

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 27

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, May 4, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 4 mai 2006

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Christine Morris	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Actg.Det.Supt.Colleen McQuade	
Ms. G. Saccoccio Brannan,Q.C.	
Dect.Staff Sgt.Colin Groskopf	
Mr. Joe Neuberger	Ontario Ministry of Community
Mr. Mike Lawless	and Correctional Services and
	Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Christopher Thompson	
Mr. Peter Chisholm	The Children's Aid Society of
	the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Bennett	The Men's Project
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall
	and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and
	Scott Seguin and Father Charles
	MacDonald
Mr. Jose Hannah-Suarez	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police
	Association

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1 --- Upon commencing at 10:06 a.m./

2 L'audience est reprise à 10h06

3 **THE REGISTRAR:** Order. All rise. À
4 l'ordre. Veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning all.

10 Let me just begin by explaining that today
11 is probably what I call an administrative day, a day where
12 we talk about disclosure. And as you may be aware, there
13 are rules that were circulated, were adopted and adapted
14 from other Commissions that were implemented and people,
15 parties, after they were granted standing, were asked to
16 comment on them and then they were adopted.

17 Part of that documentation said of the
18 rules; stated that certain requirements with respect to
19 disclosure. Up to date, up until this date, there have
20 been ongoing discussions between the parties and the
21 Commission counsel as to what documents could be disclosed
22 and not be disclosed, and that's part of the process that
23 we have to continue to explore.

24 One of the reasons that I called this
25 meeting is because it seems that we're now at the point

1 where we may well have to strike some positions and make
2 some judicial determinations as to what should be and what
3 should not be disclosed.

4 So what I want to do is go through the
5 documents. What I've asked counsel to do is to provide me
6 with provisional certificates of disclosure and that is so
7 that we can have an outline as to what's in contention and
8 what is not.

9 So it isn't -- I think it's a normal part of
10 any inquiry that we do that. And what I'd like to do is
11 explore with each counsel in turn what their certificate
12 means and if there are any outstanding issues. So on that
13 basis, Mr. Engelmann. And I believe we have a housekeeping
14 -- what measure ---

15 **MR. ENGELMANN:** Yes. I just wanted to speak
16 to one other motion that we have and that is, Mr. Sherriff-
17 Scott had indicated that he was going to be bringing a
18 motion similar to the motion Mr. Cipriano brought in behalf
19 of Father MacDonald; that is a motion to redact or remove
20 certain references from the Victims Group affidavit that
21 was filed in the Standing and Funding application.

22 **THE COMMISSIONER:** M'hm.

23 **MR. ENGELMANN:** I just informally canvassed
24 counsel as to availability, and it appears that everyone
25 who is interested in arguing on that motion, either in

1 support or opposed, is available on May 29th.

2 **THE COMMISSIONER:** Yes.

3 **MR. ENGELMANN:** So if that day could be set
4 for that motion; and that is a Monday. And we're proposing
5 that the people in support of the motion have materials
6 filed by the 15th of May; those opposing, by the 23rd. And
7 then a brief reply, say, by one o'clock on the 24th, so that
8 we'd be in a position to argue that motion on the 29th.

9 **THE COMMISSIONER:** All right. Anyone
10 opposing that suggestion?

11 Great. So ordered. And the motion on May
12 29th will be heard at 2:00.

13 **MR. ENGELMANN:** Okay. Thank you.

14 Then, as we go through the parties, sir,
15 Commission counsel may have some brief comments.

16 **THE COMMISSIONER:** M'hm.

17 **MR. ENGELMANN:** But we've had some informal
18 discussions with counsel on the point that if there are
19 issues and/or legal impediments that they're raising to
20 disclosure that we may also want to set a schedule for that
21 this morning.

22 **THE COMMISSIONER:** Absolutely. Thank you.

23 So another little comment, I suppose, is
24 that I had asked that the certificates be filed by a
25 certain date, and I understand that most have filed by that

1 date. But those who haven't been able to do that, they
2 might want to explain why not. I suspect that I'd probably
3 be interested in finding out what that's all about.

4 All right, so what we're going to do is, I
5 suppose, the batting order if I can use a baseball phrase
6 now that the Montreal Canadiens are golfing, is we'll go
7 through the order as of order cross-examination. So
8 anybody who's looking out should not think that we're
9 pointing at Mr. Manson. He's used to starting off as the
10 hit-off hitter, so we'll hear from him first.

11 **MR. MANSON:** Mr. Commissioner, I've had some
12 preliminary feedback from counsel for the Commission about
13 our certificate and, in fact, we've tried to revise it.
14 With respect to the privileged documents listed ---

15 **THE COMMISSIONER:** Sorry, can I stop you
16 just for a moment, Mr. Manson?

17 **MR. MANSON:** Sure.

18 **THE COMMISSIONER:** I'm sorry.

19 There's another comment I wanted to make is
20 that these certificates will not be made exhibits at this
21 time, I don't think, because there's some issues of
22 confidentiality.

23 The other thing is, this is an
24 organizational meeting this morning, so I don't want to get
25 into any details of any documents, which might lead us to

1 breach any confidentiality; and so we'll deal with it on
2 that basis.

3 All right? Thank you.

4 **MR. MANSON:** Thank you, Mr. Commissioner.

5 **THE COMMISSIONER:** Okay. And so your
6 comments?

7 **MR. MANSON:** If you turn to Appendix B then

8 ---

9 **THE COMMISSIONER:** I am, I am.

10 **MR. MANSON:** --- in the first paragraph
11 dealing with solicitor/client privilege, subject to any
12 instructions of waiver, which at the moment we do not have,
13 as a matter of principle -- and I appreciate we did not
14 raise this earlier when you gave us the opportunity to
15 comment on the rules. My only explanation is at that point
16 in time, it went right past Mr. Wardle and I, but it
17 certainly didn't go past us when we were confronted with
18 the request to complete the direction, the disclosure
19 certificate, rather.

20 It's our position that the rule compelling
21 production of privileged documents to Commission counsel,
22 subject to Commission counsel's view as to the validity of
23 the claim of privilege, by itself, undermines
24 solicitor/client privilege.

25 **THE COMMISSIONER:** M'hm.

1 **MR. MANSON:** And, accordingly, we have
2 indicated the generic description of correspondence between
3 Mr. Wardle, myself and our clients. I suppose if required
4 we could go through the file and provide dates and names.
5 But we would still, as a matter of principle, object to
6 disclosure to Commission counsel. I can discuss that
7 further now, or we'll do it on a later date, but that's our
8 position.

9 **THE COMMISSIONER:** No, no. And that's what
10 I wanted. I want your position, then Mr. Engelmann will
11 reply. And if we want to go down that road, we'll set a
12 date for when you can make submissions and away we go.

13 **MR. MANSON:** All right, so with respect---

14 **THE COMMISSIONER:** All right, so then -- I'm
15 sorry. Yes?

16 **MR. MANSON:** The next paragraph ---

17 **THE COMMISSIONER:** Right.

18 **MR. MANSON:** --- deals with litigation
19 privilege essentially. We have a huge file of documents
20 put together post-April 14th, 2005. It's our view that they
21 were all created for the dominant purpose of assisting with
22 this litigation and are therefore covered by litigation
23 privilege. If you peruse, and I'm not going to go into any
24 details, Appendix A, I think it's quite clear that we've
25 been very full and open in listing and producing anything

1 that might not be covered by work product privilege or
2 litigation privilege whether they were created before 2005
3 or after.

4 If we were required to produce a schedule
5 under that paragraph, we would certainly do so. It would
6 be lengthy and would not provide anything of any interest.
7 But we've again used the generic paragraph to describe the
8 work product privilege.

9 **THE COMMISSIONER:** All right.

10 **MR. MANSON:** Thank you, Mr. Commissioner.

11 **THE COMMISSIONER:** Mr. Engelmann, do you
12 wish to comment?

13 **MR. ENGELMANN:** I've spoken to Mr. Manson on
14 the Rule 31 issue, and I've certainly spoken to Mr.
15 Manderville for the Cornwall Community Police Service on
16 this issue. And I indicated to them that if they disagreed
17 with the process set out in Rule 31, this should be dealt
18 with by way of legal argument. They can put in a motion or
19 application or otherwise argue at Rule 31 and the procedure
20 adopted by Rule 31 should not be followed by this inquiry.

21 What I would propose is that we set up a
22 schedule and set up a date to argue this, and if there are
23 other legal impediments that are raised today that we also
24 do it that way as well.

25 **THE COMMISSIONER:** All right.

1 **MR. ENGELMANN:** So I would propose, if it's
2 possible, that we deal with these issues soon. We've
3 talked about trying to set dates when counsel are already
4 here. We've also talked about the fact that the OPP
5 evidence may end earlier than the two weeks that have been
6 set aside for it. So we're on the week of the 15th with the
7 OPP; we're also on the week of the 23rd.

8 What I would propose is that we do the
9 following: that those parties wishing to bring motions or
10 applications, what have you, with respect to legal
11 impediments as this one here, that they file such materials
12 by next Thursday, that would be May 11th; that Commission
13 counsel and/or anyone else wishing to oppose file by the
14 following Wednesday, that would be May 17th; and then by one
15 o'clock on the 18th if there's a brief reply, that be filed.
16 So that's a proposal. I'd put that out there right now.

17 And lastly, I think there's some -- and
18 perhaps we can resolve something with Mr. Manson on this
19 issue. The concern about solicitor/client privilege
20 documents, litigation privilege documents, et cetera, was
21 really about documents that pre-date the Order in Council
22 in this case.

23 **THE COMMISSIONER:** M'hm.

24 **MR. ENGELMANN:** So perhaps we can have a
25 discussion informally with counsel and try and resolve some

1 of those issues.

2 But I would expect that documents that are
3 going to be an issue that we would have some kind of
4 listing like we've received from the Cornwall Police
5 Service, so that we have a sense as to the number of
6 documents, the type of documents, et cetera. So those are
7 just some brief comments.

8 **THE COMMISSIONER:** And so the hearing date
9 would be set for?

10 **MR. ENGELMANN:** Well, the hearing date would
11 be set for the 23rd or whatever date immediately follows the
12 end of the OPP evidence. So if the OPP corporate policy
13 evidence doesn't finish on the 19th and rolls over to the
14 23rd, that we would then hear these motions or applications
15 on the 24th, but that we should set it for the 23rd or
16 whatever ---

17 **THE COMMISSIONER:** Or later.

18 **MR. ENGELMANN:** Yes, or later, depending on
19 when the OPP evidence ends.

20 **THE COMMISSIONER:** Starting at 2:00.

21 **MR. ENGELMANN:** That would be fine.

22 **THE COMMISSIONER:** All right.

23 Any comments gentlemen? Mr. Manson, first.

24 **MR. MANSON:** That happens to be the only
25 week that Mr. Wardle and I have problems between now and

1 the end of June. I'll call him as soon as we leave here.
2 I can certainly be here on the 23rd. I have to be in
3 Victoria on the 24th and Mr. Wardle is in court that week
4 and his partner was going to come and be counsel to the CCR
5 that week because up until now we had assumed that it would
6 be the completion of the OPP corporate presentation.

7 So I'll get on the phone and get back to Mr.
8 Engelmann. I am just a little worried that if we don't do
9 it on the 23rd we may have problems. From the 28th to the
10 end of June, Mr. Wardle -- one or other of us will be here.
11 But I'll talk to Mr. Engelmann about that and see if we can
12 work that one out.

13 **THE COMMISSIONER:** All right. Terrific.

14 **MR. MANSON:** And also, I should say, if the
15 concern is pre-April 14th 2005, I think we can work that out
16 too because I don't believe we have anything pre-April. So
17 we'll talk about that and ---

18 **THE COMMISSIONER:** Well, what came into your
19 hands was not really the issue. It's were they created
20 before the Order in Council.

21 **MR. MANSON:** Absolutely. And you'll see
22 from Appendix A that we believe that's been disclosed.

23 **THE COMMISSIONER:** Perfect.

24 **MR. MANSON:** But as far as solicitor/client
25 privilege and work product privilege, I think that is all

1 post-April 14th, 2005. So we will talk about that and it
2 may be that there isn't -- the Commission doesn't have an
3 issue with us.

4 **THE COMMISSIONER:** Thank you.
5 Mr. Sherriff-Scott?

6 **MR. SHERRIFF-SCOTT:** Good morning,
7 Commissioner.

8 From my point of view, on the timeliness of
9 the motions the only concern I have is that Monday's ruling
10 has changed the basis of my client's participation.

11 **THE COMMISSIONER:** Well, let me stop you
12 there, sir. First of all, as I've indicated, I respect
13 that you would need some time to decide whether or not
14 you're going to take this further. So for you today the
15 issue really is have you made disclosure as a non-public
16 institution?

17 **MR. SHERRIFF-SCOTT:** Yes, I didn't file a
18 certificate because I wanted your direction here. I
19 produced the materials over the last month to your counsel
20 and they are bound and briefed with index. I will file a
21 certificate if you so direct me on that basis. That's
22 fine.

23 **MR. COMMISSIONER:** M'hm.

24 **MR. SHERRIFF-SCOTT:** In terms of the motions
25 we're talking about, depending on the subject of an appeal,

1 I will have an interest in them because there is a large
2 number of litigation cases in which there will be a very
3 serious privilege issue. I will need to participate in
4 those motions. So I'm in your hands on that, but I will,
5 if you wish, file a provisional certificate.

6 **THE COMMISSIONER:** M'hm.

7 **MR. SHERRIFF-SCOTT:** I was concerned about
8 the status issue and whether I ought to do that so I wanted
9 your direction. I will certainly do that. It's not a
10 difficult task because we have already listed the documents
11 for Mr. Engelmann.

12 **THE COMMISSIONER:** We'll, you'll come back
13 when we're onto your file. I think there's a couple of
14 questions about that ---

15 **MR. SHERRIFF-SCOTT:** That's fine.

16 **THE COMMISSIONER:** --- even on the non-
17 public institution status.

18 There was another thing that came to mind.
19 We'll talk later.

20 **MR. SHERRIFF-SCOTT:** Thank you.

21 **MR. ENGELMANN:** So just so I'm clear, you're
22 able to participate then on ---

23 **THE COMMISSIONER:** Oh, yes. Timing is not a
24 problem for Mr. Sherriff-Scott.

25 **MR. ENGLEMAN:** Yes. Okay. Fair enough.

1 And Mr. Manderville I know wants ---

2 **MR. SHERRIFF-SCOTT:** Sir, I didn't
3 understand what you said.

4 **MR. ENGELMANN:** I just want to be clear,
5 you're able to participate in an argument on the issue on
6 the 23rd or 24th.

7 **MR. SHERRIFF-SCOTT:** My concern is that I'm
8 going to have to, assuming the privilege issue now arises
9 in a greater detail than it otherwise would have, I'm going
10 to have to be taking instructions from individuals as well
11 as the Diocese because there is a large number of those
12 people who may or may not object. That could raise the
13 spectre of them having to have their own counsel if they
14 object.

15 So I don't think that the 23rd is probably
16 enough time, particularly in view of the development of
17 Monday, but that's my submission. I'm meeting with all of
18 these people on Tuesday next and they have to make
19 decisions.

20 **THE COMMISSIONER:** Yes. Fine. Thank you.

21 **MR. SHERRIFF-SCOTT:** Thank you.

22 **THE COMMISSIONER:** I still want to keep the
23 ball rolling here and we'll keep the dates and we'll see
24 where we go.

25 Mr. Manderville.

1 **MR. MANDERVILLE:** Good morning, Mr.
2 Commissioner.

3 Mr. Engelmann and I sort of set the schedule
4 put forward to you essentially on our own. We've had an
5 ongoing dialogue with Commission counsel, which you may or
6 may not be aware of, concerning Rule 31 as presently
7 drafted and the issue of solicitor and client privilege.
8 So the schedule is one that Mr. Engelmann and I set not
9 really knowing if other parties would want to be involved
10 or not and obviously we're content with that schedule. And
11 any additional points you want to hear from me concerning
12 disclosure, I presume you want me to go back to my place in
13 line.

14 **THE COMMISSIONER:** Afraid so.

15 **MR. MANDERVILLE:** Okay. Thank you.

16 **THE COMMISSIONER:** And I suppose what I want
17 to do is keep the momentum going on these issues because it
18 reverberates in the sense that we have to make disclosure,
19 Commission counsel has to make disclosure to the parties of
20 everything we have and we're lacking in some areas so
21 that's what we're doing.

22 **MR. MANDERVILLE:** Thank you.

23 **THE COMMISSIONER:** All right. So Mr.
24 Manson, you're done. Who's next now? Mr. Lee.

25 **MR. LEE:** Good morning, Mr. Commissioner.

1 **THE COMMISSIONER:** Good morning.

2 **MR. LEE:** So we have -- I guess, the easiest
3 way to begin is with those documents that we have provided.
4 The only documents that we've been specifically requested
5 from Commission counsel are certain consents from our
6 clients that would permit Commission counsel to get
7 document from institutions. We've been successful in
8 providing most of the consents. There are a few
9 outstanding, five specifically, that I've had considerable
10 trouble trying to get and provide.

11 I can tell you that I am meeting personally
12 with three of the five members that have consents
13 outstanding on Friday, tomorrow I guess, and can provide
14 those. I'm having a bit of trouble contacting one client
15 right now but I will make my best efforts to have those
16 consents provided as soon as possible.

17 The rest of our documents, as I've said,
18 there are concerns that given the nature of the Victims
19 Group the documents that we have that are relevant to this
20 Commission have more or less all come to us as a result of
21 civil litigation. So obviously we have problems with being
22 able to produce those to the Commission and obviously the
23 objection doesn't lay with us but I'm sure it will with the
24 parties who produce the documents in the first place.

25 **THE COMMISSIONER:** M'hm.

1 **MR. LEE:** So that's our big concern.

2 **THE COMMISSIONER:** Have you spoken to those
3 people?

4 **MR. LEE:** We haven't. We ---

5 **THE COMMISSIONER:** You have or have not?

6 **MR. LEE:** Have not. Well, I've -- that's
7 not exactly true, I suppose. I've spoken very briefly to
8 the sense of and been told "Don't forget about the implied
9 undertaking rule."

10 The problem is I'm not exactly sure of these
11 documents what Commission counsel considers relevant. It's
12 clear to me that not all of these documents are relevant.
13 So that's the first stage of the analysis is we have to
14 figure out what you want, I suppose, before ---

15 **THE COMMISSIONER:** I guess Commission
16 counsel would say "We want everything" and we'll apply the
17 rule and then we will -- Mr. Engelmann will apply the rule
18 and then we'll go.

19 **MR. LEE:** Well, my understanding is that the
20 requirement is to produce all relevant documents ---

21 **THE COMMISSIONER:** M'hm.

22 **MR. LEE:** --- and from there arguments will
23 be made about privilege or whatever it may be.

24 **THE COMMISSIONER:** M'hm.

25 **MR. LEE:** But my understanding was that the

1 original threshold analysis can be made at our level that
2 there's no need for us to produce -- for example, I'm not
3 going to produce our client's income tax returns that we've
4 -- there's no reason for it. So we've been trying to look
5 at what's relevant and we're not sure when it comes to
6 what's coming from these other parties, and obviously there
7 would be major objections if we attempted to produce
8 documents that we ---

9 **THE COMMISSIONER:** All right. Well, we'll
10 hear from Mr. Engelmann.

11 **MR. ENGELMANN:** I'm just a little concerned
12 about a couple of comments Mr. Lee has made, in the sense
13 that, you know, in some cases we have asked for specific
14 documents but we expect parties to produce all relevant
15 documents to the Commission. So we're not going to, you
16 know -- we're going to ask for some specific documents when
17 we know about them but we have to rely on the parties to
18 abide by the rules.

19 **THE COMMISSIONER:** That's right.

20 **MR. ENGELMANN:** And if there's a legal
21 impediment to the production of the documents I would
22 expect the parties to see if they can overcome the legal
23 impediment. So for example, if there is a problem because
24 of civil litigation and an implied undertaking rule there
25 are ways to try and resolve that. So I would expect the

1 Victims Group, like all other parties here, to look through
2 the documents, to at least make a threshold determination
3 on relevance and then to try and get some consent so that
4 we can have access to relevant documents. That's my
5 comment.

6 **THE COMMISSIONER:** All right.

7 So Mr. Lee.

8 **MR. LEE:** It wasn't my intention to suggest
9 -- I understand that we're expected -- we don't need to
10 wait for a request from the Commission counsel in order to
11 produce documents. That's my understanding.

12 I'm simply saying that they have made
13 certain requests and we've done our very best to provide
14 those and we'll continue doing that.

15 **THE COMMISSIONER:** All right. Well ---

16 **MR. LEE:** I understand there's a requirement
17 that there are documents that they wouldn't know about that
18 they can't possibly request and it's still my obligation to
19 produce those. I understand that. I will begin making --
20 I will do a better job of contacting the parties who I
21 think may have concerns about the production of some of
22 these documents and seeing if we can get consent or not.

23 **THE COMMISSIONER:** M'hm. So I would expect
24 from you a report back ---

25 **MR. LEE:** Yes.

1 **THE COMMISSIONER:** --- and saying "Here's a
2 letter I sent. Here's the response. We've tried our best
3 and we've succeeded and here are the documents."

4 **MR. LEE:** Yes.

5 **THE COMMISSIONER:** Because from what I've
6 seen of your advocacy skills, you should be able to talk
7 them into that no problems at all.

8 **MR. LEE:** It shouldn't be a problem at all.

9 **THE COMMISSIONER:** There you go.

10 So we'll put your matter over to -- so on
11 that issue I'll want to hear back from you let's say on May
12 23rd -- or how do we want to do that, Mr. Engelmann?

13 **MR. ENGELMANN:** I'm just concerned, if there
14 are legal impediments I think we should be notified
15 earlier.

16 **THE COMMISSIONER:** Right.

17 **MR. ENGELMANN:** Because there may or may not
18 be ways to address those legal impediments here,
19 particularly if some of the parties are all parties here.

20 **THE COMMISSIONER:** M'hm.

21 **MR. ENGELMANN:** And I'm thinking ahead
22 perhaps to another party, which may come up, but when
23 disclosure and/or access to documents may depend upon
24 another party and that party may or may not be a party here,
25 there may be easier ways for us to deal with this.

1 **THE COMMISSIONER:** So what date would you
2 suggest?

3 **MR. ENGELMANN:** Well, I think by next
4 Thursday, if that's possible. I don't know if that's
5 doable for Mr. Lee.

6 **MR. LEE:** I can make the inquiries and make
7 the requests immediately and make it known that it's urgent
8 and that we need to find out as soon as possible and it
9 will be on the other parties to ---

10 **THE COMMISSIONER:** So next Thursday we'll
11 expect a report from you.

12 **MR. LEE:** Sure.

13 **THE COMMISSIONER:** All right. Thank you.
14 Mr. Bennett.

15 **MR. BENNETT:** Good morning, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Good morning, sir.

18 **MR. BENNETT:** I think I can still use a
19 hockey analogy, given that the Senators are -- this year
20 are not playing golf.

21 **(LAUGHTER/RIRE)**

22 **MR. BENNETT:** So we have our ---

23 **THE COMMISSIONER:** Touché. Touché.

24 **MR. BENNETT:** We have our eye on the bigger
25 prize. And on May 1st I provided on behalf of my client the

1 provisional certificate with the appendix. At that point I
2 provided only Appendix A with the one document we believed
3 was relevant.

4 However, I indicated in a letter to Mr.
5 Engelmann some other documents of funding proposals and
6 funding agreements my client had had with relation to
7 services in Cornwall.

8 **THE COMMISSIONER:** M'hm.

9 **MR. BENNETT:** As a result of that, there was
10 a request for those documents. As we had indicated in the
11 letter, if you would like them we would be pleased to
12 provide them to you.

13 What I've done is this morning filed the
14 revised certificate, and under Appendix B is a list of
15 those documents which are currently, I understand, being
16 photocopied, and my understanding is by Monday of next week
17 we should be able to provide them, Monday or Tuesday.

18 So from the perspective of the Men's
19 Project, anything that we have that can assist this
20 Commission we are pleased to provide and we've informed Mr.
21 Engelmann of what may be out there, and if there are other
22 things that we didn't believe were relevant, but from the
23 perspective of the Commission may be relevant or
24 potentially, we're quite pleased to provide them.

25 So that's where the Men's Project is at this

1 point.

2 **THE COMMISSIONER:** All right.

3 Let's hear from Mr. Engelmann.

4 **MR. ENGELMANN:** We had discussions with Mr.
5 Bennett about documents that might be arguably relevant and
6 he's kindly revised his search and he will be providing the
7 documents to us. We will be reviewing them and if they're
8 determined to be relevant for the purposes of the inquiry
9 then will form part of the inquiry disclosure to the
10 parties. But Mr. Bennett was kind enough to raise all of
11 these issues as possibly arguably relevant and that's what
12 we're doing and we look forward to receiving his documents
13 on Monday.

14 **THE COMMISSIONER:** All right.

15 Thank you.

16 **MR. BENNETT:** Thank you.

17 **THE COMMISSIONER:** Mr. Cipriano.

18 **MR. CIPRIANO:** Good morning, Mr.

19 Commissioner.

20 **THE COMMISSIONER:** Good morning, sir.

21 **MR. CIPRIANO:** We did provide a certificate
22 this morning with an Appendix B. The majority of the
23 documents in our possession are strictly the disclosure.
24 It's about 90 per cent of the documents that we have in our
25 possession, the disclosure from criminal proceedings that

1 have now ended. And we did provide reasons as to why we
2 think there may be legal impediments to turning those over.

3 The other reason we didn't turn them over as
4 well is the disclosure came from obviously the Ministry of
5 the Attorney General who had gotten it from various police
6 forces. We were under the impression that they may have
7 already been turned over to the Commission. I don't know.
8 And so obviously we wouldn't want to duplicate things that
9 the Commission already has.

10 **THE COMMISSIONER:** Wrong impression.

11 **MR. CIPRIANO:** I don't know, but ---

12 **THE COMMISSIONER:** We want them.

13 **MR. CIPRIANO:** But as I said, there are
14 legal impediments to turning this over.

15 **THE COMMISSIONER:** Such as?

16 **MR. CIPRIANO:** The undertakings that we
17 entered into when we received disclosure, and a lot of the
18 disclosure is marked up with notes that have been made
19 during the proceedings and obviously those would be
20 privileged information. And the other documents we do have
21 are the transcripts, and obviously those are marked up to
22 begin with. There are publication issues with those
23 transcripts that have not yet been lifted, and obviously
24 money would be owed to the reporters who produced those
25 transcripts. They cannot be photocopied.

1 So those would be the impediments that we've
2 raised.

3 **THE COMMISSIONER:** And what steps have you
4 taken to overcome these impediments?

5 **MR. CIPRIANO:** I've raised them with
6 Commission counsel through correspondence.

7 **THE COMMISSIONER:** No, no, no, no. No, what
8 steps have you taken? Like you have an obligation to
9 provide these documents so when you say there's a
10 publication ban, well, could you not go and seek an order
11 to get it lifted?

12 **MR. CIPRIANO:** I believe the party who is
13 affected by the ban would have to seek that order. Our
14 client was not the person requesting the order.

15 **THE COMMISSIONER:** Right.

16 **MR. CIPRIANO:** So it would not be the
17 individual who -- it was requested on behalf of the Crown
18 so I would expect the Crown to go in front of the judge who
19 ordered the ban to seek and lift it.

20 **THE COMMISSIONER:** Mr. Engelmann?

21 **MR. ENGELMANN:** The Crown is a party to
22 these proceedings. This is an example of where I would
23 hope that if there were issues about the tight undertakings
24 Crown disclosure that Mr. Cipriano, on behalf of his
25 client, could seek permission of the Crown to turn these

1 documents over to us. I would have thought that would be a
2 natural way to do it.

3 I can't speak to publication bans in matters
4 that are stayed. I assume without knowing for sure that
5 that may be the end of the publication ban or it may be the
6 end at least of parts of it. There may be issues about
7 names and things like that, but I guess what I expect is
8 some indication from him as to what efforts have been made
9 to overcome some of these legal impediments that he's
10 raised. And again, I would think, as in the case of Mr.
11 Lee, there could be some efforts made in the report back.
12 If there's still going to be outstanding issues, maybe some
13 of these issues should be the subject matter of an
14 application that should be dealt with by you.

15 **THE COMMISSIONER:** Mr. Cipriano, I think I
16 have to agree with Mr. Engelmann. Inertia is something
17 that we have to fight against constantly, especially when
18 we're dealing with massive files. And I don't know, but I
19 would be interested in finding out, for example, what you
20 got from disclosure because we've got to look at what the
21 institutional responses were. So if there were any
22 problems -- what happens if the Crown gives us less than
23 what you received or vice versa? We have to check all of
24 those things to make sure we're on an even keel here. So I
25 think I need to see your efforts to do that because I want

1 to go -- not I, but the Counsel will go through all of
2 that, so that we can make sure that there are no secrets
3 anywhere.

4 **MR. CIPRIANO:** Again, I'd have to rely on
5 the legal impediments of solicitor/client privilege with
6 respect to the things that have been marked up.

7 **THE COMMISSIONER:** That's one step, yes.

8 **MR. CIPRIANO:** And the other issue is
9 presumably the Crown isn't here today, but they would have
10 to give their consent to ---

11 **THE COMMISSIONER:** Your job.

12 **MR. CIPRIANO:** And with the issue of the
13 publication bans, there are two types of bans that have
14 been put on the transcripts and the evidence taken.

15 One would have been lifted with the disposal
16 of the matters. The other ones are not lifted with the
17 disposal of the matters, and those ones are the ones which
18 the ---

19 **THE COMMISSIONER:** Forty-six, sub three
20 (46(3)). The name of the ---

21 **MR. CIPRIANO:** Yes.

22 **THE COMMISSIONER:** Yeah.

23 **MR. CIPRIANO:** And so those ones would be
24 the ones where the interested parties would have seek from
25 the judge who ordered the ban the removal of the ban.

1 **THE COMMISSIONER:** No. Well, you look at
2 it. I'm going to expect some answers from you next time we
3 see you. How's that?

4 **MR. CIPRIANO:** Well, I guess what I'll do is
5 I'll file the materials on the date of the motion with the
6 legal impediments.

7 **THE COMMISSIONER:** Exactly. Thank you.

8 **MR. ENGELMANN:** Just for Mr. Cipriano's
9 reference and for others who may have to deal with the
10 Crown, I should have mentioned this at the beginning, Ms.
11 McIntosh is delayed getting here but will be here around
12 11:00.

13 **THE COMMISSIONER:** That's right. That's
14 right. She will be here at 11:00.

15 **MR. ENGELMANN:** And she will be reporting on
16 her matters. So if there's a possibility of some
17 discussion with her that could even happen this morning.

18 **THE COMMISSIONER:** Good.

19 **MR. ENGELMANN:** So I think Mr. Cipriano has
20 more to say.

21 **MR. CIPRIANO:** There was just one more
22 thing. Some of the disclosure came from certain Crown
23 attorneys who are now appointed to the Bench.

24 **THE COMMISSIONER:** Yes.

25 **MR. CIPRIANO:** And so we'd have to deal with

1 the Crown on how consents will come from that, and I don't
2 know if they can give consent for everyone or ---

3 **THE COMMISSIONER:** Speak to the Crown about
4 it.

5 Okay. Next matter is Mr. Chisholm.

6 **MR. CHISHOLM:** Good morning, Mr.
7 Commissioner.

8 **THE COMMISSIONER:** Good morning.

9 **MR. CHISHOLM:** Earlier this week, my client
10 filed the provisional certification of production of
11 documents and then yesterday an amended certificate was
12 provided that addresses Appendix B. The theory with
13 respect to the amended schedule -- Appendix B arises from
14 the fact that there may be ongoing requests by the
15 investigators or Commission counsel. So the revised
16 Appendix B, I would submit, further clarifies the position
17 of the Children's Aid Society with respect to ongoing
18 cooperation and that if any further requests are made, the
19 Society will be undertaking to obtain those documents.
20 Over the last several months, the Society has passed on
21 documents to the Commission investigators.

22 **THE COMMISSIONER:** M'hm.

23 **MR. CHISHOLM:** But even Monday, after I
24 filed the original certificate, Mr. Spice or the Commission
25 Counsel requested further documents. So the amended

1 certificate, I think, better reflects the ongoing status of
2 the fact there may be further productions depending on
3 where the investigations go.

4 **THE COMMISSIONER:** Right. Mr. Engelmann?

5 **MR. ENGELMANN:** We asked Mr. Chisholm to
6 amend the Appendix B he has. The CAS has very promptly
7 responded to our request, and I think will continue to do
8 so. That's our hope and I have nothing more to say.

9 **THE COMMISSIONER:** All right. Thank you.
10 Thank you, Mr. Chisholm.

11 **MR. CHISHOLM:** Thank you, Mr. Commissioner.

12 **THE COMMISSIONER:** Mr. Neuberger?

13 **MR. NEUBERGER:** Good morning, Mr.
14 Commissioner.

15 **THE COMMISSIONER:** Good morning, sir.

16 **MR. NEUBERGER:** As you can see, we filed on
17 the 27th of April our provisional certificate with our
18 Appendix A, B and, actually a C, which I created. Let me
19 just address briefly the issue of disclosure in general.

20 The majority of disclosure, which we
21 identified as being relevant and comprehensive in response
22 to the summons, was provided on or about January 23rd 2006
23 and then, subsequent to that, we were working quite
24 productively and cooperatively with Commission counsel and
25 actually devised a method in which they could communicate

1 with Mr. Lawless who has been assisting me from Corrections
2 assigned to this Inquiry, so that they could communicate
3 with him directly as there are other documents, which we
4 identified. So it's been a very good relationship.

5 As you can see from Appendix A, we have 33
6 pages of documents listed, and I note that I did not put
7 in, although we spoke about it four times as we were
8 drafting this, the Statements of Claim, which we had in our
9 possession and were turned over in January of 2006. And
10 I've somehow neglected to put that in Schedule A. So I'm
11 going to send a letter just amending that.

12 If I can turn for a moment then to Schedule
13 B. Our Schedule B is rather short and is even shorter now.
14 On Monday of this week, we were able to provide the Phase 1
15 Probation Officer Training material along with also an
16 invoice we had from our relations in contract with the
17 men's projects. So we have provided everything we have in
18 that regard. So the only areas which stand out, which I
19 can identify, are other Probation and Corrections files in
20 relation to probationers who are identified as being
21 victims, and as we are receiving the consents pursuant to
22 the protocol that we worked out with Commission counsel,
23 those consents under Section 124 of the YCGA, we have the
24 files and can turn them over within 72 hours.

25 **THE COMMISSIONER:** M'hm.

1 **MR. NEUBERGER:** And I think our number is --
2 I think there's about five which are outstanding. Mr.
3 Dallas Lee indicated five -- maybe five or six, which we've
4 identified. So as soon as we get those consents, we can
5 turn them over within 72 hours.

6 There is one file, the name I'm not going to
7 indicate on the records, it's on Schedule B. We've done a
8 diligent search both in archives and existing files and
9 simply could not find an existing file.

10 With respect to civil litigation documents,
11 all that we had in our possession -- because as the agency
12 that was being pursued, we are represented by the Ministry
13 of the Attorney General and, in that regard, sometimes
14 Kelly Santini, which is a law firm in Ottawa -- so the only
15 documents we had in our possession on the litigation were
16 the Statements of Claim, which we provided. We've
17 facilitated discussions with Commission counsel in October
18 and November of 2005 to bring in members of the Ministry of
19 the Attorney General to talk about what process is
20 necessary to get at those documents. And in my
21 correspondence and discussions with Commission counsel last
22 week, I made other contacts with the Attorney General's
23 office to just renew their communications, and I know
24 there's been some correspondence exchanged. And from my
25 sort of objective position, it seems that through the

1 process of a couple of orders, one in Superior Court to get
2 around the Confidentiality Order and maybe some more
3 consents, I don't see any further impediments to obtaining
4 the files. There is a list, I understand, and Ms. McIntosh
5 will speak to it, but I believe there's a list that the law
6 firm has in Ottawa of the documents they have, which are
7 essentially Plaintiff productions and if the appropriate
8 consents are obtained and confidentiality exceptions
9 obtained, I don't see how that's going to be a difficulty.

10 Moving on, there's one area with respect to
11 follow-up reports. You will see that there is, as listed,
12 we provided an investigative and administrative review file
13 with all appendix. There is no additional follow-ups to
14 that document.

15 So those are the items, which are listed on
16 B, and unless there is a specific comment, I will just move
17 on to C for a second and maybe we can address it all.

18 In my discussions with Ms. Morris a couple
19 of months ago when we had a meeting with our probation
20 staff, we sort of identified anticipated areas of evidence
21 during Phase 1 and possibly Phase 2 and thought it might be
22 helpful to develop some aids to the testimony in the form
23 of charts, just to set out community resources. It's in
24 addition to the general service model that's already been
25 provided and identified in our corporate presentation.

1 That is ongoing and we should probably have that done
2 within 30 to 45 days now that that presentation is done.
3 And that's just an aid which will be used later on and we
4 anticipate that our staff will be interviewed at subsequent
5 times, but that will be helpful.

6 **THE COMMISSIONER:** All right.

7 **MR. NEUBERGER:** So those are my comments,
8 Mr. Commissioner.

9 **THE COMMISSIONER:** Thank you.

10 **MR. ENGELMANN:** I just have some brief
11 comments, sir.

12 First of all, I want to agree with Mr.
13 Neuberger that they have been prompt and the idea of having
14 his client deal directly with our office has been
15 wonderful. Mr. Lawless has been very diligent and very
16 helpful, and I know my colleague, Ms. Morris, has been
17 dealing with him.

18 So the only real issue outstanding are the
19 civil litigation documents.

20 **THE COMMISSIONER:** M'hm.

21 **MR. ENGELMANN:** And I believe that's beyond
22 Mr. Neuberger's scope in the sense that we are going to
23 have to deal with the Ministry of the Attorney General on
24 that issue. So there are some outstanding issues there,
25 but perhaps we'll wait until Ms. McIntosh is here and we'll

1 address that.

2 **THE COMMISSIONER:** All right, thank you.

3 **MR. NEUBERGER:** Thank you very much.

4 **THE COMMISSIONER:** Thank you.

5 Now, Ms. McIntosh will -- we will wait until
6 11:00 and I have been advised that she -- and it skipped my
7 mind there for a moment -- she will be here at 11:00, and
8 so we will deal with her and the Ministry on any questions
9 arising out of that.

10 So now, we go to -- who's next? Mr. Leduc?

11 **MR. HANNAH-SUAREZ:** Good morning.

12 We did provide something via fax last night,
13 in terms of our provisional certification. Unfortunately,
14 the fax number to the Commission was not functioning
15 yesterday afternoon it seemed, it just wasn't picking up,
16 but we did send it to counsel. I'm not too sure if -- so
17 just from what I can indicate, we are not providing any
18 documents. In Appendix B, we list the ones that we do have
19 that would be of relevance but we are not providing for
20 some reasons.

21 The first one I wanted to mention was in
22 terms of various transcripts of the cross-examination. We
23 were looking for those documents, but we have not yet been
24 able to locate them, and we've been looking for them for
25 the past four weeks or so. And it does not look like they

1 will be located, but I just thought we would put it in
2 Appendix B just to indicate that those were the documents
3 we were attempting to provide.

4 In terms of the others, we do have them
5 broken down in two separate categories. The first are
6 materials provided by way of disclosure by the Crown. And
7 similar problems that we have are, number one, that
8 anything we have, the Crown possesses as well and, in any
9 event, it is covered by the issue of the undertaking not to
10 disclose it further.

11 In terms of the second category, they are
12 privileged materials, internal memoranda and such for the
13 preparation of the criminal liability issues, of course.
14 Again, we also think it would be of limited relevance to
15 the purposes of the Commission, seeing as they are dealing
16 with that issue of criminal liability.

17 The third category are Appellant materials,
18 which in Ms. Henein and Mr. Leduc's opinion are not
19 relevant but in any event are a matter of public record.

20 Those are the categories of the materials
21 that we have. Just given Mr. Leduc's unique standing in
22 this case in the sense of his limited role, the documents
23 we have, will for that reason, not be of much assistance to
24 the Commissioner's purpose, seeing as most of Mr. Leduc's
25 issues are with regards to -- or his documents in regards

1 to criminal liability issues.

2 **THE COMMISSIONER:** M'hm.

3 **MR. HANNAH-SUAREZ:** And anything else we
4 believe, for instance, the OPP has or the Crown has, and if
5 you would like us to engage in discussions with them as to
6 what materials we can or cannot disclose by way of that
7 implicit undertaking not to provide these materials, we
8 could engage in such discussions but it's just that Ms.
9 Henein's position that they have all of these records and
10 they're parties to this Commission as well, so we can't
11 provide anything unique in that regard.

12 **THE COMMISSIONER:** Well, you heard my
13 comments with respect ---

14 **MR. HANNAH-SUAREZ:** Yes, yes.

15 **THE COMMISSIONER:** --- to that I was
16 interested in.

17 Mr. Engelmann.

18 **MR. ENGELMANN:** Again, I have similar
19 comments to comments I made earlier. It would have been
20 helpful to have this on Monday and to have some discussion
21 earlier. We couldn't have discussion because we got it
22 late yesterday.

23 Obviously I would have expected some
24 indication of efforts that have been made to deal with the
25 Crown and get consent and maybe counsel can do that with

1 Ms. McIntosh when she arrives.

2 This comment that we think other people have
3 everything, I mean we're talking about, with respect to the
4 Crown and the OPP, the Cornwall Police and the Corrections,
5 for example, I mean huge, huge disclosure. So it may well
6 be there, it should be there, but it's not necessarily
7 there and these are efforts that we're trying to do to
8 rationalize files and make sure that we're giving all
9 relevant documents to all parties, as is our obligation.

10 So I would expect as in the case of some of
11 the other counsel here, both Mr. Lee and Mr. Cipriano, that
12 Mr. Hannah-Suarez or someone from Ms. Henein's office would
13 give us a report next Thursday as to the efforts they've
14 made to obtain the consent of the Crown.

15 I'm not sure exactly what was meant on the
16 privileged issue. No, we're not interested in criminal
17 liability but we're interested in documents that may be
18 relevant to this Inquiry. And if there's any concern about
19 something or if counsel thinks that the documents are
20 arguably relevant and want to discuss those with us, that's
21 why we're here and we would hope to have phone calls like
22 we did for Mr. Bennett this week.

23 So if there is an assertion of privilege and
24 if Mr. Leduc wants to make an argument similar to that
25 being made I know by the Cornwall Police and the CCR, so be

1 it. We have set some times to do that.

2 As far as the Appellant materials and the
3 comment here, I just note:

4 "To the best of Jacques Leduc's
5 knowledge, the materials do not contain
6 information relevant to the
7 Commission."

8 I would hope that counsel is looking at that
9 to make that determination and perhaps that's what that
10 means. In any event, those are some brief comments.

11 **THE COMMISSIONER:** So we understand, sir,
12 that if you wish to maintain your position that we'll want
13 your material and we're looking for a report from you next
14 Thursday?

15 **MR. HANNAH-SUAREZ:** Yes, I will come back
16 next Thursday and I will have Ms. Henein speak -- or report
17 by Thursday and have Ms. Henein speak about our privilege
18 concerns.

19 **THE COMMISSIONER:** Is there any reason why
20 you didn't file your thing by May 1st?

21 **MR. HANNAH-SUAREZ:** We were looking for
22 quite some time. We expected it to be in certain boxes and
23 it was not in those boxes.

24 **THE COMMISSIONER:** No, no, but a little
25 certificate like this?

1 **MR. HANNAH-SUAREZ:** Yes. Oh, the issue was
2 -- the reason for the delay was because the only documents
3 that we were planning to provide as being relevant were
4 those transcripts. I guess we could have provided a
5 certificate earlier but it would have just been as it is
6 now, rather blank in that sense.

7 **THE COMMISSIONER:** I guess as I've indicated
8 in my last decision or little chat, I suppose, it's not
9 really for me but for the process. If someone tells you
10 that the deadline is May 1st, why can't people keep
11 deadlines?

12 **MR. HANNAH-SUAREZ:** We will do our best
13 efforts to get everything that we can as quickly as
14 possible.

15 **THE COMMISSIONER:** What I should have heard
16 was "We will meet deadlines from now on".

17 **MR. HANNAH-SUAREZ:** Yes, we will.
18 Thank you.

19 **THE COMMISSIONER:** Thank you.

20 All right. Mr. Sherriff-Scott. So again,
21 we're only discussing this matter as if you were a non-
22 public institution and ---

23 **MR. SHERRIFF-SCOTT:** Yes, we did not file
24 the certificate by Monday and I felt that I needed to wait
25 for your ruling and we now have your ruling. I didn't feel

1 I could certify anything until I had your ruling.

2 **THE COMMISSIONER:** Explanation acknowledged
3 and accepted. Okay.

4 **MR. SHERRIFF-SCOTT:** Okay.

5 **THE COMMISSIONER:** Good.

6 **MR. SHERRIFF-SCOTT:** Thank you.

7 **THE COMMISSIONER:** Now, have you complied in
8 -- have you given us everything that you think we should
9 have?

10 **MR. SHERRIFF-SCOTT:** I think we've given you
11 everything you should have on the issue of the church as if
12 it were a community sector organization.

13 **THE COMMISSIONER:** All right.

14 **MR. SHERRIFF-SCOTT:** And I will file a
15 certificate on that basis, if you so direct it.

16 **THE COMMISSIONER:** Well, I suppose now at
17 this point you've indicated you will know in the very near
18 future what you're going to be doing. So if you decide to
19 appeal, then I would like to have the certificate as if
20 you're a community sector and if you don't appeal, well
21 then I'd like to have the thing that way.

22 **MR. SHERRIFF-SCOTT:** Of course.

23 **THE COMMISSIONER:** And again without binding
24 -- can you give us some idea as to when you're going to
25 have ---

1 **MR. SHERRIFF-SCOTT:** Make a decision?

2 **THE COMMISSIONER:** --- instructions?

3 **MR. SHERRIFF-SCOTT:** My client has been out
4 of the country for several days before the ruling and will
5 be away until Monday next. I'm meeting with the counsel
6 and all the representatives of my client all day Tuesday.
7 I expect hopefully to have some instructions next week
8 following that meeting.

9 **THE COMMISSIONER:** That's fine. So that
10 gives us a fairly good idea.

11 Mr. Engelmann, were there any comments with
12 respect to the Diocese and their disclosure?

13 **MR. ENGELMANN:** Yes, I -- perhaps we had a
14 misunderstanding. I thought that I was going to be getting
15 a provisional certificate just as if the Diocese was
16 asserting the position that they were not a public
17 institution. So I'm somewhat disappointed I didn't get
18 that, but in any event, I understand the situation. It
19 would be helpful to get that as soon as possible so that we
20 can examine it in the context of just that issue because, I
21 believe, as a result of discussions we've had in the past
22 with counsel, that there may be some other documents even
23 on the non-public institution position that should be
24 produced. So perhaps if counsel could provide that
25 certificate, that would be helpful.

1 **THE COMMISSIONER:** All right. How about ---

2 **MR. SHERRIFF-SCOTT:** I can provide a
3 certificate to my friend. We had a debate in February
4 about the nature of some of the documents which on my view
5 were community -- not community sector documents but would
6 be only germane if we were a public institution and so we
7 disagreed about that. Subject to that, that's my only
8 comment but in terms of a certificate, I can do that.

9 **THE COMMISSIONER:** Okay, because I want to
10 keep the ball rolling.

11 **MR. SHERRIFF-SCOTT:** Yes.

12 **THE COMMISSIONER:** If Mr. Engelmann says
13 that even on the non-public institution basis there is some
14 disagreement about the documents, we can work on that and
15 pursue that even ---

16 **MR. SHERRIFF-SCOTT:** Fair enough.

17 **THE COMMISSIONER:** All right?

18 **MR. SHERRIFF-SCOTT:** Yes.

19 **THE COMMISSIONER:** Thank you.

20 **MR. ENGELMANN:** Just on that note, I'll
21 undertake to speak to Mr. Sherriff-Scott just so we're
22 clear on what I'm talking about ---

23 **THE COMMISSIONER:** Thank you.

24 **MR. ENGELMANN:** --- before he leaves today.

25 **THE COMMISSIONER:** All right.

1 Cornwall Police, please?

2 **MR. MANDERVILLE:** First off, Mr.
3 Commissioner, you began the morning by adopting a baseball
4 analogy and I'm a little disturbed to see I'm batting
5 ninth.

6 **THE COMMISSIONER:** Well, no, no, then we go
7 back to "we keep the best for last".

8 (LAUGHTER/RIRES)

9 **MR. MANDERVILLE:** Or maybe I'm the pitcher
10 on this occasion.

11 **THE COMMISSIONER:** You're not throwing us
12 any curveballs now, are you?

13 **MR. MANDERVILLE:** Straight down the middle,
14 Mr. Commissioner.

15 **THE COMMISSIONER:** Right.

16 **MR. MANDERVILLE:** The Cornwall Police have
17 had ongoing interaction with Commission counsel and have
18 produced a series of discs of documents along with indexes,
19 or indices, and we receive periodic requests from the
20 Commission for additional productions and we've honoured
21 those and our client has been going through its archive
22 records as required to produce documents to the Commission.

23 I will apologize for not getting the
24 certificate out to the Commission until, I understand, the
25 morning of May 2nd. That's explainable on a couple of

1 fronts. First off, to my surprise, Gowlings' Toronto
2 office had a complete shutdown of its computers and faxes
3 on the afternoon of the 1st for ---

4 **THE COMMISSIONER:** A cost-saving measure?

5 **(LAUGHTER/RIRES)**

6 **MR. MANDERVILLE:** Let's hope.

7 They were back up and running in the evening
8 of the 1st.

9 Secondly, generating Appendix A became very
10 problematic and I understand it actually crashed the
11 Commission's server. Appendix A is some 760 pages at this
12 point. So Ms. McArthur and our office have come up with an
13 arrangement for future appendix A's to be generated in a
14 different form other than by pdf email.

15 But we have filed a Schedule B that deals --
16 two Schedule B's; one that deals with the privilege point
17 that my friend and I are going to address with you in a
18 couple of weeks.

19 Secondly, there is a schedule B concerning
20 documents that have been edited due to *Youth Criminal*
21 *Justice Act* issues and Mr. Engelmann and I talked about
22 that and my understanding is that Commission -- all of them
23 deal with one individual and police notebooks making
24 reference to that individual's criminal record as a young
25 person, and it was left that Commission counsel was going

1 to speak to that individual and obtain his consent to
2 generate the documents in an unedited form and once we have
3 that, we will do so.

4 And the third Appendix B is simply
5 indicating that disclosure requests are ongoing and as we
6 receive them we will process them and scan the documents
7 and send discs to the Commission.

8 **THE COMMISSIONER:** All right. But you will
9 be front and centre on the issue of privilege in the
10 timeframes that we indicated?

11 **MR. MANDERVILLE:** Yes.

12 **THE COMMISSIONER:** Thank you.

13 Mr. Engelmann.

14 **MR. ENGELMANN:** Just a brief comment. There
15 were some technical difficulties as Mr. Manderville has
16 indicated and that explains why things didn't get in until
17 the morning of the 2nd. I'm happy to say the schedule of
18 documents over which privilege is claimed has shrunk
19 considerably since we first started talking about this
20 issue. So we will -- and we do have outstanding requests
21 with the Cornwall Police Service and I understand they'll
22 be honoured in the near future. So we're looking forward
23 to receiving more documents.

24 And with respect to the issue of the motion,
25 as I said, Mr. Manderville and I have spoken to that and

1 he's prepared to file his materials by next Thursday.

2 **THE COMMISSIONER:** Terrific. Thank you.

3 And now the Ontario Provincial Police.

4 Good morning.

5 **MS. SACCOCCIO BRANNAN:** Good morning, Mr.
6 Commissioner, and I like the new motto you're working
7 under, "You save the best for last". So Mr. Carroll and I
8 are very happy about that.

9 **THE COMMISSIONER:** Well, I don't know if Mr.
10 Carroll is going to include you in there.

11 **(LAUGHTER/RIRES)**

12 **MS. SACCOCCIO BRANNAN:** Well, I'm including
13 him.

14 **THE COMMISSIONER:** All right. But I'm sure
15 as gracious a gentleman as he is, he will indicate that you
16 were the best for last.

17 **MS. SACCOCCIO BRANNAN:** With respect to the
18 production of documents, our journey down that path began
19 quite early with Mr. Engelmann. I think it was even in
20 October of '05 and there have been -- there was a lot of
21 back and forth, but at the end of the day, at the end of
22 October, the Ontario Provincial Police received a summons
23 for the production of all relevant documents in respect to
24 this Inquiry.

25 And in response to that summons, and having

1 known that this Inquiry was being called, I must say that
2 the Ontario Provincial Police began its review of its
3 documents even sometime prior to that. The reason for
4 that, Mr. Commissioner, is that the documents that are
5 produced are in the range of some 100,000 pieces of paper
6 but not produced in paper form.

7 We have produced our documents in super text
8 research form. Initially it was super text form but I
9 think it was at the request of or some discussions with Ms.
10 McArthur that we found the super text research form was a
11 better form and the way we produced those documents to the
12 Commission is by providing the Commission with a hard drive
13 and a Master Control Register that lists all of the
14 documents so that when you -- I say that only to assist you
15 in understanding our Appendix A.

16 We have done presentations or disclosure to
17 the Commission on three separate occasions. The first
18 occasion was October 27th of 2005 upon receipt of the
19 summons. And at that particular time we had scanned into
20 super text boxes 1 through 39. We continued the scanning
21 process, somewhat a daunting task, I might add, but is
22 being done and on December the 22nd of 2005 a further and
23 updated hard drive was delivered to the Commission's
24 office. That's when we switched over to the super text
25 version of delivery. That brought us to box number 51 and

1 MCR Master Control Register numbers 1 through 2234. The
2 process continued over the Christmas break and through the
3 beginning of January.

4 And on January the 25th of 2006, in response
5 to the Commission's request for the balance of our
6 materials, a further and updated hard drive was delivered
7 to the Commission's offices, again, in super text research.

8 Now we are up to box number 56 and master
9 control number 1 through 2854.

10 Now, the master control list is not attached
11 to our appendix. We had discussions with Ms. MacArthur and
12 we thought that this was not helpful because it just wasn't
13 going to be workable. Part of the reason for that is that
14 we have complied with Rule 31. We have provided, subject
15 to what I have to say about Appendix B, all documents.
16 That includes third-party documents that came into the
17 possession of the OPP. That includes documents that are,
18 in our view, privileged, and that includes documents that
19 there may be questions regarding the *Youth Criminal Justice*
20 *Act*, and then, of course, all of the OPP-generated
21 documents.

22 So you have, subject to Appendix B,
23 everything. With respect to the issue of privilege, with
24 respect to any youth criminal justice issues, with respect
25 to the issue of third-party documents, it is our hope that

1 the process that it set out in the rules of procedure where
2 we will be notified in advance of what the Commission
3 decides disclosed. And it will be at that point that we
4 will enter into the discussions with Mr. Engelmann and his
5 team of lawyers regarding our position.

6 So that deals with what's been produced.
7 Appendix B addresses yet another box, but not an unexpected
8 box. We, in our discussions both with Commission counsel
9 and with your investigators, it became clear that, given
10 that we were dealing with retired police officers, that
11 there was going to be documentation that would arrive after
12 this last request that we received from the Commission.
13 And in our discussions with investigators, and I believe in
14 discussions with Mr. Engelmann -- although I did not have
15 those personally -- it was thought that the best way to do
16 it is instead of keep taking the hard drive back from your
17 counsel and then putting a few more documents on it and
18 then handing it back and doing this back and forth thing,
19 that what we would do is fill up another box. That will be
20 box number 57.

21 And it is our expectation that, to the best
22 of our knowledge now, we have gathered up all of those --
23 and a lot of those were police officers' notes, retired
24 officers' notes -- we've gathered up those documents. They
25 are being scanned as we speak. And, in fact, arrangements

1 have even been made for the delivery of the hard drive back
2 to the OPP so we can put that last box on.

3 So I think we're well on our way to having
4 everything before you that we possibly -- well that we have
5 in our possession, which brings me to the last item on
6 Appendix B.

7 **THE COMMISSIONER:** M'hm.

8 **MS. SACCOCCI BRANNAN:** Presently there is an
9 internal OPP investigation that is ongoing. We have no
10 produced any documentation that relates to that
11 investigation. It's the position of the Ontario Provincial
12 Police that it would be entirely inappropriate while there
13 is an ongoing investigation to produce such documentation
14 as it may jeopardize that investigation.

15 And we don't know when that investigation is
16 going to be completed, but we are prepared and have, you
17 know -- the Commission investigators, I believe, are aware
18 that we've got this problem and I guess that's the most I
19 can say about it.

20 **THE COMMISSIONER:** All right.

21 Mr. Engelmann.

22 **MR. ENGELMANN:** Just some brief comments.

23 I'd like to say that we've had a number of meetings over
24 many months with counsel and with OPP officers dealing with
25 the disclosure issue. And we've had a form of rolling

1 disclosure which we've appreciated and they've produced
2 things to us in an un-redacted form in an effort to move
3 things along expeditiously, and it's been very cooperative.
4 And certainly I know it's been helpful for Commission
5 counsel and staff.

6 There are going to be some disclosure
7 requests on an ongoing basis. We've had this fulsome
8 disclosure of Project Truth documents, but there will be
9 I'm sure, as there have been with the Cornwall Police
10 Service, some ongoing disclosure requests for local
11 detachments of the OPP and we're looking forward to
12 continuing a good working relationship in getting documents
13 in a prompt and efficient manner.

14 And I understand there are a number of
15 documents as stated in Appendix B that we'll be receiving
16 this month. And, again, look forward to receipt of those
17 documents. I have some questions about the three but
18 perhaps I'll leave those for informal discussions with
19 counsel so that we have a better sense as to what they're
20 talking about. And we'll see if that creates any
21 difficulty in the future.

22 Those are my brief comments.

23 **THE COMMISSIONER:** Thank you.

24 I think we'll keep paragraph 3 under
25 advisement, I suppose, and see what ---

1 **MS. SACCOCCI BRANNAN:** And that's fine, Mr.
2 Commissioner, and we'll have our discussions with Mr.
3 Engelmann. He'll have his box 1 through 57 by the end of
4 May. And as each of the requests come from the Commission
5 we will do our best to comply.

6 **THE COMMISSIONER:** I think that's called
7 July work.

8 **MS. SACCOCCI BRANNAN:** I was actually hoping
9 to take some time off in July.

10 **THE COMMISSIONER:** Oh, not for you. I guess
11 the idea is once you've given the material you kind of wash
12 your hands of it and say, "Well, I've done everything I'm
13 supposed to."

14 **MS. SACCOCCI BRANNAN:** Well, no, I mean it's
15 still our job to continue to go through them as well, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Well said. Well said.
18 Thank you.

19 And I can tell you that I am looking at
20 reviewing the schedule and ensuring that everyone takes
21 holidays during the month of July.

22 **MS. SACCOCCI BRANNAN:** Thank you.

23 **THE COMMISSIONER:** All right.

24 Mr. Carroll. Last but not least.

25 **MR. CARROLL:** Good morning, sir.

1 **THE COMMISSIONER:** Good morning, sir.

2 **MR. CARROLL:** Firstly, let me apologize for
3 not filing in by May 1st. Although I've had ongoing
4 discussions with Ms. Morris of the Commission Counsel's
5 office, it should have been filed May 1st, and deadlines
6 will be adhered to in the future.

7 **THE COMMISSIONER:** Thank you.

8 **MR. CARROLL:** As you can see from the
9 certificate, it's our position that there are no documents
10 relating to the mandate of the inquiry that are in the
11 possession of the Ontario Provincial Police Association or
12 its members.

13 I take that position on instructions from
14 members of the Association as well as counsel, in-house
15 counsel, and I'm advised that is the accurate state of
16 affairs. Obviously, pursuant to paragraph 4, if that
17 matter changes then I will notify your counsel.

18 **THE COMMISSIONER:** All right. Thank you.

19 **MR. CARROLL:** Thank you, sir.

20 **MR. ENGELMANN:** I have no comment.

21 **THE COMMISSIONER:** All right. Thank you.

22 I don't have a clock here this morning.
23 What time is it? Ten after eleven (11:10).

24 **MR. ENGELMANN:** I understood from
25 discussions I had with Ms. McIntosh, she would be here by

1 this time. Perhaps we could take the morning break.

2 **THE COMMISSIONER:** All right. Well, let's
3 convene -- some people might want to speak with her, so why
4 don't we wait until 11:30 and then we can find out where
5 she is and then we can conclude this and have people on
6 their way before the noon break.

7 **MR. ENGELMANN:** Yes, thank you.

8 **THE COMMISSIONER:** Thank you.

9 **THE REGISTRAR:** Order all rise. Veuillez
10 vous lever. The hearing will reconvene at 11:30.

11 --- Upon recessing at 11:15 a.m.

12 --- Upon resuming at 11:43 a.m.

13 **THE REGISTRAR:** This hearing of the Cornwall
14 Public Inquiry is now in session. Please be seated.
15 Veuillez vous asseoir.

16 **THE COMMISSIONER:** Good morning, again, Mr.
17 Engelmann.

18 **MR. ENGELMANN:** Ms. McIntosh is present, in
19 fact, arrived just moments after we broke. So perhaps I'll
20 have her come forward then and speak to the AG issues.

21 **THE COMMISSIONER:** Thank you.

22 You're coming in in relief, are you? We
23 were using baseball analogies. Some of us are still pained
24 that Montreal are out of the playoffs and now we will be
25 cheering for Ottawa, no doubt.

1 **MS. McINTOSH:** Yes, I'm left-handed short
2 relief, actually ---

3 **THE COMMISSIONER:** There you go.

4 **MS. McINTOSH:** --- that's what I am.

5 **THE COMMISSIONER:** Very sought after,
6 though.

7 **(LAUGHTER/RIRE)**

8 **MS. McINTOSH:** Thank you for accommodating
9 my late arrival, Mr. Commissioner, and my apologies to you
10 and any of my friends for any inconvenience.

11 **THE COMMISSIONER:** That's fine. I
12 appreciate you calling and making those arrangements even
13 though I forgot at the beginning of the hearing and I was
14 saying, "Where is the Attorney General?" No harm done.

15 **MS. McINTOSH:** Thank you.

16 **THE COMMISSIONER:** So we're here to look
17 over disclosure of documents and, as I've indicated, it's
18 time for us to address issues and we've dealt with a
19 schedule that Mr. Engelmann will review at the conclusion
20 of this séance so that we can ensure that everybody's
21 rowing in the same direction, I suppose.

22 So what I'd like is an update from you with
23 respect to your certificate and how you think disclosure is
24 going from the point of view of the Attorney General.

25 **MS. McINTOSH:** Thank you, Mr. Commissioner.

1 Of course the main disclosure piece is the
2 disclosure of documents relating to Project Truth,
3 prosecution documents, advice by Crowns whether or not
4 there was a prosecution and any internal investigations.
5 And I would say that that disclosure is virtually done.
6 The only exception, which I've referred to in our Appendix
7 A, is this; that, out of an abundance of caution, after we
8 looked everywhere that we reasonably could expect documents
9 to be found, we sent a specific request to the various
10 units of the head office of the Ministry just to make sure
11 that nothing in the head office had escaped our attention.
12 There may have been, for example, memos about potential
13 Crown appeals that went up to higher levels and so on.

14 And those inquiries have only recently been
15 made, as I say, out of an abundance of caution. And I'm
16 just getting reports back from those head offices, most of
17 which are telling me they don't have anything and some have
18 duplicates of things we've already produced. So I don't
19 expect there to be anything new and different arising out
20 of that.

21 There were two other main parts of the
22 summons. The second is other prosecutions of child sexual
23 offences unrelated to Project Truth back to 1948. And, as
24 I've said in Appendix B, the records are only maintained
25 back 30 years; 5 years on-site in Cornwall and 25 years

1 off-site. After that, if there are any records, they will
2 be in the archives of Ontario and we're beginning the
3 process of checking the archives to see whether there are
4 any records.

5 I advised my friend, Mr. Engelmann, that the
6 Cornwall files are only filed by the name of accused and
7 that, in order to -- with a limited exception since 199 we
8 can find Superior Court Files by subject matter -- and so I
9 was provided on May the 2nd with a list of names to track
10 down. We're doing that and we expect it will be a matter
11 of a few weeks before we can retrieve those files. And
12 when we do retrieve those files I'll have a discussion with
13 Commission counsel about what volume of material we found
14 and how they'd like us to proceed to share that
15 information.

16 **THE COMMISSIONER:** All right.

17 So anything else?

18 **MS. McINTOSH:** Yes. The other main aspect
19 of the summons was the policies and procedures. All of the
20 relevant written policies and procedures from 1988 to the
21 present have been produced.

22 There was a subsequent specific request for
23 a broader category of materials, training materials and so
24 on, back to the 1960s, which Crown Law Office, Criminals
25 Policy Division, is assembling and was assembling as part

1 of our corporate presentation. We haven't been provided
2 with a date for that corporate presentation but it's fairly
3 far along and I think we could produce it fairly quickly
4 when Commission counsel indicates that it's required.

5 **THE COMMISSIONER:** Okay.

6 **MS. McINTOSH:** I think there was one other
7 area that I might speak to. Although I must say that I'm
8 not sure why it falls to me to speak to it, because the
9 documents aren't strictly speaking in the care, possession,
10 custody or control of the Ministry of the Attorney General,
11 but I will talk to that issue, and that is the civil
12 litigation files. As you're probably aware, Mr.
13 Commissioner, there is some civil litigation against the
14 Crown and others by alleged victims.

15 **THE COMMISSIONER:** M'hm.

16 **MS. McINTOSH:** I'm advised that the
17 Plaintiffs -- some of the Plaintiffs' records were produced
18 to -- let me back up. That civil litigation is not being
19 handled by the Ministry of the Attorney General in-house.
20 The Crown is insured and the Crown's insurers have retained
21 a private sector law firm in Ottawa to handle that
22 litigation.

23 In the course of discoveries I gather that
24 that private sector law firm came into possession of some
25 of the Plaintiffs records, health records, youth criminal

1 justice records and so on. And those records have not been
2 produced, number one, because we don't have them at the
3 Ministry, and we would be, I think, happy to facilitate as
4 far as we can the Commission's review of those records, but
5 as you may be aware, they are subject, some of them, to
6 publication bans. The *Mental Health Act* prohibits the
7 release of some of them, the *Youth Criminal Justice Act* and
8 so on.

9 So I've spoken to Commission counsel today,
10 and even though, as I say, it perhaps doesn't strictly
11 speaking fall to us, I've agreed to initiate the process of
12 asking for the relevant consents so that that material
13 might be made available to the Commission for inspection.

14 **THE COMMISSION:** All right. Well, I guess
15 one of my concerns this morning is that everybody is
16 pointing the finger to somebody else and saying, "What can
17 I do?" And I know that in other governments, certainly not
18 in Ontario, they are silos and people don't talk to each
19 other, and we're all here and we're all here for a common
20 goal, and so I would think that inertia should be swept
21 away and that everyone should speak to each other and make
22 whatever progress you can and then report back to me, and
23 if I have to get involved then I'll do what I can and then
24 we'll deal with matters, but I think it's time that we
25 dealt with matters. So I hope that your efforts will be

1 met with cooperation.

2 **MS. McINTOSH:** Thank you, Mr. Commissioner.

3 Yes, Mr. Engelmann had conveyed that to me
4 this morning and that's why I undertook to begin the
5 process of asking for the relevant consents to be of
6 assistance to the Commission.

7 **THE COMMISSIONER:** Well, I guess I mean, it
8 must be the Northern Ontario air or something because I
9 suppose when we talk about when we're going to commence the
10 process of whatever I guess in Northern Ontario we just
11 say, "Just get it done."

12 **MS. McINTOSH:** Well, that's legalese I
13 guess, Mr. Commissioner.

14 **THE COMMISSIONER:** So let's go on to let's
15 get it done. Thank you.

16 Mr. Engelmann will have some comments now I
17 think.

18 **MR. ENGELMANN:** Just brief comments, sir.

19 We did just very recently request a number
20 of prosecution files from Ms. McIntosh and her office and
21 no doubt we'll have some further requests to make.

22 Just as a comment, given what I know we're
23 trying to do by way of disclosure to everybody, we greatly
24 appreciate whatever efforts she can make to get us
25 disclosure at or around the end of May.

1 **THE COMMISSIONER:** M'hm.

2 **MR. ENGELMANN:** I know that may difficult in
3 some cases but we're really trying to get a number of
4 things done, before the summer break, with parties.

5 As well, and it's just a comment, and I'm
6 glad Ms. McIntosh is going to assist in trying to help with
7 civil litigation files from the Crown. You know, we have
8 Corrections who's apparently being sued and the AG's
9 involved, the private law firm's involved, I would think
10 somewhere someone in the government is responsible for some
11 of the civil litigation and I look forward to her efforts
12 to help us do this in the most efficient and easiest way
13 possible.

14 Lastly, and I don't know if she had an
15 opportunity to speak to some -- to lawyers either for Mr.
16 Leduc or Father MacDonald, but I know there were issues
17 about implied undertaking rules there or -- sorry, Crown
18 disclosure in criminal cases. So hopefully that can happen
19 as well. And I know we've asked several parties to report
20 back by next Thursday in some form of a written report to
21 you -- to us, as to what efforts they've made. So I would
22 hope that Ms. McIntosh could do that or someone from her
23 office could do that as well.

24 Those are my brief comments.

25 **THE COMMISSIONER:** All right. Thank you.

1 Anything else you would like to add?

2 **MS. McINTOSH:** If I'm understanding
3 correctly, Mr. Commissioner, are some of my friends to
4 write to me about relief from the undertaking with respect
5 to Crown disclosure and I'm to seek those instructions to
6 get that relief? Is that what's happening?

7 **THE COMMISSIONER:** Well, one of the issues,
8 yes.

9 **MS. McINTOSH:** Yes. Thank you. Just to
10 make that clear.

11 **THE COMMISSIONER:** So I would expect -- I
12 would hope that before you leave here today they'd come up
13 and talk to me and say, "Look it, this is what I'd like to
14 do" and then they follow-up with a letter and so by the
15 time you get back to Toronto it's all done.

16 **MS. McINTOSH:** Okay, Mr. Commissioner.
17 Thank you.

18 **THE COMMISSIONER:** All right.

19 And all joking aside, I think before Mr.
20 Engelmann summarizes and puts back all of the dates, again,
21 what we're trying to do here is get all of the disclosure
22 issues dealt with because one of the things we have to do
23 this summer is to give all of the people the disclosure
24 back that everyone else has given us. And the reason why
25 we want to do that is because when we get to the real

1 substance after we finish the context hearings it may be
2 that we'll be slowed down and I certainly don't want to
3 start something without complete disclosure to the parties.
4 So I think that's where our next focus is going to be, and
5 it will be our big priority for now until the summer break.

6 Mr. Engelmann.

7 **MR. ENGELMANN:** If I could just then recap
8 on a couple of the schedules that we talked about this
9 morning. With respect to the motion to be brought by the
10 Diocese with respect to the redaction of or removal of
11 portions of the Victims Group's affidavits for standing and
12 funding, that particular motion will be argued on May 29th
13 at two o'clock in the afternoon. Those supporting or
14 moving the motion to file by Monday, May 15th are those
15 opposing by Tuesday, May 23rd and a brief reply available up
16 to one o'clock on May 24th.

17 The other motion or application we talked
18 about is the issue of Rule 31. On that issue parties
19 moving motion or application were asked to file by May 11th,
20 which is next Thursday. Parties responding may include
21 Commission Counsel to file by Wednesday the 17th, and then
22 again a brief reply by 1:00 p.m. on the 18th if required or
23 if desired. And then that motion to be argued either on
24 May 23rd at 2:00 p.m. or if the OPP evidence is not finished
25 that motion could roll over to the 24th or possibly the

1 25th, to be argued as soon as the OPP evidence is finished.

2 As well, Mr. Commissioner, we talked about
3 reports from parties and getting some written reports from
4 a number of the parties as to the progress in lifting other
5 legal impediments, and if they're unable to do that, if
6 they wish to bring motions or file materials that they are
7 to do so, if possible, by the 11th so that those issues can
8 be dealt with at the same time as the issue of Rule 31.

9 I note that one exception to that was Mr.
10 David Sherriff-Scott mentioned the fact that there may be
11 some delay on his part because of the consideration of an
12 appeal, and therefore there may be something coming later
13 from him in that respect, but otherwise that parties were
14 to comply with those reports by the 11th.

15 I think that summarizes what was agreed to
16 by people today.

17 **THE COMMISSIONER:** All right.

18 Any other comments from anyone? Then we'll
19 close off for the day and we'll resume May 15th, I believe.
20 Is that right?

21 **MR. ENGELMANN:** Yes.

22 **THE COMMISSIONER:** Thank you.

23 **THE REGISTRAR:** Order. All rise.

24 À l'ordre; veuillez vous lever.

25 This hearing is now adjourned. L'audience

1 est ajournée.

2 --- Upon adjourning at 11:58 a.m./

3 L'audience est ajournée à 11h58.

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM