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April 25, 2014

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**VIA E-MAIL [pdoody@elliottlakeinquiry.ca](mailto:pdoody@elliottlakeinquiry.ca)**

**ATT: Peter K. Doody**  
**Commission Counsel**  
The Elliot Lake Commission of Inquiry  
1400 Blair Place, 6<sup>th</sup> Floor  
Ottawa, ON K1J 9B8

-and-

**VIA E-MAIL [BCarr-Harris@elliottlakeinquiry.ca](mailto:BCarr-Harris@elliottlakeinquiry.ca)**

**ATT: J. Bruce Carr-Harris**  
**Commission Counsel**  
The Elliot Lake Commission of Inquiry Gervais  
1400 Blair Place, 6<sup>th</sup> Floor  
Ottawa, ON K1J 9B8

Dear Mr. Doody & Mr. Carr-Harris:

**RE: Elliot Lake Commission of Inquiry**  
**M.R. Wright & Associates Co. Ltd.**  
**Our File No: 20120308**

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On January 31, 2014 Mr. Wood was charged with two counts of Criminal Negligence causing death and one count Criminal Negligence Causing Bodily Harm. Mr. Wood was arrested at his home and released and ordered to appear in Elliot Lake on March 25, 2014.

Mr. Wood appeared before The Honourable Mr. Justice Villeneuve on March

**"WE UNDERSTAND YOUR LEGAL NEEDS"**

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25, 2014 in Elliot Lake for a first appearance. At the first appearance I requested a trial of the Ministry of Labour charges pursuant to the OHSA. The Crown for the Ministry of Labour asked that the matter be adjourned until the Criminal Code matters were dealt with. On behalf of Mr. Wood I objected to this and we will argue the adjournment on June 16, 2014 in Elliot Lake.

At the same appearance the Crown Attorney, Mr. William Johnson confirmed that the Crown will be proceeding with the three charges that were laid against Mr. Wood under the Criminal Code as mentioned above.

The criminal matters are a straight indictable offence punishable by life in prison. Without a doubt they are very grave charges.

Mr. Wood is 65 years of age and has been dealing with the Elliot Lake Mall collapse for almost two years. As you can imagine, it has been very difficult for Mr. Wood.

You will recall that Mr. Wood appeared before the Commission on June 6 and 7, 2013 and was examined and cross-examined by a number of parties. Mr. Wood cooperated fully in the provision of a Will-Say Statement prior to his testimony and attended willingly at the Commission and provided his evidence for the Commissioner's benefit.

You will recall that Mr. Wood was charged with the Ministry of Labour offences shortly after the commencement of the evidentiary stage of the Elliot Lake Commission of Inquiry. These charges were punishable by a maximum \$25,000.00 fine or six months imprisonment. The severity of the Criminal Code charges is vastly different than the Ministry of Labour Ontario Health and Safety Act charges.

I believe it is appropriate that the Commissioner not reference any of the evidence of Mr. Wood in his report that will be released while Mr. Wood is dealing with the Criminal Code charges. It is my opinion that the Commissioner has made very clear to the residents of Elliot Lake that he will be delivering his Report and further that he will be delivering his Report in Elliot Lake.

The release of the Report will generate national publicity and also will draw

intense local interest and review.

Mr. Wood is entitled to elect a trial with a Judge and a Jury of his peers. While the publicity to date has been extensive, any reference to Mr. Wood or Mr. Wood's actions relating to the Mall should, I respectfully suggest, be redacted from the Report and not released until the criminal procedure has been completed.

I am asking whether, as Commission Counsel, you would consider joining me in this request of the Commissioner or simply not taking a position with respect to this request.

I will bring an Application seeking this relief before The Honourable Mr. Justice P. Belanger and this letter is intended to seek your cooperation and assistance in the scheduling of such Application.

The thrust of my argument in support of the Application will be that the interim value to the public of the information regarding Mr. Wood contained in Mr. Justice Belanger's final report will be dramatically less than the prejudicial result to Mr. Wood as a result of the public release of this information prior to the completion of the criminal procedure involving Mr. Wood.

I also ask you to note that my intention is to provide this correspondence, within the Application documentation presentation. Once we have completed our discussions my intention would be to bring the Application forthwith. My intention is to serve all of the parties who attended at the Inquiry. I may seek their consent in advance. That will depend upon the position that you take as Commission Counsel.

I ask that you give my request a thorough review and for that I thank-you on behalf of my client and I look forward to hearing from you.

I remain,

Yours very truly,

  
Rob MacRae

RM:vmg