

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)

December 18, 2018

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

I hereby verify this to be a true copy of the original.
for Clerk of the Court

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 can be relied upon as evidence at trial and all associated undertakings, exhibits or written interrogatories may be used in these proceedings, including at trial, 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.



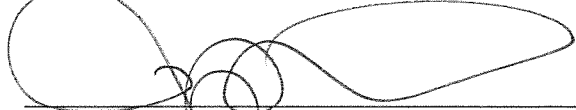
The Honourable Justice J.T. Henderson

**CONSENTED TO BY:
MCLENNAN ROSS LLP**



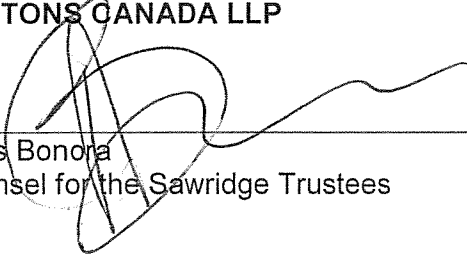
Crista Osualdini
Counsel for Catherine Twinn

HUTCHISON LAW



Janet Hutchison
Counsel for the OPGT

DENTONS CANADA LLP



Doris Bonora
Counsel for the Sawridge Trustees