

FILE NO.: SCT-7003-12
DATE: 20130424

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
'NAMGIS FIRST NATION)	Stan H. Ashcroft, for the Claimant
)	
)	
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT OF)	
CANADA)	Naomi Wright, James Mackenzie and Deborah
As represented by the Minister of Indian Affairs)	McIntosh, for the Respondent
and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: April 19, 2013

ENDORSEMENT

Honourable Harry Slade

A Case Management Conference (CMC) was held by videoconference on April 19, 2013 at 1:00 P.M. Eastern Time (Ottawa):

[1] The Respondent will seek instructions to proceed on the basis that the reserve was provisional at the time of the taking, without the need for the admissions in 2(a)(i-ii) of its CMC brief.

- [2] The Respondent will advise if they are able to proceed on the basis that the reserve was provisional at the time of the taking at the next CMC.
- [3] The next CMC is scheduled for May 10, 2013.
- [4] The hearing of validity and compensation issues will be governed by the following:
- a) the hearing of this claim will proceed in two separate stages;
 - b) the Tribunal first hold a hearing and render its decision on the validity of the claim;
 - c) the Tribunal, if necessary, hold a second hearing and render its decision on the issue of any compensation that may be owed to the Claimant;
 - d) the hearing on compensation, if necessary, will not begin until the issue of validity is decided and the parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;
 - e) if the claim is ultimately determined to be valid, the parties will have a reasonable time to gather evidence relating to the compensation, including expert evidence;
 - f) the parties will take steps to prepare their case on compensation only if the claim is finally determined to be valid;
 - g) should one of the parties seek judicial review of the Tribunal's decision on validity to the Federal Court of Appeal, that party will provide notice to the Tribunal via email of significant steps taken in the application for judicial review; and
 - h) should one of the parties appeal the Federal Court of Appeal's decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via email of significant steps in the appeal.

[5] The Parties will seek agreement on s.20 compensation criteria. Failing agreement, the parties will address the issue at the hearing on validity.

[6] The hearing of the validity issue is to be held in Vancouver, to be set for one day at a date to be determined.

HARRY SLADE

Honourable Harry Slade
Specific Claims Tribunal of Canada