

CITATION: Platinex Inc. v. Kitchenuhmaykoosib Inninuwig First Nation, 2008 ONCA
620

DATE: 20080911
DOCKET: C48641

COURT OF APPEAL FOR ONTARIO

ROSENBERG, FELDMAN and MACPHERSON JJ.A.

BETWEEN:

PLATINEX INC.

Plaintiff (Respondent in Appeal)

and

KITCHENUHMAYKOOSIB INNINUWUG FIRST NATION, DONNY MORRIS,
JACK MCKAY, CECILIA BEGG, SAMUEL MCKAY, JOHN CUTFEET, EVELYN
QUEQUISH, DARRYL SAINNAWAP, ENUS MCKAY, ENO CHAPMAN, RANDY
NANOKESSIC, JANE DOE, JOHN DOE and PERSONS UNKNOWN

Defendants

and

KITCHENUHMAYKOOSIB INNINUWUG FIRST NATION, DONNY MORRIS,
JACK MCKAY, CECILIA BEGG, SAMUEL MCKAY, DARRYL SAINNAWAP,
BRUCE SAKAKEEP, JOHN CUTFEET, ENUS MCKAY and EVELYN QUEQUISH

Respondents on Contempt Motion (Appellants)

and

THE MINISTER OF NORTHERN DEVELOPMENT AND MINES

Intervener (Respondent in Appeal)

Christopher Reid and Sarah Dover for the appellants Kitchenuhmaykoosib Inninuwug First Nation, Donny Morris, Jack McKay, Cecilia Begg, Samuel McKay, Darryl Sainnawap and Bruce Sakakeep

Neil J. Smitheman and Tracy A. Pratt for the respondent Platinex Inc.

Malliha Wilson, E. Ria Tzimas and Tamara Barclay for the respondent the Minister of Northern Development and Mines

Julian N. Falconer and Kimberly R. Murray for the intervener Nishnawbe Aski Nation

Mary Eberts for the intervener Native Women's Association of Canada

Heard: May 28, 2008

On appeal from the sentences imposed by Justice George P. Smith of the Superior Court of Justice on March 17, 2008.

ENDORSEMENT

[1] We have received costs submissions from the parties. The appellants are entitled to their costs of the appeal fixed at \$25,000 inclusive of disbursements and G.S.T.

[2] The respondent Platinex Inc. should pay \$20,000 and the respondent Minister of Northern Development and Mines should pay \$5000. The latter respondent should pay some costs because, although its position on the appeal ultimately was that the appeal should be allowed and the sentences reduced, its position throughout the original contempt and sentencing hearings was instrumental in leading to the appeal.

“M. Rosenberg J.A.”

“K. Feldman J.A.”

“J.C. MacPherson J.A.”