

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

MEMAZ INC.

Plaintiff,

– and –

**MONIQUE GAUTHIER (aka CAT GAUTHIER), COALITION TO
SAVE THE LEMAY FOREST, DIANE BOUSQUET, TERRI
BOUSQUET, LINDSEY MARIE, EVIO RICE, GERALD TOLE,
MEGHAN GREEN, DION NEMEZ, PATRICK JX NEILAN,
ANGELA BRYDGES, MELISSA WARRINGTON, NICK
LAMERANTE, CHASE PUTCH DE-LESELEUC, JOHN DOE #1,
JOHN DOE #2, JOHN DOE #3, JOHN DOE #4, JANE DOE #1, JANE
DOE #2, JANE DOE #3 and JANE DOE #4,**

Defendants.

**SUPPLEMENTARY AFFIDAVIT OF JOHN WINTRUP
SWORN: JANUARY 3, 2025**

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Defendants.

SUPPLEMENTARY AFFIDAVIT OF JOHN WINTRUP

I, **JOHN WINTRUP**, of the City of Winnipeg, in the Province of
Manitoba,

MAKE OATH AND SAY THAT:

1. I am the Professional Planner of the Plaintiff herein (and related entities) and have personal knowledge of the facts hereinafter deposed to by me except where same are stated to be based upon information and belief, in which case I do verily believe same to be true.

2. There are a number of images and photographs embedded in the body of this Affidavit rather than attached as Exhibits. Unless otherwise noted, I took the screenshots and photographs embedded in this Affidavit.

3. I have not been at the blockade since I was attacked and chased up Pembina Highway on the afternoon of December 29, 2024.

4. Before describing events that have transpired since the Court hearing on December 30, 2024, I will provide some additional information about the Plaintiff's efforts to engage with various stakeholders.

Supplemental Information

5. In paragraphs 20 to 24 of my first Affidavit, I gave evidence about interactions with the Coalition.

6. While the Coalition has not updated its webpage to post a copy of the Order or notify anyone about its existence, there is a recent update from December 14, 2024 regarding the Aisle Ritchot Cemetery (<https://savelemayforest.ca/history-2/>). There are two aspects of this update that warrant brief mention:

- (a) First, the update refers to a 50 metre buffer zone around the cemetery proposed by the City. As noted in paragraph 53 of my first Affidavit, the Plaintiff is using a significantly larger buffer zone of 100 metres; and,
- (b) Second, the update references a nearby resident and archivist named Shelley Sweeny. We attempted to engage with her but

she refused. This is may be why the Coalition was unaware that the buffer zone the Plaintiff has implemented is significantly larger than the one proposed by the City.

7. In paragraphs 16 to 19 of my first Affidavit, I gave evidence with respect to the potential unmarked graves and efforts to engage with various levels of government, the MMF and the AMC. Additional correspondence is provided below.

Federal, Provincial and Municipal Governments

8. On October 18, 2023, I sent a letter to the Mayor and the federal and provincial Environment Ministers. A copy of this letter is attached hereto as **Exhibit “A”**.

9. On October 22 and 23, 2023, I sent letters to MP Dan Vandal, MLA Billie Cross and members of City Council. Copies of these letters are attached hereto as **Exhibit “B”**.

10. On December 1, 2023, I received an email from the provincial Environment Minister’s office. A copy of this email is attached hereto as **Exhibit “C”**.

11. On December 6, 2023, I received an email from the Premier’s office. A copy of this email is attached hereto as **Exhibit “D”**.

12. On December 7, 2023, I sent letters to MLA Cross, members of City Council and MP Vandal. Copies of these letters are attached hereto as **Exhibit “E”**.

13. On December 20, 2023, I received an email from the federal Environment Minister's office. A copy of this email is attached hereto as **Exhibit "F"**.

14. On January 26, 2024, I received an email from the office of provincial Minister Ian Bushie. A copy of this email is attached hereto as **Exhibit "G"**.

15. On January 29, 2024, I replied to Minister Guilbeault and Minister Bushie. Copies of those letters are attached hereto as **Exhibit "H"**.

16. On February 26, 2024, I received an email from Minister Schmidt's office. A copy of this email is attached hereto as **Exhibit "I"**.

Heritage Resources Branch

17. In the Spring of 2024, I exchanged emails with Reid Graham (provincial Impact Assessment Archaeologist). A copy of that exchange is attached hereto as **Exhibit "J"**.

18. On May 22, 2024, I met with Mr. Graham, Mr. Paxton-Read, three other HRB employees and three City employees at the Property to discuss potential development around Aisle Ritchot cemetery. Further emails were exchanged over the next month and they are attached hereto as **Exhibit "K"**.

19. Exhibit "C" to my first Affidavit is a report prepared by Mr. Paxton-MacRae. He provided a draft version of it to Mr. Graham at the end of May and Mr. Graham provided detailed comments on June 12, 2024. A copy of their exchange is attached hereto as **Exhibit "L"**.

20. On June 13, 2024, the revised version of Mr. Paxton-MacRae's report was provided to Mr. Graham. A copy of the email attaching the revised report is attached hereto as **Exhibit "M"**.

AMC

21. On December 6 and again on December 12, 2023, I exchanged emails with Lisa Muswagon at the AMC. A copy of our exchange is attached hereto as **Exhibit "N"**.

22. On December 13, 2023, we exchanged emails about a meeting the next day and a pipe ceremony being planned for December 20, 2023. A copy of our exchange is attached hereto as **Exhibit "O"**.

23. Over the next several days, there was further correspondence about the pipe ceremony and related public statements to be made. Copies of that correspondence along with draft agendas and press releases are attached hereto as **Exhibit "P"**.

24. While the pipe ceremony was cancelled by the AMC and did not proceed on December 20, 2023, Grand Chief Merrick sent an email to the Mayor that day. A copy of that email and some further correspondence is attached hereto as **Exhibit "Q"**.

25. I exchanged some further emails with Ms. Muswagon in the first few months of 2024. A copy of those emails is attached hereto as **Exhibit "R"**.

26. In late November, 2024, I received a phone call from Melanie Everette at the AMC. She told me that she had received a letter from a woman with

OURS-Winnipeg telling her that AMC should be alarmed by what was happening on the Property, and she wanted to know what was happening. I explained to her that trees would be cut down but not in the buffer zone around potential unmarked graves and that Denny's sweat lodges would remain. I also reminded her that the AMC had an open invitation to attend at the Property for a tour and discussion about the potential unmarked graves. I also provided her with an update on the upcoming Municipal Board appeal. After we spoke, I sent her an email. A copy of this email is attached hereto as **Exhibit "S"**.

Treaty One Nations

27. On February 12, 2024, I exchanged emails with Judy Wasacase. A copy of that exchange is attached hereto as **Exhibit "T"**.

The MMF

28. In late July, 2023, I sent several emails to the MMF. Copies of those email exchanges are attached hereto as **Exhibit "U"**.

29. In August, 2023, the MMF and Mr. Yahyapour traded emails. Copies of those email exchanges are attached hereto as **Exhibit "V"**.

30. Following that exchange, I exchanged emails with the MMF. A copy of that chain of correspondence is attached hereto as **Exhibit "W"**.

31. In my final email, I stated "We are also reaching out to all levels of government and other parties such as the MMF, to determine any interest in

acquiring these lands to preserve all the trees instead of adding any new housing”.

32. Over a two week period in late February and March, 2024, Mr. Yahyapour and Dustyn Panson exchanged emails regarding the MMF’s offer to purchase the Property. A copy of their correspondence is attached hereto as **Exhibit “X”**.

33. In September, 2024, I became aware that the MMF had made a submission to the Riel Community Committee. The MMF did not provide it to us so I attended at City Hall to obtain a copy and it is attached hereto as **Exhibit “Y”**.

34. I am aware of several media appearances by MMF President David Chartrand about the Property. For example, a news story published on March 19, 2024 by CTV Winnipeg states that “MMF president David Chartrand says if a purchase price can't be reached, he is willing to start legal action of his own to prevent any development, as he has concerns there could be a cemetery there from a former orphanage.”

35. On June 19, 2024, the Winnipeg Free Press published an article entitled “Tree clearing set for disputed Lemay Forest: planner” that reads in part:

He also said he’s faced safety threats linked to the proposal.

Wintrup said residents have yelled, screamed and sworn at meetings, while one person threw a surveyor stake at him during a site visit.

“We’re not looking to escalate it any further... I’m hoping some calmer heads actually start prevailing,” said Wintrup, noting he’s had productive meetings with some residents.

The planner also expressed concerns about comments federation president David Chartrand made during a recent CJOB interview about the development, which specifically related to the cemetery for a former orphanage that operated on part of the site.

“When it comes to graves and culture and all that, that’s a different game. And we will come in with every loaded gun we have to protect culture and, of course, our graves,” said Chartrand at the time.

During a Wednesday interview, the federation leader stressed he did not intend any threat.

“Everybody knows I’m not talking about a real gun, I’m talking about a loaded position that I will defend... There’s no attempt to hurt, physically or in any manner,” he said.

Chartrand accused the owner of portraying himself as a victim as he seeks more money for the land.

He said protecting any possible Métis graves is the federation’s top priority.

“If there’s graves in there, I guarantee you I will do everything in my power to protect it because the majority of children that were in that orphanage were Métis,” he said.

Wintrup said the development would include a buffer around the historic cemetery and testing will be used to determine the exact location of any potential graves.

36. I am unaware of any legal proceedings being commenced by the MMF regarding the Property or the Plaintiff’s tree clearing. I am also unaware of any further correspondence being sent to the Plaintiff by the MMF since March, 2024.

Federal Wildlife Officer

37. On June 21, 2024 (the day after the CBC news story I mention in paragraph 48 of my first Affidavit), I received an email from a federal wildlife officer named Riley Black. I provided this email to Mr. Toyne and the two of them exchanged emails over the next week or so. Mr. Toyne provided a copy of a Biological Land Inventory report prepared by Ducks Unlimited Canada (o/a Native Plant Solutions) in 2020 regarding the Property. A copy of these emails is attached hereto as **Exhibit “Z”**.

38. During my many hours spent on the Property, I have never observed a pileated woodpecker. No one has contacted myself or the Plaintiff about a possible pileated woodpecker nest as I would expect someone acting in good faith to do. Neither I nor the Plaintiff have been contacted about migratory bird issues since the emails mentioned in the paragraph above.

December 30, 2024

39. I attended the Court hearing before Justice Inness. That evening, I sent a copy of the Order to the Plaintiff’s tree contractor. I watched a CBC new story posted around 10:45 pm that referred to roughly 50 people being present at the blockade that morning.

40. I was concerned that Denny could require paperwork to prove that he was authorized to be on the Property so I also prepared a draft letter of authorization for Denny to continue to use the Property for the following purposes:

- (a) Indigenous ceremonial practices;

- (b) raising awareness of the harms of the past at L'Aisle Ritchot Orphanage;
- (c) acknowledging the location of the unmarked graves;
- (d) providing healing and closure for the survivors and their descendants affected by the historical harms involving the Les Oblats, to the extent reasonably possible; and
- (e) providing access and opportunities for non-Indigenous people, and Indigenous peoples, groups and communities, to participate in spiritual Indigenous ceremonies, sweat lodges, cultural camps and talking circles, grow medicinal herbs and facilitate intergenerational learning in an appropriately designed outdoor learning space.

41. I sent the draft letter to Mr. Yahyapour. He signed on behalf of the Plaintiff and sent it back to me. I provided the letter to Denny the next day.

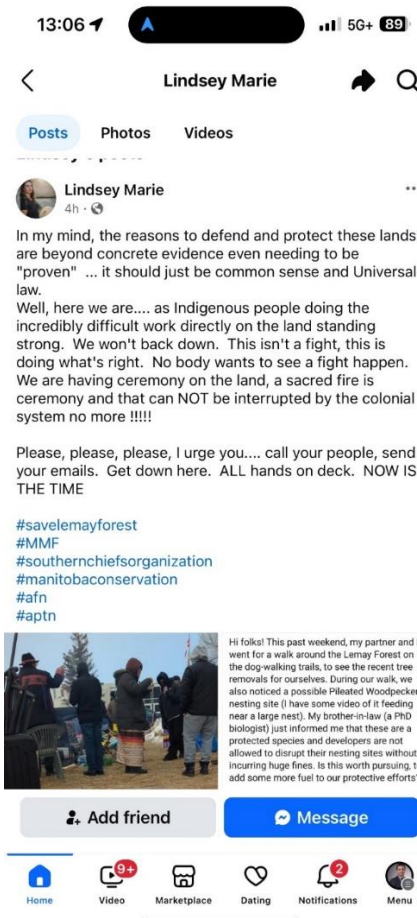
42. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media before I went to bed.

December 31, 2024

43. I had several discussions with the Winnipeg Police Service about enforcement and service of the Order. I was informed that the WPS would not be enforcing the Order or attending to keep the peace if the Plaintiff took steps to serve persons at the blockade. I was also informed that there was a meeting of "stakeholders" being held on Monday, January 6, 2025 to discuss

the situation. I asked who the stakeholders were but I was not provided with that information.

44. I sent an email to CityNews containing Court documents and I was interviewed for a video story entitled "[Court injunction aims to halt a tense standoff over Winnipeg's Lemay Forest](#)". One of the Defendants alleged during an interview that elders were told sweat lodges needed to be torn down by Monday. I literally have no idea what she is talking about – that allegation is fabricated nonsense. After my CityNews interview, I met with the Winnipeg Police Service for close to two hours about what happened to me on the afternoon of December 29, 2024. That afternoon, Mr. Yahyapour sent me this Facebook post made by Defendant Lindsey Marie:



45. MP Terry Duguid and MLAs Loiselle and Cross attended the blockade:

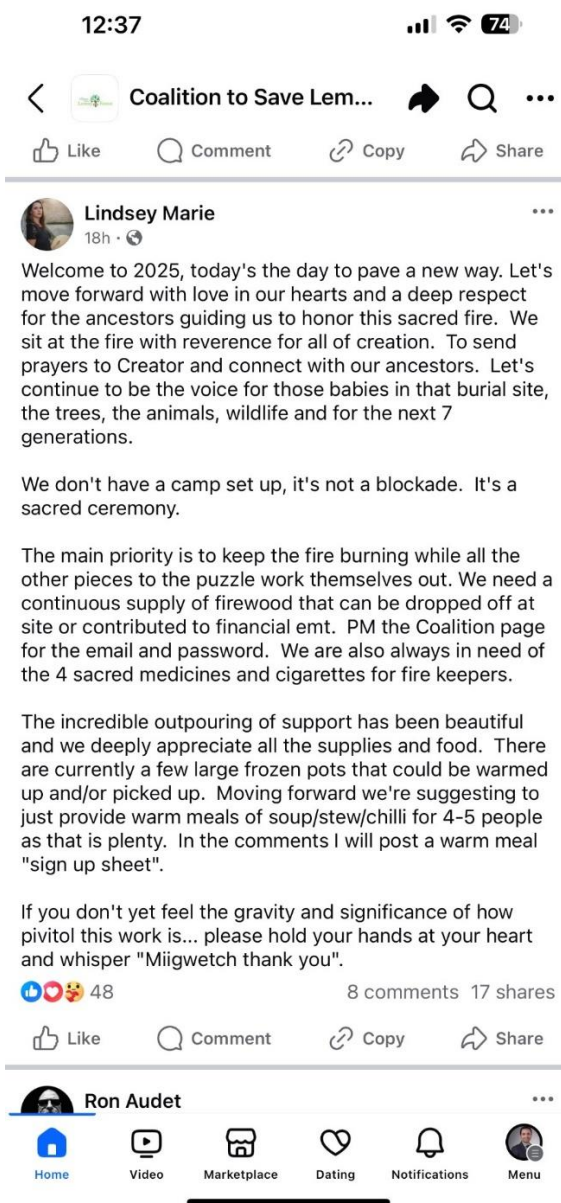


46. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media.

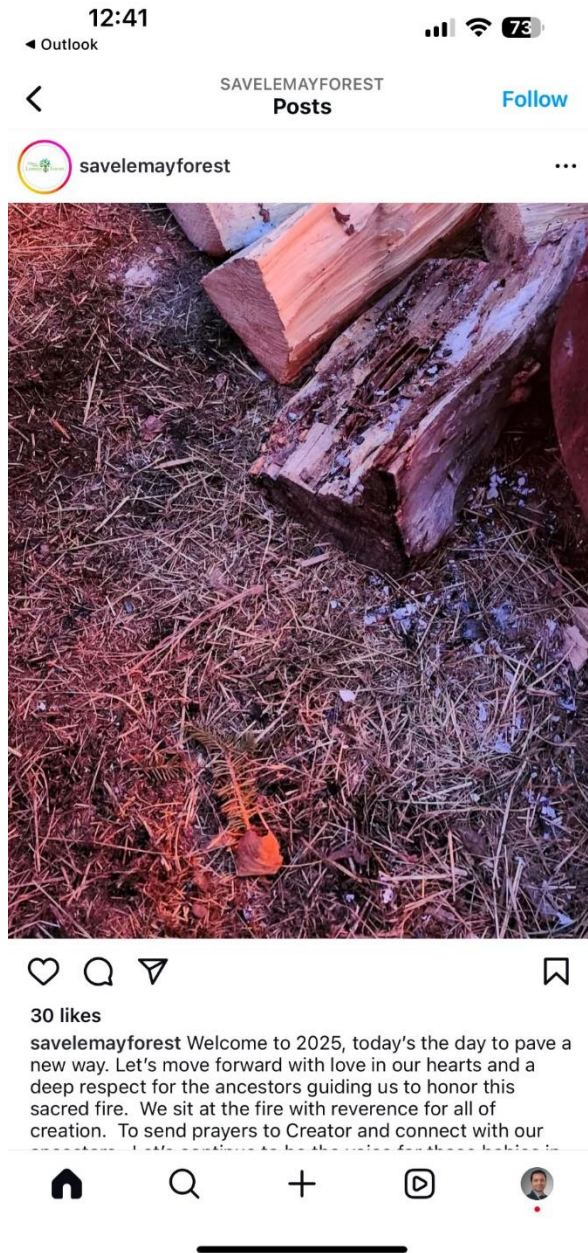
January 1, 2025

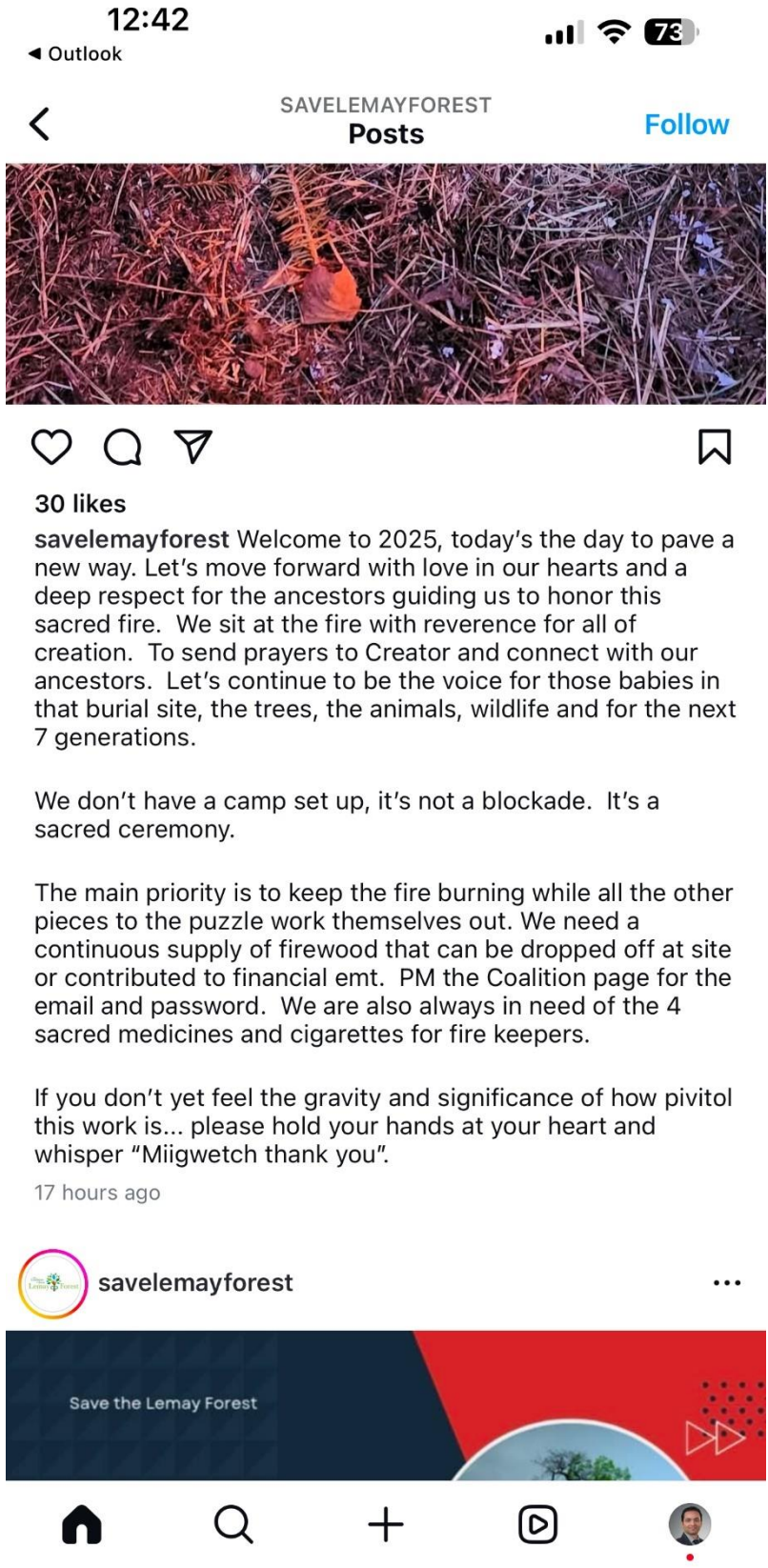
47. I communicated with the WPS about what happened to me on the afternoon of December 29, 2024. Out of an abundance of caution, I also applied for a new open fire pit permit for Denny that specifies the locations of his sweat lodges and ceremonial fire pit.

48. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media. Instead, Defendant Lindsey Marie made the following post on Facebook (which Mr. Yahyapour shared with me):



49. While the Coalition posted a detailed update to the Coalition's Instagram on or around Boxing Day, the Coalition's Instagram page makes no mention of the Order. Instead, the following post was made:

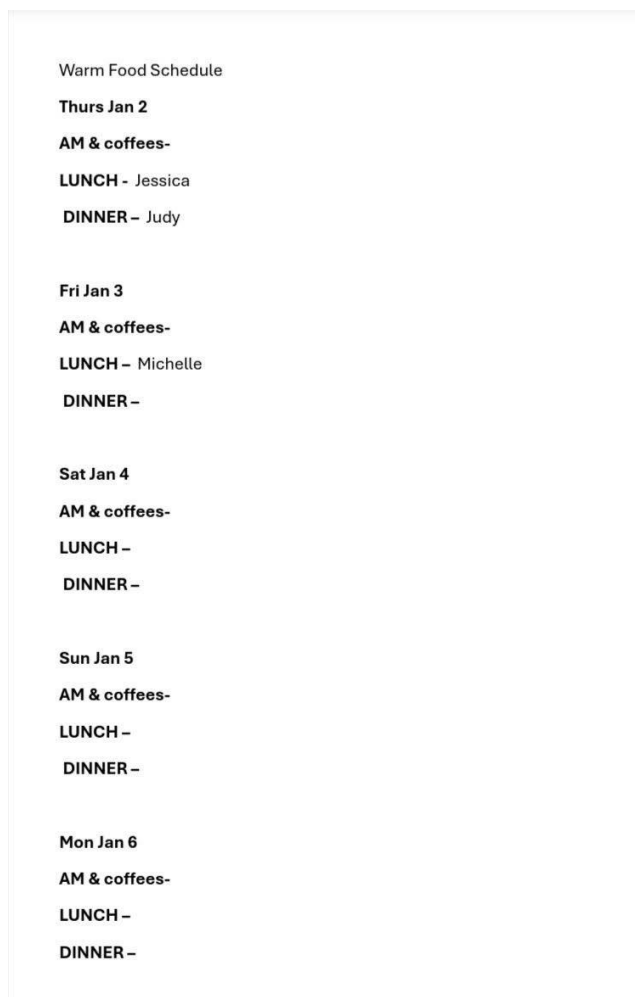




50. I do not know the email address being used by the Coalition to accept financial contributions in support of the blockade.

January 2, 2025

51. I posted the content of the injunction Order as a Google Review of the “Lemay Forest”. The following post about a food and coffee schedule for the blockade was made on the Coalition’s Facebook page:



52. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media. I also did not see a copy of the Order posted on the Coalition’s YouTube Channel or GoFundMe

fundraiser page. The Coalition has raised over \$8000 and the purpose of the Coalition's fundraising is stated to be as follows:

Purpose of fundraising:

We want to show our elected officials that the community is committed to the acquisition process, in both tangible and intangible ways. A grassroots fundraising campaign will send a clear message that we are committed to supporting the City of Winnipeg with their purchase of the 22-acre Lemay Forest and greenfield.

The funds raised will be used for any or all of the following:

1. Direct contribution for acquisition:

Donations will be directed to the City of Winnipeg explicitly for the purchase of the 22-acre Lemay Forest, contingent upon its rezoning as parkland.

2. Establishment of support entities:

Setting up a foundation, association, or charity to aid the City of Winnipeg in managing and maintaining the forest and greenfield after rezoning.

3. Maintenance plan implementation:

Supporting the development of a maintenance plan for the 22-acre Lemay Forest as parkland, including initiatives like tree planting, restoring native prairie grassland, maintaining trails, installing informational signage on its history and biodiversity, and managing litter.

4. Administrative costs and advocacy:

Allocating minimal funds for administrative expenses specifically related to advocating for the forest's purchase. These expenses will be limited and used only when absolutely necessary, ensuring that the majority of funds go toward purchasing and maintaining the 22-acre Lemay Forest and greenfield.

NOTE: All Coalition members are dedicated volunteers who are donating their time because we believe in the cause. None of the funds raised will be used to pay Coalition members or any other volunteers for their time or services.

We are committed to transparency on how the funds are being used. Regular updates will be made available on our website.

If our efforts to support the City of Winnipeg in acquiring and rezoning Lemay Forest to parkland prove unsuccessful without viable alternative paths (such as provincial, federal, non-governmental organization (NGO), or public partnerships), the funds raised will be redirected. These funds will be allocated to groups or charities dedicated to advancing nature based social and recreational services. The specific allocation will be decided later by consensus among the Coalition to Save Lemay Forest members. Feel free to contact us with any concerns.

53. The Coalition's purposes of fundraising make no mention of raising funds to support the blockade.

January 3, 2025

54. Today is the seventh day since the Plaintiff lost access to the Property.

55. Around 11:45 am, I received a voicemail from Ms. Everette of the AMC asking me to call her as she was driving on the highway and may be in and out of phone reception. I spoke with her not long before I swore this Affidavit. She wanted an update on what was happening and if anything was different from our last discussion. I told her about the tree clearing, the blockade, the injunction and how Denny has been authorized to remain on the Property. I reminded her about the invitation that I mention above. She mentioned that she would update the Grand Chief's Office and we agreed to connect again sometime soon.

56. I swore this Affidavit at approximately 1:50 pm. Before swearing this Affidavit, I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media.

57. Not long before I swore my Affidavit, someone posted some of the text of today's Winnipeg Free Press article on the Coalition's Facebook page.

58. I make this Affidavit bona fide.

SWORN before me at the City of)
Winnipeg, in the Province of)
Manitoba, this 3rd day of January,)
2025)



JOHN WINTRUP

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

