

FILE NO.: SCT-4002-12
DATE: 20160726

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
BROKENHEAD OJIBWAY FIRST)	
NATION)	Sheryl A. Manychief, for the Claimant
)	
)	
Claimant)	
)	
– and –)	
)	
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)	
)	
)	
)	HEARD: July 20, 2016

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on July 20, 2016, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Parties confirmed that on April 25, 2016, the Respondent provided the additional documents requested by the Claimant.

[2] The Claimant reported that its expert is in the process of preparing a report, which should be completed by the end of September 2016 at the latest. Once that report has been delivered to the Respondent, its expert will require time to prepare a responsive report, if determined necessary. The Respondent also reported that it may require evidence from Manitoba Hydro in respect of its normal installation practices and when service was provided to the Claimant's community if that is not adequately addressed in the experts' reports.

[3] The Parties are to commence preparation of a Common Book of Documents, an Agreed Statement of Facts and an Agreed Statement of Issues, subject to such additions or changes that may be necessary upon delivery of the Claimant's expert report. Progress on the preparation of these documents will be reviewed at the next CMC.

[4] The Respondent proposes that the Claim be bifurcated into two phases: validity, including historical value; and, compensation, if necessary. The Respondent indicated that it intended to engage Professors Kirzner and Booth as experts in the bring forward of compensation if required. These experts will require time after a decision has been made on historical value (if validity is established) to develop their report on present value. The Claimant has not yet indicated its position on bifurcation. The matter of bifurcation will be reviewed at the next CMC.

[5] The Parties reported that transcripts of the testimony from the oral history evidence hearing had been prepared and filed.

[6] The next CMC will be held by teleconference on **December 5, 2016**, at 2:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen