

FILE NO.: SCT-7006-11
DATE: 20150210

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
HUU-AY-AHT FIRST NATIONS)
) Kate Blomfield and Emma Hume, for the
) Claimant)
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian) Chris Elsner, for the Respondent
Affairs and Northern Development)
)
)
Respondent)
)
)
)
) **HEARD:** February 5, 2015

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on February 5, 2015, at 1:30 P.M, Eastern Time (Ottawa).

[1] The Respondent reported on its extensive research to identify all trust and other financial documents it could locate. The Claimant reported same. However, there are gaps in the

information, which are identified in the Parties' CMC Briefs. Further document production is unlikely, unless an expert conducts research and locates more information.

[2] The Respondent has retained the research firm "Public History". The firm will transcribe, categorize and summarize the Claimant's financial records to portray the amount the Claimant has received. This expert report is not expected before May 30, 2015. The Claimant has retained the research firm "MNP" to prepare a similar expert report from its perspective. The Claimant expects the report in February or March of 2015.

[3] The Parties confirm they have made attempts to agree on the dollar amount the Claimant has received, but have not been successful. The difficulty lays in the cryptic nature of many entries in the financial records and in the gaps of information. The Respondent's expert may conduct further research to better identify problem entries. The Parties indicate they will attempt to agree on the amount received or to narrow the margin of difference upon receipt of their experts' reports. This question will be revisited at the next CMC.

[4] The Parties agree that their respective reports of financial analysis, with opinions on the amount of historical dollar loss, will be submitted to their respective experts. There was a question as to whether the Parties would exchange expert reports in respect of financial analysis, the actual amount received and the historical dollar loss. The Claimant does not favour the exchange of reports, preferring to deal with those reports at the compensation hearing. The Respondent favours the disclosure of the reports. The question will be revisited at the next CMC.

[5] There was discussion about a hearing date and whether it need be around the same time as the Tsleil-Waututh Nation Claim. The Claimant does not want the hearing delayed for any reason, preferring it be held in the fall of 2015. One of the Claimant's experts is unavailable during the first 3 to 4 months of 2016. The Respondent prefers that the present Claim be heard in proximity to the Tsleil-Waututh Nation Claim. The question of a hearing date cannot be projected until the expert historical financial reports are complete and the amount of time necessary for the preparation of the experts' reports is better known. The question will be

revisited at the next CMC. The Tribunal expressed the hope that a fall 2015 hearing date could be achieved and urged the Parties to work toward that goal.

[6] The Claimant suggested that the historical dollar loss be determined by application and written submissions if the Parties cannot agree. The Respondent was not in favour of an application with written submissions, preferring the matter be dealt with at a *viva voce* hearing. The issue will be revisited at the next CMC, where it is hopeful the Parties will have narrowed their differences.

[7] The next CMC will be held by teleconference on June 5, 2015, at 11:30 A.M., Eastern Time (Ottawa). In assistance of the upcoming CMC, the Tribunal will provide the Parties with a copy of the CMC briefs to be filed in *Tsleil-Waututh Nation v. HMQ* (File No. SCT-7001-12) by e-filing.

W.L. WHALEN

Honourable W.L. Whalen