

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

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**NOTICE OF MOTION TO STRIKE THE AFFIDAVIT OF EVELYN WOTHERSPOON  
FILED BY  
CANADIAN BROADCASTING CORPORATION, CTV WINNIPEG,  
GLOBAL WINNIPEG AND THE WINNIPEG FREE PRESS  
Hearing Date: July 4, 5 and 6, 2012 at 10:00 a.m.**

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**AIKINS, MacAULAY & THORVALDSON LLP**

Barristers and Solicitors  
30<sup>th</sup> Floor – 360 Main Street  
Winnipeg MB R3C 4G1

**JONATHAN B. KROFT**  
Telephone: 204-957-4671  
Facsimile: 204-957-4253

File No. 1103444

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

**NOTICE OF MOTION**

THE CANADIAN BROADCASTING CORPORATION, CTV WINNIPEG, GLOBAL WINNIPEG AND THE WINNIPEG FREE PRESS (the "Media), will make a motion before Commissioner Hughes, the Commissioner for the Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair, on the 4<sup>th</sup> day of July, 2012 at 10:00 a.m., in the Pan Am room at the Winnipeg Convention Centre, 375 York Avenue, Winnipeg Manitoba.

**THE MOTION IS FOR:**

1. an Order that the Affidavit of EVELYN WOTHERSPOON affirmed March 29, 2012 be struck out on the basis that it contains opinion evidence that the affiant is not qualified to give and/or argument that is not properly tendered as evidence.

**THE FOLLOWING DOCUMENTS** will be used at the hearing of the motion:

1. Exhibit "B" of the Affidavit of Evelyn Wotherspoon affirmed March 29, 2012;
2. the cross examination of Evelyn Wotherspoon, May 22, 2012; and

3. such further and other material as counsel may advise and this Honourable Commission of Inquiry may permit.

June \_\_\_\_\_, 2012

**AIKINS, MacAULAY & THORVALDSON LLP**

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30<sup>th</sup> Floor - 360 Main Street

Winnipeg MB R3C 4G1

**JONATHAN B. KROFT**

Tel: 204-957-4671

Fax: 204-957-4253

Solicitor for Canadian Broadcasting Corporation,

CTV Winnipeg, Global Winnipeg and the

Winnipeg Free Press