



IN THE COURT OF APPEAL OF ALBERTA

Please type or print. Attach additional pages if necessary. All applicable areas must be completed.

Appeal Number

0501-00291 AC

Q.B. Number

9706-00570

Form N

BETWEEN:

SARG OILS LTD. AND SERGIUS MANKOW

RESPONDENT (Status on Appeal) (Applicants) (Status at Trial)

- and -

THE MINISTER OF ENVIRONMENTAL PROTECTION AND THE ATTORNEY GENERAL FOR THE PROVINCE OF ALBERTA

APPELLANTS (Status on Appeal) (Respondents) (Status at Trial)

ENVIRONMENTAL APPEAL BOARD, THE DIRECTOR OF LAND RECLAMATION,

NOT A PARTY TO APPEAL (Respondents) (Status at Trial)

CIVIL NOTICE OF APPEAL

1. APPEAL FROM: [] Judgement [X] Order [] Decision

PORTION BEING APPEALED (R.511):

[X] Whole, or

[] Only specific part(s)

If specific part(s), indicate which part(s):

PROVIDE A BRIEF DESCRIPTION OF THE ISSUES: Proper role and scope of EAB. Proper application of standard of review at EAB decision.

OF THE THREE OPTIONS BELOW, INDICATE WHERE THE ORDER ORIGINATED:

[X] COURT OF QUEEN'S BENCH

File number: 9706-00570

Location: Lethbridge / Macleod

Justice: J. H. Langston

On appeal from a Queen's Bench Master or Provincial Court Judge? [] Yes [] No

[] ADMINISTRATIVE TRIBUNAL

Specify Tribunal:

[] APPEAL OF A DECISION BY A BOARD

Specify Board:

Error correcting only	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Involves new law	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Protection against family violence				
Error correcting only	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Involves new law	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

Other, please specify: _____

Error correcting only	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Involves new law	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

5. HAS THIS FILE BEEN UNDER CASE MANAGEMENT IN THE COURT OF QUEEN'S BENCH? Yes No

If yes, case management justice: _____
 Trial date: _____

6. IS THIS CASE RELATED TO ANY CASE PRESENTLY BEFORE OR ABOUT TO BE FILED IN THIS COURT? (e.g. arises from same controversy; involves same, similar or related issues, etc.) Yes No

If yes, name of related case(s) _____
 Action or appeal number(s): _____
 Nature of relationship: _____

7. IS THE CONSTITUTIONAL VALIDITY OF AN ACT OR REGULATION BEING CHALLENGED AS A RESULT OF THIS APPEAL? Yes No

8. HAS MEDIATION BEEN ATTEMPTED IN THE TRIAL COURT? Yes No

9. ARE YOU WILLING TO PARTICIPATE IN JUDICIAL DISPUTE RESOLUTION WITH A VIEW TO SETTLEMENT? CRYSTALLIZING OF ISSUES? Yes No

Please identify which one, if any, of the processes in questions 9-12 would be most helpful in advancing your appeal.

10. WOULD CASE MANAGEMENT BE BENEFICIAL? Yes No

11. COULD THIS MATTER BE DECIDED WITHOUT ORAL ARGUMENT? Yes No

12. SHOULD THE APPEAL BE EXPEDITED? Yes No

If yes, provide reason: _____

13. IS THERE A STATUTORY BAN, BAN ON PUBLICATION OR AN ORDER OF THE COURT WHICH AFFECTS THE PRIVACY STATUS OF THIS FILE? Yes No

If yes, provide details including which party/parties the ban or order affects and the section the ban was granted under: _____

14. APPELLANT'S ESTIMATED TIME OF ARGUMENT (if less than 45 minutes): 45 minutes

15. LIST RESPONDENT(S) OR COUNSEL FOR THE RESPONDENT(S)

Vaughn Marshall
 Name
Marshall Attorneys
 Law Firm (if applicable)
Sun Life Plaza - West Tower, Suite 2600, 144 - 4 Ave SW, Calgary, Alberta
 Address T2P 3N4
Postal code
(403) 270-4110
 Telephone number (403) 206-7075
Fax number

2. PARTICULARS OF JUDGEMENT, ORDER OR DECISION APPEALED FROM:

Date pronounced: July 18, 2005
Date entered: September 20, 2005
Date served: September 20, 2005

Attach a copy pursuant to R.506(2). If a copy is not attached, provide reason:

(Upon the judgment or order becoming available, the Appellant shall forthwith file a copy with the Registrar.)

3. IF THE ORDER ORIGINATED IN THE COURT OF QUEEN'S BENCH, CHECK ONE OF THE FOLLOWING, TO INDICATE THE TYPE OF ORDER THAT IS UNDER APPEAL:

Interim order made

In chambers

During trial

Specify nature of order:

X Final order or refusal to grant final order before trial (e.g. summary judgement, striking pleadings, etc.)

Judgment after trial

4. (a) IS THE APPEAL ABOUT PROCEDURE OR CUSTODY OR ACCESS ONLY UNDER PART J. OF THE CONSOLIDATED PRACTICE DIRECTIONS?

Yes No X

IF YES, CHECK APPLICABLE BOXES:

Error correcting only

Yes No

Involves new law

Yes No

(b) IS THIS A FAMILY LAW APPEAL?

IF YES, CHECK APPLICABLE BOXES:

Yes No X

Divorce

Error correcting only

Yes No

Involves new law

Yes No

Maintenance only

Child support

Spousal support

Spousal and child support

Error correcting only

Yes No

Involves new law

Yes No

Maintenance arrears

Child support

Spousal support

Spousal and child support

Error correcting only

Yes No

Involves new law

Yes No

Matrimonial property

Error correcting only

Yes No

Involves new law

Yes No

Adoption

Error correcting only

Yes No

Involves new law

Yes No

Guardianship

Error correcting only

Yes No

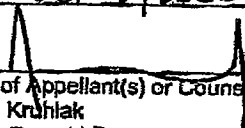
Involves new law

Yes No

Parentage

NOTE: The address set out in section 15 will be considered the respondent's address for service until such time as the respondent files documentation specifying otherwise.
All parties listed in section 15 must be served with a filed copy of the Notice of Appeal within the prescribed appeal period. (R. 510(1))

Date Oct 3, 2005


Signature of Appellant(s) or Counsel
Ronald M. Kruhlak
McLennan Ross LLP

NOTICE TO THE RESPONDENT:

A respondent who fails to comply with the requirements of the Alberta Rules of Court and the Court of Appeal Consolidated Practice Directions, within the prescribed time, will not be allowed to present oral argument, nor be entitled to costs, unless otherwise ordered.

Failure to appear at the appeal hearing may also lead to an order of judgment being made against the respondent in their absence.

NOTICE TO ALL PARTIES:

Parties are required to provide an address for service if it is different than the address set out in this document.

Parties are also required to notify the Registrar of any change of address throughout the proceedings, to ensure that they can be contacted at all times.

An address for service within 30 kilometres of the office of the Registrar must be provided (R. 5(1)(b)(i)).

Appeal Number: 0501-0291 AC
Q.B. Number: 9706-00570

IN THE COURT OF APPEAL OF ALBERTA

BETWEEN:

SARG OILS LTD. AND SERGIUS MANKOW

RESPONDENT
(Status on Appeal)
(Applicants)
(Status at Trial)

- and -

**THE MINISTER OF ENVIRONMENTAL PROTECTION AND
THE ATTORNEY GENERAL FOR THE PROVINCE OF ALBERTA**

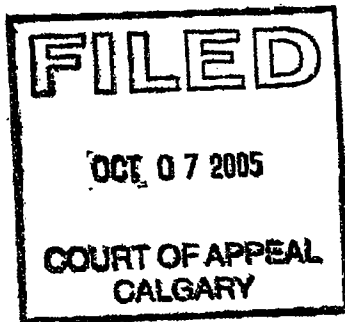
APPELLANTS
(Status on Appeal)
(Respondents)
(Status at Trial)

**ENVIRONMENTAL APPEAL BOARD, THE DIRECTOR OF LAND
RECLAMATION,**

NOT A PARTY TO APPEAL
(Respondents)
(Status at Trial)

CIVIL NOTICE OF APPEAL

Counsel for the appellants:



MCLENNAN ROSS LLP
LEGAL COUNSEL

1600 Stock Exchange Tower
300 - 5th Avenue S.W.
Calgary, AB T2P 3C4

Lawyer: Ronald M. Kruhlak
Telephone: (403) 543-9120
Fax: (403) 543-9150
File: 971435

**IN THE COURT OF QUEEN'S OF ALBERTA
JUDICIAL DISTRICT OF LETHBRIDGE/MACLEOD**

Action No. 9706-00570

BETWEEN:

SARG OILS LTD. AND SERGIUS MANKOW

Applicants

- and -

**ENVIRONMENTAL APPEAL BOARD,
THE DIRECTOR OF LAND RECLAMATION,
THE MINISTER OF ENVIRONMENTAL PROTECTION AND
THE ATTORNEY GENERAL FOR THE PROVINCE OF ALBERTA**

Respondents

ORDER

**Before the Honourable Justice
J. H. Langston, in Chambers,
Lethbridge, Alberta**

On Wednesday, July 18, 2005

UPON the application of SARG OILS LTD. and SERGIUS MANKOW for judicial review; **AND UPON** this matter having come before this Honourable Court for hearing and being heard in Lethbridge on October 25, 2004; **AND UPON** the Court reserving judgment and delivering its judgment on this day;

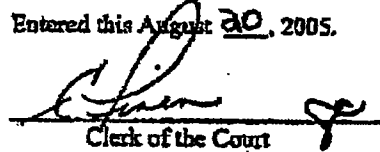
IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. The application of SARG OILS LTD. and SERGIUS MANKOW is granted.
2. The recommendations of the Environmental Appeal Board dated December 5, 1996, shall be and are hereby quashed and set aside.

3. The Order of the Minister of Environmental Protection dated December 16, 1996, shall be and is hereby quashed and set aside.
4. The matter is referred back to the Environmental Appeal Board for a new hearing.
5. SARG OILS LTD. and SERGIUS MANKOW shall be, and are hereby awarded costs, which shall be spoken to.
6. This Order may be approved by fax and in counterpart


 J. H. Langston, J.C.Q.B.A.

Entered this August 30, 2005.


 Clerk of the Court

APPROVED AS BEING THE ORDER GIVEN

**Environmental Appeal Board
by its Counsel, on August ____, 2005.**

Andrew C.L. Sims, Q.C.

**The Minister of Environmental Protection
by its Counsel, on August ____, 2005.**

McLennan Ross

Per: _____

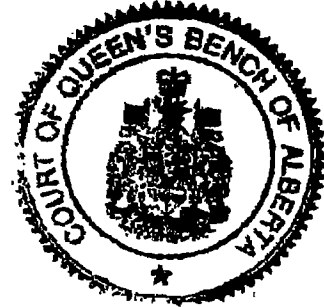
Ronald M. Kruhlak

**The Director of Land Reclamation
by its Counsel, on August ____, 2005.**

Alberta Justice, Civil Law Branch

Per: _____

William A. McDonald



3. The Order of the Minister of Environmental Protection dated December 16, 1996, shall be and is hereby quashed and set aside.
4. The matter is referred back to the Environmental Appeal Board for a new hearing.
5. SARG OILS LTD. and SERGIUS MANKOW shall be, and are hereby awarded costs, which shall be spoken to.
6. This Order may be approved by fax and in counterpart.

J. H. Langston, J.C.Q.B.A.

Entered this August ____, 2005.

Clerk of the Court

APPROVED AS BEING THE ORDER GIVEN

**Environmental Appeal Board
by its Counsel, on August ____, 2005.**

Andrew C.L. Sims, Q.C.

**The Minister of Environmental Protection
by its Counsel, on August ____, 2005.**

McLennan Ross

Esq.

Ronald M. Krulik

**The Director of Land Reclamation
by its Counsel, on August ____, 2005.**

Alberta Justice, Civil Law Branch

Per.

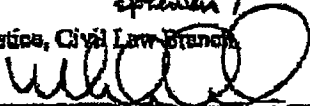


William A. McDonald

The Attorney General for the Province of Alberta
by its Counsel, on August 2005.

Alberta Justice, Civil Law Branch

Per:


William A. McDonald

Action No:9706-00570

July 18, 2005

In the Court of Queen's Bench of Alberta
Judicial District of Lethbridge/Macleod

BETWEEN

SARG OILS LTD. and SERGIUS MANKOW
Plaintiffs

-and-

ENVIRONMENTAL APPEAL BOARD,
THE DIRECTOR OF LAND RECLAMATION,
THE MINISTER OF ENVIRONMENTAL
PROTECTION AND THE ATTORNEY
GENERAL FOR THE PROVINCE OF ALBERTA

Defendants

Order

Langston, J., July 18, 2005



Marshall Attorneys
Trial Lawyers

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