



Court File No. CV-18-594281-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
JUSTICE J. T. AKBARALI)

WEDNESDAY, THE 14TH
DAY OF JUNE, 2023

B E T W E E N:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff (Responding Party)

- and -

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

Defendants (Responding Parties)

- 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

- and -

THE MENS'S FIRE OF THE SIX NATIONS GRAND RIVER TERRITORY

Moving Party (on the HDI Motion)

ORDER

THIS MOTION, made by the Haudenosaunee Development Institute (Aaron Detlor and Brian Doolittle), as appointed by the Haudenosaunee Confederacy Chiefs Council, on behalf of the Haudenosaunee Confederacy, for an order (a) joining the Haudenosaunee Development

Institute (“**HDI**”) as a party in this proceeding pursuant to rule 5.03 of the *Rules of Civil Procedure* or, alternatively, granting leave to HDI to intervene as an added party in this proceeding pursuant to rule 13.01 of the *Rules of Civil Procedure*; and (b) appointing HDI to represent (i) the Haudenosaunee Confederacy Chiefs Council and (ii) all citizens of the Haudenosaunee Confederacy, pursuant to rule 10.01(1) of the *Rules of Civil Procedure*, was heard on May 9 and 10, 2023 at the court house, 330 University Avenue, 5th Floor, Toronto, Ontario, M5G 1R8.

AND THIS MOTION, made by the Men’s Fire of the Six Nations Grand River Territory (“**Men’s Fire**”), for an order (a) granting leave to the Men’s Fire to intervene as an added party in this proceeding on HDI’s motion, pursuant to rule 13.01 of the *Rules of Civil Procedure*; and (b) granting leave to the Men’s Fire to intervene as a friend of this court in this proceeding only if HDI is granted leave to be added as a party, pursuant to rule 13.02 of the *Rules of Civil Procedure*; or (c) granting an invitation to the president judge of the Men’s Fire to intervene as a friend of the court in this proceeding only if HDI is granted leave to be added as a party, pursuant to rule 13.02 of the *Rules of Civil Procedure*, was heard on May 9 and 10, 2023 at the court house, 330 University Avenue, 5th Floor, Toronto, Ontario, M5G 1R8.

ON READING the Notice of Motion, Amended Notice of Motion, Motion Record, Supplementary Motion Record, Second Supplementary Motion Record, Third Supplementary Motion Record, Fourth Supplementary Motion Record, Fifth Supplementary Motion Record, Responding Motion Record (to the Men’s Fire Motion), Reply Motion Record, draft proposed pleading, Moving Factum (HDI’s Motion) and Responding Factum (Men’s Fire Motion) filed by HDI, the Notice of Motion, Amended Notice of Motion, Motion Record, Supplemental Motion Record, Second Supplementary Motion Record, and Moving Factum filed by the Men’s Fire, the Responding Motion Record, Supplemental Responding Motion Record, Factum (responding to the

HDI motion), Factum (responding to the Men’s Fire motion), and pleadings brief filed by the plaintiff Six Nations of the Grand River Band of Indians (“**Six Nations of the Grand River**”), the Factum filed by the Attorney General of Canada (“**Canada**”), the Factum filed by His Majesty the King in Right of Ontario (“**Ontario**”), the transcripts of the cross-examinations of Richard Saul, Brian Doolittle, Colin Martin, Stefan Matiation, Wilfred Davey, Richard Wayne Hill Sr., Chief Mark Hill, Paul Delaronde, Aaron Detlor, the costs submissions of HDI, Men’s Fire, Six Nations of the Grand River, Canada, and Ontario, on hearing the submissions of the lawyers for HDI, Men’s Fire, Six Nations of the Grand River, Canada, and Ontario, and for reasons in the Endorsement dated this day, and reasons on costs in the Endorsement dated August 2, 2023,

1. **THIS COURT ORDERS** that Men’s Fire’s motion for leave to intervene as a party on HDI’s motion is granted, and that Men’s Fire’s motion for leave to intervene or to be invited to intervene as a friend of the Court in the action is dismissed.
2. **THIS COURT ORDERS** that HDI’s motion is dismissed.
3. **THIS COURT ORDERS** that, by October 2, 2023, HDI, Canada, and Ontario shall pay costs to Six Nations of the Grand River in the amount of \$460,000 all-inclusive, to be paid severally by:
 - (a) HDI in the amount of \$299,000 all-inclusive;
 - (b) Canada in the amount of \$80,500 all-inclusive; and
 - (c) Ontario in the amount of \$80,500 all-inclusive.

4. **THIS COURT ORDERS** that, by September 2, 2023, HDI shall pay costs to the Men's Fire in the amount of \$12,500 all-inclusive.

THIS ORDER BEARS interest at the rate of 6.0% per year commencing on August 2, 2023.



JUSTICE J. T. AKBARALI

**SIX NATIONS OF THE
GRAND RIVER BAND OF
INDIANS**

Plaintiff (Responding Party)

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

Defendants (Responding Parties)

-and- **THE HAUDENOSAUNEE
DEVELOPMENT
INSTITUTE et al**

Moving Party

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ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Brantford and
transferred to Toronto

ORDER

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