

FILE NO.: SCT-4002-12
DATE: 20140404

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
BROKENHEAD OJIBWAY FIRST)	
NATION)	Michael Bailey, for the Claimant
)	
)	
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Jeff Echols, for the Respondent
As represented by the Minister of Indian)	
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: April 2, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on April 2, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] Document production remains in question and has not been completed. Counsel for the Parties clarified the issue as it had been stated in the last CMC. The Claimant was in fact asking for production of all documents relating to easements and rights of way between Canada and any

other party in Manitoba between the years 1947 through 1955. The request was not limited to such documents entered into between Canada and the Province of Manitoba. The Respondent's counsel explained that he had not understood this until recently and that he must therefore seek instructions.

[2] The Claimant confirmed the breadth of its request for production of documents as stated above but indicated that it is seeking expert assistance to hopefully clarify the extent of the production it requires.

[3] The Respondent reported that it had made a proposal for production of documents to the Claimant, whose counsel will require instructions but not likely until after it has been able to consult with its expert. The Respondent indicated that the production it has proposed would likely require six months to achieve, if accepted.

[4] The Claimant's counsel did not think that the First Nation was itself in possession of documents to be produced, but he will investigate and make such production as necessary by or before the next CMC.

[5] Counsel are hopeful that by the time of the next CMC they can resolve the question of document production or determine the necessity of an application in that regard.

[6] The Claimant confirmed its intention to call oral history and it has identified an elder who has not yet confirmed his willingness to participate. By or before the next CMC the Claimant will identify the elder or elders to be called upon, and be able to discuss the general nature of the evidence anticipated and its relevance.

[7] The Claimant proposed that the hearing be in the community and has provided the Registry with the appropriate contact person. The Respondent was agreeable to the proposed hearing site.

[8] The next CMC will be held by teleconference on Monday, May 26, 2014, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen
Specific Claims Tribunal Canada