

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Henco Industries Limited

Applicant

- and -

Haudenosaunee Six Nations Confederacy Council,
Janie Jamieson, Dawn Smith, Tom Deer, or any agent or person
acting under their instructions, John Doe, Jane Doe and other persons unknown,
and The Corporation of Haldimand County

Respondents

**AFFIDAVIT OF DON HENNING
SWORN MARCH 9TH, 2006**

I, Don Henning, of Haldimand County, in the Province of Ontario, **MAKE**

OATH AND SAY:

1. I have knowledge of the matters to which I hereinafter depose, except to the extent that such knowledge is based upon information and belief, in which case I verily believe it to be true.

2. By Order of the Honourable Mr. Justice B. Matheson dated March 3, 2006, the Respondents, Haudenosaunee Six Nations Confederacy Council ("Confederacy Council") and the individual Respondents were restrained

from interfering with the Applicant or its employees or agents, or the Applicant's contractors or subcontractors, or their agents, use of roadways known municipally as Thistlemoor Drive and Surrey Street, or in any way obstructing the roadways in Douglas Creek Estates. Attached hereto and marked Exhibit "A" is a copy of the Order of the Honourable Mr. Justice B. Matheson.


3. I am informed and verily believe that a copy of the Order, Notice of Motion and Notice of Application was served on these Respondents in accordance with the terms of the Order. Attached hereto and marked Exhibit "B" is a copy of the Affidavit of Service of John D. Dobson, Enforcement/Sheriff Officer of the City of Brantford dated March 7, 2006.

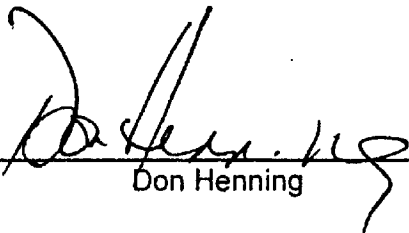
4. Further, attached hereto and marked Exhibit "C" is a copy of a Hamilton Spectator newspaper article dated Monday, March 6, 2006, which appears to show the Respondent, Dawn Smith, burning Exhibit "A".

5. Since the date of the Order, the Respondents continue to occupy the Douglas Creek Estates, thereby preventing the Applicant or its employees or agents, or the Applicant's contractors or subcontractors, or their agents, use of roadways known municipally as Thistlemoor Drive and Surrey Street. The Respondents continue to obstruct the use of the roadways in Douglas

Creek Estates. Further, the barricades, as referred to in my Affidavit sworn March 2, 2006 in support of the Notice of Motion for the interim injunction, remain in place.

- 6. This Affidavit is sworn in support of a Motion finding the Respondents in contempt of the Order of the Honourable Mr. Justice B. Matheson dated March 3, 2006.

SWORN before me on this)
 9TH day of March, 2006)
 in Haldimand County)
 in the Province of Ontario)
)
 Commissioner for Taking Affidavits)


 Don Henning

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Nenco Industries Limited

Applicant

and

naudenosaunee Six Nations Confederacy Council et al

Respondents

Court file no. 48/2006

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Cayuga

**AFFIDAVIT OF DON HENNING
SWORN MARCH 9TH, 2006**

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