

KING'S BENCH FOR SASKATCHEWAN

KBG-RG-00848-2023

Judicial Centre of Regina

Sabrina Dykstra, a minor litigations guardian Claire Dyskstra, Jill Forrester, Ryan Heise, Kayle Hopkins, Lynn Oliphant, Harold Pexa, Amy Snider, and Climate Justice Saskatoon Organization Inc. v Saskatchewan Power Corporation, Crown Investments Corporation of Saskatchewan, and The Government of Saskatchewan

and Saskatchewan Environmental Society [proposed intervenor]

Larry Kowalchuk, Glenn Wright and Kaitlyn Harvey
Collin Hirschfeld, K.C. and Caroline Seshadri

for the applicants
for Saskatchewan
Power Corporation and
Crown Investments
Corporation of
Saskatchewan

C. Elaine Thompson, K.C. and Savannah Downs

for The Government of
Saskatchewan

William Selnes, K.C. and Jeffrey Slowski

for the proposed
intervenor

FIAT – August 29, 2024 - POPESCU C.J.K.B.

[1] Counsel for the applicants have filed a request for case management pursuant to Rule 4-5 of *The King's Bench Rules*. The request was filed on June 27, 2024.

[2] The proposed intervenor, Saskatchewan Environmental Society [SES], had previously applied for intervenor status. The matter was argued on April 4, 2024 before Justice Chow at which time the matter was reserved. He rendered his decision on August 6, 2024.

[3] Accordingly, it is now appropriate for me to address the applicants' request for case management.

[4] Even though Rule 3-51 of *The King's Bench Rules* states that, presumptively, Part 4 (which would include Rule 4-5 respecting case management requests) does not apply to actions started by originating application, the above referenced rule provides for an exception when, "...the parties otherwise agree or the courts otherwise orders". Given the potential procedural complexities inherent in an application of the type brought by the applicant, I would be inclined to make an order for case management because it could benefit the parties and likely would be a good

utilization of judicial resources.

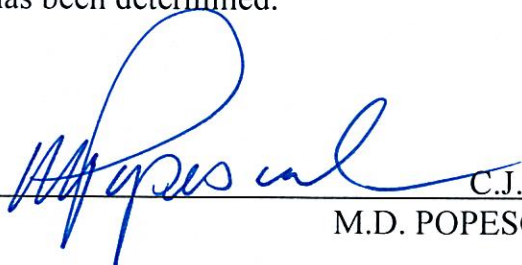
[5] However, an order for case management at this stage is premature. I will explain.

[6] The respondents have applied, by way of notice of application to strike the applicants' originating notice. On October 27, 2023 the applicants and respondents agreed that the application to strike should be set down for a special hearing after which they identified timelines for filing and exchanging briefs. In the meantime, on February 15, 2024, SES applied for intervenor status to participate in the application to strike and to participate in the claim should the application to strike be unsuccessful.

[7] Justice Chow ruled that the SES ought not be granted intervenor status with respect to the application to strike. However, he adjourned the SES's application to intervene in the applicants' claim *sine die*, pending adjudication of the strike application.

[8] Therefore, until the strike application is determined there is nothing for a case management judge to do.

[9] Accordingly, I am not prepared to grant the request for case management at this time. However, any parties have leave to file a further request for case management once the application to strike has been determined.


C.J.K.B.
M.D. POPESCU