

Federal Court



Cour fédérale

Date: 20110705

Docket: T-578-11

Ottawa, Ontario, July 5, 2011

PRESENT: Madam Prothonotary Aronovitch

BETWEEN:

CANADIAN HUMAN RIGHTS COMMISSION

Applicant

and

**ATTORNEY GENERAL OF CANADA,
FIRST NATIONS CHILD AND FAMILY
CARING SOCIETY, ASSEMBLY OF FIRST
NATIONS, CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL**

Respondents

ORDER

UPON a case management conference held by teleconference on June 20, 2011;

UPON the request and consent of the parties hereto for an order consolidating the within application for judicial review with the applications for judicial review in Court File Nos. T-630-11 and T-638-11;

THIS COURT ORDERS that:

1. The applications for judicial review in Court File Nos. T-578-11, T-630-11 and T-638-11 are hereby consolidated pursuant to Rule 105(a) of the *Federal Courts Rules* on the following terms:
 - (a) The affidavits served to date by the applicants in Court File Nos. T-578-11 and T-630-11 pursuant to Rule 306, and any cross-examination on such affidavits conducted pursuant to Rule 308, shall be part of the record in respect of the consolidated proceeding.
 - (b) Any affidavits that may be served by the Attorney General of Canada pursuant to Rules 307 or by any party pursuant to Rule 312(a), and any cross-examination on such affidavits conducted pursuant to Rule 308, shall also be part of the record in respect of the consolidated proceeding.
 - (c) The applicants in Court File Nos. T-578-11, T-630-11 and T-638-11 shall file, in accordance with the schedule ordered by the Court, a joint consolidated applicants' record bearing the title of proceedings in each of Court File Nos. T-578-11, T-630-11 and T-638-11 and containing the matters set out in Rules 309(2)(a)-(g), including the notices of application in respect of each of the three applications. **The consolidated record bearing all three Court File Nos. shall be filed on Court File No. T-578-11.**

- (d) Each applicant and each respondent other than the Attorney General of Canada may also file, in accordance with the schedule ordered by the Court, a separate volume of the application record containing that party's memorandum of fact and law, save for Appendix B thereof.
- (e) The applicants and the respondents other than the Attorney General of Canada may file a joint book of authorities in accordance with the schedule ordered by the Court.
- (f) The Attorney General of Canada shall file, in accordance with the schedule ordered by the Court, a consolidated respondent's record bearing the title of proceedings in each of Court File Nos. T-578-11, T-630-11 and T-638-11 and containing the matters set out in Rule 310. **The consolidated record bearing all three Court File Nos. shall be filed on Court File No. T-578-11.**
- (g) The hearing of the consolidated proceeding shall be scheduled as a single hearing pursuant to the Requisitions for Hearing filed by the applicants in each of Court File Nos. T-578-11, T-630-11 and T-638-11 on June 22, 2011.
2. A copy of this Order shall be placed in Court File Nos. T-630-11 and T-638-11.
3. There shall be no order as to costs.

"R. Aronovitch"
Prothonotary

Federal Court



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**ATTORNEY GENERAL OF CANADA,
FIRST NATIONS CHILD AND FAMILY
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NATIONS, CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL**

Respondents

ORDER

UPON a case management conference held by teleconference on June 20, 2011;

WHEREAS the above three applications have been consolidated by Order of this Court;

WHEREAS the matter was presented to the Court with the consent of all named parties;

THIS COURT ORDERS that:

1. The timetable for the remaining steps in this consolidated proceeding shall be as follows:
 - a) The Attorney General of Canada shall have until **July 22, 2011**, to serve on all parties their respective supporting affidavit(s) and documentary exhibits and to file with the Court proof of service.
 - b) Any motion to strike portions of any of the affidavits filed by the parties shall be filed with the Court no later than **August 12, 2011**.
 - c) Any cross-examinations on affidavit(s) are to be held no later than **August 26, 2011**.
 - d) Any party wishing to bring a motion for determination in advance of the hearing shall have until **August 31, 2011** to serve and file their Motion Record.
 - e) The joint consolidated applicants' record referred to in paragraph 1(c) of this Court's Order as to consolidation, dated **July 5, 2011**, shall be filed by the parties no later than **September 23, 2011**.
 - f) The applicants shall each have until **October 4, 2011** to serve and file their respective memoranda of fact and law.

- g) The respondents, other than the Attorney General of Canada, shall have until **October 18, 2011** to file their respective memorandum of fact and law.
- h) The Attorney General of Canada shall have until **November 18, 2011** to serve and file its consolidated respondent's record.
- i) If the Attorney General of Canada in its memorandum of fact and law raises the issue of whether the funding provided under the First Nation Child and Family Services Program and/or the funding provided in the province of Ontario pursuant to the *Memorandum of Agreement respecting Welfare Programs for Indians* constitutes a "service" under section 5 of the *Canadian Human Rights Act*, the applicants and other respondents shall have until **December 9, 2011** to file a further memorandum of fact and law replying to the above issue only, if the party or parties chose.
2. A copy of this Order shall be placed in Court File Nos. T-630-11 and T-638-11.
3. There shall be no order as to costs pertaining to this scheduling matter.

"R. Aronovitch"

Prothonotary