

FILE NO.: SCT-3001-12
DATE: 20140624

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
AUNDECK OMNI KANING)	
)	Paul Williams, for the Claimant
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Jennifer Roy, for the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	
)	HEARD: June 23, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on June 23, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Parties confirmed that because of the admission of breach of a legal and fiduciary in respect of the payment to non-members of the First Nation from the Claimant’s trust funds the validity of the Claim is not in dispute. The sole issue for determination is the amount of

compensation due in current dollars as a result of the breach, and the underlying development of that compensation.

[2] The Parties agree that the First Nation's trust records may be the primary documents for production. The Respondent reported that it had located those documents but that they were illegible. As a result, the Respondent sought and obtained instructions to retain professional assistance in transcribing the trust records and coding them for ease of accessibility. That work is about to begin and should be completed in a few weeks.

[3] The Claimant indicated that it might want to rely on documents evidencing its spending patterns and the documents should be available. The Parties agreed that to discuss the need for production of these documents and either produce them or propose a timetable for their production for or by the time of the next CMC.

[4] Both Parties indicated that they would require experts to provide opinion evidence on the appropriate manner of developing the amount of compensation. The Parties should retain their respective experts by the time of the next CMC and advise each other of the identity of those experts and their respective terms of reference by that time.

[5] The next CMC will be held by teleconference on Friday, September 26, 2014, at 2:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada