

SPECIFIC CLAIMS TRIBUNAL		
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**File Nos.: SCT 4001-12 / SCT 4001-13**

**SPECIFIC CLAIMS TRIBUNAL**

**SCT File No.: 4001-13**  
BETWEEN:

GAMBLERS FIRST NATION  
Claimant

v.

HER MAJESTY THE QUEEN IN RIGHT  
OF CANADA  
As represented by the Minister of Indian  
Affairs and Northern Development

Respondent

**SCT File No.: 4001-12**  
BETWEEN:

WAYWAYSEECAPPO FIRST NATION  
Claimant

v.

HER MAJESTY THE QUEEN IN RIGHT  
OF CANADA  
As represented by the Minister of Indian  
Affairs and Northern Development

Respondent

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**WAYWAYSEECAPPO FIRST NATION  
RESPONSE ON THE ISSUE OF THE ADMISSIBILITY OF EXPERT EVIDENCE  
OF DOROTHY A. LOCKHART**

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TO: HER MAJESTY THE QUEEN IN RIGHT OF CANADA  
Department of Justice Canada  
Suite 301 – 310 Broadway  
Winnipeg, MB R3C 0S6  
Tel: (204) 984-7590  
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Per: Mr. Jeff Echols  
Solicitors for the Respondent

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**RESPONSE ON THE ISSUE OF ADMISSIBILITY OF EXPERT EVIDENCE OF  
DOROTHY A. LOCKHART**

1. The Waywayseecappo First Nation (the "Claimant") opposes the Respondent's Application for an Order that the Lockhart Analysis and Lockhart Report, titled *1880 and 1881 Waywayseecappo Band Population Study* prepared by Lockhart & Associates is inadmissible as evidence in the Claims.

2. In its Declaration of Claim, the Claimant alleges that the Respondent breached treaty, trust, fiduciary and equitable duties through allowing its self-interests to conflict with its obligations owed to the Claimant.
3. The Claimant submits that the Lockhart Report provides necessary and relevant insight to the issues raised in the Claim all of which would be critical to the trier of fact's understanding. The Claimant will rely upon the most salient portions of the Lockhart Report at the hearing of this matter.
4. The Claimant submits that the Lockhart Report author is a properly qualified expert and have acquired a special or peculiar knowledge through study and experience in respect of the matters contained within the said report.
5. The Claimant further submits that the Lockhart Report does not contravene any exclusionary rules related to expert evidence.
6. As a result, the Claimant submits that the criteria has been met in order for the Lockhart Report to be admitted as expert evidence in this matter. Finally, the Claimant submits that the probative value of the Lockhart Report far exceeds the prejudicial effect of the report, if any exists.
7. The Claimant requests that the Application of the Respondent be dismissed.

**DATED** this 9<sup>th</sup> day of March, 2015.



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J.R. Norman Boudreau / Earl C. Stevenson  
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