

COURT OF APPEAL OF ALBERTA

COURT OF APPEAL FILE NUMBER: 2203 0043AC

- and -

2203 0045AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: EDMONTON

Registrar's
Stamp



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")

APPLICANT (in these Appeals): SAWRIDGE FIRST NATION

APPLICANTS: ROLAND TWINN, MARGARET WARD,
TRACEY SCARLETT, EVERETT JUSTIN TWINN
AND DAVID MAJESKI, as Trustees for the
1985 Sawridge Trust ("1985 SAWRIDGE
TRUSTEES")

STATUS ON APPEAL: Respondent

STATUS ON APPLICATION: Respondent

RESPONDENT: THE OFFICE OF THE PUBLIC TRUSTEE OF
ALBERTA (the "OPGT")

STATUS ON APPEAL: Appellant

STATUS ON APPLICATION: Respondent

RESPONDENT: CATHERINE TWINN

STATUS ON APPEAL: Appellant

STATUS ON APPLICATION: Respondent

DOCUMENT

**ORDER ON SAWRIDGE FIRST NATION'S
APPLICATION FOR INTERVENOR STATUS**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF
PARTY FILING THIS DOCUMENT

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Nation

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Counsel for the OPGT

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File Number: 551860-1

Counsel for the 1985 Sawridge Trustees

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File Number: 144194

Counsel for Catherine Twinn

DATE ON WHICH ORDER WAS PRONOUNCED:	May 5, 2022
LOCATION OF THE HEARING:	Edmonton, Alberta via WebEx (Virtual Courtroom 18, Edmonton Courtroom 513)
NAME OF THE JUDGE WHO GRANTED THIS ORDER:	The Honourable Madam Justice R. Khullar

UPON THE APPLICATION OF THE SAWRIDGE FIRST NATION ("SFN") filed April 20, 2022, wherein SFN seeks an order granting SFN intervenor status in Appeal No. 2203 0043AC and Appeal No. 2203 0045AC (the "Appeals") pursuant to Rules 14.37(2)(e) and 14.58 of the *Alberta Rules of Court*, Alta Reg 124/2010; AND UPON reading the Affidavit of Darcy Twin sworn April 19, 2022 and filed April 20, 2022 in support of SFN's Application to intervene in the Appeals; AND UPON reading the Memorandum of Argument SFN filed on April 20, 2022 in support of its Application to intervene in the Appeals; AND UPON reading the April 28, 2022 letter from counsel for the 1985 Sawridge Trustees advising they consent to SFN's intervenor application; AND UPON hearing read into the record the contents of the April 29, 2022 letter from counsel for the Office of the Public Guardian and Trustee of Alberta (the "OPGT") advising the OPGT does not oppose SFN's application but seeks to have conditions imposed on SFN's intervention; AND UPON hearing submissions from counsel for SFN, the 1985 Sawridge Trustees, and the OPGT in Chambers via WebEx (in Virtual Courtroom 18/Edmonton Courtroom 513) on May 5, 2022; AND UPON being advised that Catherine Twinn takes no position on SFN's Application to intervene in the Appeals;

IT IS ORDERED THAT:

1. SFN is granted intervenor status in the Appeals, pursuant to Rules 14.37(2)(e) and 14.58 of the *Alberta Rules of Court*, Alta Reg 124/2010.

2. SFN may file one factum of no more than 30 pages to address the Appeals.
3. SFN's factum should not duplicate arguments made by the 1985 Trustees, and to facilitate this, SFN's intervenor factum shall be filed by September 9, 2022, being two weeks after the deadline set by the Case Management Officer for the filing of the 1985 Trustees' factum.
4. SFN and the 1985 Trustees are directed to cooperate to make sure that all relevant evidence is included in the 1985 Trustees' Extracts of Key Evidence, but SFN is granted permission to file its own Extracts of Key Evidence if necessary.
5. SFN may not raise new issues on the Appeals and may not raise issues that have not been raised by the parties to the Appeals.
6. SFN shall not introduce fresh evidence on the Appeals.
7. SFN may make oral submissions of up to 30 minutes on the Appeals, subject to the discretion of and any further direction by the panel scheduled to hear the Appeals on November 3, 2022.
8. There will be no costs awarded to SFN for this Application or for SFN's participation as an intervenor in the Appeals.

Registrar, Court of Appeal

APPROVED AS BEING THE ORDER GRANTED:

Parlee McLaws LLP

PER:



Edward Molstad, QC & Ellery Sopko
Counsel for the Applicant, Sawridge First Nation

Dentons Canada LLP

PER:

Doris Bonora, QC & Michael Sestito
Counsel for the 1985 Sawridge Trustees

Field LAW LLP / HUTCHISON LAW

PER:

P. Jonathan Faulds, QC / Janet Hutchison
Counsel for the OPGT

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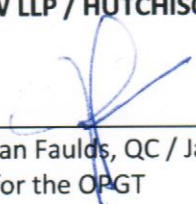
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