

FILE NO.: SCT-5001-13

DATE: 20140227

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:

KAWACATOOSE FIRST NATION,
PASQUA FIRST NATION, PIAPOT
FIRST NATION, MUSCOWPETUNG
FIRST NATION, GEORGE GORDON
FIRST NATION, MUSKOWEKWAN
FIRST NATION AND DAY STAR FIRST
NATION

Claimants

David Knoll, for the Claimants

– and –

STAR BLANKET FIRST NATION

Claimant

Aaron Starr, for the Claimant

– and –

LITTLE BLACK BEAR FIRST NATION

Claimant

Jamie Hammersmith, for the Claimant

– and –

HER MAJESTY THE QUEEN IN RIGHT
OF CANADA

As represented by the Minister of Indian
Affairs and Northern Development

Respondent

Lauri Miller, for the Respondent

HEARD: February 26, 2014

ENDORSEMENT

Honourable W.L. Whalen

[1] Mr. Mervin Phillips, auditing on behalf of Standing Buffalo Dakota First Nation, confirmed that the First Nation had not been able to extricate itself from Federal Court Action T-1616-11 involving the same subject matter or to move that action into abeyance. Therefore, the Standing Buffalo Dakota First Nation cannot have status or participate in the present action before the Tribunal.

[2] Upon consent, Star Blanket First Nation and Little Black Bear First Nation shall be added as Claimants to the present claim and each First Nation shall file and serve a Declaration of Claim no later than March 31, 2014.

[3] The Respondent reported that it had served its Amended Response to the Claimant's Amended Declaration of Claim. The Respondent reported that at the beginning of the proceeding it had commenced further expert research for relevant documents not already identified and produced. That research had just been completed and documents submitted to the Respondent, which the Respondent will shortly produce to the other Parties. The Respondent indicated that it was continuing the document research in view of and in relation to the added claims and allegations in the Amended Declaration of Claim. Except in the case that unforeseen complications arise, the Respondent expects this additional research and production will be completed by the end of April 2014. The Respondent does not expect that the Declarations of Claim to be filed by the new Parties will have an impact on the production process.

[4] Documents already produced by the Respondent were those that had been produced in the Ministerial specific claims process. Counsel for Star Blanket First Nation and Little Black Bear First Nation confirmed that they either had those earlier documents or had access to them. The Claimants will search their records for documents not already produced and produce such documents before the next CMC.

[5] The Parties indicated their readiness to cooperate in the preparation of a Common Book of Documents and an Agreed Statement of Facts, neither of which can proceed until the production of documents is complete. This issue will be revisited at the next CMC.

[6] The Parties agreed that the question of bifurcation of the hearing is premature and will be reconsidered at the next CMC.

[7] All of the First Nation Claimants intend to call oral history evidence to be presented by elders. Little Black Bear First Nation has identified the elders it intends to call upon and the other First Nations are in the process of doing so. The Parties are cooperating in a process that will develop the presentation of this evidence in an efficient, fair and respectful manner. It is anticipated that the elders will be identified to the Respondent. Each elder's anticipated evidence will be provided by Will Say Statements and the Respondent and other Claimants may submit Will Ask Statements, after which the elders will be questioned viva voce at a scheduled preliminary hearing before the Tribunal. This issue will be reviewed at the next CMC.

[8] The Kawacatoose First Nation confirmed its intention to rely on certain documents that the Respondent objects to as being subject to settlement privilege. The Parties were asked to review this issue in view of the addition of the new Parties and to be prepared at the next CMC to address the scheduling of an application if they cannot resolve the matter themselves.

[9] The next CMC will take place on Wednesday, May 28, 2014 at 1 P.M. Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada