



## **Procedural Order No. 4**

Rule 17 of the Elliot Lake Commission of Inquiry's *Rules of Procedure* (revised Nov. 8, 2012) states that a participant or recipient of a summons may object to the disclosure of a document to the public on the grounds of confidentiality;

Two participants before the Commission have made objections:

1. The Association of Professional Engineers in respect of documents relating to complaints made against Robert Wood, Gregory Saunders and John J. Kadlec and submitted in response to a Commission summons; and
2. Eastwood Mall Inc., Robert Nazarian and Levon Nazarian in respect of the financial information submitted as part of their Application for Funding;

(the "Confidential Information")

The participants and media organizations have been advised that they may make submissions relating to these objections.


Counsel for participants and media organizations may wish to review the Confidential Information before making those submissions.

### **IT IS HEREBY ORDERED THAT:**

1. No Confidential information will be provided to counsel for participants or counsel for media organizations until they have delivered to the Commission duly executed Undertakings in the form provided in Appendix "A" or until the Commissioner otherwise orders; and
2. Confidential Information shall be used by counsel solely for the purpose of preparing for and conducting the hearing in respect of the objection to disclosure, and shall not be disclosed to any person, including his or her clients, unless and until the Commissioner otherwise orders;

3. If the Commissioner maintains the objections and unless the Commissioner otherwise orders, the Confidential Information documents provided on electronic media (CDs or DVDs) will be returned forthwith to the Commission. Documents provided electronically shall be deleted forthwith and a certificate of deletion shall be delivered to the Commission within 5 days of such deletion. No copies of documents in any form shall be retained by counsel under any circumstances.

ISSUED at Ottawa, Ontario, this 26<sup>th</sup> day of November, 2012.



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The Honourable Paul R. Bélanger  
Commissioner

**Appendix "A"**

**Undertaking of Counsel Regarding Objections to Disclosure of Documents on the Grounds of Confidentiality**

I hereby acknowledge that I am about to receive from the Elliot Lake Commission of Inquiry Confidential Information which is the subject of Procedural Order No. 4 of November 26, 2012.

I certify that I understand that this Confidential Information is being produced to me subject to the terms and restrictions of Procedural Order No. 4, and that I have been given a copy of and have read and understood my obligations under that Order. I hereby agree to be bound by the terms of the Order. I agree to utilize the Confidential Information solely for the purpose of the hearing(s) of the objections that are the subject of Procedural Order No. 4. I clearly understand that the Confidential Information shall not be disclosed to any person, including my client(s).

Unless the Commissioner orders otherwise, I undertake to comply with paragraph 3 of the said order.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date