



No. 051952
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CHIEF RON IGNACE and CHIEF SHANE GOTTFRIEDSON, on their own behalf
and on behalf of all other members of the Stk'emlupsemc te Secwepemc
of the SECWPEPMC NATION

PLAINTIFFS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA, KGHM AJAX MINING INC., and
THE ATTORNEY GENERAL OF CANADA

DEFENDANTS

CONSENT ORDER

	)	[] A JUDGE OF THE COURT	)	
	)	or	)	
BEFORE	)	[] A MASTER OF THE COURT	)	February 20, 2019
	)	or	)	
	)	[] A REGISTRAR	)	

ON THE APPLICATION of the Plaintiffs without a hearing and by consent;

THIS COURT ORDERS that:

1. The evidence of the witness, Martha Simpson, will be taken by deposition pursuant to Rule 7-8 ("Deposition Evidence") at the Prestige Hotel Vernon at 4411 32nd Street, Vernon, British Columbia, at such dates and times as agreed by counsel.
2. A "will-say statement" for the deponent Martha Simpson will be produced by the Plaintiffs to Defendants' counsel 14 business days in advance of the deposition, and any documents or other records relevant to her anticipated evidence ("Relevant Records")

will be provided by the Plaintiffs to Defendants' counsel no less than 30 days in advance of the deposition, unless otherwise agreed by counsel.

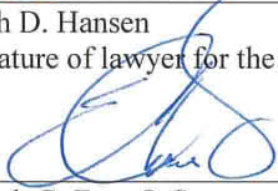
3. The Defendants will produce any Relevant Records within their possession to the Plaintiffs, no less than 14 days in advance of the deposition, unless otherwise agreed by counsel.
4. The Parties acknowledge that the deponent's pre-trial evidence is being taken prior to completion of the document discovery and examinations for discovery. The parties agree that further examination of the witness may occur on matters arising out of the examination for discovery of the parties or documents not previously produced or previously examined upon, and that the question of the admissibility of a deponent(s)' pre-trial evidence is not affected by the Defendants decision whether to conduct such further examination.
5. An interpreter/word speller is permitted to be present at the deposition, with their role being to faithfully and accurately reproduce Martha Simpson's message in the closest natural equivalent of the listener's language without embellishment, omission, explanation, or expression of opinion.
6. The interpreter/word speller is permitted to seek permission to ask the witness additional questions for clarifications of the meaning of a given answer, and may do so if the parties consent. Nothing in these terms precludes the interpreter/word speller from testifying at trial.
7. The deposition shall be conducted by videotape with a court reporter present and presented at trial as videotape with transcript in accordance with Rule 7-8(16). Plaintiffs' counsel shall maintain custody of the original videotape, transcript and exhibits.
8. The video and transcript of the deposition evidence may be led as evidence at trial by any party and if such evidence is led, the deposition evidence must be given in full, unless the parties agree otherwise or the court otherwise orders in accordance with Rule 12-5(45).
9. The rules of evidence and courtroom procedure shall apply to the taking of the deposition evidence.
10. The Deposition Evidence will be conducted in accordance with the attached set of instructions set forth on Schedule "A" to this Order.

11. Each counsel of record is entitled to copies of the recorded and transcribed Deposition Evidence, including video, transcripts, and exhibits, in paper and digital format at their own expense.
12. Costs for attendance of a videographer and court reporter for the taking the deposition evidence are to be paid forthwith upon receipt and shared by the Parties, as follows:
 - a. one half by the Plaintiffs, and one quarter each by Canada and the Province, or
 - b. by further order of the court.

THE FOLLOWING PARTIES CONSENT TO EACH OF THE ORDERS NOTED ABOVE:

for 

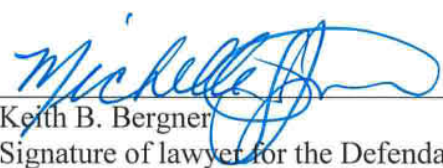
Sarah D. Hansen
Signature of lawyer for the Plaintiffs



Patrick G. Foy, Q.C.
Signature of lawyer for the Defendant,
Her Majesty the Queen in the Right of the
Province of British Columbia



Susan Dawson
Signature of lawyer for the Defendant,
The Attorney General of Canada

for: 

Keith B. Bergner
Signature of lawyer for the Defendant,
KGHM AJAX MINING INC.

By the Court

Registrar

Schedule "A"

Deposition Evidence Instructions:

As per the covering Order, Deposition Evidence will be conducted in the following manner:

1. The video camera should be focused in a way to give a direct frontal close-up of the witness's face.
2. The examining party will examine the witness, who will be subject to cross-examination and re-examination.
3. If a witness is being examined in a language other than English or French, interpretation should be provided by a person with experience as a legal interpreter, and in the case of examination in the Secwepemc language, by a person with experience as an interpreter;
4. All books, papers and documents entered in evidence shall be marked as Exhibits. The Exhibits shall be received, marked and be in the custody of the court reporter who shall otherwise perform the functions of a court clerk.
5. The following are forms of affirmations/oaths referred to in the Order and in the present instructions:

Witness' Affirmation or Oath

Do you solemnly promise, affirm and declare that the evidence that you will give in this proceeding shall be the truth, the whole truth and nothing but the truth?

[Or]

Do you swear that the evidence that you will give in this proceeding shall be the truth, the whole truth and nothing but the truth, so help you God?

Video Equipment Operator's Affirmation or Oath

Do you solemnly promise, affirm and declare that you shall truly and faithfully cause a complete and accurate sound recording to be made of the evidence of the witness or witnesses and of the proceeding at which such evidence is given, and that you shall truly and faithfully cause a complete and accurate video recording to be made of the giving of evidence by the witness or witnesses?

[Or]

Do you swear that you shall truly and faithfully cause a complete and accurate sound recording to be made of the evidence of the witness or witnesses and of the proceeding at which such evidence is given, and that you shall truly and faithfully cause a complete and accurate video recording to be made of the giving of evidence by the witness or witnesses, so help you God?

Court Reporter's Affirmation or Oath

Do you solemnly promise, affirm and declare that you shall truly and faithfully and without partiality to any party in this proceeding, take down, transcribe and engross the depositions of each and every witness produced before and examined by counsel, as far as you are directed and employed by counsel to take, write down, transcribe and engross the said depositions?

[Or]

Do you swear that you shall truly and faithfully and without partiality to any party in this proceeding, take down, transcribe and engross the depositions of each and every witness produced before and examined by counsel, as far as you are directed and employed by counsel to take, write down, transcribe and engross the said depositions, so help you God?

Speller's Affirmation or Oath

Do you solemnly promise, affirm and declare that you shall truly and faithfully and without partiality to any party in this proceeding, and to the best of your ability, provide accurate spellings of the words of the Secwepemc language of the witness or witnesses taken under oath during the Deposition Evidence?

[Or]

Do you swear that you shall truly and faithfully and without partiality to any party in this proceeding and to the best of your ability, provide accurate spellings of the words of the Secwepemc language of the witness or witnesses taken under oath during the Deposition Evidence, so help you God?

Interpreter's Affirmation or Oath

Do you solemnly promise, affirm and declare that you shall truly and faithfully; and without partiality to any party in this proceeding, and to the best of your ability, interpret and translate any oath or affirmation that will be administered and all questions that may be asked of any witness and his or her answers, and also in like manner to interpret and translate the respective depositions taken and made to such questions out of the language of such witness or witnesses into the English language?

[Or]

Do you swear that you shall truly and faithfully, and without partiality to any party in this proceeding, and to the best of your ability, interpret and translate any oath or affirmation that will be administered and all questions that may be asked of any witness and his or her answers, and also in like manner to interpret and translate the respective depositions taken and made to such questions out of the language of such witness or witnesses into the English language, so help you God?