

FILE NO.: SCT-6004-13

DATE: 20150909

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:

KEHEWIN CREE NATION

Claimant

)
)
)
) Ryan M. Lake, for the Claimant
)
)
)

- and -

HER MAJESTY THE QUEEN IN RIGHT
OF CANADA

As represented by the Minister of Indian
Affairs and Northern Development

Respondent

)
)
) Bryan J. Wigger and Ursula M. Tauscher,
) for the Respondent
)
)
)
)

) **HEARD:** September 3, 2015

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 3, 2015, at 11:30 A.M., Eastern Time (Ottawa).

[1] The Claimant reported that it delivered a draft Agreed Statement of Facts to the Respondent on June 26, 2015. The Respondent requires time to review and assess this draft, and

shall respond on or before **October 16, 2015**. Progress on development of an Agreed Statement of Facts will be reviewed at the next CMC.

[2] The Claimant shall provide its initial draft list for the Common Book of Documents to the Respondent on or before **October 16, 2015**.

[3] The Respondent reported that it delivered a draft oral history protocol (based on the Williams Lake case model) to the Claimant on April 17, 2015. The Claimant filed a draft protocol with the Tribunal prior to the CMC. The Parties shall finalize the oral history protocol by the next CMC on **October 29, 2015**.

[4] The Claimant reported that it has identified and interviewed elders likely to provide oral history evidence. The Claimant proposes a hearing to receive oral history evidence and that it be held in or near the community to accommodate the elders. The Claimant will identify oral history witnesses to the Respondent and provide Will-Says of their anticipated evidence by the next CMC on **October 29, 2015**.

[5] The Claimant will advise the Registry in writing with respect to a potential location for the hearing to receive oral history evidence, identify the most convenient location for accommodations for Counsel and Tribunal staff, and provide the coordinates of a contact person to facilitate the Tribunal's preparations for the hearing at the proposed location by the next CMC on **October 29, 2015**. The Claimant shall inform the Tribunal whether interpreters will be required at the oral testimony Hearing, and if so, provide details on the languages required and provide an agreed list of acceptable interpreters. The Tribunal recommends that Claimant's Counsel canvass the availability of its oral history witnesses for the purpose of setting the hearing date at the next CMC.

[6] The Claimant reported that it has retained Tara Smock of Joan Holmes & Associates Inc. to prepare an expert report on the historical context and on pay-list analysis in relation to the Claim. Tara Smock's CV has been filed with the Tribunal in the past, is in Document 74 in claim SCT-4001-12, and, as a public document, can be requested from the Tribunal at any time by writing to the Registry. The expert has commenced preparation of the report but it may not be completed until a draft Agreed Statement of Facts has been developed and the oral history

evidence received. Once the report is completed and delivered to the Respondent, the Respondent will determine whether it requires the assistance of an expert. The status and progress of expert evidence will be revisited at the next CMC.

[7] The next CMC will be held by teleconference on October 29, 2015, at 11:30 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen