

Federal Court



Cour fédérale

Date: 20180502

Docket: T-238-80

Ottawa, Ontario, May 2, 2018

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

JIM SHOT BOTH SIDES AND ROY FOX,
CHARLES FOX, STEVEN FOX, THERESA
FOX, LESTER TAILFEATHERS, GILBERT
EAGLE BEAR, PHILLIP MISTAKEN CHIEF,
PETE STANDING ALONE, ROSE YELLOW
FEET, RUFUS GOODSTRIKER, AND LESLIE
HEALY, COUNCILLORS OF THE BLOOD
BAND, FOR THEMSELVES AND ON
BEHALF OF THE INDIANS OF BLOOD
BAND RESERVE NUMBER 148; AND THE
BLOOD RESERVE NUMBER 148

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ELECTRONIC TRIAL PLAN ORDER

FURTHER TO a request by the parties that the Court issue an Order on consent setting out the formal electronic trial [e-trial] plan of the Plaintiffs, and Her Majesty the Queen in Right of Canada, setting out how they will conduct the trial electronically;

THIS COURT ORDERS THAT:

Courtroom:

1. The trial is scheduled to commence on May 10, 2018 until July 5, 2018. The location of the trial is the Federal Court, Canadian Occidental Tower, 635 Eighth Avenue SW, 3rd Floor, Calgary, Alberta, T2P 3M3.
2. The Registry will supply the following basic equipment required to conduct the e-trial:
 - a. monitors as follows: one for the Judge, one for the witness, one for the Court Registry Officer, one for the Court reporter, and four for each Party;
 - b. a "60 x 66" screen for gallery;
 - c. video conference equipment that will broadcast the proceeding to the Blood Reserve;
 - d. splitter, switch box and cables; and,
 - e. extension and power cords, as required.
3. The Registry will be responsible for the set-up, maintenance, service, and take down of the equipment listed in paragraph 2.
4. Each Party is required to provide their own laptop(s) to conduct the e-trial, and arrange for the maintenance and service of said laptop(s).

5. The Registry has confirmed that it is able to provide wireless internet access for the duration of the trial at no cost to the Parties.

REDI Analysis - 3rd Party Provider

6. The Parties agree that REDI will host all documents used in this trial in a secure website. Each Party and the Judge will have access to the secure website. The Parties agree that REDI will perform the following tasks:
 - a. create a custom database in the File Maker Pro software program for use at trial;
 - b. load agreed upon documents into the database;
 - c. train the Parties, Judge, and Registry Officer(s) in the use of the File Maker Pro software program;
 - d. provide ongoing training and support for the duration of the trial; and,
 - e. host the database on its secure server.
7. The Parties, Registry and REDI will work together to develop an appropriate back-up plan to allow the trial to continue in the event that the wireless network is temporarily unavailable.
8. Parties are free to include any additional information or coding they wish in their individual File Maker Pro databases. This additional information and/or coding will not be visible or made available to any of the other parties or the Court. Should any the additional information and/or coding be mistakenly displayed or made available to

another party it will be considered privileged and immediately reported and returned to the originating party.

9. Each Party will be responsible for the cost of their own licenses and training. The Parties will split equally the cost for the licenses, training, and support for the Court. REDI will bill each party directly for their individual costs and for their portion of the Court's costs.
10. The budget for the work to be performed by REDI is attached as Appendix A to the e-trial Plan.

Trial Procedure:

11. When examining a witness, the examining counsel shall control the system and select the documents to display during the course of the examination. The video splitter allows the selected documents to be displayed on the video monitors of the Judge, witness, Registry Officer, Court reporter, gallery and other counsel. Once cross-examination begins, control over the system is transferred to cross-examining counsel who then displays documents in the same manner.
12. Read-ins from examinations for discovery will be provided electronically to the Judge.
13. In the event the Parties are unable to reach agreement on any issue related to conducting the e-trial, a case conference should be scheduled with the Judge so that any outstanding issue(s) can be addressed as soon as possible.

14. The expenses associated with the e-trial will be divided between the Parties as indicated above and will be dealt with by the Judge at the conclusion of trial as part of costs.

"Russel W. Zinn"

Judge