

FILE NO.: SCT-7002-16

DATE: 20170718

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:

ESK'ETEMC FIRST NATION

Claimant

– and –

HER MAJESTY THE QUEEN IN RIGHT
OF CANADA

As represented by the Minister of Indian
Affairs and Northern Development

Respondent

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) Stan H. Ashcroft, for the Claimant
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) Michelle Casavant, for the Respondent
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) **HEARD:** June 29, 2017

AMENDED ENDORSEMENT AND ORDER

Honourable Paul Mayer

A first Case Management Conference (CMC) was held in person on June 29, 2017, at 9:00 A.M., in Alkali Lake, British Columbia (Pacific Time).

[1] The Respondent shall file its revised position with the Tribunal on or before **October 31, 2017.**

[2] On or before **October 31, 2017**, the Parties shall have completed the Common Book of Documents.

[3] The Parties shall also file an Oral History Protocol with the Tribunal on or before **July 31, 2017**.

[4] A further CMC will be scheduled in November to discuss the status of the above mentioned documents.

[5] A Notice to others pursuant to subsection 22(1) of the *Specific Claims Tribunal Act* will not be issued at this time.

[6] Prior to the next CMC, the Registry will provide the Parties with the Tribunal's availability to hear the oral history evidence in the fall and dates will be set at the next CMC. The oral history evidence hearing will be held in the Claimant's community.

[7] A site visit will take place during the oral history evidence hearing.

[8] The next CMC will be held by teleconference on **July 12, 2017**, at 4:30 P.M., Eastern Time (Ottawa).

[9] Pursuant to Rule 10 of the *Specific Claims Tribunal Rules of Practice and Procedure*, SOR/2011-119, and upon the request of the Parties, **THE TRIBUNAL ORDERS that:**

a. The hearing of this Claim shall proceed in two separate stages, in order to deal with issues of validity and compensation, respectively;

b. The Tribunal will first hold a hearing and render its decision on the validity of the Claim (Validity Stage);

c. The second stage of this claim pertaining to compensation, including the principles of compensation and any applicable compensation criteria (Compensation Stage), will only proceed if the Claim is found to be valid. The Compensation Stage will not begin until the Validity Stage has been completed, the issue(s) of validity decided,

and the Parties have exhausted any rights they may have for judicial review to the Federal Court of Appeal or appeal to the Supreme Court of Canada;

d. If the Claim is ultimately determined to be valid, the Parties will have a reasonable amount of time to gather evidence relating to compensation, including expert evidence, before the Compensation Stage begins;

e. The Parties may delay taking steps to prepare their cases on compensation until a determination is made on validity; and,

f. In relation to this Order of Bifurcation, there shall be no costs awarded to either party.

PAUL MAYER

Honourable Paul Mayer