

Federal Court of Appeal



Cour d'appel fédérale

Date: 20250303

**Dockets: A-89-22 (Lead file)
A-87-22**

Citation: 2025 FCA 51

**CORAM: WEBB J.A.
BIRINGER J.A.
DAWSON D.J.C.A.**

BETWEEN:

**ESTATE OF FLORENCE BACKFAT and
LEO PRETTY YOUNG MAN**

Appellants

and

**ADRIAN STIMSON SR., CHIEF OF THE SIKSIKA NATION,
ON BEHALF OF HIMSELF AND ALL OTHER MEMBERS OF
THE SIKSIKA NATION, ATTORNEY GENERAL OF CANADA,
HIS MAJESTY THE KING IN RIGHT OF CANADA**

Respondents

Heard at Vancouver, British Columbia, on March 3, 2025.

Judgment delivered from the Bench at Vancouver, British Columbia, on March 3, 2025.

REASONS FOR JUDGMENT OF THE COURT BY:

DAWSON D.J.C.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Vancouver, British Columbia, on March 3, 2025).

DAWSON D.J.C.A.

[1] For reasons cited 2022 FC 434, the Federal Court approved a provisional settlement agreement related to representative proceedings brought by Siksika Nation against Canada, and ordered that the representative proceedings be discontinued.

[2] The settlement agreement approved by the Federal Court required Canada to pay financial compensation to Siksika Nation and, among other things, required Siksika Nation to release Canada from liability in relation to its claims, indemnify Canada from any proceedings brought in relation to the subject matter of the claims, discontinue its representative claims and obtain an order from the Federal Court approving the settlement of the representative proceedings and the discontinuance of the claims.

[3] Subsequent to the issuance of the order of the Federal Court approving the settlement agreement, the settlement agreement was executed by the Minister of Crown-Indigenous Relations. As the settlement agreement had previously been executed by Siksika Nation, by its terms the settlement agreement came into effect upon its execution by the Minister.

[4] Thereafter, Mr. Leo Pretty Young Man and the Estate of Florence Backfat appealed from the Order of the Federal Court, and the appeals were consolidated for hearing. The appellants did not seek to stay the Order of the Federal Court.

[5] Upon the execution of the settlement agreement, the agreement became binding upon both Canada and Siksika Nation. Therefore, an order setting aside the Federal Court's approval of the settlement of the representative claims advanced by Siksika Nation would have no effect. We have therefore determined that these appeals are moot.

[6] To the extent the Estate of Florence Backfat advanced a claim against Canada separate and apart from the claim advanced by Siksika Nation, the Federal Court found that such claim

was not affected by its Order approving the settlement and discontinuance and ordered, as a condition to the approval of the settlement, that the Estate was free to continue with its action against Canada. Thus, any live controversy that continues to exist may be advanced by the Estate.

[7] Similarly, to the extent that Mr. Pretty Young Man seeks to advance a claim separate from the representative proceedings settled by Siksika Nation, he has neither adequately demonstrated that the claim cannot proceed against Canada nor that the existence of any such claim constitutes a live controversy in the pending appeals against the approval of a settlement of Siksika's representative claims.

[8] In addition to concluding that the appeals are moot we have concluded that no public interest would be served in hearing and determining these moot appeals.

[9] Therefore, the appeals will be dismissed. In view of this disposition, it is not necessary that we consider whether Mr. Pretty Young Man's appeal may be advanced by the Administrator of his Estate.

[10] Costs are not sought and so none are awarded.

"Eleanor R. Dawson"

D.J.C.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKETS:	A-89-22 (LEAD FILE), A-87-22
STYLE OF CAUSE:	ESTATE OF FLORENCE BACKFAT and LEO PRETTY YOUNG MAN v. ADRIAN STIMSON SR., CHIEF OF THE SIKSIKA NATION, ON BEHALF OF HIMSELF AND ALL OTHER MEMBERS OF THE SIKSIKA NATION, ATTORNEY GENERAL OF CANADA, HIS MAJESTY THE KING IN RIGHT OF CANADA
PLACE OF HEARING:	Vancouver, British Columbia
DATE OF HEARING:	MARCH 3, 2025
REASONS FOR JUDGMENT OF THE COURT BY:	WEBB J.A. BIRINGER J.A. DAWSON D.J.C.A.
DELIVERED FROM THE BENCH BY:	DAWSON D.J.C.A.

APPEARANCES:

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