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File No.: 551860-1

VIA EMAIL: bobbi.mcdevitt@albertacourts.ca

Attention: Bobbi Jo McDevitt, LL.B., Case Management Officer

Alberta Court of Appeal
Registrar's Office
Law Courts Building
1A Sir Winston Churchill Square
Edmonton, AB T5J 0R2

RE: Catherine Twinn (A) v Roland Twinn (R), et al.
Appeal No. 2503-0193AC
Response to Request of the Appellant for Extension of Filing Deadline and Increase in Page Limit

We write on behalf of the Respondents, Roland Twinn, Tracey Scarlett, Roy Twinn, Jonathon Potskin, and Bonnie Blakley as Trustees for the 1985 Sawridge Trust (the "**Sawridge Trustees**"), in response to the application of Ms. Catherine Twinn K.C. ("**Ms. Twinn**") dated November 17, 2025. We note that, while Ms. Twinn is self representing, she is a practicing lawyer with access to the resources of her firm TP Law.

Ms. Twinn appears to be requesting that the Court exercise its discretion pursuant to Rules 1.4(2)(h) and 13.5(2) of the *Rules of Court*, Alta Reg 124/2010 (the "**Rules**"). She has asked that her page count be increased from 12 pages to 30 pages and that she be given an extension of time to file her factum. The Sawridge Trustees note that Ms. Twinn does not appear to be challenging the direction of the Case Management Officer (the "**CMO**") that the within appeal be designated as a "fast track appeal".

For the reasons outlined within and recognizing that neither the CMO specifically nor the Court generally is bound by the parties' consent, the Sawridge Trustees consent to Ms. Twinn's request that she be permitted to file her materials on December 4, 2025. However, the Sawridge Trustees respectfully request, in keeping with the spirit of the fast track appeal provisions, that the CMO still require all Respondents (and any intervenors that may be granted status) to file their material on or before December 22, 2025 as expected.

However, the Sawridge Trustees oppose Ms. Twinn's request to increase the page limit of her factum to 30 pages as such an increase is not in keeping with the spirit of the rules governing "fast track appeals". There is no doubt that this Appeal is a fast track appeal given the clear language used in Rule 14.14(1) of the Rules: "appeals from a decision...that does not finally determine all or some significant part of the substantive rights in issue". Ms. Twinn's desire for an added page count based purely on the vague notion of complexity is, respectfully, not supported. She has not demonstrated why the Court's direction with respect to civil fast track appeal page limits ought not to be honored.

Ms. Twinn's appeal is an appeal of a straight forward interlocutory application that is simply the first step in a multi-step application brought by the Sawridge Trustees and, therefore, it lends itself to the purpose of a fast track appeal. The Sawridge Trustees and the Court have both acknowledged that the issue that was

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decided by Justice Little is simply a “threshold issue”. Further, the question is one of law with very limited case law jurisprudence and, therefore, an increased page count is unnecessary. Ms. Twinn, in the Court below, filed a brief with hundreds of pages of historical information and review of historical discrimination which was irrelevant to the question before the Court. In the interest of the best use of Court resources and in the interests of the costs of this litigation to the beneficiaries, we submit that a short factum forces the parties to focus on the strict legal question before the Court.

Further, Ms. Twinn has not canvassed the prejudice that the other parties might incur as a result of her request for an increased page limit. She has simply stated that they will not be prejudiced. However, if Ms. Twinn is granted her request to increase the page limit, she will prejudice the Sawridge Trustees and the beneficiaries of the Sawridge Trust. The Sawridge Trustees are required not only to pay for their own legal fees in addressing this Appeal, but also the legal fees of the OPGT. These fees are paid from the funds forming the Sawridge Trust. Both Respondent parties will be required to review and respond to additional pages of material without any substantive reason as to why such added expense is necessary. This cost burden will fall solely on the Sawridge Trustees and will accordingly further deplete the 1985 Sawridge Trust assets. In addition, Ms. Twinn may take the position that this Appeal must be heard and determined before any other matter can proceed, which will delay the final determination of this very lengthy litigation.

Additionally, Ms. Twinn has not discussed the potential merits or prospects of success of her Appeal. She has only restated her grounds of appeal. The Sawridge Trustees argue that Justice Little’s reasons in *Twinn v Alberta (Public Trustee)*, 2025 ABKB 507 were sound. He determined that the 1985 Sawridge Trust was a private trust based on current trust law and relied on applicable precedent (*Taylor et al v Ginoogaming First Nation*, 2019 ONSC 328) to conclude that this Trust was capable of distributions notwithstanding its discriminatory nature.

The Sawridge Trustees submit that Ms. Twinn has not met the test in *Keef v Peters*, 2015 ABCA 16 to allow for her to receive an extension on filing her factum or receive a page increase. Despite that, the Sawridge Trustees would consent to Ms. Twinn receiving an extension to December 4, 2025 while not receiving an increase in allowable pages, and thereby allowing the Respondents to meet their December 22, 2025 deadline to file their factum and keep this Appeal on the fast track timeline.

The Sawridge Trustees would be happy to supplement their position as necessary.

Yours truly,

Dentons Canada LLP



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MSS/ms

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for / Doris Bonora, K.C.

cc: Catherine Twinn, K.C., TP Law – Appellant
Janet Hutchison, Hutchison Law and P. Jonathan Faulds, K.C., Field LLP – Respondent (OPGT)