

1 EXCERPT FROM SEPTEMBER 16, 2014

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3 THE JUDGE: Okay. So, like, my hands are tied
4 with regards to it if he isn't here to, to establish a
5 prima facie basis of the case. And neither of you can
6 testify as to it, nor are you the complainants, so my hands
7 are tied with regards to it. I'm going to have to dismiss
8 it today.

9 MR. B. [REDACTED]: I see. There's no way we can work
10 around this in terms of getting it opened?

11 THE JUDGE: No.

12 MR. B. [REDACTED]: Getting it reviewed?

13 THE JUDGE: No. It's, I mean this, this is what
14 it is today, is the review.

15 MR. B. [REDACTED]: Yeah, that's right. Yes.

16 THE JUDGE: And it's a situation where his, his
17 complaint as written and the documentation, I have it all,
18 I've reviewed it, but what, what this is, is a review of
19 the matter --

20 MR. B. [REDACTED]: Right.

21 THE JUDGE: -- to determine whether or not the
22 commissioner was in proper standing in terms of making the
23 decision he did. The argument by [REDACTED], he needs to
24 be here to argue it, sir.

25 MR. B. [REDACTED]: Oh, I see.

26 THE JUDGE: So the hands are tied. I'm going to
27 have to dismiss on the basis of him not being here.

28 MR. B. [REDACTED]: Okay.

29 THE JUDGE: Okay. So there is a dismissal with
30 regards to this then.

31 MR. JOHNSTON: Your Honour, can I ask that you
32 order that the ban on publication pursuant to Section
33 13(4.1) continue.

34 THE JUDGE: Yes, the ban continues.

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(EXCERPT CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 1, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability.



IN THE MATTER OF:

Law Enforcement Review Act
Complaint No. 2012/235

AND IN THE MATTER OF:

An Application Pursuant to s. 13
of The Law Enforcement Review Act
R.S.M. 1987, c. L75

BETWEEN:

[REDACTED],

Complainant,

- and -

[REDACTED]

Respondents.

TRANSCRIPT OF PROCEEDINGS, before The Honourable
Judge Stewart, held at the Law Courts Complex, 408 York
Avenue, in the City of Winnipeg, Province of Manitoba, on
the 16th day of September, 2014.

APPEARANCES:

MR. B. [REDACTED], for the Complainant

MR. D. JOHNSTON, for Law Enforcement Review Agency

MR. P. MCKENNA, for the Respondents

BAN ON PUBLICATION