

**FILE NO.:** SCT-5002-14  
**DATE:** 20170331

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
KINISTIN SAULTEAUX NATION	)	
	)	Bruce J. Slusar, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	David Culleton, for the Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> March 28, 2017

**ENDORSEMENT**

**Honourable W. L. Whalen**

A Case Management Conference (CMC) was held by teleconference on March 28, 2017, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Claimant reported that it had received the recording of the oral history evidence hearing testimony about two weeks ago. The Claimant had requested a copy of the recording from the Tribunal in September 2016 and November 2016, but for unknown reasons the Tribunal

did not respond. The Claimant has engaged a transcription service which will shortly begin work. A completion date is unknown at this time.

[2] The Claimant delivered a draft copy of its expert Forestry Loss of Use Report to the Respondent on October 17, 2016. A final copy cannot be produced until the expert has had the opportunity to review the oral history evidence transcript.

[3] The Respondent indicated that it had identified another expert to prepare a responding report, but that individual had also recently withdrawn. Other individuals in the same company are prepared to take on the assignment so contracting with the company will proceed, although it has been slowed by the recent Federal Government requirement that third party contractors with the Government obtain security clearance and be fingerprinted. The Respondent expects the contract to be in place on or before **May 15, 2017**, and will provide identification and qualifications to the Claimant at that time.

[4] The Claimant indicated that it would entertain alternate dispute resolution once the expert reports and oral history transcripts were complete. If mediation did not turn out to be a viable option, bifurcation should then be considered. The Tribunal urged the Parties to direct their minds to how a historical value would be carried forward if validity was found, and whether their carry forward experts would first require determination of a historical value in order to carry out their calculations. This would be an important question in any Application for bifurcation, if necessary.

[5] The Parties agreed that they are open to their experts dialoguing or “hot tubbing” on the methodology employed by their experts to assess potential historical loss and may attempt to agree to similar terms of reference.

[6] The next CMC will be held by teleconference on **July 4, 2017**, at 1:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

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Honourable W.L. Whalen