

**CITATION:** Six Nations of the Grand River Band of Indians v. The Attorney General of  
Canada et al., 2024 ONSC 1760

**COURT FILE NO.:** CV-18-00594281-0000

**DATE:** 20240325

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Six Nations of the Grand River Band of Indians, plaintiff

**AND:**

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

**AND:**

Mississaugas of the Credit First Nation, intervener

**BEFORE:** J.T. Akbarali J.

**COUNSEL:** *Iris Antonios, Max Shapiro, and Gregory Sheppard*, for the plaintiff

*Maria Vujnovic, Edward Harrison, Cameron Fiske, Tanya Muthusamipillai,  
Elizabeth Chan, and Myra Sivaloganathan*, for the defendant The Attorney General  
of Canada

*Manizeh Fancy, David Feliciant, Geoff Hall, Bryn Gray, Adam Goldenberg, Julia  
McRandall, Serena Yum, and Adriana Forest*, for the defendant His Majesty the  
King in Right of Ontario

*Nuri Frame, Alex DeParde, and Conner Sipa*, for the intervener Mississaugas of  
the Credit First Nation

**HEARD:** March 25, 2024

**ENDORSEMENT**

[1] At this case conference, we addressed the following issues:

- a. Taking evidence of certain witnesses in advance of trial;
- b. Ontario's expected late delivery of certain expert reports;
- c. The path to trial; and

- d. Trial presentation software.

### **Evidence of Certain Experts Before Trial**

[2] The parties have resolved a number of issues related to the taking of evidence from three of Canada's witnesses in advance of trial. Unfortunately, there are some terms on which agreement cannot be reached, and a motion is necessary.

[3] Timetable for the motion to go as follows:

- a. Canada to serve its motion materials by April 4, 2024;
- b. Responding materials shall be served by April 15, 2024;
- c. Cross-examinations, if required, shall take place during the week of April 22, 2024;
- d. Canada's moving party factum shall be served by May 3, 2024;
- e. Responding facts shall be served by May 13, 2024;
- f. Motion to be heard before me on May 24, 2024, for one day.

### **Ontario's Expected Late Delivery of Certain Expert Reports**

[4] Ontario has advised that it expects it will not be in a position to deliver all of the expert reports it seeks to adduce by the March 30, 2024 deadline (which, with consent of the parties, is extended to April 2, 2024 due to the statutory holidays). Ontario seeks no relief at this stage, and advises that it is not in a position to disclose which reports it expects to be served late. At the appropriate time, Ontario will need to seek relief with respect to the late delivery of its reports. The plaintiff advises that it may contest late delivery, but it does not have enough information to take a position as of yet.

### **The Road to Trial**

[5] At my request, the parties have prepared estimates of the time required for trial. The parties' estimates are currently apart by a significant margin. In order to obtain further judicial resources dedicated towards a pre-trial and a trial in this matter, better information about the length of trial is needed. The parties shall work together to try to narrow their disagreement with respect to the length of trial. I shall hold a follow up case conference to discuss the length of trial on April 12, 2024 at 10 a.m. for two hours.

### **Trial Presentation Software**

[6] The parties advise that they have concerns about the efficacy of CaseLines in the unusual circumstances of this case. If the parties are of the view that they cannot run the trial efficiently or effectively with CaseLines as it currently exists, I have advised them to (i) identify the functionality that is missing from CaseLines that would satisfy them that CaseLines could be adapted to function

properly; and (ii) make a detailed proposal about another program if they are of the view that another program meets their needs without adaptation. The court can then consider whether CaseLines is appropriate as-is, requires modification for this trial, or whether this is a situation where using another software program is the most effective solution.

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J.T. Akbarali J.

**Date:** March 25, 2024