

FILE NO.: SCT-5001-13
DATE: 20160118

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
KAWACATOOSE FIRST NATION,)
PASQUA FIRST NATION, PIAPOT) David Knoll, for the Claimants
FIRST NATION, MUSCOWPETUNG)
FIRST NATION, GEORGE GORDON)
FIRST NATION, MUSKOWEKWAN)
FIRST NATION AND DAY STAR FIRST)
NATION)
Claimants)
)
- and -)
)
STAR BLANKET FIRST NATION) Aaron B. Starr, for the Claimant
Claimant)
)
- and -)
)
LITTLE BLACK BEAR FIRST NATION) Aaron Christoff, for the Claimant
Claimant)
)
- and -)
)
STANDING BUFFALO DAKOTA FIRST) Mervin C. Phillips and Leane Phillips, for
NATION) the Claimant
Claimant)
)
- and -)
)
PEEPEEKISIS FIRST NATION) T. J. Waller, Q.C., for the Claimant
Claimant)
)
)
- and -)
)
)

HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Lauri M. Miller and Donna Harris, for the
Affairs and Northern Development)	Respondent
)	
Respondent)	
)	
)	

HEARD: January 7, 2016

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on January 7, 2016, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Claimants reported that they had conferred and reached a consensus reply to the Respondent’s earlier delivered draft Statement of Issues. The Respondent is in the process of reviewing that consensus response and believes that the Statement of Issues can be resolved co-operatively and by agreement. Progress on the Statement of Issues will be reviewed at the next CMC.

[2] The Respondent reported that it had received responses from the Claimants in respect of its proposed Common Book of Documents, and will reply by **January 31, 2016**. Subject to further documents that may arise out of Standing Buffalo Dakota First Nation’s expert report and the result of the Application heard on October 19, 2015, the Parties believe that they can agree to and complete a Common Book of Documents. Progress on the Common Book of Documents will be reviewed at the next CMC.

[3] There was general discussion on the scope of an Agreed Statement of Facts. The Claimants Kawacatoose First Nation et al undertook to do a first draft of an Agreed Statement of Facts for the standing sub-phase, which it will circulate for comment and suggestion to the other Claimants, then to the Respondent if there is consensus amongst the Claimants. Progress on the preparation of an Agreed Statement of Facts will be reviewed at the next CMC.

[4] The Parties have identified their proposed oral history witnesses and delivered Will-Say statements for those witnesses. The Claimants Kawacatoose First Nation et al reported that they were expanding the detail in the Will-Say statements they had submitted and they will produce these expanded Will-Say statements by **February 29, 2016**.

[5] There was a lengthy discussion of the content of Will-Say statements, in light of the Respondent's request for additional detail and case law on establishing the foundation for oral history testimony, in particular *Tsilhqot'in Nation v British Columbia*, 2004 BCSC 148 (*Tsilhqot'in*). The Respondent, with the agreement of the other Parties, agreed to supplement the Oral History Protocol, which had been largely agreed, to address the information listed at paragraph 19 of *Tsilhqot'in* and to provide a period in which the Respondent could articulate questions or objections to the Will-Say statements prior to the oral history hearing. The revised Oral History Protocol shall be filed with the Tribunal by **February 29, 2016**. It was further agreed that the Claimants would provide the requested additional background information on witnesses in the form of preambles to the existing Will-Say statements on or before the date agreed in the Oral History Protocol.

[6] Standing Buffalo Dakota First Nation reported that it would require an interpreter in the Dakota language at the oral history evidence hearing.

[7] Standing Buffalo Dakota First Nation indicated that it would provide the interpreter, who it would identify to the other Parties on or before **February 29, 2016**.

[8] Standing Buffalo Dakota First Nation will file with the Tribunal and deliver to the other Parties a written status report on the progress of its expert's report by **February 29, 2016**. The Respondent and other Parties indicated that they must review this expert report in order to decide whether any one of them will require a responding expert report. Progress on the completion of Standing Buffalo Dakota First Nation's expert report will be reviewed at the next CMC.

[9] An oral history evidence hearing will take place at Fort Qu'Appelle at the Treaty 4 Grounds commencing at 10:00 A.M., on **June 20, 2016** and continuing on June 21, 22, 23 and 24, 2016. The Parties are to prepare an order of witnesses and schedule for their giving testimony, which is to be filed with the Tribunal on or before **May 31, 2016**.

[10] The next CMC will be held in person on **June 20, 2016** at 10:00 A.M., in Fort Qu'Appelle, prior to the oral history evidence hearing or at some other time during the day as agreed.

W.L. WHALEN

Honourable W.L. Whalen