

Federal Court



Cour fédérale

**Date: 20100302**

**Docket: T-587-09**

**Citation: 2010 FC 239**

**Ottawa, Ontario, March 2, 2010**

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

**BETWEEN:**

**THOMAS PHIL DENNIS,  
OF THE ADAMS LAKE BAND,  
RESIDENT AND AN ELECTOR AND  
ON BEHALF OF MY RELATIVES AND  
OTHER ADAMS LAKE BAND MEMBERS**

**Applicants**

**and**

**THE COMMUNITY PANEL OF THE  
ADAMS LAKE INDIAN BAND AND  
THE CHIEF AND COUNCIL ELECT  
FOR THE TERM DESCRIBED AS 2009**

**Respondents**

**REASONS FOR ORDER AND ORDER**

[1] The Respondents, The Chief And Council Elect (the individual Respondents), have moved under Rule 397(1)(b), for an Order for reconsideration of the terms of the Judgment issued by the Court on January 19, 2010. The Applicant's Motion Record was not accepted for filing because of

his failure to file proof of service upon the Respondents. The other Respondent party takes no position on this motion.

[2] I do not agree that anything was overlooked or omitted in the disposition of this proceeding. Although only the decision of the Community Panel was set aside with an Order for redetermination and no specific Order was made against the individual Respondents, it was the Court's intention that all of the Respondents be bound by the final Judgment. It is apparent to me that the individual Respondents carry the necessary authority to ensure that the Community Panel is appropriately reconstituted by the Band. Presumably the individual Respondents also have the necessary authority and resources to fulfill the Order for costs. Although the two Respondents parties were separately represented, their interests were substantially aligned.

[3] In the result, this motion is dismissed without costs.

**JUDGMENT**

**THIS COURT ORDERS that** this motion is dismissed without costs.

“ R. L. Barnes ”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-587-09

**STYLE OF CAUSE:** THOMAS PHIL DENNIS et al.  
v.  
THE COMMUNITY PANEL OF THE ADAMS LAKE  
INDIAN BAND et al.

**MOTION IN WRITING WITHOUT APPEARANCE OF PARTIES**

**PLACE OF HEARING:** Ottawa, Ontario

**REASONS FOR ORDER  
AND ORDER:** BARNES J.

**DATED:** March 2, 2010

**APPEARANCES:**

Thomas Dennis FOR THE APPLICANTS

Maria Morellato, Q.C.  
Anja Brown FOR THE RESPONDENT  
Community Panel of the Adams  
Lake Indian Band

Alfred Kempf FOR THE RESPONDENT  
Chief and Council Elect For the Term Described  
as 2009

**SOLICITORS OF RECORD:**

Thomas Dennis FOR THE APPLICANTS  
Chase, BC

Mandell Pinder FOR THE RESPONDENT  
Vancouver, BC Community Panel of the Adams  
Lake Indian Band

Pushor Mitchell LLP FOR THE RESPONDENT  
Kelowna, BC Chief and Council Elect For the Term Described  
as 2009