

**FILE NO.:** SCT-5001-13  
**DATE:** 20171206

**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 and Galen Richardson, for the  
Claimant ) Claimant  
)  
)  
- and - )  
)  
LITTLE BLACK BEAR FIRST NATION )  
Claimant ) Aaron Christoff and Ryan Lake, for the  
Claimant )  
)  
)  
- and - )  
)  
STANDING BUFFALO DAKOTA FIRST )  
NATION )  
Claimant ) Mervin C. Phillips and Leane Phillips, for  
the Claimant )  
)  
)  
- and - )  
)  
PEEPEEKISIS FIRST NATION )  
Claimant )  
)  
)  
Michelle Brass, for the Claimant )  
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)  
- and - )  
)  
)  
)

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
	)	
	)	
	)	
	)	
	)	<b>HEARD:</b> November 27, 2017

**ENDORSEMENT**

**Honourable W.L. Whalen**

A Case Management Conference (CMC) was held by teleconference on November 27, 2017, at 1:00 P.M., Eastern Time (Ottawa).

[1] The Parties reported that the standing sub-phase Common Book of Documents and Agreed Statement of Facts are in an advanced state of preparation. Peepeekisis First Nation is asking that the full version of “Guide to Indian Bands and Agencies in Western Canada, 1871 – 1959” be included in the Common Book of Documents, rather than an excerpt. It is also conducting research on whether Chief Peepeekisis was buried on IR 80A. This research should be completed on or before December 29, 2017. If it is discovered that the Chief was buried on IR 80A, the First Nation will ask that this be stated in the Agreed Statement of Facts and that supporting documentation be added to the Common Book of Documents. There was general agreement that the Common Book of Documents and Agreed Statement of Facts could not be completed until proposed further mediation of the sub-phase issue has been completed and the outstanding Application for Discovery of the Respondent has been resolved.

[2] Subject to the Kawacatoose Claimants’ final instructions being received by the end of December 2017, the Parties requested that Tribunal-led mediation be conducted in an attempt to resolve the standing sub-phase. The Parties reported that they had reached an impasse on several questions in their own resolution attempts, and they expressed hope that the Tribunal might assist the Parties to resolve these differences. Accordingly, the Tribunal Registry will contact Tribunal

Member, Justice P. Mayer, to engage in mediation with the Parties, hopefully in January or early February 2018. Upon Justice Mayer's agreement to participate, the Registry will schedule a CMC between the Parties and Justice Mayer to discuss the timing and terms of the proposed mediation.

[3] Little Black Bear First Nation's Application for Discovery of the Respondent will be heard at 10:00 A.M. on **March 20, 2018** at a location to be arranged by the Registry in Regina, Saskatchewan. Little Black Bear First Nation was granted leave to file brief further submissions and supporting materials in support of its Application and to be filed on or before **January 26, 2018**. The Respondent will respond to such supplementary submissions within two weeks of being served, if it deems appropriate.

[4] Should mediation fail, the Hearing of the standing sub-phase will be heard commencing on **September 17, 2018 at 10:00 A.M. and continuing through September 21, 2018** at Fort Qu'Appelle, Saskatchewan. The Parties are requested to propose a schedule for filing the Agreed Statement of Facts, the Common Book of Documents, and the Parties' written Submissions, as well as written Responding Submissions and reply at the next CMC.

[5] The next CMC will be co-ordinated by the Registry for a time following the completion of the mediation proposed in this Endorsement.

W.L. WHALEN

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Honourable W.L. Whalen