

FILE NO.: SCT-7005-13

DATE: 20150210

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
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HUU-AY-AHT FIRST NATIONS)	
)	Kate Blomfield and Emma Hume, for the
)	Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	John Russell and Marnie Munro, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
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)	
)	HEARD: February 2, 2015

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on February 2, 2015, at 1:30 P.M. Eastern Time (Ottawa).

[1] The Claimant presented a draft Amended Declaration of Claim in response to the Respondent’s concerns about a variety of issues. The Respondent indicated that it would likely

consent to the proposed Amended Declaration of Claim subject to the correction of some errors in the paragraph numbering, which the Claimant acknowledged and indicated would be rectified. Accordingly, the Claimant will present the corrected proposed Amended Declaration of Claim to the Respondent, which will review the document and indicate in writing whether it consents to the proposed amended pleading. If consent is given, the Claimant will file and serve the Amended Declaration of Claim and the Respondent will in due course serve and file its Amended Response.

[2] The Respondent reported that its document research continues. It does not expect the research to be done, reviewed and produced before the end of August 2015. Referring to the Tribunal's Rules, the Claimant expressed concern about the length of time required. The Respondent explained the complexity of the research, including that it was being done in respect of active provincial and federal files, and records located at provincial and federal archives. Additionally, it is researching the records of Weyerhaeuser Canada, located at the University of British Columbia. The progress of research will be canvassed at the next CMC.

[3] The Claimant's production of documents cannot be achieved until it has received and reviewed the Respondent's documents so that it can check for duplication and consider whether it must conduct research.

[4] The Respondent will immediately provide the Claimant with a letter better detailing the information it is seeking and the Claimant will provide a written response at the same time that it delivers its proposed Amended Declaration of Claim so that the Parties may consider whether that pleading should contain further particulars. The Respondent indicated that the information it is requesting may have a bearing on its document research. The Parties are working cooperatively on this question, which will be canvassed at the next CMC.

[5] The Parties reported that although they have put some thought toward experts, not much could be done until the completion of document production.

[6] The Parties agreed that meaningful preparation of a Common Book of Documents and Agreed Statements of Issues and Facts cannot be undertaken until document production is complete.

[7] A brief discussion took place about the bifurcation of the Claim. The Parties wish more time to consider this issue, which will be canvassed again at the next CMC.

[8] The Respondent confirmed continuing concern that there may be a settlement privilege issue. However, that would best await completion of document production. The question will be canvassed again at the next CMC.

[9] The next CMC will take place by teleconference on April 23, 2015, at 2:00 P.M. Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen