

**FORM 301 Rule 301
Notice of Application**

APPLICATION

(Court File No.)

FEDERAL COURT

BETWEEN:

LANA RACETTE and CLARENCE SUMNER

applicants

– and –

KURVIS ANDERSON and ELSIE THOMPSON

respondents

APPLICATION UNDER *The First Nations Election Act*, Section 35(1)

Notice of Application

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicants. The relief claimed by the applicants 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 applicants. The applicants request that this application be heard at Winnipeg, 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 applicants' solicitor or, if the applicants are self-represented, on the applicants, 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.

November 30, 2023

Issued by: _____

TO: Kurvis Anderson
General Delivery
Fairford, MB Canada R0C 0X0

AND TO: Elsie Thompson
General Delivery
Fairford, MB Canada R0C 0X0

BETWEEN:

LANA RACETTE and CLARENCE SUMNER

applicants

– and –

KURVIS ANDERSON and ELSIE THOMPSON

respondents

APPLICATION UNDER *The First Nations Election Act*, Section 31

Application

This is an application in respect of the contestation of the Pinaymootang First Nation General Election for Chief and Council held October 31, 2023, pursuant to Section 300(b) of the *Federal Court Rules* and Section 31 of the *First Nations Elections Act*.

The applicants make application for:

- (a) Contestation of the election held in Pinaymootang First Nation on October 31, 2023;
- (b) This Honourable Court to set aside the results of the election of October 31, 2023 in accordance with s. 35(1) of the *First Nations Elections Act*;
- (c) any other relief which this Honourable Court deems fit to grant.

The grounds for the application are:

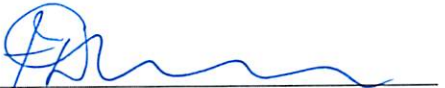
- (a) The Respondents have contravened the *First Nations Elections Act* in a manner that has likely to have affected the result of same;
- (b) The Respondents have offered money, goods, or other valuable consideration to persons for the purpose of influencing those persons to vote for him, contrary to s.16(f) of the *First Nations Elections Act*; and

- (c) such further and other grounds as the applicants may advise and this Honourable Court may accept.

This application will be supported by the following material:

- (a) the Affidavit of Valentina Joyce Sumner;
- (b) the Affidavit of Sharon Hall; and
- (c) such further and other evidence as this Honourable Court may permit.

November 30, 2023



FAYE BRANDSON
HILL SOKALSKI WALSH LLP
Litigation Counsel
2670 – 360 Main Street
Winnipeg, Manitoba
R3C 3Z3

Telephone: (204) 943-6740
Fax: (204) 943-3934
File No. **23070**

SOR/2021-151, s. 22