

**FILE NO.:** SCT-4001-14

**DATE:** 20150623

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
SAGKEENG FIRST NATION	)	
	)	Ryan Lake and Candice Metallic, for the
	)	Claimant
	)	
Claimant	)	
	)	
<b>- and -</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	Daniel Kuhlen and Lauri Miller, for the
As represented by the Minister of Indian	)	Respondent
Affairs and Northern Development	)	
	)	
	)	
Respondent	)	
	)	
	)	
	)	<b>HEARD:</b> June 18, 2015

**ENDORSEMENT**

**Honourable Johanne Mainville**

A Case Management Conference (CMC) was held by teleconference on June 18, 2015, at 1:00 P.M., Eastern Time (Ottawa).

## **I. BIFURCATION**

[1] By letter dated May 29, 2015, the Respondent provided the Claimant with its proposal for bifurcation of the Claim. By letter dated June 5, 2015, the Claimant responded to the Respondent's proposal that it will agree to the proposed bifurcation of the hearing for this Claim, subject to the addition of two procedural matters. The Respondent disagreed with the proposed procedural matters explaining that it did not really understand the framework requested by the Claimant.

[2] The Claimant explained that it would like to have a framework that will address the validity and compensation phases within the current CMCs, and if the Tribunal finds in favour of the Claimant regarding liability, a CMC will be held to review the pre-established timeframe on compensation.

[3] The Tribunal confirmed that nothing prohibits the establishment of a timeframe for both phases during the current CMCs, however, the Respondent shall not be asked to engage an expert on compensation before a decision on validity is rendered. As for the filing of documents, both Parties generally agree that, subject to new documents that may be filed by the experts hired for the compensation phase, pertinent documents are mostly all related to the validity phase.

[4] After a discussion, it was agreed that the Parties will continue to discuss this matter between them and try to develop a framework for the approval of the Tribunal.

## **II. REVISED PLAN OF PROCEEDING**

[5] The Parties shall provide, for discussion purposes, a revised Plan of Proceeding on or before **July 3, 2015**. The revised Plan of Proceeding shall include realistic deadlines for both the validity and compensation phases and, among other things, a date by which the Respondent will provide the Claimant with the completion of its research in relation to the treaty paylists of First Nations in the list the Claimant provided, dates for the hearings of the testimony of the elders, if any, the experts and the merits of this Claim. The proposed revised Plan of Proceeding shall be reviewed at the next CMC.

[6] For clarification, it is noted that the Parties shall provide an Agreed Statement of Issues as well as an Agreed Statement of Facts and will provide the timeframe for its issuance in the revised Plan of Proceeding.

[7] The next CMC will be held by teleconference on **July 7, 2015**, at 1:00 P.M., Eastern Time (Ottawa).

JOHANNE MAINVILLE

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Honourable Johanne Mainville