

COURT FILE NO.: 406/95**DATE:** 20000425**SUPERIOR COURT OF JUSTICE - ONTARIO****RE:** Six Nations of the Grand River Band of Indians, Plaintiff
andHer Majesty the Queen in right of Canada and
Her Majesty the Queen in right of Ontario, Defendants**BEFORE:** Kent, J.**COUNSEL:** B.A. Jetten, for the Plaintiff

G.N. Penner, for the Defendant, Canada

HEARD: By telephone conference call 20 April, 2000**ENDORSEMENT****RE: DIRECTIONS****BACKGROUND:**

[1] On 27 July, 1999 this court ordered that Canada provide certain answers, particulars and documents to the plaintiffs by 30 September, 1999. That order, before being issued was settled so as to provide that compliance was to be by "October 19, 1999, or such other date as may be fixed by the court hearing the motion for leave to appeal from this order". At the time the order was settled, Canada was already seeking leave to appeal from its provisions.

[2] Leave to appeal was granted on 18 October, 1999 and the order that was under appeal was stayed until the appeal was decided.

[3] On 12 April, 2000 the appeal was dismissed by the Divisional Court, but that court did not address the matter of any new date for compliance. Canada is now, therefore, in default. Canada, through counsel has indicated an intention to seek leave to appeal to the Court of Appeal from the Divisional Court's decision. Six Nations takes the position that compliance with parts of my original order were not the subject of the appeal to the Divisional Court, would not therefore, be subject to further appeal and that an early date should be set for compliance with, at minimum, those portions that were not the subject matter of the appeal.

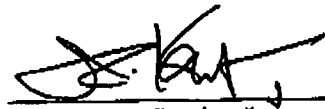
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DECISION:

[4] It seems to this court that although Canada is technically in default, no sanction would yet be appropriate. A period for compliance should be permitted and such period should be approximately the same as that contemplated by the court on 27 July, 1999, approximately 60 days.

[5] An order will therefore go that Canada must comply with the provisions of the order of this court made 27 July, 1999 as settled and issued, no later than 12 June, 2000.

[6] It is further ordered that should a judge of the Court of Appeal stay only some of the provisions of the order of 27 July, 1999, the date for compliance with all other provisions will remain 12 June, 2000 unless otherwise ordered by a judge of the Court of Appeal granting a stay, or a judge of the Court of Appeal granting leave to appeal, or by the Court of Appeal dismissing the appeal.



The Hon. Mr. Justice James C. Kent

DATE: 25 April, 2000