

CITATION: Six Nations of the Grand River Band of Indians v. The Attorney General of Canada and His Majesty the King in Right of Ontario, 2022 ONSC 1777

COURT FILE NO.: CV-18-594281-0000

DATE: 20230316

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Six Nations of the Grand River Band of Indians

AND:

The Attorney General of Canada and His Majesty the King in Right of Ontario

BEFORE: J.T. Akbarali J.

COUNSEL: *Iris Antonios, Max Shapiro, Robert Janes, K.C., and Rebecca Torrance*, for the Plaintiff

Manizeh Fancy, David Feliciant, David Tortell, Jennifer Lepad, and Julia McRandall, for the Defendant His Majesty the King in Right of Ontario.

Tania Mitchell, Maria Vujnovic, Edward Harrison, Tanya Muthusamipillai, and Elizabeth Chan, for the Defendant the Attorney General of Canada.

HEARD: March 16, 2023

CASE MANAGEMENT CONFERENCE ENDORSEMENT

[1] The primary purpose of this case management conference was to address the plaintiff's proposed amended statement of claim, and the defendants' request that the timetable be varied to vacate April 30, 2023 as the date for delivery of their expert reports.

[2] All parties agree that a motion to amend the statement of claim must be scheduled. I timetable the motion as follows:

- a. Motion record to be served by March 17, 2023;
- b. Responding records to be served by April 28, 2023;
- c. Motion to be heard on May 23, 2023 for one full day.

[3] The defendants seek an order vacating the date for delivery of the expert reports, arguing that the proposed amended statement of claim expands, adds, or places new focus on issues that will require their experts to expand the scope of their reports. In addition, at least one expert was ill for a month and a half which impacted their ability to work, such that an extension of time is sought.

[4] The plaintiff argues that the defendants ought to bring a motion to vacate the timetable because I ought to have the benefit of specifics of the prejudice the defendants allege, the reason why a report must be expanded (having regard to the particular proposed amendment), and some sense of what is being sought in terms of an extension.

[5] I am prepared to entertain the idea that an extension of time is required for at least some of the expert reports. However, I am not prepared to vacate the date without a better understanding of which expert reports need to be expanded and why, with particular reference to the proposed amendments. I also require information about the length of the proposed extension that is required. To the extent an extension is sought for another reason, like an expert's illness, I require an estimate of the additional time needed.

[6] To the extent there are reports that are not impacted by the proposed amended statement of claim, or any other factor, those should be delivered in accordance with the date already set, that is, April 30, 2023.

[7] I will hold a further case management conference on April 6, 2023 at 2 p.m. to address the timetable for delivery of defence expert reports. In advance of that case conference, counsel for the defendants shall provide me with particulars about the extensions of time sought, and why, and the proposed delivery date.

[8] This process shall run in parallel to the intervener motions. I am not prepared at this juncture to delay or amend the timetable based on what might happen in the future. If leave to intervene is granted to any or all of the parties moving for leave to intervene, and doing so impacts on the timetable, I will deal with timetable amendments at that time.

J.T. Akbarali J.

Date: March 15, 2023