

**FILE NO.:** SCT-1001-12  
**DATE:** 20180410

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
MADAWASKA MALISEET FIRST	)	
NATION	)	Patricia Bernard and Paul Williams, for the
	)	Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	Patricia MacPhee, for the Respondent
As represented by the Minister of Indian	)	
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> March 28, 2018

**ENDORSEMENT**

**Honourable Paul Mayer**

A Case Management Conference (CMC) was held by teleconference on March 28, 2018 at 4:30 P.M., Eastern Time (Ottawa).

[1] In their Joint Brief dated March 21, 2018, the Parties requested a stay of proceedings to negotiate the compensation phase of the Claim.

[2] The Tribunal stated its support for negotiations so long as they are in keeping with the Tribunal's mandate of just, expeditious, cost-effect and proportionate resolutions to specific claims. The Tribunal expressed reticence to grant the request for a stay of proceedings without a Negotiation Plan that would ensure that the Claim would be resolved within a reasonable timeframe.

[3] The Tribunal requested the Parties submit a [Negotiation Plan](#) that includes:

- Agreed dates for delivery of Expert Reports, if any;
- A schedule of meeting dates;
- Agreed dates, if any, for presentation of offers and counter-offers; and,
- Whether either or both Parties seek Tribunal-assisted Judicial Mediation.

[4] If the Negotiation Plan is satisfactory to the Tribunal, an initial stay of proceedings would be granted for 6 months, after which time the Parties would need to demonstrate their progress to obtain an extension of another 6 months, if necessary.

[5] The Parties will prepare a joint Negotiation Plan to be filed prior to the next CMC.

[6] Should the Parties require Joint Expert Reports, they should foresee an agreement whereby one Party may continue to use the Expert Report in the event that negotiations fail.

[7] The next CMC will be held by teleconference on **May 16, 2018** at 4:30 P.M., Eastern Time (Ottawa).

PAUL MAYER

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Honourable Paul Mayer