

IN THE COURT OF APPEAL

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

BETWEEN:

**THE MANITOBA GOVERNMENT AND
GENERAL EMPLOYEES' UNION,**

Applicant,

- and -

**THE HONOURABLE TED HUGHES, in his capacity as Commissioner
under *The Manitoba Evidence Act* and appointed pursuant to
Order in Council No. 89-2011, dated the 23rd day of March 2011,**

Respondent.

**APPLICATION UNDER Section 95(2) of *The Manitoba Evidence Act*,
C.C.S.M. c. C225 and Rule 43.1 of *The Court of Appeal Rules*,
Man. Reg. 555/88**

NOTICE OF MOTION

**DEPARTMENT OF JUSTICE
Constitutional Law Branch**

1205 - 405 Broadway
Winnipeg, Manitoba R3C 3L6

Heather Leonoff

Telephone No. (204) 945-0679

Facsimile No. (204) 945-0053

File No. AI12-01-07730

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TAKE NOTICE that the Applicant, the Attorney General of Manitoba, will make a motion before the presiding judge of this Honourable Court, on Thursday, February 9, 2012 at the hour of 10:00 o'clock in the forenoon, or so soon thereafter as the motion can be heard at the Law Courts Building, 408 York Avenue in the City of Winnipeg, in the Province of Manitoba:

THE MOTION IS FOR:

1. Short leave;
2. An Order granting the Attorney General of Manitoba intervener status to defend the validity of Order In Council 89/2011.

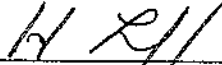
THE GROUNDS FOR THE MOTION ARE THAT:

1. The Attorney General is the chief law officer of the Crown;
2. *Department of Justice Act*, R.S.C., 1985, c. J-2, section 2.1; and
3. And upon such further and other grounds as counsel may advise and this Honourable Court may allow.

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

1. The Affidavit of Jeffrey Schnoor affirmed on February 8, 2012; and
2. Such further and other evidence as the Applicant may advise and this Honourable Court may allow.

DATED this 8th day of February 2012.



HEATHER LEONOFF,
Crown Counsel for
The Attorney General of Manitoba
Constitutional Law Branch
1205-405 Broadway Avenue
Winnipeg, MB R3C 3L6
Telephone: (204) 945-0679
Facsimile: (204) 945-0053

To: REGISTRAR
Manitoba Court of Appeal
408 York Avenue
Winnipeg, MB R3C 0P9

And to: JOHN B. HARVIE
Myers Weinberg LLP
724-240 Graham Avenue
Winnipeg, MB R3C 0J7

And to: SHERRI WALSH
Hill Sokalski Walsh Trippier LLP
Litigation Counsel
2670 - 360 Main Street
Winnipeg, MB R3C 3Z3

And to: GLENN McFETRIDGE
Manitoba Justice
Civil Legal Services
730-405 Broadway Avenue
Winnipeg, MB R3C 3L6