FORM 1a
[*Rule 6*]

IN THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

SABRINA DYKSTRA, a minor by her litigation guardian CLAIRE DYKSTRA, JILL FORRESTER, RYAN HEISE, KAYLA HOPKINS, LYNN OLIPHANT, HAROLD PEXA, AMY SNIDER, and CLIMATE JUSTICE SASKATOON ORGANIZATION INC.

Appellants
(*Originating Applicants at SKKB*)

AND:

SASKATCHEWAN POWER CORPORATION, CROWN INVESTMENTS CORPORATION OF SASKATCHEWAN, and THE GOVERNMENT OF SASKATCHEWAN

Respondents
(*Respondents at SKKB*)

NOTICE OF APPEAL

TAKE NOTICE THAT:

1. SABRINA DYKSTRA, a minor by her litigation guardian CLAIRE DYKSTRA, JILL FORRESTER, RYAN HEISE, KAYLA HOPKINS, LYNN OLIPHANT, HAROLD PEXA, AMY SNIDER, and CLIMATE JUSTICE SASKATOON ORGANIZATION INC. (collectively the "Appellants") hereby appeal to the Court of Appeal from the judgment of the Honourable Justice Kuski Bassett of the Court of King's Bench dated October 10, 2025, (2025 SKKB 175).

2. The following parts of the judgment are being appealed:

    a) The disallowance of the Applicants' application to amend paragraphs 13, 27, 32, 37, 53, and 62 of the Originating Application (the "Claim") at paragraph 22;

    b) The determination that the Applicants' *Charter* claims based on state action to approve, develop, and construct two new unabated fossil fuel-based generation assets are not justiciable at paragraphs 105-110;

    c) The determination that the Applicants' *Charter* claims in relation to the GHG Caps for SaskPower in *The Management and Reduction of Greenhouse Gases*

(General and Electricity Producer) Regulations are not justiciable at paragraphs 111-121; and

d) The determination that there is no tenable basis for granting leave to amend at paragraph 121.

3. The source of the Appellant's right of appeal and the Court's jurisdiction to entertain the appeal is: *The Court of Appeal Act, 2000,* SS 2000, c. C-42.1, s7(2).

4. The appeal is taken on the following grounds:

    a) There are reviewable errors in law:

        i. The Court below erred in concluding that the Claim pleaded no judicially discoverable and manageable standard, sufficient legal component, or legal anchor for assessing the Applicants' *Charter* claims;

        ii. The Court below erred by misinterpreting and misapplying leading jurisprudence on the justiciability of *Charter* claims for harms related to climate change and greenhouse gas emissions;

        iii. The Court below erred in mischaracterizing the approval, development, and construction of new unabated fossil fuel-based generation assets as policy decisions rather than reviewable state action;

        iv. The Court below erred in relying on remedies pleaded by the Applicants to dismiss their *Charter* claims without leave to amend;

        v. The Court below erred in determining that no amendments could address the alleged deficiencies in the pleadings; and

        vi. The Court below failed to engage with the international law arguments pleaded by the Appellants in support of the justiciability of the Claim.

    b) There are reviewable errors in mixed fact and law:

        i. The Court below erred by mischaracterizing the Appellants' proposed amendments as pleading evidence, not material facts; and

        ii. The Court below erred by making a factual determination based on a misinterpretation of the pleadings without hearing argument as a basis for striking the Claim.

5. The Appellant requests the following relief:

    a) That this Honourable Court grant this appeal of the judgment of Justice Kuski-Bassett of the Court of King's Bench dated October 10, 2025, in part, by:

        i. setting aside the Order striking the Appellants' Originating Application without leave to amend;
        ii. granting the Appellants leave to further amend their pleadings to focus the points of controversy between the parties and refine the requested remedies; and
        iii. directing the Court of King's Bench to proceed with a hearing on the merits for the justiciable aspects of the Claim.

    b) That the Court order that each party shall bear their own costs in this matter.

6. The Appellant requests that this appeal be heard at Saskatoon.

DATED at Saskatoon, Saskatchewan, on November 5, 2025.



on behalf of Glenn Wright, Larry Kowalchuk, and Kaitlyn Harvey, Solicitors for the Appellants

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