

FILE NO.: SCT-5003-11
DATE: 20181128

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
MAKWA SAHGAIEHCAN FIRST)	
NATION)	Steven W. Carey and Amy Barrington, for
)	the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Lauri Miller, for the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: November 20, 2018

ENDORSEMENT AND ORDER

Honourable Harry Slade, Chairperson

A Pre-Hearing Conference was held by teleconference on November 20, 2018, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Parties indicated that they are not intending to submit expert reports or to call experts for the hearing scheduled for December 4-7, 2018, and that it is their understanding that the hearing is to deal only with the validity of the Claim.

[2] Accordingly, the Tribunal ordered that a bifurcation order be issued, as set out below.

[3] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the Parties, **THE TRIBUNAL ORDERS that:**

- a. The hearing of this Claim shall proceed in two separate stages, in order to deal with issues of validity and compensation, respectively;
- b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage);
- c. The second stage of this Claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (Compensation Stage), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, and the issue of validity decided.
- d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;
- e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,
- f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

HARRY SLADE

Honourable Harry Slade, Chairperson