

**COURT OF APPEAL FOR ONTARIO**

**THE HONOURABLE ASSOCIATE CHIEF JUSTICE ) TUESDAY the 22<sup>nd</sup>**  
**OF ONTARIO ) DAY of**  
**BETWEEN: ) AUGUST, A.D. 2006**

**HENCO INDUSTRIES LIMITED**

Applicant

- and -

**HAUDENOSAUNEE SIX NATIONS CONFEDERACY  
COUNCIL, JAMIE JAMIESON, DAWN SMITH, OR ANY  
AGENT OR PERSON acting under their instructions, JOHN  
DOE, JANE DOE and other Persons unknown, and THE  
CORPORATION OF HALDIMAND COUNTY**

Respondents

**AND BETWEEN:**

**RAILINK CANADA LTD. carrying on business as the  
SOUTHERN ONTARIO RAILWAY**

Plaintiff

- and -

**HAUDENOSAUNEE CONFEDERACY OF MOHAWK,  
SENECA, CAYUGA, ONONDAGA, ONEIDA, TUSCARORA  
NATIONS, SIX NATIONS OF THE GRAND RIVER BAND OF  
INDIANS, CLYDE POWLESS, JAQUELINE HOUSE, HAZEL  
HILL, DAWN SMITH, SEAN MT. PLEASANT, WES HILL,  
JANE DOE, JOHN DOE and PERSONS UNKNOWN**

Respondents

**ORDER**

**UPON READING** the notice of appeal of the Attorney General of Ontario, the notice of motion seeking a stay of the order of the Honourable Justice

Marshall, and other materials filed in this motion, and on hearing the concurrence of counsel, it appearing that the issues raised by this appeal are matters of public interest;

And it appearing that certain aspects of the public interest may not be fully articulated by the parties appearing on the motion and the appeal,

**THIS COURT ORDERS** that pursuant to Rule 13.02 of the Rules of Civil Procedure,

1. **IT IS ORDERED** that James O'Reilly be appointed an Amicus Curiae for the purpose of rendering assistance to the court with respect to the perspectives of aboriginal people on the issues, including constitutional issues, raised by the within appeal.
2. **IT IS ORDERED** that David Brown be appointed an Amicus Curiae for the purpose of rendering assistance to the court with respect to the perspectives of the residents of Caledonia and Haldimand County on the issues raised by the within appeal.
3. **IT IS ORDERED** that each Amicus Curiae may file a factum and may make oral argument at the hearing of any motion and the appeal.
4. **IT IS ORDERED** that the Attorney General of Ontario shall pay all reasonable fees and disbursements incurred by each Amicus Curiae at the rate of \$250 per

hour for preparation and argument of any motions and the appeal. The Attorney General shall pay reasonable fees and disbursements incurred by junior counsel for Mr. Brown at the rate of \$150 per hour.

Signed and entered in the records of this court this 23<sup>rd</sup> day of August, 2006.

*Sandra Theroude*

Deputy Registrar

COURT OF APPEAL FOR ONTARIO

SANDRA THEROUDE

ENTERED AT/INSCRIT À TORONTO  
ON/BOOK NO:  
LE/DANS LE REGISTRE NO:

AUG 23 2006

PER/PAR: ST

**HENCO INDUSTRIES LIMITED**

and

**HAUDENOSAUNEE SIX NATIONS CONFEDERACY COUNCIL et al**

(Applicant)

(Respondents)

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**COURT OF APPEAL FOR ONTARIO**

**Proceeding commenced  
at Cayuga**

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**ORDER**

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**ATTORNEY GENERAL OF ONTARIO**  
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**of Counsel for the Attorney General**