

FILE NO.: SCT-4001-12 and SCT-4001-13
DATE: 20161208

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
WAYWAYSEECAPPO FIRST NATION) Earl C. Stevenson, for the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Paul Anderson and Kristine Whittaker, for
As represented by the Minister of Indian) the Respondent
Affairs and Northern Development)
Respondent)
)
)
AND BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen M. Pillipow and Adam Touet, for
Claimant) the Claimant
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Paul Anderson and Kristine Whittaker, for
Affairs and Northern Development) the Respondent
Respondent)
)
)
) **HEARD:** December 5, 2016
)
)

ENDORSEMENT AND ORDER

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on December 5, 2016, at 11:00 A.M., Eastern Time (Ottawa).

[1] Counsel for Waywayseecappo First Nation participated briefly in the teleconference to confirm that that First Nation had withdrawn its Claim (SCT-4001-12) and pending Applications for party status in SCT-4001-15 and SCT-4002-15, and that Waywayseecappo First Nation would not be participating further at this time.

[2] Upon consent of the Parties, **THE TRIBUNAL ORDERS that:**

- a) The Order granted by the Honourable H. Slade, Chairperson on December 4, 2013, ordering that the proceedings in SCT-4001-12 and SCT-4001-13 be heard together, is hereby vacated.

[3] There was consensus that as a result of Waywayseecappo First Nation's withdrawal from the proceeding, the complexion of the litigation in respect of the three Gamblers' Claims (SCT-4001-13; SCT-4001-15; and, SCT-4002-15) has changed significantly, including potentially in respect of: the evidentiary status of the Lockhart and Holmes Reports; the direction the Respondent's responding experts would now take; whether land use and valuation reports would be necessary; the status of documents required; the use of oral history taken; and, revision of a draft Agreed Statement of Facts and Agreed Statement of Issues. The Parties need some time to consider these issues and to discuss them between counsel.

[4] The Claimant reported that it is in discussions with the Respondent regarding how to proceed with the three Gamblers' Claims and whether they might be heard together at one hearing.

[5] These matters will be addressed at the next CMC as well as how to expedite the Claims to hearing.

[6] The CMC will be held by teleconference on **January 31, 2017**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen