

AIKINS, MACAULAY & THORVALDSON LLP

**Barristers and Solicitors
Patent and Trade - Mark Agents
30th Floor - 360 Main Street
Winnipeg, Manitoba
R3C 4G1
Telephone: (204)957-0050
Facsimile: (204)957-0840**

Date: March 17, 2005

Time:

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Richard Wolson, Q.C.
FIRM: Gindin, Wolson, Simmonds
FAX NO.: 985-8190
LOCATION:
FILE NO.: 0401474

From: Martin Minuk

Direct Line: 957-4697

We are transmitting ² pages (including this page) from a Xerox 7033. If you do not receive all the pages, please call back as soon as possible.

Operator: Andrea Erb

Direct Line: 957-4705

Message:

Please see attached letter.

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AIKINS



March 17, 2005

BY FAX NO. 985-8190

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 - 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harveymordenzenk

I received a telephone call from Ms. Bueti of your office requesting that I provide her with disclosure in respect of the criminal prosecution pending against your client. In the same voicemail message I understood from Ms. Bueti that your client had failed to make a report as required under the *Highway Traffic Act* ("HTA") within 7 days from the motor incident he was involved in.

In addition to Ms. Bueti's call, I received a call from the East St. Paul Police informing me that you had requested that they provide to you a copy of the police investigation or some information relating to the case.

I am informed that the matter continues to be investigated, and the report for disclosure is not prepared as of this time.

In the result, I am unable to release any material to you, and I would suggest that you direct your client to comply with the HTA.

Yours truly,

AIKINS, MacAULAY & THORVALDSON LLP

Per:

MARTIN S. MINUK

MSM/ace

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

PLEASE REPLY TO
Martin S. Minuk

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea C. Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NUMBER
0501474

AIKINS

A May 5, 2005

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harvey mordenzenk
Next Appearance: May 25, 2005 at 10:00 a.m. in Court Room 301

Enclosed please find a disclosure list, along with copies of all the documents indicated therein.

Also enclosed is a CD containing the witness statements.

If there is additional disclosure, same will be forwarded to you in due course.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for The Attorney General of Manitoba

/ace
encs.

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation



The Honourable
Judge Ronald J. Meyers

The Provincial Court of Manitoba

THE LAW COURTS
Winnipeg, Manitoba, Canada
R3C 0P9
(204) 945-7152
Fax (204) 945-0552
e-mail rmeyers@jus.gov.mb.ca

January 5, 2006

Mr. Richard Wolson, Q.C.
Gindin, Wolson, Simmonds
1200-363 Broadway
Winnipeg, MB R3C 3N9

Dear Mr. Wolson:

Re: R. v. Harveymordenzenik

Further to our initial resolution conference meeting on December 19, 2005, I would appreciate your advising as to whether or not you have made the necessary enquiries as to the dates of the Driskell Inquiry, and if so whether or not you will be making application for an adjournment of this matter?

I would also hope that you advised the Driskell Inquiry commissioner of the Harveymordenzenik preliminary hearing dates to see if consideration could be given to a rescheduling of that particular Inquiry.

Could you please advise in this regard?

Yours truly,

Ronald J. Meyers
Provincial Judge

c.c. Mr. Martin Minuk

AIKINS

A February 28, 2006

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harvey mordenzenk
Preliminary Inquiry: June 5 - 16, 2006 in Court Room 404

Enclosed please find the Crown's Disclosure List No. 2, along with copies of all the documents, etc. indicated therein.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for The Attorney General of Manitoba

/ace
encs.

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

AIKINS



May 18, 2006

VIA FAX NO. 985-8190

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 - 363 Broadway
Winnipeg, MB
R3C 3N9

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harvey mordenzenk
Preliminary Inquiry: June 5 - 16, 2006

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

Please excuse my delay in not immediately responding to your accommodation request. I am positive you would have been of the opinion, and correctly so, that your request would be accommodated without incident.

In preparation for the upcoming preliminary inquiry, I have been made aware of the need for some additional investigation to be performed in advance of the hearing.

At this point I do not think the investigation can be completed prior to the start date of the hearing.

Accordingly, I am writing to you to request your consent to adjourn the preliminary inquiry. If you are prepared to consent, it would be my intention to bring the matter forward and adjourn the hearing without your attendance. I would rely on your confirming correspondence should I receive same.

Alternatively, If you are unwilling to consent, please advise and I will have the matter added to a docket next week to speak to the matter.

I thank you for your co-operation, and await your reply.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for The Attorney General of Manitoba

MSM/ace

AIKINS, MACAULAY & THORVALDSON LLP
• LAW FIRM •

AIKINS

A May 23, 2006

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

VIA FAX NO. 985-8190

Gindin, Wolson, Simmonds
Baristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harveyordenzenk
Preliminary Inquiry: June 5 - 16, 2006


Further to my letter of May 18, 2006, I have not received a reply from you to date.

Out of an abundance of caution, I am making arrangements to have the matter brought forward to May 30, 2006 at 10:00 a.m. in Courtroom 302, at which time the adjournment request can be addressed.

Again, should you be prepared to consent there will be no need for this matter to be brought forward for an application to adjourn.

I would appreciate it if you could respond to me as soon as you have instructions.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for The Attorney General of Manitoba

MSM/ace

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andree@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

AIKINS

March 9, 2007



30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

**Re: Derek Grant Harveymordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404**

Enclosed please find the Crown's additional Disclosure List No. 3 along with copies of the documents indicated therein.

Yours truly,

Per:

MARTIN S. MINUK
Agent for the Attorney General of Manitoba

/ace
encs.

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
mism@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

AIKINS



May 8, 2007

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard J. Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harvey mordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404

Enclosed please find the Crown's additional Disclosure List No. 4 along with copies of the documents indicated therein.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for the Attorney General of Manitoba

/ace
encs.

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

AIKINS



June 22, 2007

VIA FAX NO. 985-8190

2 pages

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 - 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harveymordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

As part of the above prosecution, the Crown intends to establish that your client was the registered owner of the 1995 Dodge Dakota Club Cab, Manitoba licence plate DAX 165, with serial number 1B7GL23X7SS362425.

I am enclosing a copy of a letter from the Registrar of Motor Vehicles confirming the vehicle registration. Please regard this letter as notice to you pursuant to the *Canada Evidence Act* of the intention to produce this document both at the preliminary inquiry and the trial should there be a committal.

The Crown intends to call a witness if necessary to produce the Certificate of Registration.

Will you please advise whether or not it will be necessary for a witness from the Driver and Vehicle Licencing Branch to attend simply to confirm the registration and file same, or whether you are prepared to consent to the filing of the attached letter without the need to call a witness.

Yours truly,

Per:

MARTIN S. MINUK
Agent for the Attorney General of Manitoba

/ace
enc.

AIKINS, MACAULAY & THORVALDSON LLP
• LAW FIRM •



Manitoba Public Insurance **Société d'assurance publique du Manitoba**

Driver and Vehicle License
1075 Portage Avenue
Winnipeg

Mailing address:
Box 6300
Winnipeg MB R3C 4A4

Permis et Immatriculations
1075, avenue Portage
Winnipeg

Adresse postale :
C.P. 6300
Winnipeg MB R3C 4A4

8 June, 2007

TO WHOM IT MAY CONCERN:

CERTIFICATE OF REGISTRATION

In accordance with section 324(1) of *The Highway Traffic Act*, this will certify as follows:

On September 3, 2004, D G Harvey mordenzenk of [REDACTED] applied for registration on a 1985 Dodge Dakota Club Cab with serial number 1B7GL23X7SS362425 and was issued with Manitoba Licence Plates [REDACTED]

Insofar as Manitoba Public Insurance is concerned, this registration was valid on February 25, 2005.

The information contained in this certificate is a matter of record in the office of the Registrar of Motor Vehicles. This certificate is issued under the authority of the Registrar of Motor Vehicles.

Yours truly,

Ward Keith
Registrar of Motor Vehicles

FDG0082
1310-08-B8, 04
MG-4343(a) (R-04/06)

Le document peut être obtenu en français sur demande.

AIKINS



June 13, 2007

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

VIA FAX NO. 985-8190
2 pages

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard Wolson, Q.C.

Dear Sir:

Re: Derek Grant Harveymordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404

I write to advise that at the upcoming preliminary, the Crown in addition to civilian witnesses will be calling 2 expert witnesses. These witnesses are:

1. Dr. Balachandra, who performed the autopsy and authored the Autopsy Report;
2. Cst. Christopher Blandford, forensic traffic collision reconstructionist.

As you are aware from the disclosure provided, Cst. Blandford authored a report. In addition to producing the witnesses for *viva voce* testimony, it will be my intention to have the reports marked as exhibits in the proceeding.

If you require any further disclosure in respect of these 2 witnesses, please advise.

On the matter of the experts, can you advise whether or not you will be contesting the expertise of these witnesses at the preliminary inquiry, and as such will be requiring a *voir dire* on the issue of qualifications to give expert evidence.

PLEASE REPLY TO
Martin S. Minuk

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
mstm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation



Thank you for your attention to this matter.

Yours truly,

Per:

MARTIN S. MINUK
Agent for the Attorney General of Manitoba

MSM/ace

AIKINS, MACAULAY & THORVALDSON LLP
• LAW FIRM •

AIKINS

A July 3, 2007

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard Wolson, Q.C.

Dear Sir:

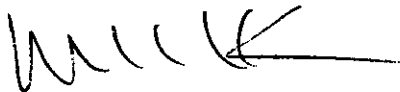
Re: Derek Grant Harveymordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404

While preparing for the above matter, I came across the following notes which I am providing to you now in the event that I have not already done so:

1. H. Bakema / Date: 05-02-25 (notebook pages 64-74);
2. Cst. Krawchuk / Date: 2005/02/25 (notebook pages 126-129).

Yours truly,

Per:



MARTIN S. MINUK
Agent for the Attorney General of Manitoba

MSM/ace
encs.

AIKINS

July 12, 2007



DELIVERED

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard Wolson, Q.C.

Dear Sir:

Re: R. v. Derek Grant Harveymordenzenk
Preliminary Inquiry: July 16 - 20, 2007 at 10:00 in 404

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation

This morning I had the opportunity to meet with Chief Norm Carter of the East St. Paul Police. Chief Carter was in possession of a CD containing photographs taken by the expert witness Cpl. Chris Blandford, and print copies of the photographs taken.

I am unsure as to whether or not I provided to you a copy of the CD containing the photographs, and in the result I am forwarding a copy of this CD now.

Cpl. Blandford will be bringing with him extra sets of the photographs, his report and CV. When he arrives in Winnipeg I will be able to provide to you a set of prints. In the meantime I trust the enclosed CD will be satisfactory until later next week.

Further to the matter of Cpl. Blandford's qualifications, I am wondering whether or not you have had an opportunity to address that issue with your client, and if so, can you advise whether or not his qualifications will be accepted for the purpose of the preliminary.

If you have any questions, or wish to discuss the matter further, please do not hesitate to contact me.

Yours truly,

Per:

MARTIN S. MINUK
Agent for the Attorney General of Manitoba
MSM/ace
enc. - CD

AIKINS, MACAULAY & THORVALDSON LLP

• LAW FIRM •

AIKINS



August 17, 2007

30th Floor
Commodity
Exchange Tower
360 Main Street
Winnipeg, Manitoba
Canada R3C 4G1

T (204) 957-0050
F (204) 957-0840
E amt@aikins.com
www.aikins.com

DELIVERED

Gindin, Wolson, Simmonds
Barristers and Solicitors
1200 – 363 Broadway
Winnipeg, MB
R3C 3N9

Attention: Richard Wolson, Q.C.

Dear Sir:

Re: R. v. Derek Grant Harvey mordenzenk

Enclosed please find a typed listing of the conditions to be requested by the Crown for the conditional sentence.

These conditions have been identified from the authorities being provided to the court.

Yours truly,

Per: 

MARTIN S. MINUK
Agent for the Attorney General of Manitoba

MSM/ace
enc.

PLEASE REPLY TO
Martin S. Minuk*

DIRECT LINE
(204) 957-4697

DIRECT E-MAIL
msm@aikins.com

DIRECT FAX
(204) 957-4411

LEGAL ASSISTANT
Andrea Erb

DIRECT LINE
(204) 957-4705

DIRECT E-MAIL
andreae@aikins.com

FILE NO.
0501474

* services provided by
M. S. Minuk
Law Corporation



The Honourable Chief Judge
Raymond E. Wyant

The Provincial Court of Manitoba

THE LAW COURTS
5th Floor – 408 York Avenue
Winnipeg, Manitoba, Canada
R3C 0P9
(204) 945-3461
Fax (204) 945-0552

October 19, 2007

Mr. Richard Wolson, Q.C.
Gindin Wolson Simmonds
1200-363 Broadway Ave.
Winnipeg MB R3C 3N9

Fax: 985-8190

Mr. Martin Minuk
Aikins MacAulay & Thorvaldson LLP
30th floor - 360 Main Street
Winnipeg MB R3C 4G1

Fax: 957-4411

Dear Sirs:

RE: R v. Harveymordenzenk

Please be advised that the Court has been approached by CJOB with a request to broadcast my decision with respect to the above noted case on October 29, 2007 by live feed. Upon careful consideration of the request, I have approved it, subject to stringent conditions. There will be recording equipment inside of Courtroom 210 during the delivery of my decision. The recording equipment will be present on the bench only and will be limited to the audio recording of the judicial decision. There will not be any recordings of comments by any other person present in the courtroom or in the Law Courts Complex.

Of paramount importance is respecting the legal process and ensuring disruptions of court proceedings do not occur. Consequently, as it can be reasonably anticipated that other media outlets will become aware of CJOB's plan to broadcast this live feed and may make similar requests, it is the view of the Court that notification ought to be given to other media of this granted controlled access. This will allow any similar requests to be dealt with in advance of the proceedings and thereby avoid disruption of the proceedings on October 29th

Yours truly,

Raymond E. Wyant
Chief Judge

**GINDIN
WOLSON
SIMMONDS
ROITENBERG**
BARRISTERS

Jeffrey J. Gindin*, B.A., LL.B.
Richard J. Wolson*, Q.C.
Saul B. Simmonds*, B.A., LL.B.
Evan J. Roitenberg*, LL.B.
Katherine L. Bueti*, B.A., LL.B.
Paul A. Cooper, B.A., B.P.E.; LL.B.
Krista Peteleski, B.P.E.; LL.B.
Sarah E. Wolson, B.A., LL.B.
Peter V. Edgett, B.B.A., LL.B.
**A Law Corporation*

Via Fax - 945-0552

October 19, 2007.

The Honourable Chief Judge Raymond E. Wyant,
The Provincial Court of Manitoba,
5th Floor, 408 York Avenue,
WINNIPEG, Manitoba,
R3C 0P9.

Your Honour:

RE: Derek HARVEY-MORDEN-ZENK.

I have received your fax dated October 19th, 2007, at 3:34 p.m., regarding the above captioned individual. I was unaware that the Court had been approached by CJOB wishing to broadcast your decision on October 29th, 2007, by live feed. I was also unaware that you had approved the request of this media agency. It is my respectful submission that you allow counsel to appear before you to make submissions on the appropriateness of this process.

Unfortunately, I will be in Brandon on a Queen's Bench trial until Friday, October 26th, 2007. I would, however, like the opportunity to put my position on the record on October 26th, 2007, or at a time prior to your reasons for judgment on this matter.

Yours truly,

GINDIN, WOLSON, SIMMONDS, ROITENBERG

Per:



RICHARD J. WOLSON, Q.C.

RJW/hr

cc Martin S. Minuk