



## GITKSAN CHIEFS' OFFICE

February 10, 2012

### **Update on Gisega'as Litigation – Judge orders Plaintiffs to cover cost of application to Court**

On February 9, 2012, the Court heard two applications in the Mcrae et al. v Sampare et al. litigation (over Gisega'as Village). The two applications related to procedural matters in the case, as follows:

1. Application by the Plaintiffs (Gitanmaax Indian Band, Ms. McRae, etc) for an order that Mr. Clifford Sampare (O'yee) be produced for pre-trial examination. The Defendant Simgiigyet had refused to produce Mr. Sampare until the Plaintiffs improved their document production and complied with a previous court order to that effect;
2. Application by the Defendant Simgiigyet that the Plaintiffs produce better documents, relating to how the decision to burn the Simgiigyet's building by the Gitanmaax Band was undertaken.

At the hearing, the Court agreed with submissions of the Defendants that the Plaintiffs' document production was clearly lacking. Examination of witnesses will start once the Plaintiffs complete what the court has ordered previous to this hearing but in no later than three weeks.

The court also ordered that the Plaintiffs pay the Defendants costs of the application. The cost award is considered a success for the Defendants, because it is not that common for such an award to be granted when there are competing applications by opposing sides at one hearing.

For continued updates on the Gisega'as litigation and any information concerning the Gitksan Hereditary Chiefs, please visit [www.gitksan.com](http://www.gitksan.com) to receive news as it becomes available.