

**FILE NO.:** SCT-5001-14  
**DATE:** 20141215

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
MOSQUITO GRIZZLY BEAR'S HEAD	)	
LEAN MAN FIRST NATION	)	Ron Maurice and Aaron Christoff, for the
	)	Claimant
	)	
Claimant	)	
	)	
<b>- and -</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	David Smith and Lauri Miller, for the
As represented by the Minister of Indian	)	Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	

**ENDORSEMENT**

**Honourable Harry Slade, Chairperson**

[1] Counsel for the Parties have agreed on a Plan of Proceeding (Plan), attached, including pre-hearing tasks and dates.

[2] The Plan is approved by order of the Tribunal.

HARRY SLADE

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Honourable Harry Slade, Chairperson

**SPECIFIC CLAIMS TRIBUNAL**

**BETWEEN:**

**MOSQUITO GRIZZLY BEAR'S HEAD LEAN MAN FIRST NATION**

**Claimant**

**v.**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**  
as represented by the Minister of Indian Affairs and Northern Development Canada

**Respondent**

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**PROPOSED PLAN OF PROCEEDING**

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The solicitors for the Claimant hereby propose the following Plan of Proceeding and submit same for input by solicitors for Her Majesty the Queen in Right of Canada. Please note that all dates set out herein are subject to change by direction from the Tribunal or with the consent of the parties.

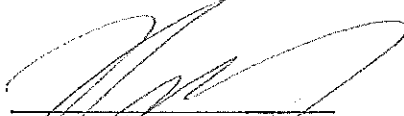
**TO:** Department of Justice Canada  
Prairies Regional Office (Saskatoon)  
10<sup>th</sup> Floor, 123 – 2<sup>nd</sup> Avenue South  
Saskatoon, SK S7K 7E6  
Fax: (306) 975-6780  
Email: [saskSCT-5001-14-mosqgrizbear@justice.gc.ca](mailto:saskSCT-5001-14-mosqgrizbear@justice.gc.ca)  
Attention: Lauri Miller and David J. Smith

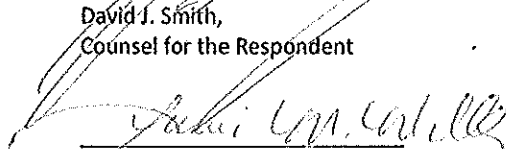
GENERAL AND CASE MANAGEMENT	
Proposed Hearing Dates (5 day hearing)	March 7-11, 2016
Case Management Conferences <i>[to be set by Tribunal as required]</i>	TBD
DOCUMENT DISCOVERY	
November 2014 – January 2015	
Claimant to provide list of documents and electronic copies to Canada	November 3, 2014
Canada to provide list of documents and electronic copies to Claimant	December 15, 2014
Submission of joint book of documents to Tribunal (prepared by Claimant). If parties are unable to agree on a joint book of documents, Claimant shall submit its book of documents and Crown may file its own book of documents. <i>Note: If necessary, relevant documents discovered after submission of the Joint Book will be filed by way of supplementary books of joint documents.</i>	January 16, 2015
ORAL HISTORY EVIDENCE	
September 2014 – January 2015	
Claimant's Community Meetings and selection of qualified elders	September 2014 – October 2014
Claimant service of oral history "will say" statements to Crown and Tribunal	November 14, 2014
Claimant submission of proposed list of translators to Crown	November 21, 2014
Crown response to Claimant's list of translators	November 28, 2014
Joint Submission to Tribunal re: translators [or] CMC re: translators (if req'd)	December 3, 2014
Community session re: oral history testimony and cross-examination at the Mosquito Grizzly Bear's Head First Nation <i>Note: The final scheduling will be determined at a subsequent CMC once the parties have a better understanding on the nature of the oral history evidence.</i>	January 14-15, 2015
EXPERT REPORTS & EVIDENCE	
March 2015 – September 2015	
Claimant intends to provide file two expert reports <ul style="list-style-type: none"> <li>• Historical report on circumstances surrounding surrender, Canada's practices and policies on land surrenders, and evidence of speculation or conflict of interest by government officials in surrender of Indian lands (Peggy Martin-McGuire)</li> <li>• Historical Market Appraisal of Claim Lands and land sales report to determine if transaction was improvident or exploitative (TBD)</li> </ul>	
Claimant's service and filing of expert report(s)	March 23, 2015
Respondent's service and filing of expert report(s)	August 10, 2015
Hearing re: examination and cross-examination of experts	September 22-24, 2015
WRITTEN BRIEFS OF FACT AND LAW	
November 2015 – January 2016	
Service and filing of Claimant's written brief	November 9, 2015
Service and filing of intervenors' written brief(s) (if any)	November 30, 2015

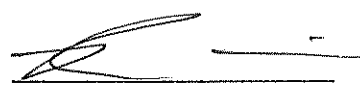
Service and filing of Crown's written brief in response to Claimants	December 14, 2015
Service and filing of Parties' written briefs in response to Intervenor(s) (if any)	December 14, 2015
Filing of Claimant's written brief in response(s) to Crown (If any)	January 13, 2016
<b>PRE-HEARING &amp; HEARING</b>	<b>January 2016 – March 2016</b>
Pre-Hearing Conference	January 20, 2016
Hearing	March 7-11, 2016

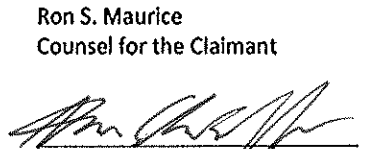
<b>BIFURCATION OF HEARINGS</b>	
Counsel for the Claimant and Respondent agree as follows:	
<ul style="list-style-type: none"> <li>• The claim will be bifurcated between a hearing on liability and a hearing on compensation</li> <li>• Evidence and issues raised in the liability hearing can be responded to in the compensation hearing if they also relate to issues of compensation</li> <li>• Either party may file an application for judicial review in relation to any decision with respect to liability within the time limits imposed by the <i>Federal Courts Act</i></li> <li>• If the Tribunal finds in favour of the Claimant regarding liability, both the parties will jointly request that any application for judicial review so filed will be held in abeyance by the Federal Court of Appeal until the completion of the hearing on compensation</li> <li>• If, for whatever reason, the Federal Court of Appeal refuses to stay an application for judicial review until after the completion of the hearing on compensation that application for judicial review will proceed regardless of any compensation hearing</li> </ul>	

Dated this 10 day of <sup>December</sup> November, 2014.

  
 \_\_\_\_\_  
 David J. Smith,  
 Counsel for the Respondent

  
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 Lauri M. Miller  
 Counsel for the Respondent

  
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 Ron S. Maurice  
 Counsel for the Claimant

  
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 Aaron Christoff  
 Counsel for the Claimant