

Dear Counsel and Participants,

We are writing to advise you of the procedure that will be followed with respect to the final written and oral submissions with respect to Part II of the Inquiry:

1. Commission Counsel will be making no submissions, either oral or written.
2. Oral submissions with respect to Part 2 will take place on **November 12**.
3. Written submissions are expected from all Participants. No particular form is required, although the factum format would be acceptable. We would appreciate reference to the evidence by transcript date, page, and line number, and to the documents by exhibit and page number (not just the doc number); that will make it easier to locate the document, since all exhibits are on the website (and documents that have not become exhibits are not in evidence and cannot be the basis of submissions or a factual finding). Please do not attach transcripts or exhibits to your submissions. Please provide submissions in both Word and .pdf format.
4. We would appreciate submissions with respect to policy recommendations as well as factual findings to be made. It is expected that policy “roundtables” will be convened following the evidence on the factual issues in both Part 1 and 2 the week of November 18 (Part 1) and 25 (Part 2) in Ottawa. Recommendations now will greatly facilitate the design of those sessions, including determining the various issues to be discussed and the way in which that can best be done.
5. Submissions with respect to policy recommendations should be in a separate part of the written submission document from the portion dealing with factual findings to be made. A list of these recommendations should also be provided at the end of the submissions.
6. The Commissioner does not require that all Participants make oral submissions. Since only one day has been set aside for oral submissions, they will be time limited. We expect that participants would take somewhere between half an hour and an hour, with the longer time being set aside for those who have more issues with which they must deal. Oral submissions are not an opportunity to read or review all of the written submissions; rather, we expect that they will be an opportunity to highlight the issues which your clients feel are particularly important to them.
7. In order that all Participants and the Commissioner have an opportunity to read the submissions before the oral hearings, they must be served and filed with the Commission by no later than **5 pm on Friday, November 8**. Commission staff will post them on the website once received, but given the volume this may take more than a day. Consequently, Participants are required to serve all other participants, electronically, by sending it to the “Participants” email address (participantspart2@elliottlakeinquiry.ca). That group email address includes not only all Participants that were granted standing, but also the witnesses which were recipients of section

17 notices and have requested to receive the material from the Inquiry. We ask that you also at the same time file the submissions with the Commission by copying Commission Counsel (counsel@elliottlakeinquiry.ca) on the email.

8. At the time of serving the written submissions, all participants are required to advise, in writing, whether they wish to make oral submissions, how long they anticipate they will require, and their preferred place in the order of submissions. If all participants could agree on these matters, it would be much appreciated (It might of some benefit to have one counsel be the keeper of the list of participants similar to what had been done for Part I). If not, the Commissioner will decide. No participant will be allocated more than an hour to make oral submissions.
9. There will be no filing of “reply” or responding written submissions. While the oral submissions may be an opportunity to deal with matters raised by other participants in their written submissions which affect a particular participant, we do not expect that participants will raise new matters in their oral submissions, other than in order to respond to new or unanticipated issues raised by other participants, that were not raised in their written submissions.

We also wish to take this opportunity to advise you that as of October 31, 2013, you will no longer be able to access documents on Relativity. Therefore, if you need to conduct searches in Relativity for the purpose of your submissions, we would suggest you do so before that date. We remind you, as indicated above, that all the exhibits are on the Commission’s website.