

BY HAND

October 13, 2011

Master MacLeod
Ottawa Court House
161 Elgin Street
Ottawa, ON K2P 2K1

**Re: Joanne St. Lewis v. Denis Rancourt
(Court File No.: 11-51657)**

Dear Master MacLeod,

1. Counsel for the plaintiff has communicated to you in a letter dated October 11, 2011, asking for a “clarification” regarding your *Decision* of October 6, 2011, in a motion heard that same day. The motion was to compel answers to cross-examination questions on affidavits to a main motion.
2. In your *Decision* motion costs were assigned against two affiants: Proposed expert Dr. Claude Lamontagne and myself (Dr. Denis Rancourt, defendant).
3. Mr. Dearden is mistaken regarding my “interpretation” and my “believes”. It is clear from your motion that affiant Dr. Lamontagne is to pay \$350. forthwith.
4. Mr. Dearden, as I understand it, is requesting that you change your decision regarding my costs of \$3000.:
 - FROM payable after the main motion is heard on its merits, subject to variation by the judge hearing the main motion
 - TO payable within 30 days of your decision date of October 6, 2010.
5. I object to and oppose Mr. Dearden’s October 11th request.
6. The matter was clear from our day-long hearing and is clear from your decision:

[9] (in part): “Obviously if the judge dismisses the main motion without the need to consider the affidavit evidence or the cross examination, that decision may render any order I make today moot. In that event perhaps the judge will stay the order and relieve the defendant from providing the answers.”

[23] (in part): “on the other hand, of course, he will be submitting to the judge on the main motion that the entire motion – and therefore all the costs – is improper and misguided. In the event that the judge agrees with this, it might not be reasonable for the defendant to be saddled with the costs of a motion within a motion. Of course he also argues that in the action as a whole he is the person being wronged because the action is simply an improper – and indeed unconstitutional – attempt by the University of Ottawa to muzzle free speech and criticism.”

[24] (in part): “Thus I am awarding costs of the motion before me. The defendant shall pay the plaintiff the sum of \$3000.00 on a partial indemnity scale. Subject to any contrary order of the judge hearing the main motion, those costs are to be paid within 30 days.”

[25] g. (summary point): “This order and the costs award is subject to variation by the judge hearing the main motion if she or he considers it appropriate.”

7. Furthermore, I believe the transcript will show that Mr. Dearden stated at the October 6, 2011, hearing that he intended to contest the next day’s hearing to have it postponed to a later date. His intent in this regard was on the record, both orally and in motion record. This was not ambiguous.

Sincerely,

A handwritten signature in black ink that reads "Denis Rancourt". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dr. Denis Rancourt
(Defendant)

cc: Richard G. Dearden