Your Application has been scheduled by the clerk.

Date: Jan 16, 2026 @ 10:00
Location: Civil Justice Chambers
In person: 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2

Form 27
[Rules 6.3 and 10.52(1)]

2603 00086

Clerk's Stamp

JUDICIAL CENTRE OF EDMONTON
FILED DIGITALLY
2603 00086
Jan 8, 2026
2:01 PM
CLERK OF THE COURT

COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF/APPLICANT	STURGEON LAKE CREE NATION
DEFENDANTS/ RESPONDENTS	HIS MAJESTY THE KING IN RIGHT OF ALBERTA, ATTORNEY GENERAL OF CANADA, and CHIEF ELECTORAL OFFICER OF ALBERTA

DOCUMENT	**APPLICATION FOR INJUNCTION**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	O'KELLY LAW Attn: Orlagh O'Kelly Email: orlagh.okelly@okellylaw.ca Edmonton, AB T5J 1A1 Telephone: 587 525 8348 Facsimile: 780 669 7672

NOTICE TO RESPONDENTS: HIS MAJESTY THE KING IN RIGHT OF ALBERTA and CHIEF ELECTORAL OFFICER OF ALBERTA

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Justice.

To do so, you must be in Court when the application is heard as shown below:

Date:	
Time:	**10:00 AM**
Where:	**Edmonton Law Courts**
Before whom:	**Justice of the Court of King's Bench of Alberta**

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

Remedy claimed or sought:

1. The Plaintiff/Applicant seeks the following in relief:

   a. an Interlocutory Order as against the Respondent, His Majesty the King in Right of Alberta ("**HMKA**" or "**Alberta**") pursuant to the *Constitution Act, 1982*, the common law, or all of the above,

      i. suspending the operation of section 1(4)(d) of Bill 14, *Justice Statute Amendments Act*, which repealed section 2(4) of the *Citizen Initiative Act,* SA 2021, c C-13.2, until this action has been finally adjudicated;

      ii. in the alternative, suspending the operation of section 1(4)(d) of Bill 14, *Justice Statute Amendments Act*, until a date certain;

   b. an Interlocutory Order as against the Respondent, the Chief Electoral Officer of Alberta ("**CEO**"):

      i. suspending the operation of the CEO's decision dated January 2, 2026, issuing the "A Referendum Relating to Alberta Independence" petition ("**Separatist Petition**") until the action has been finally adjudicated or until a date certain;

      ii. suspending the operation of any CEO decision issuing and approving a petition that contravenes section 2(4) of the Ci*tizen Initiative Act*, prior to Bill 14, and/or contravenes section 35 of the *Constitution Act, 1982*;

      iii. Prohibiting the CEO from approving any application or issuing any petition under the *Citizen Initiative Act* on that is similar or substantially similar to the constitution referendum proposal found to be unconstitutional in *Sylvestre v. Chief Electoral Officer of Alberta*, 2025 ABKB 712, namely for the independence, secession or separation of Alberta from Canada;

   c. an Order abridging the time and service of this application;

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

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

Grounds for making this application:

2. The Plaintiff/Applicant, Sturgeon Lake Cree Nation ("**SLCN**") is a First Nation whose ancestors entered into Treaty No. 8 with the Imperial Crown in 1899

3. The Defendant/ Respondent, His Majesty the King in Right of Alberta ("**Alberta**") is the representative of the Crown in right of Alberta and named 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

4. The Defendant/Respondent, Chief Electoral Officer of Alberta, ("**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.

5. SLCN does not seek relief as against the Defendant, the Attorney General of Canada ("**Canada**" or "**Crown**") in this application.

6. SLCN has constitutionally guaranteed Treaty and aboriginal rights under section 35(1) of the *Constitution Act, 1982*. Treaty No. 8 was a sacred covenant to share the land in perpetuity. This Treaty was between the First Nations, including SLCN, and the Crown. Alberta was not a party to Treaty No. 8.

7. Through Treaty No. 8, the Crown solemnly promised a relationship with First Nations, including SLCN, as long as the sun shines, the grasses grow, and the rivers flow. From the Crown's perspective, Treaty No. 8 established the legal foundation for settlement of the prairies and boreal woodlands of what is now Western Canada.

8. Treaty No. 8 guaranteed several rights and made several promises, in writing and orally, including, the right to continue SLCN's way of life and governance systems and Cree laws without interference and to hunt, fish, trap and harvest throughout their territory.

9. Without consent of First Nations, secession of Alberta from Canada would contravene Treaty No. 8 and thus section 35(1) including as follows:

a. It would unilaterally substitute the party to the Treaty

b. It would bisect Treaty territory, over which SLCN has constitutionally guaranteed and legally enforceable rights, with international borders.

10. SLCN cannot be ignored or bypassed at any stage of a secession process.

11. Consent of the Crown and First Nations, including SLCN, is required to change a party to the Treaty and the territorial boundaries of the Treaty.

12. The Crown nor Alberta can delegate its obligations under Treaty No. 8 to private citizens, even acting collectively through a petition or a referendum.

13. Under Cree Law, any discussions, plans, intentions to break, change, amend or alter the relationship of Treaty No. 8 is creating a *pâstâmowin* (verbal transgression). Any discussion of Alberta independence, through petition or otherwise, must include SLCN at the start, not the end.

14. In 2002, Canada enacted the "***Clarity Act***" *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, to avoid the chaos and uncertainty of an unstructured secession referendum. Section 1(1) of the *Clarity Act* implicitly purports to assign Alberta jurisdiction to propose a referendum on secession in the legislature. While SLCN seeks to challenge the Clarity Act in the action, this purported power belongs in the legislature, not to a collection of private citizens. There is no legal basis to delegate this to a collection of individuals. To do so, would be to do an end run around the *Clarity Act*.

15. Alberta has not opted out of the *Clarity Act*.

16. In 2021, Alberta enacted the *Citizen Initiative Act*. This allowed for petitions on constitutional referendum questions, but these required 90 days to gather signatures of:

i. 20 percent of all eligible voters in the last election;

ii. 20 percent of such voters in 2/3 of the ridings in Alberta.

17. Beginning in December of 2024, President-elect Donald Trump began making jokes and then threats that the USA would annex Canada as the "51st State".

18. Beginning in March 2025, Jeffrey Rath and other members of the Alberta Prosperity Project ("**APP**") claimed they were sending a delegation to Washington to discuss the possibility of becoming the 51st State with the Trump administration. These claimed visits continued until December 2025, where it is alleged the Trump Administration demonstrated enthusiastic support for an Independent Alberta.

19. On April 28, 2025, the Liberal Party won a minority government in the Canadian federal election.

20. On April 29, 2025, Premier Smith's government tabled Bill 54, *Election Statutes Amendment Act*. Bill 54 proposed amendments to the *Citizen Initiative Act* to (1) extend the signature period from 120 days; (2) to only require 10 per cent of the number of the votes cast in the last election for constitutional referendum proposals; and (3) allowed corporate and union donations.

21. First Nations, including SLCN, united in their opposition to Bill 54 between April 30, 2025 and May 15, 2025 when they convened at the legislature for a rally.

22. In response, on May 14, 2025, Justice Minister Mickey Amery assured First Nations, including SLCN, that no petition proposal would move forward that would contravene Treaty and aboriginal rights because of section 2(4) of the *Citizen Initiative Act* ("**Amery Promise**").

23. On May 12, 2025, the APP publicly proposed a separatist question which Jeffrey Rath, announced.

24. On May 15, 2025, Bill 54 received royal assent and was proclaimed into force on July 4, 2025.

25. On that same day, Mitch Sylvestre submitted his application for the Separatist Petition.

26. On July 28, 2025, the Chief Electoral Officer referred the petition to the Court under section 2.1 of the *Citizen Initiative Act* to determine whether the Separatist Petition contravened section 2(4). The hearing took place on November 19, 20, 21 and December 5, 2025. SLCN participated in these hearings as an intervenor ("**Special Case**").

27. However, on December 4, 2025, Alberta tabled Bill 14 which would, among other things,

remove section 2(4) and section 2.1 of the *Citizen Initiative Act* and purport to discontinue the Reference retroactively, without costs

28. On December 5, 2025, Justice C.J. Feasby issued his decision finding that the Separatist Petition contravened, *inter alia*, section 35(1) of the *Constitution Act, 1982* ("**Treaty Contravention Decision**").

29. On December 11, 2025, Bill 14 received royal assent and was proclaimed. That same day, a referendum question on secession from Alberta was re-submitted with almost the same language that was rejected on December 5, 2025.

30. On or about December 24, 2025, Rath claims that he met with the Trump Administration referring to the National Security Strategy and the Monroe Doctrine

31. The petition was approved on December 22, 2025, and issued on January 2, 2026 ("**Separatist Petition**"). The Separatist Petition began on Saturday, January 3, 2026, during the Court's closure without any notice during the Court's closure and will finish on May 2, 2026. In approving the Separatist Petition, the CEO fettered his discretion and failed to consider the Treaty Contravention Decision and, in so doing, issued the Separatist Petition.

32. On January 3, 2026, the Trump Administration used military force to capture Venezuelan President Nicolás Maduro and effect regime change in Venezuela under the Monroe Doctrine and the National Security Strategy. Following this, one former public official, Bob Rae, called the challenges facing Canada "existential."

33. SLCN submitted the within action for filing on January 2, 2026 in the evening and it was filed Monday, January 5, 2026. On January 8, 2026, SLCN submitted this injunction as soon as reasonably practicable.

34. Between January 2, 2026, and January 7, 2026, social media platforms and online messaging was inundated with misinformation and disinformation on aboriginal and Treaty rights, as well as racist, hateful and demeaning comments towards Indigenous Peoples, affecting SLCN's reputation, the human dignity of SLCN members and relationships with their non-Indigenous neighbours.

35. The Separatist Petition process is expected to bring harms from American foreign

interference and influence, as well as from other foreign states.

36. But for Bill 14, the Separatist Petition would be unlawful and not happening.

37. The proposed injunction orders should issue:

a. First, there are serious and meritorious issues to be tried in the underlying action, including that:

i. The repeal of section 2(4) of the *Citizen Initiative Act* broke the Amery Promise, breached the Honour of the Crown and is thus an infringement of section 35(1) of the *Constitution Act, 1982* and of no force and effect;

ii. Through Bill 14, and the repeal of section 2 (4) of the *Citizen Initiative Act*, Alberta purports to delegate to private citizens jurisdiction it does not have as a non-Treaty party: the decision-making to discuss and to begin a process to amend Treaty No. 8. Delegating this decision-making to private citizens to the complete exclusion of SLCN violates Treaty No. 8, the Honour of the Crown and the duty of honourable Treaty implementation. Bill 14 creates an unconstitutional regime, which unlawfully excludes any consideration of SLCN and elevates private citizens to the place of Treaty party when applied to secession referendum proposals;

iii. By interfering with access to justice, the independence of the judiciary and an ongoing proceeding, Bill 14 undermines the rule of law and breaches section 96 of the *Constitution Act, 1867*.

i. The CEO did not consider and apply the constitutional framework that binds his decision-making, including section 35(1) of the *Constitution Act, 1982* and did not consider the Treaty Contravention Decision.

b. Second, SLCN is suffering and will suffer more irreparable harm if the Separatist Petition continues in two important respects:

a. The Separatist Petition process has caused an influx of targeted misinformation and disinformation regarding Treaty and aboriginal rights, and, related to this, racist comments and memes directed at

Indigenous Peoples or SLCN, affecting SLCN's reputation and SLCN's members' human dignity but also their relationships with neighbours;

b. The Separatist Petition process is likely to cause harm from foreign interference, foreign influence and/or through national security risks that will impact SLCN and their continued status as a First Nation in Canada.

c. Third, the presumption that the public interest favours legislation ("**Presumption**") is rebuttable. The balance of convenience clearly favours SLCN and the public interest they assert as follows:

i. The Presumption generally applies to protect legislation because it has been passed through a democratic process of debate and study in the legislature. By contrast, Bill 14 was enacted without proper debate or any study, and in an undemocratic way to silence the Court;

ii. The balance of convenience favours upholding SLCN's constitutionally guaranteed rights because there is no right to petition for the dismemberment of Canada which to balance these rights against. The *Citizen Initiative Act* is legislation that does not create rights and that can be changed at the whim of the legislature, as was seen on two occasions in 2025. Petitioning for secession of Alberta is not a legally protected "right" in Alberta or Canada or under international law

iii. The public interest lies in upholding the Treaties in a manner that was adjudicated by this Court in the Special Case;

iv. There is no public interest in the Separatist Petition. The public interest favours protecting the role of the legislature in existential decision-making in Canada's democracy, that can affect the Treaties and constitutionally guaranteed rights under section 35(1) of the *Constitution Act, 1982*;

v. There is no public interest in bringing a Separatist Petition that was found to contravene section 35(1) of the *Constitution Act, 1982* on December 5, 2025;

vi. The harm to the public interest from the likely foreign influence and foreign

interference in Canada's continued sovereignty and democratic processes far outweighs any harm to any group of private citizens who would like to bring a referendum on Alberta secession forward and/or engage in a form of direct democracy;

vii. Finally, the public interest favours complying with the *Clarity Act*. It does not favour making an end run around *Clarity's Act's* requirements requirements, and thereby creating the very mischief the *Clarity Act* was intended to avoid: chaos, confusion and uncertainty.

38. Any other grounds as counsel may submit and this Honourable Court may permit.

Material or evidence to be relied on:

39. Affidavit of Chief Sheldon Sunshine, sworn January 7, 2026.

40. Affidavit of SLCN Councillor Tracey McLean, to be sworn.

41. Affidavit of SLCN member Tanya Kappo, to be sworn

42. Affidavit of First Nation Chief in Alberta, to be sworn.

43. Expert Affidavit of Dr. Wesley Wark, to be sworn.

44. Such further and other affidavits that shall be tendered.

Applicable rules:

45. *Alberta Rules of Court*, Alta Reg 124/2010.

Applicable Acts and regulations:

46. *Judicature Act*, RSA 2000 c J-2.

47. *Citizen Initiative Act*, SA 2021, c C-13.2

48. *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

Any irregularity complained of or objection relied on:

49. None.

How the application is proposed to be heard or considered:

50. Oral and written submissions made by both parties on an expedited basis.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicants what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicants a reasonable time before the application is to be heard or considered.