

**FILE NO.:** SCT-4002-12  
**DATE:** 20150910

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
BROKENHEAD OJIBWAY FIRST	)	
NATION	)	Michael J. Bailey and Sheryl A. Manychief,
	)	for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	Paul Anderson and Kristine Whittaker, for
As represented by the Minister of Indian	)	the Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> September 4, 2015

**ENDORSEMENT**

**Honourable W.L. Whalen**

A Case Management Conference (CMC) was held by teleconference on September 4, 2015, at 12:00 P.M. Eastern Time (Ottawa).

[1] The oral history evidence hearing will be held in the Claimant’s community on **January 21, 2016** commencing at 10:00 A.M. The Claimant will provide the Registry with a contact person to facilitate the conduct of the oral history evidence hearing.

[2] The Parties reported that they had agreed on an Oral History Protocol, except for dates to be filled in. As a result of this CMC, the dates in question are now apparent. The Parties are to file the fully agreed Oral History Protocol on or before **November 16, 2015**.

[3] If translators are required at the oral history evidence hearing, the Claimant will so advise the Respondent and the Parties will inform the Tribunal in writing together with an agreed list of acceptable translators by **November 16, 2015**.

[4] The Claimant reported that it intended to call Clarence Kent as an oral history witness. The Claimant has interviewed more potential oral history witnesses but it is not certain that more will be presented. The Claimant is to serve and file a Will-Say statement of Mr. Kent's anticipated evidence on or before **December 4, 2015**. If the Claimant proposes to present further oral history witnesses it will identify such witnesses and provide Will-Say statements of their anticipated evidence on or before **December 4, 2015**.

[5] The Claimant reported that, in the course of his work, the expert had requested further documents that may be pertinent to the Claim. The request had recently been communicated to the Respondent. The Respondent shall commence a search for those documents within the Department's records. However, it noted that some of the requested documents fell outside of the date range the Parties agreed on for document production and expressed concern that completion of the request might be difficult unless it knew the purpose and relevance of the documents requested. The Claimant shall request further information from the expert and inform the Respondent accordingly.

[6] The Respondent reported that it had undertaken further documentary research (in relation to trust fund accounts) in aid of determining the present value of compensation. It is expected that this research should be completed within approximately three months.

[7] The Respondent reported that it had commenced the process of engaging its own expert, who will not be able to progress far in his own report until the Claimant's expert's report had been received. Progress on the work of experts will be reviewed at the next CMC.

[8] Progress on investigation of the Claimant's request for further documents, the Respondent's further search for documents and arrangements for the oral history evidence hearing will also be reviewed at the next CMC.

[9] The next CMC will be held by teleconference on **December 14, 2015**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

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Honourable W.L. Whalen