

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

and

**THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
QUEEN IN RIGHT OF ONTARIO**

Defendants

**FOURTH SUPPLEMENTARY MOTION RECORD
OF THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE**
(Motion for Joinder/Intervention)

February 8, 2023

GILBERT'S LLP

125 Queen's Quay East, 8th Floor
P.O. Box 19
Toronto, Ontario M5A 0Z6

Tim Gilbert (LSO# 30665U)
tim@gilbertslaw.ca

Thomas Dumigan (LSO# 74988P)
tdumigan@gilbertslaw.ca

Jack MacDonald (LSO# 79639L)
jack@gilbertslaw.ca

Dylan Gibbs (LSO# 82465F)
dylan@gilbertslaw.ca

Tel: (416) 703-1100
Fax: (416) 703-7422

Lawyers for the Moving Party, the
Haudenosaunee Development Institute

TO: **BLAKE, CASSELS & GRAYDON LLP**
119 Bay Street, Suite 4000
Toronto, Ontario M5L 1A9
Fax: 416-863-2653

Iris Antonios (LSO #56694R)
Tel: 416-863-3349
Email: iris.antonios@blakes.com

Max Shapiro (LSO #60602U)
Tel: 416-863-3305
Email: max.shapiro@blakes.com

Rebecca Torrance (LSO #75734A)
Tel: 416-863-2930
Email: rebecca.torrance@blakes.com

Sheppard, Gregory (LSO #80268O)
Tel: (416) 863-2616
Email: gregory.sheppard@blakes.com

Lawyers for the Plaintiff, Six Nations of the Grand River Band of Indians

AND TO: **DEPARTMENT OF JUSTICE CANADA**
120 Adelaide Street West, Suite 400
Toronto, Ontario M5H 1T1
Fax: (416) 973-2319

Anusha Aruliah (LSO# 45321O)
Tel: (647) 256-0580
Anusha.Aruliah@justice.gc.ca

Michael McCulloch (LSO# 45734C)
Tel: (647) 256-1610
Michael.McCulloch@justice.gc.ca

Maria Vujnovic (LSO# 46758I)
Tel: (647) 256-7455
Email: Maria.Vujnovic@justice.gc.ca

Edward Harrison (LSO# 64416Q)
Tel: (416) 973-7126
Email: Edward.Harrison@justice.gc.ca

Hasan Junaid (LSO# 61890L)
Tel: (647) 256-7395
Email: Hasan.Junaid@justice.gc.ca

Katrina Longo (LSO# 78052H)
Tel: (647) 256-7504
Email: Katrina.Longo@justice.gc.ca

Sarah Kanko (LSO# 81502J)
Tel: (647) 526-4757
Email: Sarah.Kanko@justice.gc.ca

Lawyers for the Defendant, the Attorney General of Canada

AND TO: **CROWN LAW OFFICE - CIVIL**
Minister of the Attorney General
720 Bay Street, 8th Floor
Toronto, Ontario M7A 2S9
Fax: 416-326-4181

Manizeh Fancy (LSO# 45649J)
Tel: 416-578-7637
Email: Manizeh.Fancy@ontario.ca

David Feliciant (LSO # 33249U)
Tel: (416) 605-2538
Email: David.Feliciant@ontario.ca

Shima Heidari (LSO# 68756G)
Tel: (647) 455-5839
Email: Shima.Heidari@ontario.ca

Julia McRandall (LSO# 72964V)
Tel: (416) 571-0742
Email: Julia.McRandall@ontario.ca

Catherine Ma (LSO# 79638P)
Tel: (416) 779-8705
Email: Catherine.Ma@ontario.ca

Lina Chaker (LSO# 81450U)
Tel: (416) 577-3768
Email: Lina.Chaker@ontario.ca

Lawyers for the Defendant, Her Majesty the Queen in Right of Ontario

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

and

**THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
QUEEN IN RIGHT OF ONTARIO**

Defendants

TABLE OF CONTENTS

Tab	Description	Page No.
1	Supplementary Affidavit of Aaron Detlor affirmed February 8, 2023	1
A	Letter from the Haudenosaunee Confederacy to the Mohawk Nation Council of Chiefs, dated February 6, 2023	4
B	Letter from the Haudenosaunee Confederacy to the Oneida Nation Council of Chiefs, dated February 6, 2023	7

Court File No. CV-18-594821

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

and

**THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
QUEEN IN RIGHT OF ONTARIO**

Defendants

SUPPLEMENTARY AFFIDAVIT OF AARON DETLOR
(Affirmed February 8, 2023)

I, AARON DETLOR, of the City of Toronto, in the Province of Ontario, MAKE
OATH AND SAY:

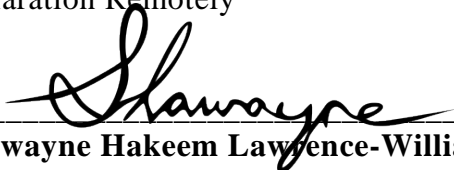
1. I am a *Kanienkehake* (Mohawk) of the Wolf Clan. As a Mohawk, I am a citizen of the Haudenosaunee Confederacy. My English name is Aaron Detlor.
2. I have affirmed a previous affidavit in connection with this litigation, on August 31, 2022. Capitalized terms in this affidavit have the same meaning as my previous affidavit unless otherwise noted.
3. I am informed by Kris Hill that she sent a letter dated February 6, 2023 on behalf of the Haudenosaunee Confederacy to Bula Hill, Administrator for the Mohawk Nation Council of Chiefs, who I am informed by the HDI counsel was a recipient of notice of HDI's motion

pursuant to the order of Justice Sanfilippo, dated September 21, 2022. A copy of this letter is attached as **Exhibit “A”**.

4. I am also informed by Kris Hill that she sent a letter dated February 6, 2023 on behalf of the Haudenosaunee Confederacy to *Sonohse:s* Chief Alfred Day of the Oneida Nation, who I am informed by the HDI counsel was a recipient of notice of HDI’s motion pursuant to the order of Justice Sanfilippo, dated September 21, 2022. A copy of this letter is attached as **Exhibit “B”**.

5. I affirm this affidavit in connection with HDI’s motion for intervention and for no other improper purpose.

AFFIRMED BEFORE ME at the City of)
Toronto, in the Province of Ontario,)
remotely by the affiant stated as being)
located in the City of Toronto, this 8th day)
of February, 2023 in accordance with O.)
Reg. 431/20, Administering Oath or)
Declaration Remotely)



Shawayne Hakeem Lawrence-Williams,)
a Commissioner, etc.,)
Province of Ontario,)
while a Student-at-Law.)
Expires November 7, 2025)



AARON DETLOR

This is Exhibit "A" to the Affidavit of Aaron
Detlor, sworn this 8th day of February, 2023

A handwritten signature in black ink, reading "Shawayne", written over a horizontal line.

Commissioner for Taking Affidavits
Shawayne Hakeem Lawrence-Williams,
a Commissioner, etc.,
Province of Ontario,
while a Student-at-Law.
Expires November 7, 2025



Six Nations "Iroquois" Confederacy
GRAND RIVER COUNTRY

2634 6th Line, R.R. #2, Ohsweken, Ontario N0A1M0

February 6, 2023

Mohawk Nation Council of Chiefs
VIA Box 366
Rooseveltown, NY
13683

We hope this correspondence finds you in good health and spirits.

We are in receipt of a letter dated October 24, 2022 from your council in regards to the intervention of the Haudenosaunee Development Institute (HDI).

The Six Nations Band Administrative Council has brought to the Canadian Court system litigation, which includes a global settlement to the land and rights along the Haldimand track. This action has been brought to our Council on several occasions and options have been discussed at length. We will not stand for extinguishment or surrender of any of our rights.

On April 2, 2022 this Council directed HDI to intervene in the litigation at a duly convened Council. This decision is seen as the best option to ensure the voice of this Council was entered into the record and that we would be heard, without atoning to the jurisdiction of the court.

As part of that action, HDI sent a notice out to all Haudenosaunee communities on September 21st and 22nd, 2022 to advise of the intent to request intervenor status in the action. We understand your letter of October 24th is in response to that notice.

We were shocked that this notice initiated a letter to an outside entity. As a reminder, all decisions of Council are done with the three sides of Council present. The responsibility and obligation of a Chief is to be present at Council when it is called and should a Chief not be able to attend, it is not a bar to the decision making of Council. If a Chief who was not in attendance disagrees with a decision made at Council, the matter may be addressed again at a subsequent Council if there is agreement among the Benches at that Council to reconsider the matter.

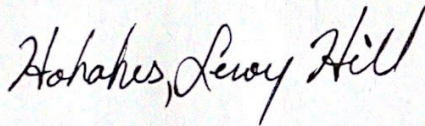
.../2

We continue to hold Council on a monthly basis as best as we are able and would hope that in future your attendance at Council can and will resume. We are strongest when all our families participate.

You have indicated in your letter that you would like to conduct the necessary discussions regarding this matter. We would like to address concerns you may have and invite you to attend our next Council on February 11, 2023 at 10 am. We remind you that when you were stood up you accepted a wampum to attend the Council at Grand River.

We look forward to seeing you there. Should you not be able to attend or send a representative, we will assume that you have explored the issue and are in agreement that the decision of this Council will stand.

In peace and friendship

A handwritten signature in cursive script that reads "Hohahes, Leroy Hill". The signature is written in dark ink and is positioned above the typed name.

Hohahes, Leroy Hill
Council Secretary

This is Exhibit "B" to the Affidavit of Aaron
Detlor, sworn this 8th day of February, 2023

A handwritten signature in black ink, reading "Shawayne", written over a horizontal line.

Commissioner for Taking Affidavits
Shawayne Hakeem Lawrence-Williams,
a Commissioner, etc.,
Province of Ontario,
while a Student-at-Law.
Expires November 7, 2025



Six Nations "Iroquois" Confederacy
GRAND RIVER COUNTRY

2634 6th Line, R.R. #2, Ohsweken, Ontario N0A1M0

February 6, 2023

On^yota a:ka Lotiyaneshu
Southwold P.O.
Southwold, ON
N0L2G0

We hope this correspondence finds you in good health and spirits.

We are in receipt of a letter dated October 24, 2022 from your council in regards to the intervention of the Haudenosaunee Development Institute (HDI).

The Six Nations Band Administrative Council has brought to the Canadian Court system litigation, which includes a global settlement to the land and rights along the Haldimand track. This action has been brought to our Council on several occasions and options have been discussed at length. We will not stand for extinguishment or surrender of any of our rights.

On April 2, 2022 this Council directed HDI to intervene in the litigation at a duly convened Council. This decision is seen as the best option to ensure the voice of this Council was entered into the record and that we would be heard, without atoning to the jurisdiction of the court.

As part of that action, HDI sent a notice out to all Haudenosaunee communities on September 21st and 22nd, 2022 to advise of the intent to request intervenor status in the action. We understand your letter of October 24th is in response to that notice.

We were shocked that this notice initiated a letter to an outside entity. As a reminder, all decisions of Council are done with the three sides of Council present. The responsibility and obligation of a Chief is to be present at Council when it is called and should a Chief not be able to attend, it is not a bar to the decision making of Council. If a Chief who was not in attendance disagrees with a decision made at Council, the matter may be addressed again at a subsequent Council if there is agreement among the Benches at that Council to reconsider the matter.

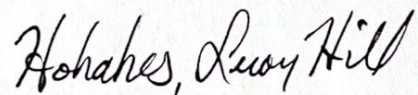
.../2

We continue to hold Council on a monthly basis as best as we are able and would hope that in future your attendance at Council can and will resume. We are strongest when all our families participate.

You have indicated in your letter that you would like to conduct the necessary discussions regarding this matter. We would like to address concerns you may have and invite you to attend our next Council on February 11, 2023 at 10 am. We remind you that when you were stood up you accepted a wampum to attend the Council at Grand River.

We look forward to seeing you there. Should you not be able to attend or send a representative, we will assume that you have explored the issue and are in agreement that the decision of this Council will stand.

In peace and friendship.

A handwritten signature in cursive script that reads "Hohahes, Leroy Hill".

Hohahes, Leroy Hill
Council Secretary

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS
Plaintiff

-and- THE ATTORNEY GENERAL OF CANADA *et al.*
Defendants

Court File No. CV-18-594281

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

SUPPLEMENTARY AFFIDAVIT OF AARON DETLOR

GILBERT'S LLP

125 Queens Quay East, 8th Floor
Waterfront Innovation Centre
Toronto, Ontario M5A 0Z6

Tim Gilbert (LSO# 30665U)

tim@gilbertslaw.ca

Colin Carruthers (LSO# 67699P)

colin@gilbertslaw.ca

Thomas Dumigan (LSO# 74988P)

tdumigan@gilbertslaw.ca

Jack MacDonald (LSO# 79639L)

jack@gilbertslaw.ca

Dylan Gibbs (LSO# 82465F)

dylan@gilbertslaw.ca

Tel: 416.703.1100

Fax: 416.703.7422

Lawyers for the Haudenosaunee Development Institute

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS
Plaintiff

-and- THE ATTORNEY GENERAL OF CANADA *et al.*
Defendants

Court File No. CV-18-594281

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

**FOURTH SUPPLEMENTARY MOTION RECORD OF
THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE**
(Motion for Joinder/Intervention)

GILBERT'S LLP

125 Queen's Quay East, 8th Floor
P.O. Box 19
Toronto, Ontario M5A 0Z6

Tim Gilbert (LSO# 30665U)

tim@gilbertslaw.ca

Thomas Dumigan (LSO# 74988P)

tdumigan@gilbertslaw.ca

Jack MacDonald (LSO# 79639L)

jack@gilbertslaw.ca

Dylan Gibbs (LSO# 82465F)

dylan@gilbertslaw.ca

Tel: 416.703.1100

Fax: 416.703.7422

Lawyers for the Moving Party,
the Haudenosaunee Development Institute