

FILE NO.: SCT-5001-13
DATE: 20160706

**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 and Ryan Lake, for the
Claimant) Claimant
)
)
- and -)
)
STANDING BUFFALO DAKOTA FIRST)
NATION) Mervin C. Phillips and Leane Phillips, for
Claimant) the Claimant
)
)
- and -)
)
PEEPEEKISIS FIRST NATION)
Claimant) T.J. Waller, Q.C., for the Claimant
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- and -)
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HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	
Affairs and Northern Development)	Lauri M. Miller and Donna Harris, for the
)	Respondent
Respondent)	
)	
)	

HEARD: June 10, 2016

AMENDED ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on June 10, 2016, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Parties reported that they had completed an Agreed Statement of Issues for the standing sub-phase. They will sign it at the upcoming oral history evidence hearing, and then file it.

[2] The Claimant, Kawacatoose First Nation, reported that it had circulated a draft Agreed Statement of Facts to the other Claimants, but that it had not received a response from all of the Claimants as to their concurrence or suggestions. The Claimants are to respond to the Claimant, Kawacatoose First Nation with concurrence or suggestions in respect of the proposed Agreed Statement of Facts as soon as possible, to ensure that the Respondent is provided with a copy of the draft Agreed Statement of Facts on or before **July 15, 2016**. Progress will be reviewed at the next CMC.

[3] The Parties continue to work on the Common Book of Documents, but prefer to wait until after the oral history evidence hearing has been held to finalize the Common Book of Documents. The Parties shall report on the status of the Common Book of Documents at the next CMC. If agreement cannot be reached on the inclusion of exclusion of certain documents, the

Parties should be prepared to bring the appropriate Application, which may be scheduled at the next CMC.

[4] It was reported that the originally agreed translator, Mr. Dale McKay, could no longer participate in the upcoming oral history evidence hearing. Mr. Harold Blacksmith is prepared to act as a translator and all of the Parties confirmed their agreement. Only Standing Buffalo Dakota First Nation will require the assistance of the translator.

[5] The Parties confirmed that they are all ready to proceed with the oral history evidence hearing scheduled to commence at 10:00 A.M. on June 20, 2016, at Fort Qu'Appelle, Saskatchewan. The Registry will provide each of the Parties with directions on how to arrive at the Fort Qu'Appelle hearing location from Regina, Saskatchewan.

[6] There was consensus that some elder witnesses may be introduced by their Chief or Deputy Chief, who would be sworn to acknowledge the solemnity of the situation. Where there is no such introduction or to the extent that the introduction is deficient in providing the elder's background, counsel may lead the witness to obtain that background.

[7] It was agreed that after a Claimant's elder has testified, other Claimants may pose questions if necessary and the Respondent may then cross-examine the witness. Where an elder presents a photograph (or other document) during his or her testimony, copies of that photograph should first be produced to counsel for the other Parties and the photograph should be suitable for deposit as an exhibit that will stay with the Tribunal.

[8] A schedule for the testimony of oral history elders was agreed as follows: for Kawacatoose First Nation et al on June 20, 2016; for Little Black Bear First Nation on June 21, 2016; for Star Blanket First Nation on the morning of June 22, 2016; for Peepeekisis First Nation on the afternoon of June 22, 2016; for Standing Buffalo Dakota First Nation on June 23, 2016. This schedule is subject to adjustment depending on the progress of each day's testimony. When one First Nation's elders are testifying, the elders for the other First Nation Parties will not be present in the hearing room.

[9] At the present time, only Standing Buffalo Dakota First Nation has filed an expert report in respect of the standing sub-phase of the proceeding. Kawacatoose First Nation et al indicated

that it did not intend to engage an expert but it might want one or more elders to respond to the report. The Respondent stated that it may wish to engage an expert but it wishes to hear the oral history testimony before deciding. Parties who have not yet engaged an expert for the standing sub-phase will form a position to be communicated by the next CMC, where the question will be reviewed.

[10] All of the other Parties indicated a desire to cross-examine Standing Buffalo Dakota's expert in respect of his report. There was a consensus that there should be an expert evidence hearing to receive this expert's report and to cross-examine him. Elders responding to the report would also testify at this hearing and any other experts engaged would testify too. The question will be reviewed at the next CMC.

[11] The next CMC will be held by teleconference on **August 29, 2016**, at 12:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen