

FILE NO.: SCT-6001-19
DATE: 20201015

**SPECIFIC CLAIMS TRIBUNAL
TRIBUNAL DES REVENDICATIONS PARTICULIÈRES**

BETWEEN:)
)
ENOCH CREE NATION #440)
) Ron Maurice, Neil Reddekopp, Melanie
) Webber and Steven Carey, for the Claimant
Claimant)
)
- and -)
)
HER MAJESTY THE QUEEN IN RIGHT)
OF CANADA)
As represented by the Minister of Crown-) Tanya Knobloch, for the Respondent
Indigenous Relations)
)
Respondent)
)
)
)
) **HEARD:** October 14, 2020

ENDORSEMENT

Honourable Victoria Chiappetta

A Case Management Conference (CMC) was held by teleconference on October 14, 2020, at 11:00 A.M., Eastern Time (Ottawa).

[1] The Claimant addressed documents over which the Respondent has claimed privilege. The Claimant is concerned that the Respondent is taking an overly broad view on privilege relating to certain documents. It held that if negotiation privilege is being claimed by the

Respondent, it would be helpful to the Claimant to see the relevant documents to develop an informed decision on the matter.

[2] The Claimant reported that the document of greatest concern is the letter advising that the Claim had been rejected. The Claimant further stated that privilege on the expert report should not extend to sources within that report.

[3] The Respondent reported that at least one document over which it initially claimed privileged will be produced. The Respondent expressed a commitment to put best efforts to resolve concerns over remaining documents.

[4] The Tribunal urged the Parties to resolve this matter before the next CMC. Alternatively, the Tribunal advised the Parties to take more formal steps to bring this matter forward.

[5] The Parties' Joint CMC Brief revealed that they are preparing a Joint Plan of Proceedings to address the procedural timeline for a Common Book of Documents, an Agreed Statement of Facts, an Agreed Statement of Issues and the retention of experts.

[6] The Tribunal informed the Parties that their Joint Plan of Proceedings should also include the following:

- (a) a timeline for an application on bifurcation, if necessary;
- (b) a timeline for an application on jurisdiction, if necessary;
- (c) a timeline for the finalization of expert reports, including tentative dates; and;
- (d) any other preliminary issues.

[7] An Early Case Planning CMC will be held by videoconference on **January 5, 2021**, at 1:00 P.M., Eastern Time (Ottawa).

VICTORIA CHIAPPETTA

Honourable Victoria Chiappetta