



DELIVERED VIA COURIER

Monday, June 17, 2013

File No.: M08-2262
Reply to: Tajinder Sivia
Email to: student@mhdllaw.ca
Direct Line 416-740-2000

The Honourable Stephen T. Goudge J.A.

Court of Appeal for Ontario
130 Queen Street West
Toronto, ON M5H 2N5

Attention: Justice Goudge

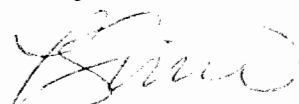
RE: Elliot Lake Commission of Inquiry
Determination of Claim for Privilege by Paul Mand

We are writing to you in response to the Application for the determination of Privilege submitted by the Elliot Lake Commission of Inquiry. Enclosed herewith is an Affidavit of Paul Mand.

A copy of this letter and the materials enclosed have been emailed to The Elliot Lake Commission of Inquiry to the Attention of Peter Doody.

Yours very truly,

Mand Rai LLP *Lawyers*


Per: Tajinder Sivia
Student-at-Law

C.C. Paul Mand

THE HONOURABLE STEPHEN T. GOUDGE J.A.

IN THE MATTER OF an Application Under Rule 11© of the *Rules of Procedure* of the Elliot Lake Commission of Inquiry

B E T W E E N

THE ELLIOT LAKE COMMISSION OF INQUIRY

Applicant

and

PAUL MAND

Respondent

AND B E T W E E N:

THE ELLIOT LAKE COMMISSION OF INQUIRY

Applicant

and

EASTWOOD MALL INC., ROBERT NAZARIAN, IRENE NAZARIAN and LEVON NAZARIAN

Respondent

APPLICATION RECORD OF THE RESPONDENT

June 14, 2013

MAND RAI LLP
Barristers & Solicitors
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Paul Mand
LSUC Number: 46022F

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TO:

Lawyers for the Respondent

ELLIOT LAKE COMMISSION OF INQUIRY

99 Spine Road, 2nd Floor
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Peter K. Doody
LSUC #224235S

Tel 613-749-6831
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Commission Counsel

APPLICATION RECORD INDEX

TAB No.	TAB DESCRIPTION	PAGE No.
1.	Affidavit of Paul Mand, sworn June 13, 2013	

AFFIDAVIT OF PAUL MAND

I, Paul Mand, of the City of Toronto in the Province of Ontario, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a lawyer at Mand Rai LLP Lawyers (hereinafter "Mand Rai"), and former lawyer for Elliot Lake Mall and Bob Nazarian and as such I have personal knowledge of the information to which I hereinafter depose, or where indicated said information is based upon information provided by others, the source of said information is set out and I verily believe said facts to be true.
2. Mand Rai was acting for Elliot Lake and Bob Nazarian for the period of about May 2008 to October 2011.
3. On or about December 11, 2012 Mand Rai received a letter from the Elliot Lake Commission of Inquiry (hereinafter "Commission") a summons to produce privileged documents in our possession.
4. Mand Rai had duly searched its records and made a list of all of the documents in its possession, listing those which were privileged and those which were available in the public record.
5. On or about March 21, 2013, Mand Rai received a second letter from the commission requesting further detailed information.
6. Mand Rai responded to the Commission in a timely fashion, providing further detailed information regarding the documents in Mand Rai's possession, without compromising attorney-client privilege.
7. On or about April 2, 2013, Mand Rai received a third letter from the Commission, and once again Mand Rai attempted to address the Commissions concerns in a manner that would not compromise attorney-client privilege.
8. On or about April 8, 2013, Mand Rai received a fourth letter from the Commission requesting yet further information. At this time Mand Rai felt that providing any further information would jeopardize solicitor-client privilege and thus Mand Rai wrote back to the Commission addressing its concerns.

9. On all occasions, Mand Rai has replied to the Commission in a timely manner, respecting all deadlines, and has tried to address the Commissions requests.
10. Mand Rai verily believes that the list provided to the Commission is complete.
11. Although Mand Rai wishes to comply with the Commissions requests, Mand Rai is bound by its ethical obligations to its former client.
12. On numerous occasions, Mand Rai has tried to obtain the consent of Bob Nazarian for the waiver of privilege. However, our former client has not waived privilege. As such we cannot release the privileged documents.
13. Mand Rai is prepared to provide the Honourable Justice Goudge with the required documents to assist in its determination of privilege, provided they are kept confidential.
14. I swear this affidavit against the Applicant's application for an order seeking a determination of privilege and for no other improper purpose.

DECLARED before me in the City of Toronto in)
 the Province of Ontario,)
 This 13th day of June 2013)
 _____)
 A Commissioner of Oaths, etc.)

Sukh Jagpal

SUKH JAGPAL B.A., LL.B.

Paul Mand

 Paul Mand