

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE)
JAMES C. KENT)
)
MONDAY, SEPTEMBER 11,
2000

BETWEEN:

SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS

Plaintiff

- and -

**THE ATTORNEY GENERAL OF CANADA
and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendants

ORDER

THIS MOTION made by the plaintiff, Six Nations of the Grand River Band of Indians ("Six Nations"), for:

1. an order striking out the Statement of Defence of the defendant, The Attorney General of Canada ("Canada"), and noting Canada in default;
2. an order striking out Canada's Statement of Defence in whole or in part, with or without the right to amend and subject to such terms as may be just, specified in the order;

3. an order requiring Canada to pay, forthwith, the costs of this motion to be fixed on a solicitor and client basis; and
4. such further or other relief as may seem just;

was heard this day at the Court House, 70 Wellington Street, Brantford, Ontario.

ON READING the materials filed by the parties to the motion and on being advised by counsel for the Six Nations and counsel for Canada of an agreement to a request by Canada to adjourn the Six Nations' motion on terms, and on reading the consent filed on behalf of the plaintiff Six Nations and the defendant Canada;

1. **THIS COURT ORDERS** that this motion is adjourned *sine die* on the following terms:

(1) Canada will deliver with prejudice new answers to (a) the Written Questions of the Plaintiff (Sets No. 1 & 2); and (b) the Plaintiff's Demand for Particulars dated December 1, 1998 that are the subject of Justice Kent's Order dated July 27, 1999 according to the following timetable:

- (a) By October 2, 2000, counsel for Canada will deliver to counsel for the plaintiff new draft substitute answers to the interrogatories and to the Demand for Particulars;

(b) By October 10, 2000, counsel for the plaintiff will endeavour to provide comments to counsel for Canada as to the acceptability of the proposed answers;

(c) By October 17, 2000, or within one week of receiving the plaintiff's counsel's comments referred to in (b) above if later than October 10, 2000, Canada will deliver its answers to the written questions (in proper form and by sworn affidavit) and its new answers to the plaintiff's Demand for Particulars.

(2) The plaintiff is at liberty to exercise its right to conduct oral examination of a representative of Canada on the answers by Canada to Sets Nos. 1 & 2 to the plaintiff's Written Discovery Questions and on Canada's answers to be delivered to the plaintiff's Demand for Particulars, without prejudice to the plaintiff's right to ask further written interrogatories or to conduct further oral examination for discovery.

(3) The defendant the Attorney-General of Canada shall pay forthwith to the plaintiff, Six Nations, the plaintiff's costs of this motion through today's date (September 11, 2000) to be fixed on a basis as between a solicitor and his or her own client, with such costs to be assessed by the Honourable Mr. Justice Kent by further order unless otherwise agreed between the parties.

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SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS - and - THE ATTORNEY GENERAL OF CANADA ET AL.

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding Commenced at Brantford

ORDER

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