

FILE NO.: SCT-3001-16
DATE: 20170301

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
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BIG GRASSY)	
(MISHKOSIIMIINIIZIIBING) FIRST)	
NATION (INDIAN BAND) AND)	Donald R. Colborne, for the Claimants
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NATION (INDIAN BAND))	
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Claimants)	
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- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Lisa Cholosky, for the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
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Respondent)	
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)	
)	HEARD: February 22, 2017

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on February 22, 2017, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Claimants had brought to the Respondent's attention a couple of decisions rendered by the Tribunal which may change the Respondent's original assessment/rejection of the Claim.

On or before **March 31, 2017**, the Respondent shall inform the Tribunal and the Claimants whether or not these decisions will alter the Respondent's position(s) on the validity of this Claim and require a corresponding amendment to its Response.

[2] Related to the above, the Respondent should also reconsider whether it is willing to mediate any aspect of this Claim and shall inform the Tribunal and the Claimants of its position on the potential for mediation prior to the next CMC. These two matters will be discussed at the next CMC.

[3] The Parties agreed that the issue of whether or not the Claim will be bifurcated will also need to be considered further in light of the Respondent's final position on validity as well as the implications of judicial review of only one of the two recent decisions on compensation rendered by this Tribunal. This matter shall be discussed again at the next CMC.

[4] As pertains to the amount of any historical losses for this Claim, the Claimants indicated to the Tribunal that much work has been done with the Respondent through negotiations for another matter which would be expedient information to have for this Claim. The Parties shall be prepared to discuss this matter further at the next CMC, including whether or not negotiation/settlement privilege issues are at play for this existing information.

[5] Prior to the next CMC, the Claimants shall consider how many oral evidence witnesses they might call, the anticipated timeline for the production of the Will-Says to the Respondent, and whether September 2017 might be feasible for an oral history evidence hearing.

[6] The Parties discussed the possibility of holding an oral history evidence hearing and an expert evidence hearing in the same week(s). However, the Parties agreed that the Respondent's final position on the validity of the Claim impacts the nature of the expert evidence which may be required and timing issues related to the production of that evidence. As such, prior to the next CMC, the Respondent shall consider the issue of expert evidence once it has reconsidered whether its position on the validity of the Claim will change or not.

[7] Prior to the next CMC, the Parties shall indicate to the Tribunal whether or not, in their respective opinions, a section 22 Notice should be given to Ontario by the Tribunal for this Claim (recognizing that ultimately, the Tribunal must make this determination).

[8] The Parties agreed that SCT-3001-16 and SCT-3002-16 will continue to be scheduled consecutively during the same CMC and likely for any hearings going forward as well.

[9] The next CMC will be held consecutively with claim SCT-3002-16 by teleconference on **April 5, 2017**, at 2:30 P.M., Eastern Time (Ottawa).

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Honourable Paul Mayer