

**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

NOTICE OF MOTION

The Applicant will make a motion to the Court on **Thursday, March 9, 2006**
at **10:00 a.m.**, or as soon after that time as the motion can be heard, at 55 Munsee
Street North, Cayuga, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard

(choose appropriate option)

- in writing under subrule 37.12.1(1) because it is *insert*
one of on consent, unopposed or made without notice;
- in writing as an opposed motion under subrule 37.12.1(4);
- X orally;

THE MOTION IS FOR:

- a) an Order, if necessary, abridging the time for service of this Notice of Motion;
- b) an Order that posting of this Motion Record at Thistlemoor Drive and Surrey Street in Douglas Creek Estates and at the municipal offices at The Corporation of Haldimand County at 45 Munsee Street North, P.O. Box 400, Cayuga, Ontario, and by delivery of one copy of the Motion Record to persons manning the barricades, shall be good and sufficient service of the Motion Record on the Respondents, 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;
- c) an Order that the individual Respondents be found in contempt for breach of the injunction granted by the Order of the Honourable Mr. Justice B. Matheson dated March 3, 2006;
- d) an Order that the individual Respondents be fined or imprisoned for such a period and on such terms as are just.
- e) such further and other relief as this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

- a) the Order of the Honourable Mr. Justice B. Matheson dated March 3, 2006;
- b) the individual Respondents were served with the Order of the Honourable Mr. Justice B. Matheson, dated March 3, 2006, the individual Respondents continue to occupy the property in breach of the injunction;
- c) Rule 60.05 and 60.11 of the *Rules of Civil Procedure*.
- d) such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- a) Order of the Honourable Mr. Justice B. Matheson, dated March 3, 2006
- b) Affidavit of Don Henning sworn March 9, 2006;

- c) Such further and other material as counsel may provide and this Honourable Court may deem just.

Date: March 9, 2006

LAZIER HICKEY LLP
Barristers and Solicitors
25 Main Street West
15th Floor
Hamilton, Ontario
L8P 1H1

Michael C. Bruder
LSUC # 26107T 1D
Tel.: 905-525-3652
Fax: 905-525-6278
Solicitor for the Applicant

Applicant

and

Haudenosaunee Six Nations Confederacy Council et al

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Respondents

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Court file no. 48/2006

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Cayuga

NOTICE OF MOTION

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Barristers and Solicitors
25 Main Street West
15th Floor
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LSUC # 26107T.1D
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