benefits programs.

Only approved beneficiaries of the Sawridge Trust (1986 Trust) may attend this meeting. That includes only members of the Sawridge First Nation. If you are receiving this notice, you may attend but are not permitted to bring any guests or non-approved beneficiaries. You may attend either one of these meetings as the same information will be presented at each meeting.

PLEASE LET ME KNOW WHICH MEETING YOU WILL BE ATTENDING SO THAT WE CAN PLAN THE MEALS AND REFRESHMENTS.

214, 10310-124 Street NW
Edmonton, AB T5N 1R2
Office: 780-988-7723
Fax: 780-988-7724
Toll Free: 888-988-7723
Email: general@sawridgetrusts.ca
Web: www.sawridgetrusts.ca

TAB D

CLERK'S STAMP

COURT FILE NUMBER

1103 14112

COURT OF QUEEN'S BENCH OF
ALBERTA JUDICIAL CENTRE

Edmonton

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 2000, c, T-8, AS AMENDED

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

APPLICANTS

ROLAND TWINN, MARGARET WARD, BERTHA
L'HIRONDELLE, EVERETT JUSTIN TWIN AND
DAVID MAJESKI as Trustees for the 1985
Sawridge Trust;

DOCUMENT

LITIGATION PLAN

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF PARTY
FILING THIS DOCUMENT

Dentons Canada LLP
2900 Manulife Place
10180 - 101 Street
Edmonton, AB T5J 3V5

Attention: Doris C.E. Bonora
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-001-DCEB

1. The remaining steps and procedures are to be completed on or before the dates specified below:

NO.	ACTION	DEADLINE
1.	Deadline to deliver to the Justice Henderson the week prior to the hearing your letter setting out the outstanding issues and your Agenda outlining items to be discussed at this meeting	December 11, 2018
2.	Case Management Meeting	December 18, 2018
3.	If privilege order not granted on December 18, 2018, the parties will provide written briefs on the issues in dispute and the matter will be decided without oral submissions	Briefs to be filed by Catherine Twinn and OPGT by January 15, 2019 and response by the Trustees by January 30, 2019
4.	Catherine Twinn to provide parties with her Affidavit of Records and documents once the Privileged Order is issued .	By January 7, 2019 (if Privilege Order dealt with December 18, 2018 or in any event one week following the Privilege order being granted
5.	Brief of the Sawridge Trustees on the Jurisdictional Issue Hearing to be filed.	Three weeks prior to the Jurisdictional hearing
6.	Any responding brief on Jurisdictional Issue to be filed by Catherine Twinn and the OPGT. Written Submissions by any non-party beneficiaries/potential beneficiaries on Jurisdictional Issue (maximum of 5 pages, including attachments), if permitted by the Court.	Two weeks prior to the Jurisdictional hearing Two weeks prior to the Jurisdictional hearing
7.	Reply Brief of the Sawridge Trustees on the Jurisdictional Issue Hearing to be filed	One week prior to the Jurisdictional hearing
8.	Hearing in respect of the Jurisdictional Issue	TBD
9.	Deadline to hold Questioning of Catherine Twinn and Paul Bujold on Catherine Twinn's Affidavit of Records, if any.	<*determine based on date of jurisdiction issue being decided>
10.	Answers to undertakings, from questioning of Paul Bujold and Catherine Twinn, if any.	<*determine based on date of jurisdiction issue being decided>
11.	All other steps to be determined in a case management hearing	TBD