

FILE NO.: SCT-7002-15

DATE: 20170222

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KITASOO XAI'XAIS NATION)	Jennifer Griffith and Mary Anne Vallianatos,
)	for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Richelle Rae and Fred Wan, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: January 24, 2017

ENDORSEMENT

Honourable Barry MacDougall

A Case Management Conference (CMC) was held by teleconference on January 24, 2017 at 3:30 P.M., Eastern Time (Ottawa).

[1] The Claimant reported that it anticipates to be able to provide its expert report (in respect of the locations of the additional applications for reserve lands before the Royal Commission on Indian Affairs) to the Respondent by April 28, 2017. The Claimant also reported that at this point, it is not certain of the extent to which its expert report will rely on the Claimant's oral

history evidence and traditional use information. As such, the Claimant may still provide oral history testimony if this type of evidence is heavily relied on by its expert.

[2] The Claimant had filed its Amended Declaration of Claim on October 31, 2016. The Respondent reported that it is premature to file an Amended Response at this time as it awaits the results of additional research it has been undertaking at the B.C. Land Title Office and B.C. Archives in Victoria. The Respondent expects this additional research to be completed by the end of February 2017. Further, the Respondent wishes to review the Claimant's expert report prior to filing its Amended Response. The Respondent expects to be able to file the Amended Response within three weeks of receiving the Claimant's expert's report.

[3] The Claimant had reported that any Will-Say Statements would not be produced until the Respondent's additional research was completed. The Respondent also reported that without the particulars of the Claimant's expert report or its oral history evidence, at this point, it could not say that further additional research, beyond the additional research already underway, would not be required. The Respondent will also revisit the issue of whether a responsive expert report may be required once it has the Claimant's expert report or the requested particulars.

[4] The Claimant provided the Respondent with a draft List of Documents on January 3, 2017. The Respondent is on track to provide the Claimant with a draft List of Documents in return on February 2, 2017. The Respondent reported that it will provide a Supplemental List of Documents to the Claimant once the Respondent's additional research is completed and before the Amended Response is filed.

[5] The Parties reported that they have reached agreement on an Oral History Protocol and Common Book Agreement in December of 2016, but proposed to file signed copies with the Tribunal at a later stage once other pre-hearing steps have been completed.

[6] The Parties also agreed that work on a draft Agreed Statement of Facts and a draft Agreed Statement of Issues could commence shortly.

[7] The Parties shall file a Joint Status Report with the Tribunal on or before **May 23, 2017**, and shall:

- (i) make best efforts to include a tentative timeline for hearing(s) and hearing(s) location(s);
- (ii) provide an update on the Claimant's expert report;
- (iii) advise whether the Respondent will be retaining a "responding" expert, and if so, the timing of that expert's report;
- (iv) report on any outstanding requests for particulars sought by the Respondent; and,
- (v) advise whether either Party requires a CMC.

BARRY MACDOUGALL

Honourable Barry MacDougall