

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: **ORDER ON SHELBY TWINN'S APPLICATION FOR INTERVENOR STATUS**

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Counsel for the Intervenor, Sawridge First Nation

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**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.

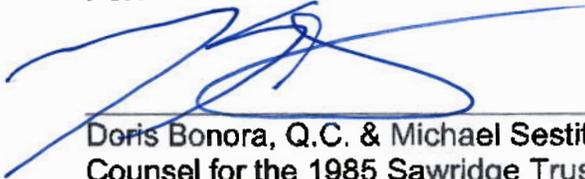
5. Shelby may not raise new issues or adduce fresh evidence on the Appeals that have not been raised by the parties to the Appeals, including but not limited to as related to:
 - a. The issues and evidence related to the rightness or fairness of membership of individuals and the process of membership 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

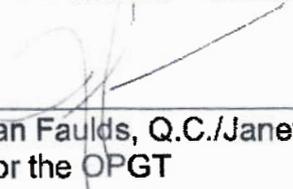
APPROVED AS BEING THE ORDER GRANTED:

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