

FILE NO.: SCT-5002-16
DATE: 20200903

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)	
)	
KAHKEWISTAHAW FIRST NATION)	
)	Stephen M. Phillipow and Adam Touet, 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: September 2, 2020

ENDORSEMENT

Honourable Victoria Chiappetta

A Pre-Hearing Conference was held by teleconference on September 2, 2020, at 10:00 A.M., Eastern Time (Ottawa).

[1] The Parties agreed that the jurisdictional issue raised by the Respondent will be dealt with in final submissions after the expert evidence hearing.

[2] The Tribunal advised that the jurisdictional issue will remain in the Agreed Statement of Issues as it continues to be a live issue.

[3] The Respondent indicated that the Agreed Statement of Facts has been completed and it will be signed and filed with the Tribunal shortly.

[4] The Parties discussed with the Tribunal whether the expert evidence hearing scheduled for October 27-29, 2020, could be held virtually (by videoconference).

[5] The Respondent indicated that it would prefer to have the hearing held virtually and noted that it was satisfied with the April 8, 2020 expert evidence hearing held by videoconference in Tribunal file # SCT-5001-14, *Mosquito Grizzly Bear's Head Lean Man First Nation v Her Majesty the Queen in Right of Canada*.

[6] The Tribunal advised that for virtual hearings, recordings continue to be made by the Registry, and the Parties can have transcripts made by requesting the recording and then sending it to a court reporter, as usual.

[7] The Tribunal also advised that members of claimant communities and others have been able to successfully observe other Tribunal virtual hearings.

[8] The Tribunal agreed with the concerns expressed by the Parties about having experts and others travelling to Saskatchewan and gathering in one room for the hearing, given the COVID-19 pandemic.

[9] Claimant's counsel will speak to its client early next week regarding its comfort level with a virtual hearing, and will report back to the Tribunal and the Respondent on or before **September 11, 2020**.

[10] If the Claimant expresses concerns regarding the holding of a virtual hearing, then the Registry will schedule another CMC, to be held before the end of September 2020, to discuss how to move forward with the expert evidence hearing.

[11] If the Claimant agrees to hold the hearing virtually, then the Registry will schedule a videoconference test for the Parties on October 14, 2020, at 2:00 P.M., Eastern Time (Ottawa).

VICTORIA CHIAPPETTA

Honourable Victoria Chiappetta