

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

**NOTICE OF MOTION ON BEHALF OF
POTENTIAL WITNESS SOR #7**

GANGE GOODMAN & FRENCH

Barristers & Solicitors
760 - 444 St. Mary Avenue
Winnipeg, MB R3C 3T1

William S. Gange

(204) 953-5401

File No. 15919 WSG

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

**NOTICE OF MOTION ON BEHALF OF
POTENTIAL WITNESSES SOR #7**

A potential witness identified by Commission counsel as SOR #7 will make a motion before Commissioner Hughes on Wednesday, July 4, 2012 at 9:30 o'clock in the forenoon, in the Pan Am Room, Winnipeg Convention Centre, 375 York Avenue, Winnipeg, Manitoba.

THIS MOTION is for an order:

- (a) That the Commissioner prohibit any form of publishing, broadcasting or otherwise communicating by television, internet, radio, in print, or by any other means, the name, face or identity of SOR #7;
- (b) That the Commissioner exclude all members of the public from the hearing room during the testimony of SOR #7 or make other order as the Commissioner may see fit to protect the identity of SOR #7;

- (c) Such further and other relief as counsel may advise and the Commissioner may allow.

THE GROUNDS FOR THE MOTION ARE:

- (a) The Commissioner has the inherent jurisdiction to make the order sought as necessarily incidental to the carrying out of his functions pursuant to Order in Council 89/2011 appointing the Commissioner to conduct the Inquiry;
- (b) Commission of Inquiry Rules of Procedure and Practice, including Rules 6, 42, 43 and 44;
- (c) Section 18.1(1) of *The Child and Family Services Act* of Manitoba;
- (d) The order sought is consistent with the general intent and purpose of *The Child and Family Services Act* of Manitoba to better protect children; and
- (e) Such further and other grounds as counsel may advise and the Commissioner may allow.

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

- (a) The Affidavit of Alison McCullough-Butchart affirmed June 8, 2012; and
- (b) Such further and other material as counsel may advise and the Commissioner may allow.

June 8, 2012

Gange Goodman & French
Barristers and Solicitors
760 - 444 St. Mary Avenue
Winnipeg, MB R3C 3T1
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(204) 953-5401

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the Death of Phoenix Sinclair

AFFIDAVIT OF ALISON McCULLOUGH-BUTCHART

GANGE GOODMAN & FRENCH

Barristers & Solicitors
760 - 444 St. Mary Avenue
Winnipeg, MB R3C 3T1
William S. Gange
(204) 953-5401
File No. 15729 WSG

IN THE MATTER OF: Commission of Inquiry into the Circumstances Surrounding
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AFFIDAVIT OF ALISON McCULLOUGH-BUTCHART

I, Alison McCullough-Butchart of the City of Winnipeg in the Province of
Manitoba, Lawyer,

MAKE OATH AND SAY THAT:

1. I am a lawyer with the firm Gange Goodman & French, in Manitoba 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. W.S. Gange of Gange Goodman & French has been retained by the Government of Manitoba to provide independent legal advice to various parties who may have information with respect to the circumstances surrounding the death of Phoenix Sinclair.

3. Mr. Gange has advised me that he has recently been retained to act on behalf of a potential witness identified by Commission counsel as SOR #7. Witness SOR #7 was previously represented by William Sumerlus.

4. I have reviewed the notes of the interview conducted by Commission counsel of SOR #7. During that interview, witness SOR #7 advised that she had provided

information to Winnipeg Child & Family Services in compliance with Section 18 of *The Child and Family Services Act*.

5. I am advised by Mr. Gange and do verily believe that witness SOR #7 has advised that witness SOR #7 was aware of the protection provided by Section 18 of *The Child and Family Services Act* and relied upon that protection when providing the information.

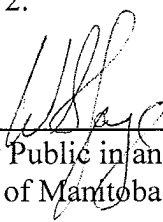
6. I am advised by Mr. Gange and do verily believe that witness SOR #7 does not consent to the disclosure of identity during the Commission hearings.

7. I am advised by Mr. Gange and do verily believe that Commission counsel has indicated to Mr. Gange that witness SOR #7 is expected to be a witness at the hearing stage of the Inquiry.

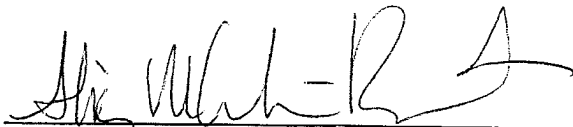
8. I am advised by Mr. Gange and do verily believe that Mr. Gange has concerns that the witness identified as SOR #7 may suffer significant emotional stress if required to testify in public and if identities are disclosed.

9. I make this Affidavit in good faith.

SWORN BEFORE ME at the)
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City of Winnipeg in the Province)
)
of Manitoba this 8th day of)
)
June, 2012.)
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A Notary Public in and for the
Province of Manitoba.



ALISON McCULLOUGH-BUTCHART