

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

**DATE:** 20170209

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
BROKENHEAD OJIBWAY FIRST	)	
NATION	)	Sheryl A. Manychief and Ryan Lake, for the
	)	Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	Paul Anderson, Kristine Whittaker and Jean-
As represented by the Minister of Indian	)	Daniel Boulet, for the Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> January 31, 2017

**ENDORSEMENT**

**Honourable W.L. Whalen**

A Case Management Conference (CMC) was held by teleconference on January 31, 2017, at 2:00 P.M., Eastern Time (Ottawa).

[1] The Claimant reported that the delivery of its expert’s report has been delayed by 15 days. It aims to file and serve the report on or before **February 17, 2017**. Each Party will have then filed expert reports and the Claimant’s expert report will have taken the Respondent’s report

into account. The Respondent will determine whether it will require a reply to the Claimant's expert report by the time of the next CMC.

[2] The Claimant confirmed that it has drafted a proposed List of Documents for a Common Book of Documents, but it had not delivered that list to the Respondent, pending identification of further documents from its expert's report. The Claimant shall produce its draft Common Book of Documents to the Respondent before the next CMC.

[3] The Respondent indicated that it has prepared a draft Agreed Statement of Facts which it expects to produce to the Claimant sometime in February of 2017. The Respondent shall produce a draft Agreed Statement of Facts to the Claimant before the next CMC.

[4] The Claimant indicated that it had been reluctant to take a position in response to the Respondent's position on bifurcation until the Claimant had received its expert's report. The question of bifurcation will be determined at the next CMC, either by consensus of the Parties, or summarily by the Tribunal upon the oral submissions of the Parties.

[5] The Respondent expressed concern that there had been conflict among oral history witnesses about whether the running of electric transmission lines to the community had provided a benefit to the First Nation. The Respondent is to identify the specifics of conflict on that question to the Claimant. The Respondent has asked the Claimant to clarify its position on the question so that the Respondent may determine whether it must call evidence on the question. The need for further evidence will be discussed at the next CMC.

[6] The next CMC will be held by teleconference on **March 7, 2017**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

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Honourable W.L. Whalen