No. 051952
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CHIEF RON IGNACE and CHIEF SHANE GOTTFRIEDSON, on their own behalf and on behalf of all other members of the Stk'emlupsemc te Secwepemc of the SECWEPEMC NATION

PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, KGHM AJAX MINING INC., and THE ATTORNEY GENERAL OF CANADA

DEFENDANTS

RESPONSE TO NOTICE OF CIVIL CLAIM

Filed by: Her Majesty the Queen in Right of the Province of British Columbia (the "Province")

PART 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant's Response to Facts

1. Except as expressly admitted, the Province denies each and every allegation of fact in the Notice of Civil Claim and puts the Plaintiffs to the strict proof thereof.

2. The Province admits the facts alleged in paragraphs 3, 4, 7, 8, 11-13, 16-22, 24, 25, 49-52 of Part 1 of the Notice of Civil Claim (the "Claim").

3. The Province denies the facts alleged in paragraphs 2, 5, 6, 10, 14, 15, and 26-48.

4. The facts alleged in paragraphs 5, 9, 20, 23 of the Claim are outside the knowledge of the Province and the Plaintiffs are put to the strict proof thereof.

Division 2 – Defendant's Version of Facts

Overview of the Position of the Province

5. This Claim appears to have been filed in response to a particular project, in this case, the proposed copper and gold mine, known as the Ajax Project (the "Project") located south of Kamloops, British Columbia, on the site of a previous open pit mine (the "Project Area"). The Project Area is located largely on privately held fee simple lands, which were lawfully granted. At this pre-proof stage of this Aboriginal rights and title claim, the Province has initiated formal consultation procedures with respect to the Project, which procedures are ongoing. In addition, in a number of areas beyond and including this Project, the Province, through various Ministries, has entered into reconciliation agreements, including forestry agreements, economic and community development agreements, shared resource revenues agreement, a reconciliation framework agreement, and government to government agreements, all with a view to responding to the Province's pre-proof legal duties and to implement a new relationship with the Plaintiffs founded on reconciliation and respect for Aboriginal rights and title through negotiations, and without the requirement of strict legal proof. The Province's approach in these circumstances is to reach agreement if possible, and the Province remains willing in the present case to pursue negotiations, noting that agreement has been reached with the Plaintiffs in respect of other mining operations in their claimed territory (the "Stk'emlupsemc te Secwepemc Territory" or "Territory").

6. This Claim also seeks a declaration of Aboriginal title to all or part of the Territory, which Territory includes the City of Kamloops, a number of other municipalities, Sun Peaks Resort, roads, railways, privately owned tenures of many types, including fee simple grants, mineral tenures, and many other Crown granted interests.

7. Insofar as the Plaintiffs' claims to prove Aboriginal rights and title, the law stipulates that the Court be satisfied with respect to a number of requirements, which are outlined below, including respecting the rights of KGHM Ajax Mining Inc.

The Plaintiffs

8. In response to paragraphs 2-5 of the Claim the Province admits;

(a) The Province has entered into agreements with the Stk'emlupsemc te Secwepemc ("SSN") as represented by the Skeetchestn Indian Band and the Tk'emlups Indian Band (formerly the Kamloops Indian Band), which are bands within the meaning of the *Indian Act*, R.S.C. 1985, c. I-5;

(b) at the time of the initiation of the Claim, Ron Ignace was the elected chief of the Skeetchestn Indian Band;

(c) at the time of initiation of the Claim, Shane Gottfriedson was the Chief of the Tk'emlups Indian Band.

The Defendants

9. In response to paragraph 6, the Province says that it is vested with underlying title to the lands and minerals at issue in this Claim and has legislative jurisdiction over the claimed lands pursuant to s. 92 and s. 92(a) of the *Constitution Act,* 1867.

10. Insofar as paragraph 6 refers to legal title, the Crown has exercised its powers to establish fee simple title over areas within the Territory, including most of the lands in the Project Area. Some of the lands in issue in this Claim are held by the Province as provincial Crown lands (subject to various tenures) and some are held in fee simple by private parties, who are not defendants in this claim, and some by fee simple grants to the Defendant, KGHM Ajax Mining Inc. ("KGHM") and its predecessors in title and some of the minerals are held by the Crown and some by KGHM pursuant to Crown granted mineral claims, mining leases and mineral claims held by it.

The Ajax Mine Project and Project Area

11. In response to paragraphs 12-13, KGHM's current proposal to develop the Project and the Project Area is described in detail in the KGHM Project Application Information Requirements/Environmental Impact Statement Guidelines ("Application") dated July 22, 2015 and filed with the B.C. Environmental Assessment Office ("EAO").

12. In response to paragraphs 18 and 21, the lands and minerals in the Project Area for the most part are held by KGHM pursuant to fee simple grants and by Crown granted Mineral Claims under predecessor *Mineral Act* and Mineral Leases and Mineral Claims under the *Mineral Tenure Act.*

13. KGHM submitted in September 2015, its Application to the EAO and to the Canadian Environmental Assessment Agency ("CEAA") seeking environmental approvals for the Project.

14. The Application must be screened by the EAO for completeness. Once that review is completed, the Application will proceed to formal review by EAO and CEAA, which will include a public comment period and consultations with First Nations. The scope and nature of any impacts that would be attributable to the Project will be fully considered by the regulatory agencies. No provincial or federal regulatory approvals for development of a mine can occur prior to the completion of the EAO and CEAA processes and issuance of an Environmental Assessment Certificate by both the Federal and Provincial Authorities. It would be premature to attempt to identify whether the Project impacts would "exacerbate adverse effects" on the Plaintiffs' claimed rights as alleged in paragraph 61 of the Claim. Additional federal and provincial permits would be required to allow an operating mine. Funding has been provided to the Plaintiffs, by the Province, and by Canada and KGHM, to facilitate their participation in the environmental assessment process and consultation on the Project.

15. In response to paragraph 23, the Province agrees that a previous open pit mining operation existed at the Project Area. Mineral exploration and mining has taken place since late 19th century in and near the Project Area.

16. In further response to paragraphs 18 and 21, for the purpose of determining the scope and extent of the Province's duty to consult in respect of the Project, the EAO identified a strong *prima facie* claim to Aboriginal title made by the members of the SSN and a strong *prima facie* claim to Aboriginal rights to hunting, fishing, gathering, spiritual use and trapping made by the members of the SSN for the Project Area.

17. At this pre-proof stage of the Aboriginal rights and title claim, the Province acknowledges the Plaintiffs' claims and in response to paragraphs 49 to 52, the Province admits that it has entered into the agreements noted, and says that those agreements were and are intended to further reconciliation.

18. In further answer at this pre-proof stage of the Claim, the Province has offered to enter into and has entered into various agreements with the Plaintiffs to further reconciliation by, inter alia;

(a) promoting and supporting a government to government relationship,

(b) providing capacity funding to facilitate the opportunity to engage in land use planning and resource use management issues, including shared decision-making frameworks for planning and development of regulations,

(c) providing opportunities to engage in environmental assessment processes respecting industrial development, including proposed mineral extraction,

(d) assisting in development of energy and forest industry opportunities, and other strategic and collaborative initiatives,

(e) sharing provincial revenues derived from resource extraction activities,

(f) attempting to implement the Supreme Court of Canada's directions to negotiate rather than litigate and seeking to build relationships that facilitate working collaboratively towards reconciliation.

Proof of Aboriginal title and rights

19. Insofar as the Plaintiffs' claim to proof of Aboriginal rights and title, in response to paragraphs 2-5 of the Claim, the Province says that the Court must;

(a) consider that at and before the Date of Contact and at the Date of Sovereignty, Aboriginal people speaking the Secwepemc language lived in bands which were comprised of loosely knit networks of extended families and households which were not politically unified or organized;

(b) consider that these groups used various village sites, the location of which changed from time to time, and opportunistically hunted, fished and gathered for sustenance and ceremonial purposes at various locations within the Territory; and

(c) consider that any areas of exclusive occupation which may have existed at Date of Sovereignty within the Territory, and in particular within the Project Area, did not extend to the whole of the Territory as claimed but were limited

to defined tracts and the Court must be satisfied of proof of the location and extent of such areas; and

(d) consider the impact of Crown grants, both of lands and minerals.

20. In response to paragraphs 9-11, 15, 24, and 25, the Province says that the Plaintiffs have not identified with sufficient clarity the boundaries of the Territory or any tracts within the Territory to permit Court to make a declaration of title.

21. In further specific response to paragraphs 5, and 24 to 26 of the Claim, the Court must be satisfied that prior to the Date of Sovereignty ancestors of the Plaintiffs living in the Territory did not abandon such defined tracts as they may have occupied and maintained a substantial connection they may have had to these tracts, and were not the subject of overlapping Aboriginal rights and title claims by members of other First Nations.

22. In response to paragraphs 28 and 29, the Province admits that prior to and at the Date of Contact Aboriginal people speaking the Secwepemc language carried out sustenance activities within as yet undefined parts of the Territory and that presently some members of the Plaintiffs may hunt and fish in parts of the Territory for food, social and ceremonial purposes from time to time but say that the precise nature and location of those parts are not known by the Province, nor identified in the Claim with sufficient clarity to permit the Court to make any declarations thereto.

23. In response to paragraphs 30-43, the Province has acknowledged the cultural importance of various sites within the Territory and Project area to the SSN of sites including; Pipsell, Jacko Lake, the Prayer Tree, the Hunting Blind complex, and Goose Lake for the purposes of determining the scope and extent of the Province's duty to consult, but the Court must be satisfied that such areas meet the legal tests for Aboriginal title, or site specific Aboriginal rights.

24. In response to paragraphs 44-47, the Court must be satisfied that the facts alleged disclose a pre-contact practice that was integral in the Plaintiffs' pre-contact Aboriginal society.

Division 3 – Additional Facts

Duplicative Claims in this Court

25. Members of the Tk'emlups Indian Band and members of the Skeetchestn Indian Band, among others, filed an action in the Vancouver Registry of the Supreme Court of British Columbia, Action L033528 on December 10, 2003 (the "2003 Writ") claiming, among other things, Aboriginal title to an area that includes some of the Territory. The claims in the 2003 Writ have neither been adjudicated nor discontinued.

26. Rick Denault and Shane Gottfriedson, (then chiefs of the Skeetchestn and Tk'emlups respectively) on their own behalf and on behalf of all members of the Secwepemc Nation filed a Notice of Civil Claim in Kamloops Registry of the Supreme Court of British Columbia, Action 44704 on September 13, 2010 (the "2010 Claim") claiming, among other things, Aboriginal title to an area that includes some of the Territory. The claims in the 2010 Claim have neither been adjudicated nor discontinued.

27. In 1812, the Pacific Fur Company established a trading post in near present day Kamloops that became Fort Kamloops. Soon after the fort was established, some of the ancestors of the Plaintiffs, and other groups, moved to live close to the trading post. The journals of the trading post record that many Aboriginal groups, including ancestors of the Plaintiffs, Okanagan and Nlaka'pamux people, and others, frequented the post without the permission of any particular group.

28. The Colony of British Columbia entered into Confederation with the Dominion of Canada on July 20, 1871, upon the terms and conditions set out in the British Columbia Terms of Union, Schedule to the *Constitution Act, 1982.*

29. Subsequently, reserves were set aside for the ancestors of members of the Tk'emlups Indian Band and Skeetchestn Indian Band. Today the members of Tk'emlups Indian Band have six reserves, totaling an area of 13, 359.4 ha, as follows;

(a) The Kamloops reserves 1 to 5 were first identified by the Joint Reserve Commission in 1877 and subsequently confirmed at various dates,

(i) Kamloops #1 is located at the confluence of the North and South Thompson Rivers, across from the city of Kamloops and contained 32,687.38 acres;

(ii) Kamloops #4 was a timber reserve and contained 160 acres. It was situated on the right bank of the North Thompson River;

(iii) The remaining three Kamloops reserves, numbers 2, 3 and 5 were set aside as fishing stations and collectively contain 68.2 acres. Kamloops #2 is located at the outlet of Trapp Lake, Kamloops #3 is on the west side of Trapp Lake, and Kamloops #5 is on the north shore of Heffley Lake, located east of Kamloops.

(b) Hihum Lake #6 reserve is shared by the Kamloops, Bonaparte, Lower Nicola and Upper Nicola bands.

30. The members of the Skeetchestn Band were initially allotted three reserves and have since had a fourth reserve noted, totaling 8042.5 hectares, as follows:

(a) Hihum Lake, 6A and 6B, were originally created as temporary fishing reserves, and are shared with Bonaparte First Nation;

(b) Their main reserve is Skeetchestn which comprises an area of approximately 7970 ha, located along the banks of Deadman Creek and the right bank of the Thompson River;

(c) The fourth Skeetchestn reserve is Marshy Lake #1, which is described as Lot A, District Lot 3683, a new reserve of approximately 68 ha.

31. In 1883 the Province transferred lands to Canada for the purposes of construction of the trans-continental Railway, as provided for by the Terms of Union, to a width of twenty miles on each side of the planned railway line (the "Railway Belt"). The Railway Belt included portions of the Territory claimed in this action and the whole of the Project lands.

32. In 1930, Canada transferred back to the Province the balance of public lands within the Railway Belt save and except for those portions utilized for railway purposes and confirmed Indian reserve lands within the Railway Belt.

33. Between 1883 and 1930 Canada had jurisdiction to confirm reserves and to make grants of interests in lands and mineral to various third parties without the knowledge or consent of the Province.

34. From and after the establishment of reserves, lands and resources, including minerals, in the Territory and the Project Area were granted by the Province and the Crown in right of the Dominion (in the former Railway Belt) to third parties who are not defendants to the Claim and to the predecessors in title to KGHM.

PART 2: RESPONSE TO RELIEF SOUGHT

1. The Province opposes the granting of the relief sought in Part 2 of the Claim, and asks that the Claim be dismissed with costs to the Province.

PART 3: LEGAL BASIS

Unproven Rights and Title Claims

1. Aboriginal rights and title exist in British Columbia. The Province acknowledges that it has a legally enforceable obligation to consult and, in some circumstances, accommodate adverse impacts on unproven claims of Aboriginal rights and title. On their part, First Nations are required to participate in consultation processes. Insofar as the Project is concerned, it is premature to assess the performance of the obligations of the Province or the Plaintiffs.

2. The Courts have encouraged the Crown and First Nations to advance reconciliation by negotiations, in preference to ligation. The Province is committed to reconciliation approaches with the Plaintiffs at many levels including government-to-government relationships negotiations, policies and laws, fiscal relations and decision-making.

Proven Rights and Aboriginal Title Claims

3. In answer to paragraphs 1(a) of Part 3 of the Claim, the Province does not admit that at the material times, the Plaintiffs or their ancestors:

(a) were politically organized or a unified aboriginal collective that existed at or before the time of contact with persons of European ancestry (the "Date of Contact") which the Province says was 1792, or existed at or before the time of the British Crown assumed sovereignty over the lands and minerals at issue in this claim (the Date of Sovereignty), which the Province says was 1846;

(b) were politically organized or a unified aboriginal collective that existed at the Date of Contact or Date of Sovereignty that was responsible for the management of the lands and minerals at issue in the Claim;

(c) were physically occupied the whole of the Territory to the extent of regularity and exclusivity sufficient to establish Aboriginal title;

(d) exercised exclusive occupation, or had the capacity or intention to obtain exclusive occupation of the whole of the Territory;

(e) continuously occupied or maintained a substantial connection to the whole of or any part of the Territory, since 1846; and

(f) physically occupied any of the subsurface of the Project Area, or exploited any of the minerals therein.

and puts the Plaintiffs to the strict proof thereof.

4. To the extent that the Plaintiffs assert Aboriginal title to portions of the Territory, in particular the Project Lands, the Province says that it cannot properly respond as such defined tracts of the Territory have not been adequately described in the Claim.

5. In the alternative to paragraph 1(a) of Part 3 of the Claim, if the ancestors to the Plaintiffs ever held Aboriginal title to areas within the Territory, the co-existence of that title is inconsistent with and displaced by the estate of any private land owner and Crown granted mineral claim holder. The Province says that the interests held by the Defendant KGHM were lawfully granted and remain valid to their full force and effect. In the previous Aboriginal title cases brought to the Supreme Court of Canada, no claim was made against lands held privately. This case will require the Courts to consider such claims.

6. In the further alternative to paragraph 1(a) of Part 3 of the Claim, if the Plaintiffs have Aboriginal title and rights to minerals to the lands in the Territory or portions thereof including and in particular to the Project Area, and the Project, or other Crown granted tenures infringe such title, the Province says that that such infringement is justified.

7. In response to paragraph 1(b) of the Claim, Aboriginal rights require that the Plaintiffs:

(a) Identify the precise nature of the claim to Aboriginal rights, which claims are not set out with sufficient clarity in the Claim for the Province to know the case to be met;

(b) Establish;

(i) the existence of the pre-contact practice, tradition or custom advanced in the Claim as supporting the claimed right;

(ii) that this practice was integral to the distinctive pre-contact Aboriginal society of the Plaintiffs.

(c) Establish that the claimed modern right has a reasonable degree of continuity with the integral pre-contact practice.

8. Aboriginal rights are site and content specific and require that particular practices, customs and traditions must have been carried out on specified tracts of land and in a manner integral to the distinctive Aboriginal claimant's culture at the time of European contact, and not be the result of non-Aboriginal influences or of practices common to all societies.

9. The Plaintiffs' allegations in the Claim do not sufficiently or clearly address these requirements and do not permit the Province to respond to the claims as to the locations where Aboriginal rights are exercised within the Territory.

10. In further answer to paragraph 53 of the Claim, the Province denies that it owes or owed a fiduciary duty to the Plaintiffs in respect of the Territory and that it presently holds or ever held any lands as fiduciary on behalf of the Plaintiffs or their ancestors, as alleged or at all.

11. In further answer to paragraphs 53 of the Claim, and in the alternative, the Province says that if it had or has a fiduciary relationship or trust-like relationship with Tk'emlups with respect to the Territory after 1871, which is denied, then such duty has been fulfilled during such periods as the Province had jurisdiction and control over the Territory.

Alleged Infringements and Justification

12. In answer to paragraph 2 of Part 3 of the Claim, the Province has the statutory and constitutional authority to, *inter alia*, issue tenures, manage the lands and resources of the Territory, and collect taxes and revenues, and has exercised this authority in a lawful manner.

13. In further answer to paragraph 2 of Part 3 of the Claim, the Province has no knowledge of any interference with, or infringement of, the Aboriginal rights and title claimed by the Plaintiffs and puts the Plaintiffs to the strict proof thereof.

14. In alternative answer to paragraph 2 of Part 3 of the Claim, any interference with, or infringement of, the Aboriginal title or Aboriginal rights claimed by the Plaintiffs was, and is, justified on the basis that the relevant governmental actions or decisions were made in pursuance of pressing and substantial objectives related to the conservation of natural resources, protection of the environment, the development of forestry and mining, the economic development and settlement of the Province, including the Territory, and the building of infrastructure.

15. In further answer to paragraph 2 of Part 3 of the Claim, and the whole of the Claim, the Province has fulfilled its obligations of consultation and accommodation, and continues to make good faith efforts to fulfil its obligations of consultation and accommodation.

16. In further answer to the whole of the Claim, the Province's actions since 1871 as government and owner of the underlying title to the lands and resources of the Territory have been for the benefit of the people of British Columbia, including the Plaintiffs. In particular, British Columbia has pursued policies and undertaken actions throughout the Province, including the Territory, which have, directly or indirectly, developed agriculture, forestry, mining, the economy generally, regulated wildlife harvesting, protected the environment and endangered species, established and maintained public services including a justice system, land and sea transportation, health care, education and social welfare for the benefit of the people of British Columbia, including the Plaintiffs. From time to time, the Plaintiffs, their ancestors and those they represent have enjoyed the benefit of those actions, policies and services, the cumulative effect of which has been to justify any infringement of established Aboriginal rights and title.

17. In answer to paragraph 6 of Part 3 of the Claim, the Province puts the Plaintiffs to the strict proof of damages and losses, as alleged or at all.

Abuse of Process

18. The Province says that the Claim is duplicative because the Plaintiffs currently have other actions before this Court (the 2003 Writ and the 2010 Claim) claiming, among other things, the same relief sought as in the current Claim.

19. In those actions the Plaintiffs have identified different boundaries of their claimed Territory.

20. The Province relies in Rule 9-5(1) of the *British Columbia Supreme Court Civil Rules* and say that any claims for duplicative relief are an abuse of process, and should be struck from this Court.

Limitations, Laches and Crown Immunity

21. In answer to the Claim as a whole, the Province says that the Plaintiffs' claims are statute and time barred. Throughout the period between the events, acts and alleged omissions on which the Plaintiffs now base their claim, and the date of commencement of this action, the Plaintiffs had full knowledge of those events, acts and alleged omissions and of the Claim they now assert. In the alternative, if the Plaintiffs did not have such knowledge, which is denied, they could have obtained such knowledge by the exercise of reasonable diligence. Further, at all times since 1871, the events, acts and alleged omissions in respect of which these Plaintiffs now seek relief were, as pled, continuous, open, notorious and visible.

22. In further answer to the whole of the Claim, the Plaintiffs, who are responsible for delay in bringing this action and seeking the relief claimed herein, have acquiesced in the matters complained of, directly and indirectly, and further have acted, behaved and conducted themselves in a manner as to have caused, induced or permitted the Province to believe, as in fact it did, that the Plaintiffs did not intend to make the Claim herein against the Province. The action is therefore barred by the equitable doctrine of laches. The Province pleads and will rely upon the terms of the *Law and Equity Act*, R.S.B.C. 1996, c. 253, as amended.

23. The delay has been of such a length and extent that a reasonable expectation has arisen that the Defendants, including the Province, will not be held to account for the historic obligations that the Plaintiffs allege existed and were breached.

24. In the further alternative, the Province says that it is immune from liability for any actions taken or omissions made giving rise to a cause of action in damages for, *inter alia*, trespass, nuisance, breach of fiduciary duty, or negligence which occurred prior to the enactment of the *Crown Proceeding Act*, S.B.C. 1974, c. 24. The Province further pleads and will rely upon the *Crown Procedure Act*, R.S.B.C. 1960, c. 84, the *Crown Proceeding Act*, RSBC 1979, c. 86, and the *Crown Proceeding Act*, R.S.B.C. 1996, c. 89.

25. In further answer to the whole of the Claim, the Plaintiffs' right to bring these claims accrued to the Plaintiffs more than two years or, alternatively, six years before September 21, 2015 (the commencement date of the claim). The Claim is therefore barred by statute, and the Province pleads and relies upon sections 3(2)(*a*) and 3(5) of the *Limitation Act*, R.S.B.C. 1996, c. 266, as amended.

26. In the further alternative, and in answer to all of the Plaintiffs' claims against the Province, the Plaintiffs' right to bring these claims accrued to the Plaintiffs more than 30 years before September 21, 2015. These claims and the relief claimed in respect thereof, all of which are denied, are therefore barred by statute, and the Province pleads and relies upon s. 8(1)(*c*) of the *Limitation Act*, R.S.B.C. 1996, c. 266, as amended.

27. In further answer to the whole of the Claim, this claim is in respect of acts done in pursuance or execution or intended execution of an alleged statutory or other public duty or authority, or in respect of alleged neglects or defaults in the execution of such duty or authority. The cause of action arose and the alleged injury or damage there from occurred more than six years before the commencement of the action. The action is therefore barred by statute. The Province pleads and will rely upon the *Limitations Act*, R.S.B.C. 1996, c. 89.

Defendant's address for service:	BORDEN LADNER GERVAIS LLP 1200 Waterfront Centre 200 Burrard Street P.O. Box 48600 Vancouver, British Columbia V7X 1T2 Attention: Patrick G. Foy, Q.C.
Fax number address for service (if any):	None
E-mail address for service (if any):	None

Date: 01/15/2016

Signature of
☑ lawyer for Defendant
Patrick G. Foy, Q.C.

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

No. 051952
Kamloops Registry

In the Supreme Court of British Columbia

Between

Chief Ron Ignace and Chief Shane Gottfriedson, on their own behalf and on behalf of all other members of the Stk'emlupsemc te Secwepemc of the Secwepemc Nation

Plaintiffs

and

Her Majesty the Queen in Right of the Province of British Columbia, KGHM Ajax Mining Inc., and The Attorney General of Canada

Defendants

RESPONSE TO NOTICE OF CIVIL CLAIM

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