

FILE NO.: SCT-1001-12
DATE: 20170421

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
MADAWASKA MALISEET FIRST)	Patricia Bernard and Paul Williams, for the
NATION)	Claimant
)	
)	
)	
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Reinhold M. Endres, Q.C., and Patricia
As represented by the Minister of Indian)	MacPhee, for the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	

ORDER

Honourable Barry MacDougall

FURTHER to a Pre-Hearing Conference held by teleconference on April 19, 2017, at 2:00 P.M., Eastern Time (Ottawa);

AND UPON THE CONSENT of the Parties, **THE TRIBUNAL ORDERS THAT:**

[1] The expert evidence hearing shall take place from **May 15 to May 19, 2017**, and continue from **May 23 to May 24, 2017**, and will be held on the traditional territory of the Claimant in New Brunswick.

[2] The oral submissions hearing shall take place from **July 17 to July 19, 2017**, with the following procedural timelines:

a. The Claimant shall file and serve its written submissions on or before **June 7, 2017**;

b. The Respondent shall file and serve its written submissions on or before **June 21, 2017**;

c. The Claimant's reply written submissions, if any, shall be filed and served on or before **June 28, 2017**; and

d. The Parties shall propose dates to the Registry and work with the Tribunal to schedule a pre-hearing teleconference.

[3] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*:

a. The hearing of this Claim shall proceed in two separate stages, in order to deal with issues of validity and compensation, respectively. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage);

b. 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, the issue(s) of validity decided, and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

c. 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;

d. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,

e. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

BARRY MACDOUGALL

Honourable Barry MacDougall