

**CITATION: MAKWA SAHGAIEHCAN FIRST NATION
v. HER MAJESTY THE QUEEN IN THE RIGHT
OF CANADA**
TRIBUNAL FILE NO: SCT-5003-11
DATE: 4/23/2012

SPECIFIC CLAIMS TRIBUNAL – CANADA

RE: Makwa Sahgaiehcan First Nation
HEARD: April 20, 2012
BEFORE: Justice Johanne Mainville
COUNSEL: David Knoll, for the Makwa Sahgaiehcan First Nation
David Culleton and Lauri Miller, for Her Majesty the Queen in the Right of
Canada

ENDORSEMENT

[1] A Case Management Conference was held in Saskatoon on Friday April 20, 2012. Counsel agreed to the proposed procedural discussions and timeline for this proceeding.

[2] The following items are approved by the Tribunal:

- Counsel for the Claimant confirmed that there will be no request for ruling on the 1935 Surrender and Lease of Church of England Claim and the 1938 Surrender and Sale to Loon Lake Hospital Association Claim. These claims are currently in negotiation and not the subject matter of Tribunal proceedings.
- Counsel for the Claimant confirmed mistake in paragraph 4 of the Declaration of Claim. The date should be July 18, 2008 and not July 18, 2009.
- The Crown informed the Tribunal that in the SCT Form the name of the Respondent is *Her Majesty the Queen in the Right of Canada (as represented by the Minister of Aboriginal Affairs and Northern Development Canada)*. While this is the new designation of the Minister, no change has yet been

made in the legislation to confirm this new description. In the SCT Act, the designation is still that of the Minister of Indian Affairs and Northern Development.

The Crown would like that the Tribunal use the designation set out in the Act in its Forms.

The Tribunal will submit the request of the Crown to the Chairperson.

[3] The following timeline is approved by the Tribunal:

- The Claimant will undertake to notify the Tribunal whether they will be calling Elders evidence.
- The Crown will file an Application to strike with respect to the 1939 Townsite Expansion Surrender Claim by June 5th 2012;
- The Claimant will notify the Tribunal and the Crown of its position on the Application by June 15th 2012;
- The Registry shall contact the parties to fix a date for the hearing of the Application to Strike.
- Parties are to be available for a half day hearing on the Application in Saskatoon. The Registry will communicate with the parties to schedule the date of the hearing.
- Depending on the outcome of the Application to Strike, the Claimant will notify the Crown and the Tribunal whether it will continue to proceed with the other claims now or whether it will wait for the decision of the Minister on the 1939 Townsite expansion surrender claim before continuing with the other claims.
- Depending on the ruling on the Application to Strike, the Claimant will make an application under s. 20(4)(a) of the Act to consolidate the various claims to proceed as one claim.
- A case management conference shall be fixed after the decision of the Tribunal.

[4] Please note that all documents must be filed with the Registry on the date indicated above.

JOHANNE MAINVILLE

Johanne Mainville
Member of the Specific Claims Tribunal

DATE: 4/23/2012