

**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY  
The Honourable G. Normand Glaude, Commissioner**

**IN THE MATTER OF an Application for Limited Standing  
at the Cornwall Public Inquiry  
for and on behalf of  
SEAN ADAMS**

**NOTICE OF APPLICATION FOR LIMITED STANDING**

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Counsel for the Applicant  
Sean Adams

**IN THE MATTER OF** The Cornwall Public Inquiry  
**AND IN THE MATTER OF** an Application for Limited Standing at or before the  
 Cornwall Public Inquiry on behalf of Sean Adams.

**NOTICE OF APPLICATION FOR LIMITED STANDING**

**TAKE NOTICE** that **SEAN ADAMS** will bring an Application for limited standing with respect to the Cornwall Public Inquiry at a date and time to be arranged with Commission Counsel for the Cornwall Public Inquiry, at 709 Cotton Mills Street, Cornwall, Ontario.

**THE GROUNDS FOR THIS APPLICATION ARE:**

1. The Applicant is an individual who has a direct and substantial interest in the subject matter of this Inquiry.
2. The grant of limited standing will assist the Cornwall Public Inquiry to fulfill its mandate.
3. The Applicant relies upon section 5 of *The Public Inquiries Act*.
4. The Applicant relies upon rules 8, 9, 10, 24, 34, and 36 of the Inquiry's *Rules of Practice and Procedure*.
5. The Applicant relies upon the common law duty of procedural fairness.

**IN SUPPORT OF THE APPLICATION THE APPLICANT SEAN ADAMS RELIES UPON THE FOLLOWING:**

6. Sean Adams has commenced his testimony before the Inquiry on November 15 and 16, 2007. That testimony has not been completed.

7. During the examination of Sean Adams counsel for the Inquiry examined Sean Adams about information and events that had not been advised to him.
8. This information concerned an alleged attendance in the summer of 1993 by Sean Adams with, or at the same time as, Malcolm MacDonald and Jacques Leduc with an unnamed young person, at the office of Duncan MacDonald. Given the alleged reaction of Duncan MacDonald, the inference or innuendo is that by being in the company of Malcolm MacDonald and Jacques Leduc, the Applicant, Sean Adams, was involved in something inappropriate. This may be in part due to the juxtaposition of events, for the testimony of Sean Adams to date referred to his providing Independent Legal Advice to David Silmsler in September, 1993 in the process of David Silmsler receiving a payment of \$32,000.00. The event must have some significance and import to the matters being explored by the Inquiry (which significance is not presently fully understood by the Applicant) or reason would argue that Commission Counsel would not have raised the issue and opened the evidentiary door with respect to the events raised in his questioning of Mr. Adams.
9. Sean Adams denied being in attendance at the law office of Duncan MacDonald during the summer of 1993.
10. Counsel for the Inquiry disclosed that an unnamed witness was the basis for some of his questioning of Sean Adams. The name of that witness was provided on November 27, 2007. It is now expected that inquiries may be made by or on behalf of Sean Adams. It is further expected that other evidence will be available on the issue of the alleged attendance by the Applicant, Sean Adams, at the law office of Duncan MacDonald in the summer of 1993. When the evidence is available it will be presented to Commission Counsel in order that it may be adduced at the Cornwall Public Inquiry.

11. Some counsel have completed their examination of Sean Adams. However, some counsel have not completed their questioning and some have reserved their questioning until the unnamed witness has been named. It is not presently known when that examination will be scheduled.
12. Commission Counsel has advised that the previously unnamed witness will testify at the Inquiry.
13. Given the forgoing, the evidence of the previously unnamed witness is expected to be highly prejudicial to Sean Adams. In seeking to contradict Sean Adams such evidence, at the least, will seek to assail Sean Adams' credibility.
14. There may be other allegations and other witnesses connected, directly or indirectly, to or with the previously unnamed witness or her evidence, but the Applicant has no way of knowing the extent of this information at this time as none of it, save the Anticipated Evidence of the unnamed witness, has been provided to the Applicant by Commission Counsel.
15. Commission Counsel has disclosed that the Commission does not have any other witnesses that are intended to be called to testify at the Inquiry on this issue "...at this time." As the possibility of such further evidence has not been foreclosed, the Applicant requires a grant of Limited Standing so that in the event this issue is revisited, or in the event further testimony on this issue is advanced, then he will not be prejudiced; he will have an opportunity to be notified; he will have an opportunity to address such evidence as and when required. In such circumstances it is submitted that procedural fairness requires that he receive a grant of Limited Standing for this purpose, and for the other reasons advanced herein.

16. If there is any documentary evidence related to the anticipated testimony of the previously unnamed witness, it has not been provided to the Applicant. Commission Counsel has advised that there is no such other documentary evidence.
17. So far as the Applicant is aware there are no other persons or institutions with standing at the Cornwall Public Inquiry that will advance or protect his interests.
18. As has been indicated in at least one prior Application for Limited Standing, a grant of Limited Standing "...will assist the Commission in allowing it to have contradictory evidence on very significant matters probed and tested. This will enable the Commissioner to have a complete picture rather than incur the risk of it obtaining only a partial or distorted one." This statement also applies to Sean Adams.
19. The Applicant, Sean Adams, expects that there will be additional witnesses that will have to be called on the issues raised in the Questioning of him by Commission Counsel and by the anticipated evidence of the previously unnamed witness.

**THE RELIEF SOUGHT IS:**

20. An Order granting the Applicant, Sean Adams, limited standing in, at or before the Cornwall Public Inquiry to:
  - a. cross-examine any witness or witnesses on any testimony that directly impacts or affects the Applicant, including the events and allegations raised by and pertaining to the previously unnamed witness or

otherwise;

- b. receive notification, information and documentation relating to witnesses and testimony that impacts or affects the Applicant; and
- c. enable the Applicant, and his counsel, to participate in all aspects of the Cornwall Public Inquiry to the extent such aspects impact upon or affect the Applicant, Sean Adams, to ensure Sean Adams receives the benefit of procedural fairness and so that his testimony will be of assistance to the Cornwall Public Inquiry.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this 29<sup>th</sup> day of November, 2007.



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