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File No.

FEDERAL COURT

BETWEEN:

DAVID MEECHES,

Applicant,

- and -

**JACQUELINE MEECHES, KRYSTLE FOSSENEUVE, BILL BEAUCHAMP, RUTH
ROULETTE, PRESTON ASSINIBOINE, and KYRA WILSON,**

Respondents.

APPLICATION UNDER SECTION 18.1 OF THE *FEDERAL COURTS ACT*

NOTICE OF APPLICATION

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File No. 038053-0001

FEDERAL COURT

BETWEEN:

DAVID MEECHES,

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- and -

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TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the Applicant appears below.

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 the City of Winnipeg, in the Province of Manitoba.

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 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.

Date: _____

Issued by: _____
(Registry Officer)

Federal Court of Canada
363 Broadway, 4th Floor
Winnipeg MB R3C 3N9
Phone: (204) 983-2232

TO: Federal Court Registry
Trial Division, Federal Court of Canada
363 Broadway
Winnipeg MB R3C 3N9

AND TO: **JACQUELINE MEECHES**
Room 115 – 480 Madison Street
Winnipeg MB R3J 1J1

AND TO: **KRYSTLE FOSSENEUVE**
Room 115 – 480 Madison Street
Winnipeg MB R3J 1J1

AND TO: **BILL BEAUCHAMP**
Box 430
Portage la Prairie MB R1N 3B8

AND TO: **RUTH ROULETTE**
Box 430
Portage la Prairie MB R1N 3B8

AND TO: **PRESTON ASSINIBOINE**
Box 430
Portage la Prairie MB R1N 3B8

AND TO: **KYRA WILSON**
Box 430
Portage la Prairie MB R1N 3B8

APPLICATION

THIS IS AN APPLICATION for Judicial Review of the decision of Long Plain First Nation Election Appeal Committee comprised of the respondents, Bill Beauchamp, Ruth Roulette, and Preston Assiniboine (collectively, the “**Election Appeal Committee**”) made on April 21, 2022.

1. THE APPLICANT MAKES AN APPLICATION FOR:

- a. A Declaration that the Election Appeal Committee and the Respondents, Electoral Officer Jacqueline Meeches (“**J. Meeches**”), and Deputy Electoral Officer Krystle Fosseneuve (“**Fosseneuve**”), failed in their duties to apply, uphold, and administer the articles of the Long Plain First Nation Custom Election Act (the “**Election Act**”);
- b. An Order in the nature of *certiorari* quashing the decision of the Election Appeal Committee to dismiss the appeal filed by David Meeches (the “**Applicant**”);
- c. An Order setting aside the result of the general election for the Long Plain First Nation that concluded on or about April 15, 2022 (the “**Election**”), where the respondent, Kyra Wilson (“**Wilson**”) was declared Chief;

- d. A Declaration that the Election Act was breached during the Election process;
- e. An Order in the nature of *quo warranto* preventing Wilson from holding herself out as a member of the Long Plain First Nation Chief and Council;
- f. An Order that by-elections must immediately take place for the Long Plain First Nation Chief or Council position declared to be vacant;
- g. Costs of this application; and
- h. Such further and other relief as may be required, and this Honourable Court may deem just.

2. THE GROUNDS FOR THE APPLICATION ARE:

- a. The Long Plain First Nation conducts its Chief and Council elections in accordance with the First Nation's custom and procedures as set out in the Election Act;
- b. Following the Election, the Applicant, a candidate for the position of Chief, filed an appeal in accordance with his right to do so under the Election Act to the Election Appeal Committee. Numerous grounds of appeal were

submitted, including allegations that the Respondents breached several provisions of the Election Act;

- c. In accordance with article 13.38 of the Election Act, a material contravention or breach that impacts the fairness of an election results in a vacancy in office and requires a by-election to fill the vacant position;
- d. On April 20, 2022, the Election Appeal Committee requested that the Electoral Officer, J. Meeches provide a written response to them within a 24-hour period;
- e. On or around April 21, 2022, and in response to the Applicant's election appeal, the Election Appeal Committee issued a dismissal on all four grounds of appeal;
- f. The Election Appeal Committee's recommendation to dismiss the Applicant's appeal failed to consider submissions of Electoral Officer J. Meeches, wherein she outlined several breaches of the of the Election Act, including *inter alia*:
 - i. That she never received orientation from, or even met with, the previous electoral officer;

- ii. That she did not verify that the proper pre-Election procedures had been implemented prior to her taking office approximately one month before the election;
- iii. That neither she nor Fosseneuve signed an oath to uphold the Election Act in contravention of article 6.11 thereof;
- iv. That Wilson posted inappropriate and dishonest messages about the Applicant on her social media during pre-Election campaigning, which is in contravention of article 10.2 of the Election Act;
- v. That members of the Long Plain First Nation who were associated with Wilson were harassing Tribal Citizens to vote for her candidacy leading up to the Election, including having individuals set up a table at the entrance of a polling station, causing voter confusion;
- vi. That there was insufficient Election security causing Election officers and voters to feel unsafe, unprotected and vulnerable;
- vii. That the ballot boxes from the advance polls may have been compromised; and
- viii. That she had committed an “enormous error” of judgment by opening the Election polls on April 15, 2022, despite the treacherous weather

conditions resulting in voters' inability to access the polling stations and cast their vote.

- g. The decision of the Election Appeal Committee was based on errors in law contrary to section 18.1(4)(c) of the *Federal Courts Act*;
- h. The decision of the Election Appeal Committee was based on erroneous findings of fact that the Election Committee made in a perverse or capricious manner without regard for the material before it or to wait for a full review of the issues contrary to section 18.1(4)(d) of the *Federal Courts Act*;
- i. The decision from the Election Appeal Committee is an unreasonable and improper exercise of discretion;
- j. The *Federal Courts Act*, sections 2, 18 and 18.1 and the Election Act; and
- k. Such further and other grounds as counsel may advise and this Honourable Court may permit.

3. THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION

- a. Affidavit of David Meeches, to be sworn and filed; and

- b. Such further and other material as counsel may advise and this Honourable Court may permit.

4. The Applicant requests that the Election Appeal Committee sends a copy of all relevant materials, documents, and evidence used to conclude their decision to dismiss the Applicant's appeal. This material is not in the possession of the Applicant but is in position of the Election Appeal Committee. Please send a copy of these materials, documents, and evidence to both the Applicant and to the Registry.

Dated at Winnipeg, Manitoba this 18th day of May 2022

TAPPER CUDDY LLP


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