

Court File No. 82/2008

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) WEDNESDAY, THIS 21st DAY
MR. JUSTICE RAMSAY) OF MAY, 2008.

BETWEEN:

1536412 ONTARIO LTD.

Plaintiff

- and -

THE HAUDENOSAUNEE CONFEDERACY CHIEFS COUNCIL,
Members of THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE,
RUBY MONOUR, FLOYD MONTOUR, HAZEL E. HILL or any agent or person
acting under their instructions, JOHN DOE, JANE DOE and other persons unknown

Defendants

ORDER

THIS MOTION made by the Plaintiff for an interim and interlocutory injunction to restrain the Defendants, their agents or servants, until the trial or other final disposition of this action, from interfering with the Plaintiff's use of a public roadway and for an interim, interlocutory and mandatory Order requiring the Defendants to refrain from trespassing on the Property municipally known as Parkway Place, Caledonia, Ontario, together with other related relief, was heard this day at 55 Munsee Street North, Cayuga, Ontario.

ON READING the Notice of Motion, the Affidavit of Michael Corrado sworn May 21, 2008, and the exhibits attached thereto, the Affidavit of David Eccles sworn

May 20, 2008, filed, and on hearing the submissions of counsel for the Plaintiff, no one appearing for the Defendants as this Motion was made without notice, and the Plaintiff 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 Defendants for which the Plaintiff ought to compensate the Defendants,

1. THIS COURT ORDERS an interim and interlocutory injunction restraining, until the trial of this actions or further order of the court, the Haudenosaunee Six Nations Confederacy Council ("Council") or its members, the Haudenosaunee Development Institute ("HDI") or its members, Ruby Montour, Floyd Montour and their servants, associates or agents, whose identity is unknown, and John Doe and Jane Doe, whose identities are unknown, and any other person having notice of this Order (collectively "the Defendants") from:

(a) entering upon the land known as Parkway Place, being more particularly described as:

PIN# 38230-0129(LT)

LT 9 S/S Princess St. Village of Cayuga E of Grand River; LT 10 S/S of Princess St. Village of Cayuga E of Grand River; LT 9 N/S Joseph Street Village of Cayuga E of Grand River; PT LT 8 N/S Joseph Street Village of Cayuga E of Grand River as in HC285115; Haldimand County, S/T Easement over PT 1 18R6375 as in CH4990, S/T Easement over PTS 1 & 2 18R6375 as in CH4991, S/T Easement in Gross over PTS 1 & 2 18R6375 as in CH4992 ("Parkway Place");

(b) obstructing or interfering by any means, with the use of roadways known municipally as Joseph Street, Thorburn Street, Princess Street East, Hudson Drive and Abbott Lane, formerly in the Village of Cayuga, now known as The Corporation of Haldimand County (the "Access Roads"), or from in any way obstructing the Access Roads leading into Parkway Place or preventing the Plaintiff or its officers, directors, employees, servants or agents, or the Plaintiff's contractors or subcontractors, or their employees,

servants or agents (collectively "the Plaintiff and its contractors"), from using the Access Roads for the purposes of entering and exiting Parkway Place;

- (c) from hindering, interfering with, intimidating, physically obstructing or otherwise impeding the operations of the Plaintiff and its contractors in the performance of work relating to the construction of the Parkway Place subdivision ("the subdivision") within the area encompassed by Parkway Place until the trial of this action or until such further Order of this court; and
- (d) from watching, besetting or attempting to watch or beset the Plaintiff and its contractors at or adjacent to Parkway Place;

2. THIS COURT ORDERS THAT any peace officer of the Ontario Provincial Police shall assist with the enforcement of paragraph 1 of this order, including but not limited to the removal of the Defendants, or any one of them, from the Access Roads and the removal of the Defendants, or any one of them, from Parkway Place;

3. THIS COURT ORDERS THAT, the Plaintiff having undertaken not to work on the project before the Defendants have been served, the Plaintiff shall serve notice on the Defendants by May 28, 2008; the Plaintiff will notify the Defendants by email to the Haudenosaunee Development Institute and Haudenosaunee Confederacy Chiefs Council at hdi2@bellnet.ca and by giving a copy of the Motion Record, Factum and this Order to any one ^{OR} protestor found at the work site.

4. THIS COURT ORDERS THAT the Plaintiff shall serve the Attorney General of Ontario by service on the Crown Law Office, Civil, Toronto.

1536412 Ontario Ltd.
Plaintiff

and

The Haudenosaunee Confederacy Chiefs Council et al.
Defendants

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Proceeding commenced at

ORDER

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