

FILE NO.: SCT-7006-11
DATE: 20150611

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
HUU-AY-AHT FIRST NATIONS)	
)	Kate Blomfield and Emma Hume, for the
)	Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Chris Elsner, James MacKenzie and
Affairs and Northern Development)	Deborah McIntosh, for the Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: June 5, 2015

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on June 5, 2015, at 2:00 P.M, Eastern Time (Ottawa).

[1] The Parties reported that they had exchanged their Experts' Reports on accounting analysis, including additional documents received by the Respondent through its expert's research.

[2] The Parties further reported that they are attempting to resolve questions respecting the calculation of monies received by the Claimant for the timber in question, failing which, the Claimant seeks leave to file an Application to resolve the matter before the conduct of the final Phase Two Hearing. In the event that these differences cannot be resolved by agreement, leave to file an Application is granted and the potential Application will be heard by videoconference on **September 9, 2015**, at 1:00 P.M., Eastern Time (Ottawa) with materials to be filed as follows:

- (a) the Claimant's Application on or before **July 20, 2015**;
- (b) the Respondent's Response on or before **August 21, 2015**;
- (c) the Claimant's Reply (limited to new matters raised in the Response not addressed in the Application) on or before **August 31, 2015**.

[3] The Parties have agreed and it is directed that they exchange their experts' final carry forward reports as follows:

- (a) the Claimant's Expert's Report on or before **September 11, 2015**;
- (b) the Respondent's Expert's Responding Report on or before **November 12, 2015**,
and;
- (c) any Claimant's Expert's Reply (limited to new matters raised in the Respondent's Expert's Report) on or before **December 11, 2015**.

[4] The Parties are directed to prepare a Common Book of Documents for the Phase Two Hearing in respect of documents not already contained in the Common Book of Documents filed for the Phase One Hearing. The Parties agreed to explore the merits of an Agreed Statement of Facts in respect of the issues to be determined in the Phase Two Hearing. The Parties are directed to file a joint status report or separate status reports on the question on or before **December 18, 2015**.

[5] The Phase Two Compensation Hearing will be held in two parts, the first to receive the evidence of the experts. At the request of the Parties, this Evidentiary Hearing will be held in Vancouver, British Columbia, commencing at 10 A.M., on **January 25, 2016**, and continuing through **January 29, 2016**.

[6] The Parties are directed to file their Written Submissions as follows:

- (a) the Claimant on or before **February 26, 2016**;
- (b) the Respondent on or before **March 24, 2016**, and;
- (c) the Claimant's Reply (limited to new matters raised in the Respondent's Written Submissions) on or before **April 8, 2016**.

[7] The Parties are requested to compile all of the cases or other authorities they intend to refer to or to rely upon in a Joint Casebook, and the cases contained therein shall consist of the full text of each case.

[8] Oral submissions of the Parties shall be received commencing on **April 19, 2016** at 10:00 A.M. and continuing through **April 21, 2016**. The Tribunal expressed that it is prepared to conduct all hearings in the Claimant's community. However, Claimant's counsel wished to consult with their client and confer with the Respondent. The Parties are directed to report their wishes to the Tribunal in writing on or before **December 18, 2015**.

[9] The Parties agreed that their experts shall confer with each other on or before **January 8, 2016**, on a without prejudice basis and without counsel present. The experts shall deliver to counsel a brief written report summarizing their agreement and disagreement on respective methodologies on or before **January 15, 2016**. The Parties agreed to work cooperatively on a protocol for such a meeting. The Parties are at liberty to schedule a CMC at a time of mutual convenience if they require the Tribunal's assistance in arranging this meeting of experts.

[10] A Pre-Hearing Conference will be held by teleconference on **January 8, 2016**, at 2:00 P.M., Eastern Time (Ottawa) for which Parties are required to file their Briefs on or before **January 5, 2016**.

W.L. WHALEN

Honourable W.L. Whalen