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## Via Email

Our File Number: LEX-500219273

January 27, 2025

Canadian Human Rights Tribunal  
240 Sparks Street, 6th Floor West  
Ottawa, Ontario K1A 1J4

Dear Registry,

**Re: First Nations Child and Family Caring Society of Canada et al. v.  
the Attorney General of Canada et al.  
Tribunal File: T1340/7008**

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We write in response to the Panel's request for written submissions regarding scheduling of the First Nations Child and Family Caring Society of Canada (Caring Society)'s latest motion, dated January 14, 2025. Thank you for the opportunity to consider the Caring Society's January 22, 2025, email indicating they are changing their request for relief, in advance of providing these submissions.

The Attorney General of Canada (Canada) submits that the Caring Society should be required to file an amended Notice of Motion within one week, clearly setting out all relief that it seeks. This will ensure that no party is prejudiced by a subsequent request by the Caring Society to revive the requested orders in respect of the Ontario-specific long-term reform announced January 7, 2025.

The remainder of the Caring Society's motion relates to previously ordered consultations and the Caring Society's new request for an order that Canada consult on "national long-term reform of the FNCFS Program, First Nations federal child and family services and Jordan's Principle" with select Parties only. The motion implicates complex facts and issues that are not suitable for consideration on an expedited basis or in writing only. These include years of in depth consultations and negotiations involving multiple parties beyond the Caring Society and the Assembly of First Nations, with related concerns regarding confidentiality, settlement privilege, and potential Cabinet confidentiality pursuant to section 39 of the *Canada Evidence Act*.

Canada 

Canada submits that the Parties' recent experience with the Caring Society's Jordan's Principle motion and Canada's related cross-motion should be considered as a procedural precedent for scheduling this motion. Although that schedule was challenging to meet, it did allow for a procedurally fair process to take place. Further, Canada agrees with the Chiefs of Ontario (COO) that a 30-page limit should be adopted for all factums.

Along these lines, and with a view to avoiding last minute scheduling disruptions from new interested parties, Canada proposes the following schedule:

	STEP	DEADLINE
1.	Caring Society's Amended Notice of Motion	One week
2.	Affidavits in response to Caring Society's Amended Notice of Motion  Any Cross-Motions from other Parties  Affidavits in support of any Cross Motions from other Parties	8 weeks from previous step
3.	All Parties' Affidavits in response to Cross Motions	4 weeks from previous step
4.	Deadline for any applications for participation by any interested parties (to then be separately scheduled, if required)	2 weeks from previous step
5.	Cross examination on affidavits	2 weeks from previous step
6.	Caring Society's Factum in support of their Amended Motion and in response to any Cross Motion	4 weeks from previous step
7.	Other Parties' Factums in response to the Caring Society's Amended Motion and in support of their own Cross Motions	4 weeks from previous step
8.	All Parties' Reply Factums in support of their own Amended Motion or Cross Motions	2 weeks from previous step
9.	Hearing	4 weeks from previous step

We are happy to answer any questions that you may have.

Sincerely,



Dayna Anderson  
General Counsel

**Canada**

CC:

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