

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE A. A. SANFILIPPO )  
FRIDAY, THE 16TH  
DAY OF SEPTEMBER, 2022

B E T W E E N:

*(Court Seal)*

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

- and -

THE ATTORNEY GENERAL OF CANADA and HIS MAJESTY THE KING  
IN RIGHT OF ONTARIO

Defendants

- and -

THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE (AARON DETLOR AND BRIAN  
DOOLITTLE), AS APPOINTED BY THE HAUDENOSAUNEE CONFEDERACY CHIEFS  
COUNCIL, ON BEHALF OF THE HAUDENOSAUNEE CONFEDERACY

Moving Party

**ORDER**

**THIS CASE MANAGEMENT CONFERENCE**, at which the moving party requested  
an Order to provide notice of a pending motion, was heard this day by videoconference over Zoom.

**ON READING** the materials and on hearing the submissions of counsel for the moving  
party, counsel for the plaintiff, and counsel for the defendants, and on being advised of consent of  
the moving party and the parties by their counsel,

1. **THIS COURT ORDERS** that the Haudenosaunee Development Institute (Aaron Detlor and Brian Doolittle), as appointed by the Haudenosaunee Confederacy Chiefs Council (the “**Moving Party**”) shall, at its cost, promptly provide a copy of (i) the notice attached as Schedule “A” (the “**Notice**”), (ii) its Notice of Motion dated June 10, 2022, (iii) its draft pleading dated September 9, 2022, and (iv) this Order, to the following (in the manner specified for each below) by **September 23, 2022**:

- (a) To the secretary for the Haudenosaunee Confederacy Chiefs Council by email and registered mail, with the request that the secretary send the Notice to all current chiefs and all current clan mothers by email (if any) and mail;
- (b) To the secretary for the Grand Council by email and registered mail, with the request that they send the Notice to all current chiefs and all current clan mothers by email (if any) and mail;
- (c) The following Haudenosaunee Longhouses and Longhouse representatives:
  - (i) Mohawk Nation Longhouse by email to the Longhouse representative, Bula Hill, and by mail to P.O. Box 366, Rooseveltown, New York, 13683-0196;
  - (ii) Oneida Nation Longhouse by email to Longhouse representatives Alfred Day, Howard Elijah, and Robert Brown;
  - (iii) Tonawanda Seneca Longhouse by email to the Longhouse representative, Christine Abrams;
  - (iv) Tuscarora Longhouse by email to Longhouse representatives Thomas Jonathan, Brennen Ferguson, and Renee Rickard and mail to 1954 Mount Hope Road, Lewiston, NY 14092;
- (d) Mohawk Council of Akwesasne at PO Box 90 Akwesasne, QC H0M 1A0 and PO Box 489, Hogansburg, NY 13655, by mail;
- (e) Mohawk Council of Kahnawà:ke at PO Box 720, Kahnawake, QC, J0L 1B0, by mail;
- (f) Mohawks of Kanasatake at 681 Ste-Philomene Street, Kanasatake, QC, J0N 1E0, by mail;
- (g) Mohawks of the Bay of Quinte at 24 Meadow Drive, Tyendinaga Mohawk Territory, ON, K0K 1X0, by mail;

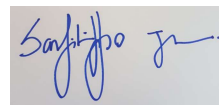
- (h) Mohawks of Wahta at P.O. Box 260, 2664 Muskoka Road, Bala, ON, P0C 1A0, by mail;
- (i) Saint Regis Mohawk Tribe at 71 Margaret Terrance Memorial Way, Akwesasne, NY, 13655, by mail;
- (j) Oneida Nation of the Thames at RR 2, Southwold, ON, N0L 2G0, by mail;
- (k) Cayuga Nation at PO Box 803, Seneca Falls, NY, 13148, by mail;
- (l) Seneca Nation of Indians at 90 Ohi:yo' Way Salamanca, NY 14779 and 12837 Route 438 Irving, NY, 14081, by mail;
- (m) Tonawanda Band of Seneca at 7027 Meadville Road, Basom, NY, 14013, by mail;
- (n) Onondaga Nation at Administration Building 4040, Route 11, Onondaga Nation, Nedrow, NY, 13120, by mail;
- (o) Tuscarora Nation at 5226 Walmore Road, Lewistown, NY, 14092, by mail;
- (p) Delaware-Shawnee at 29 S Hwy 69A, Miami, OK, 74354, by mail; and
- (q) Wyandotte Nation at 8 Turtle Drive, Wyandotte, OK, 74370, by mail.

2. **THIS COURT ORDERS THAT** the Moving Party shall, at its cost, give notice of its motion and this Order to other members of the Haudenosaunee Confederacy by publishing the Notice in the following publications by **September 23, 2022** or as soon thereafter as is possible:

- (a) *Two Row Times*;
- (b) *The Turtle Island News*;
- (c) *Brantford Expositor*;
- (d) *Haldimand Press*;
- (e) *Indian Time*;
- (f) *The Eastern Door*; and
- (g) *Oneida Daily Dispatch*.

3. **THIS COURT ORDERS** that the Moving Party shall provide the parties with proof of the notice required by subparagraphs 1 and 2, above, and file with the Court such proof and copies of the notices published in paragraph 2 above, by **September 30, 2022**.

4. **THIS COURT ORDERS** that any person wishing to participate in the Moving Party's motion shall so advise counsel for the Moving Party by **October 24, 2022**, at the following email addresses: [tim@gilbertslaw.ca](mailto:tim@gilbertslaw.ca), [tdumigan@gilbertslaw.ca](mailto:tdumigan@gilbertslaw.ca), and [dylan@gilbertslaw.ca](mailto:dylan@gilbertslaw.ca).



Digitally signed by Andrew Sanfilippo  
DN: c=ca, st=on, o=Government of Ontario,  
ou=People, serialNumber=DSAP466376,  
cn=Andrew Sanfilippo  
Date: 2022.09.21 14:58:21 -04'00'

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JUSTICE A.A. SANFILIPPO

Dated: September 21, 2022

## SCHEDULE “A”

**NOTICE: Six Nations of the Grand River Band of Indians v Canada (Attorney General) and His Majesty the King in Right of Ontario (Ontario Superior Court of Justice File No. CV-18-594281 [Toronto])**

The Haudenosaunee Development Institute (“HDI”), under the authority and at the direction of the Haudenosaunee Confederacy Chiefs Council (the “HCCC”), has brought a motion to be appointed as a representative of all citizens of the Haudenosaunee Confederacy in respect of litigation commenced by the plaintiff Six Nations of the Grand River Band of Indians against the defendants The Attorney General of Canada and His Majesty the King in Right of Ontario (Ontario Superior Court of Justice Court File No. CV-18-594281 [Toronto], formerly Court File No. 406/95 [Brantford]) (the “**Litigation**”), and seeks to join/intervene as a party in the Litigation.

The Litigation concerns, among other things, rights stemming from the Haldimand Proclamation of 1784 and Simcoe Patent of 1793, and alleges breaches of treaty and fiduciary duty and a failure to account, and seeks remedies including compensation. HDI in its draft pleading seeks, among other things, “a declaration that the Haudenosaunee Confederacy is the collective rightsholder in respect of the rights and interests asserted in the action” by the plaintiff, and that the Six Nations of the Grand River Band of Indians “is not the collective rightsholder”.

HDI seeks to represent and bind all citizens of the Haudenosaunee Confederacy, wherever they are located, and join/intervene as a party in the Litigation in order to represent the interests of the Haudenosaunee Confederacy and its citizens which, HDI submits, are affected by the Litigation. HDI, accordingly, seeks a court order appointing it as a representative of the Haudenosaunee Confederacy in the Litigation. If that order is granted, all decisions and findings in the Litigation will be binding on the Haudenosaunee Confederacy, its Chiefs and Councils, and all its citizens, as will any agreements amongst counsel for the parties in respect of the conduct of the litigation.

Copies of the following court documents are accessible at this URL: <https://www.gilbertslaw.ca/post/CV-18-594281>

1. The parties’ current pleadings;
2. HDI’s motion materials and proposed draft pleading;
3. The order of Justice Sanfilippo dated September 21, 2022 attaching this Notice and the case management endorsement of Justice Sanfilippo dated September 21, 2022.

This motion is expected to be heard in January 2023. For parties looking for more information or who may wish to participate in this motion, please contact HDI’s counsel below no later than **October 24, 2022**:

Tim Gilbert, Gilbert’s LLP ([tim@gilbertslaw.ca](mailto:tim@gilbertslaw.ca), [416-703-1100](tel:416-703-1100), with copy to [tdumigan@gilbertslaw.ca](mailto:tdumigan@gilbertslaw.ca) and [dylan@gilbertslaw.ca](mailto:dylan@gilbertslaw.ca))

SIX NATIONS OF THE GRAND RIVER BAND OF  
INDIANS  
Plaintiff

- and -

THE ATTORNEY GENERAL OF CANADA *et al.*  
Defendants

Court File No.: CV-18-594281-0000

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT BRANTFORD AND  
TRANSFERRED TO TORONTO

**ORDER**

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Lawyers for the Moving Party, the Haudenosaunee Development  
Institute (Aaron Detlor and Brian Doolittle), as appointed by the  
Haudenosaunee Confederacy Chiefs Council