

FILE NO.: SCT-5002-14
DATE: 20150604

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KINISTIN SAULTEAUX NATION)	
)	Bruce Slusar, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Daniel Kuhlen, for the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: June 2, 2015

ENDORSEMENT

Honourable W. L. Whalen

A Case Management Conference (CMC) was held in person in Saskatoon on June 2, 2015, at 1:20 P.M.

[1] The Parties reported that they have not really commenced full document research. A delay has been occasioned due to the Claimant’s former counsel’s illness then passing. Respondent’s counsel undertook to assure that the Claimant’s counsel was in possession of

whatever documents or other materials had been produced to prior counsel. The Parties shall be prepared to discuss progress of document research and production at the next CMC.

[2] The Respondent agreed that the Claim was properly before the Tribunal.

[3] The Respondent expressed concern that the wording of paragraphs 33 and 34 of the Declaration of Claim fell within the exclusion in Section 15(1)(f) of the *Specific Claims Tribunal Act*, prohibiting claims based on or alleging aboriginal rights or title. The Claimant responded that such a claim was not intended. The Parties will by the time of the next CMC review the wording of these paragraphs and cooperate in making such changes as may be necessary to reflect the intended claim and to avoid conflict with Section 15(1)(f) of the *Specific Claims Tribunal Act*.

[4] Notice shall be served on the Province of Saskatchewan pursuant to Section 22 of the *Specific Claims Tribunal Act*.

[5] The Claimant reported that it has retained an expert in the assessment, quantification and valuation of environmental issues, forestry practices, timber appraisals and damage valuations, including forestry reconstruction and development. This expert has been provided with terms of reference and has started work but will likely be unable to complete a report until documentary production is complete. The Claimant was encouraged to identify the expert and the expert's terms of reference to the Respondent on or before the date of the next CMC so that the Respondent might be in a position to start the process of retaining a responding expert if thought necessary. The Claimant also indicated it might require a further expert to report on socio-economic aspects of the Claim although no decision had been taken on this yet. The question of experts will be reviewed at the next CMC.

[6] There was discussion on the question of bifurcation of the hearing process. The Parties will consider the matter with a view to expressing positions at the next CMC.

[7] The Claimant intends to call oral history evidence. It has identified potential oral history witnesses and one witness with direct evidence on the events underlying the claim. No steps have yet been taken to interview these witnesses. The Claimant indicated that interpretation in the Sauteaux language would be required. The Claimant will identify its oral history and direct witnesses to the Respondent on or before the date of the next CMC. At the next CMC, the Claimant will also be prepared to provide time-lines for the production of Will Says in respect of such evidence, together with a proposal as to when, where and how that evidence will be received.

[8] The Parties reported that they had not yet considered an oral history protocol. The Parties are requested to file an agreed oral history protocol on or before the date of the next CMC.

[9] The Claimant proposed mediation by the case management judge before a hearing would proceed. The Respondent expressed a willingness to consider alternate dispute resolution as proposed but indicated that such consideration was premature. The Tribunal indicated its readiness to engage in mediation but that mediation would only be appropriate when the case was virtually ready for hearing so that there had been full disclosure of evidence and legal positions on both sides. The Tribunal also expressed concern about having sufficient judicial resources to be able to maintain both mediation and final hearing. The question may be reviewed at a later stage in the proceedings.

[10] The next CMC will be held by teleconference on October 1, 2015, at 11:00 A.M. Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen