

March 28, 2024

File No.: 551860-1

Sent Via E-mail
JusticeSeized.QB.EDM@albertacourts.ca

The Honourable Justice Leonard
Court of King's Bench of Alberta
Law Courts Building
1A Sir Winston Churchill Square
Edmonton, AB T5J 0R2

Dear Justice Leonard:

Re: 1985 Sawridge Trust v. Trustee Act and Maurice Felix Stoney
Court of King's Bench Action No. 1103 14112
Request for Case Management Conference

I write further to the letter of His Lordship Mr. Justice Nixon of March 26, 2024 appointing Your Lordship as Case Management Justice in the above referenced matter. As you know, this matter has been ongoing for quite some time and has been case managed for a number of years.

The Parties would like to arrange a Case Management Conference to discuss the scheduling of the enclosed application, along with next steps generally. Accordingly we will work with your scheduling coordinator to facilitate the earliest appearance.

For the benefit of the Court, the Sawridge First Nation is now represented by Chief Isaac Twinn and not Parlee McLaws LLP. Accordingly, Parlee McLaws LLP can be removed from further distribution lists.

Yours truly,

Dentons Canada LLP



Michael S. Sestito
Partner

MSS/mb

Enclosure

cc: C/O Dentons Canada LLP
Attn: Doris Bonora K.C. (via email to Michael Sestito)

Field Law
Attn: P. Jonathan Faulds, K.C. (via email)

Hutchinson Law
Attn: Janet Hutchinson (via email)

McLennan Ross LLP
Attn: Crista Osualdini (via email)

Sawridge First Nation
Attn: Chief Isaac Twinn (via email)

Elise Russell, Judicial Assistant to Justice Leonard (via email)

**Form 27
Rule 6.3**

COURT FILE NUMBER 1103 14112

Clerk's Stamp

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 Sawridge Trust")
APPLICANT ROLAND TWINN, MARGARET WARD,
TRACEY SCARLETT, EVERETT JUSTIN
TWIN AND DAVID MAJESKI, as Trustees
for the 1985 Sawridge Trust ("Sawridge
Trustees")

DOCUMENT **APPLICATION**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

Dentons Canada LLP
2500 Stantec Tower
10230 – 103 Avenue
Edmonton, AB T5J 0K4

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

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent. You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date: **To be Scheduled before Case Management Justice**
Time: **10:00 a.m.**
Where: **Law Courts, 1A Sir Winston Churchill Square,
Edmonton, Alberta T5J 0R2**

Before Whom: **The Case Management Judge**

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order setting out the following:
 - a. Confirming the validity of the 1985 Sawridge Trust;
 - b. Affirming that notwithstanding that the definition of “Beneficiary” set out under the 1985 Sawridge Trust is discriminatory, and includes certain non-members of the Sawridge Nation, the Sawridge Trustees may proceed to make distributions to the Beneficiaries of the 1985 Sawridge Trust, including to non-members of the Sawridge First Nation who qualify as beneficiaries of the 1985 Sawridge Trust;
 - c. Approving the Distribution Proposal submitted by the Sawridge Trustees;
 - d. Confirming that the Office of the Public Guardian and Trustee has fully executed and satisfied its obligations, as of the date this Order is filed, imposed upon them by this Court;
 - e. Discharging the Office of the Public Guardian and Trustee from any further duties in relation to this Action;
 - f. Declaring that the indemnification and funding of the Office of the Public Guardian and Trustee, as set out in the Order of Justice Thomas, pronounced June 12, 2012, and filed September 20, 2012, is ended; and
 - g. Confirming that the litigation has concluded and that nothing in the Order negates the Sawridge Trustees’ ongoing duty to act in good faith in carrying out their duties and powers as defined in the 1985 Sawridge Trust, or the Beneficiaries’ ongoing right to enforce the bona fides of the Sawridge Trustees in the exercise of their powers and duties as outlined in the 1985 Sawridge Trust Deed.

Grounds for making this application:

2. In 2011, the Sawridge Trustees brought an application for advice and direction to the court seeking certain relief.
3. In 2012, the OPGT was appointed litigation representative for the 31 minors who are children of current Sawridge First Nation members as well as any minors who are children of applicants seeking to be admitted into membership of the Sawridge First Nation.
4. In 2015, the Court ordered the Trustees to present a distribution proposal and have it approved by the Court.

5. Also in 2015, the Court Ordered the OPGT to limit its role to four tasks:
 - a. Representing the interests of minor beneficiaries and potential minor beneficiaries to ensure that they receive fair treatment (either direct or indirect) in the distribution of the assets of the 1985 Sawridge Trust; and
 - b. Examining on behalf of the minor beneficiaries the manner in which the property was placed / settled in the Trust; and
 - c. Identifying potential but not yet identified minors who are children of Sawridge First Nation members or membership candidates as these are potentially minor beneficiaries of the 1985 Sawridge Trust; and
 - d. Supervising the distribution process itself.
6. In 2016, the application concerning the 1985 Sawridge Trust distribution proposal was adjourned *sine die*. The issue of the distribution proposal remains outstanding.
7. The Sawridge Trustees wish to begin distributing benefits to the 1985 Sawridge Beneficiaries.
8. The Sawridge Trustees have prepared a draft distribution proposal and have shared that draft with the parties.

Material or evidence to be relied on:

9. The Distribution Proposal of the Sawridge Trustees;
10. Affidavits previously filed in this action;
11. Questionings filed in this action;
12. Undertakings filed in this action;
13. Affidavits of records and supplemental affidavits of records in this action;
14. Such further material as counsel may further advise and this Honourable Court may permit.

Applicable rules:

15. *Alberta Rules of Court*, Alta Reg 124/2010, Rules 1.2, 1.3, 1.4, 4.11, 4.14, 6.3,
16. Such further and other rules as counsel may advise and this Honourable Court may permit.

Applicable Acts, regulations and Orders:

17. *Trustee Act*, SA 2022, c T-8.1, as amended;
18. Various procedural orders made in the within action;
19. Such further and other acts, regulations, and orders as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

20. None.

How the application is proposed to be heard or considered:

21. In person before the Case Management Justice.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.