

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE CHIPPEWAS OF SAUGEEN FIRST NATION, and
THE CHIPPEWAS OF NAWASH FIRST NATION**

Plaintiffs

and

**THE ATTORNEY GENERAL OF CANADA,
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
THE CORPORATION OF THE COUNTY OF GREY,
THE CORPORATION OF THE COUNTY OF BRUCE, THE CORPORATION OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA,
THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA
THE CORPORATION OF THE TOWN OF SAUGEEN SHORES, and
THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS**

Defendants

Court File No. 03-CV-261134CM1

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
SAUGEEN FIRST NATION**

Plaintiffs

and

**THE ATTORNEY GENERAL OF CANADA, and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendants

ELECTRONIC TRIAL PLAN

This is the formal electronic trial ("e-trial") plan of the Plaintiffs, the Attorney General of Canada ("Canada"), and Her Majesty the Queen in Right of Ontario ("Ontario") setting out how they will conduct the trial electronically.

Courtroom:

1. The trial is scheduled to commence on April 23, 2019, for a duration of 222 days. The location of the trial is the Superior Court of Justice, 330 University Avenue, Courtroom 5, Toronto, Ontario, M5G 1R7.
2. The Plaintiff will supply the following basic equipment required to conduct the e-trial:
 - switch box and cables.
3. 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).
4. The courtroom will have a dedicated hardwired internet line access for the duration of the trial.

Joint Book of Documents:

5. The Parties have agreed on an electronic Joint Book of Documents ("JBD") that will be hosted outside the courtroom and accessed remotely by the Parties during the course of the trial through an internet connection. The Parties will coordinate with the Registry to ensure that the courtroom has a functioning internet connection that allows remote access to the JBD.
6. Each document in the JBD will have its own unique document identification number ("JBD Number"). Primary documents will have a P- prefix and secondary documents will have a S - prefix.
7. The other fields to be included in the database are agreed to by the Parties and shall include: exhibit number, DocID, type, date, date adduced, title, expert, party adducing, to, and from. (see Appendix A)
8. Mandatory fields will be title, DocID and date. Date format is month, day and year (mm/dd/yyyy).
9. Additional documents will be added to the database by REDI Analysis or a party during the course of the trial.
10. As an alternative plan regarding uploading exhibits, if there is insufficient time for

a Party to upload the CSV data and image for the court database, then the Parties and Court will agree to permit the Exhibit(s) to be provided in PDF via USB or email. The CSV data fields and image will be uploaded at the end of the day, unless the Court directs otherwise.

3rd Party Provider:

11. The Parties agree that REDI Analysis will host the JBD 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.
12. 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.
13. 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.
14. When examining a witness, the examining counsel shall control the database and select the documents from the database 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, gallery and other counsel. Once cross-examination begins, control over the JBD is transferred to cross-examining counsel who then displays documents in the same manner.
15. Read-ins from examinations for discovery will be provided electronically to the Judge.


16. 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.



Counsel on behalf of the Chippewas of
Saugeen First Nation and the Chippewas
of Nawash First Nation

Per: Benjamin Brookwell

Dated: April 19, 2019



ATTORNEY GENERAL OF CANADA

Per: Barry Ennis

Dated: April 22, 2019



HER MAJESTY THE QUEEN
IN RIGHT OF ONTARIO

Per: Peter Lemmond

Dated: April 22, 2019

APPENDIX A

CSV FIELDS TO TRIAL EXHIBITS

CSV FIELD	PARTY/REGISTRAR	MANDATORY
DATE ADDUCED	REGISTRAR	YES
DOC DATE (MM/DD/YYYY)	PARTY	YES
DOCID	PARTY	YES
EXHIBIT #	REGISTRAR	YES
FROM	PARTY	NO
PARTY	REGISTRAR	YES
TITLE	PARTY	YES
TO	PARTY	NO
TYPE	PARTY	NO
WITNESS	REGISTRAR	YES

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CHIPPEWAS OF NAWASH FIRST NATION

Plaintiffs

AND

CHIPPEWAS OF NAWASH UNCEDED FIRST NATION
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Court File No. 03-CV-261134CM1

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Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

ELECTRONIC TRIAL PLAN

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