



Court File No. A-308-20  
(T-211-20)

**FEDERAL COURT OF APPEAL**

DINI ZE' LHO'IMGGIN, also known as ALPHONSE GAGNON,  
on his own behalf and on behalf of all the members of MISDZI YIKH and  
DINI ZE' SMOGILHGIM, also known as WARNER NAZIEL,  
on his own behalf and on behalf of all the members of SA YIKH

APPELLANTS

and

HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA

RESPONDENT

**REPRESENTATIVE PROCEEDING**

**NOTICE OF APPEAL**

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellants. The relief claimed by the appellants appears on the following page.

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 appellants. The appellants request that this appeal be heard at Vancouver, British Columbia.

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 341 prescribed by the Federal Courts Rules and serve it on the appellants' solicitor, or where the appellants are self-represented, on the appellants, WITHIN 10 DAYS of 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 341 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.

Date: DEC 15 2020

Issued by: *M. Hennessy*  
Registry Officer

**MODELISA HENNESSY  
REGISTRY OFFICER  
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TO: **Her Majesty the Queen in the Right of Canada**

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Per: Tim Timberg, Sarah Bird, Adrienne Copithorpe, Rumana Monzur

## APPEAL

THE APPELLANTS APPEAL to the Federal Court of Appeal from the order of The Honourable Glennys L. McVeigh dated November 16, 2020 by which the Appellants' statement of claim was struck without leave to amend.

THE APPELLANTS ASK that:

1. the appeal be allowed and the Federal Court order striking the appellants' statement of claim without leave to amend be set aside;
2. leave be granted for the appellants to amend their Statement of Claim dated February 20, 2020; and
3. such further and other relief be granted as the appellants may request and this court may permit.

THE GROUNDS OF APPEAL are as follows:

The Federal Court Judge erred in law by:

1. misconstruing the factual basis of the appellants' claim;
2. finding that the appellants' claim is not justiciable;
3. finding that it is plain and obvious that the cause of action will not succeed;
4. dismissing the appellants' request for leave to amend their claim;
5. such further and other grounds as the appellants may request and this court may permit.

December 10, 2020



Signature of solicitor for the appellants

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