

April 11, 2024

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 direction of April 8, 2024 regarding the provision of scenario-based plans by the Caring Society and Canada.

With respect to the procedural aspect of the Panel's direction, the Caring Society proposes that the Caring Society and Canada should provide their scenario-based plans concurrently on Wednesday, May 29, 2024, before 5:00 PM EDT. The Caring Society's view is that providing these scenario-based plans after each party's submissions are filed is most efficient, as Canada's submissions may well inform the Caring Society's "second best scenario". Canada's submissions may also inform the Caring Society's view of the risks to be managed under any scenario proposed by the Caring Society. This timing would also permit the identification of any components of either party's scenario-based plans that may be mutually agreeable.

Further to the Panel's direction, the Caring Society wrote to the other parties this morning to canvass this procedural option. The only response received was from AFN, on behalf of itself, COO and NAN, indicating that those parties lacked clarity on the scope of the Panel's direction as it relates to the existing process and timeline and that those parties would be seeking a case management conference for the purpose of clarifying the direction.

The Caring Society respectfully disagrees that further clarification is required. This may further serve to delay the June 3-4, 2024 hearing of this matter (which hearing dates are, of course, subject to the Panel's decision on the AFN's adjournment request). The Panel's direction is aimed at the Caring Society and Canada and asks that these parties "review their motion and cross-motion and requested orders to include the different options / scenarios described below." The

direction's application to the AFN is contingent on the AFN filing a motion, which it has yet to confirm it will do. Indeed, on March 15, 2024, counsel for the AFN advised that if no motion was filed by Monday, March 18, 2024, "the AFN will consider filing the motion separately on its own accord", rather than on the present schedule. As such, it is the Caring Society's understanding that there is no requirement in the direction for scenario-based plans from AFN, COO or NAN. As previously reiterated in the Caring Society's correspondence to the Tribunal, ensuring that this matter proceeds without further delay is critical to protecting and promoting the best interests of First Nations children and families who rely on Jordan's Principle to access substantively equal services, products and supports. Time is of the essence.

Please advise if the Tribunal has any questions or requires further submissions.

Yours truly and respectfully submitted,



David P. Taylor

DPT/jk

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