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I S S U E D	FEDERAL COURT COUR FÉDÉRALE  November 21, 2022 21 novembre 2022
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Court File No.  
Vancouver Registry

**FEDERAL COURT OF CANADA**

**BETWEEN:**

**LOWER NICOLA INDIAN BAND MEMBER GEORGE COUTLEE**

*APPLICANT*

– and –

**LOWER NICOLA INDIAN BAND,  
CHIEF STUART JACKSON,  
COUNCILOR WILLIAM BOSE,  
COUNCILOR LUCINDA SEWARD,  
COUNCILOR WILLIAM SANDY,  
COUNCILOR ROBIN HUMPHREY,  
COUNCILOR AARON SUMEXHELTZA,  
LOWER NICOLA INDIAN BAND EXECUTIVE DIRECTOR KARI REILANDER  
LOWER NICOLA INDIAN BAND ASSISTANT DIRECTOR EXECUTIVE SONDRATOM  
AND ELECTORAL OFFICER DREW SHAW**

*RESPONDENTS*

**NOTICE OF APPLICATION  
Pursuant to s. 18 AND 18.1, 18.1(4)**

**TO THE RESPONDENT:**

A PROCEEDING HAS BEEN COMMENCED by the applicant.

The relief claimed by the applicant appears on the following page.

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, as requested by the applicant. The applicant requests that this application be heard at Vancouver, British Columbia.

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 prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where 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: November\_\_\_\_\_, 2022

Issued by:

(Registry Officer)

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REGISTRY OFFICER

AGENT DU GREFFE

Address of local office: Federal Court, Vancouver Office

Pacific Centre

P.O. Box 10065

701 West Georgia Street

Vancouver BC V7Y 1 B6

### **APPLICATION**

**Pursuant to s. 18 AND 18.1, 18.1(4) of the *Federal Courts Act***

This is an application for judicial review, pursuant to [section 18.1](#) of the [Federal Courts Act, R.S.C. 1985, c.F-7](#), made by Lower Nicola Indian Band Member (LNIB) George Coutlee Jr., concerning the unlawful completed LNIB October 22, 2022 Custom Election AND the “Critical” and

“Interrelated” Decision(s) of the 2016-2019 Lower Nicola Indian Band Chief and Council, Stuart Jackson, Robin Humphrey, William Bose and Aaron Sumexheltza AND Executive Director Kari Reilander and Executive Assistant Sondra Tom without jurisdiction and in conflict intimidated and manipulated the Custom Election for the October 22, 2022 LNIB Election (the “Election”) by instructing and coercing Electoral Officer Drew Shaw’s Jurisdiction pursuant to the **Custom Election Rules**.

#### **The Applicant makes application for Orders**

1. An order in the nature of certiorari quashing the Related Decisions
2. Declaring the October 22, 2022 LNIB Election nullified.
3. An Order that the LNIB will immediately begin a new election cycle (an LNIB Elders impartial recommended Electoral Officer, excluding One-Feather and Drew Shaw, nominations, advance poll and election day...) as per the LNIB **Custom Election Rules** within 15 days of the Order.
4. An Order that all formal or informal decision(s) of the LNIB Chief and Council including by the Electoral Officer that did or may have aided in the influencing of the Election Results nullified.
5. An Order allowing a petition to be filed for “corrupt election practices” caused by Mr. Stuart Jackson, Mr. Aaron Sumexheltza, Mr. Robin Humphrey, and Mr. William Bose, together or each of on the same, regarding the Election, as per the LNIB **Custom Election Rules**. Or in the Alternative, an order declaring such “corrupt election practices” occurred, where by the LNIB will accept the impeachment of each as required, or immediate resignation of each, and declaring each not an eligible candidate of the next Election.
6. A writ of quo warranto to the effect that the Respondents have no right to hold office as Chief or Councilors, as the case may be, of LNIB;
7. In the event, if by chance, a decision or order made by the Respondents, more than thirty days before the date of this application, an order for an extension of time to permit the within application pursuant to section 18.1(2) of the Federal Courts Act, R.S.C. 1985, c.F-7;
8. Declaring that the members of the LNIB C&C who either voted in favor of the Decisions, or chaired the meeting of the Decision were in breach of their fiduciary duty and band laws including procedural fairness conflict and bias;
9. An order that the Respondents, jointly and severally, pay the legal costs of the Applicant; including the repayment of all LNIB funds wasted by their intentional planed without jurisdiction in conflict LNIB Election for which there is no immunity;
10. Such further and other relief as this Court deems fit.

#### **The Grounds for this Are;**

1. The Respondents did, or did allow Chief Stuart Jackson, to purport to pass a Band Council Resolution (BCR), on September 28, 2022 removing the eligibility of otherwise eligible LNIB Member, while in a direct conflict of interest, which did materially change the outcome of the LNIB Election
2. The un-constituted LNIB Chief and Council, and/or the nominal Electoral Officer acted without Jurisdiction in the October 22, 2022 LNIB Election
3. The LNIB chief and council members interfered with the Election by coercing and manipulating the Electoral Officer Drew Shaw **superseding LNIB Custom Election Rules**
4. The partial Chief and Council failed to call upon its customary practice of an Elders advisory role
5. The LNIB Chief and Council usurped the jurisdiction of Sections 3 and 35-44, inter alia, of the LNIB **Custom Election Rules**.
6. Stuart Jackson caused a corrupt election process when he voted to pass an otherwise flawed resolutions, while in a direct conflict of interest, against the LNIB Custom Laws and Policies.
7. Robin Humphrey, William Bose and Aaron Sumexheltza (Jacksons Council) caused election corruption process when they allowed Stuart Jackson to pass a motion acting against the LNIB Custom Laws and Policies.
8. The Respondents caused, or allowed to be caused, without Notice to the LNIB membership, public and electoral officer of ambiguously validating their removal of candidate (Spence Coutlee) from the Ballot for chief for the Election
9. The rendering of all LNIB Electors cast votes by Mail-in Ballot for chief and councilors from September 19, 2022 through to October 22, 2022 spoiled, resulting with the disenfranchisement of the Applicant and all LNIB Electors Democratic right that cast their vote by Mail-in body for the chief or councilor for the 2022-2025 LNIB Govern Body.
10. Electoral Officer Drew Shaw, on October 22, 2022, implemented Jackson's council's Decision to render all LNIB Electors cast votes by Mail-in Ballot for chief and councilors from September 19, 2022 through to October 22, 2022, spoiled.

**This application will be supported by the following material:**

1. The Affidavit of LNIB Member George Coutlee.
2. Such further and other material as counsel may advise and the Court permit.

The applicant requests the Respondents, each as required, and as listed herein to send, or have sent, a certified copy of the following material that is not in the possession of the applicant but is in the possession of Respondents listed herein and to the Registry:

1. All decisions, meetings, agendas, minutes and similar related to the Election or removal of any candidates
2. All correspondence to or from the Electoral Officer, or any One Feather agent, regarding the Election
3. The number of all mail in ballots, regardless of period of election, sent to over 700 LNIB Members off reserve members.
4. All correspondence related to every ballot created, amended, renewed, spoiled, and similar all events or decision and the number of ballots.

November 17, 2022

**GEORGE COUTLEE**

LNIB Member George Coutlee

Lawyer

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