

Date: 20080220

Docket: A-365-06

Citation: 2008 FCA 66

BETWEEN:

**SIOUX VALLEY DAKOTA NATION CHIEF AND COUNCIL
and SIOUX VALLEY DAKOTA NATION**

Appellants

and

**MATTHEW HENDERSON
and JOSEPH ANTOINE**

Respondents

ASSESSMENT OF COSTS – REASONS

**Charles E. Stinson
Assessment Officer**

[1] The Court dismissed with costs this appeal of a decision of the Federal Court granting an extension of time to the Respondents to file an application for judicial review of a band election. I issued a timetable for written disposition of the Respondents' bill of costs.

[2] The Appellants did not file any materials in response to the Respondents' materials. 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 supporting materials within those parameters. There were items which might have attracted disagreement, but the total amount claimed is generally arguable as reasonable within the limits of the award of costs. The Respondents' bill of costs is assessed and allowed as presented at \$2,169.60.

"Charles E. Stinson"
Assessment Officer

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-365-06

STYLE OF CAUSE: SIOUX VALLEY DAKOTA NATION CHIEF AND
COUNCIL et al. v. MATTHEW HENDERSON et al.

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

REASONS FOR ASSESSMENT OF COSTS: CHARLES E. STINSON

DATED: February 20, 2008

WRITTEN REPRESENTATIONS:

n/a FOR THE APPELLANTS

Mr. Jarett D. Kehler FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Paterson Patterson Wyman & Abel FOR THE APPELLANTS
Brandon, MB

Donald Legal Services FOR THE RESPONDENTS
Brandon, MB