

FILE NO.: SCT-3001-14
DATE: 20170427

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SHOAL LAKE NO. 40 FIRST NATION)	
)	Bruce McIvor and Kate Gunn, for the
Claimant)	Claimant
)	
– and –)	
)	
ISKATEWIZAAGEGAN NO. 39)	
INDEPENDENT FIRST NATION)	Terence Douglas, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Joseph Langan and Jean-Daniel Boulet, for
Affairs and Northern Development)	the Respondent
)	
Respondent)	
)	
)	
)	
)	HEARD: April 20, 2017

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on April 20, 2017, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Claimant Shoal Lake No. 40 First Nation reported that due to severely limited internal capacity issues, it regrettably could not organize in time to meet the timeline scheduled

for the oral history evidence hearing set for May 2-4, 2017. It has endeavoured to determine when it could proceed with this hearing as soon as it is feasible in these circumstances.

[2] On or before **April 28, 2017**, the Claimant Shoal Lake No. 40 First Nation shall advise whether or not it is available for a hearing during the week of June 19, 2017. If the Claimant is not available for a hearing during that week, the Claimant shall make best efforts to advise the Tribunal on what dates might be or would be feasible for this hearing.

[3] The Respondent indicated that as concerns the Will-Say Statements of the Claimant Shoal Lake No. 40 First Nation, the Respondent would appreciate receiving them as soon as it is possible before the oral history evidence hearing, preferably at least two weeks before the hearing. However, it recognizes that there may be some challenges in producing those prior to the hearing if it were to proceed during the week of June 19, 2017.

[4] The Parties have informed the Tribunal that following the last CMC, they had commenced without prejudice discussions regarding the identification and resolution of liability issues related to the Claim. Discussions are ongoing and the Claimants look forward to the Respondent's response on this matter as soon as possible.

[5] The Parties also expressed the view that if a negotiated resolution is not achievable, then the Parties would like to explore the possibility of engaging in Tribunal assisted mediation.

[6] The Respondent noted that if this Claim were to go to a hearing, it was opining for the first time on whether this Claim would benefit from bifurcation, whereby findings of liability are determined before questions of compensation are addressed. The Claimants indicated that they would consider the possibility of bifurcation further.

[7] The Respondent indicated that at this time it continues to claim settlement privilege over the appraisal report of Mr. Rod Cook of Kent McPherson, dated November 17, 2011. The Respondent suggested this matter be deferred until such time as issues of compensation are before the Tribunal.

[8] The next CMC will be held by teleconference on **May 4, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

Honourable Paul Mayer