

FILE NO.: SCT-3001-12
DATE: 20140403

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
AUNDECK OMNI KANING)
) Paul Williams, for the Claimant
)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Jennifer Roy, for the Respondent
Affairs and Northern Development)
)
Respondent)
)
)
)
) **HEARD:** April 1, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on April 1, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Parties have not commenced documentary production. The Claimant was concerned about settlement privilege in this context although specifics could not be identified. The Respondent did not anticipate difficulty and was prepared to deal with problems if they arose. It

appears that the Ministry's trust accounts in respect of the Claimant and related documents will be the main subject of production. The Respondent's counsel has not received those documents from her client but hopes to be able to complete documentary production by the time of the next CMC. The Claimant should produce its documents within the same time frame.

[2] The Parties confirmed their readiness to cooperate in the preparation of an Agreed Statement of Facts which is to be in an advanced stage of completion by the time of the next CMC.

[3] Oral history evidence will not be presented in this case. However, the Claimant may call *viva voce* evidence in relation to the circumstances of the claim. Canada does not anticipate calling witnesses at this time, other than experts as may be required. By the next CMC the Claimant will decide what *viva voce* evidence it intends to call and be prepared to discuss the nature of that evidence. The Claimant will eventually be required to disclose the names of those witnesses and to provide "Will-Says" of anticipated testimony.

[4] The Parties did not believe that any other First Nation or the Province had a direct interest in the substance of the claim. However, the Claimant's counsel believed that the issues underlying the claim were of general interest and great importance to all other First Nations. He indicated his intent to consult widely with other First Nations and that time would be required to do so. The Respondent acknowledged the importance of the issues at stake and that the Claimant might require time to consult, which the Respondent was agreeable to accommodating. The Claimant was encouraged to start his consultations now.

[5] The Claimant's counsel expressed concern with the process for funding the claim and its sufficiency. He reported that the Claimant had not yet sought or received funding including funding that may be available from the Ministry for claims before the Tribunal. The Claimant is to take such steps as it finds necessary to address the issue. The question will be reviewed at the next CMC and the Claimant will indicate its intentions.

[6] The Parties will require experts to calculate the present value of the \$559.63 at issue. Neither Party has yet identified or engaged an expert. The Parties should begin the process and be prepared to discuss progress at the next CMC.

[7] The next CMC will be held by teleconference on Monday, June 23, 2014, at 11:00 A.M., Eastern Time (Ottawa) and at that time further time-lines will be canvassed.

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada