

FILE NO.: SCT-7004-12
DATE: 20130627

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
LAKE BABINE NATION)	
)	Leah Pence and Maria Morellato, for the
)	Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Kelli Bodnar and Tanya Jorgenson, for the
Affairs and Northern Development)	Respondent
)	
Respondent)	
)	
)	
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)	

ORDER

Honourable Harry Slade

Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, and upon the request of the parties, **THE TRIBUNAL ORDERS that:**

[1] The hearing of this claim will proceed in separate stages;

[2] The issues of validity and compensation will be bifurcated, and the Tribunal will determine the validity of the claim first by holding a hearing and rendering its decision;

[3] The hearing on validity will address the compensation principles to be applied with respect to the compensation stage of this claim, if liability is found to exist;

[4] The second stage of this claim pertaining to compensation, if necessary, will not be heard until the issue of validity is decided and the parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

[5] Should one of the parties seek judicial review of the Tribunal's decision on validity by the Federal Court of Appeal, that party will provide notice to the Tribunal via email of significant steps taken in the application for judicial review;

[6] Should one of the parties appeal the Federal Court of Appeal's decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via email of significant steps in the appeal; and

[7] If the claim is found to be valid, a Case Management Conference will, notwithstanding any proceedings taken for judicial review or appeal, be held to consider the steps to be taken, if any, to prepare for the hearing on compensation.

[8] The Parties will file a fresh Amended Declaration of Claim and Response without markups.

HARRY SLADE

Honourable Harry Slade
Specific Claims Tribunal Canada