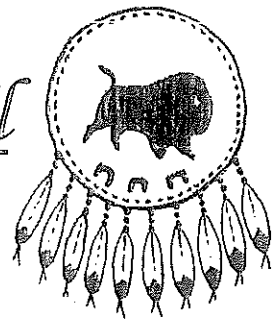


Piikani Nation Chief and Council

P.O. BOX 70, Brocket, Alberta T0K 0H0 Phone: (403) 965-3940 Facsimile: (403) 965-3098



Piikani Nation Community Update from Chief and Council Legal Update March 14, 2023

We are dismayed to report that more litigation has been commenced against Piikani Nation and Council by Piikani members.

New Litigation from Brian Jackson

On November 3, 2022, former Councillor Brian Jackson commenced proceedings against Council in the Federal Court seeking to have the Court review the recent amendments made to the *Piikani Nation Election Bylaw, 2002* and *Piikani Nation Election Regulations, 2002*, and alleging that Council has been acting outside of its authority since July 2021. Despite seeking urgent relief from the Court, Mr. Jackson has not pursued these proceedings. Mr. Jackson is represented by Gabor Zinner of Zinner Law Office, who also acts for Liliana Kostic in various matters involving Piikani Nation.

On January 9, 2023, Mr. Jackson attempted to commence proceedings against Piikani Nation and Council in the Alberta Court of King's Bench. He is seeking indemnity from Piikani Nation and Council for a variety of court actions (meaning that Piikani Nation would pay for the costs of his lawyer and any other costs related to those actions), as well as seeking permission to commence a claim against Council for libel and defamation. Mr. Zinner is acting for Mr. Jackson in these proceedings as well. To date, Mr. Jackson has not pursued these proceedings.

New Litigation from Rod North Peigan, Willard Yellow Face, Rick Yellow Horn, Terry North Peigan, Lynol Smith, Vanessa One Owl, Calvin Bastien and Dianna North Peigan

On February 9, 2023, Rod North Peigan, Willard Yellow Face, Rick Yellow Horn, Terry North Peigan, Lynol Smith, Vanessa One Owl, Calvin Bastien and Dianna North Peigan (the "Applicants") commenced litigation in the Federal Court against the individual members of Chief and Council, as well as the Chief Electoral Officer, Yvonne Provost, and the members of the Election Appeals Board (Leonard Weasel Traveller, Connie Fox and Stephanie Weasel Child). The Applicants are represented by Gabor Zinner of Zinner Law Office, who also acts for Liliana Kostic and Brian Jackson in various matters involving Piikani Nation.

They are requesting that the Court do the following:

- Set aside the 2023 election results;
- Prohibit the duly elected current Council from exercising its lawful powers as the governing body of Piikani Nation, and to deliver to the Applicants all keys, equipment,

records, banking and other codes required by the Applicants to administer the affairs of Piikani Nation;

- Declare the Applicants as the validly elected Chief and Council of Piikani Nation;
- Overturn the injunction orders granted by the Alberta Court of King's Bench against them; and
- Order of advanced costs payable to the Applicants to pay for the costs of this litigation against Piikani Nation and Council.

This is not a complete list of all of the relief the Applicants are seeking from the Federal Court.

The Applicants have advised that they wish to amend their claim to remove Ms. One Owl as an applicant, along with other amendments. These amendments have not yet been accepted by the Court. We are pleased that Ms. One Owl appears no longer interested in participating in this type of litigation against Piikani Nation and Council.

New Litigation from Ferlin Crow Shoe and Terry Joe Small Legs

On February 16, 2023, both Ferlin Crow Shoe and Terry Joe Small Legs commenced litigation in the Federal Court against the individual members of Chief and Council, as well as Yvonne Provost, Leonard Weasel Traveller, Connie Fox and Stephanie Weasel Child.

The two applications are almost identical:

- They ask the Court to set aside the 2023 election results;
- They seek an order prohibiting the duly elected current Council from exercising its lawful powers as the governing body of Piikani Nation, and to replace Council with unidentified "officially elected" individuals, which we presume to be Rod North Peigan, Willard Yellow Face, Rick Yellow Horn, Terry North Peigan, Lynol Smith, Vanessa One Owl and Calvin Bastien;
- They allege that they were wrongfully removed as nominees for Council positions;
- They seek to overturn the injunction orders granted by the Alberta Court of King's Bench against Rod North Peigan, Willard Yellow Face, Rick Yellow Horn, Terry North Peigan, Lynol Smith, Vanessa One Owl, Glenda Pard, Calvin Bastien and Dianna North Peigan; and
- They ask the Court to declare that the 2015 and 2019 elections were "tainted".

This is not a complete list of all of the relief Mr. Crow Shoe and Mr. Small Legs are seeking from the Federal Court.

Piikani Nation Council intends to vigorously defend these actions. It is disappointing that Brian Jackson, Rod North Peigan, Dianna North Peigan and others persist in bringing unmeritorious lawsuits against Piikani Nation and Council, each of which diverts resources, money and time from the needs of Piikani members.

Update on Litigation Commenced by Glenda Pard

We are pleased to report that Glenda Pard has discontinued her litigation against Piikani Nation and Council and appears to have elected not to participate in the new litigation commenced by Rod North Peigan and others.

Update on Litigation Commenced by Liliana Kostic

We are pleased to report that the Federal Court denied Ms. Kostic's recent application for a stay in the \$25 million claim that she commenced against Piikani Nation and multiple other defendants (including Piikani Nation Council, Piikani-owned corporations, Piikani members and others). A stay effectively pauses the lawsuit for a period of time. Ms. Kostic was seeking a stay until her appeal of an order granted on May 21, 2021 was heard and decided by the Court. Brian Jackson supported Ms. Kostic's application.

The Court issued a 53-page decision denying Ms. Kostic's application. The Court noted that "what is very apparent from a review of the Court's record is that this Action is at real risk of becoming bogged down in ever expanding assertions, motions and related matters and that every effort must be made to quickly resolve validly raised issues and move the matter forward so as to avoid unnecessary process and wasted resources of all concerned."

The Court further noted that "Brian Jackson also filed a motion record in response to Kostic's stay motion. For the sake of accuracy, it was Kostic who served and filed Jackson's responding record. Following my Direction dated February 22, 2023, Jackson confirmed directly to the Registry that he sought to file the response that the response was being filed in the Kostic stay motion. ... When appearing before me, Jackson expressed general support for Kostic's stay motion indicating that this and related litigation has been ongoing for more than 18 years and has taken a toll on her health. When asked, why, given that he is a named defendant in the Action, he was supporting the Kostic stay motion, he indicated that he was not a defendant in the Action. Following prompting by Kostic, he confirmed that he is a named defendant. ... He did not directly address why granting a stay is warranted." As Mr. Jackson is still a defendant in Ms. Kostic's litigation, it is not clear why he would support any relief sought by Ms. Kostic from the Court.

We will keep members posted about these proceedings as events warrant. Questions regarding this matter may be directed to Corbin Provost, Chief Operating Officer, at corbin.provost@piikanation.com or (403) 965-3940.

