



Robinson Huron Treaty LITIGATION FUND

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

Update on Atikameksheng Anishnawbek and Garden River First Nation application asking the court to review and assess the legal fees

The Robinson Huron Treaty Litigation Fund (RHTLF) provides the following update regarding the application to review the legal fees for the annuities case, filed by Atikameksheng Anishnawbek and Garden River First Nation:

The RHTLF, as a whole, is the client that entered into the partial contingency fee agreement with the RHT Legal Team. The RHTLF is composed of 22 trustees, one appointed by each of the 21 First Nations, plus one trustee appointed to represent annuitants that are not members of the 21 First Nations.

The RHTLF represents the collective interests of the Lake Huron Anishinaabe that entered into the Robinson Huron Treaty in 1850, including the 21 RHT First Nations and their members. The RHTLF was established by a trust document (Trust Indenture), which set out a process by which the trustees would make decisions on behalf of the Lake Huron Anishinaabe, based on 70% majority vote. The RHTLF entered into the contingency agreement with the RHT Legal Team, according to that decision-making process. The RHTLF did not have the funds to undertake the litigation, so it explicitly chose the partial contingency agreement, rather than the straight hourly retainer.

The legal fees and distribution terms are detailed in the Compensation Disbursement Agreement, which was unanimously adopted by all Chiefs-in-Assembly on August 8, 2012. Additionally, each of the 21 First Nation Councils passed a Band Council Resolution to adopt this Agreement.

The decision-making process in the Trust Indenture was also followed by the RHTLF when deciding on the Settlement Agreement for Past Compensation.

The decision to accept the RHT Legal Team's proposal with respect to its legal fees, was made by the RHTLF, after a full discussion, according to the decision-making process in the Trust Indenture. The discussion on legal fees was made at an *in camera* meeting in Bawaating (Sault Ste. Marie) on April 22, 2024, in which the Legal Team was excluded. Only Atikameksheng's Trustee and Garden River's Trustee opposed. The Atikameksheng and Garden River Trustees brought it to a second vote on May 14, 2024, in Sudbury, but again, they were defeated.



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Despite the decision by the RHTLF to approve the legal fees, Atikmeksheng and Garden River have filed an Application in Superior Court, to challenge the decision of the RHTLF regarding legal fees. Chief Nootchtai had earlier alleged that the RHTLF Trustees were wasting trust assets by approving the legal fees. To respond, the Litigation Management Committee (LMC) of the RHTLF has filed its own Application to get directions from the Court.

We expect that the LMC's application and the application brought by Atikameksheng Anishnawbek and Garden River First Nation will be heard on an expedited basis by the Court. The LMC remains optimistic that both Court applications will be resolved swiftly, enabling the planned distribution of funds to the Lake Huron First Nations in early August.

In a community update released in April 2024, the RHTLF's Legal Team announced a commitment to the principles of resurgence and reciprocity. The Legal Team has agreed to allocate half of its earned fees, amounting to \$255 million of the total \$510 million, to support RHT Anishinaabek purposes. These funds will be used for:

- Revitalization of Anishinaabemowin (the Anishinaabe language)
- Advocacy for Anishinaabe law and customs
- Enhancing the well-being of elders, who play a vital role in preserving Anishinaabe perspectives
- Securing future arrangements for the augmentation clause

The RHTLF is dedicated to ensuring that these resources significantly benefit the Anishinaabe communities and uphold the spirit of the Robinson Huron Treaty.