

File No. 2016/171
E-File Name: 2018-12-03WCP [REDACTED]
Appeal No. _____

IN THE PROVINCIAL COURT OF MANITOBA
WINNIPEG, MANITOBA

IN THE MATTER OF

THE LAW ENFORCEMENT REVIEW ACT
Complaint # 2016/171

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

HEARING
(Pages T1 - T4)

December 3, 2018
Winnipeg, Manitoba

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BAN ON PUBLICATION

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2

3

4 December 3, 2018

Afternoon Session

5

6 The Honourable Judge

The Provincial Court of Manitoba

7 D. Schille

8

9 D. Fenske

For the LERA Commissioner

10 P. McKenna

For the Respondents

11 [REDACTED]

Court Clerk

12

13

14 **Discussion**

15

16 THE COURT CLERK:

Judge Schille presiding. You may be

17 seated.

18

19 MR. MCKENNA:

I'm going to be real quick.

20

21 THE JUDGE:

Yes.

22

23 MR. MCKENNA:

Good afternoon, Your Honour --

24

25 THE JUDGE:

Good afternoon.

26

27 MR. MCKENNA:

-- Paul McKenna --

28

29 THE JUDGE:

Yes.

30

31 MR. MCKENNA:

-- for the respondent officers on matter

32 number 1, which is a -- a LERA complaint and what we call a Section 13 review.

33

34 MR. FENSKE:

And Darrin Fenske appearing for the

35 Commissioner.

36

37 THE JUDGE:

All right.

38

39 MR. MCKENNA:

Your Honour, I -- I received a phone call

40 this morning from the complainant indicating that he didn't want to proceed any

41 further with the complaint. I -- because he's unrepresented -- I encouraged --

1
2 THE JUDGE: Good morning.
3
4 MR. MCKENNA: -- him to contact the LERA
5 Commissioner. And the representative from LERA, who took the phone call, is here
6 just to -- if you needed confirmation that he, in fact, did indicate that he wanted to
7 discontinue his complaint.
8
9 THE JUDGE: No. I -- I would certainly accept what you
10 say Mr. McKenna as --
11
12 MR. MCKENNA: Thank you.
13
14 THE JUDGE: -- an officer of the Court.
15
16 MR. MCKENNA: Thank you.
17
18 THE JUDGE: My recollection we were here today was
19 going to be contested motion --
20
21 MR. MCKENNA: Yes.
22
23 THE JUDGE: -- for disclosure --
24
25 MR. MCKENNA: Yes.
26
27 THE JUDGE: -- on a couple of items --
28
29 MR. FENSKE: That's correct.
30
31 THE JUDGE: -- that were discussed last time before me.
32
33 MR. MCKENNA: Yes.
34
35 (DECISION DELIVERED)
36
37 MR. MCKENNA: Thank you, Your Honour.
38
39 THE JUDGE: All right.
40
41 **Ban on Publication**

1

2 MR. MCKENNA: There would be just one thing I would
3 ask, pursuant to Section 13(4.1)(b) of the *Act*, is an order that the ban on publication
4 of the officers' names continue.

5

6 THE JUDGE: All right. There will be an order pursuant
7 to that Section, banning publication of all of the respondent officers.

8

9 MR. MCKENNA: Thank you, Your Honour.

10

11 THE JUDGE: Great.

12

13 MR. MCKENNA: That completes the matter.

14

15 MR. FENSKE: Thank you.

16

17 THE JUDGE: Thank you.

18

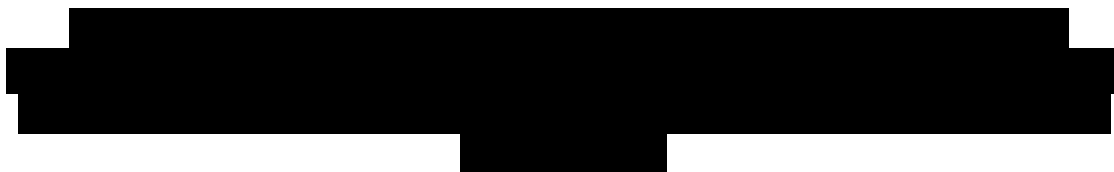
19

20

21 PROCEEDINGS CONCLUDED

22

IN THE MATTER OF *THE LAW ENFORCEMENT REVIEW ACT*



I, KARI SHORT, Court Transcriber, HEREBY MAKE OATH AND SAY that the foregoing typewritten pages being numbered T One (T1) to T Three (T3), inclusive, contain a true and correct transcription of the recorded proceedings taken herein to the best of my knowledge, skill and ability.

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