

# FASKEN

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July 24, 2026

**Peter Mantas**

## By E-Mail

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Federal Court of Canada  
90 Sparks Street  
Ottawa, ON K1P 1B5  
Attn: Jean Lee, Registry Officer

Dear Registrar:

***Re: Attorney General of Canada v. First Nations Child and Family Caring Society of Canada, Assembly of First Nations, et al. – T-3594-25***

Please bring this correspondence to the attention of Associate Judge Molgat, who is the case management judge in this matter.

The purpose of this correspondence is to address Associate Judge Molgat's Direction found in her Order dated July 13, 2026, asking the parties to provide a timetable and availability for a case conference, if required.

We write on behalf of the Respondent Assembly of First Nations ("AFN") jointly with the Respondent First Nations Child and Family Caring Society of Canada ("Caring Society"). Prior to the delivery of this letter, we have conferred with all the parties and have shared a copy of this letter with them for comment. The Canadian Human Rights Commission, Amnesty International, the Chiefs of Ontario and the Nishnawbe Aski Nation do not intend to take a position on the timetable (nor file responding affidavits). The Applicant has advised that it does not agree with the content of this letter.

The Applicant and the AFN and Caring Society have exchanged draft timetables for the purpose of coming up with a joint proposal for the court. They have not agreed.

We believe that the parties may be able to agree to a timetable if they know the date, or approximate date, of the hearing.

The AFN and Caring Society seek a timetable that brings the parties to a late October hearing date for reasons that are explained below. The Applicant proposes a timetable leading to a hearing in December at the earliest. Depending on the available dates before the Federal Court, this disagreement between the parties may be academic.

Our request for a hearing date before the Court in October is due to a fast-approaching set of critically important dates before the Canadian Human Rights Tribunal.

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Starting in January 2027, the parties have a ten-day evidentiary hearing before the tribunal. In March, the parties have three days of oral argument. In addition, the parties must submit substantial written material.

If a decision were to be made by this Honourable Court that impacted the tribunal in the manner sought by the Applicant, it may result in the need to redo all these steps and work noted above. That would be contrary to the principle of judicial economy.

If the tribunal hearing itself were delayed, that would be contrary to the principle of access to justice. This matter has been ongoing for some two decades, and involves the welfare and human rights of Indigenous children and their families across the country. These hearing dates were scheduled earlier this year, and with difficulty, given the number of parties involved and the complexity of the case.

For the reasons above, we respectfully ask that the court provide us a date, or date range for the hearing, and then give the parties another week to try to agree to a proposed timetable.

In the event that the parties cannot agree, we can advise that the AFN and Caring Society are ready to proceed expeditiously. Given that the affidavits in this matter have been served and that the respondents do not seek to cross-examine the Applicant's affiants, the AFN and Caring Society propose the following: (a) Applicant's Record delivered by August 24; (b) Respondents' Records and Requisition for Hearing delivered by September 23. As the Respondent witness is a law clerk providing basic information, we do not expect that person will be examined by the Applicant.

Should the Court be of the view that a case conference is necessary, the AFN, Caring Society, Chiefs of Ontario, and Nishnawbe Aski Nation are available for a case conference on the following days: August 6 except 11:00 a.m. to 12:00 p.m.; August 10 after 11:30 a.m.; August 11 after 12:00 p.m.; and any time on August 12, 13, 14, 17 (except 10:30 a.m.-12 p.m.), 18, 19, 20, or 21 (before 11:30 AM).

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**



Peter Mantas

Cc:

*David Taylor, Henna Mohan, and Sarah Clarke – Counsel for the First Nations Child and Family Caring Society of Canada*

*Dayna Anderson, Paul Vickery, Sarah Bird, Aman Owais and Alicia Dueck-Read – Counsel for*

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*the Attorney General of Canada*

*Maggie Wente, Katelyn Johnstone, and Eileen Church Carson – Counsel for the Chiefs of Ontario*

*Julian Falconer and Meaghan Daniel – Counsel for the Nishnawbe Aski Nation*

*Justin Safayeni, Stephen Aylward and Geneviève Citron – Counsel for Amnesty International*

*Anshumala Juyal and Khizer Pervez – Counsel for the Canadian Human Rights Commission*

