

FILE NO.: SCT-5004-11
DATE: 20150126

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
KAHKEWISTAHAW FIRST NATION)
) Stephen M. Phillipow and Adam Touet, for
) the Claimant
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Lauri Miller, for the Respondent
Affairs and Northern Development)
)
)
Respondent)
)
)
)
) **HEARD:** January 23, 2015

ENDORSEMENT

Honourable W.L. Whalen

A hearing on the Application of the Admissibility of the Patricia Zacharias Report was held by videoconference on January 23, 2015, at 10:30 A.M. Eastern Time (Ottawa) followed by a Case Management Conference (CMC) at 11:50 A.M..

[1] The Parties shall file the Patricia Zacharias Report with irrelevant sections blacked out or removed, on or by **January 28, 2015**. If the Respondent wishes to reply to the modified Patricia

Zacharias Report, it shall notify the Tribunal on or by **February 11, 2015**, at which time the Tribunal shall schedule a CMC by teleconference.

[2] The Respondent's research for additional Band Council Resolutions and audited financial statements by the Auditor General has been delayed because the documents have been archived at a variety of locations requiring special permissions to access. The Respondent is hopeful that it will be in a position to produce the final product of this research by mid-March 2015. The Claimant will then require some time to examine the documents.

[3] Joan Holmes & Associates has prepared a Categorization Report based on current documents but this Report will have to be modified as a result of additional documents that will be produced by the Respondent's further research. This was expected and will require about one month to complete from the time the additional documents are received. The Report divides expenditures into "allowable" and "non-allowable." There is some disagreement as to categorization of expenditures under these categories. Once the document research and production is complete, the Parties will be in a position to give attention to areas of disagreement in categorization.

[4] The Parties have developed a Common Book of Documents that cannot be completed until the further document research is complete. The Respondent stated concern with the number of documents already identified (about 2,000) and expressed a desire to explore reduction in the number of documents.

[5] The Parties have discussed an Agreed Statement of Facts but are not able to agree beyond very basic facts.

[6] The next CMC will be held by teleconference on **April 22, 2015**, at 11:00 A.M. Eastern Time (Ottawa).

W.L. WHALEN

Honourable W. L. Whalen