

FILE NO.: SCT-4001-12

DATE: 20131204

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
WAYWAYSEECAPPO FIRST NATION)	
)	Earl C. Stevenson and Norman Boudreau,
Claimant)	for the Claimant
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	
Affairs and Northern Development)	Jeff Echols, for the Respondent
)	
Respondent)	
)	
– and –)	
)	
GAMBLER FIRST NATION)	Stephen Pillipow and Adam Touet, for the
)	Applicant
Applicant)	
)	
)	HEARD: December 2, 2013

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on December 2, 2013, at 11:00 A.M., Eastern Time (Ottawa).

[1] The above named counsel participated in the CMC.

[2] Counsel presented a consent draft order whereby Gambler First Nation's claim in SCT-4001-13 would be heard together with File SCT-4001-12, and the determination of the claims would be achieved in one decision or in concurrent decisions released at the same time. The presiding judge congratulated counsel on their resolution of the related claims and expressed approval. However, S. 8(2) of the *Specific Claims Tribunal Act* requires that the order be issued by the Chairperson of the Specific Claims Tribunal, the Honourable Harry Slade. Accordingly, the consent draft order will be presented to the Honourable Harry Slade. Upon issuance of the draft order, the Gambler First Nation is directed to withdraw its application in File No. SCT-4001-12.

[3] Claimant's Counsel indicated that a map of the area involved in the claims had been prepared and provided to the Respondent for review. Progress on the map will be considered at the next CMC if it is not filed before then.

[4] Counsel reported that the parties are cooperating in the production of documents, which is expected to be complete in the near future.

[5] A first CMC has not been held in respect of File No. SCT-4001-13, whereas agreement has been reached and direction given on the conduct of aspects of File No. SCT-4001-12 (for example, bifurcation of the validity and compensation phases). Counsel are requested to confer on matters to be considered in order to coordinate the files and bring File No. SCT-4001-13 to the same level of development as File No. SCT-4001-12. Issues in that regard will be stated in the parties' briefs for the next CMC.

[6] Counsel for both First Nations indicated that oral history evidence will likely be called. Counsel for the First Nations are requested to report at the next CMC how that evidence will be developed and prepared. The development of a protocol for the presentation of oral history evidence will be discussed at the next CMC.

[7] Counsel for Gambler First Nation indicated that he intends to introduce expert evidence. Two reports are already in hand and will be provided to the other parties in the near future. How

the other parties intend to deal with those reports and whether they will engage experts will be discussed at the next CMC.

[8] At the next CMC, the development of a Common Book of Documents, an Agreed Statement of Issues and an Agreed Statement of Facts will be discussed.

[9] The First Nations shall discuss and come to an agreement between them on the location for the hearing of the two files. This will be discussed at the next CMC, as well as resolution if an agreement cannot be made.

[10] The next Case Management Conference will be held in February 2014, at a date and time to be coordinated by the Registry.

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada