

FILE NO.: SCT-6001-16
DATE: 20170113

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
PAUL FIRST NATION)	Neil Reddekopp and Anita Thompson, for
)	the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	Ursula M. Tauscher and Adam Pasichnyk,
OF CANADA)	for the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: December 15, 2016

ENDORSEMENT AND ORDER

Honourable Paul Mayer

A Case Management Conference (CMC) was held in person on December 15, 2016, at 11:00 A.M., in Edmonton, Alberta.

[1] The Parties agreed on the following first CMC matters (Rule 49 under the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119 (“*Rules*”)):

- a. The Claim will be bifurcated into validity and compensation phases;

- b. No subsection 22(1) Notice is required for this Claim;
- c. Neither Party will call oral history evidence;
- d. Evidence will primarily be documentary in nature and both Parties may disclose some additional documents;
- e. Mediation is not likely for the validity stage but may be a consideration for any compensation phase;
- f. The Parties will commence work on an Agreed Statement of Facts and a Common Book of Documents; and
- g. The Claim may be expedited to a relatively short hearing, including potential waiving of certain expert report filing timelines under the *Rules*.

[2] On the issue of potential to further bifurcate or divide the validity phase of the Claim, the Claimant proposed that the issue of whether the surrender document obtained by the Respondent met the statutory requirements of the *Indian Act* might be decided first. The Respondent recommended further consideration of whether this might result in a multiplicity of hearings.

[3] The Claimant undertook to commence the first draft list of issues for the Respondent's consideration.

[4] The Respondent reported that it will retain an expert to provide historical context to treaty paylists and their interpretation in relation to the surrender. Prior to the next CMC, the Respondent shall do its best to determine what the anticipated timeline will be to retain this expert and to produce the expert's report.

[5] The Claimant shall consider a potential location for the validity hearing (in the interim) and report back at the next CMC.

[6] Prior to the next CMC, the Parties shall prepare a joint draft schedule setting out document production as well as anticipated expert(s) timelines.

[7] The next CMC will be held by teleconference on **January 24, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

[8] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the Parties, **THE TRIBUNAL ORDERS that:**

- a. The hearing of this Claim shall proceed in two separate stages, in order to deal with issues of validity and compensation, respectively;
- b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage).
- c. The second stage of this claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (Compensation Stage), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, the issue(s) of validity decided, and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;
- d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;
- e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

PAUL MAYER

Honourable Paul Mayer