

FILE NO.: SCT-5004-11
DATE: 20131125

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KAHKEWISTAHAW FIRST NATION)	
)	Stephen M. Pillipow and Adam Touet, for
)	the Claimant
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Lauri Miller and Donna Harris, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: November 21, 2013

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on November 21, 2013, at 11:00 A.M., Eastern Time (Ottawa).

[1] Counsel confirmed that document production is complete and a Common Book of Documents is in the late stages of completion.

[2] Claimant's counsel reported that their expert is in the process of analyzing the documents most recently produced. This has taken longer than originally anticipated. It is expected that the expert will report by mid-December 2013, and that report will be produced to the Respondent if the Claimant intends to rely upon it. All other completed Expert Reports that the Claimant intends to rely on have been provided to the Respondent.

[3] The Respondent indicated that it may conduct further research but that should not interfere with nor delay the normal progress of the claim.

[4] The Parties advised that they are progressing on the completion of an Agreed Statement of Facts. Counsels are co-operating and have met in that regard. Respondent's Counsel is currently working on a redraft, which they have undertaken to submit to the Claimant by the end of January 2014.

[5] The Parties reported that they are working to reach an agreement at least on the classification of expenditures. They are hopeful this will shorten the hearing process by avoiding the need to call experts to testify on the development of detailed financial evidence.

[6] Claimant's Counsel indicated they intended to file Expert Reports provided to date at the hearing, in lieu of *viva voce* testimony, unless the Respondent wishes to cross-examination an expert. The Respondent has not indicated whether it will produce an expert to deal with the issue of how First Nation funds have been managed historically under the *Indian Act*, or whether it will attempt to deal with the issue by affidavit through a Crown deponent.

[7] The next CMC will be held in late January or early February 2014, to be coordinated by the Registry, before the Honourable J. Mainville. During the CMC, the Parties will discuss the progress of the above issues and set a schedule for the further conduct of the claim as appropriate.

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada