

In the Matter Of:
The Chippewas of Saugeen First Nation et al v.
Attorney General of Canada et al

DAY 15/ VOL 15
May 30, 2019



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Toronto, ON M5K 1A2
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1 Court File No. 94-CQ-50872CM

2 ONTARIO
3 SUPERIOR COURT OF JUSTICE

4 B E T W E E N:

5 THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
6 CHIPPEWAS OF NAWASH FIRST NATION
7 Plaintiffs

8 - and -

9 THE ATTORNEY GENERAL OF CANADA,
10 HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
11 THE CORPORATION OF THE COUNTY OF GREY, THE
12 CORPORATION OF THE COUNTY OF BRUCE, THE CORPORATION
13 OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA,
14 THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA,
15 THE CORPORATION OF THE TOWN OF SAUGEEN SHORES, and
16 THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
17 Defendants

18 Court File No. 03-CV-261134CM1

19 A N D B E T W E E N:

20 CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
21 SAUGEEN FIRST NATION
22 Plaintiffs

23 - and -

24 THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
25 QUEEN IN RIGHT OF ONTARIO
26 Defendants

18
19 -- This is the VOLUME 15/DAY 15 of the trial proceedings
20 in the above-noted matter, being held at the Superior
21 Court of Justice, 330 University Avenue, Courtroom 5-1,
22 Toronto, Ontario, on the 30th day of May, 2019.

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24 B E F O R E:

25 The Honourable Justice Wendy M. Matheson

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A P P E A R A N C E S :

H. W. Roger Townshend, Esq., for the Plaintiffs,
& Benjamin Brookwell, Esq., The Chippewas of
Saugeen First Nation,
and the Chippewas of
Nawash First Nation.

Michael Beggs, Esq., for the Defendant,
& Barry Ennis, Esq., The Attorney General
Of Canada.

Richard Ogden, Esq., for the Defendant,
Her Majesty the
Queen in Right of
Ontario.

REPORTED BY: Judith M. Caputo, RPR, CSR, CRR

I N D E X

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WITNESS:

PAGE

ROSS JOHNSTON.....1283

(via Videotaped Examination)

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NO.	DESCRIPTION	PAGE/LINE NO.
	(None.)	

1 -- Upon commencing at 10:02 a.m.

2
3 THE COURT: Good morning, Mr. Townshend.

4 MR. TOWNSHEND: Good morning, Your Honour.

5 THE COURT: Please go ahead.

6 MR. TOWNSHEND: Today we are hearing
7 the Rule 36 Examination of Ross Johnston.

8 The transcript for that in-chief, is at
9 Exhibit 3953; and the cross-examination transcript
10 is at 3954.

11 THE COURT: Thank you, please go ahead.

12 -- REPORTER'S NOTE: (Videotaped
13 Examination In-Chief of Ross Johnston was played
14 for the court.)

15 (Videotaped was paused.)

16 THE COURT: Are we having technical
17 difficulties, or is that the time switch index
18 video?

19 MR. TOWNSHEND: That appeared to be the
20 video, the transcript goes on a little.

21 The transcript goes on for another --

22 THE COURT: The answer to that question
23 is, it goes on for another paragraph or so which I
24 will certainly read. It does seem that there is a
25 slight gap. But that's okay, all right.

10:39:02 1 MR. TOWNSHEND: Okay.

10:39:03 2 THE COURT: Mr. Brookwell can tee up

10:39:10 3 the next video.

10:39:11 4 Is this the next video, Mr. Brookwell?

10:39:23 5 MR. BROOKWELL: Yes, it is, your

10:39:23 6 Honour.

10:03:10 7 -- REPORTER'S NOTE: (Videotaped

10:03:17 8 Cross-Examination of Ross Johnston was played for

10:03:24 9 the court.)

10:59:45 10 (Videotaped was paused).

10:59:45 11 MR. TOWNSHEND: We're switching

10:59:46 12 cross-examining counsel and there's about another

10:59:49 13 50 minutes. Do you care to take a break?

10:59:51 14 THE COURT: Yes, we can take the

10:59:53 15 morning break at this time.

10:59:58 16 I believe since it's an earlier break

11:00:02 17 I'm going to say 15 minutes.

11:00:23 18 -- RECESS TAKEN AT 11:00 --

11:17:33 19 -- UPON RESUMING AT 11:17 --

11:17:35 20 THE COURT: Please go ahead.

11:17:43 21 -- REPORTER'S NOTE: (Videotaped

11:17:43 22 Cross-Examination of Ross Johnston continued until

12:11:42 23 its conclusion).

12:11:42 24 THE COURT: Yes, sir?

12:11:44 25 MR. TOWNSHEND: That's the end of

1 Mr. Johnston's Rule 36 Examination.

2 The next thing we have up is Mr. Doran
3 Ritchie tomorrow morning.

4 THE COURT: I take it he's just not
5 available today --

6 MR. TOWNSHEND: Yes.

7 THE COURT: -- as you previously told me.
8 In those circumstances, we'll adjourn
9 until tomorrow morning at 10 o'clock.

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11 -- Court adjourned at 12:12 p.m.

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REPORTER'S CERTIFICATE

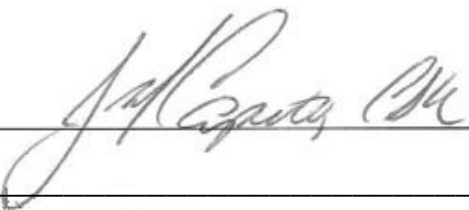
I, JUDITH M. CAPUTO, RPR, CSR, CRR,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 10th day of June, 2019.



NEESON COURT REPORTING INC.

PER: JUDITH M. CAPUTO, RPR, CSR, CRR

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