

IN THE MATTER OF THE ELLIOT LAKE INQUIRY
THE HONOURABLE PAUL R. BELANGER, COMMISSIONER

Supplementary submissions on behalf of

Eastwood Mall Inc.
Robert Nazarian
Levon Nazarian
INTERESTED PARTIES

**APPLICANT'S WRITTEN
SUPPLEMENTARY SUBMISSIONS**

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**RE: Supplementary Submissions in support of the Application Record submitted
on November 1st, 2012 by Pradeep Chand of Brauti Thorning Zibarras LLP.**

PART I
PARTIES and SUMMARY OF THE CASE

1. Eastwood Mall Inc., owned the Algo Centre Mall from 2005 to the present date, inclusive of the date of the collapse being June 23rd, 2012.
2. Robert Nazarian, is and was at all relevant times, a Director and President, and owner and operator of Eastwood Mall Inc.
3. Levon Nazarian worked for Eastwood Mall Inc., as an independent Contractor and an administrator. He oversaw the business and administration of Eastwood Mall Inc.
4. Pradeep Chand of Brauti Thorning Zibarra LLP., commenced representation of Eastwood Mall Inc., Robert Nazarian and Levon Nazarian to act for all aspects of the Public Inquiry. His representation for all parties, Eastwood Mall Inc., Robert Nazarian and Levon Nazarian ceased on November 12th, 2012. Pradeep Chand is no longer representing Eastwood Mall Inc., Robert Nazarian and/or Levon Nazarian.
5. On October 24th, 2012 Pradeep Chand of Brauti Thorning Zibarra LLP., on behalf of Eastwood Mall Inc., Robert Nazarian and Levon Nazarian, submitted a Request for a Confidentiality Order.

6. The Request for Confidentiality Order was to protect the documents requested by the Commission in support of Eastwood Mall Inc., Robert Nazarian and Levon Nazarian's Application for Funding.
7. On November 1st, 2012 Pradeep Chand of Brauti Thorning Zibarra LLP., on behalf of Eastwood Mall Inc., Robert Nazarian and Levon Nazarian, submitted an Application Record with Document Brief in support of the Application for Funding.
8. On November 8th, 2012 the The Honourable Paul R. Bélanger, Commissioner issued his Ruling on the Application for Funding.

PART II
SUMMARY OF THE FACTS

9. The facts relied on are as set out herein and in the Applicant's Applications, Oral Submissions, Written Submissions, and other evidence given thus far.

PART III
CONFIDENTIALITY ORDER

10. The documents submitted to the Commission in the Application Record filed on November 1st, 2012 should be used solely for the Commissions interests and mandate.
11. Specifically Section 12.1 of the Public Inquiry Act, 2009 reads as follows:

“ All participants and their lawyers or agents are deemed to undertake not to use information obtained from another participant or collected or received by the commission for any purpose ”
12. We are not confident that the Commission can ensure that our client's interests of Justice will be protected, should the Application Record and supporting material be released and/or published.
13. It would be a serious prejudice to the Applicants if the materials were to be misused and or used for any other purpose; this would violate the Elliot Lake Commission and more specifically Section 12.1 of the Public Inquiries Act, 2009.
14. To protect any possible violation of the Commission, and the Public Inquiries Act, 2009, we respectfully submit that a Confidentiality Order to protect the Privacy of the Application Record and Document Brief filed on November 1st, 2012, be issued under Section 12.3 of the said Act.

“ If satisfied that the interests of justice outweigh any prejudice that would result to a party who disclosed evidence, a court may order that subsection (1) does not apply to the information, and may impose such terms and give such directions as are just. 2009, c. 33, Sched. 6, s. 12 (3). ” Section 12.3 of the Public Inquiry Act, 1990

PART IV
ORDER REQUESTED

15. It is respectfully requested that the Application and subsequent Submissions be considered and that The Honourable Paul R. Bélanger, Commissioner issue a Confidentiality Order on all materials submitted on November 1st, 2012 with the Application Record, including Tabs 2, 2a, 2b, ,c, 3, 4, and 5 of the Application Record.

All of which is respectfully submitted,

DATED at Elliot Lake, Ontario, this 23rd day of November 2012

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PART V
STATUTORY PROVISIONS OR RULES RELIED UPON

1. *Public Inquires Act*, 1990;
2. The Elliot Lake Inquiry *Rules of Procedure*;
3. The Elliot Lake Inquiry *Terms of Reference*;
4. The Elliot Lake Inquiry *Revised Rules of Standing and Funding*; and
5. Such further and other provisions as His Honour may advise.