

FILE NO.: SCT-4001-12 and SCT-4001-13
DATE: 20140501

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
WAYWAYSEECAPPO FIRST NATION)
)
Claimant) Earl C. Stevenson and Norman Boudreau,
) for the Claimant
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT) Jeff Echols, for the Respondent
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
)
Respondent)
)
) **HEARD:** April 30, 2014

BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen Pillipow and Adam Touet, for the
) Claimant
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
) Jeff Echols, for the Respondent
Respondent)
)
)
)
)
) **HEARD:** April 30, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on April 30, 2014, at 3:00 P.M., Eastern Time (Ottawa).

[1] The Parties reported that Canada had proposed a way of dealing with the road allowance issue that they were all agreeable to subject to it being articulated in the Common Statement of Issues, which counsel were confident they could do.

[2] Waywayseecappo indicated that it has prepared a list of elders it expects will provide oral history evidence. The said Claimant accepts the protocol developed by the Federal Court of Canada for the giving of oral history evidence as the procedure for developing this type of evidence. It undertook to provide the other Parties with a list of its proposed witnesses and Will-Says for each by July 15, 2014.

[3] Gamblers indicated that its oral history evidence will depend on the nature of Waywayseecappo's oral history evidence. Upon receipt of Waywayseecappo's list of proposed witnesses and Will-Says, Gamblers will respond and provide its own list of proposed witnesses and Will-Says, to be produced to the other Parties by September 15, 2014.

[4] Canada will make its best efforts to respond to the Claimants before August 30, 2014 about its intentions in respect of Waywayseecappo's proposed oral history evidence. The Respondent will also communicate its intentions in respect of Gambler's proposed oral history evidence by October 31, 2014.

[5] As indicated in the previous CMC, Gamblers has already produced its expert reports to the other Parties. Waywayseecappo reported that the other Parties had recently received copies of their expert's draft population report, and that the final copy had just been received and would be

delivered in the near future. Gamblers does not intend to respond to this report. Canada requires time to review the reports closely and to obtain instructions as to whether it will have to engage responding experts. It will advise the Parties of its decision within the next two weeks. If a responding expert is required, Canada indicated that it will require considerable time to do so through to the completion of a report.

[6] Gamblers and Canada are in the process of reviewing the draft Agreed Statement of Facts prepared by Waywayseecappo. Both indicated that they would provide their responses to all Parties on this draft by the end of May, 2014. Completion of the Agreed Statement of Facts will require considerable collaboration to complete but the Parties were confident that they could do so.

[7] The Parties agreed that resolution of an Agreed Statement of Issues has been greatly facilitated by resolution of the road allowance question. The Parties undertook to file an Agreed Statement of Issues by the time of the next CMC.

[8] The Parties have recently received the anticipated list of documents and are in the process of reviewing them. They undertook to file a Common Book of Documents by the time of the next CMC.

[9] The Parties reported that they had agreed on maps that will be filed within the next two weeks.

[10] With respect to the question of bifurcation of the Claims, Gamblers is uncertain as to how the Respondent's proposed right of set-off would apply to its Claim. Gamblers therefore requires time to consult with the Respondent and to consider its position before an order is made. This matter will be reconsidered at the next CMC.

[11] No response has been received by the Tribunal to the S.22 Notices served on February 25, 2014.

[12] The hearing will be held at the neutral location of the Russell Inn in Russell Manitoba, which is accessible to the communities of both First Nation Claimants.

[13] A CMC will be held by teleconference on September 25, 2014, at 11:00 A.M., Eastern Time (Ottawa) to review progress on the matters discussed above.

[14] A CMC will be held by teleconference on November 20, 2014, at 11:00 A.M., Eastern Time (Ottawa) to establish a timetable and to schedule such other steps as may be necessary to move the Claims to hearing.

W.L. WHALEN

Honourable W.L. Whalen