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# FINDLAY McCARTHY LLP

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Barristers & Solicitors

## NEWS RELEASE

### FOR IMMEDIATE RELEASE

August 11, 2006

**HAMILTON** – On August 8, 2006, Justice T.D. Marshall rendered a judgment in an action brought by Henco Industries Limited involving the occupation of the Douglas Creek Estates in Caledonia, Ontario.

In the judgment Justice Marshall makes the following statements:

“The fact that the Douglas Creek property is still occupied by protestors and remains under blockade in spite of a court order and after many months, with no appeal taken to the order, is strong evidence for many that the rule of law is not functioning in Caledonia.”

\* \* \*

“It is clear that the police and the crown have wide powers of discretion in when, and how to act. The police and the crown each have important roles in maintaining the peace. But, that discretion should not be used to advance a particular policy. That is not a proper exercise of their discretion. They must not use their discretion to oust the rightful jurisdiction of the court or to defeat the court’s order.”

\* \* \*

“It is common knowledge that the people of Caledonia, after 5 months of occupation, have seen security in their town replaced by lawlessness; protestors in battle fatigues, police officers in riot gear, and uncertainty of their future. Their property values reduced, racial relations with the neighbouring native people destroyed after many years of peaceful coexistence.

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It is a sad, sad result on both sides but one that might be avoided in future by proactive, quick settlement of land claims and, as well, by the crown and the police responding quickly to their court's reasoned orders."

The Class Action Caledonia Committee believes that this judgment strongly supports the claims being made by KRP Enterprises Inc. and 1643078 Ontario Inc. in the class proceeding commenced by them in the Superior Court of Justice on June 12, 2006, on behalf of the business and property owners of Caledonia.

The Class Action Caledonia Committee is hopeful that a peaceful means can be found to resolve outstanding land claims and end the damage being done by the continuing occupation.

The Class Action Caledonia Committee is encouraged by Justice Marshall's judgment and asks that the business and property owners affected by the occupation make contributions to assist the representative plaintiffs in the prosecution of their action. The Committee would like to dispel unfounded rumours that such contribution would invoke any liability on the part of a contributor.

Go to [www.caledoniaclassaction.com](http://www.caledoniaclassaction.com) to learn more about the action and how to contribute. The class proceeding claim and the entire judgment of Justice Marshall can be found on the site.

Findlay McCarthy LLP are the solicitors for the plaintiffs in the class proceeding.

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**For Other inquiries or for a copy of the claim:**

Access the Web site at [www.caledoniaclassaction.com](http://www.caledoniaclassaction.com)