



Robinson Huron Treaty LITIGATION FUND

July 22, 2024

ROBINSON HURON TREATY LITIGATION FUND ADDRESSES **MISINFORMATION IN SOCIAL MEDIA**

Robinson Huron Treaty Territory – The Litigation Management Committee, on behalf of the Chiefs and Trustees of the Robinson Huron Treaty Litigation Fund (RHTLF), has determined that it is necessary to share information to the beneficiaries regarding the two court Applications that have been filed in the Superior Court of Ontario.

Misinformation has been spread through social media that alleges that the RHTLF is risking the delay of per capita distribution payments to the individual beneficiaries. That is NOT TRUE.

HERE ARE THE FACTS:

After 17 years of hard work, the RHTLF with the support of our Anishinaabe Legal Team, was able to reach an historic settlement with Ontario and Canada in the claim against the Crown for its 170-year failure to honour the Robinson Huron Treaty promise to increase the annuity as the treaty territory generated more wealth. The \$10 Billion settlement -- the largest treaty claim in the history of Canada -- is only for past compensation. We still need to deal with the treaty obligation going forward – to increase the \$4.00.

The Settlement Agreement for Past Compensation was finally signed in January 2024. However, its approval was delayed by Atikameksheng Chief Craig Nootchtai and Garden River then Chief Andy Rickard, when they initially refused to approve the settlement. Their actions were a threat to the settlement.

Chiefs Nootchtai and Chief Bell are also now opposing the decision of the RHTLF to pay contingency fees to our Legal Team, in the amount of \$255 Million, which is ½ of what they are entitled to under the Contingency Agreement we signed with them. The RHTLF decision to pay the legal fees is supported by 20 of 22 Trustees. Only Garden River and Atikameksheng oppose; and rather than accept the decision, they have decided to go to an outside court.

Atikameksheng
Anishnawbek

Aundeck Omni
Kaning

Batchewana
First Nation

Dokis First Nation

Henvey Inlet
First Nation

M'Chigeeng
First Nation

Magnetawan
First Nation

Mississauga
First Nation

Nipissing
First Nation

Ojibways of
Garden River

Sagamok
Anishnawbek

Serpent River
First Nation

Shawanaga
First Nation

Sheguiandah
First Nation

Sheshegwaning
First Nation

Thessalon
First Nation

Wahnapiitae
First Nation

Wasauksing
First Nation

Whitefish River
First Nation

Wiikwemkoong
Unceded Territory

Zhiibaahaasing
First Nation



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Because the Trustees came to an agreement with the legal team on contingency fees, because Chief Nootchtai sent the trustees a letter on May 13, 2024, that accused the Trustees of acting illegally and wasting “trust assets”. The Chiefs passed a resolution to hire Peter Wardle to represent RHTLF on Legal fees.

On Friday, June 7, 2024, Atikameksheng Chief Craig Nootchtai and Garden River Chief Karen Bell and Councillor Chester Langille, through their lawyer, filed an Application to in effect overturn the decision of the Trustees. This has created uncertainty. And there is always a risk of using the court to intervene in an internal matter that gets into the business of the governance structure of Chiefs and Trustees and decision-making procedure that is set out in the Trust Indenture.

To minimize the uncertainty, the RHTLF filed its own Application to the court for a ruling that the compensation funds are not “trust assets”, because if they are trust assets, the court would normally have to review and approve all accounts, in what is referred to as a passing of accounts. The Trust Indenture contains a definition of trust "assets" that specifically says Compensation Proceeds are not trust assets, and it further specifies that Compensation Proceeds are to be distributed according to the terms of any Compensation Disbursement Agreement entered pursuant to the Trust Indenture.

Because Chief Nootchtai and Chief Bell allege that our Legal Team is in a conflict of interest, we have had to hire an independent lawyer to represent the RHTLF in the two Applications. The RHTLF lawyer is Peter Wardle.

The Legal Team is also separately represented by Brian Gover and Dan Gouge, of the Stockwoods Firm.

A ruling that the compensation proceeds are not trust assets would pave the way for the RHTLF to transfer funds to the 21 communities in order for the communities to proceed with their per capita payments. Our lawyer has asked the court to expedite the hearing of the trust asset issue so that the August 9th distribution date will not be delayed. The lawyer for Chiefs Nootchtai and Bell has agreed, and so have the lawyers for the Legal Team. The case is being heard on July 30th, 2024, in the Ontario Superior Court in Toronto, by Justice Steele. We will not discuss the case in any more detail because it is in the hands of the court.



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Hopefully, Justice Steele will issue her decision quickly, so that the distribution is not delayed. The Court has issued a notice that the hearing can be watched in person or via zoom on July 30th.

It is, and always has been, the intention of the RHTLF to avoid any delay in the transfer of compensation funds to the communities for their own distributions in the communities.

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