

FILE NO.: SCT-4001-12 and SCT-4001-13
DATE: 20140926

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
WAYWAYSEECAPPO FIRST NATION)
)
Claimant) Earl C. Stevenson and Norman Boudreau,
) for the Claimant
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT) Jeff Echols, for the Respondent
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
)
Respondent)
)
)
AND BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen Pillipow and Adam Touet, for the
) Claimant
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
)
Respondent) Jeff Echols, for the Respondent
)
)
)
)
HEARD: September 25, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 25, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] Counsel for the Claimant Waywayseecappo expressed uncertainty as to whether two Orders-in-Council pertaining to the creation and financial administration of his client were listed with the documents produced. If so, the Parties agreed that document production was complete. Counsel for Waywayseecappo undertook to determine whether the Orders-in-Council were included in the documents already produced and if not to obtain and produce copies by October 3, 2014.

[2] Counsel are discussing the preparation of a Common Book of Documents. About 1,000 documents have been produced and there are differences about whether all of the documents are relevant. Counsel are still reviewing the documents and will confer with a view to forming a consensus on what documents should be included in the Common Book of Documents. The question will be discussed at the next CMC.

[3] The Parties are working cooperatively on an Agreed Statement of Issues. There are some differences of view but counsel are optimistic they can reach consensus. This issue will be discussed at the next CMC.

[4] Waywayseecappo has completed its interviews of proposed elder oral history witnesses, and has produced will-says of their anticipated evidence. Gamblers was unable to complete this process in respect of its proposed elder oral history witnesses but undertook to do so and to deliver will-says by October 15, 2014, which was agreeable to the other Parties. There was also discussion about how to adduce the evidence of these witnesses. Respondent's counsel proposed that there be a special hearing in the near future to receive the evidence in the near future and

before the final hearing. The merits and process of this proposal were discussed. Claimants' counsel will seek instructions before the next CMC on November 20, 2014. The Tribunal invited counsel to seek a date for a special hearing before the next CMC if they reached agreement that such a hearing should be held.

[5] Waywayseecappo commissioned the Lockhart Report; Gamblers commissioned the Holmes and Babiuk Reports. The Respondent is in the process of finalizing the engagement of an expert to respond to the Babiuk Report. Otherwise, the Respondent objects to the Lockhart and Holmes Reports and will likely challenge their relevancy. The Respondent has not received final instructions but will advise the other Parties of those instructions by October 31, 2014. The matter will be discussed at the next CMC with a view to scheduling the hearing of an Application if necessary.

[6] It was agreed that the question of set-off raised by the Respondent in the Gamblers Claim will be dealt with in the same fashion as in the Waywayseecappo Claim, as provided in paragraph 8 of the Tribunal's February 19, 2014 CMC Endorsement in this proceeding.

[7] The next CMC will be held by teleconference on November 20, 2014 at 11:00 A.M., Eastern Time (Ottawa) to establish a timetable and to schedule such other steps as may be necessary to move the Claims to hearing.

W.L. WHALEN

Honourable W.L. Whalen