

**IN THE COURT OF APPEAL FOR SASKATCHEWAN**

**BETWEEN:**

**THE ATTORNEY GENERAL OF CANADA**

**Appellant (Defendant)**

**- and -**

**KENNETH SPARVIER, DENNIS SMOKEYDAY, RHONDA BUFFALO, JOHN  
DOE I, JANE DOE I, JOHN DOE II, JANE DOE II, JOHN DOE III, JANE DOE III,  
JOHN DOE IV, JANE DOE IV, JOHN DOE V, JANE DOE V, JOHN DOE VI,  
JANE DOE VI, JOHN DOE VII, JANE DOE VII, JOHN DOE VIII, JANE DOE VIII,  
JOHN DOE IX, JANE DOE IX, JOHN DOE X, JANE DOE X, JOHN DOE XI,  
JANE DOE XI, JOHN DOE XII, JANE DOE XII, JOHN DOE XIII, JANE DOE XIII,  
and other John and Jane Does Individuals and Entities to be added,**

**Respondents (Plaintiffs)**

**NOTICE OF APPEAL**

**TAKE NOTICE:**

1. THAT the Attorney General of Canada, the above named Appellant, hereby appeals to the Court of Appeal from part of the judgment of the Honourable Mr. Justice D. Ball, issued on the 15<sup>th</sup> day of December, 2006.

2. THAT the following parts of the judgment are being appealed:

(a) The learned Chambers Justice's disposition of the application respecting the payment of legal fees to the Merchant Law Group.

3. THAT the source of the Appellant's right of appeal and the court's jurisdiction to entertain the appeal is:

(a) Section 7(2)(a) of *The Court of Appeal Act*, S.S. 2000, c. C-42.1.

4. THAT the appeal is taken upon the following grounds:
- (a) That the learned Chambers Justice erred in law by considering issues that were not properly before the Court, namely, the provisions that relate to the payment of legal fees to the Merchant Law Group, including issues as to their interpretation.
  - (b) That the learned Chambers Justice erred in law in his interpretation of the provisions that relate to the payment of legal fees to the Merchant Law Group.
  - (c) That the learned Chambers Justice erred in law by making findings of fact and legal interpretations of the provisions that relate to the payment of legal fees to the Merchant Law Group on the basis of no evidence, inadmissible evidence and evidence not properly before the Court and disregarded evidence that was properly before the Court.
  - (d) That the learned Chambers Justice erred in law by finding that section 41 of *The Class Actions Act*, S.S. 2001, c. C-12.01 had any application to the approval of legal fees payable to the Merchant Law Group.

5. THAT the Appellant requests the following relief:

(a) That the within appeal be allowed and that the portion of judgment being appealed is set aside or quashed and an Order requiring the Merchant Law Group to submit to verification pursuant to the provisions that relate to the payment of legal fees to the Merchant Law Group.

(b) An Order directing that any matter in issue concerning the provisions that relate to the payment of legal fees to the Merchant Law Group be disposed of in the Court of Queen's Bench of Saskatchewan on proper notice, evidence and submissions.

6. THAT the Appellant's address for service is:

Department of Justice Canada  
Saskatoon Regional Office  
123 – 2<sup>nd</sup> Avenue S., 10<sup>th</sup> Floor  
Saskatoon, Saskatchewan  
S7K 7E6

c/o Robert Goodman, Director, Indian Residential Schools

Tel: (306) 975 – 5598  
Fax: (306) 975 - 6499

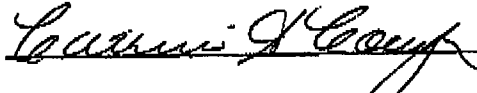
The lawyers in charge of the file are:

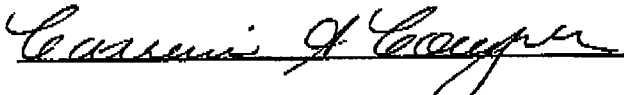
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Catherine A. Coughlan, General Counsel  
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7. THAT the Appellant requests that this appeal be heard at Regina.

DATED this 15<sup>th</sup> day of January, 2007.

  
for **Paul Vickery**, Senior General Counsel  
Counsel for the Attorney General of Canada

  
**Catherine A. Coughlan**, General Counsel  
Counsel for the Attorney General of Canada

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