

SPOOKW et.al. v. GITXSAN TREATY SOCIETY, CANADA AND B.C.

UPDATE

August 23, 2011

In this court action a number of Gitksan Hereditary Chiefs and the Gitanmaax, Kispiox, Glen Vowell, Gitwangak, Kispiox Bands and Gitksan Government Commission are suing the Gitksan Treaty Society, Canada, B.C. and the B.C. Treaty Commission. The B.C. Treaty Commission filed a motion to be dismissed from the action. On July 26, 2011 Mr. Justice Kelleher released his decision to let B.C. Treaty Commission out of the Action. The Plaintiffs are Appealing Mr. Justice Kelleher's decision to the B.C. Court of Appeal. **The litigation against the Gitksan Treaty Society (GTS), Canada and BC continues.**

The Supreme Court rules provide for a process called "Judicial Settlement Conference". In this process, the parties present their case to a judge who gives a non-binding judicial assessment on the chances of their success in court. On August 17, 18 and 19th, 2011 the parties (the plaintiff Gitksan Hereditary Chiefs and Bands and the Defendants, Canada, Gitksan Treaty Society and BC) presented their cases to Madam Justice Koenigsberg in the Supreme Court of B.C. in Smithers. Witnesses on behalf of the plaintiffs presented some of their evidence of their experiences with all Defendants.

As a result of these proceedings, there are discussions underway to reach settlement. By the end of the week (August 26, 2011) we will be in the position to determine if resolution of the issues is possible. Preparation for the January 2012 trial date continues.

The courage of the Plaintiffs Hereditary Chiefs and Band Chief-Councilors is acknowledged. The plaintiffs and Litigation Committee members have spent hours of volunteer time and travel expense to meet and provide instructions to the legal team. Messages of encouragement and thanks were received by the Litigation Committee and Plaintiffs who are fighting for the rights and interests of the Gitksan and Gitksan band members. Many working on the litigation on behalf of the plaintiffs have endured stress and personal attacks for opposing the Gitksan Treaty Society and their proposal that will result in the Gitksan losing Indian status and reserve lands. There is too much at stake to stay silent despite personal retaliation directed against the Plaintiffs.

We will provide updates of any settlement progress or confirm steps in the litigation process.