

Remedy claimed or sought:

1. An order pursuant to *King's Bench Rule 7-9*, striking out and setting aside the Applicants' claims as set out in the Amended Originating application against the Government of Saskatchewan [Saskatchewan];
2. An Order setting this matter for a Special Chambers hearing, on a date set by the Local Registrar and agreed on by the parties;

And,

3. Such further relief as counsel may advise and this Honourable Court may allow.

Grounds for making this application:

4. *King's Bench Rule 7-9* authorizes the Court to strike out and set aside pleadings that disclose no reasonable cause of action.
5. The application accords with Rule 1-3 of *The King's Bench Rules* in that it may dispose of one or more claims advanced in the within Amended Originating Application in a timely and cost-effective way.
6. The Amended Originating Application raises no justiciable issues.
7. The Applicants seek remedies that would violate the Separation of Powers.
8. The Amended Originating Application discloses no reasonable cause of action.
9. The Applicants have not pleaded facts sufficient to establish a claim under s. 7 of the *Charter*:
 - a. The Applicants have not plead facts sufficient to support a finding that the impugned regulations have deprived the Applicants or any of the claimant groups of rights to life, liberty, and security of the person;
 - b. The Applicants have not plead facts sufficient to support a finding that the impugned state action has deprived the Applicants or any of the claimant groups of rights to life liberty and security of the person;
 - c. The Applicants have not plead facts demonstrating the existence of a casual connection between the alleged harm and the impugned regulations;
 - d. The Applicants have not plead facts demonstrating the existence of a causal connection between the alleged harm and impugned state action;

- e. The Applicants have not plead facts that establish a violation of s.7 that is contrary to a principle of fundamental justice (*Downer c. Procureure générale du Québec* 2019 QCCA 1893, leave to appeal to the Supreme Court of Canada dismissed).
10. The Applicants have not pleaded facts sufficient to establish a claim under s. 15 of the *Charter*:
- a. The Applicants have not plead facts that establish that the impugned regulations create a distinction based on enumerated or analogous grounds, on its face or in its impact (*R v Sharma* 2022 SCC 39, para 28);
 - b. The Applicants have not plead facts that establish that the impugned state action creates a distinction based on enumerated or analogous grounds, on its face or in its impact (*Sharma* at para 28);
 - c. The Applicants have not plead facts that establish the impugned regulations impose a burden or deny a benefit in a manner that has the effect of reinforcing, perpetuating or exacerbating disadvantage (*Sharma* at 28);
 - d. The Applicants have not plead facts that establish that the impugned state action imposes a burden or denies a benefit in a manner that has the effect of reinforcing, perpetuating or exacerbating disadvantage (*Sharma* at 28).

Material or evidence to be relied on:

- 11. This Notice of Application, with proof of service thereof;
- 12. The Originating Application dated March 31, 2023 and Amended Originating Application dated July 14, 2023;
- 13. Brief of law, to be filed;
- 14. Such further and other material as counsel may advise and this Honourable Court may allow.

Applicable rules:

- 15. Queen’s Bench Rules 1-3, 7-9(1)(a) and 7-9(2)(a).

Applicable Acts and Regulations:

- 16. *The Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act, 1982* (UK), 1982 c 11.

17. *The Power Corporation Act*, RSS 1978, c P-19.
18. *The Crown Corporations Act, 1993*, SS 1993, c C-50.101.
19. *The Proceedings Against the Crown Act, 2019*, SS 2019, c P-27.01.
20. *An Act Respecting the Management and Reduction of Greenhouse Gases and Adaptation to Climate Change*, SS 2010, c M-2.01.
21. *The Management and Reduction of Greenhouse Gases (General and Electricity Producer) Regulations*, RRS c M-2.01 Reg 1.

DATED at the City of Regina, in the Province of Saskatchewan, this 14 day of Sept, 2023.



(signature)

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm:	Ministry of Justice and Attorney General
Name of lawyer in charge of file:	C. Elaine Thompson, K.C. and Savannah Downs
Address of legal firm:	Constitutional Law Branch, Legal Services Division 820 – 1974 Scarth Street Regina, SK S4P 4B3
Telephone number:	(306) 787-5584
Fax number (<i>if any</i>):	(306) 787-9111
E-mail address (<i>if any</i>):	elaine.thompson@gov.sk.ca

