COURT FILE NUMBER	
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF	**STURGEON LAKE CREE NATION**
DEFENDANTS	**HIS MAJESTY THE KING IN RIGHT OF ALBERTA, ATTORNEY GENERAL OF CANADA, and the CHIEF ELECTORAL OFFICER OF ALBERTA**
DOCUMENT	**STATEMENT OF CLAIM**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	O'KELLY LAW Attn: Orlagh O'Kelly Email: orlagh.okelly@okellylaw.ca Telephone: 587 525 8348 Facsimile: 780 669 7672

NOTICE TO DEFENDANTS

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Note: State below only facts and not evidence (Rule 13.6)

Statement of facts relied on:

Overview

1. This case is about the consent of First Nations that is required for any separatist process in Alberta.

2. The Plaintiff, Sturgeon Lake Cree Nation ("**SLCN**"), are the Cree (*nêhiyaw*) descendants of a Peoples, as defined at international law, who entered into Treaty No. 8 in 1899. Treaty No. 8 was a sacred and solemn nation-to-nation covenant to share the land, some of which is now within the provincial borders of Alberta. SLCN are the original and Indigenous Peoples of what is now northwestern Alberta.

3. Treaties, including but not limited to Treaty No. 8, were founded on the principles of mutual respect, mutual responsibility, reciprocity, and renewal and their implementation must be guided by the Honour of the Crown. The treaty relationship was meant to last as long as the sun shines, the grasses grow, and the rivers flow.

4. Through Treaty No. 8, First Nations, including SLCN, provided the Crown the right to share the land that became a part of Canada. SLCN never made Treaty with Alberta, nor did they consent to Canada's creation of Alberta in 1905 through legislation. Without Treaty No. 8, there would be no legal foundation for the settlement, creation and legitimacy of what is now Canada. Without Canada, there would be no Alberta. Despite this, Alberta has treated SLCN as though they are chattel on the land, merely an afterthought in forced negotiations, not the first step in any potential secession.

5. This is contrary to law: Alberta's secession cannot happen without First Nation consent to change a party to Treaty No. 8. Consent, not consultation, is required before the question of secession is delegated from a party to the Treaty to the individuals who have come to inhabit Alberta.

6. Through the passage of Bill 14, the government of Alberta has knowingly and recklessly proceeded contrary to these basic legal prerequisites in purporting to delegate the power to decide what happens on Treaty land to a group of private citizens under the *Citizen Initiative Act*, with limitless donations for third party advertisers and deliberate loopholes for foreign corporate donors. This process is unlawful, unnecessary and harmful. It breaches Treaty and will enable foreign interference from the most powerful Nation to the south, the United States of America, already stating its intention to annex this Treaty land, Canada, as the so-called 51st State. In 2026, Alberta's actions are not only illegal, but they are also consummately irresponsible and dishonourable.

7. Accordingly, SLCN brings this action against His Majesty the King in Right of Alberta ("**Alberta**") for breach of Treaty, infringement of Treaty rights, breach of the Honour of the Crown, and breach of section 96 of the *Constitution Act, 1867*. Alberta's Bill 14 deliberately removed the Treaty rights protection in the *Citizen Initiative Act*, a protection that was expressly promised to First Nations just months prior with the passage of Bill 54. Rather than

keep its promise, Alberta violated its Treaty obligations to SLCN at the express demand of a group of private individuals, referred to as the Alberta Prosperity Project, who claim to have the support of the Trump Administration through publicized visits to Washington, D.C. In so doing, Alberta wittingly conspired with these individuals to create the legislative conditions for an unlawful, separatist petition to be approved on January 2, 2026. By their actions and inactions, Alberta has elevated a group of individuals to have more power over the Treaty relationship than SLCN. The consequences of Bill 14, including the foreseeable foreign interference, were known or ought to have been known by Alberta.

8. SLCN also brings this action against the Attorney General of Canada ("**Canada**") for abdicating its penultimate Treaty obligations to SLCN in the context of the secessionist actions of Alberta's government. Canada has exclusive jurisdiction in relation to Indigenous Peoples and constitutional obligations to protect their interests, including as against provincial governments. Holding the overarching obligations to SLCN under Treaty no. 8, Canada is committing an ongoing breach of its Treaty obligations and the Honour of the Crown, by sitting idle.

9. Further as against Canada, SLCN seeks a declaration that the *Clarity Act* unjustifiably violates section 35(1) of the *Constitution Act, 1982* by reducing Indigenous Peoples to an afterthought and, in doing so, failing to implement the promise that First Nation consent is necessary for a change to the Treaty, including through provincial secession.

10. SLCN brings this action for declaratory relief, damages and equitable compensation.

11. Finally, on December 22, 2025, when the Alberta Court of King's Bench was closed, the Chief Electoral Officer approved the petition for Albertan Independence ("**Separatist Petition**") pursuant to Bill 14, a petition that was found to be unlawful immediately prior to the passage of Bill 14 on December 5, 2025. On January 2, 2026, the Separatist Petition was issued to begin on Saturday January 3, 2065. The Courts reopen on January 5, 2026. The Plaintiff will therefore make an application for an urgent interim injunction to enjoin the approved petition and preserve the *status quo*.

Parties

12. The Plaintiff, Sturgeon Lake Cree Nation ("**SLCN**"), is a "Peoples", an "Indigenous Peoples" as defined under international law; aboriginal peoples, as defined under section 35(1) of the *Constitution Act, 1982;* Schedule B to the Canada Act 1982 (UL, 1982 c 11, and an "Indian band" as defined under the *Indian Act,* RSC 1985, c I-5, and as contemplated under section 91(24) of the *Constitution Act, 1867*, 30 &31 Victoria, c. 3 (U,K,) They are the original inhabitants of what is no northwestern Alberta, in western Canada, all of which was settled based on the consent of First Nations, including SLCN, in Treaty No. 8 in 1899. SLCN made Treaty with the Imperial Crown, as represented by Canada.

13. The Defendant, His Majesty the King in right of Alberta ("**Alberta**"), is the representative of the Crown in right of Alberta and the proper defendant according to the *Proceedings Against the Crown Act*, RSA 2000, c P-25. As a province in the federal state of Canada, Alberta is responsible for implementing parts of Treaty No. 8, but it is not a party to Treaty No. 8. Alberta was created after Treaty No. 8, in 1905 through legislation, *The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.) An Act to establish and provide for the Government of the province of Alberta.* The people who have now come to settle and live in the province of Alberta are not a "Peoples" under international law.

14. The Defendant, the Chief Electoral Officer of Alberta (the "**CEO**"), is an independent officer of the Alberta legislature appointed under sections 2 and 3 of Alberta's *Election Act*, RSA 2000, c E-1. The CEO is delegated the responsibility for approving petitions under the *Citizen Initiative Act*, SA 2021, c C-13.2, as amended.

15. The Defendant, the Attorney General of Canada ("**Canada**" or "**Crown**"), is the representative of the Crown under section 23(1) of the *Crown Liability and Proceedings Act*, RSC 1985 c. C-50. The Crown is a party to Treaty No. 8. As a sovereign state, Canada has rights and powers under international law. Canada has exclusive jurisdiction in relation to First Nations pursuant to section 91(24) of the *Constitution Act, 1867*.

Treaties in Canada

16. Treaties are the constitutional legal foundation and the Indian 'Magna Carta' of Canada.

17. The numbered Treaties, including Treaty No. 8, were preceded and informed by similar covenants in what is now eastern Canada. Relations between the earliest settlers and First Nations were recorded by the Two Row Wampum Belt ("**Wampum**"), originally between early Dutch settlers and the Haudenosaunee (also known as the Iroquois Confederacy). The Wampum is a representation of laws demonstrating that First Nations and the newcomers would continue to live side-by-side in perpetuity, without any interference from the settlers, whom First Nations welcomed here on their land. The Wampum guaranteed mutual respect for each other's laws, customs and sovereignty. The Wampum's teachings are reflected in petroglyphs across what is now western Canada, including in Alberta and including Cree petroglyphs, that have been here for thousands of years. They confirm First Nations' laws and responsibilities to the land, and to one another.

18. The Wampum was also foundational to Canada's constitutional origins. Following the conquest of New France in 1760 and the end of the Seven Years' War, the British needed First Nations as allies, which led to the *Royal Proclamation, 1763*. The Proclamation required First Nation consent for any settlement in their territories, and consent was only to be achieved through Treaty-making between First Nations and the Crown. These discussions culminated with the Treaty of Niagara in 1764, where the Wampum was confirmed as the foundation for all Treaty-making with the British Crown.

19. The Crown's promise in the *Royal Proclamation, 1763* included that it would protect the Indigenous peoples inhabiting the British territories of North America from exploitation by non-Indigenous peoples. This promise was passed to the federal Crown in s.91(24) of the *Constitution Act, 1867*. Canada is the party to the Treaties. Provinces, including Alberta, only have the power to take up lands under one of the numbered treaties, including Treaty No. 8, by virtue of being part of Canada.

20. From the Cree perspective, treaty-making predates colonization, as the Cree made treaty with the Dene and with the Blackfoot. Under Cree law, treaties create a fictive kinship relationship

between First Nations and the Crown. They are solemn, nation-to-nation covenants to share the land, for peace and friendship, while respecting one another's sovereignty and laws. They were to continue "as long as the sun shines, the grass grows and the rivers flow". In other words, these Treaties are forever.

21. SLCN does not agree that these were land surrender or cession treaties. Even if the land was ceded, SLCN still has legally recognizable interests and rights through its territory in Treaty No. 8.

Treaty No. 8

22. Prior to 1899, the land that is now subject to Treaty No. 8 was inhabited by Cree, Dene and Beaver Peoples. SLCN ancestors are Cree (*nêhiyaw*) and since time immemorial, including at the time of Treaty, they lived in organized societies governed by their own laws and customs.

23. In 1876, Treaty No. 6 was made with many of SLCN's Cree relations in the plains. SLCN's ancestors learned of the terms of Treaty No. 6 through these relations. In 1877, Treaty No. 7 was made in what is now southern Alberta.

24. In the 1890s, the Crown began considering the possibility of Treaty in SLCN's territory and further north. The Crown was aware of the potential for mineral and resources, as well as arable land in the area.

25. In 1899, the immediate impetus for Treaty No. 8 was the influx of settlers due to the Klondike Goldrush and the need ensure peace and order in the territory and control the trade of intoxicants.

26. The consent of First Nations, including SLCN, in the Numbered Treaties conferred legal and political legitimacy on the settlement of what is now Alberta. Under Cree law, Canadian law and international law, First Nations', and SLCN, consent is a legal prerequisite for any change to the party to Treaty No. 8.

Cree *nêihyaw* Treaty-Making principles

27. The Plaintiff's understanding of Treaty No. 8 was guided by Cree (*nêhiyaw*) Treaty-Making Principles. They were entering a solemn, nation-to-nation relationship with the Crown, in

which the Cree expectations and oral promises would be honoured and diligently implemented.

28. In making Treaty No. 8, the Cree parties, including SLCN, intended and expected to continue a way of life that was free from Crown control of Cree ecological governance, including the ability to maintain a livelihood from the land ("**Cree expectations**").

29. From the perspective of Cree peoples, including the Plaintiff, Treaty 8 is rooted in Cree law and **Cree Treaty-making Principles.** These principles guided the Plaintiff's intentions in making Treaty 8 and that signal the Cree intention for the retention of legal and political autonomy, and a relationship of mutual assistance and support between the Crown and the Cree.

30. The Cree Treaty-making Principles signal an intention for retention of legal and political autonomy, and a relationship of mutual assistance and support between the Cree and the Crown. These principles included:

    a. **Witaskêwin** centres Cree treaty-making generally. Wîtaskêwin translates into 'living on the land together' or 'living in peace together'. It implies an obligation to ensure each other's good living on a territory. This includes the territorial boundaries of Treatymaking. In a nationhood context, it requires nations in Treaty to live in equal power with each other.

    b. **Wâhkôtowin** translates into 'relating' or 'kinship'. It was the Plaintiff's understanding that, through Treaty 8, the Crown entered into Cree kinship as political cousins. Treaty 8 therefore imposed specific obligations of mutual aid and renewed relations within this political kinship.

    c. **Miyo wicehtowin** translates into 'good assistance', and is a Cree principle inherent in inter-societal relations. Miyo wicehtowin obligates Cree peoples, and in turn, obligates treaty partners to each provide assistance to each other in times of need.

31. The practice of gifting at Treaty time is also critical to the **nêhiyaw pimatisiwin** (Cree way of life). Gifting is a significant part of the processes of Cree law and governmental

relations. According to the Cree understanding, including the SLCN understanding, the gifts exchanged at the various signing events, including clothes, flags and annuities, were interpreted as an affirmation of the respect of the Treaty terms and promises of renewal of the Treaty relationship in the future. Within the Cree understanding of gifting, nations within political kinship, such as Treaty 8, are obligated to share in abundance derived from shared territories.

32. Under Cree Law and the Cree understanding of Treaty No. 8, a separatist initiative can only follow a deliberative process complete with Cree ceremonialism. Any discussions, plans, intentions to break, change, amend or alter the relationship is creating a **pâstâmowin** as it is contemplating a transgression of Cree law through speech. Cree Treaty-Making Principles require any change to the Treaty, including by substituting the Crown for another party, to be done through consent of the parties to the Treaty.

Province of Alberta 1905

33. In 1905, without prior consent or consultation of SLCN, the Crown created the province of Alberta through legislation. The province of Alberta has no inherent rights, nor is it the party to Treaty No. 8. All of Alberta's rights are contingent on Canada's party status in Treaty No. 8. If there is no Treaty No. 8, there is no Canada, and if there is no Canada, there is no Alberta.
34. SLCN has and continues to object to the creation of Alberta and the delegation of powers from Canada to Alberta over Treaty No. 8 territory, contrary to Treaty and without the consent of SLCN.

Natural Resource Transfer Agreement 1930

35. In 1930, without consent or consultation, the Crown purported to transfer natural resources to Alberta through the *Natural Resources Transfer Agreement* ("**NRTA**"). The Crown did this again through legislation, the *Alberta Natural Resources Act*, S.C. 1930, C.3. Of note:
    a. Section 10 of the NRTA held that all reserve land continued to be vested in the Crown and administered by the Government of Canada and required Alberta to

transfer land, as needed, to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof."

b. Section `12 of the NRTA limited the province's ability to make laws in relation to SLCN's Treaty rights to hunt, fish and trap.

36. The NRTA was added to the *Constitution Act, 1867* under section 92A, again without First Nations' consent. SLCN has and continues to object to the NRTA 1930, but despite this, the NRTA preserved SLCN's rights and Canada's obligations under Treaty No. 8. The NRTA was contrary to Treaty and is the unlawful foundation for Alberta's claimed entitlement over lands and resources that SLCN agreed to share with the Crown, not Alberta.

Alberta has no Legal Right to Secede

37. Alberta has no right to secede from Canada and no right to take Treaty No. 8 territory.
38. Alberta has no right to unilaterally substitute itself as the party to Treaty No. 8 under Canadian law, under Cree Lawand under international law. This was confirmed by the Alberta Court of Kings Bench in *Sylvestre v. Chief Electoral Officer*, 2025 ABKB 712. Consequently, an independent Alberta is a legal impossibility without First Nation consent.
39. The *Quebec Secession Reference* also found that there was no right for the population of Quebec to secede under the Constitution of Canada or under international law.
40. Under international law, the population of individual Canadians who live in the province of Alberta have no right to self-determination, internally or externally, including under the following conventions and resolutions:
    a. *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*, GA Res. 2625 (XXV), 24 October 1970 (*Declaration on Friendly Relations*)
    b. Articles 1 and 55 *of the Charter of the United Nations*, Can. T.S. 1945 No. 7
    c. Article 1 of *International Covenant on Civil and Political Rights*, 999 U.N.T.S. 171 ("**ICCPR**").

d. Article 1 of the *International Covenant on Economic, Social and Cultural Rights*, 993 U.N.T.S. 3 ("**ICESCR**")

41. External self-determination is only legally available where the "Peoples" has suffered colonialism or, outside the colonial context, subjugation, domination or exploitation, such as being denied access to government. Alberta is not an oppressed "Peoples". By contrast, SLCN have rights to external self-determination in what is now Alberta.

The Quebec Secession Reference and the *Clarity Act*

42. The Supreme Court of Canada answered a reference on Quebec's secession in 1998 ("*Quebec Secession Reference").* This reference did not create rights, nor is it determinative of the rights applicable in a potential Alberta secession as it relates to Treaty. The *Quebec Secession Reference* found that a province has no unilateral right to secession, but that if there was a clear democratic majority in favour of secession, a duty to negotiate under the Constitution of Canada would be triggered.
43. The *Quebec Secession Reference* did not consider the numbered treaties nor the context of a hostile neighbour threatening annexation. The legal context has fundamentally changed since 1998.
44. In response to the *Quebec Secession Reference*, Canada passed and Alberta agreed to the *An Act to Give Effect to the Requirement for Clarity as Set out in the Opinion of the Supreme Court of Canada in the Quebec Secession Reference*, SC 2000, c 26 (the "***Clarity Act***") .
45. Pursuant to the *Clarity Act,* if certain requisites are met, including approval of a referendum question by the Parliament of Canada, and there a clear yes vote on a clear question, the *Clarity Act* places a duty to negotiate amendments to the Constitution of Canada. The duty to negotiate does not create a right to secession.
46. The *Clarity Act* creates a place for First Nation consultation referred to as "other views to be considered" and disallows constitutional amendments from being proposed unless Canada "has addressed, in its negotiations, the terms of secession that are relevant in the circumstances … to the rights, interests and territorial claims of Aboriginal peoples" (section 3(2)).

47. The *Clarity Act* does not protect Treaty nor require the consent of First Nations on Treaty-ed territory within a province, before or after any referendum.
48. The *Clarity Act* subjugates the Treaty relationship by granting powers to individual voters over Treaty land, something that was never contemplated by the parties to Treaty No. 8. To undo Treaty, both Treaty parties need to ***first*** consent; the relationship was to continue into perpetuity.

Known Harms of Separatist initiatives

49. The process of a "**Separatist initiative**" (whether through petition or referendum), such as the one in Quebec in 1995, is known to cause economic, societal and legal harm. These harms were known or ought to have been known to Alberta in 2025. On May 14, 2025, in the Alberta legislature, the opposition referred to a statement by the ATCO Chief Executive Officer that the discussion of separation was impacting foreign investments.
50. The risks of harm from foreign interference through foreign corporate financing or disinformation campaigns, as was seen with the Brexit referendum, are significant and foreseeable in the context of Separatist initiatives in Alberta. The risks of foreign interference in the use of the *Citizen Initiative Act* for a petition on secession are amplified by the threats from the United States of America Trump administration's National Security Strategy and public annexationist goals, which, as noted below, are being leveraged by the individuals leading the Separatist Petition. The foreseeable foreign interference threats are not limited to the USA, but include other foreign adversaries who would wish to see the breakup of Canada.

Smith Calls on APP to use *Citizen Initiative Act*

51. On or about August 25, 2022, Danielle Smith attended a United Conservative Party ("**UCP**") leaders debate hosted by the Alberta Prosperity Project. Host, Ezra Levant, asked Smith what her "or else" would be to Ottawa, like Quebec's "or else" was a separatist referendum. Smith answered that the "or else" was the Alberta Prosperity Project ("**APP**")'s 1 million name strong data base, and the APP's use of the *Citizen Initiative Act* to bring a petition on Alberta

independence. This was the first time the *Citizen Initiative Act* was referred to by a government official or potential government official in the context of referendums on secession.

APP Plan to use *Citizen Initiative Act*

52. The Alberta Prosperity Project heeded this call, hosting events between 2022 and 2025 – all of which are free – on questions such as Alberta becoming a 51st State, including an event on August 2, 2022 "Alberta's Future: Sovereignty or 51st State?".
53. Between 2022 and 2025, the APP was gathering "pledges" before any petition was ever approved, allowing for individuals to register their intent to vote yes and to make donations, without any apparent controls over where these donations are coming from or where they are going. The APP claims to be an education society but there is no entity registered or incorporated in Alberta under that name.
54. APP's efforts amped to push Separatist initiatives up in correlation with President Donald Trump's threats to annex Canada as the 51st state , starting in December of 2024 before the President's inauguration.
55. The APP publicly claimed on several occasions that they were meeting with officials in Washington to discuss Alberta's independence and had gained the Trump Administration's support for a separate Alberta ("**Public Claims of Trump Meetings and Support**"), as follows:
    a. On or about March 4, 2025, APP told Western Standard through their lawyer, that they had a unique opportunity of becoming independent with USA support or by joining the USA as a state.
    b. On March 10, 2025, the APP published an article on their webpage entitled "Leveraging the 51st State Conversation to Advance Alberta's Sovereignty, available here:https://albertaprosperityproject.com/alberta-prosperity-project-articles/leveraging-the-51st-state-conversation/
    c. On or about March 26, 2025, APP, through their lawyer, told Rebel News that an APP delegation was going to Washington to seek self-determination support from President Trump, who had expressed support for Greenland's self-determination.

d. On April 22, 2025, representatives of APP publicly claimed that they went to Washington to meet with senior US administrative officials, and were "just a couple steps away from the president himself" and that the "first comment" was "we recognize and support Alberta becoming a sovereign nation" The APP also claimed that they asked the Trump Administration for a $500 million loan to support their Separatist initiative.

e. On or about May 9, 2025, an APP representative, Dennis Modry, publicly claimed that he, while sitting beside the petitioner Mitch Sylvestre, asked Premier Smith at the Bonnyville Premier's dinner "when are you going to get in front of this parade" because at that point APP had, he said, 220,000 members. According to Modry, Smith said to give her six months.

f. On October 1, 2025, the @RiseofAlberta "X" stated with regard to APP Washington meetings that "U.S. officials signaled they could recognize Alberta immediately after a "Yes" vote, regardless of negotiations with Ottawa and their delay tactics. That means independence become real the moment Albertans choose it." @RiseofAlberta ends the thread by stating "Alberta's independence is no longer an idea. It is being discussed at the highest levels of power with recognition, trade, and financing on the table. The world is ready."

g. On or about October 25, 2025, at the so-called independence rally at the Alberta legislature, APP lawyer Jeffrey Rath said that "Mitch (Sylvestre) and Dennis (Modry) and I have been travelling to the US and meeting with the Trump administration at a very senior level… need to tell each and every one of you that there is ample support, if not enthusiastic support for this project…for Alberta becoming an independent country."

h. On December 18, 2025, Rath posted on X formerly Twitter, a linked video to where Rath claims that he met with US officials in a "skiff" and says: "I was literally at the US State Department yesterday meeting with Senior State department officials … the Americans are, first of all, are enthusiastic about the idea of Alberta independence. They see it as a very welcome way of umm getting rid of Chinese influence and control over the third-largest oil field in the World. Because as far as everybody is

concerned, the shutdown of the Alberta oil field, the tanker ban, the emission caps, all of those policies, are made in China, to prevent Alberta oil and gas from providing a stable supply to Japan and Korea which are against Chinese interests. Right. So the Americans are fully in favour of an independent Alberta and would support a pipeline to the US Northwest."

56. In a podcast shared on "X" formerly Twitter through @RiseofAlberta on November 19. 2025, Rath and Sylvestre shared information on Alberta independence. Sylvestre, the petitioner in the Separatist Petition, claimed :

    a. that he has discussed the *Citizen Initiative Act* with Premier Smith and that Smith advised Sylvestre that the reason they are doing this is so people ask the question of the government that government doesn't have the courage to ask. "So they can shift the blame to the people. If the people want to do it badly enough, go out there get enough signatures, put it on our desk and then we're compelled to do something with it or not do something with it. …"

    b. that he is speaking to the people highly involved in Brexit, who informed him that they started their petition at in the low 30 percents support and they say that "if we're anywhere near or over 40 (per cent), our chances of us wining this referendum are very very good."

Bill 54: Alberta amends *Citizen Initiative Act*

57. On or about April 29, 2025, without notice or consultation with SLCN, Alberta proposed Bill 54, *Election Statutes Amendment Act, 2025* ("**Bill 54**"). Bill 54 proposed changes to democratic and election laws in Alberta, including the allowance of corporate donations to political parties, candidates, and citizen initiative petitions.

58. Bill 54 reduced the thresholds for constitutional petitions in the *Citizen Initiative Act.* First Nations, including SLCN, voiced loud opposition to Bill 54's changes aimed at the referendum ("**Bill 54 Threshold Amendments").** APP supported these changes.

59. On April 30, 2025, SLCN, with Mikisew Cree First Nation ("**MCFN**"), penned a cease-and-desist letter to Premier Smith, as well as a corresponding letter to Prime Minister Mark Carney to "get the province of Alberta in line". Neither Smith nor Carney responded to these letters.

60. On May 14, 2025, again with MCFN, SLCN wrote to the Premier. Part of that letter was read into Hansard by opposition Member of the Legislative Assembly, Brooks Arcand-Paul. The May 14, 2025 letter warned that this legislation would enact a process that in itself violates Treaty No. 8 by turning the Treaty relationship on its head and delegating decision-making powers to individual citizens.
61. A large rally was planned with First Nation Chiefs and members from across Alberta on May 15, 2025, the anticipated day to pass Bill 54. In an apparent attempt to avoid this display of public opposition, Alberta limited debate and passed Bill 54 at 10:42pm on May 14, 2025. Bill 54 received royal assent on May 15, 2025.

Amery Promise

62. Prior to the passage on May 14, 2025, Justice Minister Mickey Amery made a promise in the Legislature in response to SLCN's letters and other First Nation opposition. Amery effectively promised that section 2(4) of the *Citizen Initiative Act* would mean that no petition would go forward if it would contravene section 35(1) of the *Constitution Act, 1982* ("**Amery Promise**"). This promise was echoed outside the legislature by other government officials including then Minister Rick Wilson.

APP First Question

63. On May 12, 2025, before Bill 54 even became law, the APP proposed their question and stated their intention to achieve Alberta independence within 12 months:

> *"Do you agree that the province of Alberta shall become a sovereign country and cease to be a province of Canada?" ("***First Question***")*

From this, Alberta knew the intended use of the *Citizen Initiative Act* when it was proclaimed into law.

64. On July 4, 2025, Sylvestre, not the APP, submitted the First Question. Despite not being the petitioner, the APP is collecting donations and pledges and or purporting to use pledges/donations gathered well prior to the petition period contrary to the *Citizen Initiative Act*.

CEO Special Case

65. On July 28, 2025, the Chief Electoral Officer ("**CEO**") referred the First Question to the Court under section 2(4) as a special case to determine, *inter alia*, whether the First Question's proposal contravened section 35(1) of the *Constitution Act, 1982* ("**Special Case**").
66. Alberta and Amery tried to convince the CEO to withdraw the Special Case. Alberta took a very similar position as Sylvestre. Canada intervened, but did not make submissions on protecting Treaty rights. SLCN intervened.
67. On November 19-21, 2025, before the Alberta Court of King's Bench, Sylvestre acknowledged that the First Question is designed to have legal consequence; to trigger the *Clarity Act*. Lawyers for Alberta and Canada were at that hearing. Alberta and Canada know the intention of the First Question.
68. On December 5, 2025, the Honourable Justice C.J. Feasby delivered reasons from the bench confirming that the First Question contravened section 35(1) of the *Constitution Act,1982* because an independent Alberta would not be a party to the Treaty, and the proposal, would bisect First Nations' territory with international borders and it would present a significant obstacle for First Nations, including SLCN, to exercise their Treaty rights in their traditional lands outside of Alberta ("**Treaty Contravention Decision**"

Bill 14 : Amends the *Citizen Initiative Act*

69. On December 4, 2025, Alberta attempted to pre-empt the Treaty Contravention Decision, to silence the Court and to end the Special Case by tabling *Bill 14: Justice Statutes Amendment Act* ("**Bill 14**") in the legislature.

70. Bill 14 would repeal section 2(4) if the Citizen Initiative Act and thus revoke the Amery Promise and would discontinue the ongoing Special Case without costs to any party. Bill 14 also turned the CEO into a rubber stamp for citizen initiative petitions ("**Bill 14 Amendments**").

71. On December 10, 2025 at 5:50pm, Bill 14 was passed deliberately for the benefit of the government of Alberta's political base, the APP and Separatist initiatives, and without any

regard to Treaty No. 8, the Treaty relationship, the Treaty Contravention Decision or SLCN's concerns.

72. On December 18, 2025, only after the APP re-submitted a petition under the new *Citizen Initiative Act*. Danielle Smith signed an Order in Council increasing the fee for petitions from $500 to $25,000.

73. As of January 2, 2026, the amended *Citizen Initiative Act* has not been published on the King's Printer.

APP Second Question

74. On December 15,2025 Sylvestre submitted a new, but substantively identical question under a "Notice of Intent" to bring a petition as follows: "Do you agree that the province of Alberta should cease to be a part of Canada to become an independent state?" ("**Second Question**")

Separatist Petition Issued

75. Without any notice to, consultation with, or consent from SLCN, the CEO issued the Second Question as the "**Separatist Petition**".

76. On December 22, 2025, the CEO issued the first step in approving the petition on December 22, 2025. The Alberta Court of King's Bench was closed from December 22, 2025 until January 5, 2026.

77. On January 2, 2026, the CEO issued the petition to begin on Saturday January 3, 2026. The combined effect of this timing is that SLCN was denied any meaningful opportunity to take this issue to Court before the petition was issued.

78. In making this decision, the CEO fettered his discretion in failing to:

a. Consider the constitutional framework that binds his decision-making, including section 35(1) of the *Constitution Act, 1982*;

b. Consider and apply Treaty Contravention Decision which unequivocally found that the proposal was unconstitutional

c. Consider the repeated and flagrant breaches by the proponent, including through the Alberta Prosperity Project of the *Citizen Initiative Act*, the *Elections Act*, and the *Election Finances and Contributions Disclosure Act*.

Impacts on the Plaintiff

79. As a result of Alberta's actions and inactions, in whole or in part, and Canada's failures to intervene, SLCN has suffered harms including but not limited to:

a. Harm to their dignity and worth as a First Nations and Treaty partners;

b. Harm to the Treaty relationship between SLCN and the Crown;

c. Unmitigated disinformation about the legalities of secession and the Treaty's role in any secession;

d. Threats to the continued existence of the Treaty itself;

e. Perpetuation of historic and insidious subjugation of Indigenous Peoples in Canada's constitutional and democratic society;

f. Denial of access to justice;

g. Meaningful diminishment of their Treaty rights, the Treaty relationship and the promise that the Treaty would continue in perpetuity.

LIABILITY

Claims against Alberta

80. Treaty No. 8 was a solemn agreement to share the land between the Crown, in right of Canada, and SLCN.

81. Treaty No. 8 is enforceable by SLCN against the Defendants as a *sui generis* agreement, informed by British treaty making policy as well as Cree Treaty-Making Principles, Cree expectations, Cree petroglyphs, Cree law, the common law and Treaty 8's oral and written

promises. Post 1982, Treaty 8 was affirmed as part of the supreme law of Canada under section 35(1) and 52(1) of the *Constitution Act, 1982* and unmodified by the NRTA.

82. According to Treaty No. 8's express terms, the Commissioners' Report, oral promises, Cree Treaty-Making Principles and the Cree expectations at the time of Treaty, Treaty 8 included the promise that SLCN's way of life would continue, their systems of governance would be maintained, their territorial boundaries would be respected, and that the Treaty relationship would last forever. These promises were based on the Crown's necessity to achieve SLCN's consent to Treaty to ensure control of the territory in what is now northwestern Alberta and the British policy towards Indigenous Peoples, dating back to the Royal Proclamation 1763.

83. Treaty No. 8 is between Canada and First Nations, including SLCN. Any change to Treaty No. 8 can only be done - in process and in substance - with the consent of the First Nations, including SLCN, and the Crown. Any process for Treaty amendments must include First Nations, including SLCN, from beginning to end.

84. Alberta has no jurisdiction to amend, alter or intervene in the Treaty relationship between Canada and SLCN.

85. Alberta, through its position in Canada's federal state, is responsible for implementing some Treaty obligations on behalf of the Crown.

86. Alberta has breached Treaty No. 8, breached the duty of honourable Treaty implementation and/or breached the Honour of the Crown ("**Alberta Treaty Breaches**") including by:

    a. Passing Bill 14 that fettered the discretion of the CEO and required that the CEO issue an unlawful and unconstitutional Separatist Petition;

    b. Enabling a group of private citizens to determine the steps for secession from Canada;

    c. Ignoring the findings in the Special Case that the secessionist question, the First Question, contravened the Treaty;

    d. Repealing section 2(4) of the *Citizen Initiative Act*;

    e. Passing the Bill 14 Amendments;

f. Lowering the threshold for the Separatist Petition through Bill 54 Amendments in a conspiracy to enable the secessionist questions' success;

g. Interfering with an ongoing judicial process, the Special Case, to benefit Alberta's political base and the Secessionist Petition;

h. Breaking the Amery Promise and removing the limited protections for Treaty rights in the *Citizen Initiative Act*;

i. Unlawfully and dishonourably delegating decision-making authority to a collection of individuals over Treaty land.

j. Creating a process for secession that entirely excludes First Nations, including SLCN, and contravenes even the *Clarity Act*;

k. Failing to respond to or address SLCN concerns;

l. Such other basis as counsel may submit and this Honourable Court may find.

87. Alberta's Treaty Breaches are not justified under the *Sparrow* test.

88. Alberta's Treaty Breaches were high-handed, committed in bad faith, for an improper purpose and dishonourably, including that Alberta

a. Deliberately facilitated the First Question and then the Second Question through Bill 54 and Bill 14;

b. Knew or ought to have known of the foreseeable economic, social and legal harms from Separatist initiatives;

c. Knew or ought to have known of the foreseeable risks of foreign interference, including from the Public Claims of Trump Meetings and Support, from the Separatist Petition;

d. Abdicated its Treaty obligations by *de facto* enlisting private individuals to call for a separatist referendum instead of calling the referendum themselves.

e. Proceeded with Bill 14 despite the express judicial finding that secession is illegal if done so unilaterally and impossible, according to the Treaty Contravention Decision, without First Nations' consent;

f. Ignored First Nation's, including SLCN's, concerns over the *Citizen Initiative Act* and pandered to their political base for improper purposes;

g. Promulgated and/or failed to correct the false and unlawful disinformation that Alberta can unilaterally assume the Treaty obligations and benefits from Canada without First Nation consent.

89. Further or in the alternative, Alberta breached section 96 of the *Constitution Act, 1867* through Bill 14, including by repealing section 2(4) and purporting to discontinue the Special Case ("**Alberta's Section 96 Breaches**"). Alberta's Section 96 Breaches include that Alberta did:

a. Violate the rule of law;

b. Deny access to justice for SLCN;

c. Attack the independence of the judicial branch in the Canadian democratic system

d. Undermine and affect the core jurisdiction of the superior court in Alberta, the Alberta Court of King's Bench;

e. Interfere with ongoing proceedings and the inherent jurisdiction of the Alberta Court of King's Bench to adjudicate these issues.

90. Further or in the alternative, the CEO failed to consider the constitutional framework, the Treaty Contravention Decision and the Treaty rights when issuing the Separatist Petition over the holiday break on January 2, 2026.

Claims against Canada

91. Canada promised SLCN that they would protect SLCN from exploitation from the non-Indigenous population and governments through the *Royal Proclamation 1763* and Treaty No. 8. These promises were to last in perpetuity.

92. Treaty No. 8 created an ongoing relationship between the Crown and First Nations. Pursuant to Treaty No. 8 and section 91(24) of the *Constitution Act, 1867*, Canada has the exclusive jurisdiction regarding First Nations. They have obligations to protect SLCN against Treaty infringements, including from the province of Alberta.

93. In breach of section 91(24) of the *Constitution Act, 1867* and/or Treaty No. 8, Canada has remained silent and refused to act in the face of Alberta's Treaty Breaches and Alberta's Section 96 Breaches. Canada has a positive obligation to intervene to ensure that the Treaty is protected. Canada has failed diligently fulfil its Treaty obligations to maintain a Treaty relationship in perpetuity by failing to intervene during this existential threat to the Treaty itself ("**Canada's Treaty Breaches**").

94. Canada has failed to implement even the below impugned protections in the *Clarity Act*.

95. Further or in the alternative, the *Clarity Act*, in whole or in part, unjustifiably contravenes section 35 (1) of the *Constitution Act, 1982* and/or violates the *United Declaration on the Rights of Indigenous Peoples* ("**UNDRIP**") including because:

    a. The *Clarity Act* has no mechanism to ensure that the requisite consent of First Nations is centered and considered at the front end in relation to provinces that now occupy land covered by the numbered Treaties with the Crown;

    b. The *Clarity Act* subjugates First Nations to other provincial interests, in breach of Treaty No. 8.

    c. The *Clarity Act* process does not include First Nations, from the beginning to the end, and their consent contrary to Treaty No. 8.

    d. The *Clarity Act* circumscribes, limits, contravenes or extinguishes the rights in Articles 3, 4, 10, 25, 26, 27 and 46 of UNDRIP, as supported by Treaty No. 8.

96. Further, the *Clarity Act* violates international law, including Article 1 of the ICCPR and Articles 3, 4, 10, 25, 26, 27, and 46 of UNDRIP.

REMEDY SOUGHT:

97. The Plaintiff seeks the following in relief:

    a. An interim Order that the Separatist Petition should be stayed while this action proceeds or for any other duration set as appropriate by this Court;

b. A Declaration that any Separatist initiative, including the Separatist Petition, in Alberta requires First Nation involvement and consent from its inception in accordance with Treaty No. 8;

c. A Declaration that the issuance of the Separatist Petition violates Treaty No. 8, breaches the duty of honourable Treaty implementation and contravenes the Honour of the Crown;

d. A Declaration that breaking the Amery Promise, through Bill 14, breached the Honour of the Crown;

e. A Declaration that the Bill 14 Amendments, including the repeal of section 2(4) of the *Citizen Initiative Act*, unjustifiably contravenes section 35 (1) of the *Constitution Act, 1982* and section 96 of the *Constitution Act, 1867* and are of no force and effect;

f. A Declaration that the lowering of thresholds in Bill 54 and the removal of section 2(4) of the *Citizen Initiative Act* violate Treaty No. 8 and Cree Law and are of no force and effect;

g. A Declaration that the *Clarity Act*, in whole or in part, violates section 35(1) of the *Constitution Act, 1982*.

h. An Order that Canada must exercise its discretion to diligently implement the Treaty No. 8 in any Separatist initiative and protect SLCN and Treaty No. 8 in any proposed Separatist initiatives, including but not limited to the Separatist Petition;

i. Equitable compensation, general and special damages, and punitive damages in the amount of $250,000;

j. costs, including special costs, full indemnity costs, and advanced costs, and applicable taxes on those costs; and

k. such further and other relief deemed appropriate by this Honourable Court.

NOTICE TO THE DEFENDANT
You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta
1 month if you are served outside Alberta but in Canada
2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of King's Bench at Edmonton, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's address for service.

WARNING
If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the lawsuit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff against you.