

Court of King's Bench of Alberta

Citation: Spence v Canadian Natural Resources Ltd, 2025 ABKB 147

Date: 20250311
Docket: 2401 00803
Registry: Calgary

Between:

Jennifer Spence and Gennexus Medical Services Inc.

Plaintiffs

- and -

Canadian Natural Resources Ltd., Wolverine Construction Inc., Black Gold Medical Ltd., Jo-Kat Lodge Camp, Stoney Lake Surveys Ltd., SNL Surveys Ltd., Mike Vasseur, Scott Davidson, Jason Sawchuk, Sheldon King, Stephen King, Jesse Cade, Jeremy Brown, Noel Leach, Francois (“Frank”) Doe and John Doe

Defendants

**Endorsement
of the
Associate Chief Justice
D.B. Nixon**

[1] On March 5, 2025, I received a request from Code Hunter LLP, as counsel for some of the Defendants, Stoney Lake Surveys Ltd., Jeremy Brown, Mike Vasseur and Scott Davidson, asking the Court to review the Plaintiffs’ Statement of Claim filed January 18, 2024 (the “2024 Statement of Claim”) under Civil Practice Note 7 (“CPN7”). CPN7 sets out summary procedures, using r 3.68 of the *Alberta Rules of Court*, Alta Reg 124/2010, for a “claim, defence,

action, application, or proceeding that appears on its face to be frivolous, vexatious, or otherwise an abuse of process”.

[2] Amongst other things, counsel for some of the Defendants argues that the 2024 Statement of Claim is duplicative. In particular, the Defendants assert that the 2024 Statement of Claim is an escalation and expansion of a Statement of Claim filed by one of the Plaintiffs, Jennifer Spence, on April 19, 2022 (the “2022 Statement of Claim”).

[3] I have reviewed the 2024 Statement of Claim. Based on my review of the facts and analysis of the law, I find the 2024 Statement of Claim is not, on its face, frivolous, vexatious, or an abuse of process. Although the 2024 Statement of Claim relates to the same alleged events as particularized in the 2022 Statement of Claim, it names different defendants and identifies different causes of action.

[4] In addition, although there is some overlap in the 2024 Statement of Claim with respect to alleged negligence and breach of duties owing under the *Occupiers’ Liability Act*, RSA 2000, c O-4, the 2022 Statement of Claim relates to alleged negligence and breach of statutory duties owing under the *Royal Canadian Mounted Police Act*, RSC 1985, c R-10 and the *Police Act*, RSA 2000, c P-17 as part of the response and investigative process. In contrast, the 2024 Statement of Claim is based on negligence and breach of worksite duties owing under occupational health and safety legislation, contract, and common law. As a result, the 2024 Statement of Claim is not duplicative and CPN7 does not apply.

[5] In coming to the above conclusion, I did not consider the factual background provided by counsel regarding the partial dismissal of the 2022 Statement of Claim against certain of the defendants because a request for a CPN7 review is not intended to be an opportunity to advance written submissions or depose to evidence: see *De’Medici v Wawanesa Mutual Insurance Company*, 2023 ABKB 210 at para 37.

[6] To be clear, this Endorsement does not prevent the Defendants from applying under the *Alberta Rules of Court* for remedies for alleged issues or deficiencies in the 2024 Statement of Claim.

Dated at Calgary, Alberta this 11th day of March 2025.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Julie I. Ward – by Written Submission

Code Hunter LLP

for certain of the Defendants, Stoney Lake Surveys Ltd., Jeremy Brown, Mike Vasseur
and Scott Davidson

All other Defendants – No Appearance

Jennifer Spence and Gennexus Medical Services Inc. – No Appearance

Plaintiffs