

October 3, 2022

VIA EMAIL

Judy Dubois
Registry Operations
Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

RE: *FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008*
OUR MATTER ID: 5204-002

I write further to the Panel's September 21, 2022 direction containing the Panel Chair's questions and to the AFN's September 28, 2022 submissions and accompanying affidavit.

The Caring Society had not anticipated that the AFN would file further affidavit evidence in answer to the Panel Chair's questions, in particular as the schedule set by the Panel did not include an evidentiary component. However, having had the chance to review Ms. Ciavaglia's affidavit, the Caring Society has questions that it would like to put to her.

In keeping with the process adopted in advance of the September 15-16, 2022 hearing, the Caring Society proposes to put those questions to Ms. Ciavaglia in writing. The questions that the Caring Society wishes to pose are attached.

In order to have a meaningful opportunity to consider Ms. Ciavaglia's responses in the Caring Society's responding submissions and in light of all parties' obligations related to long-term reform negotiations scheduled for the week of October 3, 2022, the Caring Society wishes to propose a slight amendment to the schedule set out by the Panel.

The slight amendment the Caring Society proposes is as follows:

- Friday, October 7, 2022: Ms. Ciavaglia responds to written questions
- Wednesday, October 12, 2022: Caring Society and Commission provide their answers to the Panel Chair's questions and their response to AFN's, Canada's, COO's and NAN's submissions in response to the Panel Chair's questions (including any affidavit evidence)
- *Monday, October 17, 2022:* If Caring Society/Commission provide an affidavit, AFN/Canada/COO/NAN pose any written questions
- *Wednesday, October 19, 2022:* If Caring Society/Commission do not provide an affidavit, or if there are no written questions, AFN, Canada, COO and NAN provide any reply
- *Friday, October 21, 2022:* If written questions are posed, Caring Society/Commission affiant provides their response
- *Wednesday, October 26, 2022:* If written questions are posed, AFN/Canada/COO/NAN provide any reply

This timeline bears in mind all parties' obligations in relation to in-person meetings taking place in Toronto from October 3-6, 2022 to continue negotiations related to long-term reform. The timeline is also provisional after October 12, as I am currently unable to advise whether the Caring Society intends to similarly submit an affidavit and it is unknown whether there would be any questions on that affidavit. In the event no affidavit is submitted, or the affidavit submitted raised no questions, the October 19, 2022 timeline proposed for reply submissions could hold.

Given the time constraints, I have not had an opportunity to raise the schedule above with counsel for the other parties. As such, I cannot advise as to their positions.

The Caring Society remains available should the Panel have questions or require further submissions.

Yours truly and respectfully submitted,



David P. Taylor

DPT/jk

Copy to: Christopher Rupar, Paul Vickery, Jonathan Tarlton, Patricia MacPhee, Kelly Peck, Sarah-Dawn Norris, and Meg Jones
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