

FILE NO.: SCT-7006-11
DATE: 20160114

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
HUU-AY-AHT FIRST NATIONS)	
)	Kate Blomfield, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	James Mackenzie and Erin Tully, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: January 8, 2016

ENDORSEMENT

Honourable W.L. Whalen

A Pre-Hearing Conference was held by teleconference on January 8, 2016, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Parties reported that they are presently in disagreement about the veracity of a factual statement made in the Agreed Statement of Facts in the Validity Phase that the Claimant’s members had received \$14,000 in distributions from its trust account (Agreed Statement of

Facts, para 31). If they cannot agree, the Parties will make advance written submissions to the Tribunal as follows:

- a) Claimant's submission on or before **January 18, 2016**;
- b) Respondent's response on or before **January 25, 2016**, and;
- c) Claimant's reply on or before **January 29, 2016**.

These dates are all expressed in terms of the end of the business day Vancouver time. The Tribunal will make its best effort to resolve the question before the commencement of the hearing.

[2] The Parties reported that they had exchanged all expert reports and the Claimant had filed its expert's report with the Tribunal. The Respondent will file its expert reports with the Tribunal on or before **January 15, 2016**.

[3] The Respondent proposes to use PowerPoint in aid of its expert's direct testimony. The Respondent will produce a copy of the proposed PowerPoint presentation to the Claimant on or before **January 22, 2016**. The Registry will determine whether the hearing location is adequately equipped to accommodate PowerPoint presentations and report any deficiency to the Parties who can then make their own arrangements if need be.

[4] The Parties indicated that they have a draft report on areas of agreement and disagreement between their experts. That report will be filed on or before **January 22, 2016**.

[5] The Parties will produce their respective experts' working files to each other by **January 25, 2016**.

[6] The Parties have agreed that the Respondent's two experts may remain in the hearing room during the testimony of the other. This is based on a recent written ruling of the Federal Court that the Parties are to provide to the Tribunal. The Tribunal expressed concern but accepted the agreement. The Parties have also agreed that when one of the Respondent's experts is under cross-examination, both will be considered to be under cross-examination so that neither can discuss the cross-examination testimony with counsel, each other or anyone else until the cross-examination is complete.

[7] The Claimant indicated that it intends to call Chief Dennis as an oral history witness at the hearing. The Claimant will provide the Respondent with a Will-Say of the witness's anticipated evidence on or before **January 25, 2016**.

[8] There was a discussion about the order and timing of witnesses at the hearing. The chief concern was the amount of time available for the direct examination of experts. The Tribunal emphasized the importance of its having a clear understanding of the witness's positions, irrespective of time. If it were necessary to schedule an additional day of hearing to achieve that purpose, that would be preferable and acceptable. Counsel agreed to fashion a schedule and file it with the Tribunal on or before **January 25, 2016**.

[9] The hearing will commence at 9:30 A.M., on Monday, February 8, 2016.

W.L. WHALEN

Honourable W.L. Whalen