

Date: 20071009

Docket: T-2007-02

Citation: 2007 FC 1043

BETWEEN:

**MELVIN WANDERINGSPIRIT,
DELPHINE BEAULIEU,
TONI HERON, RAYMOND BEAVER AND
SONNY MCDONALD in their capacity as
COUNCILLORS OF THE SALT RIVER FIRST NATION 195,
elected August 30, 2002**

Applicants

and

**VICTOR MARIE uncontested Chief and
NORMAN STARR uncontested duly elected BAND COUNCIL MEMBER,
NORA BEAVER, DAVID GOWANS, CONNIE BENWELL,
MICHEL BJORNSON, HARVEY LEPINE, AND DON TOURANGEAU,
purportedly elected BAND COUNCILLORS at a meeting held
November 3, 2002, AND JEANNIE MARIE-JEWELL,
acting as Interim Band Manager**

Respondents

ASSESSMENT OF COSTS - REASONS

**Charles E. Stinson
Assessment Officer**

[1] Further to the Applicants' notice of motion for a finding of contempt against eight of the nine Respondents, the Court found two of the Respondents in contempt, but dismissed the motion for contempt relative to the other six subject Respondents, including Harvey Lepine (the Respondent Lepine), with mid-Column IV costs to the Respondent Lepine (the June 29, 2006

findings). I issued a timetable for written disposition of the assessment of the bill of costs of the Respondent Lepine.

[2] The Applicants did not file any materials in response to the materials of the Respondent Lepine. My view, often expressed in comparable circumstances, is that the *Federal Courts Rules* do not contemplate a litigant benefiting by having an assessment officer step away from a neutral position to act as the litigant's advocate in challenging given items in a bill of costs. However, the assessment officer cannot certify unlawful items, i.e. those outside the authority of the judgment and the tariff. I examined each item claimed in the bill of costs and the supporting materials within those parameters. The total amount claimed is generally arguable as reasonable within the limits of the award of costs and is assessed and allowed as presented at \$6,902.50.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2007-02

STYLE OF CAUSE: MELVIN WANDERINGSPIRIT et al. v.
VICTOR MARIE et al.

**ASSESSMENT OF COSTS IN WRITING WITHOUT PERSONAL APPEARANCE OF
THE PARTIES**

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON.

DATED: October 9, 2007

WRITTEN REPRESENTATIONS BY:

n/a FOR THE APPLICANTS

Mr. Pierre G. Asselin FOR THE RESPONDENT Harvey Lepine

SOLICITORS OF RECORD:

MacKenzie Fujisawa LLP FOR THE APPLICANTS
Vancouver, BC

Dobko Logan Innes & Hougestol FOR THE RESPONDENT David Gowans
Grande Prairie, AB

Hendrickson Gower Massing Olivieri FOR THE RESPONDENT Harvey Lepine
LLP, Edmonton, AB

McLennan Ross LLP FOR THE RESPONDENT Don Tourangeau
Edmonton, AB