

ELLIOT LAKE COMMISSION OF INQUIRY

DAY 117

October 09, 2013



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ELLIOT LAKE COMMISSION OF INQUIRY

--- This is Day 117 in the Inquiry proceedings held before the Honourable Justice P.R. Bélanger, Commissioner, taken at the White Mountain Academy of the Arts, 99 Spine Road, Elliot Lake, Ontario, on the 9th day of October, 2013, commencing at 9:00 a.m.

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1 -- Upon commencing at 9:00 a.m.

2

3 THE COMMISSIONER: Good morning,
4 everybody.

5 MR. WALLACE: Good morning,
6 Commissioner.

7 THE COMMISSIONER: One last push.
8 Mr. Wallace?

9 MR. WALLACE: Yes. Good morning,
10 Commissioner.

11 This morning we are joined by former
12 Premier of Ontario, Mr. McGuinty, and before we
13 commence with him, I would like to introduce
14 counsel that he is represented by, Mr. Tom Curry.

15 THE COMMISSIONER: Good morning, Mr.
16 Curry.

17 MR. CURRY: Good morning.

18 MR. WALLACE: And Ms. Nadia Champion.

19 THE COMMISSIONER: And, Ms. Champion, we
20 have met before.

21 MS. CAMPION: Yes.

22 THE COMMISSIONER: Mr. McGuinty, good
23 morning, sir.

24 THE WITNESS: Good morning.

25 DALTON MCGUINTY: SWORN.

1 EXAMINATION IN-CHIEF BY MR. WALLACE:

2 Q. Good morning, sir.

3 A. Good morning.

4 Q. I would like to start with a brief
5 biographical summary. I understand, sir, that you
6 were called to the Bar of Ontario in 1983?

7 A. Yes.

8 Q. And you practised law in the City
9 of Ottawa in private practice from 1983 until 1995.

10 A. That's correct.

11 Q. And, sir, following the sudden and
12 unexpected death of your father, you sought and won
13 the Liberal nomination for the seat that he held,
14 namely, in Ottawa South, and you were successful in
15 the bi-election and were elected to the Ontario
16 Legislature in 1990.

17 A. Yes.

18 Q. And you ran for and won the
19 Ontario Liberal Leadership in 1996.

20 A. Correct.

21 Q. And you became the Premier of
22 Ontario in 2003 and held that position until the
23 year 2013.

24 A. Yes.

25 Q. And I understand, sir, that you

1 are currently a fellow at the Weatherhead Centre
2 for International Affairs at Harvard University.

3 A. Yes.

4 Q. Okay. I think the first area that
5 I would like to ask you a few questions about is,
6 essentially, a little lesson in civics and ask you
7 about the Premier's Office. And first of all, can
8 you tell us how many people work in that office?

9 A. There would be about 70 people who
10 work in the Premier's Office. The Premier's Office
11 consists exclusively of political staff as distinct
12 from public servants who would work, for example,
13 within the Cabinet Office.

14 Q. And so their employment is,
15 essentially, at the pleasure of the longevity of
16 their senior person?

17 A. That is correct. The politicians
18 come and go, but the bureaucracy is forever.

19 Q. And who was your Chief of Staff,
20 sir, in 2012?

21 A. At the time, David Livingstone.

22 Q. And that would be the most senior
23 position within your office?

24 A. Yes.

25 Q. And I want to identify a number of

1 people whose names appear in e-mails that we will
2 get to in fairly short order. First of all, Laura
3 Miller, what was her position?

4 A. She would have been a Deputy Chief
5 of Staff with responsibilities for communications
6 and issues management.

7 Q. And Mr. O'Leary, John O'Leary?

8 A. John would have reported to Laura.
9 He would have had responsibilities for issues,
10 issues management, and I believe legislative issues
11 as well.

12 Q. And in his evidence, he has told
13 us that he was responsible for gathering and
14 sharing information about the response at the
15 political level and sharing that information with
16 various ministers' offices.

17 A. Yes. He was, effectively,
18 deputized early on by me, Mr. Wallace, as the point
19 person on this file from my office.

20 Q. And the next person I would like
21 to introduce would be Tracey Sobers.

22 A. Yes. Tracey is my Executive
23 Assistant.

24 Q. And, essentially, what would that
25 mean? Give us a thumbnail sketch of her

1 responsibilities.

2 A. Basically, all interaction among
3 my staff. If they wanted to get hold of me or me
4 to deal with them, they would have to go through
5 Tracey. She is kind of my gatekeeper, responsible
6 for my calls, my appointments, my outings, my --
7 pretty well every activity.

8 Q. And would it be fair to say that
9 oftentimes she would be the funnel through whom
10 information would flow to you?

11 A. That is correct.

12 Q. Okay. And Beckie Codd-Downey?

13 A. Yes. She was junior to Tracey
14 Sobers. Beckie would be working closely with
15 Tracey, and from time to time, when I travelled,
16 Beckie, instead of Tracey, would be with me; she
17 would staff me, so to speak.

18 Q. And so on those occasions, she
19 would essentially become Tracey Sobers?

20 A. That's correct.

21 Q. Okay. And Wendy McCann?

22 A. Wendy McCann was responsible for
23 communications, so as such, her -- she would have
24 press secretaries working for her, but,
25 essentially, to keep an eye on what is happening in

1 the media and to help draft press releases being
2 issued by my office and to offer strategic advice.

3 Q. And would she, like Mr. O'Leary,
4 also report to Laura Miller?

5 A. That's correct.

6 Q. Now, the other thing that may be
7 helpful for us to look at is the Cabinet Office.
8 What is the distinction between the Premier's
9 Office and the Cabinet Office?

10 A. Right. Well, let me put it this
11 way. Just as every minister has a ministry, a
12 Premier has a Cabinet Office, so you could think of
13 it as the Premier's Ministry. And the
14 responsibility of the Cabinet Office is to work
15 with the Premier's Office in order to ensure that
16 there are -- there is a government-wide agenda in
17 place. Otherwise, the risk is that we do things in
18 various ministries with no ministry talking to the
19 other, and there is no kind of more holistic
20 approach brought to the implementation of
21 government policy.

22 Q. Would the Cabinet Office be
23 superior to the other ministries, or is it just an
24 entity unto itself?

25 A. It is an entity unto itself, but I

1 think it is fair to say they would have more
2 authority in terms of if I was -- I asked that it
3 was important that these two ministries worked
4 better together on a particular issue, those two
5 ministries would fall in line.

6 Q. And unlike your office where the
7 employees are political appointees, are the
8 employees in the Cabinet Office in the same
9 character, or are they civil servants?

10 A. These are all civil servants, and
11 they are headed up by the Secretary of the Cabinet,
12 who was then Peter Wallace.

13 Q. And formally what is his title?

14 A. Secretary of the Cabinet.

15 Q. Okay. Now, I would like to now
16 move on to the events that bring us here, that is,
17 the collapse of the Algo Centre Mall, and we have
18 heard evidence that the mall collapsed on the
19 Saturday, the 23rd of June at approximately 2:18 in
20 the afternoon. And can you give us an indication
21 of where you were at approximately that time?

22 A. I was in Sudbury attending an
23 Ontario Liberal Party Provincial Council.

24 Q. And what exactly is that?

25 A. That is a quarterly meeting. It

1 is a gathering of the party members, so it is not a
2 caucus event. It is an opportunity to bring the
3 extended membership together to give consideration
4 to everything from policy issues, how to grow our
5 membership, fundraising, all those things that are
6 kind of specific to the party and its vitality and
7 growth.

8 Q. Okay. And I understand that this
9 particular event, it had actually started on
10 Friday.

11 A. That's correct.

12 Q. Now, were you accompanied -- or I
13 assume you were accompanied by a staff member.

14 A. Yes, Beckie Codd-Downey.

15 Q. And I understand that you learned
16 of this event at some point in time while you were
17 attending this meeting?

18 A. Later in the afternoon, Beckie
19 advised me in the most preliminary way that there
20 had been a collapse of a building, a mall, in
21 Elliot Lake. Information was very sketchy in terms
22 of what exactly had happened, whether or not there
23 were any injuries, and whether or not there were
24 any deaths. It was all very preliminary.

25 Q. Okay. And just in order to fix a

1 time on this, if we could look at Exhibit No. 8125,
2 and, Mr. McGuinty, you will find this at tab 1 in
3 your brief, and it would be, I hope, the second of
4 two documents in there.

5 A. Yes.

6 Q. Okay. And if we can go down to
7 the bottom, please, Ms. Kuka, we'll see that the
8 original message comes from Mr. O'Leary at 5:05 in
9 the afternoon "Re: Mall collapse Elliot Lake":

10 "Further update from CSCS. MOL
11 and Cabinet Office are also
12 confirming details and assistance.

13 Media is reporting incident at
14 2:19. Opp can't confirm anyone
15 missing or injured. 2 cars
16 apparently fell through the
17 collapsed hole, which is
18 approximately 30 ft x 50 ft. Media
19 also reporting at least 2 people
20 missing.

21 Urban Search and Rescue team (10
22 members) and Urban Critical Response
23 team (10 members) has been deployed.

24 ETA on teams is approximately 8-9
25 hours.

1 Community has declared an
2 emergency declaration.

3 OFM has an inspector on-site
4 providing support".

5 And if we just scroll up, please, Ms.
6 Kuka, thank you, we will see Mr. O'Leary at 5:35 or
7 17:35:

8 "FYI, please flag for the
9 Premier".

10 And at 5:36, Beckie Codd-Downey
11 indicates:

12 "Done thanks".

13 So that would be an accurate
14 representation of the timing of this event, and as
15 well it outlines the very sketchy information that
16 was available to you.

17 A. Yes. Yes.

18 Q. Now, what reaction, if any, did
19 you have to this information, bearing in mind its
20 rather vague nature?

21 A. Very concerned. I would have been
22 eager to acquire more information. Mr. Wallace,
23 this was -- because I had had the privilege to
24 serve Ontarians for an extended period of time as
25 Premier, I had been acquainted with earlier

1 emergencies and crises, and so I came to understand
2 what role I could play.

3 And one of those was to fight hard to
4 get reliable information, which is always a
5 challenge, especially at the outset, and the other
6 would be to find an opportunity to speak to the
7 Mayor.

8 Q. Okay. And did you speak to the
9 Mayor on the Saturday?

10 A. No. I did not speak to the Mayor
11 on a Saturday, and I decided not to do so for a
12 couple of reasons.

13 One, I had yet to have any kind of
14 reliable information in my hands with which to have
15 a productive conversation with him, and the other
16 thing is I also have come to understand when a
17 crisis first strikes a community, especially a
18 smaller community, where the burden, the
19 corresponding burden is heavier on the shoulders of
20 the leading official, i.e., the Mayor in this
21 particular case, he would be up to his ears with
22 responsibilities, and there would be all kinds of
23 frantic movement on the ground. He would be
24 working hard to stay on top of that.

25 And the last thing that he would need

1 would be for someone to pull him aside and say, "Do
2 you have a moment to speak with the Mayor -- with
3 the Premier?"

4 So I thought, I'll do that the
5 following day.

6 Q. And I gather that at this point in
7 time, if the Mayor was pulled aside, you would
8 really simply be a distraction to the extent that
9 you didn't know anything?

10 A. That's right. That's right.

11 Q. And you would be asking him for
12 information?

13 A. Right. And the purpose of my call
14 was really to offer support, not to begin to ask
15 him for basic information.

16 Q. Okay. Now, if we can go to
17 Exhibit No. 8128, and really what I am trying to do
18 here is just sort of to demonstrate the evolution
19 of information that you are getting, and this would
20 be at the tab 2, sir.

21 A. Yes.

22 Q. And we can see that this is an
23 e-mail from -- the top one is from Mr. O'Leary, and
24 we have now progressed to 6:14 p.m., and it
25 indicates that he is providing an:

1 "Update from EOM. Confirmation
2 someone has been trapped in the
3 collapse."

4 It doesn't give you any details
5 obviously as to what their state is:

6 "OPP's Heavy Urban Search and
7 Rescue team is being mobilized and
8 will be deployed".

9 And then what he has done here is, that
10 is, Mr. O'Leary, is he has forwarded the
11 information notification from the Provincial
12 Emergency Operations Centre, and if we can just
13 scroll up so we can see a little more of it. Thank
14 you. There is a description of the event that
15 indicates that:

16 "At 1509 the PEOC was advised of a
17 structural collapse that had
18 occurred at approximately [...] 1415
19 involving the roof of a three-storey
20 shopping mall (Eastwood Mall)
21 located at 151 Ontario Street in
22 Elliot Lake. At least one person is
23 trapped in the debris. Although
24 other people have been injured,
25 current reports indicate these

1 individuals are mobile and their
2 treatment is within the capacity of
3 local medical services."

4 And then if we drop down to "Current
5 Actions":

6 "Local Police, Fire and EMS have
7 responded to the scene.

8 The community has declared an
9 emergency [...]"

10 By the way, were you aware of that
11 fact, that there had been an emergency declared?

12 A. Yes.

13 Q. Okay:

14 "[...] and formally requested
15 HUSAR assistance."

16 Did you know what HUSAR was?

17 A. I did not at that time, no.

18 Q. Okay.

19 A. Has somebody mentioned that these
20 -- you know, told me what the acronym stood for, I
21 would have -- I knew that we had in-house, within
22 Ontario, expertise for these kind of rescue
23 operations.

24 Q. You just didn't know what they
25 were called?

1 A. Yes.

2 Q. (Reading):

3 "This request has received
4 Provincial approval.

5 OFM EPSD is currently liaising
6 directly with Toronto Fire Service
7 regarding deployment of HUSAR
8 resources in support of this event.
9 Toronto HUSAR deployment plan
10 currently in process. Specific
11 details and ETA to follow."

12 And if we can just flip over to the
13 next page, please:

14 "OPP UCRT is deploying 10 members
15 and 2 medics from Bolton to Elliot
16 Lake [...]"

17 Again, did you have any idea what this
18 was referring to?

19 A. No.

20 Q. What the UCRT was?

21 A. Not the acronym, no.

22 Q. And:

23 "OFM is deploying 3 members to the
24 scene [...]"

25 And then if we look at the next heading

1 "Initial Analysis/Assessment":

2 "All stakeholders are actively
3 engaged in providing an appropriate
4 level of response as quickly as
5 possible.

6 The PEOC continues to closely
7 monitor the situation should there
8 be additional requests for
9 Provincial support."

10 All of this information, as we have
11 seen from the top e-mail, was forwarded to Ms.
12 Codd-Downey; was this information passed on to you?

13 A. Very likely. The purpose of
14 transmitting this information is not so that Ms.
15 Codd-Downey could hang on to it. It is to relay it
16 to me. And what this tells me is what was supposed
17 to begin to happen in response to an emergency was,
18 in fact, beginning to happen. There are protocols
19 and procedures to be followed, and it was unfolding
20 as it should.

21 Q. And would the nature of the
22 information that she was providing you have offered
23 you comfort in that regard?

24 A. Yes. Some sense that, first of
25 all, that the community had the wisdom to declare

1 an emergency, which immediately enabled them to
2 avail themselves of the expertise and resources and
3 supports put forward by the Province. There was
4 the Ministry of Community Safety and Correctional
5 Services. Within that ministry, there is Emergency
6 Measures Ontario. There is a Commissioner
7 Responsible For Community Safety. So we have a lot
8 of resources in place, and by declaring an
9 emergency, it allowed that to kick in. And then
10 with that, of course, it allows us to deploy things
11 and bodies, expertise like HUSAR and UCRT.

12 Q. Okay. And if we could move on to
13 Exhibit No. 8135, this would be at tab 4, sir.

14 Now, if we could -- yes, thank you. If
15 we look at the second e-mail in this string, it is
16 from Ms. Codd-Downey to a number of people, and she
17 is conveying a request. "P", I assume that is
18 yourself, referring to you?

19 A. Yeah, uhm-hmm.

20 Q. (Reading):

21 "[...] asks that someone send him
22 an update tomorrow morning, also
23 please include info on our
24 provincial response."

25 And I gather, or you can tell me, was

1 this an instruction you passed on to her to ask for
2 further information?

3 A. That's correct, yes.

4 Q. Okay. And then the next line
5 says:

6 "Also he wanted to put it out
7 there that maybe he should phone the
8 Mayor at some point."

9 And I would be interested in hearing
10 your comments on that particular line.

11 A. Sure. It was my intention to
12 speak with the Mayor. I'm not sure this was
13 phrased in the way that I conveyed my intention,
14 which was I'm going to speak to the Mayor, and you
15 will have to get him on the phone for me.

16 Q. Because you would agree with me
17 that the way this reads, it sounds like you are
18 looking for feedback in terms of whether this is
19 appropriate or not?

20 A. Yeah, yeah.

21 Q. Was that the case?

22 A. No.

23 Q. Okay. And then here it indicates
24 that:

25 "FYI -- P has left the hotel and

1 is on the way to the airport/Toronto
2 now."

3 So I gather the Sudbury meeting was
4 over, at least your involvement in the Sudbury
5 meeting was over, and you were heading back to
6 Toronto?

7 A. Yes.

8 Q. Okay. And then if we go up to the
9 top, it indicates:

10 "John O'Leary will provide that
11 update for him tomorrow morning."

12 Bearing in mind the remarks you made
13 concerning Mr. O'Leary and being appointed the
14 point man on this particular file, had that
15 happened at this point in time, or is this just how
16 it unfolded?

17 A. This is how it is beginning to
18 unfold, and I think my first conversation directly
19 with Mr. O'Leary on this was the following morning,
20 I believe.

21 Q. Uhm-hmm.

22 A. And based on -- my recollection is
23 based on the handle he already had on this issue
24 and his -- and the obvious passion he brought for
25 this area of responsibility, I asked him to be the

1 person on this.

2 Q. Okay. And one other e-mail that I
3 would like to look at before we move on to Sunday
4 is Exhibit No. 8136, and that would be at tab 5,
5 sir. And at the very bottom, Mr. O'Leary has sent
6 -- if you can just scroll up there -- an update,
7 and this is at 8:04 in the evening, with
8 essentially nothing new to report.

9 And in response to that, Ms.
10 Codd-Downey responds asking that just hold on to
11 everything and send it as a package.

12 And then the part I'm interested in is
13 the part in brackets here:

14 "I think he was also confused what
15 a 'mall' meant. My guess was a
16 strip mall - if you have more
17 clarity that might help".

18 And then if we go up to the very top,
19 Mr. O'Leary then clarifies it, that no, it is not,
20 in fact, a strip mall, but it is something
21 different, and he gives it by name and talks of its
22 size and some of the tenants.

23 Why did the confusion arise as to what
24 it was that we were dealing with here?

25 A. Well, we were all in my office

1 unfamiliar with the Algo Centre Mall, and I would
2 have raised the question with Beckie because I was
3 already trying to begin to conceptualize exactly
4 what was happening here, what did it look like,
5 what had happened, and so that question was an
6 attempt to begin to lend some better sense to me of
7 what we were talking about here.

8 Q. So this would appear to be the
9 state of the knowledge that you would have had on
10 the Saturday night?

11 A. Yes.

12 Q. Okay. And I gather your feelings,
13 as far as contacting the Mayor, hadn't changed by
14 8:15 at night?

15 A. No, no. Particularly given
16 Mr. O'Leary's report, you know, nothing new to
17 report.

18 Q. And at this point in time, what
19 did you see as your role in this event, if you had
20 a role?

21 A. Well, first of all, it was to
22 ensure that the protocols that have -- that are
23 there to respond to these kinds of emergencies are,
24 in fact, being followed.

25 Q. What sort of protocols are you

1 referring to?

2 A. There is Emergency Management
3 responses.

4 Q. Okay.

5 A. But beyond that, from a political
6 perspective, it is to reach out to the community
7 and to make sure that we are understanding what is
8 happening to people. We are responding in a human
9 way. We are breaking through some of the rigour,
10 necessary rigour and stringencies associated with
11 the rules and regulations when it comes to
12 responding to emergencies and just trying to bring
13 a humane approach to a very challenging
14 circumstance that had beset a community. Put the
15 human face to it, I guess, is another way to put
16 it.

17 Q. And --

18 A. And I guess, if I might add to
19 that, my sense was to convey that I have the good
20 fortune to represent 13 million people, and on
21 behalf of those 13 million, you have encountered a
22 terrible tragedy. I want you to know that together
23 we are there for you, and we will find a way to
24 support you. I wanted to be able to convey that.
25 In all these things, that is what I am always

1 trying to do.

2 Q. And your feeling as of Saturday as
3 far as the process was concerned, what was your
4 feeling about that?

5 A. I was reassured that things that
6 were supposed to happen were, in fact, happening.

7 Q. Now, if we go to Tab No. 8, that
8 is Exhibit No. 8162. And we will start off with
9 the top e-mail here. We are now on the 24th, that
10 is, Sunday, the 24th. And it is at 10:17 in the
11 morning, and Ms. Codd-Downey is reporting to Laura
12 Miller and John O'Leary, indicating that she had
13 spoken to you:

14 "John is going to brief him now
15 and I will set up a call."

16 This would be in reference to
17 Mr. O'Leary; correct?

18 A. Yes, that's correct.

19 Q. And "I will set up a call", and
20 who was that in relation to?

21 A. Set up a call with me.

22 Q. Okay. If we go to the very last
23 -- sorry, the page ending 002.

24 A. Yes.

25 Q. At the very bottom, you will see

1 the original e-mail is from Mr. O'Leary, and that
2 is at 7:55, and there is an overview that he has
3 provided that was referenced on Saturday. You were
4 expected to receive an update from him. And the
5 update that you receive is contained in that
6 portion, and it indicates that:

7 "The roof of Elliot Lake's 3 story
8 shopping mall collapsed.

9 Officials have been unable to
10 confirm number of people trapped in
11 the debris, if anyone has been
12 killed, or the number of injured and
13 state of injuries."

14 If we can go to the next page. Which
15 is essentially no different than the information
16 you had the day before?

17 A. Yes.

18 Q. Okay. And:

19 "OPP, Emergency Management
20 officials and local authorities are
21 meeting today at 8 [am] to update on
22 status and next steps today.

23 Media reported at least 4 people
24 were rushed to hospital, and earlier
25 reports indicated 1-2 people trapped

1 in debris".

2 And then under "assistance", it talks
3 about the various organizations, the:

4 "OPP's Heavy Urban Search and
5 Rescue [...]"

6 The Toronto Police, Heavy Urban Search
7 and Rescue, the Fire Marshal's involvement. The
8 City is setting up a public information centre.
9 The Ministry of Labour is on the scene, and the
10 local medical facilities have been coordinated,
11 which is essentially a catalogue of the provincial
12 and local response.

13 A. Right. There is some new
14 specifics made available to me here for the first
15 time in terms of numbers, for example.

16 Q. Okay. Now, would this be the
17 basis of the briefing that you would have received
18 from Mr. O'Leary?

19 A. Yes.

20 Q. So would you have expected to have
21 actually seen this e-mail that would have come out
22 at 7:55 in the morning?

23 A. No, not necessarily, if
24 Mr. O'Leary conveyed it to me orally over the
25 phone.

1 Q. So it was not a face-to-face
2 briefing?

3 A. No.

4 Q. Okay. And was there any
5 additional significant information that is not
6 contained in the overview that you received at your
7 10:17 briefing?

8 A. I don't believe so, and again,
9 this, for me, would have constituted yet more
10 reassurance that things that were supposed to
11 unfold were, in fact, unfolding: personnel,
12 expertise, resources being devoted to Elliot Lake.

13 Q. Okay. Now, if we can go to page 2
14 of this same e-mail, at the bottom, please -- oh,
15 sorry, I'm looking at the wrong number. It would
16 have a number 001 at the bottom of the page. Thank
17 you.

18 Now, this is an e-mail from Laura
19 Miller to a number of people:

20 "Thanks. A few things: "

21 And then if we go to the next page,
22 please:

23 "P needs to call the Mayor before
24 a statement is issued. Statement
25 should reference that call.

1 Beckie -- when is the Premier
2 available for a call?

3 John -- please provide a
4 government update so we are relying
5 on our own information.

6 Jason -- can you please connect
7 with Orazietti and Rick [...]"
8 And who would Orazietti and Rick be?

9 A. Both members of Provincial
10 Parliament, David Orazietti and Rick Bartolucci.

11 Q. And --

12 A. Northern members.

13 Q. Okay. And that is why the query
14 is about finally getting some information
15 concerning the Mayor?

16 A. Yes.

17 Q. And:

18 "Wendy -- please provide final
19 statement to Beckie. She will get
20 P's sign off."

21 This would be the statement that is
22 being referenced up at the top?

23 A. Yes. So this is, if I might, just
24 as actions were beginning to unfold outside my
25 office driven predominantly by the bureaucracy and

1 the protocols in place to respond to an emergency,
2 this is my office now responding internally.

3 Q. Okay. Are these actions that are
4 being self-directed as opposed to you instruct them
5 to do this?

6 A. These would be action items that I
7 had raised with people along the way.

8 Q. Okay. And I understand that you
9 did speak to the Mayor, and if we can look at tab
10 9, that is Exhibit No. 6630:

11 "Premier has just connected with
12 the Mayor".

13 So if you could share with us, firstly,
14 what was the purpose of the call?

15 A. To let him know that he had my
16 support, that he had the support of the provincial
17 government, for me to hear him out in terms of the
18 challenges that he saw and how he described those
19 challenges, and to comfort and reassure. We are in
20 your corner. We understand this is challenging. I
21 don't want you to hesitate to get a hold of us if
22 there is something in particular that we need to
23 do. How is it going on the ground? How are people
24 managing? And those kinds of -- to engage him in a
25 conversation, begin a dialogue, and to begin a

1 relationship.

2 Q. Right. Did you know him at all
3 prior to this phone call?

4 A. No.

5 Q. Mr. Hamilton?

6 A. No.

7 Q. And you made an offer of support?

8 A. Yes.

9 Q. Did he make any requests? Did he
10 say that he needed anything or was lacking anything
11 at that point in time?

12 A. No. Nothing in particular at that
13 point in time. He was very concerned about members
14 of the community who may have been trapped within
15 the rubble, so that is what -- I remember him
16 talking about that.

17 Q. And, again, your state of
18 knowledge as far as the human cost here, what was
19 it?

20 A. Very limited. I had no hard
21 information at that point in time.

22 Q. Okay. And if we go to tab 10, and
23 this would be Exhibit No. 6632. And as we can see,
24 this is a statement that was released through your
25 office; is that correct?

1 A. Yes.

2 Q. And perhaps you can tell us a
3 little bit about that process before we get to this
4 actual statement itself. How do these things come
5 about?

6 A. They come about whenever we
7 determine that there is a need to convey certain
8 information to the public, and in this particular
9 case, we knew that Ontarians would be concerned
10 about one of their fellow communities and the
11 crisis that was unfolding there.

12 So we don't have our own TV station.
13 We don't have our own newspapers or radios in
14 government, so we rely on the media. So we put out
15 statements from time to time.

16 Q. Now, it says:

17 "Statement by Premier McGuinty on
18 Elliot Lake mall collapse".

19 Do you approve the content of
20 statements that are released to the public?

21 A. As a general rule, yes. There can
22 be opportunities when things are moving so quickly,
23 and I am consumed by other responsibilities that I
24 can't, but as a general rule, if something is going
25 out in my name, I like to see it, approve it,

1 occasionally amend it.

2 Q. First of all, do you instruct the
3 preparation of the statement, or is that, again,
4 something that your staff would be doing on their
5 own without your knowledge of?

6 A. In most cases, it is something
7 that is driven from within the staff. They have a
8 sense that we are going to need to put out a
9 statement, so that by the time I get around to
10 thinking maybe we should put out a statement,
11 somebody says, "You know, we have been working on
12 one. What do you think of this?"

13 Q. Okay. And then obviously you
14 either approve it, change it, or can it?

15 A. Yes.

16 Q. Okay. And in this case here,
17 specifically why was this statement issued?

18 A. It was to convey to Ontarians that
19 we were on the file. Their government was on the
20 file. Their Premier was on the file. And to
21 convey some important messages, and I guess in this
22 particular kind of a case sentiments, right, to
23 provide reassurance, comfort, thanks.

24 Q. And it specifically referenced
25 here the fact that you have spoken to the Mayor.

1 A. Yes.

2 Q. And why was that included as part
3 of the information?

4 A. So that Ontarians knew, but I
5 think especially the people of Elliot Lake knew
6 that we were in close communication.

7 Q. And that statement was issued, it
8 appears, somewhere around the noon hour on the
9 Sunday, and if we could look to Exhibit No. 8205,
10 and this would be tab number 12. Now, this is an
11 e-mail that Mr. O'Leary sends at 6:32 p.m. on the
12 Sunday, and it is sent to Beckie Codd-Downey. Are
13 we safe in assuming that since it is being sent to
14 her and we do not see Tracey Sobers' name there,
15 that on the Sunday, Beckie Codd-Downey is the
16 source of information to you?

17 A. Yes.

18 Q. Okay. And I just want to draw
19 your attention to the body of that e-mail. It
20 indicates that this is a press release that was
21 issued by the City of Elliot Lake on the 24th, that
22 is, the Sunday, at about 4:40 in the afternoon.
23 And if we drop down to about halfway through, you
24 will see a statement there:

25 "Evidence has been uncovered that

1 leads us to suspect that there may
2 be a casualty. The area is still
3 unstable and dangerous. It is
4 estimated by emergency crews that
5 there will be 10-12 hours of further
6 stabilization required in the area
7 before the rescue crew is able to go
8 in."

9 First of all, did you receive this
10 information from Ms. Codd-Downey? Because this
11 appears to be at least the first inkling that there
12 may be a casualty here. It is not confirming one,
13 but --

14 A. I would very likely have been
15 conveyed this information by Ms. Codd-Downey.

16 Q. Okay. And had you received any
17 other information prior to this indicating that
18 there was some indication that there might be a
19 casualty?

20 A. Nothing of what I would categorize
21 as a more official nature. This is a -- you know,
22 an official press release put out by the City of
23 Elliot Lake. There had been musings and
24 speculation in the media, not unnatural at all in
25 these kinds of events, but we are closing in on

1 what appears to be harder information now.

2 Q. It appears to be official
3 information, but it is not confirming any deaths.

4 A. Yes, right.

5 Q. And at tab 11, which is Exhibit
6 No. 8221, thank you, and if we could go to the page
7 ending 936, and this is an e-mail from Laura
8 Miller, and it is sent at 19:19, 7:19 in the
9 evening, and it documents a call that you had to --
10 it says Mantha. That would be Mr. Mantha?

11 A. That is correct.

12 Q. And Mr. Mantha is the sitting
13 member in the provincial legislature from this
14 area?

15 A. Yes.

16 Q. Okay. And can you recall for us
17 the content of the call?

18 A. Yes. I wanted to reach out to the
19 local MPP to provide the same kinds of reassurance.
20 I had a good call with Mr. Mantha, as I recollect,
21 and he had a couple of specific concerns that he
22 had raised with me directly, which are reflected in
23 this e-mail. After that call, by the way, I would
24 have spoken to Laura Miller and said, "This is what
25 the call was about. And there are a couple of

1 things we have got to move on." And one of those
2 things that Mr. Mantha raised was he wanted to --
3 and I thought this was a very legitimate request --
4 to be able to speak to someone in a position of
5 authority on the political side so that we could
6 cut through any red tape and come up with solutions
7 sooner rather than later.

8 And --

9 Q. Solutions to what?

10 A. Challenges on the ground,
11 including the issue that he specifically raised
12 here, which is we are going to need some space.
13 There were government services being delivered out
14 of the mall.

15 Q. These would be solutions to
16 problems that were a consequence of the collapse?

17 A. That is correct.

18 Q. As opposed to the rescue effort
19 itself?

20 A. Yes.

21 Q. Okay.

22 A. Yeah.

23 Q. So he was looking for a way to get
24 through the red tape?

25 A. Yes. And maintain services to his

1 constituents, provide whatever supports were
2 necessary.

3 Q. Okay. And did your office respond
4 to that request, that is, to give him a point of
5 contact that would cut through the red tape, as you
6 have said?

7 A. Yes. Ultimately that point person
8 was a Thomas Chanze, who was the Chief of Staff to
9 Minister Madeleine Meilleur.

10 Q. And was it her ministry that would
11 be responsible for addressing the issues, that is,
12 the continuation of government services, the
13 specific government services that are referenced by
14 Mr. Mantha?

15 A. No. But this highlights the need
16 for kind of a cross-ministry approach to these
17 kinds of challenges. So when the Premier's Office
18 takes responsibility for these kinds of things, you
19 can get through that very quickly rather than, you
20 know, passing the ball around from minister to
21 minister.

22 So -- and I recall at the outset,
23 Mr. Mantha raised this very building as a potential
24 new site for the delivery of government services.

25 Q. And this was --

1 A. The location of government
2 offices.

3 Q. Sure. And this is as a result of
4 the impact that the collapse had on government
5 office space within the mall?

6 A. Yes.

7 Q. Okay. And would it be typical
8 that someone as senior as Mr. Chanze would be
9 appointed to look after these sorts of issues?

10 A. In -- I think it should be. It
11 wouldn't normally happen, but I thought it was a
12 very legitimate request, and Mr. Mantha was being
13 very thoughtful in the approach that he was
14 bringing, and I thought it warranted -- you know, I
15 could have said, "Look, we have -- there is a
16 liaison person who is down at tier 7 or 8," but I
17 thought it was important that he be able to get
18 fast action for real concerns that warranted a fast
19 response.

20 Q. Now, the timing of the e-mail from
21 Laura Miller where she is -- as you can see at the
22 bottom of there, she is addressing these concerns
23 that Mr. Mantha has raised, and she is asking for
24 action and responses --

25 A. Yes, right.

1 Q. -- in a very time-sensitive manner
2 here.

3 A. Uhm-hmm.

4 Q. The original e-mail is at 7:19 in
5 the evening. And we have heard evidence, mainly
6 through Mr. O'Leary, that at 7:45 on the Sunday
7 night, he participated in a conference call with a
8 number of individuals, one of whom was Mr. Hefkey,
9 who you would recognize as being the Commissioner
10 of Community Safety.

11 And in the evidence that he gave to us,
12 he indicated that Mr. Hefkey shared with him the
13 fact that there had been a confirmed death and also
14 the fact that the rescuers had heard some sounds of
15 tapping, which would indicate that someone is still
16 alive.

17 And additionally, in that call with
18 Mr. Hefkey, Mr. Hefkey had made it very clear to
19 him that the release of this information should be
20 governed by the local officials. They should be
21 the ones who are in charge of the timing and the
22 nature of the information that is released to the
23 public.

24 My question to you is: This happened
25 at 7:45, roughly, on the Sunday evening. Was this

1 information shared with you that evening, and
2 specifically, the fact that there had been a
3 confirmed death, and there had been some signs of
4 life?

5 A. Well, what I can say is that I
6 expected that John O'Leary would have shared that
7 with me, notwithstanding any caution to the
8 contrary expressed by Mr. Hefkey. I expect that of
9 my staff.

10 Q. Right.

11 A. And -- but I'm not sure whether I
12 received this information on that evening or the
13 following day, but I would be surprised if I had
14 not received it. News of a death is big news. I
15 would be very surprised had I not received that
16 shortly thereafter.

17 Q. Okay. If you had received that
18 information, as was your expectation, I would
19 assume that you would have received it with the
20 proviso that it can't go anywhere?

21 A. Yes.

22 Q. So it was --

23 A. And that we would have respected.
24 If that was in keeping with standard protocol and
25 the responsibility lay with the municipality for

1 them to make that information public, we would
2 respect that.

3 Q. Okay. And if we could go to tab
4 number 20, this would be Exhibit No. 8270. Now,
5 this is a summary of a press conference that was
6 held in Elliot Lake here by local officials on the
7 Monday, that is, the 25th of June, and this e-mail
8 is sent out at 12:18, so just shortly after the
9 noon hour.

10 And of significance here, it indicates
11 that:

12 "Police confirmed at least one
13 person is alive and trapped".

14 And it goes on to say that:

15 "[Rescuers have been] working
16 through the night.

17 Removed damage beam that
18 collapsed, turn over to MOL for
19 investigation.

20 Made use of large cranes to help
21 remove large concrete debris on
22 scene".

23 All of these facts here, would you be
24 aware of those facts?

25 A. Not all of those --

1 Q. The fact that a beam had been
2 removed and --

3 A. Not all the specifics, no.

4 Q. Okay. And then it says:

5 "Around 4 a.m. this morning the
6 OPP used a piece of equipment to
7 determine signs of life previously
8 spotted.

9 Diligently working to reach that
10 person.

11 Setback: Structure is still
12 shifting and unstable.

13 Escalator inside is shifting, had
14 to pull crews back to reassess entry
15 point.

16 Have not stopped working, are
17 working on other entry points to
18 keep moving towards the person.

19 Will not be able to use cranes,
20 the area is now a no-go situation.

21 Using equipment to assess
22 situation, but is unsafe, and we
23 have to be very careful.

24 Moving forward with rescue, but
25 can't give a time frame."

1 And then there is a question:

2 "Any fatalities?"

3 And then it indicates:

4 "One fatality confirmed. No
5 identification, a sighting of an arm
6 or leg, have not gone near victim,
7 focus is on rescue."

8 This would appear to be -- and you can
9 confirm -- this is the first public confirmation
10 of, number one, that there has been a death and,
11 number two, that there is somebody alive, trapped,
12 at least at 4:00 a.m., trapped in the rubble pile.

13 A. Yes, that is correct.

14 Q. And how does the fact that there
15 has been a death, how does that change things from
16 your perspective?

17 A. Well, there is the practical, and
18 then there is the emotional.

19 The practical is that we need to put
20 out a press release to express our sympathies to
21 the families and to recommit ourselves to the
22 community and to encourage the rescue workers.

23 The emotional, you cannot help but
24 become more invested in this. And we are given a
25 sign here, and I never let go of this. I was told

1 that there could be someone in there who was still
2 alive. So I never forgot that.

3 So it just kind of -- I'm not sure,
4 Mr. Wallace, that it alters what we do practically
5 speaking, but it heightens our emotional concern
6 and our very human desire to help.

7 Q. Okay. How would you describe the
8 reaction among your staff to this, the staff that
9 you work closely with, to the event itself, the
10 fact that we have got the collapse and the ongoing
11 rescue attempts?

12 A. It quickly became an all-consuming
13 -- you know, we have got lots of things to do in
14 government. There are the things that you plan on
15 doing, and then there are all the other smaller
16 things which you hadn't planned on doing which
17 arise during the course of every single day,
18 weekends and statutory holidays included.

19 But this was a very dominating concern
20 for the office. We had a very compelling story
21 that was unfolding, and there had been the loss of
22 one life, and there was a -- just a commitment on
23 our part to do whatever we could to help.

24 Q. Okay. You were made aware of this
25 information, obviously, the fact that there was a

1 fatality and that there was the possibility that
2 someone was alive; correct?

3 A. Yes.

4 Q. And if we could look at Exhibit
5 No. 9914, and you will find that at tab 20, sir,
6 and it would be what I hope would be the last page
7 of that tab.

8 A. Yes.

9 Q. And this is, in fact, the press
10 release that was released that day?

11 A. Yes, that's correct.

12 Q. And it is my understanding that
13 this was released at approximately 1:05 in the
14 afternoon, so less than an hour after the
15 information was transmitted from Mr. O'Leary from
16 the press conference.

17 A. Yes, and, in fact, if I look at
18 the previous document, which is Exhibit No. 8275,
19 the fact that we are -- they are looking at the
20 second draft of a statement tells me that this was
21 something that had been in preparation prior to
22 that public announcement. So I had been aware of
23 the death before it had been made public in Elliot
24 Lake.

25 Q. First of all, would this be one of

1 those statements that you would have read and
2 approved prior to its release?

3 A. Yes.

4 Q. And you express your sympathies in
5 the first paragraph, and what is it you are trying
6 to achieve besides express your sympathy with this,
7 the release of this particular statement?

8 A. Well, again, it is just to convey,
9 you know, our humanity, that not just as a
10 government, but as a people we are very concerned
11 for you, that we remain committed to providing
12 whatever supports we can. We offer you our prayers
13 and our encouragement.

14 So it is just a very -- and it is not
15 the easiest thing in the world to do when you want
16 to translate the feelings of -- feelings of people
17 through a government and a political spokesperson.
18 So that is what we tried to do through the press
19 releases. And in particular when I see a press
20 release and someone sends it to me in these kinds
21 of circumstances, I'm always looking for ways to
22 introduce warmth and humanity into it.

23 Q. Now, this was released at
24 approximately 1:05. There has been a noon press
25 conference indicating that they have got signs of

1 life. The rescue is continuing. And against that
2 backdrop, we have got -- Mr. O'Leary gave evidence
3 here that at about 2:50 that same afternoon, so a
4 couple of hours later, he received a phone call,
5 and the phone call was from Ms. Conrad who advised
6 him that a decision had been made to call off the
7 rescue and to move the rescue into a recovery mode.
8 And she indicated, that is, Ms. Conrad, that the
9 source of her information was Mr. Hefkey.

10 And we also have evidence here at about
11 3:05 in the afternoon, that is, Monday afternoon,
12 there was a Community Control Group meeting, which
13 is a meeting of the municipal officials involved in
14 the rescue operation or the rescue incident itself,
15 and at that meeting, Staff Inspector Neadles, who
16 was in charge of the Toronto HUSAR team, he
17 announced to those assembled that the rescue was
18 now going to become a recovery, and that the scene
19 was going to be turned over to the Elliot Lake Fire
20 Department.

21 And we have also heard evidence that at
22 about 4 o'clock in the afternoon, the families had
23 been notified that the rescue is over, and at 5
24 o'clock that there was a press conference here in
25 Elliot Lake, and during that press conference,

1 Staff Inspector Neadles reiterated what I earlier
2 told you, that is, that the rescue operation is
3 over. It is going to become a recovery, and the
4 scene is going to be turned over to the Elliot Lake
5 Fire Department.

6 My first question is: When did you
7 become aware of these events, that is, the fact
8 that the rescue is off?

9 A. Around 6 o'clock.

10 Q. And how was that? In the sense
11 that this is very important news, I would gather.
12 It would be news that you would want to have. How
13 was it you didn't get it until that time at night?

14 A. I was tied up on an extended phone
15 call. As soon as I got off the call, Tracey
16 Sobers, my executive assistant, conveyed this
17 information to me.

18 Q. And what were you told?

19 A. That the search had been called
20 off and that the -- that it was unsafe for the
21 rescue workers to continue to conduct their search.

22 Q. What level of certainty did she
23 convey to you in terms of this being on or off?

24 A. Absolute. It was over.

25 Q. Was there any indication that

1 there were any other options at this stage at least
2 being considered?

3 A. No, not that had been conveyed to
4 me.

5 Q. What was your reaction to that?

6 A. Two things. One was shocking.
7 The other one was unacceptable. And I'm hardly an
8 expert in these kinds of matters, but I began to
9 canvass my own mind and whatever limited capacity I
10 had to think about is there not another way to get
11 at an individual who is trapped inside a structure.

12 And I immediately began to think,
13 "Well, if we can't get at them from the inside, is
14 there a way to begin to dismantle the building from
15 the outside?"

16 And my concern was that to do nothing,
17 given the understanding we all were operating
18 under, that there could very well be a living human
19 being found within the rubble, that to do nothing
20 would be for death to ensue.

21 So to me, we had to try to do
22 something.

23 Q. Now, what you are just telling us
24 there, and I want to sort of isolate your thinking
25 to when you received this information. This

1 thinking you are talking about, that is, is there
2 another way, are these private thoughts you are
3 having at this stage, or is this something you are
4 articulating to anybody?

5 A. After I received the news from
6 Tracey Sobers, I spoke with Laura Miller, and I
7 would have said something along the line, "What the
8 heck is happening here? How can this be possible?
9 Why have they stopped the search? I think we are
10 going to need to find a way to do something about
11 this, or find a way to do something."

12 So the next thing that I asked for was
13 a conference call with my staff, and then from
14 that, flowed my request for a conference call with
15 the people on the ground here in Elliot Lake, the
16 people who were involved in the rescue, leading the
17 rescue mission, so I could get a better
18 understanding from them and canvass the idea of
19 some alternatives or an alternate plan.

20 Q. Okay. We'll get to that in a
21 second.

22 We have heard evidence, again through
23 Mr. O'Leary, that a statement was prepared over the
24 course of that afternoon, and it was a statement
25 that was never released. And if we could just go

1 to Exhibit No. 9648. Oh, sorry, that would be tab
2 24.

3 Now, are you there, sir?

4 A. Yes, I am.

5 Q. Okay. Mr. O'Leary indicated that
6 this was prepared by staff, and it was never
7 released. He also indicated it was never shown to
8 you. Can you confirm that, that you did not see
9 this?

10 A. That is correct.

11 Q. Okay. And if we look at this
12 statement, it starts out with:

13 "Like all Ontarians, I was
14 saddened to learn that efforts in
15 Elliot Lake have moved from rescue
16 to recovery.

17 This news comes as a terrible
18 blow to the people of Elliot Lake,
19 and especially to those who have yet
20 to learn of friends and family still
21 missing. Our thoughts and prayers
22 go out to them and we will continue
23 to stand by as we await final word
24 on the victims.

25 Our hearts are also with the

1 dozens of emergency workers from
2 Elliot Lake and beyond who rushed to
3 the scene this weekend. They put
4 their own lives at risk to save
5 people they never knew. Along the
6 way, they reminded us of the
7 sacrifices our first responders make
8 every day.

9 Ontario is a large province that
10 feels much smaller at a time like
11 this, and I know all Ontarians will
12 come together to support the people
13 of Elliot Lake as they recover from
14 this tragedy."

15 And it would appear that this statement
16 was an acceptance of the decision that had been
17 made.

18 A. This would be -- I would
19 characterize this as a kind of a standard,
20 rational, responsible approach to the news that had
21 been received. So my staff were in a place that
22 could be expected, which is we have received
23 terrible news. It comes from experts. We can't
24 question that. It is over.

25 So this would have represented their

1 thinking.

2 Q. It was the standard response to
3 news of that sort?

4 A. Yes.

5 Q. Okay. And it didn't represent
6 your thinking?

7 A. No.

8 Q. Okay. And, in fact, you never saw
9 that. Accepting that you never saw that, did
10 anybody ever discuss a statement along these lines
11 with you?

12 A. No, no.

13 Q. Okay.

14 A. This was first drawn to my
15 attention as part of the documents that I had
16 received in preparation for my appearance here
17 today.

18 Q. Okay. Now, you have indicated
19 that as a result of your thinking on the matter and
20 dealing with the news of this decision, you
21 convened a conference call for your senior staff.
22 And if you go to tab 13 -- that is Exhibit No.
23 9140 -- and those are the notes of Mr. O'Leary.

24 And we'll just wait until we get there.

25 And, Ms. Kuka, if you would go to the

1 page ending in the number 4.

2 And just scroll it up, please.

3 Mr. O'Leary has identified the block of
4 information that starts with "Rick, Orazietti" down
5 to where it says "Next Page" as representing notes
6 he took at this conference call.

7 So my first question is: What was the
8 purpose of the call?

9 A. It was to begin to develop a new
10 approach or a Plan B, if you will.

11 Q. And if we just look at the notes
12 that Mr. O'Leary took, and I am looking at starting
13 at "MOL -- best in the country", does this refresh
14 your memory as to the actual content of the call
15 itself?

16 A. Yes.

17 Q. Okay. Why don't you enlighten us
18 as to the best of your recollection the details of
19 the call.

20 A. Right. I would have raised
21 questions like, "Have we got the best people in the
22 country in there now? Who was involved in the
23 cleanup in 9/11? Did we send in our people down
24 there? Are they up in Elliot Lake today? Do we"
25 -- and this is a specific question that I would

1 have asked, that I did ask, I know I asked: "Do we
2 owe it to the people in the community to take
3 another look at this, i.e., the decision to halt
4 the search?"

5 I said, "I believe that it would be a
6 demonstration of respect."

7 And then I went on to say, "There is no
8 reason to doubt the experts, but I'm raising the
9 question, do we need to bring in outside
10 expertise?"

11 And so I just thought, you know, when
12 you come against a wall, then you build a door,
13 right? So I was looking for a way, looking for
14 some way to continue the search that did not
15 compromise the safety of the rescue workers.

16 Q. Was anything resolved at this
17 call? From your perspective, what was the next
18 step in moving this forward?

19 A. I think what was resolved was my
20 resolve, and so I then said, "All right, I have
21 heard from you folks. I want to hear from the
22 people who are on the ground at Elliot Lake. I
23 need to better understand specifically what is
24 happening, what challenges they have had to
25 confront, why they have called off the search and

1 to begin to canvass some options to see if there is
2 not something else that we might do and ultimately
3 to put on the table my primitive proposal that if
4 we can't get the people from the inside, can we not
5 try to get at them from the outside."

6 Q. And I understand that another call
7 to explore these options was held?

8 A. That's correct.

9 Q. And if we could go to Exhibit No.
10 8324, which is tab 26. And we will see that this
11 is an e-mail from Mr. O'Leary to Debbie Conrad and
12 Dan Hefkey, and Dan Hefkey had not been part of
13 your staff call at 7:30; correct?

14 A. That is correct; he was not.

15 Q. And the subject line is "urgent
16 8:30 call", and Mr. O'Leary is indicating that he
17 wants to change the call that had been currently
18 set and repurpose for a briefing for the Premier:

19 "Premier would like to get on a
20 call with you Dan and with the HUSAR
21 Incident Commander to receive a
22 briefing on today's developments and
23 next steps. Would like this to go
24 forward at 8:30. Please confirm we
25 can go forward with this. Debbie,

1 please cancel the current call, and
2 recirculate an invite to me and Dan.
3 Dan, please reach out to the HUSAR
4 commander. I will share the call
5 invite with those on my end who need
6 to join. Please confirm receipt,
7 and thanks for this."

8 So does this accurately reflect the
9 instructions that you had given to Mr. O'Leary?

10 A. Yes, it does.

11 Q. And as a result of the 7:30 call?

12 A. Yes. And I can recall Mr. O'Leary
13 saying it was fortuitous. There was a call that
14 was going to take place. People were going to be
15 assembled. And I thought, "Great. I will
16 repurpose that call."

17 Q. And your intention on the 8:30
18 call was just what you have told us before?

19 A. Yes, right.

20 Q. Okay. Now, if we could go back to
21 Mr. O'Leary's notes, that is at tab 13 for you,
22 Mr. McGuinty, and it is Exhibit No. 9140.

23 MS. KUKA: What page?

24 BY MR. WALLACE:

25 Q. It would be the page, the same one

1 as before, 0004.

2 Now, Mr. O'Leary indicates at the call
3 was Bill Neadles. First of all, we know Mr.
4 Neadles as being the Staff Inspector in charge of
5 the HUSAR. Did you know Mr. Neadles prior to this?

6 A. No, I did not.

7 Q. Okay. So the participants in the
8 call that are identified by Mr. O'Leary would be
9 Mr. Neadles, Dan Hefkey, David -- that would be
10 David Livingstone, I assume?

11 A. Yes.

12 Q. -- and Laura Miller, Peter Wallace
13 from the --

14 A. Secretary of the Cabinet.

15 Q. -- Secretary of the Cabinet, and
16 Ian Davidson, and he is the Deputy Minister of the
17 Ministry of Community --

18 A. Community Safety and Correctional
19 Services.

20 Q. There you go. Can you just
21 outline for us, when you have a conference call
22 like this and you are participating, what role do
23 you play in the call as the most senior person
24 there?

25 A. You run the call.

1 Q. Okay. And to the best of your
2 recollection, if you can describe the call for us.

3 A. Mr. O'Leary's notes are very
4 helpful to me, if I may reference those.

5 Q. Sure. And you'll have to
6 appreciate, Mr. McGuinty, that you are looking at
7 the paper, so when you change the page, we have to
8 catch up.

9 A. Okay.

10 Q. Okay. So if you want to start at
11 the bottom there, if that refreshes your memory.

12 A. Yes. So after Mr. O'Leary lists
13 the participants in the call -- and by the way, I
14 think it is worth noting that Peter Wallace is the
15 Secretary of the Cabinet, but he is the head of the
16 entire Ontario Civil Service, so we had a lot of
17 clout on the phone.

18 So I would have started by thanking
19 people for joining us on the call. That is
20 reflected here.

21 I would have then said I would be very
22 interested in getting a better understanding as to
23 why you made the decision to call off the search,
24 and they would have then provided me with an
25 explanation.

1 Q. If we can go to the next page, Ms.
2 Kuka, please.

3 A. I asked a question, "Is anybody in
4 there who is alive? Is someone alive? And then
5 Mr. O'Leary makes fairly extensive notes as to what
6 that response would have been. There is a remote
7 chance; yes; they have a new -- OPP has a new piece
8 of equipment to penetrate the concrete and
9 determine if someone is breathing.

10 I'm not sure what the "XXX by a crane",
11 what that means, but again, it says:

12 "Detection device showed a faint
13 heartbeat".

14 At an earlier point in time, and we had
15 no conclusive evidence, I might say, that was ever
16 presented to me that that person was no longer
17 alive, so I proceeded on the assumption that there
18 was somebody in there who is still alive.

19 And then they went on to say, either
20 Mr. Hefkey or Mr. Neadles, I forget his rank --

21 Q. Staff Inspector.

22 A. -- Staff Inspector Neadles, that
23 there was a detection device; that it showed a
24 faint heartbeat; that a person called out; they had
25 tapped back twice; they sent in canine search dogs.

1 They conveyed to me that yesterday the hits were
2 distinctive. They were less so today.

3 They had received advice from a medical
4 doctor that once three big pieces of concrete were
5 removed, a person could die right away of shock, as
6 they explained to me. The body goes into shock and
7 dies right away, but they had not had solid
8 information past that time frame.

9 So then I asked them in a very direct
10 sense, "So can we go in? Is there any way that we
11 can go in?" The answer came back, no, sir.

12 Q. What was your reaction to that?

13 A. I didn't say it, but would have
14 thought we can't accept that. There has got to be
15 a way. So the way I was thinking all along was if
16 that is my daughter in that building or my mother
17 or my fiancée, I want no stone left unturned. We
18 will do everything we possibly can to connect with
19 that individual.

20 So that is -- that was informing my
21 thinking and inspiring my efforts, that notion. So
22 I didn't say that right then and there. I think I
23 did say it in other opportunities, but that is what
24 I felt. We have to find a way.

25 Q. And was it this thinking that got

1 that call off the ground in the first place?

2 A. Yes.

3 Q. So where it says:

4 "Can we go in? Any way?"

5 Is that you asking that question?

6 A. Yes.

7 Q. Okay. And then the answer is
8 captured in all of the bullet points down to the
9 next question:

10 "Anyone better at this?"

11 A. That is correct.

12 Q. Who is giving you the answer?

13 A. It is either Mr. Hefkey or Staff
14 Inspector Neadles. I think more likely Staff
15 Inspector Neadles when it comes to the specifics of
16 the rescue.

17 Q. Sure, because he is there --

18 A. Yes.

19 Q. -- and Mr. Hefkey is not?

20 A. Yeah.

21 Q. Okay. Now, you pose the question:

22 "Anyone better at this?"

23 What was that to get at?

24 A. I just thought that we should be
25 painfully honest with each other. If we don't have

1 the best people on the ground on conducting that
2 rescue operation, then we need to get them.

3 Q. And to the best of your
4 recollection, what was Mr. Neadles' answer to that
5 question, "Is there anyone better at this?"

6 A. I would have obtained assurance
7 that we have got the right people there, and we are
8 doing everything we can.

9 Q. And then Mr. O'Leary has the note
10 or the point that is the fourth -- sorry, the third
11 bullet point down in answer to the question "Anyone
12 better at this?":

13 "Tear down building?"

14 Now, is that another question? Did you
15 pose that, or is that just Mr. Neadles thinking out
16 loud?

17 A. I don't know. What I can surmise
18 perhaps is based on how Mr. O'Leary has laid out
19 this is my questions seem to be followed by
20 bullets, so the next question I ask is:

21 "Could actively dismantle
22 building, and worst [case] is
23 building fell down?"

24 Q. And what was the answer to that?

25 A. The answer is -- this was good

1 news to me -- this is something that could be done
2 with a proper demolition team. They said they have
3 done that in the past to recover bodies.

4 And then they expressed that there was
5 a real risk associated with this. If the person is
6 alive and something falls, then they are dead when
7 it falls.

8 Q. Yes. Could you just raise it up,
9 please, Ms. Kuka, the screen. Thank you.

10 When you are asking these questions and
11 getting these answers, what information did you
12 receive about whether other options were under
13 consideration by the rescuers at the time of your
14 conversation?

15 A. I had no reason at any time
16 throughout the course of this conversation to
17 believe that there was another plan being
18 developed. That was never expressed to me, so my
19 operating assumption was that the search was over.

20 Q. And what was the reaction to the
21 suggestion of going from the outside?

22 A. It was well received. It was well
23 received, and I would -- almost welcomed. And I
24 went on to, you know, talk about how important it
25 was going to be to make sure that there was --

1 there were good communications.

2 Q. Okay. If we can go to the next
3 page, please, Ms. Kuka.

4 A. So if I may, the top of the next
5 page then conveys what I am -- all these bullets
6 are what I am now saying:

7 "If there is anything we can do,
8 even if a low chance, we are trying
9 to save [...]"

10 Then we have got to do it to try to
11 save this person:

12 "As it stands now, options will
13 definitely result in death".

14 There is a chance -- you are telling me
15 there is a chance this individual is still alive,
16 and there is a chance that we could get at them by
17 dismantling the building. We owe it to them, and
18 we owe it to the community to try.

19 I understand it is very risky, so you
20 need to communicate that up front. You need to
21 convey it to the community, "This is a tricky,
22 delicate, risky procedure that we want to pursue.
23 The place is like a house of cards. We pull down
24 the wrong card, the whole darn thing may collapse.

25 But it is the only choice that we have,

1 and we are not going to do nothing." So I thought
2 it was really important to convey that to the
3 community.

4 Q. That is what, the risk?

5 A. The element of risk, and that --
6 but they were going to keep trying.

7 THE COMMISSIONER: Mr. Wallace, at this
8 point, I think we'll take 20 minutes. Thank you.

9 -- RECESSED AT 10:30 A.M.

10 -- RESUMED AT 10:50 A.M.

11 THE COMMISSIONER: Mr. Wallace.

12 BY MR. WALLACE:

13 Q. Thank you, Commissioner.

14 Sir, when we left off, we were talking
15 about the conference call that you had with Mr.
16 Neadles, Mr. Hefkey and others, and if we could
17 just go back to those notes, there is a few matters
18 that I would like to tie up before we move on.

19 A. Can I have you remind me which tab
20 we were talking about?

21 Q. Oh, sure, it is tab 13.

22 A. Okay.

23 Q. And it is the page that ends for
24 your purposes 006.

25 A. Okay.

1 Q. Now, I am just going to restrict
2 you to your involvement in this call. The next
3 thing I see here is at the point where it says
4 "Next Page" and then:

5 "P: That would be helpful.

6 Owe it to the community, with a
7 life at stake".

8 Could you just flesh that out, please?

9 A. Again, I would be making the
10 argument here that I have now been told that there
11 is some is expertise; there is some heavy equipment
12 that could be useful in these circumstances. I'm
13 now saying that would be helpful. I think we owe
14 this to the community with a life at stake. We owe
15 it to them.

16 "Bill will let you do that".

17 So in other words, whatever you need,
18 we'll help you get that.

19 Q. We know that the equipment
20 ultimately came from Priestly. Was the name
21 Priestly, to the best of your recollection, was
22 that a name that was raised in the course of this
23 conversation?

24 A. I don't remember that being
25 raised.

1 Q. Okay. I will just tell you in
2 Mr. Hefkey's notes, which I'm not going to take you
3 to, it does have a mention. So are you simply
4 saying I don't recall, or it wasn't mentioned?

5 A. I don't recall.

6 Q. Okay. And --

7 A. But I should add that after I left
8 this call, it carried on.

9 Q. Okay.

10 A. So whether or not the name
11 Priestly was mentioned after I got off the call, I
12 don't know.

13 Q. Okay. When you got off the call,
14 what was your expectation? You indicated that you
15 saw the purpose of this thing, of the call itself
16 was to ensure that all options were being explored.

17 A. Uhm-hmm.

18 Q. When you got off the call, what
19 did you feel? Had the call been a success?

20 A. I certainly felt the call was
21 successful; that the rescue team was going to
22 explore a new option; that we had cobbled together
23 the makings of a Plan B and that consisted of
24 bringing in heavy equipment that had not already
25 been available at the site and to make an effort to

1 use that heavy equipment to get at the victim.

2 Q. Did you order the rescuers back to
3 work?

4 A. No.

5 Q. Did you have the authority to do
6 that?

7 A. No, I did not. That would be an
8 operational issue, but I certainly felt,
9 Mr. Wallace, that I had the authority, indeed the
10 responsibility to convey to the team on the ground
11 that they absolutely must explore all the
12 alternatives. Ultimately, they are going to have
13 to use their own judgment in terms of how they
14 effect the rescue, but they have got to keep
15 looking for other ways.

16 Q. And how would you characterize
17 your role in getting the rescue back up and
18 running, as we know it did?

19 A. Essential. I had no reason to
20 believe at that point in time -- we'll have an
21 opportunity shortly to talk about information I
22 acquired later, but at that point in time I had no
23 reason to believe that the rescue effort was --
24 would have continued without my intervention.

25 Q. As a general statement, what role,

1 if any, in an operation does the Premier of Ontario
2 have?

3 A. When it comes to operational
4 matters, we are not allowed to get involved, but I
5 did not see my intervention here as being
6 operational in nature. Rather, it was to use the
7 authority of my office to convene and force a
8 conversation that I was sure had not taken place.
9 And nobody conveyed anything to the contrary to me,
10 which was I know that it is very risky. I had a
11 better understanding at the end of that call of the
12 logistical challenges and the risk associated with
13 working within the collapsed building, but I
14 thought we had not yet given thought to a Plan B.
15 And my -- as I say, my layperson's Plan B was we
16 can't get at them from the inside; then maybe we
17 can try to get at them from the outside. If that
18 required heavy equipment that we bring in from
19 elsewhere, we'll do that. If it require that I
20 bring in -- get hold of the Prime Minister and
21 bring in the Canadian Armed Forces, whatever it
22 took, whatever was in my authority to help pull
23 together, I wanted to make sure they understood
24 that and we canvassed this notion, as I say, of
25 getting at people from the outside.

1 Q. And did you leave the rescuers
2 with that message in terms of what resources you
3 need, that they would be provided?

4 A. Yes. In fact, if you go back to
5 this document that we are looking at here, on the
6 very same page, there is -- if you look at the
7 screen that is up here, just above the last line
8 towards the bottom, two segments up, it says:

9 "P", this is me now speaking
10 saying:

11 "Time is our enemy." It says,
12 "Whatever we need to go."

13 It actually should be whatever we need
14 to get, we'll get it.

15 Q. Okay. So the call is terminated,
16 and I understand that once the call was over, you
17 placed some phone calls?

18 A. That's correct.

19 Q. And I understand you spoke to
20 Mr. Mantha?

21 A. I did. I spoke with Mr. Mantha
22 and conveyed to him that we were going to try
23 something new, that it was fraught with risk, but
24 we were going to bring in some heavy equipment and
25 put in place a Plan B, so to speak.

1 Q. Would you have known what the
2 details of the Plan B were --

3 A. No.

4 Q. -- other than what you
5 articulated?

6 A. No.

7 Q. And how was the news received by
8 Mr. Mantha?

9 A. Very well. I think he was
10 relieved. I think he was eager to speak to the
11 community and inject some hopefulness into an
12 atmosphere that was otherwise characterized by
13 despair.

14 Q. That raises a point that I should
15 have asked you about a little earlier. Were you
16 aware of the public reaction to the news that the
17 rescue was off?

18 A. I would have been made aware as a
19 result of my 7:30 conference call. I believe Wendy
20 McCann was on that call. She is my communications
21 person. John O'Leary would have been aware as
22 well, and they would have told me about --

23 Q. And what feedback were you getting
24 there?

25 A. People were upset, angry, hurt.

1 It was a bad scene, and so I was aware of that.

2 Q. And what about your own staff?
3 How were they feeling about the decision?

4 A. Frustrated, very disappointed, and
5 felt that we were going to leave a community and an
6 individual high and dry.

7 Q. What role would this public
8 feeling that you were aware of at 7:30, what role,
9 if any, did that play in your steps forward, that
10 is, the 8:30 call and your exhortation to look for
11 other options?

12 A. Okay. Well, let me be very direct
13 about this. It was not the cause of my actions,
14 but it was certainly supportive. I was very much
15 -- I was very sympathetic to the feelings being
16 expressed by the people of Elliot Lake, but I --
17 when I reacted, I reacted as I felt I should be
18 reacting, as Premier and somebody who is trying to
19 inject some humanity into a very difficult
20 circumstance and to make sure that we were doing
21 whatever we could to help out a community.

22 Q. You then, I understand, touch base
23 with the Mayor, that is, on the Monday night?

24 A. Yes.

25 Q. After you spoke to Mr. Mantha?

1 A. Uhm-hmm.

2 Q. You spoke to Mr. Hamilton?

3 A. I spoke with the Mayor. I let him
4 know about the telephone call as well, described in
5 a basic sense as I mentioned a moment ago about
6 what had unfolded and what I expected to happen as
7 a result of the call.

8 Q. And how did he take that news?

9 A. Very relieved. I got the sense he
10 was very concerned about his community and how
11 people were reacting to the news that the rescue
12 operation was shut down.

13 Q. Had you been made aware of the
14 extent of the public anger over that decision or
15 was it just sort of said that people don't like
16 what they have heard?

17 A. I would have heard snippets, but
18 not a lot of time, because we were trying to put
19 together a plan of action. So you will -- you
20 know, just again, so I get word of this. I get --
21 I speak with Laura Miller. We organize the staff
22 conference call. And then I get a conference call
23 with people working on the front lines. Then I
24 phone Mr. Mantha. Then I phone the Mayor. Then I
25 phone the Prime Minister. So there was not a lot

1 of time for receiving a lot of information. It was
2 I got to get on the job here and make things
3 happen.

4 Q. And what was the purpose of the
5 call to the Prime Minister?

6 A. It was to bring him quickly up to
7 date in terms of what was happening in Elliot Lake,
8 and then to ask him should we need anything from
9 the Canadian Armed Forces by way of personnel,
10 equipment, expertise, anything of that nature, I
11 want to give you a heads-up, and I would ask that
12 you kindly make that available to us at the
13 earliest possible opportunity. And he was very
14 supportive.

15 Q. And I understand, and I will take
16 you to tab 29, Exhibit No. 6954, and we can see
17 that the timing here. At 10:20 p.m., a statement
18 is released from your office, and this would have
19 obviously been after the 8:30 phone call, after you
20 are of the belief that there is going to be a Plan
21 B pursued.

22 And it states that:

23 "Ontarians have been hoping and
24 praying that rescuers could reach
25 any survivors in the rubble of the

1 collapsed Algo Mall in Elliot Lake.

2 Today, we learned that the
3 remaining structure has
4 de-stabilized further. Authorities
5 on the scene believe it has become
6 extremely difficult to predict
7 whether it may collapse and that
8 further rescue efforts could
9 endanger the lives of the rescuers".

10 And this is the part that I want to get
11 your comment on, please:

12 "I have spoken to Emergency
13 Management Ontario and the Heavy
14 Urban Search and Rescue Team and
15 have instructed them to determine if
16 there is any other way possible to
17 reach any victims without
18 endangering our rescuers, including
19 the use of equipment to dismantle
20 the building from the exterior".

21 And my question is the term "have
22 instructed them", could you comment on what you are
23 conveying here?

24 A. Right. So the use of the word
25 "instructed" was deliberate, and it is to convey in

1 the strongest possible way without crossing a line
2 into operations that I wanted the people on the
3 ground to use their own judgment and make a
4 determination as to whether or not there might be
5 something else that we might do to get to the
6 victim or victims.

7 And one of the things we specifically
8 discussed on the call was the use of equipment to
9 dismantle the building from the exterior. There
10 might have been -- so this was my idea of a Plan B.
11 I was also encouraging them the say if you have got
12 a Plan C or D or E or an F, bring it out, all
13 right, but I think we got to keep trying.

14 Q. I'm now going to move ahead now to
15 the Tuesday, that is, the 26th of June. It is my
16 understanding that Mr. Hefkey was dispatched to
17 Elliot Lake on the Tuesday, and what was the
18 purpose in having him attend, a person of his
19 senior stature attend at Elliot Lake?

20 A. Because -- he was there because
21 this was a crisis that warranted his presence on
22 the ground, and amongst many things that he could
23 do here, he could help with communications. He
24 could be the face that spoke to the media on a
25 regular basis.

1 Q. Speak to the media on behalf of
2 whom?

3 A. Of the rescue operation.

4 Q. Both municipal and provincial?

5 A. Correct.

6 Q. Now, I understand that on the
7 Tuesday you spoke to Mayor Hamilton, and you'll
8 find that in the second volume, I believe, sir, at
9 tab 1, and this would be Exhibit No. 8424. And
10 that would be the second of three e-mails in that
11 tab, sir.

12 A. Yes.

13 Q. Okay. And this is dated the 26th
14 of June, that is, the Tuesday, 12:31 p.m. It makes
15 the notation. This is Mr. O'Leary, indicating:

16 "[...] further to this, the Mayor
17 has told the Premier he is
18 'desperate' for comms support on the
19 ground."

20 Do you have a recollection of this
21 aspect of your call with the Mayor?

22 A. Yes. I felt that he was
23 struggling to manage the huge number of media
24 requests and to balance that with his other
25 responsibilities.

1 Q. And I understand that later that
2 afternoon, Mr. O'Leary was sent up to Elliot Lake?

3 A. Yes. I asked that Mr. O'Leary
4 attend here, be present to provide the Mayor with
5 any communications support, if he could, but also,
6 just as importantly, to be my eyes and ears on the
7 ground, so I had a better sense of exactly what was
8 happening and how things were unfolding.

9 Q. So Mr. O'Leary was really carrying
10 two briefs --

11 A. Yes.

12 Q. -- on that trip?

13 A. Yeah.

14 Q. One of which would be in direct
15 response to the request from the Mayor?

16 A. Yes.

17 Q. Okay. And if we can go to Exhibit
18 No. 8422, Ms. Kuka, this is just another aspect of
19 that phone call, and it is in the same tab; it is
20 the first e-mail in that same tab.

21 A. Yes.

22 Q. It indicates at 12:25, this is an
23 e-mail from Laura Miller to John O'Leary:

24 "Premier spoke to the Mayor.

25 Mayor agrees he should call the

1 families. He says they are under
2 the care of the OPP. Can we please
3 get that contact information?"

4 Could you please flesh out for us that
5 aspect of the call.

6 A. Yes. So I would have asked the
7 Mayor if he thought it would be appropriate for me
8 to contact the families directly. So I was
9 concerned about what was happening in the
10 community, given the roller coaster ride they had
11 just been through. So they had been told the
12 rescue was off, and then they were told it was back
13 on. But my special concern was for the family
14 members, so I thought it would be appropriate for
15 me to contact them directly.

16 Q. And did you?

17 A. Yes, I did.

18 Q. Okay. And was that face-to-face
19 or was that by virtue of phone?

20 A. Over the telephone.

21 Q. Okay. And who did you speak to?
22 Do you recall?

23 A. I --

24 Q. Which families that you spoke to?

25 A. The Aylwin family and the

1 Perizzolo family. I can't recall exactly who was
2 on the other end of the line. Not having seen
3 them, it makes it harder for me to remember them.

4 Q. Sure.

5 A. But I do remember expressing my
6 support for them, offering them my encouragement,
7 letting them know that we had found another way to
8 restart the rescue operation, to let them know that
9 Ontarians were thinking of them and held them in
10 their thoughts and prayers.

11 Q. Now, so by the end of Tuesday,
12 that is, the 26th, you would have the knowledge
13 that the rescue was moving forward with the
14 assistance of the Priestly equipment. You have
15 dispatched two very senior and very capable people
16 to assist with the management of the incident at
17 Elliot Lake. At that stage, that is, on the
18 Tuesday evening, what did you see your role -- did
19 you feel at that point in time you should be going
20 to Elliot Lake yourself, or where did you feel that
21 you were best situated to assist in this matter?

22 A. Well, that is a question that
23 always arises when there is a crisis and emergency;
24 there is a tornado or the power goes out, a flood,
25 those kinds of things. So what is the best time

1 for the Premier of the day to attend physically in
2 the community? And I always -- there are no rules
3 guiding these kind of things, so I try to use good
4 judgment and not to be there at a point in time
5 where I constitute a distraction to work that is
6 ongoing, and I felt that it was still premature for
7 me to attend in the community.

8 From downtown Toronto, I was able to do
9 what I had been able to do so far and didn't feel
10 that I was in any way impeded from getting that
11 done through my offices.

12 I knew there was going to come a point
13 in time when I would have to visit the community,
14 but it wasn't -- to my way of thinking, it was not
15 on Tuesday night.

16 Q. Now, we'll move forward to
17 Wednesday. Wednesday is the day, of course, that
18 the bodies were recovered from the scene. It is my
19 understanding that you had a short call with the
20 Mayor in the early afternoon of the Tuesday; this
21 is at a point in time when you have become aware of
22 the fact that bodies have been recovered?

23 A. Yes.

24 Q. Okay. And what was the content of
25 that call?

1 A. Essentially to let him know that I
2 was on my way; that I would be meeting some people
3 there; that I wanted to spend the night; and that I
4 wanted to devote the next day to meeting with him
5 and members of the community so we could begin to
6 put together a plan for recovery for the community.

7 Q. So you did go to Elliot Lake?

8 A. Yes.

9 Q. That same day?

10 A. Uhm-hmm.

11 Q. Okay. And I understand that one
12 of your first, if not your first order of business
13 when you arrived here was a meeting with the
14 families.

15 A. That's correct.

16 Q. And can you describe that for us,
17 please?

18 A. Yes. I attended a meeting. It
19 was held over at the OPP detachment, and I had an
20 opportunity to meet with the closest loved ones of
21 those who had lost their lives, and I took the
22 opportunity to express my condolences on behalf of
23 Ontarians and to offer them my encouragement and
24 support.

25 Q. And was this a five-minute affair

1 or --

2 A. I expected it to be maybe 15
3 minutes. That is what we had tentatively
4 scheduled, but it went at least an hour, and one of
5 the family members was very distraught and went on
6 at some length, and I --

7 Q. Distraught about --

8 A. Distraught about the --
9 essentially about the rescue being shut down.

10 Q. Okay. The decision announced on
11 Monday?

12 A. Yes. And so I thought it would be
13 inappropriate for me to leave that and to be -- to
14 leave our meeting at that time, and it was better
15 for me to stay there and listen, listen to this.

16 Q. And were you able to give them any
17 message in the course of this meeting besides just
18 being sympathetic?

19 A. We may -- I'm not sure whether or
20 not we did at that time, but one of the things I
21 was already giving some thought to was we were
22 going to need some kind of a process to better
23 understand what happened, to learn what mistakes
24 might have been made, and to produce
25 recommendations to the benefit of all Ontarians.

1 So I don't know whether I broached that
2 subject with the family members at that point in
3 time, but it is possible that I did.

4 Q. Was there any discussion about
5 helping the families with funeral costs?

6 A. I'm not sure, again, whether that
7 came up at that particular point in time, but that
8 did come up subsequently, and that was something
9 that I immediately said, "Yes, we will help you
10 with those."

11 Q. Okay. And I --

12 A. It may have been Mr. Mantha who
13 raised that. I can't recall.

14 Q. I neglected to ask you at the
15 start of the discussion about the meeting with the
16 family, besides yourself, who else was present, to
17 the best of your recollection?

18 A. I believe Ian Davidson, the Deputy
19 Minister, was there.

20 Q. Yes.

21 A. Commissioner Hefkey, and John --

22 Q. I have a notation that Minister
23 Meilleur was there. Does that ring a bell?

24 A. Yes, yes. And John O'Leary, I
25 believe, was there as well.

1 Q. And what about the Mayor? Was he
2 present?

3 A. The Mayor was present, and the
4 Mayor was the subject of all of this lengthy
5 criticism.

6 Q. And did he remain or --

7 A. He remained and showed remarkable
8 restraint.

9 Q. And did he remain throughout the
10 meeting or --

11 A. Yes, he did.

12 Q. Now, after the meeting with the
13 Mayor, you had an occasion to make yourself
14 available to the press outside, and you can find
15 that at tab 17, and that is Exhibit No. 8979. And
16 do you recall this? It is titled "Media
17 Availability"?

18 A. Yes. But just to interject,
19 between the meeting with the family and my media
20 availability, I met with the search and rescue
21 people on the ground and thanked them, shook their
22 hands, thanked them.

23 Q. And would this have included Mr.
24 Neadles, or are you looking at essentially the
25 troops?

1 A. These would be the troops, to use
2 your word.

3 Q. Okay. And just a couple of points
4 I want to discuss with you here. The first one is
5 in the second paragraph:

6 "I arrived at Elliot Lake just a
7 short while ago, but, like the rest
8 of Ontarians, my thoughts and hopes
9 have been with you since Saturday.
10 Since my arrival, I've had the
11 opportunity to speak with Mayor
12 Hamilton and other officials."

13 Was this discussion with Mayor Hamilton
14 a substantive discussion or simply we'll talk about
15 these issues later?

16 A. We'll -- it is the latter, yeah,
17 so it would have been -- I would have had a very
18 brief time for a pull-aside with the Mayor. He
19 knew that we were going to be spending some time
20 together the next day.

21 Q. Fair enough. And then you go on
22 to mention:

23 "I have spoken with some of the
24 courageous people who have been
25 working so hard as part of our

1 Emergency Response Team."

2 Which you have just mentioned, that you
3 shook the hands of a number of them.

4 A. Yes.

5 Q. (Reading):

6 " And I met with the families of
7 Dolores [sic] and Lucie in their
8 time of grief. I conveyed to those
9 families that they've been in the
10 thoughts and prayers of Ontarians
11 since this tragedy struck your
12 community. Those families, like
13 your community, have inspired us
14 with your strength and your
15 courage."

16 If we can scroll down to the bottom of
17 the page, please, the second-last paragraph
18 indicates:

19 "Today, as you've heard, we
20 recovered the bodies of Dolores
21 [sic] and Lucie. As we all know we
22 were going to do everything we could
23 to return them to their families
24 where they belong. We owe that to
25 the families. We owe that to all

1 the people of Elliot Lake."

2 And then the part I'm interested in
3 here is:

4 "And there's something else we all
5 owe each other. We need to
6 carefully review how we responded to
7 this tragedy. My undertaking to you
8 and to all Ontarians is we will
9 learn any lessons there are to be
10 found here. Ontarians are committed
11 to having in place at all times a
12 world-class emergency response
13 system."

14 Did you have anything in mind when you
15 made that statement, and if so, what was it, and
16 how does this Inquiry factor into that statement?

17 A. I did not have a specific process
18 in mind, but I knew -- all my political instincts
19 told me that this warranted a thorough and
20 thoughtful review. A search had been on, and then
21 it was off. And then there was heavy equipment
22 that became necessary, and that was located some
23 distance away. And when time is a factor, I think
24 we needed to look at those kinds of questions.

25 So I already knew, and people had been

1 raising this, and legitimately so. This is -- you
2 know, there are all kinds of rescue operations.
3 None of them are conducted perfectly. But this one
4 I think called out for a review.

5 Q. Okay.

6 A. And let me just say this, if I
7 may. This takes away nothing from the rescue
8 workers themselves. These are men and women who
9 volunteer for these responsibilities, and every
10 cell in their body screams out for still finding a
11 way to go forward and finding a way to effect a
12 rescue, trying to get the people and to be helpful.
13 So I just want to make that clear.

14 Q. And just before we leave that,
15 where does this Inquiry fit in terms of -- I know
16 you weren't thinking about it at the time, but
17 where does that Inquiry fit in terms of
18 ultimately --

19 A. Well, this is my answer to the
20 question of what is it that we need to do to better
21 understand precisely what happened and to obtain
22 recommendations that we can adopt province-wide to
23 ensure that we continue to have in place in Ontario
24 a world-class emergency response system.

25 Q. Now, you stayed in the community

1 the Tuesday night -- sorry, the Wednesday night,
2 and you met on Thursday with a number of people and
3 groups, and I would like you the tell us about
4 that.

5 A. Right. So after I dealt with the
6 media, I went to -- and I can't recall whether it
7 was a community centre or a church basement, again,
8 to thank volunteers, including those who had been
9 involved in preparing meals for the volunteers who
10 were visiting from out of town.

11 Somebody in the community kindly put me
12 in up in their home, so I stayed here. There was
13 no room available in Elliot Lake at the time.

14 The following morning, I met with the
15 Mayor, and we began to canvass the issues that were
16 a little bit more medium-term, economic in
17 particular. I met with the Mayor and some City
18 representatives. That was one meeting. I had
19 another meeting with some business representatives.
20 I think Mr. Mantha might have been assisting one of
21 those meetings in the afternoon, as I recall, just
22 to get a sense of what the issues were going to be
23 over the medium and long-term here in Elliot Lake.

24 Q. And what was the sense that you
25 came away from? What message were the local

1 officials giving you?

2 A. They were telling us that they
3 were going to need help, and my answer was, we are
4 going to give you help.

5 Q. And just jumping ahead here,
6 ultimately what form did that help take?

7 A. Well, financial support for
8 businesses; financial support for the community to
9 develop an economic plan; this building, its
10 retrofitting and restoration, the decor that takes
11 you down the stairs. There is a library here that
12 we helped fund. I know that we bought books as
13 well to ensure that it was well stocked. I came to
14 understand quickly that this library is very
15 well-used.

16 I had the opportunity to see families
17 and children here in a dance class last night, so
18 this building I think is a powerful testament to
19 our commitment to this community.

20 There were other things as well that we
21 got involved with. For example, I recall we were
22 very concerned about what was going to happen to
23 jobs as a result of the mall collapse. I recall
24 phoning Bonnie Brooks who heads up The Bay because
25 The Bay owned at the time Zellers, and I wanted to

1 see if there was any way possible that Zellers
2 could keep those people on the payroll, so those
3 kinds of things we were --

4 Q. And did they?

5 A. I can't recall. I think I got a
6 positive answer, yeah.

7 Q. Okay. And did you specifically
8 task people within your office to move this
9 initiative forward?

10 A. Yes. So first of all, John
11 O'Leary, who is responsible for issues management,
12 I told him that, "John, just because the crisis is
13 over so to speak, doesn't mean our sense of
14 responsibility to the community is at an end. They
15 are going to need some help going forward, so we
16 need to stay on the file."

17 And then I also asked Karim Bardeesy,
18 who is in my policy shop, who is responsible for
19 economic issues to reach out to the community and
20 let them know that he had been tasked by me to work
21 with the community on economic development issues.

22 Q. And were you keeping yourself
23 informed, not in a micro sense, but in a macro
24 sense of the events as things moved forward?

25 A. Yes. From time to time, John

1 would inform me of what was happening here, and I
2 visited the community on another occasion as well
3 to get a sense of what was happening and to open up
4 this building, for example. I visited the local
5 high school as well.

6 Q. At about 10:30 in the morning, you
7 had another media availability here, and that is
8 captured at tab 25 and that is Exhibit No. 9084.
9 And I just want to get your comment on one aspect
10 here. If we look at the very last sentence of your
11 opening paragraph, it says:

12 "This town, these people, the
13 search and rescue team, they never
14 quit".

15 And dropping down:

16 "They never abandoned. I think
17 it's important for us to all
18 understand that. That's one of the
19 things that the people and the city
20 representatives and the search and
21 rescue team have impressed upon me.
22 There was some unfortunate
23 miscommunication that somehow
24 conveyed that the search and rescue
25 team were putting down tools. That

1 was never in fact the case."

2 And I will just stop there. What was
3 the factual basis for that statement that you are
4 making here, that it was some unfortunate
5 miscommunication that somehow conveyed that the
6 search and rescue team were putting down tools?

7 A. Right. If I might start by saying
8 all the information that I had received up to and
9 during the call that constituted my intervention --

10 Q. The 8:30 call?

11 A. The 8:30 conference call on Monday
12 night, all that information told me the search and
13 rescue operation was off, and that there was no
14 Plan B, and nobody told me anything to the
15 contrary.

16 Q. And that is including as well the
17 call itself?

18 A. Exactly, including the call
19 itself.

20 Q. Right.

21 A. Now, between that call and this
22 time, it had been brought to my attention, and I
23 accepted this at face value that there had, in
24 fact, been a Plan B that was in the works
25 unbeknownst to me, never conveyed to me, and that

1 this was more of a timeout to regroup and rethink
2 and recommit. Again, based on everything I had had
3 up to and including the call itself, the 8:30
4 conference call, that was not my understanding, but
5 in the intervening period, I had heard, I had been
6 briefed by John O'Leary in particular there had
7 been some press conferences up in Elliot Lake, that
8 Commissioner Hefkey had spoken, Staff Inspector
9 Neadles had spoken, the Mayor had spoken, and they
10 have all said, "Well, actually, no. There was
11 always another plan that they had been working on."

12 Well, I then took that at face value,
13 and this is an expression of that.

14 Q. Did you, at any point in time
15 other than the 8:30 call, did you ever speak to
16 Bill Neadles?

17 A. No.

18 Q. Okay. So the information about
19 the Plan B --

20 A. Yes.

21 Q. -- was always -- it was never from
22 the horse's mouth to the extent of the leader of
23 the Toronto HUSAR team?

24 A. That is correct.

25 Q. Okay. It was always reports you

1 are getting from other sources?

2 A. Yes.

3 Q. And lastly, I just wanted to give
4 you an opportunity to share your thoughts or any
5 ideas you have for the Commissioner in terms of
6 dealing with emergencies in the future. What can
7 you share with us in terms of bettering the status
8 quo?

9 A. Well, I'm hopeful that the
10 Commission and the Commissioner will understand
11 that fortunately, these emergencies happen only
12 from time to time, and if we are very lucky rarely.
13 And when we do bring people together -- remember,
14 what we have in place now is we have a construct
15 here that is designed to replicate the building of
16 the barn. All right? In the old days, the barn
17 burns down. We are all going to come together, and
18 we are all going to help out. We are all going to
19 pitch in.

20 So we have put in place rules and
21 regulations and processes and protocols, and we
22 have got people with various titles. They all have
23 their own cultures, and we ask that they come
24 together in short order and give effect to this
25 noble human aspiration to help people in the time

1 of need.

2 Well, it sounds wonderful. It sounds
3 lovely on paper. But sometimes there are different
4 cultures that don't integrate very easily.
5 Sometimes they are jockeying for position as to who
6 in fact has ultimate responsibility. Sometimes
7 people in smaller communities simply don't have the
8 capacity to take on the management of a crisis of
9 this nature.

10 So, you know, I just -- what we try to
11 do through our government is put in place a system
12 that gives effect to this human desire to help
13 people out in times of need.

14 Now, to be a bit more specific -- that
15 is kind of the philosophical framework -- I think
16 we need to have somebody here faster from Emergency
17 Management Ontario on the ground. My own
18 experience as well is I would have had John O'Leary
19 here faster on the ground.

20 I think we need to ensure that just
21 because your community is remote or in Northern
22 Ontario, that somehow you are not disadvantaged
23 when it comes to the resources that are deployed to
24 effect a rescue.

25 We will have to give some thought to

1 how we can -- at what point in the course of a
2 rescue does somebody say, "Get that machine on a
3 rig"? And it happened, I would argue, too late
4 here for us to give -- for that to happen, but I
5 think we need to give that some kind of thought.

6 So those are some general observations.

7 I think I might say as well that there
8 is a tremendous amount of goodwill that is brought
9 to bear in these kinds of things, and we want to
10 find a way to be as seamless as we possibly can in
11 bringing to bear the very best that we can, whether
12 it is people and resources, just working together.

13 Q. Okay. Thank you, Mr. McGuinty. I
14 will turn over the microphone to my colleagues.

15 A. Thank you.

16 Q. Thank you for your help.

17 THE COMMISSIONER: Thank you,
18 Mr. Wallace.

19 Mr. Curry or Ms. Campion, any questions
20 in-chief?

21 MR. CURRY: Mr. Wallace has covered the
22 questions that we had, Mr. Commissioner, at this
23 point, and I'm grateful. Thank you.

24 THE COMMISSIONER: Thank you.

25 And we will open the floor then to

1 Mr. Broadbent to begin with.

2 CROSS-EXAMINATION BY MR. BROADBENT:

3 Q. Sir, my name is Broadbent, and I
4 represent ELMAC, which is a community grassroots
5 organization comprised of many people who were
6 affected by the collapse.

7 I only have a few questions for you,
8 but before I start, I just want to note for you
9 that you have convened this Inquiry, and I want to
10 commend Mr. Commissioner and his Counsel. They
11 have been tremendously thorough. They have served
12 you and the people of Ontario very well, going very
13 thoroughly through the material and with dignity.
14 As this is my last opportunity to address you, sir,
15 I just want to thank you for the privilege of doing
16 so and tell you it has been really an honour.

17 Just a few questions, Mr. McGuinty.

18 In today's environment, as our
19 infrastructure ages and decays and post-9/11 with
20 what seems to be a constant threat or concern of
21 terrorism, domestic possibly and otherwise, I take
22 it you would agree with me that organizations or
23 agencies like HUSAR are pretty important?

24 A. Very.

25 Q. Yeah. And, you know, we don't

1 expect police officers and fire fighters who are
2 ordinarily trained for other endeavours to go into
3 situations like we have had in this situation. We
4 need agencies like HUSAR to provide that kind of
5 service.

6 A. That is correct.

7 Q. It would be folly to send police
8 officers, untrained police officers and fire
9 fighters without equipment and training into these
10 kinds of situations.

11 A. It would be both to do them and
12 the public they serve a disservice.

13 Q. Now, in order for the continuation
14 of HUSAR, I imagine -- I mean, this is not a
15 volunteer organization that depends on voluntary
16 contributions and so on. This agency exists as a
17 result of funding from the Province and other
18 sources.

19 A. Yes.

20 Q. Yeah. It is my understanding that
21 one of those sources was the Federal Government; is
22 that true?

23 A. Yes.

24 Q. And can you tell me what became of
25 the Federal Government funding component, or is

1 that -- does that continue to this day? Do you
2 know?

3 A. I am not current. I do recall at
4 one point in time there was a threatened reduction
5 in support on the part of the Federal Government.
6 I'm not sure if that, in fact, happened.

7 Q. All right. Do you know what that
8 does or what that has meant to the ongoing ability
9 of HUSAR to serve the people of Ontario?

10 A. I -- no, I cannot speak to that.

11 Q. All right. But I would imagine
12 that the federal component is pretty important to
13 the existence of the agency.

14 A. You know what I can say is that we
15 need to ensure that we have the capacity available
16 at all times of a highly skilled group of men and
17 women with expertise in the search and rescue
18 operations. And the fact of the matter is we are
19 blessed with very capable people working inside our
20 police services who volunteer for this extra
21 training and to put themselves, ultimately if
22 called upon to do so, in positions of great risk to
23 themselves.

24 So we have got a lot of goodwill. We
25 have got a lot of good people. We have to got to

1 make sure that as a society we find a way to make
2 sure they have got the necessary financial support.

3 Q. Yes. If we could just turn
4 briefly to Exhibit No. 8162, Ms. Kuka, particularly
5 page 3.

6 A. I wonder if somebody could help me
7 with the tab on that.

8 Q. Yeah, I'm sorry. I don't know.
9 My friends here probably -- it is Exhibit No. 8162.
10 It is the briefing notes, I believe, by
11 Mr. O'Leary. There you are.

12 MR. WALLACE: That is tab 13.

13 BY MR. BROADBENT:

14 Q. I apologize. I don't have the
15 same hard copy that you have.

16 A. Okay.

17 Q. So I'm just looking -- no, I don't
18 think this is it.

19 MS. KUKA: This page?

20 MR. WALLACE: Is that what you want,
21 the briefing notes?

22 MR. BROADBENT: No. I'm sorry.
23 Exhibit No. 8162, I'm fairly certain of that,
24 second-last paragraph.

25 MS. KUKA: On what page, the first

1 page?

2 BY MR. BROADBENT:

3 Q. The very last page. Yes, there it
4 is. I'm sorry. I had trouble finding it
5 initially.

6 During the course of this exchange, you
7 were obviously very concerned about the possibility
8 that individuals are remaining within the
9 structure.

10 But I'm sure you are also concerned
11 about how the event has come to be, and it does
12 appear by virtue of the second-last paragraph that
13 there is some consideration of that, and I will
14 read the last sentence of that paragraph:

15 "There has been some speculation
16 that the roof had been leaking and
17 repairs had recently concluded, but
18 we won't know the cause until MOL
19 can investigate".

20 Do you recall the discussion relating
21 to this issue?

22 A. It would have been very limited at
23 this point in time.

24 Q. Sure.

25 A. And it would have been brought to

1 my attention -- somebody at some point along the
2 way would have said, "We have learned that there
3 have been some problems at this building over an
4 extended period of time."

5 Q. All right. Do you remember who
6 that was and --

7 A. Just, sorry, somebody from within
8 my office.

9 Q. I understand. All right. And
10 finally, I know that in your days here in Elliot
11 Lake, the 27th, the 28th, you were looking forward
12 to what would need to be done to -- the 27th and
13 28th of June, of course, I'm speaking of.

14 A. Yes.

15 Q. You were looking forward to what
16 needed to be done to maybe improve things or at
17 least a time for introspection and reflection and
18 to see that what was done was done properly and if
19 things could be done better. You were also
20 concerned about other issues, I'm sure.

21 I'm wondering, during the course of
22 your administration, one of the issues that has
23 always haunted, I think, the Government of Ontario
24 and certainly yours is the issue of medical
25 services in the north and the shortfall of services

1 for folks in the north, you know, the waiting lists
2 for family physicians and the shortfall of mental
3 health services. You would agree with me that that
4 has been an issue that you had to contend with?

5 A. Yes, yes. It has always been an
6 issue, and I think we did some things to respond to
7 that.

8 Q. And I am not -- please, don't --
9 despite my name, I don't have a political agenda,
10 so I'm just -- you know, this is something that has
11 been universal, I think, for the Governments of
12 Ontario to contend with.

13 What I am getting at, sir, is that
14 obviously a great number of people are going to be
15 affected mentally by what happened here, and what I
16 am wondering is what contingencies or what
17 arrangements were made or were discussed at least,
18 because I know that there were no mental health
19 services brought into the community; you would
20 agree with that? There were no additional mental
21 health services brought into the community.

22 A. I can't speak to that.

23 Q. Okay.

24 A. So I'll take your word for it.

25 Q. All right. But was it ever a

1 consideration in any of the meetings that you were
2 involved in?

3 A. Not that I can recall, but it
4 would certainly not be -- it strikes me as not
5 being unreasonable --

6 Q. Right.

7 A. -- for that kind of a
8 consideration, for that kind of an issue to be
9 raised and consideration to be given to it.

10 Q. All right. And flowing from that,
11 if it wasn't done, then that would be unreasonable?

12 A. Well --

13 Q. If services were not brought in --

14 A. Yeah. I'm not sure I'm prepared
15 to go that far.

16 Q. Okay. That is fine. Thank you
17 very much.

18 A. Thank you.

19 THE COMMISSIONER: Thank you.

20 Next, Ms. McKenna?

21 CROSS-EXAMINATION BY MS. MCKENNA:

22 Q. Hi, Mr. McGuinty.

23 A. Hello.

24 Q. My name is Carolyn McKenna, and I
25 am Counsel for the Ontario Association of Fire

1 Chiefs.

2 A. Yes.

3 Q. I just wanted to follow up on some
4 of Mr. Broadbent's questions regarding the funding
5 of public safety initiatives in the Province.

6 So, I mean, you have expressed that the
7 funding of these public safety initiatives is
8 obviously relatively important in the Province, and
9 this is because it directly affects the Province's
10 ability to respond to emergencies where the lives
11 of citizens in this Province may be at risk;
12 correct?

13 A. Yes.

14 Q. Okay. And, in fact, in the
15 transcript of your press conference that we saw
16 earlier today, you said that, in fact, Ontarians
17 are committed to having in place at all times a
18 world-class emergency response system, and
19 obviously a world-class emergency response system
20 requires sufficient funding; correct?

21 A. Yes.

22 Q. Okay. And then with respect to
23 enhancing public safety in the Province as well as
24 nationally to a certain extent, you are obviously
25 aware that there was the development of the Toronto

1 HUSAR team who attended in Elliot Lake; right?

2 A. Yes.

3 Q. Okay. And we heard Commissioner
4 of Community Safety, Dan Hefkey, testify earlier in
5 this Inquiry that if Toronto were to lose its Heavy
6 Urban Search and Rescue capability, that there
7 would be no team in Ontario capable of maintaining
8 an Urban Search and Rescue for longer than 24
9 hours. So in light of that, I take it you would
10 agree with me that the loss of this Heavy Urban
11 Search and Rescue capability would negatively
12 affect the province's ability to respond to certain
13 emergency situations, such as the one that took
14 place in Elliot Lake?

15 A. I believe so, yes. I could say,
16 you know, we are closing in on the 14 million mark
17 here in Ontario in terms of population. About 40
18 percent of Canada resides here. We are big enough
19 to have in place a team like HUSAR that is
20 available, and it is at the ready whenever
21 something like this should unfortunately happen.

22 Q. Right. And Mr. Broadbent talked a
23 little bit about the federal funding aspect of the
24 HUSAR team, and I take it you are aware that this
25 was called the Joint Emergency Preparedness

1 Program, or JEPP as we have been calling it? You
2 are aware of it?

3 A. Some vague recollection of that,
4 yes.

5 Q. Right. And so you are aware that
6 the Federal Government developed that program to
7 enhance the capacity to respond to emergencies
8 across Canada by offering funding for training and
9 emergency response equipment.

10 A. So you tell me.

11 Q. Yes.

12 A. Yes.

13 Q. You have no reason to disagree
14 with that.

15 A. I believe you, yes.

16 Q. Okay. And then obviously you are
17 aware that this funding was recently cut by the
18 government; correct?

19 A. Yes. I heard -- I had heard that
20 it was -- I can't recall whether it was cut or
21 there was a threatened cut, but there was some
22 discussion about it for certain.

23 Q. Right. Well, my understanding was
24 that it was announced that it was going to be cut
25 in the spring of 2012, and so you would have still

1 been in office at that time; correct?

2 A. Yes.

3 Q. Okay. And I'm just wondering
4 whether you had heard about that cut while you were
5 in office and, if you had, did you direct anybody
6 to consider whether the provincial government could
7 make up the shortfall?

8 A. I can't recall how we reacted to
9 that news, and it would not be unusual for the
10 appropriate minister to weigh in on the matter and
11 to express concerns directly to his or her federal
12 counterpart to make sure that that level of funding
13 was not, in fact, cut.

14 And I don't believe that we, certainly
15 under my administration, had cut our share of the
16 funding.

17 Q. Right, no, and that is not my
18 understanding either.

19 A. Yes.

20 Q. But you would agree that the
21 provincial government ought to consider whether it
22 is able to make up that shortfall in federal
23 funding for the emergency response program in the
24 Province?

25 A. It is a good thing to consider

1 those kinds of things, but to do so as well in
2 concert with a broader understanding of all the
3 competing demands for limited dollars.

4 Q. Right. Okay. Thank you. Those
5 are my questions.

6 A. Thank you.

7 THE COMMISSIONER: Mr. Thorne? No
8 questions.

9 Mr. Oliver?

10 MR. OLIVER: I'm waiting to hear from
11 other counsel.

12 THE COMMISSIONER: Mr. Cassan?

13 Ms. Smith?

14 CROSS-EXAMINATION BY MS. SMITH:

15 Q. Good morning, Mr. McGuinty. My
16 name is Kristin Smith, and I represent the Province
17 of Ontario.

18 So you spoke briefly about other
19 emergencies that you attended while you were
20 Premier, and if you could just describe for us
21 briefly what some of those emergencies were.

22 A. I think the first one I had to
23 confront was a flood in Peterborough.

24 More recently, there was -- so these
25 won't be in any particular order. There was a

1 tornado in Goderich.

2 There was another tornado, I believe,
3 in the Leamington area.

4 There was -- there were forest fires in
5 Northern Ontario, some of which were more dangerous
6 than others, which involved me.

7 There was an explosion of a gas -- a
8 propane facility of some kind in the GTA, as I
9 recall. So there had been a number along the way.

10 Q. And you indicated that with
11 respect to this emergency, on the Tuesday evening,
12 you considered at that point whether you should
13 come up at that time, and you determined that that
14 was not the right time, and you would come possibly
15 the next day, which you did on the Wednesday.

16 A. Uhm-hmm.

17 Q. Can you describe to us what
18 factors you consider when you are deciding at what
19 point in time you should attend to the scene of the
20 emergency in the community?

21 A. It is hard to put it into words.
22 It is more a matter of a sense of where things are
23 at a particular point in time.

24 And in this particular case, in Elliot
25 Lake, I thought that once they had recovered the

1 two bodies and that the rescue operation had come
2 to a close and all reasonable efforts had been
3 expended, I thought that I could be part of the
4 closure, part of the turning of the page, the
5 formal beginning of the grieving process, and then
6 what is it we might do to build a stronger Elliot
7 Lake going forward.

8 That was just my judgment call.

9 Q. And I take it too that one thing
10 that may have provided you with some sort of
11 comfort in your decision not to attend immediately
12 on that Tuesday evening was that you knew that
13 Commissioner Hefkey had already arrived in Elliot
14 Lake at that time, and also you mentioned that a
15 member of your staff, Mr. O'Leary, had --

16 A. Yes. I think I recall putting out
17 a press release commending Commissioner Hefkey as
18 well for the way he conducted himself at one
19 particular press conference or something like that.
20 So he was here, he was on the ground, and he was
21 performing well.

22 Q. Okay. Thank you. I want to take
23 you briefly to the evening of June the 25th, that
24 is the Monday evening, and the Inquiry before today
25 has also heard evidence in this phase that other

1 people involved with the rescue operation on the
2 ground, the first responders, were considering
3 demolition as an option on that evening. And I
4 would like to take you to that call that you had
5 with Mr. Neadles, Mr. Hefkey, and others around
6 8:30, and I want to take you to Mr. Hefkey's notes,
7 which are Exhibit No. 7812. If I could possibly
8 ask my friend for a tab number?

9 MR. WALLACE: 13.

10 BY MS. SMITH:

11 Q. Thank you, Mr. Wallace. And if we
12 could go to page 007 at the top, please.

13 A. This is the Elliot Lake chronology
14 document?

15 Q. Yes.

16 A. Right. Okay.

17 Q. And if you look at the bottom of
18 the page, there is page numbers.

19 A. Yes.

20 Q. If you could go to 007 in your
21 tab.

22 A. Yes. Okay. Uhm-hmm.

23 Q. And you will see at the top of the
24 page, it indicates:

25 "Participated in conference call

1 with Premier, Deputy, Secretary of
2 the cabinet, Debbie Conrad, Bill
3 Neadles, Ted W.", that is Wieclawek,
4 the Fire Marshal, "Allison S.",
5 Stuart, being the Chief of Emergency
6 Management, "and David Livingstone."

7 So this is the call that you were on
8 that you had asked to be convened?

9 A. Yes.

10 Q. If we go about halfway down the
11 page, it indicates:

12 "Bill", being Mr. Neadles,
13 "mentioned Priestly Construction as
14 an option given the experience he
15 had with them during the Bloor
16 Street collapse."

17 Now, Mr. Wallace had asked you whether
18 you recalled whether Priestly was mentioned, and I
19 just wanted to bring these notes to you to see if
20 they jogged your memory whether Priestly was
21 mentioned on the call?

22 A. Again, I can't -- I don't remember
23 it being mentioned. It could have been mentioned.
24 And again, there -- it may be as well that it was
25 mentioned after I had removed myself from the call.

1 Q. That is fair. And I take it that
2 you have -- these are Mr. Hefkey's notes and you
3 have no reason to dispute his note-taking here?

4 A. No.

5 Q. Thank you very much.

6 A. Thank you.

7 THE COMMISSIONER: Who is next?

8 Mr. Cassan? No questions. Mr. Oliver?

9 MR. OLIVER: No questions.

10 THE COMMISSIONER: Thank you. Have I
11 overlooked anyone?

12 Any re-examination?

13 MR. CURRY: May I just,

14 Mr. Commissioner, raise two things, or one thing in
15 two documents.

16 RE-EXAMINATION BY MR. CURRY:

17 Q. Mr. McGuinty, if you have the
18 brief, the second volume of the brief that you used
19 with Mr. Wallace, and I would ask you to look,
20 please, at the second-last tab first, tab 29, and
21 it is Exhibit No. 9134, please.

22 Do you see at the top of it, it is an
23 electronic message to Rob deBortoli?

24 A. Yes.

25 Q. And who, at that time, was with

1 the City of Elliot Lake, and is this an e-mail to
2 which you referred or at least from an individual
3 to whom you referred in your office?

4 A. Yes. So this would be actioning a
5 request that I had made.

6 Q. And just explain with the benefit
7 of this e-mail, if you would, please, and just
8 looking -- I'm interested in the issue that
9 Mr. Broadbent raised about social services for the
10 members of the community going forward. Does this
11 assist you in explaining the response that you
12 made?

13 A. Yes. So this was the result of my
14 direction that we have got to stay in touch with
15 the community and see what we can do to help them
16 going forward.

17 Karim Bardeesy is involved with the
18 economic policy, and in this e-mail, he is reaching
19 out to a representative of the City of Elliot Lake,
20 Mr. deBortoli, and if I might read this, he says:

21 "Dear Rob -- it's Karim Bardeesy
22 here, I'm the director of policy
23 from Premier Dalton McGuinty -- just
24 wanted to get in touch to let you
25 know that the Premier has tasked me

1 with being the point person in his
2 office to assist with some of the
3 economic and social support needs
4 that may emerge. John O'Leary has
5 de-briefed on some of the requests
6 and discussions that happened in
7 Elliot Lake, including with the
8 Premier, this week."

9 It goes on to say -- but anyway, if I
10 might conclude with the last two sentences:

11 "I wanted to make sure you had my
12 co-ordinates. My mobile number is
13 [such and such]. Our thoughts are
14 with you during this difficult time,
15 and we stand ready to assist [...]"

16 Which is what I wanted, to make sure
17 that the community understood that we are standing
18 by and let us know.

19 Q. All right. Thank you. And then
20 just on the same subject, can I just ask you,
21 please, to look in your brief. It is the next tab,
22 tab 30. And for others, it is Exhibit No. 9140.
23 People have seen this before, and you have seen it
24 before. These are a collection of Mr. O'Leary's
25 notes.

1 One note that wasn't covered earlier, I
2 would just ask you to look at, please, if you
3 would, and it is at -- perhaps just for context, if
4 you could look at the tenth page of the notes, if
5 you could scroll forward to that, please.

6 And just to orient you, it appears that
7 these are notes made by Mr. O'Leary at the time
8 that you visited --

9 A. Yes.

10 Q. -- the community --

11 A. Uhm-hmm.

12 Q. -- with him and others. And at
13 that time, am I right you had a meeting with Mr.
14 deBortoli and the Mayor, perhaps others as well?

15 A. Yes.

16 Q. And could I ask you then, please,
17 if you look at the very bottom, Mr. O'Leary has
18 made a note there. There is a note with a double
19 asterisk about helping to rebuild the mall and the
20 future of Zellers and is on. And here in his
21 notes, "P" is a reference to you, is it?

22 A. Yes, it is.

23 Q. And there were some discussions
24 that you had that he has noted there, but if you
25 look over the page then, please, just -- that was

1 just to situate you with these. The first line
2 after you are noted to have spoken again, do you
3 see it says:

4 "P: Social services, OW, ODSP:
5 MP, MPP, HRSDC, Algoma Health Unit.
6 Library? On second floor?"

7 And so on, and then the Mayor is -- the
8 Mayor makes a point that Mr. O'Leary noted.

9 Can you just assist the Commissioner
10 with the kinds of subjects that you were discussing
11 with the Mayor and his staff --

12 A. Sorry, this is on 11 now? We are
13 over onto 11 now?

14 Q. Yes.

15 A. Yes, okay. So these are issues
16 that I would have raised specifically with the
17 Mayor. Tell me what you are -- tell me what in
18 particular has been affected adversely as a result
19 of this tragedy, the collapse of the mall. Let's
20 get those on the table, what specifically, and how
21 are we going to address those.

22 So -- and these are some of them,
23 Ontario Works, Ontario Disability Support Program.
24 Where was the MP's office? How do we make sure
25 that the MP has got an office? The MPP,

1 Mr. Mantha's office, what do we need to do in that
2 regard?

3 HRSDC, I cannot recall what that stands
4 for.

5 Q. That is a Federal Government
6 office.

7 A. Right, okay.

8 Q. Human resources.

9 A. Those guys. Then the Algoma
10 Health Unit. So I wanted to get a good
11 understanding -- and the library of course was --
12 in fact, it was so impressed upon me that how
13 valuable the library was to this community, and I
14 think if there was a contest to determine per
15 capita usage in Ontario of a library, this would be
16 one of the top in the Province.

17 When I went back to Queen's Park, my
18 parliamentary Secretary is David Orazietti. I
19 phoned him and said, "David, I have a specific task
20 for you. Find a way to get the library up and
21 running in Elliot Lake. That is your job. I don't
22 need to know all the details. Find a way to make
23 it happen."

24 Q. Right. All right. Thank you. I
25 have no other questions.

1 THE COMMISSIONER: Thank you.
2 Mr. Wallace?

3 MR. WALLACE: I have no further
4 questions, Commissioner.

5 THE COMMISSIONER: Thank you.

6 Mr. McGuinty, thank you very much for
7 coming to Elliot Lake once more. Thank you for
8 your evidence. Thank you for your insights and
9 your thoughtful comments. They are and will be
10 most valuable to the Commission.

11 As you may know, you are our last
12 witness. I have some comments to make before we
13 close up shop for the time being here, and you are
14 certainly welcome to stay in the room or where you
15 are as I make those comments or to leave, as you
16 wish.

17 But I'm certain that the community is
18 equally thankful for the comments that you have
19 made and for your role in relation to this
20 unfortunate tragedy.

21 So thank you.

22 THE WITNESS: Thank you,
23 Mr. Commissioner. I will just stay here.

24 THE COMMISSIONER: You can go ahead and
25 stay there, that is fine.

1 And now then, ladies and gentlemen, the
2 evidence-gathering portion of this Inquiry, as you
3 all know, is at an end, and this is after seven and
4 a half months of nearly continuous hearings. And
5 all that is left now in relation to Part II is to
6 hear the submissions of counsel and of the
7 participants, to hear the oral submissions on the
8 12th of November.

9 [REPORTER'S NOTE: Comments in French.]

10 Roundtables of experts on various
11 subjects that flow from the evidence we have heard
12 will be held in Ottawa for seven days in late
13 November and early December.

14 And I want you to know, I want the
15 public to know that the roundtables will be
16 broadcast live on our website. People in Elliot
17 Lake will be able to view the discussions on the
18 55-inch screen already mounted in the cafe room on
19 the entrance level of this, the White Mountain
20 building.

21 And counsel and members of the public
22 will have an opportunity to ask questions of the
23 panelists via telephone or via e-mail, and specific
24 details will be posted in due course on our
25 website.

1 Now, the decision to hold the
2 roundtables in Ottawa rather than Elliot Lake
3 relates principally to costs which would have been
4 prohibitively high had we decided to have all of
5 those expert participants come here to Elliot Lake.

6 Now, the next task that awaits us is
7 the drafting of the report.

8 [REPORTER'S NOTE: Comments in French.]

9 Commission staff and I must review and
10 analyze the evidence of 125 witnesses, spread over
11 117 days, reported, Madam Stenographer, on how many
12 pages of transcript?

13 THE COURT REPORTER: 28,900.

14 THE COMMISSIONER: 28,900 pages of
15 transcript, of the hundreds of thousands of
16 documents obtained by the Commission through its
17 processes, very close to or -- and I think Ms. Kuka
18 gave me the number this morning. 11,053 have now
19 been made exhibits.

20 I want to thank Commission Counsel for
21 their energy and devotion to this arduous and
22 daunting duty. I would not do them justice by
23 attempting to describe the bewildering amount of
24 work entailed in marshalling and presenting the
25 evidence we have heard.

1 What we have all observed in this, the
2 hearing room, is but the tip of a monumental
3 iceberg of work.

4 With the exception of one short break
5 this summer, they have adhered to a punishing
6 schedule from 9:00 to 5:00 every day, and not one
7 evening, not one single evening or weekend has
8 passed since we first arrived here on Spine Road
9 without a substantial number of them being here
10 well into the evening preparing the next day's work
11 or the next week's testimony.

12 I will say more about them in our
13 report.

14 And similar comments apply to our staff
15 left behind in Ottawa under the direction of our
16 Executive Director Suzanne Labbé who has been
17 indefatigable and very patient.

18 I thank our hearing room staff, Marc
19 Andre Bernard, our registrar, Cassandra Kuka, our
20 document technician, our stenographic
21 professionals, and our technical specialists
22 represented by Paul up there for ensuring a
23 relatively seamless and problem-free proceedings.

24 And I also thank the White Mountain
25 administration and personnel. Those who have

1 worked on previous Commissions have all commented
2 on the superlative quality of these premises. They
3 are the best they have seen, and the public and the
4 press have been well accommodated in the hearing
5 room, the press room, and the overflow room in the
6 cafe room downstairs, and the only comment I have
7 heard, the only complaint I have heard is that the
8 hearing room benches were a little too hard.

9 But there may have been a method to
10 that reality.

11 I'm grateful to our Media Relations
12 Officer, Mr. Peter Rehak, whose depth of experience
13 has ensured a smooth relationship with all media
14 representatives.

15 I thank Counsel for and representatives
16 of the participants for their professionalism,
17 their cooperation, their courtesy, and their
18 helpful disposition.

19 [REPORTER'S NOTE: Comments in French.]

20 Nearly all potential conflicts were
21 resolved through friendly negotiation,
22 accommodation and common sense compromise, and in
23 the end, practical solutions were found to problems
24 of substance and to problems of procedure without
25 recourse to costly and time-consuming formal

1 procedures.

2 But above all, I want to thank the
3 people of Elliot Lake at the institutional and at
4 the personal level for their patience, for their
5 kindness, and for their affability. All of us
6 working on the Commission were made to feel welcome
7 in your beautiful City when we were far away from
8 our homes and our families.

9 [REPORTER'S NOTE: Comments in French.]

10 I personally have received many dinner
11 and social invitations, and I have refused all of
12 them, not because of ingratitude or incivility, but
13 in order to maintain the appearance of neutrality
14 and the absence of bias, and as a result, I ate
15 quite a few lonely microwave TV dinners much to my
16 chagrin, and I think I probably ended up adding an
17 extra notch to my belt as a result of that
18 unfortunate circumstance.

19 This community has lived through some
20 very dark days on and since the 23rd day of June of
21 2013. The scars left behind from the deaths of
22 Doloris Perizzolo and Lucie Aylwin will likely
23 never be erased from your collective memory and
24 from the memory obviously of friends and family.

25 But still, one cannot but admire the

1 spirit of this community as you rebuild and replace
2 what you have lost, and hopefully your experience
3 through the instrumentality of our report will lead
4 to a safer Ontario for the benefit of all of its
5 citizens.

6 [REPORTER'S NOTE: Comments in French.]

7 I can't promise yet a specific date for
8 the publishing of our report. There is still too
9 much material to be analyzed and digested. Many of
10 our lawyers are in Ottawa at the moment engaged in
11 that very task, and we hope to be able to announce
12 a firm date in the latter part of the month of
13 November.

14 [REPORTER'S NOTE: Comments in French.]

15 With the assistance of our editor,
16 Mr. Bindman in Ottawa, we are close to having the
17 front and back covers designed, and I have a
18 picture of it here, and we have only got a little
19 step left to go and that is to fill -- to put in
20 the filler between the front and the back page.

21 [REPORTER'S NOTE: Comments in French.]

22 Of this, however, you can be certain
23 of, as I have said in French, that report will be
24 made public here and nowhere else when my team and
25 I return one final time here to Elliot Lake to

1 release it.

2 We look very much forward to that day.

3 I thank you all very much.

4 Thank you.

5 Are there others who wish to make
6 comments?

7 I think a representative of SAGE had
8 some comments to make. Yes, ma'am.

9 MS. MOYER: I'm Heather Moyer from
10 SAGE. I'm on the executive and the treasurer of
11 SAGE.

12 I just wanted to thank you, the
13 Commissioner, and my -- I'm going to call you my
14 friends, Mr. Doody, Mr. Carr-Harris, Mr. Wallace
15 and Mr. Ault, for the excellent work they have
16 done. All your staff has been fantastic in helping
17 us through these proceedings, even though we really
18 didn't know what we were doing, and we are not
19 lawyers, but we did muddle through it, and we do --
20 we have done a lot of work too but not nearly as
21 much as you people have.

22 I also want to thank Marc, Ms. Kuka. I
23 can't imagine her job. It is just beyond my
24 comprehension how she does it. And the
25 transcribers, and all the people in the back room

1 and Susan Labbé. She has been an excellent help to
2 me with the financial end and whatnot.

3 On behalf of all the people of Elliot
4 Lake and all the people of SAGE, thank you from the
5 bottom of our hearts for all the work and all the
6 time you have spent away from your families, and I
7 am -- I must say I'm sorry to see you go because I
8 have enjoyed all my joking around and friendship
9 with you.

10 And I can't even express how respectful
11 I am of all of you. You are great people. And I
12 know we will get good results from this Inquiry.

13 Thank you very, very much.

14 THE COMMISSIONER: Thank you,
15 Mrs. Moyer, and thank you for the oven mitts.

16 MS. MOYER: Yeah, I got a lot more too.

17 THE COMMISSIONER: You told me you
18 would be working on a sweater for me, but that is a
19 much different scale of endeavour.

20 MS. MOYER: Yes, as you put it once, it
21 takes a little bit more wool.

22 THE COMMISSIONER: Thank you very much.
23 Unless there are any further comments? Yes,
24 Mr. Latulippe.

25 MR. LATULIPPE: I will keep it short.

1 On behalf of both our families, the
2 Perizzolo and the Aylwins, we would like to express
3 our sincere gratitude for your participation and to
4 all the members of Counsel, and especially to you,
5 Mr. Commissioner, for, above all, maintaining the
6 dignity and respect of our lost loved ones, and for
7 that we are truly grateful.

8 Thank you.

9 THE COMMISSIONER: Thank you very much,
10 Mr. Latulippe.

11 Yes, ma'am.

12 MS. FINAMORE: Thank you,
13 Mr. Commissioner. My name is Sandy Finamore. I'm
14 a Councillor for the City of Elliot Lake. I cannot
15 address you without first addressing Mr. McGuinty
16 and thank him for calling the Inquiry so that we
17 could take an in-depth look at what happened here
18 and how another community can be helped by what
19 happened here.

20 Of course, I express our condolences
21 again to the families of the two ladies that we
22 lost, but I thank you and your team for, although
23 you may have disrupted this building in the fact
24 that you were here and present every day, not a
25 disruption, it certainly wasn't a disruption to our

1 community. It was an added benefit. So we thank
2 you for coming. We look forward to your report.

3 I would like to thank all the lawyers
4 especially. I'm going to thank our lawyer for the
5 City of Elliot Lake for being present every day.
6 And I can't imagine -- I know the hours that were
7 put in after-hours. I would like to thank our
8 first responders and our EMS, our Fire Department,
9 our OPP for the initial response and for their
10 ongoing dedication to not only to the rescue and
11 the recovery, but to this process. And I just want
12 to give my heart felt thanks and wish you well in
13 the next part of your journey, and we'll look
14 forward to the report.

15 And I am very happy to hear you say it
16 is coming here first.

17 THE COMMISSIONER: For sure.

18 MS. FINAMORE: This happened here.
19 This happened to our community first. I know it
20 matters to the rest of the world, but it really
21 matters to this community. Thank you.

22 THE COMMISSIONER: Thank you, Ms.
23 Finamore. We'll be back.

24 Mr. Mantha, did you have comments? I
25 thought I saw you standing. That is the only

1 reason I'm addressing you.

2 MR. MANTHA: Thank you.

3 [REPORTER'S NOTE: Comments in French.]

4 I just want to thank you for coming, my
5 colleagues. I want to thank you also,
6 Mr. Commissioner, in regards to the kindness, the
7 thoughtfulness, the process, the openness, the
8 detailed questionings, because I believe this is
9 exactly what the community of Elliot Lake needs in
10 order to continue with the healing and grieving
11 process.

12 It is exactly what this Province needs.
13 The fact that it was held here in Elliot Lake
14 speaks volumes in regards to it being done here.
15 The pain is being felt here, and, you know, maybe
16 there were hard seats in here, but there were a lot
17 heavier hearts at home who took the time to
18 visualize this on their television.

19 I know I spent a lot of time sitting
20 around coffee shops around town, and this has been
21 a very much highlighted in the discussions that we
22 had, and it was very much needed.

23 We all grieve, and we all heal
24 differently, and some of us need to talk in
25 isolation. Some of us need to talk down by the

1 lake. Some of us need to talk by the Tim Horton's.
2 But it gave us that opportunity to talk. And that
3 is a lot of the conversations that needed to happen
4 in this community.

5 Ontarians have been talking. Ontarians
6 have been watching. And ultimately, through this
7 whole Inquiry, if we can become better at what we
8 do -- through this whole process, I don't think
9 anybody ever questioned the efforts that were made
10 by the local OPP, by the local Fire Department, by
11 the rescue efforts. Nobody questioned the
12 individuals, their hearts, where it was, because
13 ultimately we all are -- we are all human, and we
14 all want to try and strive to be better.

15 And this Inquiry, at the end of the
16 day, if it gets us to that point to be better --
17 and it will. I have full confidence in your
18 ability in regards to the recommendations that are
19 coming back, and I'm looking forward to acting on
20 those accommodations, because I need to bring you
21 back to a comment that was made initially, is what
22 was the point of calling an Inquiry? Because in
23 the past, we have had inquiries where
24 recommendations came, and recommendations were
25 shelved, and they were collecting dust.

1 And my assurance to that community
2 member is I'm going to make sure that those
3 implementation -- that those recommendations get
4 implemented. So I look forward to your report.

5 Good luck with the 29,000 pages plus.
6 You have got a large task in front of you. But
7 this community is waiting, and Ontarians are
8 waiting, and we are looking forward to becoming a
9 better province.

10 So thank you for your time. Thank you
11 to everybody that participated in this. Thank you
12 to the community of Elliot Lake. You experienced
13 in the little time that you were here just a touch
14 of what Elliot Lake has to offer and what Ontarians
15 have to offer.

16 So take that back with you to Ottawa,
17 and be wise in your decisions.

18 Thank you.

19 THE COMMISSIONER: Thank you very much,
20 Mr. Mantha.

21 And with that, then thank you very
22 much, ladies and gentlemen, Mr. Registrar.

23
24 -- Adjourned at 12:24 p.m.

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were
taken before me at the time and place therein set
forth;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 9th day of September, 2013.

Deana Santedicola

NEESON & ASSOCIATES

COURT REPORTING AND CAPTIONING INC.

PER: DEANA SANTEDICOLA, RPR, CRR, CSR

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