

SCT File No.: SCT-6002-13

BETWEEN:

SPECIFIC CLAIMS TRIBUNAL

MIKISEW CREE FIRST NATION

SPECIFIC CLAIMS TRIBUNAL		
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES		
F I L E D	July 9, 2013	D E P O S É
Amy Clark		
Ottawa, ON	3	

Claimant

v.

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

Respondent

**REQUEST FOR LEAVE TO MAKE APPLICATION
Of the Respondent
Pursuant to Rule 30 of the
*Specific Claims Tribunal Rules of Practice and Procedure***

The Respondent requests leave from the Tribunal to make the attached Application.

SPECIFIC CLAIMS TRIBUNAL

BETWEEN:

MIKISEW CREE FIRST NATION

Claimant

v.

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

Respondent

**REQUEST FOR LEAVE TO MAKE APPLICATION
Of the Respondent
Pursuant to Rule 34 of the
*Specific Claims Tribunal Rules of Practice and Procedure***

This application is filed under the provisions of the *Specific Claims Tribunal Act* and the *Specific Claims Tribunal Rules of Practice and Procedure*.

I. Relief Sought

1. The Crown seeks:

- (a) an Order permitting the Respondent an extension of time of 62 days within which to file and serve the Response to the Declaration of Claim.

II. Grounds for the Application

- 2. The Respondent was served with the Declaration of Claim on June 17, 2013. Without an extension, the deadline for filing a Response to the Declaration of Claim is July 17, 2013.
- 3. The extension requested is required to provide the Respondent's counsel with sufficient time to review documents produced or exchanged between

the parties in the related litigation and specific claims process, the details of which are as follows:

- Mikisew Cree First Nation et al v Her Majesty the Queen in Right of Canada, Alberta Court of Queen's Bench Action No. 9603 25637:
 - Plaintiffs' production: 318 documents;
 - Canada's production: 4,459 documents;
 - Specific Claims Process:
 - In total, approximately 4,500 pages of material.
4. Additionally, the extension is required for the Respondent's counsel to ensure that its Response is adequately reviewed within the Department of Justice and to receive appropriate instructions from its client in relation thereto.
5. In general terms, the Respondent submits that the extension of time is required to fully respond to the Declaration of Claim and make appropriate concessions, thus assisting in a just, timely and cost-effective determination of the Claim.

III. Consent


6. Claimant's counsel has not consented to the 62-day extension of time requested by the Respondent. Claimant's counsel indicated a willingness to consent to an extension of 45 days.
7. A 45-day extension would result in the deadline for the filing of the Response falling on a date in the middle of counsel for the Respondent's vacation out of the country.

IV. Method of the Application

8. The Respondent requests that this Application be heard on an expedited basis via teleconference.

Dated this 9th day of July, 2013

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