

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

KAHKEWISTAHAW FIRST NATION

SPECIFIC CLAIMS TRIBUNAL	
TRIBUNAL DES REVENdicATIONS PARTICULIÈRES	
F I L E D	December 30, 2014
Amy Clark	
Ottawa, ON	91

Claimant

v.

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

Respondent

**REPLY ON THE ISSUE OF THE ADMISSIBILITY OF EXPERT
EVIDENCE OF PATRICIA ZACHARIAS
Claimant's Reply**

TO: HER MAJESTY THE QUEEN IN RIGHT OF CANADA
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**REPLY ON THE ISSUE OF ADMISSIBILITY
OF EXPERT EVIDENCE OF PATRICIA ZACHARIAS**

1. The Claimant opposes the Respondent's Application for an Order that the "Kahkewistahaw First Nation 1907 Surrender Claim – Social Impact Assessment – February 2001" report prepared by Seven Oaks Consulting Inc. and Tim Holzkamm Consulting is not admissible as expert evidence in this matter.
2. In the Declaration of Claim, the Claimant alleged that the Respondent breached its fiduciary obligations by allowing its self-interests to conflict with its obligations to the Claimant.
3. The Claimant submits that the portions of the Report that relate to the use of band funds for relief and support purposes, and the Supplemental Report, are logically relevant to the issue raised in the Declaration of Claim, and are necessary in assisting the trier of fact. The Claimant intends to only rely on these specific portions of the Report, and the Supplemental Report, at the hearing in this matter.
4. The Claimant further submits that the authors of the Report are properly qualified experts that have acquired special or peculiar knowledge through study and experience in respect of the matters contained in the Report.
5. Lastly, the Claimant submits that no exclusionary rule applies.
6. In light of the foregoing, the Claimant submits that the Claimant has satisfied the criteria that must be met in order for the Report to be admitted as expert evidence in this matter. The Claimant further submits that the probative value of the Report exceeds the prejudicial effect of the Report, if any.

7. The Claimant therefore requests that the application of the Respondent be dismissed.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 29th day of December, 2014.


FR _____
STEPHEN M. PILLIPOW
Solicitor for the Claimant

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