

1 MARCH 25, 2015

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3 THE CLERK: This court is now open. Judge Schille
4 presiding.

5

6 THE JUDGE: So there is just one matter on the
7 docket, correct?

8 MR. MCKENNA: That's correct.

9 MR. JOHNSTON: Correct, Your Honour.

10 THE JUDGE: Okay. Appearances?

11 MR. JOHNSTON: It's Devin Johnston for the
12 Commissioner for Law Enforcement Review Agency.

13 MR. MCKENNA: Paul McKenna for the respondent
14 officer, Your Honour.

15 MS. HAMILTON: Shannon Hamilton for the Winnipeg
16 Police Service.

17 THE JUDGE: All right. Now, I understand that the
18 applicant or complainant in the matter has contacted one of
19 you. Mr. McKenna, he contacted you?

20 MR. MCKENNA: That's right, he contacted me and he
21 asked, he indicated that he didn't want to go, he didn't
22 want to have to attend today.

23 THE JUDGE: I, I have Judge Harvey's pre-trial
24 memorandum, so I am aware that he's contemplating bringing
25 an extraordinary application in Court of Queen's Bench --

26 MR. MCKENNA: That's correct.

27 THE JUDGE: -- and he didn't want to proceed with
28 this matter until he had --

29 MR. MCKENNA: Yeah.

30 THE JUDGE: -- pursued, perfected and litigated
31 the remedy he is seeking in Court of Queen's Bench.

32 MR. MCKENNA: Yes.

33 THE JUDGE: So at this point, I would say I, I
34 understand that the applicant, given that he is

1 unrepresented, didn't want to appear here today -

2 MR. MCKENNA: Um-hum.

3 THE JUDGE: -- and if everyone had their druthers,
4 I'm sure none of you would be here. So I thank counsel for
5 attending today because that's facilitated the applicant not
6 being here today. But my understanding is that pending,
7 Judge Harvey had contemplated it would just be appearing on
8 the docket from time to time in contemplation of him
9 perfecting that application and litigating it, but I
10 understand, Mr. McKenna, in your speaking with him, that he
11 would prefer that it simply be adjourned sine die.

12 MR. MCKENNA: I didn't address that with him, but
13 Ms. [REDACTED] (phonetic) asked me, so I sent him back an email
14 saying that she asked if you were seeking an adjourned sine
15 die, which means an adjournment of an undetermined length.
16 I said that I assumed that, that was what you wanted, given
17 that it is difficult to say how long the process in Q.B.
18 will take. Unless I hear otherwise from you, I will tell
19 the judge that I assume you are looking for an adjournment
20 sine die. All I can say is I'm assuming because he, he
21 never did answer me back. I'm assuming he is looking for an
22 adjournment sine die. That's what I would look for, given
23 that we don't know how long the Q.B. matter will take.

24 THE JUDGE: Right, okay. Well, subject to, Mr.
25 Johnston, your comment.

26 MR. JOHNSTON: No comments, Your Honour.

27 THE JUDGE: Ms. Hamilton?

28 MS. HAMILTON: No comments, Your Honour.

29 THE JUDGE: All right. Well, I think given that
30 he is unrepresented, in, in fairness to him, if I simply
31 adjourn it sine die versus marking it withdrawn, that would
32 obviate the need for him to have to re-file and re-initiate
33 the, the process. It would be simpler for just, for him to
34 simply bring the matter on again at such time as the Q.B.

1 matter has been determined. So what I'll do then is just
2 mark it adjourned sine die.

3 Could I impose upon you to perhaps communicate
4 that to the applicant?

5 MR. MCKENNA: I will send an email to him, Your
6 Honour. Thank you.

7 THE JUDGE: Thank you very much for that.

8

9 (PROCEEDINGS ADJOURNED SINE DIE)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter,
numbered 1 to 3, are a true and accurate transcript of the
proceedings, transcribed by me to the best of my skill and
ability.

KRYSTLE PALYNCHUK
COURT TRANSCRIBER

IN THE MATTER OF:

The Law Enforcement Review Act
Complainant No. 2012-58

AND IN THE MATTER OF:

An Application for a Hearing Pursuant
to s. 17 of the Law Enforcement
Review Act R.S.M. 1987, C.175

BETWEEN:

[REDACTED]

Complainant,

- and -

[REDACTED]

Respondent.

TRANSCRIPT OF PROCEEDINGS, before The Honourable
Judge Schille, held at the Law Courts Complex, 408 York
Avenue, in the City of Winnipeg, Province of Manitoba, on
the 25th day of March, 2015.

APPEARANCES:

MR. P. MCKENNA, for the Respondent

MR. D. JOHNSTON, for Law Enforcement Review Agency

MS. S. HAMILTON, for Winnipeg Police Service