

FILE NO.: SCT-7002-14
DATE: 20160309

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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|--|---|---|
| BETWEEN: |) | |
| |) | |
| SISKA INDIAN BAND |) | Rhaea Bailey and Mary Mollineaux, for the |
| |) | Claimant |
| |) | |
| |) | |
| Claimant |) | |
| |) | |
| – and – |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | Heather Frankson and Karen Dawson, for |
| Affairs and Northern Development |) | the Respondent |
| |) | |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | HEARD: January 28, 2016 |

ENDORSEMENT AND ORDER

Honourable Harry Slade, Chairperson

A Case Management Conference (CMC) was held by teleconference on January 28, 2016, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Claimants shall discuss whether they wish to provide Supplementary Expert Reports on the question of (a) whether injurious affection should have been taken into account; and, (b) whether injurious affection was taken into account. If a CMC is required to resolve any issues

that arise on this discreet item, the Parties shall advise the Registry. If the Parties decide that injurious affection is at issue, the Parties shall work out a schedule for the filing of Supplementary Expert Reports and advise the Registry accordingly.

[2] The oral history evidence hearing will be held in both Claimant communities the week of **May 16, 2016**.

[3] The Claimant shall inform the Registry of the proposed location and dates in the week of May 16, 2016 of the oral history hearing in its community on or before **March 18, 2016**.

[4] The expert evidence hearing will be held in person **May 30, 2016 to June 3, 2016**, in Vancouver.

[5] The Claim is to be bifurcated into a validity phase and a compensation phase on the same terms as the claim in *Skuppah Indian Band v Her Majesty the Queen in Right of Canada* (SCT-7004-13).

[6] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, and upon the request of the Parties, **THE TRIBUNAL ORDERS that:**

- a. The hearing of this Claim will proceed in two separate stages;
- b. The issues of validity and compensation will be bifurcated;
- c. In the first stage, the Tribunal will determine the validity of the Claim by holding a hearing and rendering its decision;
- d. The second stage pertaining to compensation, if necessary, will not begin until the issue of validity is 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;
- e. If the Claim is determined to be valid, the Parties will have a reasonable time to gather evidence relating to compensation, including expert evidence;

f. The Parties will take steps to prepare their case on compensation only if the Claim is finally determined to be valid;

g. Should one of the Parties seek judicial review of the Tribunal's decision on validity by the Federal Court of Appeal, that party will provide notice to the Tribunal via email of significant steps taken in the application for judicial review; and,

h. Should one of the Parties appeal the Federal Court of Appeal's decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via email of significant steps in the appeal.

[7] The Pre-Hearing Conference will be held by teleconference on **May 3, 2016**, at 2:00 P.M., Eastern Time (Ottawa).

HARRY SLADE

Honourable Harry Slade, Chairperson