

FILE NO.: SCT-7002-13
DATE: 20190528

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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| BETWEEN: |) | |
| |) | |
| METLAKATLA INDIAN BAND |) | |
| |) | Peter Millerd, for the Claimant |
| |) | |
| Claimant |) | |
| |) | |
| – and – |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | John Russell and Isabel Jackson, for the |
| Affairs and Northern Development |) | Respondent |
| |) | |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | |
| |) | HEARD: May 16, 2019 |

ENDORSEMENT

Honourable William Grist

A Case Management Conference (CMC) was held by teleconference on May 16, 2019, at 1:00 P.M., Eastern Time (Ottawa).

[1] The Claimant shall advise the Tribunal if an oral history evidence hearing is required, and shall file Will-Says on or before **July 15, 2019**. An oral history evidence hearing, if required, shall take place during the time period of August 12–23, 2019. The Will-Says shall cover all oral history and lay testimony that will be offered by oral history witnesses. Lay witnesses who are

not also oral history witnesses shall give their testimony during the validity hearing. The Parties shall agree an Oral History Protocol prior to the hearing.

[2] The Claimant has provided a valuation expert report to the Respondent, and the Respondent has retained a responding expert. Several document disclosure issues have arisen in this context, which shall be resolved on or before **May 31, 2019**, as follows:

- a. The Claimant shall disclose the production numbers of the documents referred to in its expert report and shall produce to the Respondent any documents referred to therein not already produced;
- b. The Claimant shall confirm in writing that its expert did not receive any draft of a historical report produced by Frank Leonard and advise on the nature of the communications between its valuation expert and Frank Leonard; and,
- c. The Claimant shall produce the “correspondence with Frank Leonard, Ph.D.” which its valuation expert cited as a source in his report, including all material relied on by the valuation expert that was received by Frank Leonard that has not already been produced to the Respondent.

[3] The Claimant shall file its valuation expert report with the Tribunal.

[4] The Respondent intends to file its responding valuation expert report with the Tribunal on or before **September 27, 2019**. The Respondent shall file a status report regarding its responding valuation expert report on or before **July 31, 2019**.

[5] The Claimant shall have two months to complete its reply expert report, if required, to the Respondent’s responding valuation expert report. If the Respondent files its responding valuation expert report by September 27, 2019, as anticipated, the Claimant shall file its reply expert report, if required, on or before **November 26, 2019**.

[6] The Common Book of Documents shall be completed and filed with the Tribunal within two months of the completion of the final expert report, which is either the Respondent’s responding valuation expert report or the Claimant’s reply expert report, if required. Based on

anticipated deadlines, the Common Book of Documents shall be filed on or before either **November 26, 2019** or **January 27, 2020**.

[7] The Registry shall convene a CMC as soon after October 14, 2019, as schedules allow. At the next CMC, the Parties shall be prepared to confirm the nature and dates of hearings for expert and lay witness testimony and on validity. The Tribunal aims to hold these hearings consecutively, when possible, for cost reasons.

WILLIAM GRIST

Honourable William Grist