

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
MR. JUSTICE. T. MARSHALL ) THURSDAY THE  
9<sup>th</sup> OF MARCH, 2006

BETWEEN:

Henco Industries Limited

Applicant

- and -

Seal

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 injunction to restrain the Respondents, their agents or servants, from interfering with the Applicant's use of a roadway and for a 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.

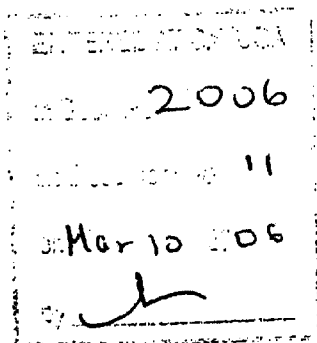
**ON READING** the Notice of Motion, Affidavit of Don Henning sworn March 2, 2006, filed, and the exhibits attached thereto, and on hearing the submissions of

counsel for the Applicant, counsel for The Corporation of Haldimand County, no one appearing for the other Respondents who were called and did not appear,

1. **THIS COURT ORDERS** that the Order of Mr. Justice B. Matheson, dated Friday the 3<sup>rd</sup> day of March, 2006, which is attached hereto as Schedule "A", is hereby made permanent.

T. D. Marshall

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SCHEDULE "A"

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

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* 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 10:00 AM.*

ENTERED AT CAYUGA
In Book No. 2006
as Document No. 5
on Mar 3 2006
by <u>M.V.</u>

*Madhusingh*

**FIRSTLY:**

Parts of Lots B and C, Range West of Plank Road, geographic Township of Onocida, 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 Onocida, 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 (Onocida)

Ironco Industries Limited

Applicant

and

Onondaga Six Nations Confederacy Council et al

Respondents

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Court file no. 48/2006

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Cayuga

**ORDER**

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Solicitor for the Applicant

Applicant

HAUQUENOSAUNEE SIX NATIONS CONFEDERACY COUNCIL et al

Respondents <sup>9:</sup>

Court file no. 48/2006

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

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**ORDER**

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