

**FILE NO.:** SCT-6004-12  
**DATE:** 20140225

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:** )  
)  
BLOOD BAND, ALSO KNOWN AS )  
KAINAIWA OR KAINAI FIRST )  
NATION, THE BLOOD TRIBE OR THE ) Joanne F. Crook and Gilbert Eagle Bear, for  
BLOOD INDIAN BAND ) the Claimant  
As represented by the Chief and Councillors )  
of the Blood Band )  
)  
Claimant )  
)  
- and - )  
)  
HER MAJESTY THE QUEEN IN RIGHT )  
OF CANADA ) Elizabeth A. Tutiah, for the Respondent  
As represented by the Minister of Indian )  
Affairs and Northern Development )  
)  
)  
Respondent )  
)  
) **HEARD:** February 24, 2014

**ENDORSEMENT**

**Honourable W. L. Whalen**

A Case Management Conference (CMC) was held by teleconference on February 24, 2014, at 11:00 A.M. Eastern Time (Ottawa).

[1] The Respondent produced 350 documents to the Claimant on January 15, 2014, and it has engaged a researcher to continue and broaden the search for documents. The Respondent hopes

to produce any further documents that may be discovered by the end of April 2014. The Claimant is in the process of comparing the produced documents with the package it received from its own research for purposes of preparing the claim. The Claimant indicated that it would produce any documents that were not included in the documents produced by the Respondent by the end of April 2014.

[2] The Claimant's Counsel has indicated that he has identified and recommended an expert to report on the historical issues in the validity phase of the claim and he is awaiting instructions. When instructions are received, the expert will be engaged and terms of reference will be developed. The Claimant's Counsel expects to be able to advise the Respondent of the identity and terms of reference of the expert by the end of April 2014 so that the Respondent may consider whether it will require a responding expert and also to facilitate the engagement of an expert if required.

[3] The Claimant's Counsel reported that elders have been prospectively identified to give oral evidence and he is awaiting instructions to proceed. The Claimant's Counsel has undertaken to provide the Respondent with: the identity of the elders he intends to call; a Will Say Statement of the evidence he expects to receive from each elder, and; state briefly the relevance of each elder's expected evidence to the claim. The Claimant's Counsel has indicated that he may apply for the early taking of elder evidence to preserve it because of the advanced age or fragile health of elders. The Respondent expressed concern about the relevance of proposed elder evidence in view of the contents of the documents produced, which speak for themselves and which may not require corroboration if the Respondent does not dispute such contents. This issue must await completion of production and presentation of elder Will Say Statements.

[4] The Parties are committed to the completion of a Common Book of Documents and an Agreed Statement of Facts, but these cannot go forward until production of documents is complete and elder evidence Will Say Statements have been produced.

[5] The Claimant's Counsel has indicated that there is a new building in the community that he anticipates will be able to accommodate the hearing. Counsel will provide the Registry with a

contact in the community who can inform the Tribunal of necessary information about the facility at the appropriate time. Hotel accommodation for Tribunal staff, Counsel and witnesses will be available in Lethbridge, Alberta, which is approximately 45 minutes from the First Nation community.

[6] The next CMC shall be held on May 29, 2014, at 11:00 A.M. Eastern Time (Ottawa).

W.L. WHALEN

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Honourable W. L. Whalen  
Specific Claims Tribunal Canada