

FILE NO.: SCT-7001-16
DATE: 20170118

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

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| BETWEEN: |) | |
| |) | |
| TSESHAHT FIRST NATION |) | |
| |) | Bram Rogachevsky and Elisa Penn, for the |
| |) | Claimant |
| Claimant |) | |
| |) | |
| – and – |) | |
| |) | |
| HER MAJESTY THE QUEEN IN RIGHT |) | |
| OF CANADA |) | |
| As represented by the Minister of Indian |) | Terry McCormick and Deborah McIntosh, |
| Affairs and Northern Development |) | for the Respondent |
| |) | |
| |) | |
| Respondent |) | |
| |) | |
| |) | |
| |) | |
| |) | HEARD: December 20, 2016 |
| |) | |

ENDORSEMENT

Honourable Barry MacDougall

A Case Management Conference (CMC) was held by teleconference on December 20, 2016, at 1:00 P.M., Eastern Time (Ottawa).

[1] By mid-January 2017, the Claimant shall provide the Respondent with information regarding their expert Mr. Neil Vallance, including his qualifications/expertise and further detail

on the contents of his report dealing with the Claimant's use and occupation of Iwachis. The Claimant expects that Mr. Vallance's report may be completed by March/April 2017.

[2] By mid-March 2017, the Respondent shall provide the Tribunal and Claimant with an update in writing on the status of the Respondent's ongoing internal historical research. (The Respondent expects that a researcher will be retained early in 2017 and that the document research may be completed by mid-May 2017).

[3] The Claimant reported that *viva voce* oral history testimony would not be required. The Claimant intends to enter expert evidence pertaining to the use and occupation of Iwachis. The expert's evidence will be based on anthropological reports, traditional use studies and pre-recorded interviews with Elders. The Claimant will be required to submit to the Respondent a draft protocol for admitting this evidence.

[4] The Respondent wishes to reserve the right to call expert evidence in reply.

[5] The Claimant also reported that it may prepare an expert report on the retrospective valuation of Iwachis to support the allegation that the surrender of Iwachis was an exploitative bargain.

[6] The Parties have agreed to the following target dates for the Procedural Timeline:

- i. March/April 2017- Expert Report: Occupation and Use of Iwachis (Tsessaht).
- ii. Mid-May 2017- Collection of Documents (Canada).
- iii. June 2017- Common Book of Documents and Agreed Statement of Facts.
- iv. July 2017- Common List of Issues and Reply to Expert Report (Canada).
- v. July 2017- Case Management Conference.
- vi. July 2017- Expert Report: Retrospective Valuation (Tsessaht).
- vii. August 2017- Reply to Retrospective Valuation (Canada).
- viii. September 2017- Case Management Conference.
- ix. September/October 2017- Validity Hearing.

[7] The next CMC will be held by teleconference on **May 3, 2017**, at 1:00 P.M., Eastern Time (Ottawa).

BARRY MACDOUGALL

Honourable Barry MacDougall