

FILE NO.: SCT-3002-11
DATE: 20140904

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
BIG GRASSY)	
(MISHKOSIIMIINIIZIIBING) FIRST)	Donald R. Colborne, for the Claimant
NATION (INDIAN BAND))	
)	
)	
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	Jeff Echols, for the Respondent
OF CANADA)	
As represented by the Minister of Indian)	
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: September 2, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 2, 2014, at 3:30 P.M., Eastern Time (Ottawa).

[1] The Claimant reported that its archivist had recently identified approximately 450 archival documents relating to this Claim. All but 16 of those documents are included in the documents produced by the Respondent, so only the 16 archival documents need to

be produced to the Respondent. The Claimant also has non-archival documents it proposes to produce. The Claimant's 16 archival documents shall be produced to the Respondent on or before September 5, 2014, and the non-archival documents shall be produced to the Respondent on or before September 15, 2014.

[2] The Claimant has received oral history evidence Will-Says from the witnesses it intends to present at the hearing in that regard. The Claimant shall produce copies of the Will-Says on or before September 5, 2014, to the Respondent who may respond to the Claimant with Will-Asks according to a timetable the Parties may agree to or to be determined at the next CMC.

[3] The Claimant indicated it may not require an expert except for the purpose of present valuing any amount that may be found payable by the Tribunal if underlying validity is established. The Parties shall discuss the necessity of expert evidence in respect of any other aspect of the Claim and shall indicate their respective positions at the next CMC.

[4] A lengthy discussion occurred in respect of the need for bifurcation of the Claim. The various possibilities and complications were discussed. The Parties indicated that they would consult with each other and seek instructions on whether they supported bifurcation or not and how the question should be decided. It may be that a separate hearing would only be required for purposes of present valuation if amounts underlying alleged breaches are part of the validity hearing including amounts apparent from the documentary record without need for opinion evidence.

[5] The Claimant indicated that it wished to clarify certain matters in the Declaration of Claim that it thought would give greater precision to the Claim and that the Respondent might find helpful. The Respondent indicated that it had changed its position on jurisdictional issues. The Parties will present each other with their proposed Amended Declaration of Claim and Amended Response to the Declaration of Claim, and they will

consult on the acceptability of those proposed amended pleadings and indicate their respective positions at the next CMC.

[6] The next CMC will be held by teleconference on October 27, 2014, at 2:00 P.M., Eastern Time (Ottawa).

W.L.WHALEN

Honourable W.L. Whalen