

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

NOTICE OF MOTION ON BEHALF OF SOR #3

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Death of Phoenix Sinclair

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The witness identified by Commission counsel as SOR #3 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.

THE 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 #3;
- (b) That the Commissioner exclude all members of the public from the hearing room during the testimony of SOR #3 or make other order as the Commissioner may see fit to protect the identity of SOR #3; and

- (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 Counsel 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 Tim Herkert affirmed June 1, 2012; and
- (b) Such further and other material as counsel and the Commissioner may allow.

June 6, 2012

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