

Action No.: 1103-14112
E-File Name: CVK25SAWRIDGE
Appeal No.: _____

IN THE COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE OF CALGARY

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")

P R O C E E D I N G S

Calgary, Alberta
November 27, 2025

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1 Proceedings taken in the Court of King's Bench of Alberta, Courthouse, Calgary, Alberta

5 November 27, 2025

Morning Session

7 The Honourable Justice J.S. Little
8 (remote appearance)

Court of King's Bench of Alberta

10 C. Osualdini (remote appearance)

For Sawridge First Nation and Chief Isaac
Twinn

12 D.C. Bonora, KC (remote appearance)

For Sawridge Trustees

13 M.S. Sestito (remote appearance)

For Sawridge Trustees

14 J.L. Hutchison (remote appearance)

For Office of the Public Guardian and Trustee

15 (No Counsel)

For C. Twinn (remote appearance)

16 P. Lorenz

Court Clerk

20 MR. SESTITO:
21 RECORDED) Sir.

(PORTION OF PROCEEDINGS NOT

23 THE COURT:
24 Ray Lamothe (phonetic).

But we're missing James Elan (phonetic) and

26 MR. SESTITO: So -- so this is on 1103, the -- not the 2503
27 action, so Mr. Elan and -- and (INDISCERNIBLE) parties to this action. This is --

29 THE COURT: Okay. So that's part of -- part of the confusion.
30 Okay. So it -- it's Justice Little, and I've got a number of the parties in my office. This
31 was scheduled originally I believe for October 24 in -- or at least out of Calgary. That
32 was a week that I was scheduled to be in Calgary but I was sent to Red Deer instead. But
33 I think even before that it was adjourned to today's date.

35 Is that accurate?

37 MR. SESTITO: Not -- not entirely. I had more time to think
38 about it (INDISCERNIBLE) the October date was on the 2503 action. This was always
39 scheduled for the 1103 action. There may have been some mix up in -- in what
40 (INDISCERNIBLE) --

1 THE COURT: Yeah.

2

3 MR. SESTITO: -- that may be the source of some confusion, I'm
4 -- I'm not sure.

5

6 THE COURT: Well, I think that's probably right because in
7 Calgary it's the 1103 action. That's what it's scheduled for.

8

9 MR. SESTITO: Yes. And that's what we're --

10

11 UNIDENTIFIED SPEAKER: (INDISCERNIBLE) --

12

13 MR. SESTITO: -- doing today (INDISCERNIBLE) yes.

14

15 THE COURT: Oh, well, then we're good.

16

17 MR. SESTITO: Yes.

18

19 THE COURT: Okay. Having said that, I'm completely ill-
20 equipped to deal with anything of substance because I do have the correspondence that I
21 received from you and from Mr. Elan but I probably confused the 2 (INDISCERNIBLE)
22 because I've got your October 22 matter.

23

24 **Submissions by Mr. Sestito**

25

26 MR. SESTITO: On the 2503 (INDISCERNIBLE) --

27

28 THE COURT: So --

29

30 MR. SESTITO: -- (PORTION OF PROCEEDINGS NOT
31 RECORDED) addressed to you. Generally speaking, the form of order, the substantive
32 paragraph at paragraph 1, Ms. Twinn wanted to have references -- the Sawridge trustees
33 believe that those references were not findings of fact made in your decision so they
34 would recommend that the form of order be signed as is presented to you, but I'll let Ms.
35 Twinn address her concerns.

36

37 THE COURT: Okay (INDISCERNIBLE) --

38

39 **Submissions by Ms. Twinn**

40

41 MS. TWINN: (INDISCERNIBLE) for the benefit of the clerk,

1 can you hear me?

2
3 THE COURT CLERK: Yes.

4
5 MS. TWINN: Okay. My name is Catherine Twinn, and I'm
6 self-represented and I have a comment about the form of order. Everyone else has agreed
7 to it but me, and words that I would like to see entered into the first paragraph which
8 begins:

9
10 Notwithstanding that the definition of "Beneficiary" set out under
11 the 1985 Trust is discriminatory --

12
13 And the words I wish to add are 'and excludes upwards of 75 percent of the members'.
14 So there would be that binder addition. Everything else is fine.

15
16 The reason I want those words added is that that was the evidence in this application, and
17 all of the court documents are posted on the Sawridge Trust's website under court
18 documents. And persons who are members of the Sawridge First Nation monitor that
19 website, and I think it's important to be as accurate and forthcoming as possible so they
20 understand and don't get lost in the legalese. So really it's consideration of the reader.
21 Thank you.

22
23 THE COURT: Thank you. Mr. Sestito, did you want to
24 respond?

25
26 **Submissions by Mr. Sestito (Reply)**

27
28 MR. SESTITO: Yeah. I'll -- what I'll say, Sir, is broadly
29 speaking I don't know (INDISCERNIBLE) that the percentage -- the exact percentage
30 was 75 percent. The reason for the wording, and I'll -- I'll hand up a copy of your
31 decision, and I'm sorry I -- I didn't actually bring many additional copies but it's --

32
33 THE COURT: (INDISCERNIBLE) experts
34 (INDISCERNIBLE) --

35
36 MR. SESTITO: (INDISCERNIBLE) counsel share
37 (INDISCERNIBLE) if you look at paragraph 5 of your decision you are -- you're citing in
38 part the relief that was sought by the applicants, and at paragraph 3 that's the subject
39 matter of course of your decision.

40
41 I was simply parroting the words from the relief that we sought, which in the conclusion

1 of your decision I believe it's the relief that you granted which is the wording in
2 paragraph 1 of the proposed form of order. I don't see anywhere in the decision, and I'm
3 happy to have Ms. Twinn point me to it, where you come to the finding of fact on the 75
4 percent issue, and that's the reason we didn't think it was appropriate.

5
6 THE COURT: (INDISCERNIBLE) and -- and it may go in a
7 different place, Ms. Twinn. My thinking is as a (INDISCERNIBLE) I wonder if
8 paragraph 1 can be then to say:

9
10 Notwithstanding that the definition of "Beneficiary" set out under
11 the 1985 Sawridge Trust is discriminatory, and includes certain
12 non-members of the Sawridge First Nation --

13
14 And may exclude upwards or up to 75 percent of members --

15
16 MS. TWINN: May -- may exclude upwards of 75 percent.

17
18 THE COURT: Okay.

19
20 MS. TWINN: I'd be fine with that. I just want the people who
21 are not lawyers to be able to understand, and it's very difficult for them to understand
22 what is going on in this action.

23
24 THE COURT: I (INDISCERNIBLE) --

25
26 **Submissions by Ms. Bonora**

27
28 MS. BONORA: (INDISCERNIBLE) there is an issue in the
29 sense of we don't (INDISCERNIBLE) in our submissions, and we don't think it's
30 substantiated in any way, so that then causes some difficulty to have the
31 (INDISCERNIBLE) put on the record because we don't agree that (INDISCERNIBLE)
32 is.

33
34 Essentially, the -- the whole issue of who are the members and who are the beneficiaries
35 is still in dispute (INDISCERNIBLE) or in the process (INDISCERNIBLE). I don't think
36 that should be -- sorry, I don't think it should be in the order since it wasn't
37 (INDISCERNIBLE).

38
39 THE COURT: Well, but what if -- and again I'm just looking
40 for an accommodation that doesn't change the substance. Because we say it includes
41 certain non-members, what if it were to say 'and excludes certain members of the

1 Sawridge First Nation?

2
3 UNIDENTIFIED SPEAKER: We would --

4
5 THE COURT: In other words, we're not putting a percentage to
6 it, Ms. Twinn, but it's consistent with saying we're excluding certain non-members.
7 We're not giving a percentage there, and if we say -- or sorry, we're saying it includes
8 certain non-members but we're not putting a percentage, and if we were to parallel that
9 and say it excludes certain members of the Sawridge First Nation.

10
11 **Submissions by Ms. Twinn (Reply)**

12
13 MS. TWINN: So how would it just (INDISCERNIBLE) --

14
15 THE COURT: (INDISCERNIBLE) --

16
17 MS. TWINN: -- well how would it read exactly?

18
19 THE COURT: It would read as follows:

20
21 Notwithstanding that the definition of "Beneficiary" set out under
22 the 1985 Sawridge Trust is discriminatory, and includes certain
23 members of the Sawridge First Nation --

24
25 Did I say, "includes"?

26
27 -- includes certain non-members of the Sawridge First Nation and
28 may exclude certain members of the Sawridge First Nation, the
29 Trustees may proceed to make distributions to the beneficiaries --

30
31 And so on.

32
33 MS. TWINN: I think that's helpful, and I can -- I can live with
34 that.

35
36 THE COURT: (INDISCERNIBLE) --

37
38 MS. TWINN: I -- I don't want to argue about the upwards of
39 75 percent, and beneficiary identification is a huge problematic issuing coming to you.

40
41 THE COURT: Yeah. And -- but -- but that leaves it wide open

1 but it's consistent with what's there.

2
3 MS. TWINN: Yeah. It's -- it's --

4
5 THE COURT: Okay.

6
7 MS. TWINN: -- uncontested evidence though, Sir. It was in
8 the affidavit of (INDISCERNIBLE) Twinn, and after I read that affidavit -- until then I
9 had no -- no understanding or knowledge of the scope and scale and the impact. And
10 then I started myself looking through, and -- and I -- I concur with that number. It's huge.

11
12 THE COURT: Well -- okay. But regardless of what the
13 number is, if we made it plain here that it includes certain non-members and excludes the
14 members, then that gives you scope to make that argument.

15
16 MS. TWINN: I will -- I will live with that.

17
18 THE COURT: Okay.

19
20 MS. TWINN: I think the people need to understand that the
21 Court decision really means to them.

22
23 MR. SESTITO: So -- so just to -- I'll -- I'll read it into the record
24 and then we'll prepare --

25
26 THE COURT: Sure.

27
28 MR. SESTITO: -- (INDISCERNIBLE) form, circulate it for
29 consent, and then send it --

30
31 THE COURT: Yeah.

32
33 MR. SESTITO: -- to you for your signature. The paragraph 1
34 will now read, in part:

35
36 Notwithstanding that the definition of "Beneficiary" set out under
37 the 1985 Sawridge Trust is discriminatory, and includes certain
38 non-members of the Sawridge First Nation and may exclude
39 certain members of the Sawridge First Nation --

40
41 And then the balance will read as has been presented. I'll generate (INDISCERNIBLE)

1 for your --

2
3 **Decision**

4
5 THE COURT: (INDISCERNIBLE) yeah, that's fine. I made
6 some notes but it's better to have a form of order (INDISCERNIBLE) chicken scratch I'm
7 (INDISCERNIBLE).
8

9 MR. SESTITO: And for the sake of madam clerk, there was
10 another voice that was providing submissions on behalf of the Sawridge Trustee, and that
11 was Ms. Doris Bonora, KPMG Law.
12

13 THE COURT: Thank you, Mr. Sestito.
14

15 **Discussion**

16
17 MR. SESTITO: Okay. So our second item of business, and --
18 and I should have -- I should have actually led a small housekeeping matter, Sir. We had
19 discussed this at a previous case management meeting but I -- I take it you have no
20 concerns if we carry on with practice of ordering the transcript, providing the copy of the
21 transcript to all of the parties, in this case (INDISCERNIBLE) and a copy to yourself. I
22 take it we can carry on doing that?
23

24 THE COURT: That's fine, yeah.
25

26 MR. SESTITO: Perfect.
27

28 THE COURT: (INDISCERNIBLE) --
29

30 MR. SESTITO: So the second item that we have today, Sir, is
31 with respect to next steps. We have discussed among the parties, and we have a broad
32 agreement. I don't think I'll hand up the form of order because it needs some additional
33 work. I'll just walk you through what we're proposing to do next.
34

35 So as you know, and you noted in your decision, the Sawridge trustees have brought a
36 multi (INDISCERNIBLE) application dated June 28th, 2024, and it was our intention to
37 have the application heard in stages. The next stage to be heard because we have
38 (INDISCERNIBLE) presented is subparagraphs (a) and (c) from the
39 (INDISCERNIBLE); (a) being an order confirming the validity of the 1985 Sawridge
40 trust, and (c) being an order approving the distribution proposal to be submitted by
41 Sawridge trustees.

1
2 Our proposal is to have both of those issues heard before Your Lordship. I don't think
3 there are any concerns (INDISCERNIBLE) and -- and the -- the potential intervenor on
4 having those heard together. The one (INDISCERNIBLE) may be aware of the threshold
5 decision (INDISCERNIBLE) before the Court of Appeal. We're hopeful that we can,
6 notwithstanding that, attempt to predict (INDISCERNIBLE) Court of Appeal and set a
7 date with you (INDISCERNIBLE) anticipate receiving a decision from the Court of
8 Appeal such that we will have the benefit of that decision (INDISCERNIBLE) look at
9 those other 2 items.

10
11 So our proposal would be to book a full day hearing with you (INDISCERNIBLE) late in
12 2026 such that it will permit the parties to receive the decision of the Court of Appeal.
13 Potentially (INDISCERNIBLE) change of course what the -- the applicants end up doing,
14 depending on what the Court of Appeal says, but if all carries on (INDISCERNIBLE)
15 propose to do it we would then have a full day hearing, and build some schedule from
16 that hearing date.

17
18 We would propose that the Sawridge First Nation or any other intervenor that would wish
19 to intervene (INDISCERNIBLE) propose they would intervene within 45 days from the
20 date that we would propose to have the (INDISCERNIBLE) material filed to the
21 (INDISCERNIBLE).

22
23 The applicants would then provide their material 6 weeks (INDISCERNIBLE) date of
24 whatever (INDISCERNIBLE) we're able to get. The respondents, which would be in this
25 case the OPGT and (INDISCERNIBLE) plus any intervenors contemplating the
26 Sawridge First Nation in that case, would provide their written brief within 3 weeks of
27 the date of the application.

28
29 And then if there is any reply the applicants would, within 2 weeks of the date of the
30 application, provide any limited reply. And we would build into the consent order ability
31 of any of us to adjourn the matter in the event that we are not (INDISCERNIBLE) the
32 Court of Appeal will have rendered its decision, or in the event as applicants of the Court
33 of Appeal decision changes the relief that we wish to seek (INDISCERNIBLE).

34
35 One -- one thing we all want to avoid of course (INDISCERNIBLE) we -- we image the
36 Sawridge First Nation (INDISCERNIBLE) will want to apply for intervenor status. We
37 don't want them to apply and then it be (INDISCERNIBLE) application that ends up
38 being moot because of whatever the Court of Appeal ends up doing, so we want to make
39 sure that there is an ability for the Sawridge First Nation, or any other of us, to
40 (INDISCERNIBLE) so to speak.

1 That in the event they may need to adjourn things and provide more time, we want the
 2 Sawridge First Nation (INDISCERNIBLE) the Court of Appeal decision and the
 3 application, and the landscape as it exist at that time, to then apply if they so choose
 4 (INDISCERNIBLE) status.

5
 6 My hope is that the parties can all consent based on the (INDISCERNIBLE) set in this
 7 case (INDISCERNIBLE) and of course (INDISCERNIBLE) whatever reason this
 8 application required on intervention, we'll build enough time so that that can be heard
 9 (INDISCERNIBLE) by you in -- in morning chambers.

10
 11 So that's -- that's the proposal generally speaking. We've spoken; there is general
 12 agreement to this proposal. We just need to make sure that all of the parties are not stuck
 13 to committing to a process without due consideration of the Court of Appeal's anticipated
 14 decision.

15
 16 THE COURT: Have you sought or received an expected appeal
 17 (INDISCERNIBLE)?

18
 19 MR. SESTITO: I -- I should have. It is fast tracked.

20
 21 THE COURT: Okay.

22
 23 MR. SESTITO: At this point, as I understand it, the earliest that
 24 we will be heard is in March. It is subject to change (INDISCERNIBLE) will be finished
 25 I believe by mid-January (INDISCERNIBLE) CMO (INDISCERNIBLE) earliest sitting
 26 at this point of the -- of the (INDISCERNIBLE) is in March.

27
 28 So we're -- we're anticipating that (INDISCERNIBLE) may not be able to get dates
 29 together and (INDISCERNIBLE) anticipate getting a decision. We will likely not book
 30 anything (INDISCERNIBLE) but, as you'll appreciate for scheduling, we require a case
 31 management order directing us to book a full day hearing in order to get that date.

32
 33 THE COURT: Yeah. No, your proposal sounds
 34 (INDISCERNIBLE) --

35
 36 MR. SESTITO: (INDISCERNIBLE) true to the
 37 (INDISCERNIBLE) hearing.

38
 39 MS. OSUALDINI: This is Ms. Osualdini for the Sawridge First
 40 Nation. And I echo my friend's comments, and thank you for that.

41

1 I would just add to the record that it is very important to us, or rather to my client, that we
2 are able to have sufficient time to address the ramifications of the Court of Appeal
3 decision, and take -- and have sufficient time to take appropriate steps as an intervenor, as
4 a (INDISCERNIBLE) intervenor in the King's Bench action.

5
6 We were before the Court of Appeal yesterday and were granted intervenor status on the
7 appeal, and Justice Woolley who heard our intervenor application didn't vacate
8 (INDISCERNIBLE) there were issues of national importance on the appeal. So it's very
9 important to us time is given to address the outcome of the appeal.

10
11 Those are the only concerns that we have in terms of scheduling in the King's Bench, is
12 this -- this matter is in a state of flux (INDISCERNIBLE).

13
14 THE COURT: And all of that is acknowledged, but again I
15 can't (INDISCERNIBLE) the Court of Appeal. It goes the other way.

16
17 But if -- if you are heard in March, I think that by May or June (INDISCERNIBLE)
18 likely to have something from them. Summer scheduling is potentially problematic, so
19 you probably are looking at something like September but I think if you set out as you
20 suggested the -- that format, and if you need to tinker with the time that the intervenors
21 might need that's probably (INDISCERNIBLE). Yes.

22
23 MS. HUTCHISON: (INDISCERNIBLE) just to put on the record,
24 Janet Hutchison for the OPGT. We're supportive of the proposed form of order. I think
25 (INDISCERNIBLE) on the June 28th, 2024 application moving forward.

26
27 THE COURT: (INDISCERNIBLE) --

28
29 MS. TWINN: And Catherine Twinn. Just so it's clear what
30 my understanding is, that we -- there will be the intention (INDISCERNIBLE) is to bring
31 the validity issue, your number 1 issue in your multi-step process. Correct?

32
33 MR. SESTITO: Yes. Again that's the relief in paragraph (a)
34 confirming the validity of the 1985 Sawridge Trust to be 1 of the 2 subject matters that
35 we would like the Court to deal with next pending appeal of the (INDISCERNIBLE).

36
37 THE COURT: Okay.

38
39 UNIDENTIFIED SPEAKER: (INDISCERNIBLE) --

40
41 MR. SESTITO: I think that's everything.

1
2 UNIDENTIFIED SPEAKER: Yes.

3
4 THE COURT: Well, in -- in that case (INDISCERNIBLE)
5 thanks, everyone for making this (INDISCERNIBLE) foundation but
6 (INDISCERNIBLE) Mr. Sestito, if you would get a hold of Mr. Elan because his -- his
7 October 27 letter refers to his expectation that I will be (INDISCERNIBLE) matter of
8 substance on November 24th.

9
10 Now, I -- I don't know where the November 24th came from. Is that the one that was
11 adjourned because we've now got --

12
13 MR. SESTITO: Yes (INDISCERNIBLE) --

14
15 UNIDENTIFIED SPEAKER: Maybe I can speak to that (INDISCERNIBLE)
16 applicants on that matter, and that's on the 2503 matter.

17
18 THE COURT: Yeah.

19
20 UNIDENTIFIED SPEAKER: We had (INDISCERNIBLE) sent agreed to
21 have that date released. It was --

22
23 THE COURT: Okay.

24
25 UNIDENTIFIED SPEAKER: -- it was never actually confirmed with the
26 court.

27
28 THE COURT: All right.

29
30 UNIDENTIFIED SPEAKER: And the parties are working through
31 submissions on objections, and there will be some applications on objections that will
32 (INDISCERNIBLE) from (INDISCERNIBLE) trustees and from our office vis-a-vis the
33 former trustee (INDISCERNIBLE).

34
35 THE COURT: Okay. And that's consistent with this letter.
36 He's thinking that there might be an application to compel answers, and stuff.

37
38 UNIDENTIFIED SPEAKER: (INDISCERNIBLE) would be
39 (INDISCERNIBLE) will be open to (INDISCERNIBLE) both ways.

40
41 THE COURT: Okay.

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UNIDENTIFIED SPEAKER: Thank you for accommodating us --

THE COURT: (INDISCERNIBLE) --

UNIDENTIFIED SPEAKER: (INDISCERNIBLE) --

THE COURT: Thank you -- thank you, madam clerk. We're
adjourned. Thank you very much.

PROCEEDINGS ADJOURNED

Certificate of Record

I, Paula Lorenz, certify that the recording herein is the record of the oral evidence of these proceedings held in the Court of King's Bench, in Calgary, Alberta, on November 27th, 2025, and that I was the court official in charge of the sound-recording machine during the proceedings. This matter was recorded in physical courtroom 1103.

1 **Certificate of Transcript**

2
3 I, Sue Kranz, certify that

4
5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the
6 best of my skill and ability and the foregoing pages are a complete and accurate transcript
7 of the contents of the record, and

8
9 (b) the Certificate of Record for these proceedings was included orally on the record and
10 is transcribed in this transcript.

11
12 Digi-Tran Inc.

13 Order Number: TDS-1098709

14 Dated: December 4, 2025
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