

FILE NO.: SCT-5001-13

DATE: 20180404

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KAWACATOOSE FIRST NATION,)	
PASQUA FIRST NATION, PIAPOT	)	No one appearing 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)	
	)	Aaron Christoff, for the Claimant
Claimant)	
– and –)	
)	
STANDING BUFFALO DAKOTA FIRST)	
NATION	)	Mervin C. Phillips and Leane Phillips, for
	)	the Claimant
Claimant)	
– and –)	
)	
PEEPEEKISIS FIRST NATION)	
	)	Michelle Brass, for the Claimant
Claimant)	
– 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)	
)	
)	
)	
	)	HEARD: March 20, 2018
)	

ENDORSEMENT

Honourable W.L. Whalen

A Hearing on the Application for Discovery of the Respondent was held in person on March 20, 2018, at 10:00 A.M., Central Time (Saskatchewan), where a bench decision was rendered. The official version of the Reasons on Application was a handwritten endorsement that was provided to the Parties at the time of the hearing. The following is a transcription of the handwritten endorsement:

[1] Leave to bring the Application is granted. The Application is granted on the following basis. Written Reasons will follow.

[2] For economy of time and resources, discovery will proceed on the basis of the written questions presented by the Applicant, subject to the limitations and reformulations which follow.

[3] Question number 6 of the Applicant’s proposed questions will not be permitted as it pertains to a question of law.

[4] For purposes of clarification, question numbers 1 and 12 are reformulated as follows:

1. Does Canada have knowledge, information or belief as to whether there were unwritten promises underlying Treaty 4 that Canada would establish fishing stations for those First Nations who wished to continue their traditional harvest of fish?

12. If no fishing reserve was ever set aside for Little Black Bear First Nation, does Canada have knowledge, information or belief that it had or continues to have an obligation to set aside a fishing reserve for Little Black Bear First Nation.

[5] Standing Buffalo Dakota First Nation's request to ask questions to any answers Canada may make is denied. This is too vague and untimely. If this First Nation had questions it should have stated them in general or specifically as part of its Reply.

[6] The questions permitted are sufficiently broad as posed that no further expansion of the questions is necessary or justifiable.

[7] The letter filed by the Applicant as Exhibit D to the Affidavit of Emily Guglielmin is struck as it was a letter delivered by Canada on a "Without Prejudice" basis.

[8] Costs shall be considered upon completion of the validity sub-phase at the instance of the Applicant.

W. L. WHALEN

Honourable W.L. Whalen