

FILE NO.: SCT-6004-12
DATE: 20140924

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
BLOOD BAND, ALSO KNOWN AS)
KAINAIWA OR KAINAI FIRST) Gilbert Eagle Bear, for the Claimant
NATION, THE BLOOD TRIBE OR THE)
BLOOD INDIAN BAND)
As represented by the Chief and)
Councillors of the Blood Band)
)
)
Claimant)
) Lisa Cholosky, for the Respondent
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Indian)
Affairs and Northern Development)
)
)
Respondent)
)
) **HEARD:** September 22, 2014

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on September 22, 2014, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Respondent confirmed that its previous counsel, Elizabeth Tutiah, has been replaced by Lisa Cholosky, who will be the Respondent's counsel of record from this point forward.

[2] The Respondent reported that its document research is complete and it is in the final stages of reviewing and listing the substantial number of documents produced by its research. It has about 100 more documents to review and expects to complete this review and develop a complete list of documents within 4 weeks. At that point it will produce the list and documents to the Claimant, which will then require time to review them.

[3] The Respondent indicated that it was in the process of scanning its documents for production. When it has received the Respondent's documents, the Claimant proposes to compare those documents with its own in order to eliminate duplication and then produce the rest.

[4] The Claimant has completed identification of its intended oral evidence witnesses. Delay was occasioned by the proposed elders being unavailable over the summer due to their commitment in other band matters. Claimant's counsel undertook to interview those elders before the next CMC. The Claimant is therefore directed to identify its proposed oral evidence witnesses to the Respondent and to propose a deadline for the production of Will-Say Statements summarizing those witnesses' expected evidence by December 31, 2014.

[5] Claimant's counsel confirmed it had identified its expert but that the retainer process was not complete because the Claimant wanted to meet with the expert and be directly involved in development of terms of reference. Claimant's counsel is in the process of arranging that meeting. Once the retainer is completed, the name of the expert will be provided to the Respondent. The Respondent intends to retain a responding expert and will not do so until it knows the identity of the Claimant's expert.

[6] The Parties agreed that an Agreed Statement of Facts, Common Book of Documents and Agreed Statement of Issues cannot be prepared until production of documents and oral evidence will-says are complete.

[7] Claimant's counsel expressed potential concern about the completeness and parameters of the Respondent's document research and production. However, it is not possible to deal with this question until it has received the Respondent's documents. Counsel agreed to work cooperatively on this issue. Once document production is complete, the Claimant will particularize its concerns in writing (if there are any) and the Respondent will respond in writing if the Claimant expresses such concerns. The issue will be addressed again at the next CMC.

[8] The question of a Section 22 Notice had been addressed at a CMC before Smith J. on February 28, 2013. At that time both Parties indicated that they were unaware of any other person or entity having a potential interest in this Claim. It was therefore not necessary to issue a Section 22 Notice.

[9] The next CMC will be held by teleconference on January 26, 2015, at 11:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen