

Federal Court



Cour fédérale

Date: 20230828

Docket: T-213-23

Ottawa, Ontario, August 28, 2023

PRESENT: Case Management Judge Benoit M. Duchesne

PROPOSED CLASS PROCEEDING

BETWEEN:

**CHIEF DAVID CRATE on behalf of FISHER RIVER CREE NATION,
CHIEF VERA MITCHELL on behalf of POPLAR RIVER FIRST NATION,
CHIEF RAMONA HORSEMAN on behalf of HORSE LAKE FIRST NATION,
CHIEF LEE TWINN on behalf of SWAN RIVER FIRST NATION,
CHIEF JENNIFER BONE on behalf of SIOUX VALLEY DAKOTA NATION,
CHIEF MICHAEL YELLOWBACK on behalf of MANTO SIPI CREE NATION,
CHIEF ALBERT THUNDER on behalf of WHITEFISH LAKE FIRST NATION,
CHIEF RODERICK WILLIER on behalf of SUCKER CREEK FIRST NATION,
CHIEF WILFRED HOOKA-NOOZA on behalf of DENE THÁ FIRST NATION,
and CHIEF DENNIS PASHE on behalf of DAKOTA TIPI FIRST NATION**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

UPON HEARING from the solicitors for the parties during a virtual case management conference held on this date to discuss the status of this proceeding and the next steps to be taken by any party within it;

AND CONSIDERING that the Defendant has yet to deliver his Statement of Defence and desires to obtain an Order extending the time for the delivery of his Statement of Defence, and, that the Plaintiffs do not agree that the time for the delivery of the Defendant's Statement of Defence should be extended;

AND CONSIDERING that the Plaintiffs have served their notice of motion and affidavits in support of a certification motion upon the Defendant and seek a timetable to schedule steps to be completed by either party leading to the argument of their certification motion, and, that the Defendant has yet to complete its review of the notice of motion and affidavits served by the Plaintiffs;

AND CONSIDERING that it is appropriate for this Court to make an Order pursuant to Rule 385 of the *Federal Courts Rules*, SOR/98-106 (the "*Rules*") fixing the period for the completion of steps in the proceeding;

THIS COURT ORDERS that:

A) Motion extending the time for the service and filing of a Statement of Defence

1. The Defendant shall serve the Plaintiffs with his notice of motion for an order extending the time for the service and filing of his Statement of Defence, as well as the affidavits in support thereof, by **September 29, 2023**.
2. The Plaintiffs shall serve the Defendants with their responding affidavits by **October 27, 2023**.

3. The parties shall complete their cross-examinations of affidavits by **December 1, 2023**.
4. The Defendants shall file its motion record for an order extending the time for the service and filing of his Statement of Defence, with proof of service thereof, by **February 2, 2024**.
5. The Plaintiffs shall and file their responding record, with proof of service thereof, by **March 1, 2024**.
6. The Defendants' motion shall be argued virtually (audio and video) on **April 3, 2024**, commencing at **9:30 am E.S.T.** for no more than a ½ day.

B) Certification Motion Timetable

7. The parties are to confer and to attempt to craft a timetable for the delivery of the Defendant's responding affidavits to the Plaintiffs' notice of motion for a certification order, the completion of cross-examinations on affidavits, and the argument of any motions arising from cross-examinations. The parties shall provide the Court with an update on their timetable discussions at the **November 24, 2023**, virtual case management conference.

"Benoit M. Duchesne"
Case Management Judge