

THE HONOURABLE NEIL C. WITTMANN
CHIEF JUSTICE



COURT OF QUEEN'S BENCH OF ALBERTA

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January 17, 2017

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Dear Counsel:

**Re: Ernst v. EnCana Corporation and Her Majesty the Queen
Action 0702 00120**

I note that the action by the Plaintiff against the Energy Resources Conservation Board, now the Alberta Energy Regulator has now been dismissed by the Supreme Court of Canada. My review of the matter indicates that the action may proceed against EnCana Corporation and Her Majesty the Queen in Right of Alberta. A review of previous Orders indicates that on July 14th, 2014, I made an Order with respect to the Affidavits of Records of the Plaintiff and the Defendant EnCana, as well as a direction that the parties follow an ad hoc schedule. The application of Her Majesty the Queen in Right of Alberta to strike portions of the Fresh Statement of Claim was dismissed by my Reasons, November 7th, 2014. I am not aware of any further Orders made subsequent to that time. The purpose of this letter is to advise counsel that I will be retiring as the Chief Justice of the Court of Queen's Bench and as a Justice of the Court of Queen's Bench effective May 1st, 2017. Should the parties wish a new case management judge, I would request they provide me with a list of four or five justices names by consent and I will reassign this file to one of those persons to continue case management.

Should the parties be unable to agree on a short list and still desire case management, I will appoint someone without the benefit of the parties' agreement. Should I not hear from any of you by January 30th, 2017, I will assume the parties no longer wish or need case management.

Yours truly,

A handwritten signature in black ink, appearing to be 'Neil C. Wittmann', written over a horizontal line.

Neil C. Wittmann

/cmu

cc:

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