

Piikani Nation Chief and Council

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Piikani Nation Community Update from Chief and Council Legal Update August 14, 2024

As we have previously communicated to members, Liliana Kostic filed a 192-page claim in June 2020 in the Federal Court against Piikani Nation, former members of Council, Piikani business entities, and our professional advisors, in which she sought damages of at least \$12,000,000. As you will recall, that claim was struck by the Court in September 2023.

In its reasons for striking the claim, the Federal Court found, among other things, that:

- **Ms. Kostic’s claim was abusive**, as she sought to re-litigate claims and issues that have already been decided by Alberta courts, or that are pending before those courts, and her claim was a “blatant attempt” to avoid an order issued in the Alberta Court of King’s Bench that she was not permitted to commence in the Alberta courts.
- **Ms. Kostic’s claim was vexatious**, as her claim rolled forward issues before the Alberta courts into the Federal Court, improperly named legal counsel, and made it impossible for the defendants to know what they had to defend.
- **Ms. Kostic’s claim was scandalous**, as it was “rife with unsubstantiated allegations of conspiracy, fraud and misconduct, derogatory allegations and inflammatory language”, against numerous defendants, including Piikani Nation and Council.
- Ms. Kostic’s claim “consists of **“a rambling and fragmented narrative of facts, random elements or assorted legal concepts, and bare conclusions, cobbled together in a disjointed manner.”**”

Ms. Kostic subsequently appealed the decision to strike her claim.

On August 2, 2024, the Federal Court of Appeal dismissed Ms. Kostic’s appeal.

As part of its reasons for dismissing the appeal, the Court stated that Ms. Kostic was clearly not prepared to abide by the Federal Courts Rules and Court orders:

- Ms. Kostic attempted to file a nine volume appeal book without an agreement or order as to the contents of the appeal book as required by the Rules;
- The Court then advised Ms. Kostic that she had not complied with the Rules, and directed her to read the Rules. The Court also provided significant guidance regarding the appropriate material for the appeal book;
- The Court also advised Ms. Kostic that if she wished to file an agreement about the contents of the appeal book, she needed to bring a motion for extension of time because she was already several months beyond the deadline to do so;

- Ms. Kostic did not bring a motion as directed by the Court. Instead, she filed a letter with the Court saying she had consent of only certain respondents and ignored the Court's instructions by including material from other appeals;
- In response to the Court's direction for submissions as to whether Ms. Kostic's appeal should be dismissed summarily (10 page limit), Ms. Kostic again ignored the Court's direction and attempted to file a 78 page submission; and
- Despite many of the other parties (including Piikani Nation and Council) arguing that summary dismissal was appropriate, the Court issued a further order giving Ms. Kostic another chance to comply with the Court's earlier order, and stating that if Ms. Kostic did not comply, the Court may dismiss her appeal without further notice/

Despite being given clear direction from the Court and several opportunities to comply, Ms. Kostic failed to comply with the Order. She did not file her motion on time, and she simply duplicated the contents of her proposed appeal book that had already been rejected by the Court. Her failure to recognize and abide by the Court's orders resulted in the dismissal of her appeal.

Council reiterates that these legal proceedings being brought against Piikani Nation and Council, including those brought by individuals like Ms. Kostic who are being assisted by Piikani members, result in unnecessary legal costs and expenses for Piikani Nation, which monies would otherwise be directed to programs and services for Piikani members. Piikani members who continue to assist individuals like Ms. Kostic are directly impacting Piikani Nation's ability to support those programs and services.

We will keep members posted about legal proceedings as events warrant. Questions regarding this matter may be directed to Corbin Provost, Chief Operating Officer, at corbin.provost@piikanation.com or (403) 965-3940.