

STOCKWOODS

Barristers

Brian Gover
Direct Line: 416-593-2489
Direct Fax: 416-593-9345
briang@stockwoods.ca
File No.: 6571

January 23, 2008

Delivered Via Email and Courier

John T. Martin
Barrister, Solicitor & Notary Public
No. 202 - 111 Station Street
Duncan, British Columbia
V9L 1M8

Dear Mr. Martin:

Re: Cornwall Public Inquiry v. Perry Dunlop

Please find enclosed a copy of the Commissioner's Factum, Supplementary Application Record and Supplementary Brief of Authorities served upon you pursuant to the *Rules of Civil Procedure*.

The Commissioner is seeking a finding that Mr. Dunlop is guilty of contempt for his disobedience of the Divisional Court's December 7, 2007 Order directing him to appear before the Commissioner on January 14, 2008.

Assuming Mr. Dunlop attends before the Divisional Court on January 28, 2008, the Commissioner will make submissions on the appropriate penalty for Mr. Dunlop's contempt as found by the Court at the initial hearing on November 19, 2007, and if so found, for his contempt of the Court's December 7, 2007 Order. We anticipate that both the Attorney General and the Commissioner will be asked to make submissions on the appropriate penalty. Subject to the position taken by the Attorney General, it will be our position that the appropriate penalty for these two contempts is in the range of six months incarceration.

In the event that Mr. Dunlop is not in attendance before the Court on January 28, 2008, it will be the Commissioner's position that sentencing submissions should be adjourned. Mr. Dunlop should have the opportunity to put forward his position on sentence, including identifying any mitigating factors that ought to be considered by this Honourable Court, before a sentence is imposed. It will be our submission that the appropriate procedure in such circumstances would be for the Court to issue a warrant directing the arrest of Mr. Dunlop and his production before the Court on a date to be fixed, so the Court may proceed to impose a fit sentence.

STOCKWOODS LLP

SUITE 2512, THE SUN LIFE TOWER, 150 KING STREET WEST, TORONTO, ONTARIO M5H 1J9 • PH: (416) 593-7200 • FAX: (416) 593-9345

Please do not hesitate to contact me or my associate, Patricia Latimer, if you have any questions or concerns.

Yours very truly,

A handwritten signature in cursive script that reads "Brian Gover".

Brian Gover
PML/nd

Encls.