

FILE NO.: SCT-6001-16
DATE: 20170420

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
PAUL FIRST NATION) Neil Reddekopp and Anita Thompson, for
) the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT) Adam Pasichnyk, for the Respondent
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
)
Respondent)
)
)
)
) **HEARD:** April 5, 2017

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on April 5, 2017, at 4:30 P.M., Eastern Time (Ottawa).

Discussion

[1] The Parties presented an agreed to preliminary question to the Tribunal for consideration (as provided for in their respective CMC briefs) for the Validity Stage hearing. However, the Tribunal advised the Parties that it might not make sense from an efficiency standpoint to decide

this preliminary issue only at this hearing, since it would not dispose of other outstanding issues should the Claimant not succeed on the preliminary issue (necessitating a further hearing on the remaining issues). The Claimant agreed to give this proposed preliminary question some more thought.

[2] The Claimant reported that it may require lay witness testimony from community members to establish the identities of certain persons as may be necessary. It continues to maintain that an expert opinion should not be required in relation to the Claimant's pay list summaries. The Claimant explained that while it does not plan to produce any originating expert report of its own, it may still produce a response report to the Respondent's expert report.

[3] The Respondent reported that it has identified an expert who will commence work on a report in August or September of 2017. The Respondent explained challenges in finding such an expert who could start sooner than this timeline. The Respondent also noted that if all Claim issues are to be decided at the Validity Stage hearing, once it receives the Claimant's documents, it may require more than a one month period to produce its documents to the Claimant.

[4] The Claimant recognized the above challenges and endeavoured to produce its documents shortly and to discuss evidence/hearing issues and terms of reference matters further with the Respondent before the latter's expert is anticipated to begin work. The Respondent agreed to modify one of its proposed expert questions (subpara 7(e) of its CMC brief) in order that it be posed as a factual question and not a legal one to be determined by the Tribunal.

Action Items

[5] The Claimant shall produce its documents to the Respondent on or before **May 1, 2017**.

[6] The Parties shall discuss the aforementioned discussion matters further in early June of 2017 (at which point the Respondent will have had the benefit of reviewing the Claimant's document productions).

[7] Prior to the next CMC, the Parties shall report to the Tribunal on whether bifurcation of the Claim's validity issues as proposed is still desired.

[8] Prior to the next CMC, the Respondent shall make best efforts to provide an anticipated timeline for the production of its expert report.

[9] The next CMC will be held by teleconference on **July 26, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

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Honourable Paul Mayer