

**COURT FILE NO.:** CV-18-594281-0000  
(Formerly Court file no.: 406/95)  
**DATE:** 20210629

**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:** A.A. SANFILIPPO J.

**COUNSEL:** *Max Shapiro*, for the Plaintiff

*Anusha Aruliah and Tanya Muthusamipillai*, for the Defendant the Attorney  
General of Canada

*Manizeh Fancy, Jennifer Lapan, Insiyah Kanjee, Catherine Ma and David  
Feliciant* for the Defendant Her Majesty the Queen in Right of Ontario

**HEARD**

**(By videoconference):** June 29, 2021

**CASE MANAGEMENT ENDORSEMENT**

[1] The 19th Case Management Conference was conducted on June 29, 2021, in accordance with paragraph 10 of the Case Management Endorsement dated April 29, 2021 (the “18<sup>th</sup> CM Endorsement”).

[2] In their joint written submission of June 24, 2021, the parties identified two issues to be addressed at this Case Management Conference: (i) the timing of the completion by the Attorney General of Canada (“AGC”) of the documentary concordance set out in paragraphs 4-8 of the 18<sup>th</sup> CM Endorsement; and (ii) the scheduling changes required to the Expert Report Timetable and the potential impact of any such changes of the timing of the trial of this action, as set out in paragraph 9 of the 18<sup>th</sup> CM Endorsement.

[3] On the first point, AGC reported that it completed the documentary concordance of its productions on June 25, 2021 and has provided a copy to the other parties. The Plaintiff stated that they may require some additional refinement but are satisfied with the documentary concordance. Ontario stated similar views. All appreciated the AGC’s efforts and diligence in completing the

documentary concordance in advance of the goal of June 30, 2021 set by para. 8 of the 18<sup>th</sup> CM Endorsement.

[4] Turning then to the schedule for the parties' completion of their expert reports, and the timing of the trial in this action, the parties submitted that they would be assisted by an understanding of the Court schedule available for a long trial so that they could discuss a revised schedule for the completion of all pre-trial steps.

[5] The Case Management Endorsement of June 16, 2020 (*Six Nations of the Grand River Band of Indians v. The Attorney General of Canada*, et al, 2020 ONSC 3747), at para. 29, set out the following Expert Report Timetable:

29(1) The parties shall deliver their expert reports in accordance with the following Timetable:

- (a) The Plaintiff shall deliver its expert reports by November 1, 2021;
- (b) The Defendants shall deliver their expert reports by April 1, 2022;
- (c) The Plaintiff shall deliver any reply expert reports by June 30, 2022;
- (d) The parties shall complete a compilation of all expert reports and supporting documents by July 31, 2022.

[6] This Expert Report Timetable would allow for the scheduling of the trial of this action in the Fall of 2022.

[7] The parties have stated that the COVID-19 pandemic has impacted their preparation of this action for trial, including the completion of the documentary production and the resultant impact on completing the expert reports. The pandemic has also impacted Court scheduling.

[8] The Court has made available January 30, 2023 for the trial of this action. The Plaintiff estimated that the trial of this action would take six months, while AGC and HMQRO estimated that the trial would take closer to one year. A more precise trial estimate will be addressed at future Case Management Conferences. All will work within this Case Management process to achieve efficiencies in the management of this action as it is prepared for trial.

[9] The parties jointly requested an opportunity to confer and collaborate on revisions to the Expert Report Timetable to allow for more time for the completion of expert reports than that provided by the current schedule. If the parties reach an agreement on revisions to the Expert Report Timetable, they may submit them in writing. The revisions to the Expert Report Timetable will otherwise be addressed at the next Case Management Conference.

[10] The next Case Management Conference shall be conducted on July 20, 2021 at 4:00 pm, by videoconference, using video connection coordinates that will be provided by the Court.

[11] The parties shall provide a Case Management Memorandum, even in the form of a letter, either individually or if in agreement, jointly, by 1:00 pm on July 16, 2021, by email to my judicial assistant, setting out the issues that they seek to bring forward to the next Case Management Conference

[12] In accordance with *Rules* 59.04(1), 77.07(6) and 1.04, this order is effective from the date that it is made and is enforceable without any need for entry and filing, and without the necessity of a formal order.

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A.A. Sanfilippo J.

**Date: June 29, 2021**