

**FEDERAL COURT  
PROPOSED CLASS ACTION**

BETWEEN:

POUNDMAKER CREE NATION represented by the COUNCIL OF  
POUNDMAKER CREE NATION and CHIEF DUANE ANTOINE  
and  
ONION LAKE CREE NATION represented by the COUNCIL OF  
ONION LAKE CREE NATION and CHIEF WALLACE FOX

PLAINTIFFS

- and -

HER MAJESTY THE QUEEN

DEFENDANT

**STATEMENT OF CLAIM**

**TO THE DEFENDANTS:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Court Rules*, serve it on the Plaintiffs' solicitor or, where the Plaintiffs do not have a solicitor, serve it on the Plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the *Federal Court Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date:                     FEB 08 2016                    

Issued by:                     SHERRI ANTY                      
                    REGISTRY OFFICER                      
                    AGENT DU GREFFER                      
(Registry Officer)

Address of Local Office:  
180 Queen Street West  
Suite 200  
Toronto, ON M5V 3L6

## CLAIM

### DEFINITIONS

1. The capitalized terms in this statement of claim have the following meanings:
- (a) “**Class**” and “**Class Members**” are defined as those Indian Nations, including Poundmaker and Onion Lake on whose behalf the Crown accepted a designation of rights and interests in Oil and Gas on their Reserve Lands under the *Indian Act*;
  - (b) “**Council**” means the chief and council of the band as those terms are defined in the *Indian Act*;
  - (c) “**Crown**” means Her Majesty the Queen;
  - (d) “**Department**” means the Department of Indian Affairs and Northern Development, now Indigenous and Northern Affairs Canada;
  - (e) “**Gas**” means natural gas that is or can be produced from a well within the meaning of the *IOG Act*;
  - (f) “**Indian Act**” means the *Indian Act*, R.S.C. 1985, c I-5, as amended;
  - (g) “**Indian Nations**” means Indian bands as those terms are defined in the *Indian Act*;
  - (h) “**IOG Act**” means the *Indian Oil and Gas Act*, R.S.C. 1985, c I-7, and such amendments as are in force;
  - (i) “**IOGC**” means Indian Oil and Gas Canada, a Special Operating Agency of the Department;
  - (j) “**IOG Regulations**” means the *Indian Oil and Gas Regulations*, SOR/94-753, and such amendments as are in force;
  - (k) “**Oil**” means crude oil and all other hydrocarbons that are or can be produced from a well within the meaning of the *IOG Act*;
  - (l) “**Onion Lake**” means the Onion Lake Cree Nation, an Indian band as those terms are defined in the *Indian Act*;

- (m) “**Poundmaker**” means the Poundmaker Cree Nation, an Indian band as those terms are defined in the *Indian Act*; and
- (n) “**Reserve Lands**” means a tract of land, including mines and minerals, the legal title to which is vested in the Crown, which has been set apart by the Crown for the use and benefit of an Indian Nation and is regulated pursuant to the *Indian Act*.

## RELIEF CLAIMED

2. The plaintiff Indian Nations claim on their own behalf and on behalf of the other proposed Class Members:

- (a) an order pursuant to Rules 334.12(2), 334.16(1) and 334.17(1) of the *Federal Courts Rules* certifying this action as a class proceeding and providing any ancillary directions;
- (b) an order pursuant to Rules 334.12(2) and (3), 334.16(1)(e) and 334.17(b) of the *Federal Courts Rules* appointing the plaintiffs as the representative plaintiffs for the Class;
- (c) a declaration that the Crown, the Department and the IOGC owed a fiduciary duty to the Class Members and each breached its fiduciary duty;
- (d) a declaration that the Crown, the Department and the IOGC owed a duty of care to the Class Members and each breached the standard of care and was negligent;
- (e) damages for breach of fiduciary duty and negligence in the amount of \$3 billion;
- (f) an accounting of all funds received by the defendants on account of the development, management and administration of the Oil and Gas rights of the Class Members on designated Reserve Lands;
- (g) an order pursuant to Rule 334.28(1) and (2) of the *Federal Courts Rules* for the aggregate assessment of monetary relief and distribution to the Class Members;
- (h) alternatively, directions pursuant to Rule 334.28(1) of the *Federal Courts Rules* for the assessment of damages for Poundmaker, Onion Lake and each other Class Member;

- (i) pre-judgment and post-judgment interest pursuant to sections 36 and 37 of the *Federal Courts Act*;
- (j) costs assessed in accordance with Tariff B column III of the *Federal Courts Rules*, if appropriate after certification; and
- (k) such further and other relief as this Honourable Court deems just.

### **NATURE OF THE CASE**

3. The Poundmaker Reserve Lands, the Onion Lake Reserve Lands and the Reserve Lands of the other Class Members contained Oil and Gas rights which were ripe for exploitation. Each Class Member conditionally designated these Oil and Gas rights on its Reserve Lands to the Crown to ensure that they were fully exploited for its benefit.

4. The Crown breached its fiduciary obligations to the plaintiffs and the other Class Members and was negligent in failing to fully and properly exploit the Class Members' Oil and Gas rights on designated Reserve Lands, failing to protect the loss of their Oil and Gas rights, and failing to properly collect and account to the Class Members in respect of their Oil and Gas rights resulting in the Class Members suffering damages.

### **BACKGROUND**

5. The *Royal Proclamation, (1763)* defined the land west of the established colonies as "Indian Territories" and, effectively, gave the British Crown the sole right of

acquiring the Indian Territories from the Indian Nations. It also established a set of protocols and procedures for the purchasing of Indian Territories.

6. In 1867, the *British North America Act* transferred responsibility for legislation concerning “Indians and lands reserved for the Indians” to Canada’s Parliament. And, in 1876, the *Indian Act* attempted to consolidate all existing legislation that covered Indians and their relationship to the Crown.

7. As a result of a series of numbered treaties and adhesions signed between the Crown and various Indian Nations following Confederation, the Crown acquired Indian Territories and, among other things, set apart Reserve Lands for the Indian Nations who were signatories to such treaties and adhesions.

8. Oil and Gas development on Reserve Lands has been legislated and regulated under the *Indian Act* and, since 1974, under the *IOG Act*. The *IOG Act* vests the Department with the power to regulate and manage exploitation and development of Oil and Gas on designated Reserve Lands for Indian Nations.

9. In 1977, the *IOG Regulations* were revised and brought under the *IOG Act* from the *Indian Act*. The *IOG Regulations* provide for exploratory licenses, permits, leases, royalties, drilling monitoring and regulation, surface rights, and other activities related to Oil and Gas resource exploitation on Reserve Lands.

10. In 1987, IOGC was established as an agency of the Department charged with the obligation to manage Oil and Gas resources on designated Indian Reserve Lands, replacing the previous designee under the *IOG Regulations*. In 1993, IOGC was granted “Special Operating Agency” status within the Department as a discrete operational unit designed to promote client-focused service delivery.

11. An amendment to the *IOG Act* was passed on May 14, 2009, but will not come into force until the *IOG Regulations* are amended. The *IOG Regulations* have not yet been amended.

#### **THE PLAINTIFFS**

12. The plaintiffs, Poundmaker and Onion Lake are signatories to Treaty No. 6 and its adhesions made with the Crown.

13. Poundmaker Reserve 114 is the Reserve Lands initially set apart for Poundmaker by the Crown pursuant to an adhesion to Treaty No. 6. Poundmaker Reserve 114 is located in the province of Saskatchewan, approximately 194 kilometers west of Saskatoon.

14. Seekaskootch Reserve 119 and Makaoo Reserve 120 are the Reserve Lands set apart by the Crown for Onion Lake’s two predecessor bands pursuant to Treaty No. 6 and adhesions thereto. These Reserve Lands straddle the Saskatchewan/Alberta provincial border. Seekaskootch Reserve 119 is approximately

142 kilometers northwest of North Battleford, Saskatchewan and Makaoo Reserve 120 is approximately 50 kilometers north of Lloydminster, Alberta.

15. From time to time, as a result of various “Treaty Land Entitlement” claims made by Poundmaker and Onion Lake, respectively, additional Reserve Lands have been set apart for each of them.

### **THE CROWN**

16. This action is instituted against the Crown under section 48(1) of the *Federal Courts Act*.

17. The Crown has delegated its duties and its administration in respect to Oil and Gas for Indian Nations and designated Reserve Lands to the Department and the IOGC under the *Indian Act*, the *IOG Act* and the *IOG Regulations*.

18. The Crown is liable to the Class Members for the acts and omissions by the Department, IOGC and their employees, agents and designates, as hereinafter particularized.

### **DESIGNATION OF INDIAN NATION RESERVE LANDS**

19. The transfer of interests in Reserve Lands held for the collective use and benefit of an Indian Nation can only be carried out after the Reserve Lands have been



surrendered or designated by the Indian Nation to the Crown pursuant to the *Indian Act*, with the Crown then acting on behalf of the Indian Nation in respect of the surrendered or designated Reserve Lands.

20. On May 1, 1991, Poundmaker voted by referendum to approve a conditional designation, by means of a surrender to the Crown that is not absolute pursuant to section 38(2) of the *Indian Act*, of its rights and interests in all Oil and Gas in the whole of Poundmaker Reserve 114. The purpose of the conditional designation was “the granting, in accordance with any regulations made pursuant to the *Indian Oil and Gas Act*, of lease, permits, and licences for the exploitation of oil and gas, as defined in the said Act.”

21. On January 23, 1992, the Governor General in Council accepted, pursuant to section 40 of the *Indian Act*, the conditional designation of Poundmaker’s Oil and Gas rights on Poundmaker Reserve 114.

22. On subsequent dates, Poundmaker approved and the Governor General in Council accepted conditional designations of all Oil and Gas rights and interests on Poundmaker’s various additional Reserve Lands.

23. Similarly, Onion Lake voted by referendum to approve a conditional designation, by means of a surrender to the Crown that is not absolute pursuant to section 38(2) of the *Indian Act*, of its rights and interests in all Oil and Gas in the whole

of Seekaskootch Reserve 119 and Makaoo Reserve 120, respectively. The purpose of these conditional designations was to designate these Reserve Lands to the Crown for Oil and Gas exploitation in accordance with the *IOGC Act* and *IOGC Regulations*.

24. The Governor General in Council accepted, pursuant to section 40 of the *Indian Act*, the conditional designation of Onion Lake's Oil and Gas rights on Seekaskootch Reserve 119 and Makaoo Reserve 120.

25. On subsequent dates, Onion Lake approved and the Governor General in Council accepted conditional designations of all Oil and Gas rights and interests on Onion Lake's various additional Reserve Lands.

26. The other Class Members have also conditionally designated their Oil and Gas rights in their Reserve Lands to the Governor General in Council. The Governor General in Council has accepted these conditional designations to lease, permit and licence their Oil and Gas rights for commercial exploitation on behalf of each Class Member.

27. In fiscal 2013-2014, IOGC reported 70 designated Reserve Lands producing Oil or Gas that were under its control in British Columbia, Alberta, Saskatchewan and Manitoba.

## **DRAINAGE AND EQUITABLE PRODUCTION OF RESERVE OIL AND GAS RIGHTS**

28. Oil and Gas are fugacious substances that move around in subsurface reservoirs in response to production-associated pressure changes and are not bound by Oil and Gas rights ownership boundaries.

29. If a pool of Oil or Gas exists beneath Reserve Lands and adjacent non-reserve lands, a well or wells producing from the adjacent non-reserve lands may drain Oil or Gas from beneath the Reserve Lands.

30. Regulators in the various provincial jurisdictions in Alberta, Saskatchewan, British Columbia and Manitoba are responsible for overseeing well licensing, drilling and production, including on Reserve Lands in their jurisdiction.

31. As part of their mandate to oversee Oil and Gas production, regulators have established spacing or drainage units boundaries for wells that are drilled and producing to minimize the drainage by the well of adjacent Oil and Gas rights that are not owned or leased by the producing well interest owners.

32. However, drainage cannot be eliminated. So various sub-surface leases for Crown lands and freehold lands have clauses or regulations that create an “offset” obligation to eliminate and/or mitigate damages. In the case of Reserve Lands, the *IOG*

*Regulations* at section 34 - Equitable Oil or Gas Production outlines the “offset” obligations of the lessees of Reserve Lands.

33. The Department and IOGC are responsible for ensuring lessee compliance with section 34 for leased Reserve Lands adjacent to producing wells on non-reserve land so as to eliminate and/or mitigate drainage of their Oil and Gas resources.

34. The Department and IOGC are responsible for actively promoting and soliciting leasing opportunities for those designated Reserve Lands adjacent to producing wells on non-reserve lands so as to eliminate and/or mitigate drainage of their Oil and Gas resources.

**THE CLASS MEMBERS’ EXPERIENCE WITH THE CROWN, THE DEPARTMENT AND IOGC**

35. The Crown assigned to the Department and IOGC the tasks under the *Indian Act*, the *IOG Act*, and the *IOG Regulations* of exploiting, managing, developing, administering, collecting and accounting for the rights and interests of the Indian Nations’ Oil and Gas on designated Reserve Lands.

36. From and after approximately November 1993, on various dates, the Crown, the Department and IOGC proposed approximately 12 separate subsurface

leases of Poundmaker Reserve Lands and approximately 35 surface leases between the Crown and various lessees for approval by Poundmaker.

37. Relying on the preliminary work and expertise of the Crown, the Department and the IOGC, Poundmaker approved these subsurface leases of the Oil and Gas rights on its Reserve Lands between the Crown and various lessees and surface leases related to exploiting these Oil and Gas rights.

38. Similarly, Onion Lake and every other Class Member relied upon the preliminary work and expertise of the Crown, the Department and the IOGC in finding lessees to exploit the Oil and Gas rights on their designated Reserve Lands. Therefore, each Class Member approved each lease between the Crown and the lessee.

39. Under the leases of Poundmaker Reserve Lands, 41 wells have been drilled and currently 10 of those wells are producers/potential producers of Oil.

40. Adjacent to the Poundmaker Reserve Lands, 242 wells have been drilled and currently 86 of these wells are producers/potential producers of Oil.

41. Similarly, wells have been drilled on the designated Reserve Lands of Onion Lake and the other Class Members by the lessees of the Crown and on adjacent non-reserve lands by third parties. The ratio of the number of producer/potential producer wells drilled on the designated Reserve Lands of Onion Lake and the other

Class Members as compared to the number of producer/potential producer wells drilled on adjacent non-reserve lands will differ for each Class Member.

42. Generally, the IOGC did not actively promote and solicit leasing opportunities to exploit the Oil and Gas rights on the designated Reserve Lands under its management and control.

43. Moreover, where designated Reserve Lands under IOGC's management and control which are not leased are adjacent to producing wells on non-reserve lands, IOGC generally did not actively promote and solicit leasing opportunities for those adjacent designated Reserve Lands to eliminate and/or mitigate the drainage of their Oil and Gas resources.

44. Furthermore, the IOGC did not generally issue section 34 notices to the Crown's lessees of designated Reserve Lands requiring them to comply with the offset obligations resulting in ongoing drainage of Oil and Gas resources on the designated Reserve Lands by adjacent non-reserve producing wells.

**THE CROWN, THE DEPARTMENT AND IOGC OWE A FIDUCIARY DUTY TO THE CLASS**

45. The mandate of the Department and IOGC is to fulfill the Crown's fiduciary and statutory obligations to develop, manage and administer the Class Members' Oil and Gas resources on designated Reserve Lands and to collect and

properly account to the Class Members. The *IOG Act*, and the *Indian Act* imposed a fiduciary duty on the Crown, the Department and IOGC to, among others duties:

- (a) take all necessary steps to identify and ascertain the quantum of the resources they are tasked with developing, managing and administering;
- (b) carry out the *IOG Regulations* to actively promote exploration on designated Reserve Lands by Oil and Gas companies;
- (c) negotiate and grant surface and sub-surface permits and leases for Oil and Gas exploration;
- (d) negotiate and complete agreements with Oil and Gas companies with a view to maximize royalties and rents;
- (e) administer the agreements with Oil and Gas companies;
- (f) collect bonuses, royalties and rents and audit these payments;
- (g) account to the Class Members;
- (h) administer and oversee the exploration by Oil and Gas companies on the leased Reserve Lands;
- (i) monitor the exploration by Oil and Gas companies on the non-reserve lands adjacent to designated Reserve Lands to protect against drainage from the Reserve Lands;
- (j) monitor the offset issues;
- (k) issue section 34 notices to lessees of Reserve Lands; and
- (l) actively promote and solicit leasing opportunities for designated Reserve Lands to eliminate and/or mitigate drainage of the Oil and Gas resources.

46. The Crown, the Department and IOGC owed, and reasonably expected that they did owe, a fiduciary duty to each Class Member for the following reasons:

- (a) the terms of the *IOG Act*, the *IOG Regulations* and the *Indian Act*;
- (b) the longstanding relationship between the Crown and each Class Member;

- (c) the historical interposition of the Crown between Class Members and prospective purchasers or lessees of the Reserve Lands, so as to prevent the Class Members from being exploited;
- (d) the inalienability of Reserve Lands, except through the Crown;
- (e) the statutory prohibition from Indian Nations directly transferring their interest in Reserve Lands to a third party;
- (f) the trust imposed on the revenue received by the Crown by the terms of section 4(1) of the *IOG Act*;
- (g) the Crown's acceptance of the Oil and Gas rights designated for the express purpose of their exploitation by the Crown;
- (h) their obligation to treat the Class Members fairly and honourably;
- (i) each Class Member relied upon the Crown, the Department and IOGC to act in their best interests in fulfilling their obligations under the *IOG Act* and *IOG Regulations*;
- (j) each Class Member was vulnerable to economic loss which depended upon the decisions made by the Crown, the Department and IOGC;
- (k) there was no regulator charged with the responsibility to oversee the Crown, the Department and IOGC;
- (l) there was a power imbalance between the Crown, the Department and IOGC and the Class Members;
- (m) the Crown, the Department and IOGC controlled a process under the *Indian Act*, the *IOG Act* and *IOG Regulations* which was, in effect, to disenfranchise the Class Members from dealing with the Oil and Gas rights on Reserve Lands;
- (n) the Crown, the Department and IOGC had a power of decision making relating to the management and oversight of designated Reserve Lands under the *IOG Act* and the *IOG Regulations* and, in particular, the surface and subsurface rights associated with Oil and Gas in those Reserve Lands;
- (o) the Crown, the Department and IOGC knew that the Class Members reasonably expected the Crown, the Department and IOGC to deal with their interests fairly, efficiently and reasonably to prevent exploitation by third parties;



- (p) the Crown crafted the terms of the *IOG Act*, the *IOG Regulations*, and the *Indian Act* that controlled the management and oversight of the surface and subsurface Oil and Gas rights of the designated Reserve Lands; and
- (q) the Crown collected all revenue and had the obligation to collect and audit the production of the leases and royalties related to Oil and Gas rights.

### **THE CROWN, THE DEPARTMENT AND IOGC BREACHED THEIR FIDUCIARY DUTY**

47. The Crown, the Department and IOGC breached their fiduciary duty to Poundmaker, Onion Lake and the other Class Members by failing to discharge their obligations and responsibilities as particularized in paragraph 45 and by failing to provide sufficient funds, systems, procedures, staffing and oversight to enable them to carry out those obligations and responsibilities.

### **THE CROWN, THE DEPARTMENT AND IOGC WERE NEGLIGENT**

48. The Crown, the Department and IOGC owed a duty of care to Poundmaker, Onion Lake and the other Class Members:

- (a) because of the proximity of their relationship in accepting the designation of Reserve Lands to develop and manage the plaintiffs' and the other Class Members' Oil and Gas rights;
- (b) because it was reasonably foreseeable that Class Members would suffer damages as a result of their failure to effectively promote, secure, administer and optimize economic rents from subsurface Oil and Gas resources and related surface rights;
- (c) because of the trust imposed on the revenue received by the Crown by the terms of section 4(1) of the *IOG Act*;

- (d) because of the obligation to audit Oil and Gas production and properly account to the Class Members; and
- (e) because it was reasonably foreseeable that Class Members would suffer damages as a result of their failure to properly develop, manage and administer designated Reserve Lands in such a way so as to eliminate and/or mitigate against the effects of drainage of Oil and Gas resources thereon.

49. The reasonable standard of conduct (care) expected in the development, management and administration of the Oil and Gas rights on designated Reserve Lands was that the employees of the Crown would act fairly, prudently, reasonably, candidly and exercise good business judgment commensurate with industry and provincial government standards when dealing with the Class Members' Oil and Gas rights on designated Reserve Lands.

50. The Crown, the Department and IOGC failed to meet the required standard of care in the circumstances because:

- (a) they knew or ought to have known that they provided insufficient funding, systems, experienced staff and resources to properly develop, manage and administer the surface and subsurface Oil and Gas rights they had undertaken to exploit on designated Reserve Lands;
- (b) they knew or ought to have know that they failed to put sufficient technology, information systems and industry and provincial standard procedures in place to properly develop, manage and administer the Oil and Gas rights they had undertaken to exploit on designated Reserve Lands;
- (c) they knew or ought to have known that drainage of Class Members' Oil and Gas resources was occurring from designated Reserve Lands and failed to take all reasonable steps necessary to prevent it from occurring;

- (d) they did not exploit fully and properly the Oil and Gas rights under their management and control by actively promoting and soliciting Oil and Gas exploration on designated Reserve Lands;
- (e) they did not conduct a reserves report on the designated Reserve Lands to determine the quantum of the resources they were tasked with developing, managing and administering;
- (f) they did not perform an independent analysis or mapping of the Oil and Gas resources they were tasked with developing, managing and administering instead they relied on industry data, maps and interpretation;
- (g) they did not monitor the exploration by Oil and Gas companies on the non-reserve lands adjacent to those designated Reserve Lands to protect against drainage from the Reserve Lands;
- (h) they did not respond to requests and demands by Poundmaker and Onion Lake to serve section 34 notices on lessees of Reserve Lands;
- (i) they did not serve section 34 notices on lessees of Reserve Lands;
- (j) they did not actively promote and solicit leasing opportunities for designated Reserve Lands to eliminate and/or mitigate drainage of the Oil and Gas resources;
- (k) they did not keep the technology, information systems and procedures they put in place current and in keeping with comparable industry and provincial standards;
- (l) they did not have any system or any adequate system for auditing production and revenue;
- (m) they did not hire employees or sufficient numbers of employees who were knowledgeable in the Oil and Gas industry;
- (n) they did not hire employees or sufficient numbers of employees who were knowledgeable in calculating Oil and Gas reserves;
- (o) they did not review and did not evaluate applications for exploratory licenses;
- (p) in the application for exploratory licenses, they did not evaluate the nature of the work to be done, the equipment to be used, the area and the number of employees to be hired;

- (q) they did not report on these evaluations of the exploratory licenses to the Class Members' Councils;
- (r) they did not demand that the licensees report a summary of exploratory work;
- (s) they did not review reports from licensees;
- (t) they did not review the technical data including wireline logs, drillstem results and pressure data from licensees and permittees;
- (u) they did not review geological reports and/or seismic surveys and/or magnetic surveys and production;
- (v) they did not review in the licensees' or permittees' office any seismic field work;
- (w) they did not review and/or receive data about the lease or permit area or about productive areas or zones and did not audit production;
- (x) they did not monitor or verify production data, production or audit production;
- (y) they did not manage royalty payments and/or lease and/or permit payments and did not properly account to the Class Members; and
- (z) they did not collect and pay into trust the appropriate amounts to each Class Member.

## **DAMAGES**

51. As a result of the breach of fiduciary duty by and the negligence of the Crown, the Department and IOGC, Poundmaker, Onion Lake and the other Class Members suffered damages pertaining to their Oil and Gas rights on designated Reserve Lands including, but not limited to, the following:

- (a) loss of subsurface lease royalty, bonus and rental income; and
- (b) loss of surface lease initial consideration and rental income.

52. The plaintiffs plead that they and the other Class Members are entitled to judgment for damages and for an accounting of all funds received by the defendants pertaining to their Oil and Gas rights on designated Reserve Lands as a result of the defendants' breach of fiduciary duty and negligence and in recognition of their statutory trust.

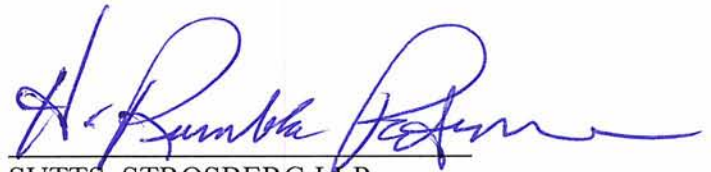
#### **STATUTES RELIED UPON**

53. Poundmaker and Onion Lake plead and rely upon the *Royal Proclamation, (1763)*, the *British North America Act, s. s. 1867, c.3*, the *Indian Act*, the *IOG Act*, the *IOG Regulations*, the *Crown Liability and Proceedings Act, R.S.C 1985, c.C-50*, the *Federal Courts Act, R.S.C. 1985, c.F-7*, and the *Federal Courts Rules, SOR/98-106*, all as amended.

#### **PLACE OF TRIAL**

54. The plaintiffs propose that this trial take place in Saskatoon, Saskatchewan.

Date: February 8, 2016



SUTTS, STROSBURG LLP  
LAWYERS  
600-521 Goyeau Street  
Windsor, Ontario N9A 6V4  
Harvey T. Strosberg Q.C. LSUC#  
124600  
Tel: 519-561-6228  
Fax: 519-561-6203

Heather Rumble Peterson LSUC# 24671V  
Tel: 519-561-6216  
Fax: 519-561-6203

Lawyers for the plaintiffs

1384536

POUNDMAKER CREE NATION et al.

v.

HER MAJESTY THE QUEEN

Plaintiffs

Defendant

Court File No.

**FEDERAL COURT**

**PROPOSED CLASS ACTION**

**STATEMENT OF CLAIM**

SUTTS, STROSBERG LLP  
LAWYERS

600-521 Goyeau Street  
Windsor, Ontario N9A 6V4

HARVEY T. STROSBERG Q.C., LSUC#124600

Tel: 519-561-6228

Fax: 519-561-6203

HEATHER RUMBLE PETERSON, LSUC# 24671V

Tel: 519-561-6216

Fax: 519-561-6203

Lawyers for the plaintiffs