

FILE NO.: SCT-5004-14
DATE: 20180920

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
COTE FIRST NATION)
) Sheryl A. Manychief and Ryan Lake, for the
) Claimant
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Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) David C. Culleton, for the Respondent
As represented by the Minister of Indian)
Affairs and Northern Development)
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Respondent)
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) **HEARD:** September 13, 2018

ENDORSEMENT

Honourable Paul Mayer

A Case Management Conference (CMC) was held by teleconference on September 13, 2018, at 4:30 P.M., Eastern Time (Ottawa).

[1] The Claimant’s historians uncovered new information which required additional archival research and, as a result, additional time is required to finalize their materials. It is anticipated that the Claimant will be in a position to serve and file its historical expert report by November

2018. The Respondent has identified and contacted an appropriate historical expert and has initiated the contracting process.

[2] The Respondent indicated that it had received the Claimant's forensic accounting report and it was reviewing it. The Respondent questioned whether the information contained in the forensic accounting report had been part of the claim that was originally submitted to the Minister, and, if not, whether this information was outside the jurisdiction of the Tribunal. The Tribunal encouraged the Parties to discuss this issue prior to the next CMC. If necessary, this matter will be revisited at the next CMC.

[3] The Claimant expects to have its expert's high level comparative loss of use report within 45 days. The Claimant then expects to be able to prepare a settlement proposal to be provided to the Respondent.

[4] The Respondent will review the Claimant's settlement proposal and consider whether the Claim can be resolved without a hearing. The Respondent will also consider what it needs in the way of an expert loss of use report and whether a proxy model may be acceptable instead of a full loss of use report.

[5] The Respondent indicated that it was not necessary to talk about a possible bifurcation order at this time given the possibility that this Claim can be settled.

[6] The Tribunal indicated that if the Parties intend to ask the Tribunal for a stay of proceedings to allow for the negotiation of a settlement, the Parties must file with the Tribunal a work plan with time lines indicating how the Parties will reach a settlement within a reasonable period of time.

[7] The next CMC will be held by teleconference on **December 11, 2018**, at 4:30 P.M., Eastern Time (Ottawa).

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Honourable Paul Mayer