

IN THE MATTER OF: Commission of Inquiry into the Circumstances Surrounding
the Death of Phoenix Sinclair

**AFFIDAVIT OF TIM HERKERT
AFFIRMED THE 1st DAY OF JUNE 2012**

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IN THE MATTER OF: Commission of Inquiry into the Circumstances Surrounding the
Death of Phoenix Sinclair

AFFIDAVIT OF TIM HERKERT

I, TIM HERKERT, of the City of Winnipeg, in the Province of Manitoba,

AFFIRM AND SAY AS FOLLOWS:

1. I am a Director of Service Delivery Support Branch with the Department of Family Services and Labour and, as such, have personal knowledge of the matters and facts hereinafter deposed to by me, except where same are stated to be based on information and belief, in which case I do verily believe them to be true.
2. Pursuant to the decision of the Commissioner dated December 2, 2011, the name of SOR #3 was redacted from the documents disclosed by Commission Counsel to the parties to the Inquiry on the basis that he or she is a source of referral or informant pursuant to section 18 of *The Child and Family Services Act*.

3. I am advised by Sacha Paul that it is the intention of Commission Counsel to call SOR #3 as a witness in this Inquiry.

4. I am advised by Sacha Paul that he was present during the interview process conducted by Commission Counsel with SOR #3. At the interview, SOR #3 advised Commission counsel that he or she had provided information to a child and family services agency in compliance with section 18 of *The Child and Family Services Act*.

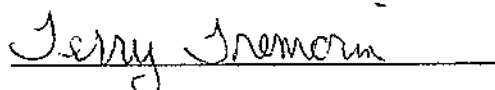
5. I am advised by Sacha Paul that SOR #3 does not consent to the disclosure of his or her identity during the Commission hearings.

6. I make this Affidavit in good faith.

AFFIRMED BEFORE ME at the City)
of Winnipeg in the Province of)
Manitoba this 1st day of June , 2012.)



TIM HERKERT



A Commissioner for Oaths in and for
the Province of Manitoba

My Commission Expires on Jan 28/13