

TP Law*

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November 17, 2025

Attention: Bobbi Jo McDevitt, LL.B. via CAMS AND EMAIL
Case Management Officer
Court of Appeal of Alberta, Edmonton

Good Afternoon Ms. McDevitt,

I am writing to request an extension to the filing deadline from November 20, 2025 to December 4, 2025 and a page extension from 12 pages to 30 pages.

The Facts in relation to the Filings To Date:

1. CAMS account registered October 1, 2025;
2. Notice of Appeal filed October 2, 2025 (due date was October 3, 2025);
3. October 2, 2025, notification via CAMS the Appeal was fast tracked, which I did not know until late October, as I did not appreciate that I was to check CAMS, which I acknowledge was my oversight. I wrongly assumed, from the 2022 Asset Transfer Appeal (Decision rendered November 14, 2022), this Appeal would have similar timelines and page lengths.
4. October 27, 2025, email from Dentons saying:
"We have not been served with a copy of the filed transcript order form to date. Can you please advise if the order form has been filed? By my calculations (which could be incorrect given the thanksgiving holiday), we expected to be served by no later than October 20, 2025 with the filed order form. Can you please let us know if this appeal deadline has been missed and if so, what are the next steps?"
5. October 27, 2025, I replied to all saying:
"Regarding the 2nd issue, the form of Order from the September 3, 2025 Decision has not been settled and won't be until Case Management sometime the week of November 24th. I've asked Dentons if a Date has been secured. I can advise all parties and the intervenor were emailed (by Dentons) on July 15, 2025 the transcript of the court proceeding for action no. 2503-01115 dated June 16, 2025. Please advise."
6. October 30, 2025, uploaded into CAMS the amended Style of Cause in the Notice of Appeal, the Appeal Book and Transcript which the Court filed October 31, 2025.
7. November 3, 2025, served all the parties with the above documents.

8. November 3, 2025, I enquired about extending the deadline to file the Factum and increase Factum page length about the process and authority, and you informed me as follows:

Yes, I do have the authority to consider applications to extend deadlines and page limits.

In both cases, you can apply by uploading a letter to CAMS. The letter should be addressed to me and give reasons. If you can discuss your application with the respondents in advance and provide their position in your letter, that is helpful. Regardless, the respondents are entitled to file a response to your application.

For an application to extend the filing deadline, you need to address the test and four factors set out in Keef v Peters, 2015 ABCA 16 at para 6.

For an application to extend page limits, you should know that I do not ordinarily consider those types of applications until after a party has made their best efforts to write the factum within the allowed page limits. Further, an application that submits that the page limit should be increased to 30 to match that of a standard appeal will not be sufficient.

9. November 7, 2025, I enquired of the Parties if they consent to extending the deadline to file the Factum and Factum page length.

10. November 10, 2025, the Trustees responded:

“...we find it difficult to support this request until we have the opportunity to review your application and arguments and understand the position of the OPGT....Given that your request could potentially lead to extra costs and delays for the trusts, we are currently in a challenging position to respond affirmatively.”

11. On November 13, 2025, the OPGT replied:

“...the OPGT will not take any position on your application and is likely to simply submit a letter to request that if a time extension or requests for additional factum pages are granted that the OPGT factum be filed on a similar basis...”

12. I have been diligently working on the Factum full time.

13. November 10, 2025, the Sawridge First Nation served me with its Intervener Application.

Law governing this Request:

I have read the Keef v. Peters, 2015 ABCA 16 decision, in particular para 6 which states:

[6] While an appellant must file his or her factum on time or the Registrar will strike the appeal (rules 14.23(1) and 14.24(1)), this Court retains discretion to extend time periods specified in the Rules of Court: rules 1.4(2)(h) and 13.5(2). The pertinent factors to consider in deciding whether to do so are (1) the reason for the delay, (2) the prospects of moving ahead with the appeal, (3) the prejudice to the other party, and (4) the potential merit of the appeal: Bowles v Beamish, [2009 ABCA 243](#) at para [6](#), 178 ACWS (3d) 298.

I have also read Bowles v Beamish, 2009, ABCA 243, noting para 6.

[6] In deciding whether to grant the extension, I must consider the overall justice of the situation including the reason for the delay, the prospects of moving ahead with the appeal, prejudice to the other party and the potential merit of the appeal. Given his counsel's letter, it appears that the appeal can move forward now.

Reasons for the Request:

Ground 1: Reason for the Delay:

This is a complex and unusual matter. I have worked diligently on the Factum, without stop, but question whether I can meet the November 20, 2025 with a concise, simplified, cogent Factum. For the Court of Appeal to have a full picture, consideration of an extensive Court record is required, not just this Action but 3 other related Actions. The intertwined law and facts are complex, dense and enmeshed. My challenge, as Appellant is to tease out what is material in the actions to assist the Appeal issue, which is whether the unconstitutional discrimination within the 1985 Trust beneficiary definition, repeatedly found to violate the Charter, prohibits distribution of Trust assets to certain beneficiaries.

The Decision under Appeal says the Trustees may distribute. To distribute, Trustees must be able to properly identify the beneficiaries which is complicated by changes to the relevant legislation. Unthreading material information to place before the Court of Appeal from the voluminous record is very time consuming. I need further time to extract and build an Extract of Key Evidence.

Further, the law is also complex, dense and frankly staggering. The beneficiary definition applies repealed rules and supporting tools in the Indian Act, 1970. Parliament has amended the Indian Act to remove discrimination 6 times, and is currently addressing a 7th round of amendments. In my Brief before the lower Court, the narrative explaining the Legislative History, including Charter challenges, required 30 pages. I am currently building what I estimate to be a 3 page Timeline condensing this history and context.

The Trust is a sui generis Trust. The law regarding sui generis is also complex.

Ground 2: Prospects of Moving Ahead with the Appeal

I will finish my Factum. All the parties are moving on the basis of the Appeal. The Sawridge First Nation has filed an application to be added as an Intervener. That application will be heard November 25, 2025. I do not believe the extension will delay scheduling the hearing.

Ground 3: Prejudice to the Other Party

I can see no prejudice to the Trustees.
I am a party.
I am a beneficiary of both Trusts.
I have standing including the right of Appeal.
I can raise issues germane to the Appeal issue.
To determine the Appeal, the Court of Appeal requires full sight.

Ground 4: Potential Merit of the Appeal

I believe the Appeal has merit. If I did not so believe, I would not file an Appeal. The Grounds for Appeal are:

A. Failing to consider pertinent facts, context and law and correctly characterize the *sui generis* nature of the 1985 Sawridge Trust;

- B. Incorrectly applying the law pertaining to private trusts to the 1985 Sawridge Trust;
- C. Incorrectly construing the discrimination caused by the terms of the 1985 Sawridge Trust, which has continuing and renewed effects for the entire duration of the trust;
- D. Ratifying the gender and related discrimination incorporated in the 1985 Sawridge Trust's beneficiary definition comprised of unconstitutional and repealed provisions of the Indian Act, 1970, contrary to public policy and human rights freedoms and protections;
- E. Misapprehending the "*judgement call and discretion*" actually exercised by Trustees in their selective application of the discriminatory rules, further compromised by the repeal of Indian Act provisions that operated in conjunction with the repealed discriminatory rules;
- F. Incorrectly finding that the Trust "*names people such that they have a beneficial interest*" when the Trustees, for 40+ years, failed to cause a fair, competent, objective identification of beneficiaries consistent with due process;
- G. Failing to consider pertinent facts, context and law leading to an incorrect finding that the Sawridge Trust does not perform a government function or a function related to government, which would effectively allow a public body to use a private trust to engage in illegal discrimination;
- H. Enabling the wrongful appropriation of First Nation wealth to benefit persons who are not Indians and Sawridge members while excluding some 75% of current Sawridge Band members as beneficiaries;
- I. Such further and other matters as shall be raised at the hearing of this appeal.

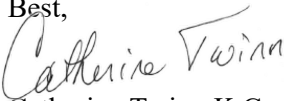
Based on the numerous grounds, the facts and the application of the law on several fronts, including Trust Law, Constitutional Law and Common Law Decisions relating to First Nations, I will be inviting the Court to grant this appeal.

The Ask:

I am requesting:

- a. A 14-day extension of the filing deadline from November 20, 2025, to December 4, 2025. I believe this will enable me to compress facts and law cogently for the Court and assist the Respondents in their Reply.
- b. An extension of the Factum page length from 12 pages to 30 pages, for the reasons stated above.

Best,


Catherine Twinn K.C.

cc. Respondents via email
Sawridge First Nation via email