

**FILE NO.:** SCT-5001-13  
**DATE:** 20150915

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:** )  
)  
KAWACATOOSE FIRST NATION, )  
PASQUA FIRST NATION, PIAPOT ) David Knoll, for the Claimants  
FIRST NATION, MUSCOWPETUNG )  
FIRST NATION, GEORGE GORDON )  
FIRST NATION, MUSKOWEKWAN )  
FIRST NATION AND DAY STAR FIRST )  
NATION )  
Claimants )  
)  
- and - )  
)  
STAR BLANKET FIRST NATION ) Aaron B. Starr, for the Claimant  
Claimant )  
)  
- and - )  
)  
LITTLE BLACK BEAR FIRST NATION ) Ryan Lake and Aaron Christoff, for the  
Claimant ) Claimant  
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)  
- and - )  
)  
STANDING BUFFALO DAKOTA FIRST )  
NATION ) Mervin C. Phillips and Leane Phillips, for  
Claimant ) the Claimant  
)  
)  
- and - )  
)  
PEEPEEKISIS FIRST NATION )  
Claimant ) T. J. Waller, Q.C., for the Claimant  
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- and - )  
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)

HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	
Affairs and Northern Development	)	Lauri M. Miller and Donna Harris, for the
	)	Respondent
Respondent	)	
	)	
	)	

**HEARD:** September 9, 2015

**ENDORSEMENT**

**Honourable W.L. Whalen**

A Case Management Conference (CMC) was held by teleconference on September 9, 2015, at 11:00 A.M., Eastern Time (Ottawa).

[1] Standing Buffalo First Nation reported that it has produced all documents in its possession or control, subject to possible further documents being discovered as a result of its anthropological expert’s investigations and the outcome of the Application on admissibility. Peepeekisis First Nation reported it could not locate the tape recording discussed at the last CMC. The Tribunal considers the tape recording unproduceable and that document production is therefore complete, except as indicated by Standing Buffalo First Nation.

[2] The Respondent reported that it had drafted and circulated amongst counsel an Oral History Protocol. The Respondent indicated it had received only a few suggestions for amendment. The Respondent will recirculate the draft Oral History Protocol. The Parties are directed to agree upon and file an Oral History Protocol by **December 31, 2015**. By the same date, they are also directed to advise the Tribunal in writing: whether an interpreter(s) will be required; the language for interpretation; an agreed list of appropriate interpreters if required, and; a location at which an oral history evidence hearing might take place.

[3] All Claimants indicated that they intend to present oral history evidence. They are at various stages of preparation. The Claimants are directed to identify to every Party their proposed oral history witnesses and to provide Will-Say statements of anticipated testimony on or before **November 30, 2015**. Failure to meet this deadline will result in a Party being foreclosed from presenting oral history evidence not in compliance with the deadline.

[4] Standing Buffalo First Nation has filed an Application for admission of evidence with a supporting affidavit. Standing Buffalo First Nation shall serve and file its written submissions by **September 18, 2015**; responding Parties shall serve and file their responses and supporting written submissions by **October 9, 2015**, and; Standing Buffalo First Nation shall serve and file any written Reply by **October 16, 2015**. Books of Authorities shall be filed by **October 16, 2015**, and Parties will present two hard copies of the same to the Tribunal at the hearing before commencement of oral submissions. Cases in the Books of Authorities shall be copied in full.

[5] The Application will be heard in Regina, Saskatchewan at 10:00 A.M., on **October 19, 2015**, at a location to be confirmed by the Registry.

[6] Standing Buffalo First Nation reported that research funding had been recently confirmed. As a result, the First Nation has completed a retainer with an anthropological expert who has just commenced work on delivering a report. The First Nation confirmed its sensitivity to: concerns that the part of the report dealing with standing be kept separate and severable from any other issues addressed in the report, and; concerns that the report might address the subject of aboriginal title. Progress on the report will be reviewed at the next CMC.

[7] The Respondent reported that it had provided each Party with a draft Common Book of Documents on August 13, 2015, but no Party had responded. By **October 16, 2015**, the Respondent will provide all other Parties with a proposed Statement of Issues on the question of standing. The Claimants will respond to the Respondent as to agreement or suggested changes in the proposed Common Book of Documents and proposed Statement of Issues on standing no later than **November 30, 2015**. Progress will be reviewed at the next CMC.

[8] All Parties are directed to serve and file by **October 13, 2015**, a written status report on progress in all matters discussed in this Endorsement, with a view to Parties or the Tribunal assessing whether there should be a brief CMC following the hearing of the Application on October 19, 2015.

[9] The preparation of an Agreed Statement of Facts on the standing issue will be discussed at the next CMC.

[10] The next CMC will be held by teleconference on **January 7, 2016**, at 12:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

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Honourable W.L. Whalen