

SPECIFIC CLAIMS TRIBUNAL

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TRIBUNAL DES REVENDIGATIONS PARTICULIÈRES		
F I L E D	January 27, 2017	D E P O S É
Stephanie Duffy		
Ottawa, ON	48	

BETWEEN:

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Claimant

v.

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

Respondent

**RESPONSE TO THE RESPONDENT'S APPLICATION REGARDING THE ADMISSIBILITY
OF EXPERT EVIDENCE OF RYAN BLAAK**

BY: ᑭᐱᑭᐱ

As represented by Darwin Hanna and Mary Mollineaux
Callison & Hanna, Barristers & Solicitors
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Email: darwin@chlaw.ca, mary@chlaw.ca

TO: HER MAJESTY THE QUEEN IN RIGHT OF CANADA

As represented by James Mackenzie, Whitney Watson and Richelle Rae
Department of Justice
900 – 840 Howe Street, Vancouver, B.C. V6Z 2S9
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richelle.rae@justice.gc.ca

RESPONSE OF ʔAǪAM TO RELIEF SOUGHT

1. ʔaǪam opposes Canada's application for the Tribunal to make an order, pursuant to Rule 29 of the *Specific Claims Rules of Practice and Procedure*, that the expert report "History of the St. Eugene Mission Farm Lands", prepared by Ryan Blaak, dated September 22, 2016, (the "Blaak Report") is not admissible as expert evidence in this proceeding; and
2. ʔaǪam further opposes Canada's request that in the alternative, an order pursuant to section 13(b) of the *Specific Claims Tribunal Act* be granted to strike out portions of the Blaak Report as set out in the proposed redacted red-lined Blaak Report attached as Appendix A to Canada's application.
3. ʔaǪam submits that the Blaak Report should be found admissible in its entirety in these proceedings as it is relevant, necessary, not subject to any exclusionary rule, and that Mr. Blaak is a properly qualified expert witness able to give opinions on the specific subjects which have been set out in ʔaǪam's Memorandum of Fact and Law.
4. In the alternative, ʔaǪam requests that it be given the opportunity to have Mr. Blaak revise his report to omit any of his findings that the Tribunal may find inadmissible.

GROUND S

1. See ʔaǪam's Memorandum of Fact and Law.

MATERIALS IN SUPPORT

1. ʔaǪam relies on the following materials:
 - a. The pleadings filed in this matter to date;
 - b. This Response to Application and ʔaǪam's Memorandum of Fact and Law dated January 27, 2017;
 - c. Affidavit #1 of Ryan Blaak;
 - d. The Blaak Report attached as Exhibit A to Affidavit #1 of Ryan Blaak;
 - e. The Curriculum Vitae of Ryan Blaak attached as Exhibit B to Affidavit #1 of Ryan Blaak; and
 - f. Such further and other material as counsel may advise and the Tribunal may permit.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated this 27th day of January 2017.

A handwritten signature in black ink, appearing to read 'Darwin Hanna', written over a horizontal line.

Signature of Solicitor

Darwin Hanna

Callison & Hanna, Barristers & Solicitors

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