

IN THE MATTER of the *Public Inquires Act*, 2009, S.O. 2009, c.33 Sched. 6

AND IN THE MATTER of the Elliot Lake Commission of Inquiry

AND IN THE MATTER of a Motion for Standing and Funding
on behalf of **Greg Saunders, P.Eng.**

HONOURABLE PAUL BELANGER,

Commissioner

- and

GREG SAUNDERS, P.Eng

Applicant

**MOTION OF THE APPLICANT,
GREG SAUNDERS, P. Eng., FOR STANDING AND FUNDING**

TAKE NOTICE that the Applicant, Greg Saunders, P.Eng, seeks of the Commissioner an Order granting him Standing to participate in the Elliot Lake Commission of Inquiry and for an Order granting him Funding for the purpose of being able to retain legal counsel and services of a law firm.

The within Motion for Standing and Funding is made pursuant to the *Rules of Standing and Funding* and paragraph 11 of the *Terms of Reference of the Order in Council* establishing the Elliot Lake Commission of Inquiry.

The particulars with respect to the within motion are as follows:

1, Individual Seeking Standing/Funding

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2. Law Firm Representing Greg Saunders, P.Eng.

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3. Lawyers in the Firm that would participate

Joseph A. Bisceglia, Lead Counsel and Counsel of Record with assistance from, Ross Romano, Paul A. Johnson, Helen Scott and para-legal support staff.

4. Nature of Persons Interest

- (a) Greg Saunders, P.Eng., was an employee and shareholder in the engineering firm of M. R. Wright and Associates Co. Ltd., whose address at that time was 71 Black Road, Unit #8, Sault Ste. Marie, ON P6A 6J8. That Firm was involved in conducting work for and on behalf of the owners of the Algo Centre Mall. It provided reports and some of the employees conducted inspections with respect to the premises. As a result of the collapse of the Algo Centre Mall in the City of Elliot Lake a significant issue will arise as to the cause of that unfortunate situation and the role, if any, that the firm of M. R. Wright & Associates Co. Ltd. may have had leading up to the collapse of the Algo Center Mall. Greg Saunders, P.Eng., seeks standing on the basis that he participated in the preparation of inspection reports which inspection reports bear his name and that of Mr. Bob Wood when Mr. Greg Saunders, P.Eng., was with the firm of M. R. Wright & Associates Co. Ltd.
- (b) The firm of M. R. Wright & Associates Co. Ltd. is no longer in business. Mr. Greg Saunders is no longer a shareholder or employee of the said Engineering Firm. The assets of the Firm were sold to the firm of Tulloch Engineering. The position of Greg Saunders is that legal counsel representing the firm of M. R. Wright & Associates Co. Ltd. and/or other engineers or employees of that firm cannot represent his interests and based upon the knowledge and information we have of the issues or potential issues in this matter that a conflict of interest would arise in any one person representing the interests of the engineers and/or employees of M. R. Wright & Associates Co. Ltd.. Mr. Greg Saunders, P.Eng., if granted standing, would provide information for a specified period that the firm of M. R. Wright & Associates Co. Ltd. did work for and on behalf of

the owner of the Algo Centre Mall or, at least the role he played during the course of M. R. Wright & Associates Co. Ltd. doing work for and on behalf of the owner of the Algo Centre Mall. Greg Saunders, P.Eng.

- (c) What work the firm of M. R. Wright & Associates Co. Ltd. did, the inspections that were conducted and the role and function of Mr. Greg Saunders, P.Eng. appears to be an issue that will be canvassed by the Commission of Inquiry.
- (d) In addition to the aforementioned, the methodology and procedures utilized by engineers in conducting inspections will, in all probability, be an issue addressed by the Commission of Inquiry. Greg Saunders P.Eng. will assist in that regard.
- (e) The Commission of Inquiry, after hearing all of the evidence, may make recommendation as to whether or not regulatory procedures should be legislated with respect to inspections of buildings or structures during construction or thereafter. Greg Saunders, P.Eng. may assist in that regard.

5. Nature of Standing Sought

- (a) Greg Saunders, P.Eng., seeks Standing and Funding during the course of the Commission of Inquiry into the circumstances surrounding the collapse of the Algo Centre Mall. Greg Saunders, P.Eng., does not anticipate being needed or being involved during the time that the Commission of Inquiry may be investigating the emergency management and response issues subsequent to the collapse of the Algo Centre Mall. That matter, however, should be left open, depending upon what evidence is called and what the disclosure and production reveals. At this time, we have no information that would suggest that there should be any need for participation by Greg Saunders, P.Eng., in the Commission of Inquiry relating to the emergency management and response issues.
- (b) Greg Saunders P.Eng. seeks standing and funding at the Commission of Inquiry if and when the hearings deal with recommendations with respect the nature and extent of inspections to be conducted of structures during construction or thereafter and what regulatory procedures should be established.
- (c) At this point in time it is unclear and uncertain as to the documentation and disclosure that will be received, however, based upon the nature of the issues arising from the Order in Council establishing the Commission or Inquiry into the collapse of the Algo Centre Mall, Greg Saunders, P.Eng., wishes to be permitted to have representation during the course of the hearing relating to the engineering matters and when evidence is

called relating to the circumstances surrounding the collapse of the Algo Centre Mall. The matter of full or limited standing could be further addressed during the course of the proceedings and hearings and after disclosure is received.

6. Request for Funding

- (a) Greg Saunders, P.Eng., seeks full Funding on the basis that he does not have adequate financial resources to enable him to be fully represented and respond to the Summons served upon him by counsel for the Commission for production and disclosure of documentation.
- (b) Since M. R. Wright & Associates Co. Ltd. is no longer in business and since Greg Saunders, P.Eng., is no longer with that company he does not have the facility, manpower or financial resources to hire or retain assistance. He requires Funding so as to permit the Law Firm, Bisceglia Dumanski Romano & Johnson LLP, to assist him complying with the request for documents and, in addition, for that firm to provide legal representation to him during the course of the Commission proceedings. The Funds will be used by Greg Saunders, P.Eng, to retain that Firm, its legal counsel and paralegals to respond to the Commission's requirements and summonses and to pay for the cost of travel, accommodation and attendance at any Commission proceedings.
- (c) That Greg Saunders, P. Eng. Be compensated for his costs and expenses associated with having to appear before the Commission of Inquiry.

Documents in Support of Motion

- (a) In support of the Motion for Sanding and Funding, Greg Saunders, P.Eng., files with this Motion an Affidavit sworn October 9, 2012 and written submissions of Bisceglia Dumanski Romano & Johnson LLP setting out certain material facts that he relies upon to assist the Commissioner in the Commissioner's determination with respect to him being granted Standing and Funding.
- (b) Greg Saunders, P.Eng., is prepared to provide such other material as the Commission may deem appropriate and necessary in order to facilitate the granting of an Order permitting him Standing and Funding in the event that the Commissioner has any concerns or questions with respect to the information provided.

7, Necessity or Request to Appear on Motion

- (a) There is no request made to attend and make oral submissions in support of the motion for Standing and Funding, however, should the

Commissioner deem it necessary or appropriate under the Rules that Greg Saunders, P.Eng., appear he is prepared to do so if requested by the Commissioner to address or clarify any information that would assist the Commissioner in deciding the issue of Standing and Funding.

8. Nature of the Order Sought to be Made

- (a). That Greg Saunders P.Eng. be granted Standing, to appear at the Inquiry when and at such times as the matter of the cause of the collapse of the Algo Centre Mall is dealt with. The nature and extent of the Standing granted may be revisited and subject to such further Order as the Commissioner may make with respect thereto.
- (b) That Greg Saunders P.Eng. be granted the maximum Funding permitted to retain the Law Firm of Bisceglia Dumanski Romano & Johnson LLP, as legal counsel to represent his interests with respect to the Elliot Lake Commission of Inquiry.
- (c) Funding should be granted effective August 1, 2012.
- (d) Such further and other Order as may be necessary in all of the circumstances and appropriate with respect to the matters of Standing and Funding.

DATED at Sault Ste. Marie, Ontario this 9th day of October, 2012.

Submitted by:

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