

File No. 2019 01H 0099
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF
NEWFOUNDLAND AND LABRADOR**

APPELLANT

AND:

JOHN CYRILLE CHIASSON

FIRST RESPONDENT

AND:

NALCOR ENERGY

SECOND RESPONDENT

AND

File No. 2019 01H 0100
IN THE COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

BETWEEN:

NALCOR ENERGY

APPELLANT

AND:

JOHN CYRILLE CHIASSON

FIRST RESPONDENT

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF
NEWFOUNDLAND AND LABRADOR**

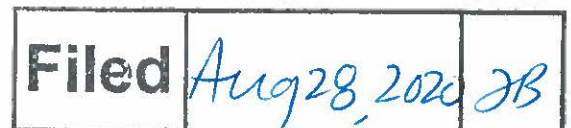
SECOND RESPONDENT

ORDER

Before: Fry C.J.N.L., Welsh and Goodridge JJ.A.

WHEREAS:

1. The respective Appellants, Her Majesty the Queen in Right of Newfoundland and Labrador and Nalcor Energy, applied pursuant to s. 36 of the *Class Actions Act*, SNL 2001, c C-18.1, for leave to appeal from the July 11, 2019 decision and subsequent order of Madam Justice Butler, in cause number 2017 01G 7673 CP of the Supreme Court, General Division, ordering certification of that proceeding as a class action;



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Aug. 28,
2020

2. The application for leave to appeal was heard via videoconference on June 11, 2020;
3. The Court heard submissions from Donald Anthony, Q.C., counsel for the Appellant, Her Majesty the Queen in Right of Newfoundland and Labrador and David Eaton, Q.C. and Dana Martin, counsel for the Appellant, Nalcor Energy, and Raymond F. Wagner, Q.C. and Kate Boyle, counsel for the Respondent; and
4. The decision of the Court was given with written reasons on August 24, 2020 in *Newfoundland and Labrador v. Chiasson*, 2020 NLCA 28.

ACCORDINGLY, IT IS ORDERED THAT:

1. the Appellant, Her Majesty the Queen in Right of Newfoundland and Labrador (File No. 2019 01H 0099), is granted leave to appeal on the ground of whether a cause of action is disclosed as against it based on the grounds set out in paragraph 5, item 1 of the decision, and
2. the Appellant, Nalcor Energy (File No. 2019 01H 0100), is granted leave to appeal on the ground of whether a cause of action is disclosed as against it based on the application of the law and legal principles to the facts as pleaded.

Dated at St. John's, in the province of Newfoundland and Labrador, this 24th day August, 2020.



**COURT
OFFICER**



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Court of Appeal of Newfoundland and Labrador

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COURT OF APPEAL OF NEWFOUNDLAND AND LABRADOR

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