

FILE NO.: SCT-5003-13
DATE: 20170712

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
SAULTEAUX FIRST NATION)
) Sheryl A. Manychief, for the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) David C. Culleton and Donna L. Harris, for
Affairs and Northern Development) the Respondent
)
Respondent)
)
)
)
) **HEARD:** July 5, 2017

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on July 5, 2017, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Respondent delivered a draft Agreed Statement of Facts on June 21, 2017, to which the Claimant will respond on or before **July 31, 2017**.

[2] The Parties have exchanged lists of documents for a Common Book of Documents. Subject to documents that may be discovered by the experts, the Common Book of Documents is in an advanced state of preparation.

[3] The Respondent delivered a draft Agreed Statement of Issues to the Claimant on May 3, 2017. The Claimant indicated that it would be discussing areas of disagreement in the draft with the Respondent in the near future. Progress on an Agreed Statement of Issues will be reviewed at the next CMC.

[4] The Claimant clarified that it intends to produce three expert reports: (1) an appraisal report in three phases: (a) highest and best use of the lands in question; (b) value of the lands at that highest and best use at the time of the alleged breach (historical/retrospective value); and, (c) current market value of the lands at that highest and best use; (2) a loss of use report in respect of the lands in question; and, (3) a tracing report in respect of the use of certain funds paid to the Claimant in 1960. The Claimant has produced the three phases of the appraisal report but not the other two reports, which are still in preparation. The Claimant will identify the experts and the terms of reference for the loss of use and tracing reports to the Respondent on or before **July 14, 2017**, so that the Respondent can start thinking about responding experts if required. Progress on completion of these reports will be reviewed at the next CMC, if they are not produced before then.

[5] The Respondent observed that this was the first clear indication by the Claimant that it is obtaining a tracing report by a separate expert. The Respondent also expressed concern that the Declaration of Claim may require amendment to accommodate the tracing issue if there is a new allegation regarding the impropriety of the use of these funds, in which case the tracing issue may be a new claim on its own and outside the Tribunal's jurisdiction because the Minister has not had the opportunity to consider it. The Claimant provided no response to this matter at the time.

[6] The Respondent indicated that Mr. Hal Love had been engaged to provide a responding expert report to the third phase of the Claimant's expert appraisal report. Progress on this report will be reviewed at the next CMC. Mr. Love has already prepared a response to phases one and

two of the Claimant's expert appraisal report, to which the Claimant's expert will reply on or before **August 11, 2017**.

[7] The Respondent repeated its intention to bring an Application for bifurcation when the expert reports have been completed and exchanged.

[8] The next CMC will be held by teleconference on **September 27, 2017**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen