

**FILE NO.:** SCT-7002-18  
**DATE:** 20190228

**SPECIFIC CLAIMS TRIBUNAL  
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

<b>BETWEEN:</b>	)	
	)	
KANAKA BAR INDIAN BAND	)	
	)	Kirk Gehl, for the Claimant
	)	
Claimant	)	
	)	
<b>– and –</b>	)	
	)	
HER MAJESTY THE QUEEN IN RIGHT	)	
OF CANADA	)	
As represented by the Minister of Indian	)	James M. Mackenzie and Brett Love, for the
Affairs and Northern Development	)	Respondent
	)	
	)	
Respondent	)	
	)	
	)	
	)	
	)	<b>HEARD:</b> February 19, 2019

**ENDORSEMENT**

**Honourable Harry Slade, Chairperson**

A first Case Management Conference (CMC) was held on February 19, 2019, at 10:00 A.M., at the Canadian Industrial Relations Board, 300 West Georgia Street, Vancouver (Pacific Time).

[1] The Claimant reported that it is considering Elder testimony and is actively pursuing the identification of witnesses.

[2] The Parties are reviewing the documents from the Specific Claims Branch stage for determination of which may be disclosed without controversy. The documentary record appears fulsome; however, the Parties may have further documents to disclose later in the development of the Claim. To the knowledge of the Parties, no expert reports have been prepared to date.

[3] The Parties will exchange lists of documents and file the lists with the Tribunal on or before **March 15, 2019**. The Parties may also file the documents with the Tribunal if feasible in the timeframe.

[4] On or before **April 1, 2019**, each Party will inform the other Party about:

- (a) any further documentation known to date that is intended to be filed;
- (b) whether the Party intends to retain an expert or experts;
- (c) any steps taken to secure the services of any intended experts; and,
- (d) the expected timeline or timelines to produce any intended expert report or reports, including the date or dates for expected completion.

[5] The Respondent noted that it currently does not intend to file an initial expert report, and instead may wish to file a responding report to any report prepared by the Claimant. If this remains the Respondent's intention, then subparagraphs 4(b), (c), and (d) listed above do not apply to the Respondent.

[6] By letter on or before **April 1, 2019**, the Parties will inform the Tribunal of their intentions regarding further documentation and expert reports, as described in paragraphs 4 and 5 above.

[7] The Claimant would prefer to hold the hearing of Elder testimony at Kanaka Bar, British Columbia, together with a site visit. On or before **April 1, 2019**, the Claimant will notify the Registry of facilities for the hearing and logistics for the site visit. The Claimant will make best efforts to include the intended list of witnesses for Elder testimony.

[8] The intended window for the hearing of Elder testimony is May, June or July 2019. The Parties will discuss dates. The Parties will notify the Registry of their preferred dates on or before **April 1, 2019**.

[9] The Parties will work collaboratively towards:

- (a) a Site Visit Protocol;
- (b) an Oral History Protocol;
- (c) the exchange of documents not yet disclosed and identification of items of objection, if any;
- (d) a schedule for subparagraphs (a), (b) and (c) listed above; and,
- (e) the identification of a date for the delivery of Will-Says.

[10] If the Parties have anything to report on the subparagraphs listed in paragraph 9 above prior to April 1, 2019, they may include an update with the other items that are due for report on or before **April 1, 2019**.

[11] The Parties will discuss preparation of a draft Bifurcation Order and may send a draft Bifurcation Order to the Tribunal.

[12] Practice Direction # 12, including the Early Case Planning Brief, will be discussed at the next CMC. The Tribunal is open to hearing submissions relating to section 4 of Practice Direction # 12 at the next CMC.

[13] The Parties indicated that they saw no need to send a Notice pursuant to section 22 of the *Specific Claims Tribunal Act*, to the Province of British Columbia.

[14] The next CMC will be held by teleconference on **April 10, 2019**, at 2:00 P.M., Eastern Time (Ottawa). The Parties may file a Joint Brief or separate Briefs.

HARRY SLADE

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Honourable Harry Slade, Chairperson