

# Successful Result Obtained in the Class Proceeding, *Whiteduck v Ontario*

Date: August 29, 2023

We would like to congratulate our firm's Robert Potts, Stephen Moore (retired) and Chad Kopach (and their co-counsel, Alan Pratt and Jordan Sewell), for the significant result obtained in the class proceeding, *Whiteduck v Ontario*. In that case, our clients, the Representative Plaintiff, former Chief Kirby Whiteduck on behalf of the Algonquins of Ontario, sought a declaration that Ontario breached its duty to consult and accommodate their interests before it recognized the Killarney and the Mattawa/Ottawa River Métis communities and gave them unlimited harvesting rights. Our clients' claim was struck by the motion judge on the basis of a lack of standing. The appeal was allowed by the Ontario Court of Appeal. Writing for the unanimous panel, Justice Lauwers held that the duty to consult and accommodate gave the Algonquins the necessary standing to bring the action and to claim the consequential relief sought. The Court also found that the Algonquins were free to challenge Ontario's decision by way of action rather than by way of judicial review.

## PEOPLE

- Chad Kopach
- Robert Potts

## PRACTICES

- Indigenous Law