

Date: 20071126

Docket: T-1932-07

Toronto, Ontario, November 26, 2007

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

DONNA SHILLING and RICHARD HAYES

Applicants

and

CURVE LAKE FIRST NATION (BAND COUNCIL)

Respondent

ORDER

UPON MOTION by the Respondent for an order adjourning the Applicants' motion for an interlocutory injunction,

AND UPON reading the motion record of the Applicants and hearing the submissions of counsel for the Applicants and for the Respondent,

THIS COURT ORDERS that:

1. The Applicants' motion for an interlocutory injunction is adjourned to December 17, 2007 on the following terms:
 - (a) The Applicant, Richard Hayes (“Hayes”), shall be permitted on Curve Lake First Nation's Reserve territory for the limited purpose of managing and operating the Applicants' business, Charlie's Bay Convenience and Marina and residing in his residence;
 - (b) Hayes undertakes not to traffic in or possess controlled substances or otherwise break the law while on the Reserve, or aid and abet any other person doing so on the Reserve;
 - (c) a breach by Hayes of terms a) or b) will result in the immediate forfeiture of Hayes' right to attend at the Reserve pending a determination of the interlocutory injunction;
 - (d) any dispute as to whether there has been a breach of terms a) or b) will be determined by this court;
 - (e) the Applicants undertake to pay the Respondent any damages the Respondent may sustain in the event the interlocutory injunction is ultimately granted but the Applicants do not succeed on their application;
 - (f) the parties agree to abide by the following timeline:

1. parties to serve affidavits by Monday, December 3, 2007;
 2. cross-examinations to be completed by Monday, December 10, 2007;
 3. Respondent to serve and file its responding Memorandum of Fact and Law by Wednesday, December 12, 2007 and the Applicants to serve any responding Memorandum of Fact and Law by Friday, December 14, 2007;
and
 4. Applicants' interlocutory motion to be argued on Monday, December 17, 2007.
- (g) costs of this motion are reserved to the judge hearing the interlocutory motion.

“Michel M. J. Shore”

Judge