

FILE NO.: SCT-4002-12

DATE: 20170927

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
BROKENHEAD OJIBWAY FIRST)	
NATION)	Sheryl A. Manychief and Ryan Lake, for the
)	Claimant
)	
Claimant)	
)	
- and -)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	Paul Anderson and Jean-Daniel Boulet, for
As represented by the Minister of Indian)	the Respondent
Affairs and Northern Development)	
)	
)	
Respondent)	
)	
)	
)	HEARD: September 26, 2017

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 26, 2017, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Parties are working cooperatively on the preparation of a Common Book of Documents, Agreed Statement of Facts and Agreed Statement of Issues. The Common Book of Documents is in an advanced stage of preparation, while the other documents are less developed. The Claimant had provided the Respondent with comments on the Agreed Statement of Facts on

June 21, 2017. The Respondent will provide its comments in turn on or before **October 20, 2017**. All documents cannot be completed until expert reports are complete and the evidence of a Manitoba Hydro witness (if one is produced) is known. Progress will be reviewed at the next CMC.

[2] The Parties have exchanged expert reports but the Claimant anticipates producing a reply to the Respondent's expert's report on or before **October 23, 2017**.

[3] The Respondent reported that it has had informal discussions with Manitoba Hydro's counsel about whether a witness familiar with the subject of this Claim might be available and it had made a formal request in writing. The Respondent clarified that its only communications with Manitoba Hydro to date had been with its counsel. Manitoba has responded that it is willing to attempt to identify a witness and the Respondent is hopeful that it will learn whether there will be a witness and the witness's identity soon. The Respondent will inform the Claimant of the witness's identity and the name of Manitoba Hydro's communicating counsel as soon as a witness may be identified. The Parties will make their best efforts to agree on how the witness will be dealt with on each side and the manner in which his/her evidence may be brought forward. This will be discussed at the next CMC.

[4] The next CMC will consider whether, where and when there will be a separate witness hearing. The question of bifurcation will also be addressed.

[5] The next CMC will be held by teleconference on **January 9, 2018**, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen