

SEAL
24-Jul-19

Victoria **BETWEEN:**
REGISTRY



IN THE SUPREME COURT OF BRITISH COLUMBIA

Cowichan Tribes,
Squxulenuhw, also known as William C. Seymour Sr.,
Stz'uminus First Nation,
Thòlmen, also known as John Elliott,
Penelakut Tribe,
Suliisuluq, also known as Earl Jack,
Halalt First Nation, and
Sulsimutstun, also known as James Thomas,
on their own behalf, and
on behalf of all other descendants of the Cowichan Nation

PLAINTIFFS

AND:

The Attorney General of Canada,
Her Majesty the Queen in Right of the Province of British Columbia,
City of Richmond, Vancouver Fraser Port Authority,
Musqueam Indian Band, and Tsawwassen First Nation

DEFENDANTS

CONSENT ORDER

BEFORE) THE HONOURABLE MADAM)
) JUSTICE YOUNG) 24/JUL/2019

ON THE APPLICATION of the Defendant, The Attorney General of Canada, without a hearing
and by consent;

THIS COURT ORDERS that:

1. The Parties will retain the services of REDI Analysis ("REDI") to facilitate the e-trial platform to be hosted through a secure website. REDI will use the e-trial platform to display Exhibits and other documents that the Parties will refer to during the course of the trial of this action, which is scheduled to commence on September 9, 2019. Each Party, the Judge and Court Clerk will have access to the secure website.
2. In particular, REDI will perform the following tasks:

- a. create a custom database in the File Maker Pro software program for use at trial;
 - b. import documents into the database;
 - c. train the Parties, Judge and Court Clerk(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.
3. Each Party will be responsible for the cost of their own licenses and training. The Parties will split equally the cost for the licenses and training for the Court. The cost of the hosting and support services provided by REDI will be split as agreed to by the Parties. REDI will bill each Party directly for their individual costs associated with REDI's performance of the tasks described in paragraph 2 above. The total cost for each Party for the performance of the tasks described in paragraph 2 shall not exceed \$35,000 per Party.
4. Each Party will be free to mark documents as private until they choose to make those documents public to all Parties and the Court. Parties may also privately 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 of 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.

Courtroom

5. The location of the trial is courtroom 404 in the Supreme Court of British Columbia, Victoria Courthouse, 850 Burdett Avenue in the City of Victoria, British Columbia.
6. The Parties will supply the following basic equipment required to conduct the e-trial:
- a. monitors for the Judge, Witness, Court Clerk, Realtime Reporter and one for each Party;
 - b. one large screen TV for display purposes;
 - c. a Presentation Laptop;

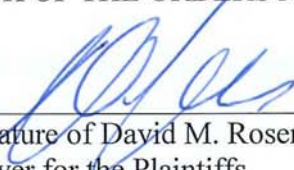
- d. a Witness Laptop;
 - e. video splitter and cables; and
 - f. extension and power cords as required (the "E-Trial Equipment").
7. The Parties and Court Staff will coordinate to ensure that the courtroom has a functioning internet connection that allows remote access to the database.
 8. The Parties, Court Staff and REDI will work together to develop an appropriate back-up plan to allow the trial to continue in the event that the internet connection is temporarily unavailable.
 9. The Parties will be responsible for the set-up, maintenance, service and take down of the E-Trial Equipment.
 10. In order to ensure that courtroom 404 is properly set up for the commencement of trial, the Parties and Ms. Kate Gower, E-Trial Consultant, will need access to courtroom 404 the week of September 2-6, 2019 in order to install and test the E-Trial Equipment.
 11. Given the length of trial, certain E-Trial Equipment - such as the large screen TV, Monitors, Video Splitters and Cables - will need to be left in courtroom 404 when it is locked at the end of each day.

Trial Procedure

12. When making submissions or examining a witness, the examining Party shall have control of the system and select the documents to display during the course of the presentation. The video splitter allows the selected documents to be displayed on the video monitors of the Judge, Witness, Court Clerk, other counsel and Realtime Reporter (if necessary). As the next Party stands to make submissions or examine a witness, control over the systems is transferred to that Party, which then displays documents in the same manner.
13. In the event the Parties are unable to reach agreement on any issue related to conducting the e-trial, the Parties will request a case conference before the Judge so that any

outstanding issue(s) can be addressed as soon as possible.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:



Signature of David M. Rosenberg, Q.C.
Lawyer for the Plaintiffs

Signature of Sheri Vigneau
Lawyer for the Defendant, Attorney General of Canada

Signature of Glen Thompson
Lawyer for the Defendant, Her Majesty the Queen in Right of the Province of British Columbia

Signature of Brent Olthuis
Lawyer for the Defendant, City of Richmond

Signature of Robert W. Grant, Q.C.
Lawyer for the Defendant,
Vancouver Fraser Port Authority

Signature of Cheryl Sharvit
Lawyer for the Defendant, Musqueam Indian Band

Signature of Geoff Plant, Q.C.
Lawyer for the Defendant, Tsawwassen First Nation

By the Court

The Honourable Madam Justice Young

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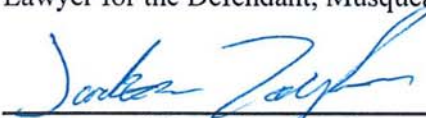
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