

ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE ) TUESDAY THE 28<sup>TH</sup> DAY  
MR JUSTICE MARSHALL ) OF MARCH, 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

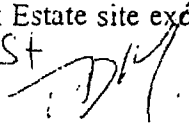
ORDER

THIS MOTION, made by the Applicant for an Order that the 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, was heard March 16 and 17, 2006 at 55 Munsee Street North, Cayuga, Ontario.

ON READING the Notice of Motion, the Affidavit of Don Henning sworn March 9, 2006, filed and the exhibits attached hereto, the Supplementary Affidavit of Don Henning sworn March 16, 2006, filed and the exhibits attached hereto, and on hearing the

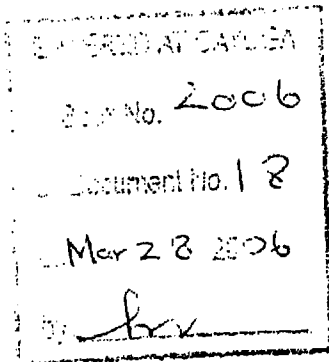
submissions of counsel for the Applicant, no one appearing for the other Respondents who were called and did not appear.

1. THIS COURT ADJUDGES that the Respondents, including unknown persons identified in the Application as John Doe and Jane Doe, being persons present at the barricades and blocking access to Douglas Creek Estates, as described in Schedule "A" attached to this Order (hereinafter referred to as "the Respondents" are in criminal and civil contempt of the Order of the Honourable Mr. Justice B. Matheson dated March 3, 2006.
2. THIS COURT ORDERS that the Sheriff shall:
  - a) Attend at Douglas Creek Estates forthwith and read aloud to any persons present the Order of Mr. Justice Matheson dated March 3, 2006 and this Order; and
  - b) distribute copies of this Order to any persons present.
3. THIS COURT SUSPENDS the passing of sentence and directs that the Respondents be released on the conditions prescribed in a probation order for a term not exceeding six months, pursuant to s. 731(1) of the *Criminal Code*.
4. THIS COURT FURTHER ORDERS THAT THE CONDITIONS OF THE PROBATION ORDER shall include the compulsory conditions contained in s. 732.1(2) of the *Criminal Code*.

5. THIS COURT FURTHER ORDERS THAT THE CONDITIONS OF THE PROBATION ORDER shall include the following optional conditions, pursuant to s. 731.1 of the *Criminal Code*:
- a) Accompany the police to be fingerprinted and photographed.
  - b) Not attend within 100 feet of the Douglas Creek Estate site except for the purpose of normal travel on ~~Hwy 6~~ Angle St 
6. THIS COURT FURTHER ORDERS THAT Warrants of Arrest shall be issued forthwith in accordance with paragraphs 1 and 3 of this Order.
7. THIS COURT FURTHER ORDERS THAT the Respondents be made aware of the consequences of failing to quit the blockade and leave Douglas Creek Estates and be asked to quit the blockade before the Warrants of Arrest are executed.
8. THIS COURT FURTHER ORDERS THAT any persons present at Douglas Creek Estates, as of and after Wednesday, March 22, 2006 at 2:00 p.m. in contravention of the Order of Mr. Justice Matheson dated March 3, 2006 are subject to arrest pursuant to the Warrants of Arrest issued in accordance with paragraph 6 of this order.

9. THIS COURT ORDERS THAT the Respondents may leave their objects or things at the site for up to 48 hours starting March 22, 2006 at 2:00p.m, provided these objects or things are not blocking any roadway, before the Applicant is entitled to remove these objects or things. The Applicants may remove any objects or things still blocking the lawful flow of traffic on Thistlemoor Drive, surrey Street or any other public roadway in Douglas Creek Estates; and may also remove any objects or things present on any lands owned by the Applicant after 48 hours after March 22, 2006 at 2:00pm. The Applicant is not responsible for the welfare or safe keeping of the objects or things left by the Respondents.
10. THIS COURT ORDERS THAT this order imposes duties and obligations on non-parties to respect the terms of this Order, including complying with the order of Justice Matheson dated March 3, 2006, attached hereto as schedule "B".

Dated the 28<sup>th</sup> day of March, 2006 in Cayuga, Haldimand County.



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SCHEDULE 'B'

Court File No.: 48/2006

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
M R. JUSTICE B. MATHESON ) FRIDAY THE  
3<sup>RD</sup> OF MARCH, 2006

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

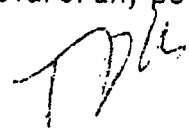
**ORDER**

**THIS MOTION** made by the Applicant, for an interim and interlocutory injunction to restrain the Respondents, their agents or servants, until the trial or other final disposition of this action from interfering with the Applicant's use of a roadway and for an interim, interlocutory and mandatory Order requiring the Respondents to tear down and remove any barricades constructed across the roadway, was heard this day at 55 Munsee Street North, Cayuga, Ontario.

**ON READING** the Notice of Motion, Affidavit of Don Henning sworn March 2, 2006, filed, and the exhibits attached thereto, and on hearing the submissions of counsel for the Applicants, no one appearing for the Respondents as this Motion was made without notice, and the Applicant having undertaken to abide by any Order concerning damages that this Court may make if it ultimately determines that the granting of an interlocutory injunction and a mandatory Order has caused damage to the Respondents, for which the Applicant ought to compensate the Respondents,

1. **THIS COURT ORDERS** an interim and interlocutory injunction restraining the Haudenosaunee Six Nations Confederacy Council ("Confederacy Council") and the individual Respondents and their servants or agents, whose identity is unknown, 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, formerly in the Town of Caledonia and the Township of Oneida, now known as The Corporation of Haldimand County, or from in any way obstructing these or other roadways in Douglas Creek Estates or preventing the Applicant or its employees or agents, or the Applicant's contractors or subcontractors, or their agents, from using these or other roadways for the purposes of entering Douglas Creek Estates, more particularly described in Schedule "A" attached hereto;

2. **THIS COURT FURTHER ORDERS** an interim and interlocutory injunction restraining the Confederacy Council and the individual Respondents, their servants or agents, and any other person having notice of this injunction, from hindering, interfering with, intimidating, physically obstructing or otherwise impeding the operations of the Applicant or its employees or agents, or the Applicant's contractors or subcontractors, or their agents, in the performance of work relating to the construction of the Douglas Creek Estate subdivision ("the subdivision") within the area, set out at Schedule "A" until the trial of this matter or until such time as this Honourable Court may direct;
  
3. **THIS COURT FURTHER ORDERS** that an interim mandatory Order requiring the Respondents to remove any vehicles and to tear down and remove any barricades owned, placed or maintained by them, constructed across Thistlemoor Drive and Surrey Street, the public highway and/or roadway, or any other obstruction on the public highway and/or roadway, owned and maintained by the Respondent, The Corporation of Haldimand County, preventing access to the Douglas Creek Estates;
  
4. **THIS COURT FURTHER ORDERS** that any peace officer of the Ontario Provincial Police shall, at the request of the Sheriff, accompany the Sheriff and assist in execution of this Order, including the removal of any persons

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who refuse the request of the Sheriff to obey the provisions of the interlocutory injunction Order;

5. THIS COURT FURTHER ORDERS that posting of the Notice of Application, Notice of Motion and any Court Orders 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 Notice of Application and Court Orders to any persons manning the barricades, shall be good and sufficient service of the Notice of Motion, Notice of Application and any Court Order 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.

6. This motion is returnable before this Court at 55 Munsee Street North, Cayuga Ontario on March 9th 2006 at 10<sup>00</sup> AM.

ENTERED AT CAYUGA  
 In Book No 2006  
 as Document No. 5  
 on Mar 3 2006  
 M.V.

Madison J.

**FIRSTLY:**

Parts of Lots B and C, Range West of Plank Road, geographic Township of Oneida, in Haldimand County and being Part 1 on 18R- 6217

**SECONDLY**

Part of Lot 18, Broken Front Concession on the Grand River, geographic Township of Oneida, in Haldimand County, and being Parts 2, and 3 on Reference Plan 18R- 6217

**AND THAT** the said land is registered in the Land Registry Office for the Land Titles Division of Haldimand as Parcel BC-18 in the Register for Section Rng W Plank Rd & BFC on GR (Oneida)

ence Industries Limited

Applicant

and

Haudenosaunee Six Nations Confederacy Council et al

Respondents

Court file no. 48/2006

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Cayuga

**ORDER**

**LAZIER HICKEY LLP**  
Barristers and Solicitors  
25 Main Street West  
15<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 1H1

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

HENCO INDUSTRIES LIMITED  
Applicant

v.

HAUDENOSAUNEE SIX NATIONS CONFEDERACY COUNCIL et al.  
Respondent

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceedings commenced at  
Cayuga, Ontario

**ORDER**

**EVANS SWEENEY BORDIN LLP**  
Lawyers • Advocates  
Suite 1201 - One King Street West  
Hamilton, Ontario  
L8P 1A4

**MICHAEL BORDIN**  
LSUC #40047W  
**SHANE VAN ENGEN**  
LSUC # 51180L

Tel: (905) 523-5666

Fax: (905) 523-8098

Solicitors for the Applicant

Henico Industries Limited

Applicant

and

Haudenosaunee Six Nations Confederacy Council et al

Responder

Court file no. 48/2006

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
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**ORDER**

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