

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
MR. JUSTICE RAMSAY) TUESDAY, THIS 10th DAY
) OF JUNE, 2008.

BETWEEN:

1536412 ONTARIO LTD.

Plaintiff

- and -

~~THE HAUDENOSAUNEE CONFEDERACY CHIEFS COUNCIL,~~
Members of THE HAUDENOSAUNEE DEVELOPMENT INSTITUTE,
RUBY MONTOUR, 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 with notice by the Plaintiff for an interim and interlocutory injunction to restrain Ruby Montour, Floyd Montour or any agent or person acting under their instructions, John Doe, Jane Doe and other persons unknown, 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 and interlocutory and mandatory Order requiring the above mentioned persons to refrain from trespassing on the Property known as Parkway Place, Cayuga, Ontario, together with other related relief, was heard this day at 530 Queensway West, Simcoe, Ontario.

ON READING the Notice of Motion, the Affidavit of Michael Corrado sworn May 21, 2008, and the exhibits attached thereto, the Supplementary Affidavit of Michael Corrado sworn June 6, 2008, and the exhibits attached thereto, the Affidavit of David Eccles sworn May 20, 2008, the Supplementary Affidavit of David Eccles sworn June 6, 2008, and the exhibits attached thereto, the Affidavit of Hazel Hill sworn June 2, 2008 and exhibits attached thereto, and the Affidavit of Ildiko Erdei sworn June 1, 2008 and the exhibits attached thereto; filed, and on hearing the submissions of counsel for the Plaintiff, ^{and for Hazel Hill and the HSI,} no one appearing for the Defendants though served, 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 interlocutory injunction restraining, until the trial of this action or further order of the court, 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 Protestors") from:

(a) entering by any means 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 by the Plaintiff 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 by any means 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 and on the Access Roads until the trial of this action or until such further Order of this court; and

(d) from watching ^{and} besetting ~~or attempting to watch or beset~~ the Plaintiff and its contractors at or adjacent to Parkway Place

as that term is defined in s. 423(1)(f) of the Criminal Code;

2. THIS COURT ORDERS THAT this Order be directed to the Sheriff of Haldimand County for enforcement, and this Court directs the Ontario Provincial Police (the "OPP") and police officers of the OPP to assist the Sheriff of Haldimand County in the enforcement of this Order by removing from the Access Roads and from Parkway Place the Protestors and any vehicles, barricades, or property of the Protestors as defined herein, or any person contravening the provisions of this Order subject to the discretion of the OPP acting reasonably with respect to the timing and means of removing any such person;

3. THIS COURT ORDERS THAT posting a copy of this Order at the entrances to Parkway Place located on Joseph Street and Thorburn Street shall be good and sufficient service and notice of this Order on all unknown persons and that service of

a copy of this order by email to Sana Halwani, Gilbert's LLP, solicitor to Ruby and Floyd Montour in an action brought by the City of Brantford against Ruby Montour, Floyd Montour and others in Ontario Superior Court of Justice Court File No. CV-08-334 at sana@gilbertslaw.ca shall be good and sufficient service and notice of this order upon Ruby Montour and Floyd Montour.

4. THIS COURT ORDERS THAT service of the Statement of Claim and all motion materials on the Defendants is hereby validated;

5. THIS COURT ORDERS THAT costs, ~~fixed in the amount of \$ _____ shall be payable by Ruby Montour, Floyd Montour to 1536412 ONTARIO LTD. within thirty days of the date of this Order.~~

aside from the granting of costs of this motion to HDI and Hazel HN, are reserved to the trial judge.

6. *The granting of costs payable to Hazel HN + HDI is to be argued in writing per the court's endorsement of June 10, 2008.*

*An order in these terms shall be issued, entered + signed by the Registrar.
J. [Signature]
June 10/2008*