

Court File No.: 48/06

ONTARIO
SUPERIOR COURT OF JUSTICE

MR. JUSTICE T.D. MARSHALL

) TUESDAY, THE 8TH DAY OF
) AUGUST, 2006
)
)

BETWEEN:

HENCO INDUSTRIES LIMITED

Applicant

and

HAUDENOSAUNEE SIX NATIONS CONFEDERACY COUNCIL, JANIE
JAMIESON, DAWN SMITH, or any agent or person acting under their instructions,
JOHN DOE, JANE DOE and other persons unknown

Respondents

Court file No.: 93/06

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

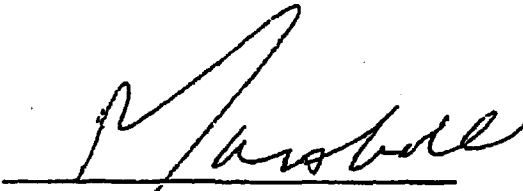
ORDER

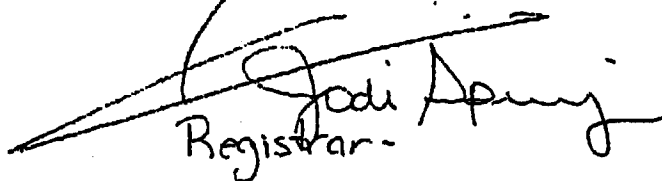
THIS PROCEEDING initiated on the Court's own motion with respect to the enforcement of its Orders dated March 3, 2006, March 9, 2006, March 17, 2006 and March 28, 2006, the Court having written and oral submissions from the parties and from the Attorney General of Ontario and the Commissioner of the Ontario Provincial Police, the Attorney General of Canada, the Corporation of the County of Haldimand, the Haldimand Law Association and from *amicus curiae* designated by the Court was heard July 24, 2006.

ON READING the written submissions of the parties and on hearing submissions of counsel for the Attorney General of Ontario, the Attorney General of Canada, the Ontario Provincial Police, the Corporation of Haldimand County, Haldimand County Law Association, and an Agent attending on behalf of the Council of the Six Nations of the Grand River Band of Indians, a Band under the *Indian Act*, and on reading the affidavit of Don Henning date July 5, 2006, filed, and the exhibits attached thereto:

1. THIS COURT ORDERS that the matter of contempt is referred to the Attorney General of Ontario for carriage, and at a time to be fixed in the course of a case management meeting, a time will be set so that the Court and the public may be apprised of the Crown's progress or lack thereof in regard to the criminal contempt. The Court will remain seized of this matter until it is resolved.

2. THIS COURT ORDERS that the injunction issued in favour of Henco Industries Limited binds the (new) property owner, Her Majesty the Queen in right of Ontario, and is hereby dissolved, but that dissolution is not to take place until the criminal contempt has been disposed of.




 Registrar

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