

FILE NO.: SCT-7005-11
DATE: 20181011

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
POPKUM FIRST NATION)	
)	Allan Donovan and Kenji Tokawa, for the
)	Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Erin Tully and Aneil Singh, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: October 10, 2018

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on October 10, 2018, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Tribunal summarized the Respondent’s position, as set out in its brief filed on October 4, 2018, that the approval process for settlements depends on the size of the settlement, that the full extent of what the Respondent can reveal is that a briefing note had been prepared

for the Minister, and that the Respondent cannot predict what the Minister will decide, how long it will take the Minister to reach her decision, or whether the Minister will be the final decision maker.

[2] The Respondent agreed with the Tribunal's summary of its position.

[3] The Tribunal summarized the Claimant's position, as set out in its brief filed on October 4, 2018, that the Respondent continues to be opaque by not advising when or whether it will obtain a mandate to settle this Claim, and that the negotiation and reconciliation process continues to be frustrated by this opacity and the inability of the Respondent to obtain a mandate in a timely manner.

[4] The Claimant agreed with the Tribunal's summary of its position.

[5] The Claimant indicated that it needs to know when the Respondent will make a decision on the tentative settlement in order to help it make an informed decision as to whether to rekindle the litigation or to continue waiting for a decision from the Respondent.

[6] The Tribunal indicated that when the Parties negotiate a dispute, they are required to do so in good faith and to be transparent with each other, and they are required to cooperate actively in searching for a solution.

[7] Eight months have passed since the tentative settlement was reached. The Tribunal considers that in the interests of courtesy and transparency, the Respondent should let the Claimant know the status of the approval process.

[8] The Respondent undertook to inquire, on or before **October 24, 2018**, as to the timeline for when the Minister might make a decision with respect to the tentative settlement, and to provide a response in writing to the Claimant.

[9] Both Parties confirmed that should the Claimant decide, based on the response received from the Respondent, to reignite the litigation, they are available for a compensation hearing commencing the week of February 18, 2019.

[10] The next CMC will be held by teleconference on **November 6, 2018**, at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

Honourable Paul Mayer