

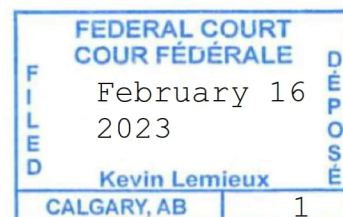
Court File No.

T-319-23

FORM 301 Rule 301

Notice of Application

FEDERAL COURT



Between:

**Ferlin Crow Shoe (“FCS”); On His Own Behalf And On Behalf Of The
Collective Interest Of The Piikani Members;**

Applicant(s)

- and-

**Purported Piikani Chief Troy Knowlton – Aka Bossman (“Bossman”); Purported
Piikani Councillors; Wesley Crowshoe; Neil Sharpe Edze Jr; Helen Flamand;
Albertine Crow Shoe; Jordan No Chief; Cynthia Cindy Provost; Dimples Stump;
Martin Iron Shirt; Chief Electoral Officer 2023 - Yvonne Provost (“CEO”), Corbin
Provost (“COO”); Connie Fox; Leonard Weasel Traveller And Stephanie Weasel
Child- Election Appeal Board Piikani Members (“Appeal Board”)**

Respondents

-and-

**Her Majesty the Queen in Right of Canada, The Attorney General Of Canada
 (“Canada and/or INAC”) The Minster of Indian Affairs and Northern Development
 Canada and Its Agents (“AGC at al”)**

Respondents

NOTICE OF APPLICATION

Rule 301 AND Rule 317 AND Rule 114(1) of the Federal Courts Rules; RULE 105

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at (place where Federal Court of Appeal (or Federal Court) ordinarily sits).

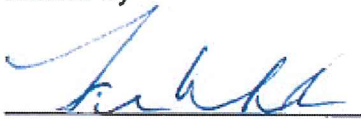
IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Honourable Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

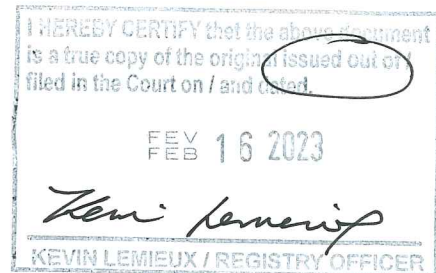
16
February 16, 2023

Issued by



FERLIN CROW SHOE

ORIGINAL SIGNED BY
KEVIN LEMIEUX
A SIGNÉL'ORIGINAL



Address for Service of the /Applicant:	Ferlin Crow Shoe Box 3174 Brocket, Alberta ToK OHO Direct (403) 632-7013 Email fj64crowshoe@yahoo.ca
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Address of local office:

Address of local office:
Courts Administration Service
635 8th Avenue SW
Calgary, AB T2P 4H5

TO: THE ATTORNEY GENERAL OF CANADA (“CANADA”, “INAC”)
C/O Prairie Regional Office – Edmonton
Department of Justice Canada
10423 -101 Street 3rd Floor, Epcor Tower Edmonton, AB T5H 0E7

And To: Purported Piikani Chief Troy Knowlton – Aka Bossyman (“Bossyman”); Purported Piikani Councillors; Wesley Crowshoe; Neil Sharpe Edze Jr; Helen Flamand; Albertine Crow Shoe; Jordan No Chief; Cynthia Cindy Provost; Dimples Stump; Martin Iron Shirt; Chief Electoral Officer 2023 - Yvonne Provost (“CEO”), Corbin Provost (“COO”); Connie Fox; Leonard Weasel Traveller And Stephanie Weasel Child- Election Appeal Board Piikani Members (“Appeal Board”)

Box 70, Brocket Alberta, TOK OHO
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Or
c/o Gowling WLG (Canada) LLP
Suite 1600-421 7th Avenue S.W., Calgary, AB T2P 4K9
Attention Ms. Caireen Hanert – caireen.hanert@gowlingwlg.com; or
Ms. Regina M. Corrigan – regina.corrigan@gowlingwlg.com
Issued by:

Application

THIS IS AN APPLICATION IN RESPECT OF Sections 18.1 and 18(1) of the Federal Courts Act for a judicial review of the election of the Piikani Nation for Chief and Council held on January 9, 2023 (“the Election”). The purported official results reported January 11, 2023.

THE APPLICANT MAKE THIS APPLICATION FOR THE FOLLOWING RELIEF:

1. For a judicial review of a Decision made by the purported Piikani Council which are (“the Piikani Respondents”) who are purporting to be the acting Federal Board for the Piikani Nation and the 2023 Chief electoral officer Yvonne Smith (“CEO”) and Corbin Provost (“COO”) and purported 2023 Chief and Council (“The 2023 Respondents”)
2. This application by the Applicant seeks a review of the CEO, COO and purported Appel Board **Decision made by the 2023 Respondents issued and communicated to the Applicant on or after January 18, 2023.**

3. For a judicial review of a Decision made by the Respondents which is ultra vires, null and void (“the Piikani Respondents”) who are purporting to be acting within its mandate as a Federal Board for the Piikani Nation.
4. A Writ of *Certiorari* quashing and setting aside the 2023 Election;
5. A Writ of Quo Warranto requiring the Respondents to show what authority they have for exercising any right or power exercisable by the Chief and Council of the Piikani Nation to call and to conduct the Election or to Amend the Bylaw and code;
6. A Writ of Prohibition restraining the Respondents from exercising any power properly belonging to lawfully Elected Chief and Council of the Piikani Nation, from usurping any power or jurisdiction of the Chief and Council of the Piikani Nation or from continuing any course of action already commenced purporting to act as Chief and Council, CEO, COO or Appeal board of the Piikani Nation;
7. A Writ of Mandamus ordering the Respondents to vacate any office premises of the Piikani Nation currently occupied by them and to deliver to the officially elected Chief and Councillors upon this Court determining this and related Appeals or alternatively Ordering an independent lawful Election, independent CEO or scrutinizers and independent security scrutineers for all the Polling stations and final vote.
8. A Declaration that the 2023 Election was invalid or unlawful and its results, including the purported election of the Respondents, null, void and of no effect.
9. A Declaration that the Applicant JSL was Nominated and placed on the Election list, was then removed days later without ANY reason or explanation for being removed thereby violating many of his inherent Indian Treaty rights;
10. A Declaration that the **Applicant Ferlin Crow Shoe** was Nominated and placed on the list, was then removed days later after the CEO publicised that he had a minimal outstanding utility bill owed thereby violating his privacy and confidentiality among other rights;
11. A Declaration that The respondents 2023 decision was made contrary to the Piikani Custom bylaw and Code and Charter of human rights as a treaty Indian and Piikani member.

12. A Declaration that any and all injunctions or Orders granted by the Court of King's Bench of Alberta in respect of the January 20, 2022, election, its results or matters ancillary to or flowing therefrom are ultra vires, null, void and of no effect for lack of jurisdiction which demonstrates the pattern of the continued unlawful conduct leading to the 2022 unlawfully made bylaw amendments and election of 2023;
13. A Declaration that their continued course can extinguish a Treaty right or finally settle a constitutionally protected Treaty promise.
14. Under the Notice of application T-2317-22, Councilor Jackson sought a review of the latter's Decision made purportedly made on October 4, 2022, to proceed with its unlawful decision to Amend the 2002 Piikani Custom Election bylaw and code without any of the required and mandatory notice necessary to Councilor Jackson to vote on this or any other decisions since July 7, 2021.
15. A declaration that all decisions including the purported 2022 bylaw Amendments were and remain ultra vires, null and void and of no force and effect;
16. A Declaration that the Lapsed Federal Board proceeded without any lawful authority to proceed or to instruct any legal counsel to proceed with the Amendments to the Custom Election bylaw and code and inclusion of Amendments without: the knowledge, consultation, authorization or approval of the majority of eligible voters and/or without its obligation to its Duty to Consultation with its members or with the required notice necessary to Councilor Jackson to attend, oppose, inform members or consent.
17. A Declaration that The Federal Board proceeded without any lawful authority to proceed or to instruct any legal counsel to proceed with the Amendments and inclusion of Amendments without adhering the requirements under the Indian Act and proceeding without any Notice or knowledge being provided to elected Councilor Brian Jackson of the decision(s) made or **without consultation to the membership**.
18. A Declaration The decision that was made by RAB and finally determined and decided on July 7, 2021, was made pursuant to the Piikani Custom bylaw and Code, Piikani Removal Appeal Board ("Decision" or "RAB"). The RAB decision reinstated Councilor Jackson, and this Court on April 22, 2022, FC 59, reaffirmed that decision. No consultation occurred with the members to ratify or authorise that or any subsequent decisions or Appeals made by the Lapsed Council in this or any other related action at

any level of court Provincially or Federally and are also ultra vires and unlawful;

19. A Declaration that the unlawful posting of the so-called Amendments was made discreetly and without opportunity for members to be aware or to respond was posted on the day of October 30, 2022, and was not posted three months in advance pursuant to section 15.01 and 15.02 upon consultation with the members or Councilor Jackson;
20. A Declaration that this process leading to the Nominations, during the nominations, during the removal of candidates, and all decisions and process up to the January 9, 2023, So called Election and all decisions thereafter were unfair, unauthorised, in breach of the bylaw and code, violated the Indian Act, the 2002 Piikani Custom bylaw and code, members inherent and collective Treaty Indian interests individually or as a collective.
21. A Declaration that the Lapsed Council failed to provide any evidence of what the eligible voters list looks like, who is on it, who is ineligible, what and who the number of eligible 21-year-old members look like etc.;
22. A Declaration that to present no evidence was provided or submitted to any member or prior to, at the Nominations or election results to collaborate who actually voted or the number of actual eligible voters including that the CEO providing no evidence of any spoiled votes. Only providing some purported number of eligible voters, who purportedly voted and had eligibility to vote rendering proof of strict adherence to the bylaw and code also ultra vires and of no force or effect;
23. A Declaration that the unlawful amendments were unfair and infringed on members privacy and constitutional rights including to vote in a duly held lawful election;
24. A Declaration that certain amendments put into effect on the night of the nomination December 13, 2022 was a warning to them that they would be deemed "disentitled members" to remain on the ballot list, namely those members who sought Nomination if those individuals owed monies to any entity on the Nation. This included privileged and confidential information being disclosed such as personal Utility accounts and was unlawful and unfair;
25. A Declaration that no member agreed or gave consent to have personal information released to the Lapsed Leadership, to the CEO or to anyone at all violating members rights under FOIP.

26. A Declaration that the Applicant JSL was Nominated and placed on the list, was then removed days later without ANY reason or explanation for being removed;
27. A Declaration that the 2018 election also was unfair and had serious discrepancies prior to, during the Nomination/Election process and during the vote count, but before any recount could take place the then Chief Electoral Officer destroyed the votes/ballots.
28. A Declaration that the 2018 election on its own added a extra year of dictatorship;
29. A Declaration that the then CEO Angela Grier violated her obligations and oath as CEO having breached the Custom bylaw and code and delivered a ballot box directly to Gowling and Ms. Careen Hanert upon the early voting that was held in Calgary;
30. A Declaration that the ballot box was then compromised rendering that election was unlawful/illegal and was known by certain individuals to have been compromised and unfair but was never communicated to the members;
31. A Declaration that after several Appeals for that Election were made, the lapsed leadership and CEO at the time destroyed all evidence and no appeal was ever formally completed, rendering the pattern of misconduct self evident leading to this 2023 election;
32. A Declaration that the in or about 2021 the lapsed leadership added an extra year an extra year of dictatorship nullifying the 2014 Referendum that voted and passed a three-year term;
33. A Declaration that the 2015 Election results were also tainted having proved the number actual eligible voters and only forcing the members to accept the Leadership's so-called numbers without evidence of those numbers or eligible voters;
34. A Declaration that The Lapsed leadership and now including the Respondents have since July 7, 2021, to present acted outside and in contravention of their obligations under the Bylaw and Code, the Indian Act and Piikanissini, and Treaty;
35. A Declaration that the Lapsed Leadership must be held accountable for their actions against their own people who voted them in, the unlawful amendments to the bylaw and custom code are unfair, and unlawful not the Traditional Piikani Nitsitapi way of honour;

36. A Declaration that the Traditional custom clan system is fair and if none of the election bylaw and code after the Indian act came into effect can be honoured to be lawful, transparent and legal the Traditional Treaty Clan system of Chief or Government should be enforced;
37. A Declaration that a referendum is required to change anything under treaty, custom code and law, or to make amendments to the bylaws and code enacted.
38. A Declaration The Applicant(s) was denied procedural fairness and due process and was not heard.
39. A Declaration The final Decision was communicated to the Applicant on January 18, 2023, by the purported and unlawful Piikani Appeal Board in contravention of the bylaw and code which prohibits a Piikani member from sitting as Panel member and having made the unlawful amendments to cherry pick any Appeal panel placed all parties in conflict apart from making such material changes that the members or majority most likely would never have approved;
40. A Declaration that The Breaches made by the Respondents under the 2002 STA violates section 2(3) (a)(b) of the Indian Act;
41. A Declaration that The unilateral decisions of the lapsed Chief and Council violated the Applicants and members rights to consultation and/or remedy available and protected in section 35 of the Constitution Act, 1982 and/or under the United nations Declaration on the rights of Indigenous peoples Act (“UNDRIP”);
42. A Declaration that The Crown in right of Canada has a pecuniary interest in the January 20, 2022, and 2023 Election and ratification Vote(s) and failed in its own fiduciary obligations;
43. A Declaration that The lapsed Chief and Council were not permitted to entering into a Settlement Agreement or Trust agreement or to unilaterally making changes to the Piikani bylaw and code decision without the membership ratification;
44. A Declaration that the lapsed Respondent Council interfered and obstructed having any 2022 Ratification Vote or that they failed to provide any alternative hence the lack of any Vote in their favour to continue with its unlawful decisions pursuant to the by-laws is null and void;

45. An Order for a fair, transparent and independently monitored New Election or by-Election as determined after all appeals in this court determined;
46. An Order granting the Applicant advanced costs upon an application therefore as a preliminary interim application to be heard first;
47. An Order allowing the filing of this Application pursuant to Section 18.1(2) if submitted after February 11, 2023.
48. An Order that the unlawful 2023 election, pre and post steps and amendments were procedurally unfair, humiliating and wrong being crafted to a members right to democracy, transparency and intelligibility requiring a further order of this court to intervene by returning inherent treaty and legal rights back to the members.
49. An Order with leave to convert this action into an action or class action or alternatively with related actions in this court along with a subsequent Order for an independent court ordered forensic investigation.
50. AN Order for any such other relief that may be required and this court may grant.
51. The Costs of this Application.

THE GROUNDS FOR THE APPLICATION ARE:

The Piikani Nation Election Bylaw

1. Elections, terms of office of Chief and Council and mechanisms for removing Chief and Council from office within the Piikani Nation are governed by the Piikani Nation Election Bylaw, 2002 (“the Election Bylaw”) which was ratified by the members under a referendum.
2. The Election Bylaw was passed pursuant to the customs and traditions of the Piikani Nation as expressed in its declaration titled “Piikanissini”.
3. Section 8.01 Election Bylaw, as originally passed, provided that Chief and Council are elected for a four-year term following the date of an election.
4. Section 15.01 provides that Council by BCR may amend the Election Bylaw and the Regulations, except as expressly provided for in subsection 15.02.
5. Section 15.02 provides that sections 2.01, 5.01, 6.01, 7.01, 8.01 and 15.01 of the Bylaw shall **only** be amended (emphasis added) if: (i) the amendment has been

approved by a majority of the eligible voters by petition; or (ii) the amendment has been approved by a majority of those eligible voters who vote in a referendum called for that purpose.

Background - Term of Office of Chief and Council reduced to three years.

6. A referendum was held on October 6 and 7, 2014 to vote on a proposal to reduce the term of Chief and Council from four to three years.
7. Out of a purported number of 2,289 eligible voters, 403 voted on the Referendum Question. Eight ballots were spoiled. No evidence to support the actual number or ballots was proved and was destroyed in advance of any appeals being heard;
8. 6 ballots were unaccounted for. They may have been lost, objected to, rejected, or unused under Sections 17.05 and 17.10 of Election Bylaw Regulations leaving 389 ballots to be counted.
9. There were 197 votes in favour and 192 votes against.
10. As such, the Referendum Question passed by a majority of the ballots counted (50.64%) mandating a reduction of the term of Chief and Council from four to three years.
11. There is nothing in the Election Bylaw or the Regulations specifying or suggesting that a majority is anything other than the plurality of votes among the ballots counted which in this case was 197 out of 189.
12. This result was publicly announced on October 15, 2014, in the Pincher Creek Echo.
13. A BCR passed by the Chief and Council on September 16, 2014, mandated the implementation of the results of the referendum on October 8, 2014.

BCR number 2014-0916-09

14. Despite and contrary to Section 15.02 of the Election Bylaw the Chief and Council purported to pass a BCR drafted by in house legal counsel Michael Pflueger which changed the 3 year term of council back to a 4 year term of council.

15. The BCR was invalid, null and void for lack of jurisdiction and in contravention of Section 15.02 of the Election Bylaw.

Terms of Office of Chief and Council from January 7, 2019, to January 7, 2022

16. A Chief and Council were elected to office on January 7, 2019. Hence the term of office of this Chief and Council expired on January 6, 2022.

17. As early as October 2020 and continuing through to December, 2021 members of the Piikani Nation were asserting that the term of office of the new Chief and Council will expire on January 6, 2022.

18. Commencing January 7, 2022, a sizeable number of members regarded the persons purporting to be Chief and Council as the "lapsed Chief and Council" by virtue of the fact that their term of office expired on January 6, 2022.

Petition to remove the lapsed Chief and Council and obstruction thereof.

19. A movement was then initiated by various members to have the lapsed Chief and Council removed from office not only because their term of office expired but also in the exercise of the right of members to seek the removal of Chief and Council by Petition under Section 10 of the Election Bylaw.

20. This resulted in a Petition signed by over 500 members demanding removal of the lapsed Chief and Council under Section 10.05.02 of the Election Bylaw which prescribes a mechanism for the removal of Chief and members of Council.

21. The Petition contained allegations of:

- a) bribes;
- b) corrupt practices;
- c) failure to act in accordance with the principles of Piikanissini;
- d) abuse of office;
- e) obtaining a benefit for themselves;
- f) negatively affecting the Piikani Nation;
- g) exceeding authority; and
- h) other misconduct of a serious nature

all of which are grounds for removal under Section 10.05.02 of the Election Bylaw

22. Dianna North Peigan, a member of the Piikani Nation and originator of the Petition, endeavored to deliver the Petition, but was stone walled and obstructed by various means including the intentional unavailability of the Chief Executive Officer to receive the Petition as required under Section 10.02, denial of entry to the administrative offices and various other obstructive techniques.

Nominations/Election held on January 20, 2022, pursuant to hereditary custom and tradition.

23. A governmental void was created by virtue of the term of office of the lapsed Chief and Council having expired and their obstruction of the Petition to removed them. Hence, Dianna North Peigan resorted to hereditary custom and tradition to be appointed by a group of elders as the Chief Electoral Officer to conduct an election pursuant to the Election Bylaw.

24. Dianna North Peigan then called and conducted an election on January 20, 2022 for Chief and Council following all of the steps and procedures prescribed under the Election Bylaw.

25. The election resulted in the acclamation of Rod North Peigan as Chief and Willard Yellow Face, Rick Yellow Horn, Glenda Pard, Vanessa One Owl, Lynol Smith, Terry North Peigan and Kalvin Bastien as councillors (“the Nitsitapi Leadership”).

Results of the Election held on January 27, 2022, were not validly challenged.

26. No member of the lapsed Chief and Council or any member of the Piikani Nation challenged the results of the January 27, 2022, election within 30 days of the election by:

- a) filing an appeal with the Piikani Nation Election Appeals Board as required under Section 20.06 and Section 20.07 of the Election Regulations;
- b) by filing any other appeal; or
- c) by seeking a judicial review of the election in the Federal Court.

27. Instead, the lapsed Chief and Council brought an application ex parte in the Court of Queen’s Bench of Alberta and obtained an Order dated February 7, 2022, and a further Order dated February 8, 2022 from Justice Poelman of said court to restrain the Nitsitapi Leadership from exercising its recently conferred mandate as Chief and Council.

28. The Applicants under T-267-22 have and continue to take the position that said Orders are without any force or effect because they trench upon and purport to usurp the sole and exclusive power of this Court under well settled law pertaining to indigenous elections, including the jurisdiction to regulate and to rule upon the validity of First Nations elections.

Irregularities and violation of rules under the January 9, 2023, election

29. The Applicant assert that the lapsed Chief and Council had no right, power or authority to call and to hold the Election on January 9, 2023, or at all, not only because they were no longer the legitimate Chief and Council but also because the term of office of the 2022 Nitsitapi Leadership, which was never ruled invalid, properly challenged or appealed. The membership really did not know what was occurring as they were left in the dark and unfettered decisions made were made by the few councillors who were calling all the shots and in breach of their duties in office.

30. Even if it were, otherwise, the January 9, 2023, election was fraught with irregularities and riddled with violations of the Election Bylaw, the Election Regulations and principles of procedural fairness so as to render the results, null, void or voidable for the reasons set out hereunder.

31. The Applicant(s) were denied procedural fairness and due process and were not heard in their attempts to stop the Respondents decision to unlawfully remove the Applicant and 11 other nominated members from proceeding with their Nomination. The Applicant JSL was not even provided any reason let alone a just reason to be removed. The Applicant Ferlin Crow Shoe's privacy was violated including his ability to run as a Candidate.

32. Moreover, the unlawful, attempts to deny any appeal was unfair. Many were not notified directly by the board.

33. The final Decision was communicated to the **Applicant(s) on January 18, 2023.**

No valid decision to call or hold the January 9, 2023, election.

34. The lapsed Chief and Council did not hold a single duly called meeting since at least July 7, 2021, for lack of notice of any meetings to Councillor Brian Jackson who the lapsed Chief and Council sought to remove from office by Petition brought by Councillor Erwin Bastien. Nor did they give Councillor Brian Jackson any notice or minutes recording decisions made at any meetings.

35. The Piikani Nation Review Appeal Board (“RAB”) dismissed Bastien’s appeal on July 7, 2021, and affirmed Brian Jackson’s continued standing as a councillor. An application for judicial review of the RAB decision in this Court under Action T-1224-21 was dismissed.

36. The lapsed Chief and Council failed to conduct business as required for lack of capacity of Stan Grier, the lapsed Deceased Chief, due to terminal illness effective April 2022. Dereliction of duty on the part of Grier and the councillors included:

- a) Grier’s failure to call the meetings;
- b) Grier’s inability to make sound decisions;
- c) Grier’s absence from council meetings commencing July 7, 2021;
- d) the absence of Grier’s signature on a number of BCR’s which rendered said BCRs’ invalid;
- e) failure to appoint or to call for the election of an interim acting chief; and
- f) failure to appoint or to call for the election of a replacement for Councillor Che Little Leaf who resigned and stopped attending any meetings for over a year, so any BCR thereafter was null and void.

37. In the result, the following decisions made, and acts taken by the lapsed Chief and Council made after July 7, 2021 are invalid and without any lawful force or effect:

- a) calling and conducting the 2023 election generally;
- b) purporting to amend the Election Bylaw by means of an invalid BCR dated September 13, 2022 so as to throw roadblocks in the way of candidates seeking to run for the position of chief and councillor by:
 - i. increasing the nomination fees to \$500 for councillors and \$750 for chief;
 - ii. reducing the time allowed to appeal an election from 30 days to 14 days;
 - iii. removing the privative clause 11.07;
 - iv. declaring ineligible, the candidacy of persons who have any unpaid debt to the Piikani Nation, including an unpaid utility bill thereby purporting to amend Section 6.02 of the Election Bylaw by means of a BCR which itself was a violation of Section 15.02 requires a majority vote by referendum for any amendment to Section 6.02;
 - v. increasing the filing fee of an Appeal from \$100 to \$500;
 - vi. amending section 20.03 of the Election Bylaw by removing an element of objectivity from the composition of the Appeal Board;

- c) removing 11 members nominated for council and one for Chief from the list for alleged outstanding electricity bills or alleged rent for housing pursuant to the invalid BCR dated September 13, 2022 in violation of Section 15.02 of the Election Bylaw.
- d) unlawfully collecting and using the utility account of the disqualified candidates, being personal information, in violation of the Freedom of Information and Protection of Privacy Act of Alberta.
- e) failing to obtain ministerial approval of the amendments as required under S.83 of the Indian Act;
- f) obtaining the ex parte Order of February 7, 2022;
- g) seeking judicial review of the RAB decision dismissing the Bastien petition under Action No. T-1224-21;
- h) appealing the decision of this Court's dismissal of the judicial review application under Action No. A-115-22.
- i) applying to strike the application by Councillor Jackson for a judicial review of the invalid amendments under Action No. T-1244-20;
- j) violations to regulation sections:
17.05,17.10,17.06,17.07,17.08,17.10(7),17.11(2),20.01,20.02,20.03 (1-4),20.01,21.03

Other irregularities and violations under the bylaw and code tainting the 2023 election.

38. Other irregularities and violations tainting the 2023 election include the following:

- a) failing to publicly post in advance and easily visible notice of the date of nominations, date of the elections and location of the election in violation of Section 2.01;
- b) failing to notify members in advance of the election by means of a newspaper announcement in violation of 2.02;
- c) failing to appoint the Chief Electoral Office within 45 days of the election in violation of 3.01;
- d) holding the election on January 9, 2023, when it should have been held on January 7, 2023, under 2.01;
- e) The respondent, CEO and COO Decision made on December 15, 2022, and January 9,2023, to reinstate and permit Bossyman and others to be added back to the list after being removed;
- f) Removing members from the list while violating privacy rights
- g) to later Declare the purported Chief and Council as the new leadership, refuse the Applicant's initial appeal and to making later decision that was made by an unlawful Appeal board who released its decision on January 18, 2023 to the applicant;

- h) favouritism and uneven application of the eligibility criteria by making arrangements with Troy Knowlton to eliminate his estimated \$5,000 indebtedness to the Piikani Nation for the Recreational Sports hockey arena charges without offering a similar opportunity to numerous other candidates with significantly lesser debts whose candidacy was summarily eliminated without a right to satisfy the debts.
- i) Failing to disclose and concealing the secret meetings with the CEO held after nominations with candidate Troy Knowlton Bossyman in Fort MacLeod at Scout Den to rig his reinstatement after having been initially also removed from the December 14, 2022, Nominated list;
- j) Breaching the code and bylaw by meeting with the CEO after nominations;
- k) failing to disclose the location of early polling stations until after the time allowed for it in violation of 2.01.04.
- l) failing to disclose the number of people who voted at the early polling stations in violation of 14A.02.02.
- m) failing to disclose the total number of votes cast and the number of spoiled votes in violation of 19.01.
- n) producing ballots from a ballots box that mysteriously disappeared which then re-appeared containing 12 consecutive ballots none of which had votes for councillors and all of which showed a vote for Troy Knowlton, amounting to a sequence of suspiciously low mathematical probability in seeming violation of 14A.02.04 of the Piikani Nation Election Regulations.
- o) Compromising the ballot boxes which were not Sealed, and some only taped;
- p) Failing to post and appoint a proper and lawful Appeal Board within the required time in violation of the code and without notice to Councilor Jackson during his term remaining;
- q) Failing to accept any initial appeal by the Applicant or other Appellants removed and sending them on a goose chase to attempt miss appeal deadlines;
- r) Making unlawful amendments to rig any appeal in advance by adding sections that the appeal board could not have want of jurisdiction under a conflicted and rigged board;

39. The number of votes cast for Troy Knowlton, being 450 in number, is also a historical aberration creating further suspicion of ballot stuffing.

40. The number of consecutive ballots, over 12 in a row of votes cast for Troy Knowlton from one box is a mathematical improbability that an actuary would most likely deem improbable beyond suspicious.

41. Dimples Smith, one of the newly elected councillors failed to attend at the inauguration which calls for a by-election under Piikanissini and the Chief and Council oath of office. This did not happen.
42. Restraining the members from attending the so-called inauguration.
43. Appointing "late" and without advance notice an Appeal board that is directly in conflict with the purported Elected and all board members being from Piikani contrary to the bylaw.
44. Further to the above, the lapsed Chief and Counsel failed to discharge its broader duty to consult with the members in respect of any of the impugned decisions and actions thereby comporting itself as a rogue body.
45. In a word, expressed in the parlance of the street, the 2023 Election was rigged.

THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

- a) Piikani Election Bylaw, 2002;
- b) Affidavit of Terry Joe Small Legs to be filed;
- c) Affidavit(s) of other members removed or otherwise required;
- d) Such further affidavits and materials as the Applicant may advise and as this Honourable Court may allow.
- e) The Applicants request, pursuant to Rule 317 of the Federal Courts Rules, that the Respondents disclose all records before Council and/or the Minister of CIRNA in pursuing October-December 2022 Decision made by the functus and lapsed term of the Piikani Respondents including but not limited to:
 - i. Any Band Council Resolution outlining the Decision and/or affecting the Decision;
 - ii. All records regarding the January 11, 2023, election made by the Respondents;
 - iii. A list of all Members who received the complete copy of the election notice, amendments to bylaws regarding the elections, early votes made, ballot box entries, inclusive of the location of the ballot box and where it resided prior

to being counted, and the total number of actual votes, inclusive of spoiled votes, or any Agreements;

- iv. All minutes of meetings regarding the election and amendments to the bylaws, inclusive of the minutes of meetings held after the nominations took place and thereafter;
- v. All record of consultation regarding the election and the amendments to bylaws;
- vi. All records or audio/visual recordings of meetings the election and the amendments to bylaws, including but not limited to the agenda, the meeting minutes, any correspondence or advice related to the meeting;
- vii. All advice or recommendations provided to the Council and the Chief Electoral Officer regarding the election and the amendments to bylaws;
- viii. All documents, records and evidence relied on or considered by the Council in setting the election and the amendments to bylaws, and all decisions and announcements thereafter;
- ix. All member correspondence with any Ratification Officer, regarding the election and the amendments to bylaws;
- x. Any reasons for the amendments to bylaws:

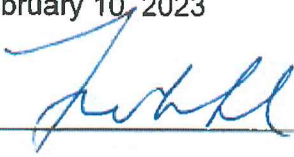
Witnesses:

- xi. Past and current Chief Executive Officer(s), Chief Operating Officer and Chief Electoral Officer and all executive staff.
- xii. The Elders who signed the resolution to appoint the Niitisitapi Leadership and the Elders who were disenfranchised by the acts of the past and present elected office.
- xiii. Councillor Jackson as a prior Councilor of the Piikani Nation and any and all other Councilors available.
- xiv. Any Elders as may be required.
- xv. Ms. Careen Hanert.
- xvi. The purported 2023 Appeal Board.

- xvii. Joseph Yellow Horn.
- xviii. Experts and Actuaries as required.

-INTENTIONALLY LEFT BLANK-

February 10, 2023



FERLIN CROW SHOE

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