

COURT FILE NUMBER 2103 15188
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
APPLICANT BEAVER LAKE CREE NATION, by its CHIEF and COUNCIL
RESPONDENT JOHN DOE and JOHN DOE 2
DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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File No.: 65,242-002 MAP

DATE ON WHICH ORDER WAS PRONOUNCED: November 2, 2021, at Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Mr. Justice K.S. Feth

ORDER

UPON THE APPLICATION of the Applicant, Beaver Lake Cree Nation, by its Chief and Council (BLCN) for interlocutory injunctive relief; AND UPON NOTING that injunctive relief was previously granted on an interim, interlocutory basis and that notice of the Court's previous interim, interlocutory Order was given to potentially affected persons; AND UPON the interim, interlocutory Order coming before this Court for a *de novo* review; AND UPON reading the Affidavit of Chief Germaine M. Anderson, filed; AND UPON reading the Supplemental Affidavit of Germain Anderson, filed; AND UPON reading the Affidavit of Councilor Felix Lewis; AND UPON reading the Affidavit of Jolene Anderson; AND UPON NOTING the Undertaking as to Damages, filed; AND UPON hearing the submissions of counsel for the BLCN and from counsel for the Royal Canadian Mounted Police (RCMP) and counsel for Kurtis Gladue, a potentially

affected person; AND UPON HEARING from Vernon Gladue and Evan Cardinal, who are potentially affected persons; AND UPON NOTING that a protest teepee has been erected on the lands of the BLCN Reserve (the “Lands”);

IT IS HEREBY ORDERED THAT:

1. In this Order, “Authorized Persons” include Chief Germaine Anderson, Councilor Charlene Cardinal, Councilor Shirley Paradis, Councilor Felix Lewis, as well as employees, staff and contractors of the BLCN, and all members of the RCMP.
2. The Authorized Persons or their agents are empowered to change any locks to any buildings administered by the Authorized Persons. For clarity, such buildings include the Band Administration Office, the Community Hall, the Health Centre, the Treatment Centre, the Public Works Building and the School (collectively referred to as the “Community Buildings”) located on the Lands.
3. All individuals present on the Lands, other than Authorized Persons, are hereby temporarily enjoined, restrained and prohibited from:
 - a. Impeding the activities of Authorized Persons to change locks as set out in article 2 of this Order.
 - b. Changing any locks to any buildings on the Lands administered by the Band Council, or instructing others to change any locks, to the Community Buildings.
 - c. Harassing, preventing, interfering with or obstructing any individual from accessing any of the Community Buildings.
 - d. Approaching any individual within 50 metres of a Community Building to discourage any individual from entering, remaining in or returning to any Community Building.
 - e. Interfering with the provision of any and all services provided or administered

by the Chief and Council on the Lands, including emergency and non-emergency services.

- f. Harassing, preventing, interfering with or obstructing any of the Authorized Persons from discharging their duties and obligations towards the provision of any and all services on the Lands.
 - g. Damaging, defacing or erecting signage on any Community Building.
 - h. Occupying any Community Building, except for the use of services customarily available for members of the BLCN, in that building at that time, or as otherwise permitted by Chief and Council.
 - i. Approaching within 25 metres of any residential dwelling of Chief Germaine Anderson, Councilor Charlene Cardinal, Councilor Shirley Paradis or Councilor Felix Lewis without the consent of that person.
4. Any member of any Police Service, as defined in the *Police Act*, RSA 2000, c P-17, or any peace officer as defined in the *Criminal Code*, RSC 1985, c C-46 (collectively, "Law Enforcement") and anyone necessary to assist Law Enforcement, may ensure compliance with this Order, including by removing any person from the Lands, arresting or detaining them. A member of Law Enforcement may use reasonable force to ensure compliance with this Order.
5. Any member of Law Enforcement who arrests, detains, or removes any person pursuant to this Order (hereinafter, the "Offending Party"), is authorized to:
- a. bring the Offending Party, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta, and the Offending Party will be required to show cause or reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Court of Queen's Bench; or
 - b. release the Offending Party from arrest or detention upon that person agreeing in writing to undertake both:

- i. to appear in person before a Justice of the Court of Queen's Bench of Alberta at such a time and place as may be fixed for the purpose of being proceeded against for contempt of court, or for fixing a date for such a proceeding; and,
 - ii. to obey this Order.
6. Prior to a member of Law Enforcement arresting, detaining or removing a person as contemplated by this Order, a member of Law Enforcement will ensure that the person has received notice of the Order. A person shall be deemed to have notice of this Order if that person is shown a copy of the Order or if it is read to them.
7. The RCMP are hereby authorized to facilitate the implementation of this injunction, as follows:
 - a. The RCMP may deliver a copy of this Order to any person who requests or inquires as to the authority of the RCMP to give effect to this Order;
 - b. The RCMP may supervise the return and/or replacement of all locks changed on or removed from Community Buildings at the Lands, including without limitation the Band Administration Office.
 - c. The RCMP may direct the dispersal of any person or persons at the Lands who violates the provisions of this Order.
8. Any member of the BLCN potentially affected by this Order may secure copies of the filed Statement of Claim, Application, Undertaking as to Damages, and Affidavits in support, by making a written request of the BLCN, care of its legal counsel whose address and contact information are stated above.
9. The BLCN shall serve a copy of this Order on Vernon Gladue, Evan Cardinal, and at least one occupant of the protest teepee, and a copy of this Order shall be prominently posted:
 - a. To a door to each Community Building;

- b. The door of the residence on the Lands of each Band Council member, unless the member elects otherwise; and
 - c. On the BLCN website.
- 10. It is not a violation of this Order for any individual to engage in lawful and peaceful protest so long as that activity complies with the balance of the provisions of this Order and the BLCN's laws, bylaws, policies and procedures.
- 11. A lawful petition may be peacefully circulated on the Lands, so long as that activity complies with the balance of the provisions of this Order.
- 12. Attendance at any hearing of the BLCN's Election Appeal Tribunal is not a violation of this Order, if that attendance complies with the BLCN's custom election law and directions from the Election Appeal Tribunal.
- 13. Any person affected by this Order may apply to amend, vary or terminate this Order, on notice. Notice shall consist of not less than 5 days' notice to Chief and Council of the BLCN, care of counsel for the BLCN whose address for service is stated above or at an address for service as otherwise posted on the BLCN website.
- 14. The BLCN, by its Chief and Council, may apply to amend, vary or terminate this Order after providing not less than 5 days' notice to each of the following:
 - a. the BLCN community by posting the notice of application on the BLCN website;
 - b. Vernon Gladue and Evan Cardinal.
- 15. The costs of this Application may be spoken to at a later date.
- 16. Rule 9.4(2)(c) is invoked.



J.C.Q.B.A.