

Federal Court



Cour fédérale

**Date: 20210514**

**Docket: T-1013-20**

**Citation: 2021 FC 445**

**Ottawa, Ontario, May 14, 2021**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**SHELLEY GAUTHIER, ROBIN EWASKOW  
and TROY WOLF**

**Applicants**

**and**

**MERLITA DE GUZMAN (IN HER CAPACITY  
AS DIRECTOR OF OPERATIONS/CHIEF  
OPERATING OFFICER OF THE  
BLUEBERRY RIVER FIRST NATIONS  
BAND), THE BAND COUNCIL OF THE  
BLUEBERRY RIVER FIRST NATIONS  
BAND, MARVIN YAHEY, SHERRY  
DOMINIC and WAYNE YAHEY**

**Respondents**

**JUDGMENT**

**FOR THE REASONS** given this day, this application is granted in part without costs on the following terms;

**THIS COURT ORDERS AND ADJUDGES that:**

1. Chief Marvin Yahey is to convene or cause the Chief Operating Officer to convene a regular Band Council meeting to be held within 30 days of this Judgment to address the business or affairs of Blueberry River (save and except for the s 188 Report matter currently pending) and to continue to convene two such meetings per month as provided in s 142 of the *Blueberry River Custom Election By-law, 2017*, until the next Band Council meeting. The meeting ordered herein shall constitute the meeting requirements for the month of June 2021 and thereafter for each following month two such meetings shall be convened.
2. Absent lawful excuse, each of the parties shall attend such meetings.

**IT IS FURTHER ORDERED AND ADJUDGED that:**

3. Chief Marvin Yahey shall convene or cause to be convened a meeting to be held within 45 days of the present Judgment and to put on that agenda only the Band members' petition and current s 188 Report (2<sup>nd</sup> Report) to be dealt with in accordance with the *Blueberry River Custom Election By-law, 2017*.
4. The Chief Operating Officer is to carry out the functions specified for that office and shall be entitled to retain arm's length counsel to advise her, the cost of such counsel is to be paid by the Blueberry River First Nation in accordance with the account submitted. In the event of a dispute about such account, the dispute shall be referred to this Court for such further order as may be necessary.

5. I remain seized of this matter until all matters ordered are completed in accordance with the terms of this Judgment.

“Michael L. Phelan”

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Judge