

FILE NO.: SCT-7002-15
DATE: 20190114

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KITASOO XAI'XAIS NATION)	Amy Jo Scherman and Devrin Froese, for
)	the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Richelle Rae and Fred Wan, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: January 9, 2019

ENDORSEMENT

Honourable William Grist

A Case Management Conference (CMC) was held by teleconference on January 9, 2019, at 3:00 P.M., Eastern Time (Ottawa).

[1] The Respondent reported that its expert has been unavailable for the past few months, but the Respondent expects to communicate very soon with its expert. The Respondent agreed to advise the Tribunal in writing on or before **February 8, 2019**, about the expected timeline for the completion of its expert report.

[2] The Claimant reported that it continues to pursue the consents necessary to finalize the confidentiality agreement relating to documents underlying its expert report. The Parties expressed optimism that they will achieve agreement on the draft confidentiality order prior to the next CMC.

[3] The Parties agreed to initiate preliminary work on the Agreed Statement of Facts (ASOF), Agreed Statement of Issues (ASOI), and Common Book of Documents (CBD).

[4] No hearing dates and venues have been scheduled to date.

[5] For the oral history evidence hearing and site visit, the best time frame for safe travel to Klemtu, British Columbia, is May to September. The Claimant prefers to wait until after receiving the Respondent's expert report to schedule the oral history evidence hearing and site visit. The Tribunal expressed concern about delays and preservation of evidence. The Claimant expressed concern about additional costs if the oral history evidence hearing occurred prior to receipt of the Respondent's expert report and then a supplementary oral history evidence hearing became necessary. The Claimant will consider its options prior to the next CMC. Dates for the oral history evidence hearing and site visit will be discussed at the next CMC.

[6] Regarding expert evidence and oral submissions on the validity of the Claim, the Claimant will seek instructions to determine: (a) whether the expert evidence will be heard in conjunction with oral submissions on the validity of the Claim, or scheduled for a separate, earlier date; and, (b) the Claimant's preferred locations for the hearing or hearings.

[7] At the next CMC, the following will be discussed:

- a. The status of the Respondent's expert report;
- b. The status of the draft confidentiality order, ASOF, ASOI and CBD;
- c. Dates for the oral history evidence hearing and site visit; and,
- d. How and where expert evidence and oral submissions on validity will be heard, including the Parties' best estimates of the time frame for the hearing or hearings.

[8] The next CMC will be held on the soonest date after March 1, 2019, that is convenient to the Parties' schedules. The Parties will notify the Registry of their preferred date and time for the CMC.

WILLIAM GRIST

Honourable William Grist