

FORM 337 - Rule 337

NOTICE OF APPEAL

APPEAL

T-2536-22 and T-2546-22

FEDERAL COURT OF APPEAL

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	JAN 30 2023
JENNIFER SORVISTO	
EDMONTON, AB	1

BETWEEN:

**SCOTT EASHAPPIE, SHAWN SPENCER, TAMARA THOMSON
AND CARRY THE KETTLE FIRST NATION**

Appellants (Respondents)

and

TERRINA BELLEGARDE

and

JOELLEN HAYWAHE

Respondents (Applicants)

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard electronically or in person where the Federal Court of Appeal ordinarily sits as determined in consultation with the parties and the Registry.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor, or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of appearance.

Copies of the *Federal Courts 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 OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

**ORIGINAL SIGNED BY
JENNIFER SORVISTO
A SIGNÉ L'ORIGINAL**

(Date)

Issued by: _____
(Registry Officer)

Address of local office: Edmonton Local Office
Scotia Place, Tower 1, Suite 530
10060 Jasper Avenue
Post Office Box 51
Edmonton, Alberta
T5J 3R8

Bureau local d'Edmonton
Place Scotia, Tour 1, pièce 530
10060 avenue Jasper
C.P. 51
Edmonton (Alberta)
T5J 3R8

Roberts O'Kelly Law
#403, 103314, 104 Street NW
Edmonton, AB

Orlagh J. O'Kelly

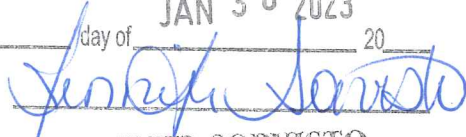
Tel: 780-760-6572
Fax: (780) 669-7672
Email: orlagh@robertsokelly.com

Solicitors for the Respondents (Applicants):
Terrina Bellegarde
Joellen Haywahe

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the _____

day of JAN 30 2023 A.D. 20 _____

Dated this _____ day of JAN 30 2023 20 _____


**JENNIFER SORVISTO
REGISTRY OFFICER
AGENT DU GREFFE**

(Separate page)

APPEAL

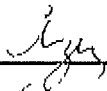
THE APPELLANTS APPEAL to the Federal Court of Appeal from the order of Justice Grammond dated January 19, 2023, by which the Appellants' motion to appeal a scheduling order of a case management judge was denied and costs were awarded against them.

THE APPELLANT ASKS that the orders of Justice Grammond dated January 19, 2023 be set aside and replaced with an order granting the Appellants leave to challenge the Federal Courts' jurisdiction to hear and determine the Respondents' applications for judicial review and to stay any interlocutory orders respecting the same until such time the issue of the Federal Court's jurisdiction is decided in its finality.

THE GROUNDS OF APPEAL are as follows:

1. Justice Grammond erred by holding that the Federal Court had jurisdiction to hear and determine the Respondents' motions for interlocutory relief prior to determining the Court's jurisdiction to hear the underlying judicial review application.
 - a. In particular, Justice Grammond erred by holding that the motion of the Respondents (Applicants) for interlocutory relief could proceed for hearing and determination prior to allowing the Appellants (Respondents) the time and space to advance their motion challenging the Court's jurisdiction to judicially review the internal governance decisions of Carry the Kettle First Nation and by extension the Court's jurisdiction to grant interlocutory relief in relation to the same.

January 29, 2023



MLT Aikins LLP
1500, 1874 Scarth Street
Regina, SK
S4P 4E9

Sonia Eggerman
Aziz Aboudheir
Travis Smith

Tel: (306) 347-8412
Fax: (306) 525-5250
Email: seggerman@mltaikins.com
aboudheir@mltaikins.com
tsmith@mltaikins.com

SOR/2004-283, ss. 35 and 38