ATIKAMEKSHENG ANISHNAWBEK

Response to the Robinson Huron Treaty Litigation Fund Court Application

[July 16th, 2024 – Atikameksheng Anishnawbek]

On June 7th, 2024, Atikameksheng Anishnawbek and Garden River First Nation filed an Assessment Application to have the legal fees charged by Nahwegahbow Corbiere for the Robinson Huron Treaty Annuities Claim (RHTAC) Settlement be properly assessed by the Court. Our court application seeks the court to provide direction to the Robinson Huron Treaty Litigation Fund (RHTLF) to distribute the funds in August as planned and to hold the $510M legal fees in trust until the dispute is resolved. This court application is necessary so that we are following the law, specifically the *Solicitors Act*.

The $510M legal fees are being held in two separate accounts and are not tied to the funds set to be distributed in August. Our court application to have the fees assessed does **not** require the courts to delay the distribution of funds as the funds are already separated. A separate court application filed by the RHTLF/Litigation Management Committee (LMC) seeks to have the courts clarify the definition of trust assets, and **that application** may cause delays in the distribution of funds in August. Our legal counsel has advised us that the clarification on the definition of trust assets is not required to have the legal fees assessed.

Atikameksheng Anishnawbek and Garden River First Nation issued a joint letter to the RHT Chiefs and Trustees urging them to remove their application as it is not necessary and that our two Nations are not contesting the definition of trust assets. Our legal counsel has met with opposing legal counsel on numerous occasions to reiterate that the LMC's court application is not required and to ask the RHTLF/LMC to remove their application so as not to delay distribution of funds. Our legal counsel will also seek direction from the presiding judge to not delay the distribution of funds in August.

We know that our people are anticipating their Per Capita Distribution, and any potential delays are frustrating. This is a historic, unprecedented legal settlement and will navigate this process ethically to ensure that all funds are properly managed. There are many examples in other similar court actions that show that the $510M legal fee is shocking, including the 2023 $43B Child Welfare Compensation Settlement where the courts determined that the lawyers would only get between $40-$50M for their legal fees. The same law firm representing the RHTLF were also involved in that case and sought higher fees but were denied by the courts.

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Lastly, and most importantly, Atikameksheng and Garden River have taken a position that is honorable in terms of being prudent trustees and for following all applicable laws, ensuring that all RHT beneficiaries will receive the most benefit from the settlement. Considering past precedents set by the courts, we are confident that the assessment will result in a significant amount of funds returned to RHT beneficiaries. We are also confident that the courts will decide what a reasonable fee is to be paid to Nahwegahbow Corbiere and we will support that payment to fulfill the legal fee retainer agreement.

A court hearing has been scheduled for Tuesday, July 30th at 10 am. A videoconference link will be available for Debendaagziwaad to watch the proceedings. We will continue to update and inform you as the process unfolds.

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