

# TA'AN KWÄCH'ÄN JUDICIAL COUNCIL

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To: Edythe Maloney  
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TKJC06-11

And: Ta'an Kwäch'än Council Board of Directors  
c/o Debra Fendrick  
3081 Third Ave.  
Whitehorse, Yukon Y1A 4Z7

And: Roberta Behn  
19 Finch Crescent  
Whitehorse, Yukon Y1A 5X5

## DIRECTION ON PROCEDURE

A pre-hearing conference in this matter was convened on Monday, November 6, 2006, at 2:00 p.m. in Boardroom No. 3, Council for Yukon First Nations, Whitehorse, Yukon. The applicant, Edythe Maloney, was represented by her agent/representative, Bonnie Harpe. The Ta'an Kwäch'än Council Board of Directors was represented by its legal counsel, Debra Fendrick. Roberta Behn did not appear and was not otherwise represented.

At the pre-hearing conference legal counsel for the Board presented a motion asking the Judicial Council for a determination:

- (a) that this complaint is outside the jurisdiction of the Judicial Council to consider; or,
- (b) in the alternative, that the Judicial Council stay the hearing of this application pending the decision of the Yukon Supreme Court in Supreme Court Action No. 06-A0102.

The Judicial Council was advised that the Yukon Supreme Court is scheduled to hear the petition in the above-noted action on November 8, 2006. The Judicial Council hearing for this application is set for November 9, 2006. The urgency for the Judicial Council to consider the Board's motion is evident from these dates.

After hearing submissions on behalf of the Board and the applicant, the Judicial Council has decided:

1. to defer further consideration of whether this complaint is outside its jurisdiction and, if a hearing of this complaint is subsequently convened, the Judicial Council will entertain further submissions from the parties on this motion prior to rendering its decision;
2. to grant an interim stay of its hearing scheduled for November 9, 2006, pending the decision of the Supreme Court in Action No. 06-A0102. If the decision of the Supreme Court determines the matters raised in this application, the Judicial Council requests that the parties advise the Judicial Council in writing accordingly so that the file can be closed. Alternatively, if, in the view of any party, the Supreme Court decision does not determine the matters raised in this application, the party may apply to the Judicial Council asking that a hearing be set to consider the application.

Issued by the Ta'an Kwäch'än Judicial Council this 6<sup>th</sup> day of November, 2006.

  
Michael Dougherty  
Judge

  
per Chuck Hume  
Judge