

Federal Court



Cour fédérale

**Date: 20121101**

**Docket: T-1789-12**

**Ottawa, Ontario, November 1, 2012**

**PRESENT: Madam Prothonotary Mireille Tabib**

**BETWEEN:**

**ALEXANDER CHAPMAN**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA,  
GUY PRATTE (INDEPENDENT COUNSEL  
TO THE CANADIAN JUDICIAL COUNCIL  
INQUIRY INTO THE CONDUCT OF  
THE HONOURABLE LORI DOUGLAS,  
THE CANADIAN JUDICIAL COUNCIL, AND  
THE HONOURABLE LORI DOUGLAS**

**Respondents**

**ORDER**

A case management telephone conference was held on October 30, 2012 in the presence of the counsel for the parties as well as counsel for the Inquiry Committee, the Superior Court Judges' Association, and the current Independent Counsel to the Inquiry, who are considering whether to move to seek leave to intervene in this proceeding.

Counsel for the parties generally agree that an expected motion by the Attorney General of Canada to be removed as a named Respondent in this application should be determined as the next essential step in this proceeding, and before the Court entertains motions to intervene by potential Interveners.

The parties further agree that the deadlines set out in the *Federal Courts Rules* for proceeding with the application on its merits should be suspended pending determination of that motion.

Counsel for the parties agreed that courtesy copy of their motion materials should be provided to counsel for Suzanne Coté, the new Independent Counsel to the Inquiry, counsel to the Inquiry Committee and counsel for the Superior Court Judges' Association, and have agreed to do so.

**IT IS ORDERED THAT:**

1. This application shall continue as a specially managed proceeding.
2. The Attorney General of Canada shall serve and file, no later than November 5, 2012, a full motion record on its intended motion to be removed as a named Respondent to this application. The Attorney General of Canada is granted leave to file a single motion record applicable to both files T-1567-12 and T-1789-12, to

be filed only in T-1567-12 but deemed to have also been filed for the purposes of T-1789-12.

3. The responding motion records of Mr. Chapman and of Mr. Pratte shall be served and filed no later than November 19, 2012.
4. The responding motion records of the Canadian Judicial Council and of the Honourable Lori Douglas shall be served and filed no later than November 23, 2012. The Canadian Judicial Council and the Honourable Lori Douglas have leave to file a single responding motion record applicable to both files T-1567-12 and T-1789-12, to be filed only in T-1567-12 but be deemed to have also been filed for the purposes of T-1789-12.
5. Cross-examinations on affidavits shall take place from November 27 to November 29, 2012 and the parties shall ensure that a transcript of the cross-examinations will be available to the Court for the hearing of the motions.
6. Wherever, on cross-examinations, objections are raised on issues other than solicitor-client privilege, the parties are to endeavour to have the witness provide the answer on a separate transcript, so that the answers may be available to the Court in the event the Court dismisses the objections. Where the objections raise issues of confidentiality, the separate transcript is to be submitted to the Court under seal and the sealed part of the transcript shall remain confidential and

sealed in the Court record until the Court rules otherwise. To the extent objections based on solicitor-client privilege require an immediate determination in order for cross-examinations to proceed efficiently or effectively, the parties may ask for a Special Sitting by way of telephone conference upon short notice for the Court to rule on the objections.

7. The motion of the Attorney General of Canada shall be heard at a Special Sitting in Toronto beginning at 9:30 a.m. on November 30, 2012 for a duration not exceeding 1 day.

“Mireille Tabib”  
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Prothonotary