

COURT FILE NO.: CV-18-594281-0000
(Formerly Court file no.: 406/95)
DATE: 20180813

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: 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

BEFORE: SANFILIPPO J.

COUNSEL: *Ben A. Jetten, Iris Antonios, Max Shapiro, and Brittiny Rabinovitch* for the
Plaintiff

Michael McCulloch and Jennifer Roy, for the Defendant the Attorney General of
Canada

Leonard F. Marsello and Stephanie Figliomeni for the Defendant Her Majesty the
Queen in Right of Ontario

HEARD: August 13, 2018

SCHEDULING ENDORSEMENT

[1] The third case management conference (“3rd CM Conference”) conducted in this action on May 29, 2018 resulted in, amongst other directions, a process for the continuation of the ongoing development of issue identification in regard to the matters raised by this action. This process anticipated that a further refined issue list would be available in time for a further case management conference on August 14, 2018.

[2] Counsel for Six Nations has advised that Six Nations received from Canada a further draft of the issues list on July 30, 2018, with substantial revisions to earlier drafts. Six Nations stated that, in the circumstances, this did not afford sufficient time to perform a proper review of the issues list ahead of the case management conference scheduled for August 14, 2018.

[3] As the ongoing development of the issues list is a central item to be addressed at the next case management conference, and in light of the timing issue identified by Six Nations, I invited counsel to confer and collaborate on a later date for the conduct of the fourth case management conference. After consultation amongst the parties, I was advised of three dates agreeable to all

for a rescheduling of the next case management conference: October 3, 2018 (9:00 am or 5:00 pm); October 4, 2018 (5:00 pm), or October 5, 2018 (9:00 am or 5:00 pm).

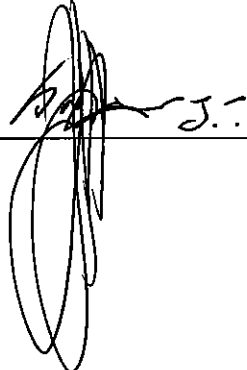
[4] The fourth case conference, scheduled by the 3rd Case Management Endorsement (“3rd CM Endorsement”) to be conducted on August 14, 2018 at 10:00 am shall, on consent of all parties, be re-scheduled to **October 3, 2018 at 9:00 am**. The location of this fourth case management conference will be provided as the date approaches. Alternatively, if counsel confer and all agree that the next case management conference is more efficiently conducted by teleconference, they may communicate this by email to my judicial assistant in advance of the next case management conference and call-in co-ordinates will be provided.

[5] All terms and objectives of the 3rd CM Endorsement remain effective save and except that the 4th case management conference will now take place on the rescheduled date. In particular, the parties are directed to continue with their collaborative efforts at development of a consolidated issue list for further consideration at the next case management conference, for the purposes and objective set out in paragraph 10 of the 3rd CM Endorsement. Please forward to me, no later than 4 days before the next case management conference of October 3, 2018, an updated version of the comprehensive joint issue list for discussion at the next case management conference, consistent with paragraph 11(d)(ii) of the 3rd CM Endorsement.

[6] Any party who seeks to address an issue identified in this action between now and the next scheduled case conference of October 3, 2018 and who considers that a case conference would assist in expeditious and efficient handling of any such issue, may request the scheduling of a further case conference by email to my judicial assistant, having first canvassed with all counsel their availability for such a case management conference.

[7] Broad application of Rule 50.13 will be used to address and resolve matters raised at case conference, in circumstances where this is possible. Counsel ought to expect that procedural orders and directions will be made at case conferences, in accordance with Rule 50.13(6), on informal notice of the issue to be addressed.

[8] The requirement of preparation, issuance and entry of a formal order is hereby dispensed with in accordance with Rule 77.07(6).



Sanfilippo J.

Date: August 13, 2018