

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

NOTICE OF MOTION
of
THE DEPARTMENT of FAMILY SERVICES and CONSUMER AFFAIRS
(Now known as the Department of Family Services and Labour)

Thompson Dorfman Sweatman LLP
Barristers and Solicitors
201 Portage Avenue, Suite 2200
Winnipeg MB R3B 3L3
HD #1427436

(Matter No. 0104183 GAM/SRP)
(Gordon A. McKinnon 934-2535)
(Sacha R. Paul 934-2571)
(Fax. No. 934-0570)

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

NOTICE OF MOTION
of
THE DEPARTMENT of FAMILY SERVICES and CONSUMER AFFAIRS
(Now known as the Department of Family Services and Labour)

The Department of Family Services and Consumer Affairs now known as the Department of Family Services and Labour (the "Department") will make a motion before Commissioner Hughes on the 10th day of May, 2012 at 9:30 am or as soon after that time as the motion can be heard in the Pan Am Room, Winnipeg Convention Centre, 375 York Avenue, Winnipeg, Manitoba.

THIS MOTION IS FOR AN ORDER:

1. That prior to documents becoming publically available in the context of the Inquiry, the Commissioner redact the names and other identifying information of:

- (a) sources of referral/informants;
- (b) people who were minors (age 18 or younger) at the time the document was created, provided such people are irrelevant to the hearing of this Inquiry;
and

(c) foster parents provided such people are irrelevant to the hearing of this Inquiry.

2. Such further and other relief as counsel may advise and the Commissioner may deem just.

THE GROUNDS FOR THE MOTION ARE:

3. The Commissioner has the inherent jurisdiction to make the order sought;

4. The Inquiry Amended Rules of Procedure and Practice, including, without limitation, Rules 6 and 14;

5. The Ruling on Redactions of the Commissioner dated December 2, 2011 held that the names of sources of referral/informants, minors, and foster parents be redacted for the purposes of disclosure of documents to the parties;

6. *The Child and Family Services Act*, C.C.S.M. c. C80 including, without limitation, s. 18.1 and 76;

7. It serves the interests of justice that the names of sources of referral/informants be redacted in order to promote or facilitate the reporting of child protection issues;

8. The names or other identifying of minors (as of the date a document was created) or foster parents are not relevant to the Inquiry; and

9. Such further and other grounds as counsel may advise and this Commissioner may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

10. The pleadings herein;

11. Such further and other documentary evidence as counsel may advise and the Commissioner may permit.

April 3, 2012

Thompson Dorfman Sweatman LLP
Barristers and Solicitors
201 Portage Avenue, Suite 2200
Winnipeg MB R3B 3L3
Gordon A. McKinnon (204) 934-2535
Sacha R. Paul (204) 934-2571

TO: Phoenix Sinclair Inquiry Commission Office
1801 - 155 Carlton Street
Winnipeg, MB R3C 3H8
Sherri M. Walsh, Commission Counsel

TO: Myers Weinberg LLP
Barristers & Solicitors
724 - 240 Graham Avenue
Winnipeg, MB R3C 0J7
Garth H. Smorang, Q.C.
Solicitors for Manitoba Government
and General Employee's Union

TO: Booth Dennehy LLP
Barristers & Solicitors
387 Broadway
Winnipeg, MB R3 0V5
Hafeez A. Khan
Solicitors for Intertribal Child and Family Services

- TO: D'Arcy & Deacon LLP
Barristers & Solicitors
2200 - One Lombard Place
Winnipeg, MB R3B 0X7
Kris Saxberg & Harold Cochrane
Solicitors for the Authorities and ANCR
- TO: Gindwin, Wolson, Simmonds, Roitenberg
Barristers & Solicitors
1200 - 363 Broadway
Winnipeg, MB R3C 3N9
Jeffrey J. Gindin
Solicitors for Kimberly-Ann-Edwards
and for Nelson Draper Steven Sinclair
- TO: Funke Poudrier
Barristers & Solicitors
402 - 171 Donald Street
Winnipeg, MB R3C 1M4
Jay L. Funke
Solicitors for the Southern Chiefs' Organization Inc.
and Assembly of Manitoba Chiefs
- TO: University of Manitoba - Office of Legal Counsel
E3 - 250 Engineering Building
Winnipeg, MB R3T 2N2
Gregory L. Juliano
Solicitors for the University of Manitoba,
Faculty of Social Work
- TO: Aikins MacAulay & Thorvaldson LLP
Barristers & Solicitors
30th Floor - 360 Main Street
Winnipeg, MB R3C 4G1
Jonathan B. Kroft
Solicitors for the Media