

FILE NO.: SCT-7007-11
DATE: 20140728

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
DOIG RIVER FIRST NATION)
) Allisun Rana and Emily Grier, for the
) Claimant)
Claimant)
)
- and -)
)
)
BLUEBERRY RIVER FIRST NATIONS)
) Ava Murphy and Michelle Bradley, for the
) Claimant)
Claimant)
)
- and -)
)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development) Brett Marleau and Jonathan Sarin, for the
) Respondent)
)
Respondent)
)
) **HEARD:** July 22, 2014

ENDORSEMENT AND ORDER

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on July 22, 2014, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Claimants reported that in the next week they will be forwarding a proposal to the Respondent for resolution of costs ordered by the Honourable Patrick Smith on June 25, 2014. If a negotiated resolution cannot be reached, the Claimants propose to make further submissions or to seek direction from the Tribunal.

[2] The Claimant, Blueberry River First Nations reported that it does not intend to present oral evidence at the validity phase of the hearing.

[3] In view of the order for bifurcation granted on May 17, 2012, in respect of the Claim of *Doig River First Nation v Her Majesty the Queen in Right of Canada* and with the concurrence of the Parties to this proceeding, the Claimant, Blueberry River First Nations consented to the bifurcation of its Claim into two phases, namely validity and compensation, to be heard at the same time as the Claim by Doig River First Nation.

[4] Upon consent of the Parties and pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, **THE TRIBUNAL ORDERS THAT:**

- a. The hearing of the Claim in Blueberry River First Nations shall proceed in two separate stages, in order to deal with issues of validity and compensation respectively;
- b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (“Validity Stage”);
- c. The second stage of this Claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (“Compensation Stage”), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, the issue(s) of validity and liability, if any, decided, and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

- d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;
- e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

[5] Upon consent, the validity phase of the hearing shall take place at the Doig River Community Complex commencing at 10:00 A.M., on February 10, 2015, and continuing on February 11 and February 12, 2015, or until completed.

[6] Upon consent, the Parties are directed to serve and file documents as follows in preparation for the hearing:

- (a) Agreed Statement of Facts, Agreed Statement of Issues and Common Book of Documents on or before September 26, 2014;
- (b) Claimants' written arguments and list of authorities (including legislation and regulations) on or before January 23, 2015;
- (c) Respondent's written argument and list of authorities (including legislation and regulations) on or before January 27, 2015;
- (d) Claimants' written arguments in reply and list of authorities (including legislation and regulations) on or before February 3, 2015;
- (e) Claimants' and Respondents' Casebooks containing complete copies of all authorities, legislation and regulations that may be referred to in submissions on or before February 3, 2015.

[7] A Pre-Hearing Conference will be held by teleconference on January 27, 2015, at 2:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen