

## Supreme Court to Render Judgment in Ernst on Friday

**Case Commented On:** *Ernst v Alberta Energy Regulator*, [2013 ABQB 537](#), aff'd [2014 ABCA 285](#), leave to appeal [granted](#) April 30, 2015 (SCC)

On Friday, January 13, 2017, the [Supreme Court of Canada will deliver](#) its long-awaited judgment in *Jessica Ernst v. Alberta Energy Regulator*. As Jessica Ernst notes on her [blog](#), the appeal was heard on January 12, 2016, making it the only case from the 2016 spring session in which the Court has not yet rendered judgment.

The case involves the issue of whether a statutory immunity clause (in this case, s 43 of the *Energy Resources Conservation Act*, RSA 2000, c E-10) can bar a *Charter* claim for a remedy under s 24(1) of the *Charter* (in this case, a claim for damages for an alleged violation of Ernst's freedom of expression by the respondent regulator). Earlier decisions in the case involved broader issues related to administrative law and negligence as against the regulator, the provincial government, and Encana for the contamination of Ms. Ernst's groundwater allegedly caused by Encana's hydraulic fracturing operations in the Rosebud area. ABlawg has posted several comments on this litigation, which are available here (from most recent to oldest):

Jennifer Koshan, [Leave to Appeal granted in \*Ernst v Alberta Energy Regulator\*](#)

Shaun Fluker, [Ernst v Alberta Environment: The Gatekeeper Refuses to Strike or Grant Summary Judgment](#)

Martin Olszynski, [Regulatory Negligence Redux: Alberta Environment's Motion to Strike in Fracking Litigation Denied](#)

Jennifer Koshan, [The Charter Issue\(s\) in \*Ernst\*: Awaiting Another Day](#)

Shaun Fluker, [Ernst v Alberta \(Energy Resources Conservation Board\): The Gatekeeper is Alive and Well](#)

Martin Olszynski, [Revisiting Regulatory Negligence: The \*Ernst\* Fracking Litigation](#)

Watch for commentary on the forthcoming SCC decision on ABlawg.

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