

FILE NO.: SCT-1001-12
DATE: 20170525

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
MADAWASKA MALISEET FIRST)	
NATION)	Patricia Bernard and Paul Williams, for the
)	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)	
)	
)	
)	HEARD: May 12, 2017

ENDORSEMENT

Honourable Barry MacDougall

A series of Pre-Hearing Conferences (PHC) were held by teleconference on April 19, 2017, May 1, 2017, May 8, 2017, and lastly on May 12, 2017, at 9:00 A.M., Eastern Time (Ottawa). In summary, the Parties had finally agreed to the following Validity Stage expert hearing matters:

Claimant's Witnesses:

[1] The Claimant agreed with the Respondent's proposal to withdraw Dr. Parenteau and Ms. Mancke's Supplemental Report dated April 10, 2017, given the report had been delayed in its production to the Respondent. This also enabled the Respondent's expert, Dr. Wicken, to focus solely on the production of a responding report to the Claimant's newly proposed witness Dr. Andrea Bear Nicholas, whose report had been produced to the Respondent on May 3, 2017.

[2] The Claimant also agreed to have either Dr. Parenteau or Ms. Mancke testify to their two duly served and filed reports rather than have both testify, as a result of the Respondent's concerns with potential for contradictory testimony should they both testify to the same reports.

[3] The Claimant decided that it would not call expert Mr. Clifford Lawrence to testify to "certain discrete cartographic matters" at the expert evidence hearing as part of the Validity Stage of this Claim, deciding that his opinion on the approximation of the acreage of the reserve according to the 1787 survey by George Sproule is more relevant to the matter of compensation. Mr. Lawrence has not yet produced an expert report in accordance with the Tribunal's Rules.

[4] The Claimant's expert Mr. Cuthbertson would still testify to matters as provided for in his duly served and filed expert report.

[5] The Parties agreed that Dr. Nicholas would testify at the continuation of the expert evidence hearing to be set for later in June.

Respondent's Witness:

[6] The Respondent had indicated that Dr. Wicken would be able to complete his responding report to Dr. Nicholas' report shortly after the adjournment of the expert evidence hearing the week of May 15, 2017. The Respondent advised that Dr. Wicken would use the following week for research and the week subsequent to that to prepare his responding report. As such, the report could be produced to the Claimant and Tribunal in the week of June 5, 2017.

Hearing Logistics:

[7] The Parties agreed that the May 23 to May 24, 2017 expert evidence hearing dates, initially set aside by Order dated April 21, 2017, could be vacated, and that instead the week of June 19, 2017 would be set aside for the continuation of the expert evidence hearing in Halifax, to be confirmed at the hearing week of May 15 (i.e. once the availability of the witnesses and Tribunal resources/logistics were confirmed).

[8] The draft hearing schedule as produced by the Respondent would be roughly followed, with (remaining) testimony of Dr. Wicken and testimony of Dr. Nicholas to take place in the week of June 19, 2017.

Expert Reports to be filed:

[9] Dr. Nicholas' expert report, her two published articles, and her *curriculum vitae* were to be filed with Tribunal shortly following this last PHC.

[10] Dr. Wicken shall serve and file his responding report and his updated *curriculum vitae* on or before **June 9, 2017**.

BARRY MACDOUGALL

Honourable Barry MacDougall