

FILE NO.: SCT-5001-16
DATE: 20190205

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KEESEEKOOSE FIRST NATION)	
)	Steven W. Carey and Amy Barrington, for
)	the Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Donna Harris, for the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
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)	
)	HEARD: January 28, 2019

ENDORSEMENT

Honourable Harry Slade, Chairperson

A Case Management Conference (CMC) was held by teleconference on January 28, 2019, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Respondent reported that it has received a mandate to negotiate compensation and has notified the Claimant that the Claim has been accepted for negotiation.

[2] The Claimant reported that it has sent a Band Council Resolution (BCR) accepting the Respondent's offer to enter negotiations on compensation.

[3] The Respondent explained that once it receives the BCR, a federal negotiator can be appointed and the documents necessary to achieve a Negotiation Protocol can be circulated.

[4] The Tribunal emphasized that the Claim has not yet been stayed and in the absence of a stay, the necessary steps to move the Claim toward a hearing should be underway.

[5] Most especially, any steps that apply to both processes should be pursued diligently. For example, if negotiations require one or more expert reports, then steps toward their preparation could be taken in a manner that would also be preparatory for a hearing, to increase the efficiency of resolution in the event that negotiations fail.

[6] The following will be addressed at the next CMC:

- a. Items 1 to 4 in the Memorandum to Counsel dated November 2, 2018, relating to expert reports, including the retention of experts, provisions of instructions, terms of reference and a timeline, as well as the Parties' views on bring forward methodology for loss of use;
- b. Status of the Negotiation Protocol;
- c. Whether the Parties intend to apply for a stay of proceedings, taking into consideration Practice Direction # 15; and,
- d. Any other practical and procedural steps the Parties have undertaken to progress the Claim, bearing in mind considerations of confidentiality.

[7] The next CMC will be held by teleconference on **March 5, 2019**, at 3:00 P.M., Eastern Time (Ottawa).

HARRY SLADE

Honourable Harry Slade, Chairperson