

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF FORT McMURRAY

BETWEEN:

**JOHN MALCOLM on behalf of
THE WOOD BUFFALO 1ST NATION CITIZENS**

Applicants

- and -

**THE FEDERAL GOVERNMENT,
THE ALBERTA GOVERNMENT,
THE ALBERTA ENERGY & UTILITIES BOARD,
THE ALBERTA ENVIRONMENTAL APPEAL BOARD,
THE MUNICIPALITY OF WOOD BUFFALO
previously THE TOWN OF FORT McMURRAY,
CONOCO/PHILLIPS CANADA RES. CORP.,
OPTI/NEXEN CANADA INC.**

Respondents

BEFORE THE HONOURABLE
JUSTICE W.P. SULLIVAN
IN CHAMBERS

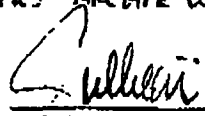
) At the Court House in the City of Fort
) McMurray, in the Province of Alberta, on
) the 20th day of January, 2005.

ORDER

UPON the application of the Applicants filed December 17th, 2004 (the "Application"); AND UPON reading the Affidavit of John Malcolm sworn December 21, 2004, AND UPON HEARING the submissions of the Applicants; AND UPON HEARING the submissions of counsel for each of the Respondents appearing via teleconference, IT IS HEREBY ORDERED THAT:


1. The Application is dismissed as against the Alberta Energy & Utilities Board, the Alberta Environmental Appeal Board, the Municipality of Wood Buffalo previously the Town of Fort McMurray, properly known as The Regional Municipality of Wood Buffalo, Conoco/Phillips Canada Res. Corp., properly known as ConocoPhillips Canada Resources Corp., and OPTI/Nexen Canada Inc., properly known as OPTI Canada Inc./Nexen Canada Ltd.,
2. The Application as against the remaining Respondents is adjourned to April 29, 2005 at 10:00 a.m. at the Court House in Fort McMurray, Alberta at which time the only issue to be determined is the Applicants' status to bring the application contained in their Notice of Motion.
3. The Applicants are directed to serve a copy of (a) the Motion filed December 17, 2004, (b) the Affidavit of John Malcolm sworn December 21, 2004 and (c) this Order, on each of the following:

- (i) the Athabasca Tribal Council;
- (ii) the Athabasca Chipewyan First Nation; CHIEF ARCHIE CYPRIEN
- (iii) the Chipewyan Prairie First Nation; CHIEF WALTER SANUIER
- (iv) the Fort McKay First Nation; CHIEF SIM BOUCHER
- (v) the Fort McMurray No. 468 First Nation; and CHIEF MICHAEL CHEECHUM
- (vi) the Mikisew Cree First Nation. CHIEF ARCHIE WAGDAN



 J.C.C.Q.B.A.

APPROVED AS TO FORM AND CONTENT
 this 25 day of February, 2005.

Per: 

 John Malcolm
 on behalf of the Wood Buffalo 1st
 Nation Citizens

FEDERAL DEPARTMENT OF JUSTICE

THE ALBERTA ENVIRONMENTAL
 APPEAL BOARD

Per: _____
 Donna Tomijanovic
 Solicitor for The Federal Government

Per: _____
 Andrew C.L. Sims, Q.C.
 Solicitor for The Alberta
 Environmental Appeal Board

McLENNAN ROSS LLP

SHAREK LOGAN COLLINGWOOD
 VAN LEENEN LLP

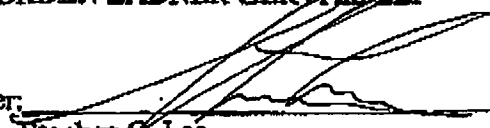
Per: _____
 Michelle Crighton
 Solicitors for The Alberta Government

Per: _____
 Gordon W. Sharek, Q.C.
 Solicitors for The Municipality of
 Wood Buffalo, previously the Town of Fort
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ALBERTA ENERGY & UTILITIES
 BOARD

BORDEN LADNER GERVAIS LLP

Per: _____
 Darren Pickup
 The Alberta Energy & Utilities Board
 Counsel

Per: 

 Stephen C. Lee
 Solicitors for Conoco/Phillips Canada
 Res. Corp., properly known as ConocoPhillips
 Canada Resources Corp.

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Solicitors for The Alberta Government

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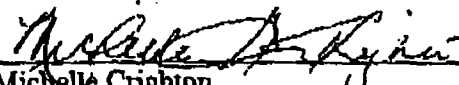
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- (vi) the Mikisew Cree First Nation.

J.C.C.Q.B.A.

APPROVED AS TO FORM AND CONTENT
this 28 day of Feb, 2005.

Per: _____
John Malcolm
on behalf of the Wood Buffalo 1st
Nation Citizens

FEDERAL DEPARTMENT OF JUSTICE

THE ALBERTA ENVIRONMENTAL
APPEAL BOARD

Per: _____
Donna Tomljanovic
Solicitor for The Federal Government

Per: _____
Andrew C.L. Sims, Q.C.
Solicitor for The Alberta
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The Alberta Energy & Utilities Board
Counsel

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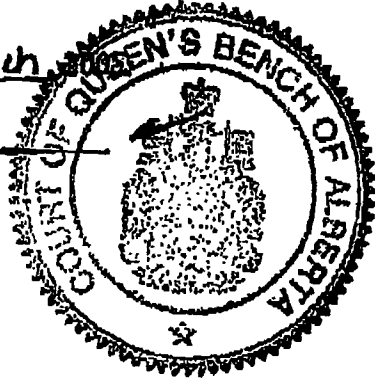
BENNETT JONES LLP

Per: *Andrea Neufeld*
Andrea Neufeld

Solicitors for OPTI/Nexen Canada Inc.,
properly known as OPTI Canada Inc./Nexen Canada Ltd.

ENTERED this 10th day of March 2005

D. Patterson
CLERK OF THE COURT



Action No.: 0419 010583

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THE ALBERTA ENERGY & UTILITIES BOARD,
THE ALBERTA ENVIRONMENTAL APPEAL
BOARD, THE MUNICIPALITY OF WOOD
BUFFALO previously THE TOWN
OF FORT McMURRAY,
CONOCO/PHILLIPS CANADA RES.,
OPTI/MEXEN CANADA INC.

Respondents

ORDER

BORDEN LADNER GERVAIS LLP
Barristers and Solicitors
1000 Camera Tower
400 Third Avenue S.W.
Calgary, Alberta T2P 4H2

Solicitors: Stephen C. Lee
Telephone: (403) 232-9621
Fax: (403) 266-1395

File No. 414567-133602

