Action Number: 0413 010583

IN THE COURT OF QUEEN'S BENCH OF ALBERTA JUDICIAL DISTRICT OF FORT McMURRAY

BETWEEN:

JOHN MALCOLM on behalf of THE WOOD BUFFALO 1ST NATION CITIZENS

Applicants

- and -

THE FEDERAL GOVERNMENT,
THE ALBERTA GOVERNMENT,
THE ALBERTA ENERGY & UTILITIES BOARD,
THE ALBERTA ENVIRONMENTAL APPEAL BOARD,
THE MUNICIPALITY OF WOOD BUFFALO
previously THE TOWN OF FORT McMURRAY,
CONOCO/PHILLIPS CANADA RES. CORP.,
OPTI/NEXEN CANADA INC.

Respondents

BEFORE THE HONOURABLE)	At the Court House in the City of Fort
JUSTICE W.P. SULLIVAN)	McMurray, in the Province of Alberta, on
in Chambers)	the 20th day of January, 2005.

ORDER

UPON the application of the Applicants filed December 17th, 2004 (the "Application"); AND UPON reading the Affidavit of John Malcolm sworn December 21, 2004, AND UPON HEARING the submissions of the Applicants; AND UPON HEARING the submissions of counsel for each of the Respondents appearing via teleconference, IT IS HEREBY ORDERED THAT:

- 1. The Application is dismissed as against the Alberta Energy & Utilities Board, the Alberta Environmental Appeal Board, the Municipality of Wood Buffalo previously the Town of Fort McMurray, properly known as The Regional Municipality of Wood Buffalo, Conoco/Phillips Canada Res. Corp., properly known as Conoco/Phillips Canada Resources Corp., and OPTI/Nexen Canada Inc., properly known as OPTI Canada Inc./Nexen Canada Ltd..
- 2. The Application as against the remaining Respondents is adjourned to April 29, 2005 at 10:00 a.m. at the Court House in Fort McMurray, Alberta at which time the only issue to be determined is the Applicants' status to bring the application contained in their Notice of Motion.
- 3. The Applicants are directed to serve a copy of (a) the Motion filed December 17, 2004, (b) the Affidavit of John Malcolm sworn December 21, 2004 and (c) this Order, on each of the following:

(i) the Athabasca Tribal Counci	il;	
(ii) the Athabasca Chipewyan First Nation; CHIEF ARCHIE CYPRIEN		
(iii) the Chipewyan Prairie First	NETION; CHIEF WALTER SANUICA	
(iv) the Fort McKay First Nation; CHIEF I'M BOUCHES		
(v) the Fort McMurray No. 468	First Nation; and CHIEF MICHAICHEECHUM	
(vi) the Mikisew Cree First Nati	OIL CHIEF ARCHIE WAGRAN	
	Colleg Shebile Whoman	
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	Com Willer	
	J.C.C.Q.B.A.	
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APPROVED AS TO FORM AND CONTENT	.0	
his 25 day of February , 2005.		
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Per: hel Mulcol		
John Malcolm		
on behalf of the Wood Buffalo 1"		
Nation Citizens		
Mation Clusters		
FEDERAL DEPARTMENT OF JUSTICE	THE ALBERTA ENVIRONMENTAL	
PEDERAL DELARIMENT OF JUSTICE	APPEAL BOARD	
	AFFEAL DOALD	
Per	Per:	
Donna Tomijanovic	Andrew C.L. Sims, Q.C.	
Solicitor for The Federal Government	Solicitor for The Alberta	
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McLENNAN ROSS LLP	SHAREK LOGAN COLLINGWOOD	
TATELLAND AND DE A SERVICE DE SER	VAN LEENEN LLP	
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Per:	Per:	
Michelle Crighton	Gordon W. Sharek, Q.C.	
Solicitors for The Alberta Government	Solicitors for The Municipality of	
	Wood Buffalo, previously the Town of Port	
	McMurry, properly known as The Regional Municipality of Wood Bullish	
	of Wood Bullito	
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ALBERTA ENERGY & UTILITIES	BORDEN LADNER GERVAIS LEP	
BOARD		
Per:	Per.	
Darren Pickup	Stephen C. Lee	
The Alberta Energy & Utilities Board	Solicifors for Conoco/Phillips Canada	
Comsel	Res. Corp., properly known as ConocoPullips Connde Resources Corp.	
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 (i) the Athabasca Tribal Council; (ii) the Athabasca Chipewyan First Nation; (iii) the Chipewyan Prairie First Nation; (iv) the Fort McKay First Nation; (v) the Fort McMurray No. 468 First Nation; and (vi) the Mikisew Cree First Nation. 		
		J.C.C.Q.B.A.
APPROVED AS TO FORT		•
Per: John Malcolm on behalf of the Wood Nation Citizens	Buffalo 1 st	
FEDERAL DEPARTMEN	T OF JUSTICE	THE ALBERTA ENVIRONMENTAL APPEAL BOARD
Per: Donna Tombanovic Solicitor for The Feder		Per: Andrew C.L. Sirns, Q.C. Solicitor for The Alberta Environmental Appeal Board
McLENNAN ROSS LLP		SHAREK LOGAN COLLINGWOOD VAN LEENEN LLP
Per: Michelle Crighton Solicitors for The Albert	Ky in-	Per: Gordon W. Sharek, Q.C. Solicitors for The Municipality of Wood Buffalo, previously the Town of Fort McMuney, properly known as The Regional Municipality of Wood Buffalo
ALBERTA ENERGY & I BOARD	UTILITIES	BORDEN LADNER GERVALS LLP
Per:	Utilities Board	Per: Stephen C. Lee Solicitors for Conoco/Phillips Canada Res. Corp., preperly region as ConocoPhillips Canada Resources Corp.

(i) the Athabasca Tribal Council; (ii) the Athabasca Chipewyan First Nation; (iii) the Chipewyan Prairie First Nation; (iv) the Fort McKay First Nation; (v) the Fort McMurray No. 468 First Nation; and (vi) the Mikisew Cree First Nation.		
	J.C.C.Q.B.A.	
APPROVED AS TO FORM AND CONTENT this day of, 2005.		
Per:		
FEDERAL DEPARTMENT OF JUSTICE	THE ALBERTA ENVIRONMENTAL APPEAL BOARD	
Per:	Per:	
Donna Tomijanovic Solicitor for The Federal Government	Andrew C.L. Sims, Q.C. Solicitor for The Alberta Environmental Appeal Board	
McLENNAN ROSS LLP	SHAREK LOGAN COLLINGWOOD VAN LEENEN LLP	
Por The Chief The River	Per;	
Michelle Crighton	Gordon W. Sharek, Q.C.	
Solicitors for The Alberta Government	Solicitors for The Municipality of	
	Wood Buffalo, previously the Town of Fort McMurray, properly known as The Regional Municipality of Wood Buffalo	
ALBERTA ENERGY & UTILITIES BOARD	BORDEN LADNER GERVAIS LLP	
Per Dance Dickey	Per:	
Per: Corum Coscar Darren Pickup	Stephen C. Lee	
The Alberta Energy & Utilities Board	Solicitors for Conoco/Phillips Canada	
Counsel	Res. Corp., properly known as CauseoPhillips Canada Resources Corp.	

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	J.C.C.Q.B.A.	
APPROVED AS TO FORM AND CONTENT this 28 day of, 2005.		
Per: John Malcolm on behalf of the Wood Buffalo 1st Nation Citizens		
FEDERAL DEPARTMENT OF JUSTICE	THE ALBERTA ENVIRONMENTAL APPEAL BOARD	
Per		
Donna Tomijanovic	Andrew C.L. Sinns, Q.C.	
Solicitor for The Federal Government	Solicitor for The Alberta Environmental Appeal Board	
McLennan Ross LLP	SHAREK LOGAN COLLINGWOOD VAN LEBNEN LLP	
Th	Per:	
Per. Michelle Crighton	Gordon W. Sharek, Q.C.	
Solicitors for The Alberta Government	Solicitors for The Municipality of	
	Wood Buffalo, proviously the Town of Fort Makingay, properly known as The Regional Municipality of Weed Buffalo	
ALBERTA ENERGY & UTILITIES BOARD	BORDEN LADNER GERVAIS LLP	
Deser	Per:	
Per:	Stephen C. Lec	
The Alberta Energy & Utilities Board	Solicitors for Conoco/Phillips Canada	
Counsel	Res. Corp., properly known as Concert Pailings Connain Resources Corp.	

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APPROVED AS TO FORM AND CONTENT this day of 2005.		
John Malcolm on behalf of the Wood Buffalo 1st Nation Citizens		
FEDERAL DEPARTMENT OF JUSTICE	THE ALBERTA ENVIRONMENTAL APPEAL BOARD	
Per:	Per:	
Donna Tomijanovic	Andrew C.L. Sims, Q.C.	
Solicitor for The Federal Government	Solicitor for The Alberta Environmental Appeal Board	
McLENNAN ROSS LLP	Sharek logan collingwood Van Leenen Lip	
- Mariantin	- Bus	
Michelle Crighton	Per: Gordon W. Sharek, Q.C.	
Solicitors for The Alberta Government	Solicitors for The Municipality of	
	Wood Buffalo, previously the Town of Fort McMartay, properly known as The Regional Municipality of Wood Buffalo	
ALBERTA ENERGY & UTILITIES BOARD	BORDEN LADNER GERVAIS LLP	
Per:	Per;	
Darren Pickup	Stephen C. Lec	
The Alberta Energy & Utilities Board Counsel	Solicitors for Conoco/Phillips Canada Res. Corp., properly known as ConocoPhillips Consda Resources Corp.	

BENNETT JONES LLP

Per.

Solicitors for OPTI/Nexen Canada Inc., preperly moves at OFTI Canada Inc./Nexen Canada Ltd.

ENTERED by 10 day of Maich , SEEN'S BENCE

CLERK OF THE COURT



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JUDICIAL DISTRICT OF FURT MAMUREAY

BETWEEN:

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Applicants

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THE ALBERTA GOVERNMENT,
THE ALBERTA ENERGY & UTILITIES BOARD,
THE ALBERTA ENVIRONMENTAL AFFEAL
BOARD, THE MUNICIPALITY OF WOOD
BUILTALO PROPERTY.
CONOCOTHILLIPS CANADA RES.,
OPTIMEXEN CANADA INC.

Respondents

ORDER

BORDEN LADNER GERVAIS LIP Barristers and Solichors 1000 Camerra Tower 400 Third Avenue S.W. Calgary, Alberta T2P 4H2

> Solicitors: Stephen C. Les Talephane: (403) 232-9621 Fax: (403) 266-1395

> > Pile No. 414567-133602