

FILE NO.: SCT-4002-12
DATE: 20140526

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
BROKENHEAD OJIBWAY FIRST)
NATION) Michael Bailey and Sheryl A. Manychief,
) for the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Jeff Echols, for the Respondent
As represented by the Minister of Indian)
Affairs and Northern Development)
)
)
Respondent)
)
)
) **HEARD:** May 26, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on May 26, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Parties confirmed that as a result of expert advice the Claimant had advised the Respondent by letter on Friday, May 23, 2014, that it required production of copies of all agreements entered into by Canada granting rights of way or easements over lands on Treaty No.

1 and Treaty No. 2 territories in Manitoba between 1925 and 1955. The Respondent acknowledged receipt of that letter and that it narrowed the search area geographically although the time frame of 30 years may add complication. Respondent's counsel indicated that he must seek instructions, which he thought he could obtain within the next two weeks. He will advise the Claimant accordingly and counsel will discuss how the issue will move forward.

[2] While the Claimant has identified an elder who it proposes will give oral history evidence, no steps have been taken to prepare a Will-Say outlining that evidence. The Claimant is concerned that there be consensus on a protocol and process for receiving the oral history testimony. The Respondent is concerned about the necessity and relevancy of that evidence given the number of documents that exist to inform on the facts and issues in dispute. Counsel undertook to confer about their respective concerns before the next CMC so that a process and timeline might be developed at that time.

[3] The next CMC will be held by teleconference on Thursday, June 26, 2014, at 11:00 A.M., Eastern Time (Ottawa).

W.L WHALEN

Honourable W.L. Whalen