

Court of Appeal File No. 16 - YU752

Supreme Court File No. 13-A0142

Supreme Court Registry: Whitehorse

COURT OF APPEAL

BETWEEN:

**THE FIRST NATION OF NACHO NYAK DUN, THE TR'ONDĚK HWĚCH'IN, YUKON
CHAPTER-CANADIAN PARKS AND WILDERNESS SOCIETY, YUKON
CONSERVATION SOCIETY, GILL GRACKNELL, KAREN BALTGAILIS**

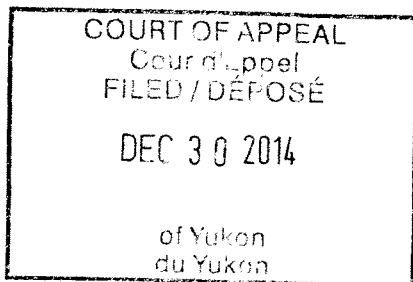
Respondents
(Plaintiffs)

AND:

GOVERNMENT OF YUKON

Appellant
(Respondent)

AND:



THE GWICH'IN TRIBAL COUNCIL

Intervener

NOTICE OF APPEAL

Take notice that Government of Yukon hereby appeals to the Court of Appeal for the Yukon Territory from paragraphs 1, 2(b) and 2(c) of the order of Mr. Justice R.S. Veale of the Supreme Court of Yukon pronounced the 2nd day of December, 2014, at Whitehorse, Yukon Territory.

1. The appeal is from a:

Trial Judgment

2. If the appeal is from an appeal under Rule 49 or 53 (6) of the Supreme Court Rules, name the maker of the original decision, direction or order: N/A

3. Please identify which of the following is involved in the appeal:

Constitutional/Administrative Civil Procedure

And further take notice that the Court of Appeal will be moved at the hearing of this appeal for an order that:

- (a) The appeal be allowed and paragraphs 1, 2(b) and 2(c) of the order of Mr. Justice R.S. Veale pronounced the 2nd day of December, 2014, be set aside, with costs.

The trial of this proceeding occupied 4 days.

Dated at Whitehorse, Yukon Territory, this 30th day of December, 2014



Mark Radke
Solicitor for the Appellant

To the respondent(s): The First Nation of Nacho Nyak Dun, The Tr'ondëk Hwëch'in, Yukon Chapter-Canadian Parks and Wilderness Society, Yukon Conservation Society, Gill Gracknell and Karen Baltgailis

And to their solicitor: Thomas R. Berger, Q.C.

And to the intervener: The Gwich'in Tribal Council

And to their solicitor: Jeff Langlois

This Notice of Appeal is given by Mark Radke, whose address for service is Legal Services Branch, Yukon Department of Justice, 2130 – 2nd Avenue, Whitehorse, Yukon, Y1A 5H6

To the respondent(s): The First Nation of Nacho Nyak Dun, The Tr'ondëK Hwëch'in, Yukon Chapter-Canadian Parks and Wilderness Society, Yukon Conservation Society, Gill Gracknell and Karen Baltgailis

And to the intervenor: The Gwich'in Tribal Council

IF YOU INTEND TO PARTICIPATE in this appeal, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in the Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the appeal, and
- (b) the parties are not obliged to serve any further documents on you.

The filing registry for the Yukon Territory Court of Appeal is:

Yukon Court of Appeal
The Law Courts
2134 – Second Avenue
Whitehorse, Yukon Y1A 5H6

Inquiries should be addressed to (867) 667-3429
Fax filings: (867) 393-6212

Court of Appeal File No _____

Supreme Court File No. 13-A0142

Supreme Court Registry: Whitehorse

COURT OF APPEAL

BETWEEN:

**THE FIRST NATION OF NACHO NYAK DUN, THE TR'ONDĚK HWĚCH'IN, YUKON
CHAPTER-CANADIAN PARKS AND WILDERNESS SOCIETY, YUKON
CONSERVATION SOCIETY, GILL GRACKNELL, KAREN BALTGAILIS**

Respondents
(Plaintiffs)

AND:

GOVERNMENT OF YUKON

Appellant
(Respondent)

AND:

THE GWICH'IN TRIBAL COUNCIL

Intervenor

NOTICE OF APPEAL

Mark Radke
Barrister & Solicitor
Legal Services Branch
Yukon Department of Justice
2130 – 2nd Avenue
Whitehorse, Yukon
Y1A 5H6