

CITATION:

**ONTARIO SUPERIOR COURT OF JUSTICE (TORONTO REGION)**  
**CIVIL ENDORSEMENT FORM**  
*(Rule 59.02(2)(c)(i))*

<b>BEFORE</b>	<b>Judge/Case Management Master</b> Akbarali, J	<b>Court File Number:</b> CV-18-00594281-0000
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<b>Title of Proceeding:</b>		
SIX NATIONS OF THE GRAND RIVER BAND OF INDIANS		Plaintiff(s)
-v-		
THE ATTORNEY GENERAL OF CANADA, et al		Defendants(s)

<b>Case Management:</b> <input type="checkbox"/> Yes If so, by whom:	<b>X No</b>
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**Participants and Non-Participants:** *(Rule 59.02(2)(vii))*

Party	Counsel	E-mail Address	Phone #	Participant (Y/N)
1) Plaintiff	Iris Antonios	<a href="mailto:iris.antonios@blakes.com">iris.antonios@blakes.com</a>		Y
	Max Shapiro	<a href="mailto:max.shapiro@blakes.com">max.shapiro@blakes.com</a>		Y
	Sanjit Rajayer	<a href="mailto:sanjit.rajayer@blakes.com">sanjit.rajayer@blakes.com</a>		Y
	Robert Janes	<a href="mailto:RJanes@jflaw.ca">RJanes@jflaw.ca</a>		Y
2) Defendant for Attorney General of Canada	Maria Vujnovic	<a href="mailto:Maria.Vujnovic@justice.gc.ca">Maria.Vujnovic@justice.gc.ca</a>		Y
	Cameron Fiske	<a href="mailto:Cameron.Fiske@justice.gc.ca">Cameron.Fiske@justice.gc.ca</a>		Y
	Tanya Muthusamipillai	<a href="mailto:Tanya.Muthusamipillai@justice.gc.ca">Tanya.Muthusamipillai@justice.gc.ca</a>		Y
	Patrice Robinson	<a href="mailto:patrice.robinson@justice.gc.ca">patrice.robinson@justice.gc.ca</a>		Y
3) Defendant for His Majesty the King in Right of Ontario	David Hyun	<a href="mailto:David.Hyun@ontario.ca">David.Hyun@ontario.ca</a>		Y
	Serena Yun	<a href="mailto:Serena.Yun@ontario.ca">Serena.Yun@ontario.ca</a>		Y
	Devon Johnson	<a href="mailto:dtjohnson@mccarthy.ca">dtjohnson@mccarthy.ca</a>		Y
	Adam Goldenberg	<a href="mailto:agoldenberg@mccarthy.ca">agoldenberg@mccarthy.ca</a>		Y
4) Intervenor, Mississauga of the Credit First Nation	Nuri Frame	<a href="mailto:nframe@pstlaw.ca">nframe@pstlaw.ca</a>		Y
	Troy Klassen	<a href="mailto:tklassen@pstlaw.ca">tklassen@pstlaw.ca</a>		Y
	Conner Sipa	<a href="mailto:csipa@pstlaw.ca">csipa@pstlaw.ca</a>		Y

<b>Date Heard:</b> <i>(Rule 59.02(2)(c)(iii))</i> <b>May 24, 2024</b>
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<b>Nature of Hearing (mark with an "X"):</b> <i>(Rule 59.02(2)(c)(iv))</i>				
<input type="checkbox"/> Motion	<input type="checkbox"/> Appeal	<input checked="" type="checkbox"/> Case Conference	<input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Application

<b>Format of Hearing (mark with an "X"):</b> <i>(Rule 59.02(2)(c)(iv))</i>				
<input type="checkbox"/> In Writing	<input type="checkbox"/> Telephone	<input checked="" type="checkbox"/> Videoconference	<input type="checkbox"/> In Person	

If in person, indicate courthouse address:

<b>Relief Requested:</b> <i>(Rule 59.02(2)(c)(v))</i>
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**Motion to examine certain witnesses before trial has been largely resolved. Directions required.**

**Disposition made at hearing or conference (operative terms ordered):** *(Rule 59.02(2)(c)(vi))*

**See below**

**Costs:** On a **N/A** indemnity basis, fixed at \$ \_\_\_\_\_ are payable  
by \_\_\_\_\_ to \_\_\_\_\_ [when] \_\_\_\_\_

**Brief Reasons, if any:** *(Rule 59.02(2)(b))*

1. Today's hearing was originally scheduled to argue the motion brought by the Attorney General of Canada for leave to examine three of their expert witnesses before trial.
2. Late yesterday, after considerable efforts of the parties for which I am grateful, the parties wrote to advise that they had reached a resolution of most of the issues on the motion.
3. At today's conference, we reviewed the parties' proposed terms. I am generally satisfied with the parties' proposed approach to the taking of the evidence. Some further discussions are required with respect to the hybrid commissioner. I will assist the parties with further direction if required.
4. The issue of the amount of costs Canada will pay to the plaintiff with respect to the costs reasonably expected to arise from the examinations remains outstanding. The plaintiff filed its submissions regarding quantum in advance of the motion. I direct the following:
  - a. Canada will deliver a three-page reply to the plaintiff's interim costs submissions by Friday May 24, 2024, although the reply need not be delivered by the end of business;
  - b. The plaintiff shall be entitled to deliver a one-page sur-reply by May 29, 2024.
5. The other remaining issue is costs of the motion. I will deal with costs in writing as well. The parties agree to file their costs submissions on the schedule set out below. I

will not review the costs submissions until after I have dealt with the issue of the interim costs on its merits.

- a. Any party making costs submissions, except Canada, shall deliver those submissions by June 5, 2024;
- b. Canada shall have until June 10, 2024 to file its responding costs submissions.

**Additional pages attached:**  Yes  No

**May 24**, 20 **24**

Date of Endorsement (*Rule 59.02(2)(c)(ii)*)

Signature of Judge/Case Management Master (*Rule 59.02(2)(c)(i)*)