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William C. Brown, B.A., LL.B. (1953-2010)
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5 October 2012

Via Facsimile Transmission (613) 749.5250

The Elliot Lake Commission of Inquiry
The Honourable Paul R. Belanger, Commissioner
1400 Blair Place, 6th Floor
Ottawa, Ontario K1J 9B8

Dear Sir or Madam:

Re: Application for Standing and Funding

This is to confirm I am the solicitor for Eastwood Mall Inc. and Mr. Bob Nazarian.

I enclose herewith my client's application for standing and funding; I confirm an appointed time in which oral submissions in support of the application for standing and funding is requested.

Thank you in advance for your consideration. Should you have any further questions, do not hesitate to contact our office. If I am unavailable you may ask to speak with my assistant, Stephenie.

Yours very truly,

Antoine-René Fabris
ARF:sc
Enclos

IN THE MATTER OF
THE ELLIOT LAKE INQUIRY
THE HONOURABLE PAUL R. BELANGER, COMMISSIONER

EASTWOOD MALL INC.
and ROBERT NAZARIAN also known as BOB NAZARIAN

NOTICE OF APPLICATION

Take notice the the Applicants will make application, including oral submissions, if permitted, to the Inquiry on Friday October 26th, 2012 at 9:30 am or so soon thereafter as the matter may be heard at the Maple Room, Hampton Inn, 279 Highway 108 North in the City of Elliot Lake, in the Province of Ontario.

Said Application is for the following Order of the Commissioner:

1. That Robert Nazarian, also known as Bob Nazarian, director and president of Eastwood Mall Inc., be jointly granted standing at the Inquiry, and furthermore be granted funding to participate in the Inquiry; upon the terms set by the Commissioner, with consideration of the following suggested provisions:
 - a. That they be jointly represented by one counsel, being Mr. Antoine-René Fabris (LSUC No. 34260J) of Brown & Fabris Law Office, 11 Manitoba Road, Elliot Lake, Ontario P5A 2A6, phone (705) 848.0808, facsimile (705) 848.7800.
 - b. That such standing be granted with respect to all aspects of the inquiry with the exception of evidence and submissions dealing with the "emergency management and response by responsible bodies and individuals subsequent to the collapse" as set out in Order in Council setting up the Inquiry;

- c. That the Commissioner recommend to the Attorney General that the cost to the Applicants of the services of their solicitor be funded by the Province in accordance with applicable Management Board of Cabinet directives and guidelines respecting rates or remuneration and reimbursement and the assessment of accounts.

The Applicants ask that the Inquiry consider the following facts when reviewing this application for standing:

2. Robert Nazarian is the president, director, owner and operator of Eastwood Mall Inc.
3. Eastwood Mall Inc., owned the Algo Center Mall from 2005 to the present date, inclusive of the date of the collapse being June 23rd, 2012;
4. Given the Applicant's ownership of the mall; Robert Nazarian and Eastwood Mall, jointly, have *significant* substantial and direct interest in the subject matter of the Inquiry and furthermore may be helpful to fulfill the Commissioners mandate.
5. The inquiry will be examining, among other things the information available to the Applicants during the time that they owned the Algo Center Mall, and their procedures and actions with respect to the maintenance of the Mall structure and as such the Applicants have a substantial and direct interest in the subject matter of the inquiry.

The Applicants ask that the Inquiry consider the following facts when reviewing this application for funding:

6. Eastwood Mall's sole source of income ceased on the date of the collapse, June 23rd, 2012. The Applicant has no source of income to support the funding for the inquiry. Insurance proceeds are being held in trust pending the result of any liability claims
7. The cost to the Applicants of legal counsel for representation at the Elliot Lake Inquiry will be significant and there are no funds, budgeted or otherwise, available.

8. It is with great disconcert that the Applicants may not be able to participate without funding in accordance with applicable Management Board of Cabinet directives and Guidelines.
9. Should the Commission make a recommendation to the Attorney General regarding funding for the Applicants to participate, the funds will be allocated to Counsel representation and will be accounted for by way of their solicitors dockets and statement of accounts.
10. The Applicants wish to make oral submissions in support of the motion for funding.

Dated in the City of Elliot Lake, in the District of Algoma, this 2nd day of October in the year 2012

Robert Nazarian
22 Boyle Drive
Richmond Hill, Ontario L4C 6C9
Applicant for Standing and Funding

Eastwood Mall Inc.
22 Boyle Drive
Richmond Hill, Ontario L4C 6C9
Applicant for Standing and Funding

By solicitor,



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To: The Elliot Lake Commission of Inquiry
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