

FILE NO.: SCT-4001-12 and SCT-4001-13
DATE: 20160516

SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES

BETWEEN:)
)
WAYWAYSEECAPPO FIRST NATION)
) J.R. Norman Boudreau, for the Claimant
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Paul Anderson and Kristine Whittaker, for
As represented by the Minister of Indian) the Respondent
Affairs and Northern Development)
Respondent)
)
)
AND BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen M. Pillipow and Adam Touet, for
Claimant) the Claimant
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Paul Anderson and Kristine Whittaker, for
Affairs and Northern Development) the Respondent
Respondent)
)
)
) **HEARD:** April 11, 2016
)
)

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on April 11, 2016, at 11:00 A.M., Eastern Time (Ottawa).

[1] Gamblers First Nation proposed a “summary hearing” to resolve “ownership” of IR 63 separately as a way of separating it from the other issues raised in this and Gamblers First Nations new Claims for the purpose of facilitating progress on all of the files. This question bears upon the relationship between Gamblers First Nation and Waywayseecappo First Nation. Counsel for the Parties expressed interest in exploring the idea through private communication and discussing it at the next CMC, although it may be necessary to complete document production and expert reports before such a process could be possible. The matter will be discussed at the next CMC.

[2] The Respondent reported that it had engaged Dr. Clint Evans as a historical expert and his report is expected by the fall of 2016. It was also in the process of engaging Dr. P.G. McHugh as a legal historian, and it is not yet known when his report will be available.

[3] The Respondent reported that it had virtually completed the documentary gap research referred to at the last CMC, and all documents found as a result would be produced by April 22, 2016. In the course of this research, the researchers discovered that helpful information may also exist in fur trade documents that they are now in the process of researching and expect to produce in June 2016.

[4] Preparation of a Common Book of Documents is underway but cannot likely be completed until document production and expert reports are complete. This will be reviewed at the next CMC.

[5] Gamblers First Nation reported that it had prepared and delivered a draft Agreed Statement of Facts. The other Parties indicated that an Agreed Statement of Facts cannot be completed until document production and expert reports are done.

[6] Gamblers First Nation sought clarification of the Respondent's production of documents subject to the implied undertaking rule. The Respondent indicated that it had just sent a letter of clarification, which the other Parties required time to review. This may be discussed at the next CMC if not otherwise resolved.

[7] Waywayseecappo First Nation raised the question of its application for party status in the new Claims filed by Gamblers First Nation because it viewed the present Claim and the new Claims as closely related. A Notice pursuant to Section 22 of the *Specific Claims Tribunal Act* had been sent to Waywayseecappo First Nation and two First Nations on January 21, 2016. Waywayseecappo First Nation responded with an Application for Party status, which the Respondent does not oppose. Gamblers First Nation has not taken a position on the question, which will be discussed at the next CMC along with setting a hearing date for Waywayseecappo First Nation's Application, if necessary.

[8] The next CMC in the present Claim will be held simultaneously with the new Claims brought by Gamblers First Nation (SCT-4001-15 and SCT-4002-15). The CMC will be held by teleconference on **June 6, 2016**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen