

FILE NO.: SCT-6005-12

DATE: 20130930

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
SWAN RIVER FIRST NATION)	
)	Karine De Champlain and Allyson F. Jeffs,
)	for the Claimant
Claimant)	
)	
– and –)	
)	
HER MAJESTY THE QUEEN IN RIGHT)	
OF CANADA)	
As represented by the Minister of Indian)	Shaun Mellen and Tanya Knobloch, for the
Affairs and Northern Development)	Respondent
)	
)	
Respondent)	
)	
)	
)	

ORDER

Honourable Harry Slade

Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the parties, **THE TRIBUNAL ORDERS** that:

[1] The hearing of this claim shall proceed in two separate stages in order to deal with issues of validity and compensation, respectively;

[2] The Tribunal will first hold a hearing and render its decision on the validity of the claim (“Validity Stage”);

[3] The second stage of this claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (“Compensation Stage”), will only proceed if necessary. The Compensation Stage will not begin until the Validity Stage has been completed, the issue(s) of validity decided, and the parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

[4] If the claim is ultimately determined to be valid, the parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;

[5] The parties may delay taking steps to prepare their cases on compensation until a determination is made on validity;

[6] Should one of the parties seek judicial review of the Tribunal’s decision on validity to the Federal Court of Appeal, that party will provide notice to the Tribunal via e-mail of significant steps taken in the application for judicial review;

[7] Should one of the parties appeal the Federal Court of Appeal’s decision to the Supreme Court of Canada, that party will provide notice to the Tribunal via e-mail of significant steps taken in the Supreme Court of Canada appeal; and

[8] In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

HARRY SLADE

Honourable Harry Slade
Specific Claims Tribunal Canada