

1 JUNE 28, 2017

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3 MR. HOGG: Good afternoon, Your Honour. It's
4 Hogg, H-O-G-G, first initial A, for the record.

5 THE COURT: Yes.

6 MR. HOGG: Here on, here on matter number 1,
7 [REDACTED].

8 THE COURT: Yes.

9 MR. HOGG: I'm not sure if my friend needs to be
10 present for this. My instruction for Mr. Kavanagh is that
11 Mr. [REDACTED] is withdrawing his application today.

12 THE COURT: Okay.

13 MR. HOGG: And no longer intends to proceed.

14 THE COURT: Is Mr. Kavanagh here or is --

15 MR. HOGG: No. Mr. Kavanagh will, won't be
16 attending. I'm here in his place.

17 THE COURT: Oh, all right, I see. So Mr. [REDACTED]
18 is withdrawing his application. All right. And there's
19 nobody else here opposite?

20 MS. BEATOR: He just went out --

21 MR. HOGG: I believe --

22 MS. BEATOR: -- in the hall. He was having
23 discussions with Mr. Henley so I think he'll be right back.

24 THE COURT: Oh, okay. And who is it that's here?
25 Sorry, Mr., is it -- I'm never sure. Is it Mr.
26 (inaudible)?

27 MS. BEATOR: It's Mr. Bartel, Greg Bartel.

28 THE COURT: Mr. Bartel. Thank you very much.

29 Good afternoon. Mr. Bartel? Okay, I --

30 MR. JOHNSTON: Mr. Johnston for the Commissioner
31 of LERA.

32 THE COURT: Mr. Johnston, okay.

33 MR. JOHNSTON: And my friend Mr. Bartel is
34 opposite me.

1 THE COURT: Okay. Yes, good afternoon. I was
2 hearing about the [REDACTED] matter and that Mr. [REDACTED] is
3 withdrawing his application.

4 MR. JOHNSTON: That's my understanding.

5 THE COURT: Yes.

6 MR. BARTEL: Yes. And if I may just indulge,
7 counsel's name for the --

8 MR. HOGG: Oh, it's Hogg, H-O-G-G, first initial
9 A.

10 MR. BARTEL: From Mr. Kavanagh's office?

11 MR. HOGG: Yes, from Kavanagh Wood.

12 THE COURT: All right. I'll indicate that the
13 application is withdrawn and nothing further to be done
14 with respect to that matter.

15 MR. HOGG: That is correct.

16 MR. BARTEL: If I may add, there's a publication
17 ban under section 13(4.1) and we would just ask the court
18 to confirm that that publication ban remain in place.

19 THE COURT: It's been a while since I've looked
20 at this but my, that's my understanding is that they do
21 remain in place. I'm sure you're probably more familiar
22 with it than I am.

23 MR. JOHNSTON: Essentially, Your Honour, the
24 framework of the Act is that the ban on publication remains
25 in effect unless and until there is a hearing and a finding
26 that it a disciplinary default has been committed.

27 THE COURT: A determination that there's been a
28 disciplinary default, right, yes.

29 MR. JOHNSTON: That's right.

30 THE COURT: All right. That's fine. I will
31 confirm that that publication ban remains in place.

32 MR. HOGG: Thank you, Your Honour.

33 THE COURT: Okay. Thank you.

34 (PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 2, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability.

CHERYL LAVIGNE
COURT TRANSCRIBER

**IN THE MATTER OF: Law Enforcement Review Act
 Complaint No. 2016/95**

BETWEEN:

[REDACTED],

Complainant,

- and -

UNIDENTIFIED OFFICERS,

Respondents.

TRANSCRIPT OF PROCEEDINGS, before the Honourable Judge Carlson, held at the Law Courts Complex, 408 York Avenue, in the City of Winnipeg, Province of Manitoba, on the 28th day of June, 2017.

APPEARANCES:

MR. D. JOHNSTON, for the Commissioner

MR. A. HOGG, for the Complainant

MR. G. BARTEL, for the Respondents

BAN ON PUBLICATION