

**FILE NO.:** SCT-6004-12  
**DATE:** 20170524

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:** )  
)  
BLOOD BAND, ALSO KNOWN AS )  
KAINAIWA OR KAINAI FIRST ) Joanne F. Crook, for the Claimant  
NATION, THE BLOOD TRIBE OR THE )  
BLOOD INDIAN BAND )  
As represented by the Chief and )  
Councillors of the Blood Band )  
)  
Claimant )  
)  
- and - )  
)  
HER MAJESTY THE QUEEN IN RIGHT ) Lisa D. Cholosky, for the Respondent  
OF CANADA )  
As represented by the Minister of Indian )  
Affairs and Northern Development )  
)  
)  
Respondent )  
)  
)  
) **HEARD:** May 9, 2017

**ENDORSEMENT**

**Honourable W.L. Whalen**

A Case Management Conference (CMC) was held by teleconference on May 9, 2017, at 12:00 P.M., Eastern Time (Ottawa).

[1] The Respondent reported on the progress of document productions in response to the Claimant's requests for unedited documents and related information. The bulk of the documents

(beyond the 1298 documents already sent) were to be produced to the Claimant very shortly, as this documentation was nearly done being formatted for the Claimant's use. Some documents determined to be lost or destroyed will also be listed for the Claimant's information.

[2] Furthermore, research related to three documents already produced to the Claimant (Nos. 256, 268 and 271) has uncovered that further research through files for certain individual Treaty 7 bands is also required. The Respondent has retained a researcher to do this (which is fairly complex) and which is anticipated to be complete by the end of July.

[3] There was considerable discussion about the competing case theories of the Claimant and the Respondent, the framing of issues and what should be determined in the validity phase versus the compensation phase of this bifurcated claim. The Parties indicated that it may be prudent for them to have a without prejudice discussion on their respective theories for compensation. It is premature to decide this question further until expert reports have been completed and exchanged.

[4] The Claimant is in the process of retaining an expert. Upon completion of the retainer, the Claimant will identify the expert to the Respondent and provide a copy of the expert's qualifications and terms of reference. The Respondent indicated that it had retained an expert to prepare a responding report. Upon the Claimant identifying its expert and providing the information stated, the Respondent will identify its expert to the Claimant and provide similar information.

[5] The Parties have been working cooperatively on the preparation of an Agreed Statement of Facts. The Respondent has produced one draft already and is in the process of completing an abbreviated version that has been delayed because the Respondent's responsible staff member has been on leave for family issues. As soon as the staff member returns to work end of May, the Respondent will send the Claimant an email indicating when the revised draft Agreed Statement of Facts is expected to be produced. Further development of the Agreed Statement of Facts must await completion of document productions and expert reports.

[6] The Parties have been working cooperatively in the preparation of an Agreed Statement of Issues and a Common Book of Documents. These cannot be finalized until the Agreed

Statement of Facts and document productions are complete and expert reports have been exchanged.

[7] The Claimant indicated that it did not anticipate calling oral history evidence at the moment but it was not prepared to make a final decision in that regard until expert reports had been prepared and exchanged.

[8] The next CMC will be held by teleconference on **July 4, 2017**, at 2:00 P.M., Eastern Time (Ottawa).

W.L. WHALEN

---

Honourable W.L. Whalen