

FILE NO.: SCT-4001-15
DATE: 20170530

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
GAMBLERS FIRST NATION) Stephen M. Pillipow, for the Claimant
)
Claimant)
)
– and –)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA) Paul Anderson and Jean-Daniel Boulet, for
As represented by the Minister of Indian) the Respondent
Affairs and Northern Development)
Respondent)
)
)
)
)
) **HEARD:** May 8, 2017

ENDORSEMENT

Honourable W.L. Whalen

A Case Management Conference (CMC) was held by teleconference on May 8, 2017, at 10:00 A.M., Eastern Time (Ottawa).

[1] The Parties advised that they are in the process of reviewing an Agreed Statement of Facts and a Common Book of Documents that will be common to all three files: SCT-4001-13, SCT- 4001-15, and SCT-4002-15. The Parties are also working on a separate Agreed Statement of Issues for each of these three files: SCT-4001-13, SCT-4001-15, and SCT-4002-15. They are working cooperatively. The Agreed Statement of Facts, Agreed Statement of Issues and

Common Book of Documents cannot likely be finalized until the Respondent's expert reports have been completed and produced.

[2] The Respondent reported that it expects Dr. Evans' expert report to be completed on or before **June 30, 2017** and Dr. McHugh's expert report to be completed by the end of summer 2017. Dr. McHugh has been involved in other litigation. Progress will be reviewed at the next CMC.

[3] The Respondent reported that it was in the process of engaging an expert to respond to the Claimant's expert report by Hoffman & Associates. It expects the expert's contract will be approved and finalized in the near future. Once this expert has been engaged, the Respondent will identify the expert to the Claimant together with the expert's qualifications and a summary of instructions provided to the expert. The Respondent reported that it expected its expert's report to be staged, with current unimproved value being available by late summer or fall of 2017 and a retrospective land appraisal being available by December 2017. The Claimant objected to the Respondent's expert providing appraised values, which it believes to be irrelevant at the validity phase and which the Claimant's expert did not address. The Respondent acknowledged that the Claimant's expert focused on land quality but took the position that other factors were at play as reflected in its expert's appraisal approach. The Parties are urged to discuss whether historical valuation would be appropriate to the validity phase. The matter will be reviewed at future CMCs.

[4] The Parties indicated that they were agreed in principle to claims SCT-4001-13, SCT-4001-15, and SCT-4002-15 being heard together. A final decision and order is premature until all expert reports have been produced.

[5] The next CMC will be held by teleconference on **September 26, 2017**, at 10:00 A.M., Eastern Time (Ottawa).

W.L. WHALEN

Honourable W.L. Whalen