

**CITATION: TSLEIL-WAUTUTH NATION v. HER MAJESTY  
THE QUEEN IN RIGHT OF CANADA**  
**COURT FILE NO:** SCT-7001-12  
**DATE:** 11/19/2012

**SPECIFIC CLAIMS TRIBUNAL – CANADA**

**RE:** Tsleil-Waututh Nation  
**HEARD:** 11/13/2012  
**BEFORE:** Justice Patrick Smith  
**COUNSEL:** Mr. Stan H. Ashcroft, for the Claimant, the Tsleil-Waututh Nation  
Mr. James Mackenzie, Ms. Naomi Wright and Ms. Deborah McIntosh, for the  
Respondent, Her Majesty the Queen in Right of Canada

**ENDORSEMENT**

- [1] A Case Management Conference (CMC) was held in Ottawa, Ontario, via teleconference on November 13, 2012 at 1 P.M. EST.
- [2] The Claimant has filed an amended statement of claim.
- [3] The parties have advised that they have agreed to file a common book of documents and agreed statement of facts.
- [4] The issue scheduled for hearing is the Respondent's assertion of a claim of settlement privilege over various documents including expert reports produced during the course of negotiations between the Claimant and the Specific Claims Branch preceding the filing of this claim before the Tribunal.
- [5] The Claimant is to file an application for disclosure of documents / reports used in negotiations before the Specific Claims Branch.
- [6] The Claimant will ask for leave of the Tribunal to have those expert witnesses who provided reports during the course of negotiations between the Claimant and the Specific Claims Branch to provide updated supplementary reports to the Tribunal.

- [7] The Respondent Crown opposes both the Claimant's application for disclosure and the request for leave.
- [8] On or before November 30, 2012, the Claimant shall file its application for disclosure and request for leave.
- [9] On or before January 31, 2013, the Respondent shall file its response to the Claimant's application for disclosure and leave request and factum.
- [10] The Claimant shall file its reply no later than February 15, 2013.
- [11] A hearing of oral arguments respecting the Claimant's application for disclosure and leave request is scheduled for March 6, 2013 in Vancouver, B.C. commencing at 10 AM.

PATRICK SMITH

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Justice Patrick Smith  
Member of the Specific Claims Tribunal

**DATE:** 11/19/2012