

**SPECIFIC CLAIMS TRIBUNAL**

**BETWEEN:**

**MIKISEW CREE FIRST NATION**

SPECIFIC CLAIMS TRIBUNAL	
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES	
May 25, 2015	
Nicholas Young	
Ottawa, ON	32

**Claimant**

v.

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**  
As represented by the Minister of Indian Affairs  
and Northern Development

**Respondent**

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**RESPONSE TO APPLICATION  
TO AMEND DECLARATION OF CLAIM  
Pursuant to Rules 34 and 35 of the  
*Specific Claims Tribunal Rules of Practice and Procedure***

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This Response is filed under the provisions of the *Specific Claims Tribunal Act* and the *Specific Claims Tribunal Rules of Practice and Procedure*.

TO:

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**I. Response of Her Majesty the Queen in the Right of Canada ("Canada") (R. 35)**

1. Canada opposes the application for an Order permitting the Claimant to amend the Declaration of Claim.

**II. Grounds Relied Upon (R. 35)**

2. Canada opposes the application on the following grounds:
  - a. Prejudice flowing from the notices due under section 37 of the *Specific Claims Tribunal Act*, SC 2008, c 22 (the "SCT Act") and from impact on the parties documentary productions; and
  - b. The proposed amendments constitute "treaty take-down" allegations outside the limited scope of section 15 of the *SCT Act* and the proposed amendments purport to relitigate matters already resolved by the parties, and are accordingly barred by the doctrines of abuse of process and *res judicata*.

**III. Material in Support**

3. Canada relies on the following material:
  - a. the pleadings filed in these proceedings to date;
  - b. the *SCT Act*;
  - c. the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/20 11-119;
  - d. the *Federal Courts Rules*, SOR/98-106; and
  - e. such further and other material as counsel may advise and the Tribunal may permit.

Dated this 25<sup>th</sup> day of May, 2015.

William F. Pentney, Q.C.  
Deputy Attorney General of Canada

  
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