

THE QUEEN'S BENCH
WINNIPEG CENTRE

B E T W E E N:

BUNIBONIBEE CREE NATION,

Plaintiff,

- and -

THE GOVERNMENT OF MANITOBA, CAMBRIAN CREDIT UNION LIMITED,
RESORT MANAGEMENT & CONSULTANTS LTD., and PAYBACK LIMITED PARTNERSHIP,

Defendants.

NOTICE OF MOTION
Before the Presiding Judge
Hearing Date: February 3rd, 2006 at 10:00 a.m.

Filed:
FEB 03 2006

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THE QUEEN'S BENCH
WINNIPEG CENTRE

B E T W E E N:

BUNIBONIBEE CREE NATION,

Plaintiff,

- and -

THE GOVERNMENT OF MANITOBA, CAMBRIAN CREDIT UNION LIMITED,
RESORT MANAGEMENT & CONSULTANTS LTD., and PAYBACK LIMITED PARTNERSHIP,

Defendants.

NOTICE OF MOTION

THE Plaintiff will make a motion before the presiding Judge on Friday, February 3rd, 2006, at 10:00 in the forenoon, or so soon after that time as the motion can be heard at the Law Courts, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR:

1. For short leave with respect to the hearing of the within motion, if necessary;
2. An Order enjoining and restraining the Defendant, Cambrian Credit Union Limited, from transferring, assigning or in any other way whatsoever disposing of or dealing with a certain Crown Land lease commonly referred to as Misc. Lease No. 3482 (the "Lease") for such period of time as this Honourable Court deems reasonable; and
3. Costs of the within Motion.

THE GROUNDS FOR THE MOTION ARE:

1. Pursuant to Section 55 of the *Queen's Bench Act* S.M. 1988-89 c. 4-Cap. C280;
2. Pursuant to Rules 40.01 and 40.03 of the *Queen's Bench Rules* C280-M.R. 553/88;
3. In accordance with the provisions of a certain "Framework Agreement Treaty Land Entitlement Manitoba" and a certain "Treaty Land Entitlement Agreement", the Plaintiff was entitled to select land located in the Province of Manitoba, and owned by the Province of Manitoba, with a view to having the said lands transferred from the Province of Manitoba to the Government of Canada for the purposes of becoming Indian Reserve Lands;
4. Pursuant to the provisions of the aforementioned agreements, Manitoba is prohibited from disposing of or authorizing or allowing any disposition of lands selected by the Plaintiff except in keeping with the provisions of the aforementioned agreements;
5. The Plaintiff made certain land selections in keeping with the aforementioned agreements, a portion of which included lands forming part of a lease held by the Province of Manitoba;
6. Manitoba has allowed a disposition of the subject lands to the Defendant, Cambrian Credit Union Limited (the "Credit Union") and it is currently the intention of the Credit Union to effect a further disposition of the subject lands;
7. To allow the Credit Union to effect a further disposition of the land referred to in the aforementioned lease would constitute a further breach of the

aforementioned agreements which would significantly prejudice and irreparably harm the Plaintiff; and

8. The Plaintiff therefore requires that this Honourable Court pronounce and Order preventing any further disposition of the subject land until such time as the Plaintiff's rights have been determined.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Statement of Claim filed February 1st, 2006;
2. The Affidavit of Tim Muskego sworn the 31st day of January, 2006;
3. The Undertaking of the Plaintiff, to be filed; and
4. Such further and other material as counsel may advise and this Honourable Court may permit.

February 1, 2006.

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P. MICHAEL JERCH

TO: CAMBRIAN CREDIT UNION LIMITED
255 Marion Street
Winnipeg, MB R2H 0T8

AND TO: THE GOVERNMENT OF MANITOBA
c/o The Attorney General of Manitoba
Legislative Building
450 Broadway Avenue
Winnipeg, MB R3C 0V8

AND TO: RESORT MANAGEMENT & CONSULTANTS LTD.
1749 Portage Avenue
Winnipeg, MB R3J 0E6

AND TO: PAYBACK LIMITED PARTNERSHIP
20825 Swenson Drive, #150
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