

Form 78.05

2020

Hfx No. 501202

SUPREME COURT OF NOVA SCOTIA

Between:

SIPEKNE'KATIK BAND COUNCIL



APPLICANT

and

JOHN DOE, JANE DOE AND PERSONS UNKNOWN

RESPONDENTS

ORDER FOR INTERIM INJUNCTION

Before the Honourable Justice

James L. Chipman

in Chambers

WHEREAS the Applicant filed a Notice of Motion *Ex Parte* for an order granting interim injunctive and other relief;

AND UPON READING the *Ex Parte* Motion and the Affidavit of Stuart Knockwood sworn to on October 19, 2020, and the Affidavit of Jason Marr, sworn on October 20th, 2020;

AND UPON HEARING counsel for the Applicant, Sipekne'katik Band Council;

AND UPON the Applicant's undertaking to commence legal proceedings against the Defendants without delay and to bring a motion for an interlocutory injunction without delay;

NOW UPON THE MOTION of the Applicant, the following is ordered:

1. The Respondents, and any persons acting under their counsel, directions or instructions, or anyone aiding or assisting any of them, and any person having notice of this order are prohibited, until the hearing of the Application in this matter or until this order is varied, from:

- (a) blockading any of the members of Sipekne'katik Band from accessing: the Saulnierville wharf, located off Saulnierville Road, in Saulnierville, Nova Scotia; Weymouth Wharf, located off Fort Point Road, near Weymouth, Nova Scotia; and the lobster pound building located in New Edinburgh, Nova Scotia;
- (b) restricting in any way those wishing to use the Saulnierville wharf, the Weymouth wharf, and the lobster pound building in New Edinburgh, including, more specifically: not standing, walking or being in any place that hinders traffic circulation in and out of these wharves and lobster pound; not parking vehicles or placing any other object that obstructs traffic or hinders circulation in and out of these wharves and lobster pound;
- (c) threatening, coercing, harassing or intimidating or attempting to threaten, coerce, harass or intimidate in any way members of the public, members of Sipekne'katik Band, and persons doing business with Sipekne'katik or its members at any of the aforementioned locations;
- (d) interfering with the Sipekne'katik Band members' fishing activities, including by interfering with fishing gear, whether in the ocean or an land, and/or whether by direct physical interference or by threats, harassment and intimidation;
- (e) interfering with the performance of contracts between enterprises doing business with members of Sipekne'katik Band, whether physically, at any location where Band members ordinarily conduct such business, or indirectly through threats, harassment and intimidation;
- (f) obstructing, blocking or interfering in any way with the ability of members of the public and/or the Sipekne'katik Band to freely enter and leave the Saulnierville wharf, Weymouth wharf, or New Edinburgh lobster pound;
- (g) obstructing, blocking or interfering in any way with the free flow of traffic in the vicinity of any of the entrances of the Saulnierville wharf, Weymouth wharf, and/or New Edinburgh lobster pound;
- (h) breaching the peace or inducing a breach of the peace at or in the vicinity of the Saulnierville wharf, Weymouth wharf, and/or New Edinburgh lobster pound, or such other location where Sipekne'katik Band members engage in fishing activity or any fishing-related business activity;

- (i) trespassing at the New Edinburgh lobster pound;
 - (j) ordering, directing, persuading, aiding, abetting, encouraging, counseling, inducing and procuring other persons to commit the acts described in (a) to (i) above and conspiring, combining and agreeing, directly or indirectly, with other persons to commit the acts described in (a) to (i) above.
2. Any peace officer, member of the Royal Canadian Mounted Police and other police service be authorized to arrest and remove any person who they have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order;
3. Any peace officer, member of the Royal Canadian Mounted Police or other police service who arrests and removes any person pursuant to this Order be authorized to:
 - (a) Release the person from arrest upon that person agreeing in writing to abide by this Order and appear before this Court at such time and place as may be fixed for the purpose of being proceeded against for contempt of Court or fixing a date for such a proceeding;
 - (b) Where such person has refused to give such written undertaking to abide by this Order or to appear before this Court, or where, in the circumstances, the peace officer considers it appropriate to bring forthwith such person before this Court ~~in Halifax or such other place as the Court may direct~~ ^{at} for the purpose of being proceeded against for contempt of Court or fixing a date for such proceedings; or
 - (c) detain such person in custody until such time as it is possible to bring such person before this Court.
4. This order shall remain in force until December 15, 2020.

Dated at Halifax, Nova Scotia this 20th day of October, 2020.



DAWN LEWIS
Deputy Prothonotary