

FILE NO.: SCT-4002-15
DATE: 20170210

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen M. Pillipow, for the Claimant
)
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Paul Anderson, Kristine Whittaker and Jean-
As represented by the Minister of Indian) Daniel Boulet, for the Respondent
Affairs and Northern Development)
Respondent)
)
)
)
)
) **HEARD:** January 31, 2017

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on January 31, 2017, at 10:00 A.M., Eastern Time (Ottawa).

[1] The Parties reported that an Agreed Statement of Facts and an Agreed Statement of Issues are in an advanced stage of preparation. They have been working cooperatively on revising their work in view of the withdrawal of Waywayseecappo First Nation from the proceeding. They are similarly in an advanced state of preparation of a Common Book of Documents, which they have been culling in view of Waywayseecappo First Nation's

withdrawal from the proceeding, but subject to future revision in view of documents the experts may produce. Progress will be reviewed at the next CMC.

[2] The Respondent reported that its experts' reports have been delayed because of their involvements in lengthy hearings and other matters. The Respondent expects that Dr. Evans' report will be ready by the spring of 2017 and Dr. McHugh's report by the end of June 2017. The Tribunal recognized the Claimant's concerns about delay and urged the Respondent to prevail on its experts to complete the reports as soon as possible given the time that has elapsed since their retainers.

[3] The Respondent also reported that it is in the process of retaining an expert to respond to the Hoffman & Associates expert report produced by the Claimant, and potentially an expert land appraiser to assess the historical value of the surrendered land at issue. The Respondent anticipates that both of these reports may be completed by spring/summer of 2017, after the expert has an opportunity to access the land in the spring. Progress will be reviewed at the next CMC.

[4] The Claimant confirmed that it had no intention of adducing or relying on Waywayseecappo First Nation's expert report (the Lockhart Report), although the Parties agree that documents produced as a result of that report may remain a part of the documentary record where relevant.

[5] The Claimant does not intend to rely upon the oral evidence adduced by Waywayseecappo First Nation. However, depending on the position the Respondent may take in respect of ownership of IR 63, the Claimant may need to rely on oral evidence bearing upon that issue. The Respondent reported that it expected to determine its position on the question of ownership of IR 63 very shortly. The Respondent shall state its position on the IR 63 ownership issue before the next CMC.

[6] The Claimant also reported that it intends to call additional oral history evidence pertaining to the issue of the validity of the surrender. Before the next CMC, the Claimant shall identify oral history witnesses it intends to present at this hearing and shall consider the timing of the production of Will-Says.

[7] The Parties were in general agreement that an evidentiary hearing for both expert and additional oral history testimony might be held in advance of oral submissions. Before the next CMC, the Parties shall give this option further thought and consider whether this hearing might be held in the fall of 2017, depending on when the exchange of expert reports might be completed. The Claimant shall also consider the potential location of this hearing.

[8] Before the next CMC, the Parties shall also decide on whether or not the three Gamblers First Nation Claims (SCT-4001-13; 4001-15; 4002-15) will be heard together at the same evidentiary hearing.

[9] The CMC will be held by teleconference on **May 8, 2017**, at 10:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen