

**FILE NO.:** SCT-5002-16  
**DATE:** 20191209

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

**BETWEEN:** )  
)  
KAHKEWISTAHAW FIRST NATION )  
) Stephen M. Pillipow, for the Claimant  
)  
Claimant )  
)  
- and - )  
)  
HER MAJESTY THE QUEEN IN RIGHT )  
OF CANADA )  
As represented by the Minister of Crown- ) Lauri M. Miller and Scott T. Bell, for the  
Indigenous Relations ) Respondent  
)  
)  
Respondent )  
)  
)  
) **HEARD:** November 20, 2019

**ENDORSEMENT**

**Honourable Victoria Chiappetta**

A Case Management Conference was held by teleconference on November 20, 2019, at 2:30 P.M., Eastern Time (Ottawa).

[1] The expert evidence hearing on validity is set for April 27–30, 2020, in Saskatoon, Saskatchewan. The hearing will be held for only four days, but the Tribunal is willing to start each day earlier and sit later if necessary.

[2] The Claimant proposes to seat together as a panel two experts on the DEMA Land Services report: Dallas Maynard and Alana Kelbert.

[3] Prior to the expert evidence hearing, the Parties shall file with the Tribunal a joint protocol regarding the proposed panel of two witnesses. The protocol will set out the issues on which each witness will give evidence. The Tribunal suggested that, on each issue, there should be a designated lead witness and a designated “clean up” witness. The Tribunal indicated that there should not be repetition of the same evidence from different individuals.

[4] In addition to the joint protocol described above, prior to the expert evidence hearing on validity, the Parties shall file with the Tribunal the following items:

- a) Agreed Statement of Facts, and where Parties cannot agree on facts, the Parties shall set out matters on which they do not agree and the reasons why they do not agree;
- b) Agreed Statement of Issues;
- c) Common Book of Documents; and,
- d) Outline of which witness is anticipated to speak on which issue in the Agreed Statement of Issues, and the length of time the witness is anticipated to take in examination-in-chief and in cross-examination.

[5] The Parties have agreed that the Claimant may submit for consideration by the Tribunal an Affidavit containing evidence from an Elder, Mr. Urbin Louison, who has unfortunately passed.

[6] The Claimant is also canvassing its Elders to determine if another Elder may be available to give evidence instead.

[7] The Claimant’s expert historian, Joan Holmes, will also testify at the expert evidence hearing on validity.

[8] At the next CMC, the Parties shall provide an update on the status of preparation of the documents required for the expert evidence hearing.

[9] Either Party may request a CMC in advance of the next CMC by contacting the Registry.

[10] The next CMC will be held by teleconference on **February 12, 2020**, at 12:00 P.M., Eastern Time (Ottawa).

VICTORIA CHIAPPETTA

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Honourable Victoria Chiappetta