

**COURT OF APPEAL OF ALBERTA**

COURT OF APPEAL FILE NUMBER: 2203-0043AC and  
2203-0045AC

TRIAL 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 know as  
SAWRIDGE FIRST NATION, ON  
APRIL 15, 1985 (the "1985 Sawridge  
Trust")

APPLICANT (in these Appeals): SHELBY TWINN

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 TWIN
STATUS ON APPEAL:	Appellant
STATUS ON APPLICATION:	Respondent
DOCUMENT:	<b>ORDER ON SHELBY TWINN'S APPLICATION FOR INTERVENOR STATUS</b>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	<p>Dentons Canada LLP  2500 Stantec Towner  10220 – 103 Avenue  Edmonton, AB T5J 0K4  <b>Attention: Doris Bonora, Q.C. &amp;  Michael Sestito</b>  Telephone : (780) 423-7300  Fax : (780) 423-7276  Email : <a href="mailto:doris.bonora@dentons.com">doris.bonora@dentons.com</a> and  <a href="mailto:michael.sestito@dentons.com">michael.sestito@dentons.com</a></p> <p>File No. 551860-1  Counsel for the 1985 Sawridge Trustees</p>
CONTACT INFORMATION OF ALL OTHER PARTIES	<p><b>Hutchison Law</b>  #190 Broadway Business Square  130 Broadway Boulevard  Sherwood Park, AB T8H 2A3  <b>Attention: Janet L. Hutchison</b> Telephone:  (780) 417-7871  Fax: (780) 417-7872  Email: <a href="mailto:jhutchison@jlhlaw.ca">jhutchison@jlhlaw.ca</a>  File No. 51433 JLH  Counsel for the OPGT</p> <p><b>Field Law</b>  2500 Enbridge Centre  10175 – 101 Street NW  Edmonton, AB T5H 0H3  <b>Attention: P. Jonathan Faulds, Q.C.</b>  Telephone: (780) 423-7625  Fax: (780) 428-9329  Email: <a href="mailto:jfaulds@fieldlaw.com">jfaulds@fieldlaw.com</a>  File No. 551860-8 JLH  Counsel for the OPGT</p>

**McLennan Ross LLP**

600 McLennan Ross Building  
12220 Stony Plain Road NW  
Edmonton, AB T5N 3Y4

**Attention: David Risling & Crista Osualdini**

Telephone: (780) 482-9114

Fax: (780) 733-9706

Email: [david.risling@mross.com](mailto:david.risling@mross.com) &

[crista.osualdini@mross.com](mailto:crista.osualdini@mross.com)

File No. 144194

Counsel for Catherine Twinn

**Parlee McLaws LLP**

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

**Attention: Edward Molstad, Q.C. &  
Ellery Sopko**

Telephone: (780) 423-8500

Fax: (780) 423-2870

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

[esopko@parlee.com](mailto:esopko@parlee.com)

File No. 64203-7EHM

Counsel for the Intervenor, Sawridge First Nation

**Shelby Twinn, Self-Represented**

(as Applicant)

9918 – 115 Street NW

Edmonton, AB T5K 1S7

Telephone: (780) 264-4822

Email: [s.twinn@live.ca](mailto:s.twinn@live.ca)

---

**DATE ON WHICH ORDER WAS  
PRONOUNCED:**

June 15, 2022

**LOCATION OF HEARING:**

Edmonton, Alberta via WebEx

**NAME OF JUDGE WHO GRANTED  
THIS ORDER:**

The Honourable Justice K Feehan

---

UPON THE APPLICATION OF SHELBY TWINN (“Shelby”) filed June 1, 2022, wherein Shelby seeks an order granting her 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 Shelby sworn May 25, 2022 and filed June 1, 2022 in support of her Application to intervene in the Appeals;

AND UPON reading the Memorandum of Argument Shelby filed on June 1, 2022 in support of her Application to intervene in the Appeals;

AND UPON reading the letter filed June 9, 2022 from counsel for the Office of the Public Guardian and Trustee of Alberta (the “OPGT”) advising that the OPGT does not oppose the granting of Intervenor status to Ms. Twinn on the same terms and conditions as the Sawridge First Nation, which were set out in the Order filed May 6, 2022;

AND UPON reading the letter filed June 13, 2022 from counsel for Roland Twinn, David Majeski, Margaret Ward, Tracey Scarlett and Everett Justin Twin (the “**Sawridge Trustees**”), advising that the Sawridge Trustees consented to Shelby being granted status as Intervenor subject to some direction as set out therein;

AND UPON hearing submissions from Shelby as well as from counsel for SFN, the Sawridge Trustees, Catherine Twinn and the OPGT in Chambers via WebEx on June 15, 2022;

AND UPON being advised that Catherine Twinn consents on Shelby’s Application to intervene in the Appeals.

**IT IS ORDERED THAT:**

1. Shelby 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. Shelby may file one factum of no more than 30 pages to address the Appeals;
3. Shelby’s factum should not duplicate arguments made by the OPGT or Catherine Twinn, and to facilitate this, Shelby’s intervenor factum shall be filed by July 8, 2022, being two weeks after the deadline set by the Case Management Officer for the filing of the facta from the OPGT and Catherine Twinn;
4. Shelby, Catherine Twinn and the OPGT are directed to cooperate to make sure that all relevant evidence is included in the Extracts of Key Evidence of Catherine Twinn and the OPGT, but Shelby is granted permission to file her own Extracts of Key Evidence if necessary.

5. Shelby may not raise new issues or adduce fresh evidence on the Appeals that have not been raised by the parties to the Appeals, including but not limited to as related to:
- a. The issues and evidence related to the rightness or fairness of membership of individuals and the process of membership in the Sawridge First Nation, other than for necessary context;
  - b. Conflicts of interest between the Sawridge First Nation and the Sawridge Trustees' administration of the 1985 Sawridge Trust, other than for necessary context; and
  - c. Political issues, which are in the sole control and under the authority of the Sawridge First Nation, including but not limited to enfranchisement, land claims, Sawridge First Nation elections and intergenerational trauma.
6. Shelby may make oral submissions of up to 20 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.
7. There will be no costs awarded to Shelby for this Application or for Shelby's participation as an intervenor in the Appeals.

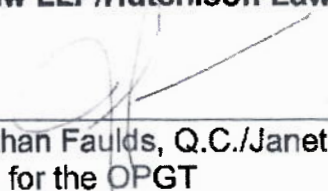
  
\_\_\_\_\_  
Registrar, Court of Appeal

**APPROVED AS BEING THE ORDER GRANTED:**

**Dentons Canada LLP**  
**Per:**

  
\_\_\_\_\_  
Doris Bonora, Q.C. & Michael Sestito  
Counsel for the 1985 Sawridge Trustees

**Field Law LLP/Hutchison Law**  
**Per:**

  
\_\_\_\_\_  
P. Jonathan Faulds, Q.C./Janet Hutchison  
Counsel for the OPGT

**McLennan Ross LLP**

Per:



---

David Risling & Crista Osualdini  
Counsel for Catherine Twinn

**Parlee McLaws LLP**

Per:



---

Edward Molstad, Q.C. & Ellery Sopko  
Counsel for the Intervenor, Sawridge First Nation

**Shelby Twinn**

Per:



---

Shelby Twinn, Self Represented