

Federal Court



Cour fédérale

August 18, 2023

BY E-MAIL**Counsel for the Plaintiffs (Xavier Moushoom et al.):**David Sterns: dsterns@sotosllp.comMohsen Seddigh: mseddigh@sotosllp.com**Counsel for the Plaintiffs (Xavier Moushoom et al.):**Robert Kugler: rkugler@kklex.com**Counsel for the Plaintiffs (Xavier Moushoom et al.):**Joelle Walker : joelle@millertiterle.comErin Reimer: erin@millertiterle.com**Counsel for the Plaintiff (Assembly of First Nations):**Dianne G. Corbiere: dgcorbiere@nncfirm.caGeoffrey Cowper KC: gcowper@fasken.com**Counsel For the Defendant (Attorney General of Canada):**Paul Vickery: Paul.Vickery@justice.gc.caJonathan Tarlton: Jonathan.Tarlton@justice.gc.caSarah-Dawn Norris: Sarah-Dawn.Norris@justice.gc.caChristopher Rupar: Christopher.Rupar@justice.gc.ca

Dear counsel:

**RE: XAVIER MOUSHOOM et al. v. THE ATTORNEY GENERAL OF CANADA
ASSEMBLY OF FIRST NATIONS ET AL v. HMK
ASSEMBLY OF FIRST NATIONS ET AL. v. AGC**

File No: T-402-19, T-141-20 & T-1120-21

This will confirm the Directions of the Court (The Honourable Madam Justice Ayles – Case Management Judge) issued on August 18, 2023:

“Further to the parties’ status update and timetable proposal dated August 9, 2023:

(a) The Settlement Approval motion shall commence on Monday, October 23, 2023 at 2:00 pm (Eastern). The Court confirms that traditional ceremonies will be conducted off-site prior to the commencement of the

hearing.

(b) *The Settlement Approval motion will also be heard on October 24th and 25th, if needed, commencing at 9:30 am (Eastern) each day.*

(c) *The CLG/third party lawyer motion shall be heard on October 25th (if the Settlement Approval motion is concluded) or alternatively on October 26th, commencing at 9:30 am (Eastern) with counsel appearing in person. The maximum duration of the hearing shall be one day.*

(d) *The motion for approval of: (a) the Notice Plan for Phase II and the Phase II Notice (Distribution of funds for Removed Child Class only); and (b) the Distribution Protocol shall be heard, in person, on October 27, 2023 commencing at 9:30 am (Eastern).*

(e) *The motion for fee approval shall also be held, in person, on October 27, 2023 following the motion in (d), time permitting.*

(f) *All motion materials shall be filed by 4:00 pm (Eastern) on their specific due date, with a copy also emailed to jonathan.macena@cas-satj.gc.ca.*

(g) *The following timetable shall apply for the delivery of motion materials:*

a. *Settlement Approval motion - consent motion record to be filed by October 16, 2023.*

b. *CLG/third party motion - (i) moving supplementary motion record by September 15, 2023; (ii) responding motion record by September 29, 2023; and (iii) any reply motion record by October 4, 2023. To the extent that there are any cross-examinations, they shall be completed (virtually) by October 13, 2023 and any supplementary motion records arising from the cross-examinations shall be served and filed by the moving parties by October 17, 2023 and the responding parties by October 19, 2023.*

c. *Approval of Phase II notices and notice plan and distribution protocol - consent motion record to be filed by October 16, 2023.*

d. *Fee approval motion - (i) moving motion record by October 6, 2023; and (ii) responding motion record by October 16, 2023.*

(h) *The parties shall, by September 15, 2023, provide the Court with a status*

update related to the above-referenced motions and any logistical issues that have been identified. That said, the parties are encouraged to contact the Registry regarding any logistical issues or questions, as they arise. The parties shall communicate directly with Jonathan Macena jonathan.macena@cas-satj.gc.ca and Cassandra Cormier kassandra.cormier@cas-satj.gc.ca, with a cc to Judy Charles (judy.charles@cas-satj.gc.ca).

(i) The parties shall, by September 15, 2023, provide the Court with a status update related to the above-referenced motions and any logistical issues that have been identified. That said, the parties are encouraged to contact the Registry (Jonathan Macena) regarding any logistical issues or questions, as they arise.

(j) The Court would like to hold a further hearing management conference the week of October 16, 2023. As the hearing judge will be conducting a trial that week, the conference shall be held at 9:00 am (Eastern). The parties shall, by no later than August 21, 2023, provide their dates of availability.”

Kind Regards,

Jonathan Macena
Registry Officer