

BY HAND

October 13, 2011

Richard G Dearden
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richard.dearden@gowlings.com

Master MacLeod
Ottawa Court House
161 Elgin Street, 5th Floor
Ottawa, ON K2P 2K1

Dear Master MacLeod:

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

1. Further to my letter sent earlier today, I enclose an email from Mr. Rancourt that he has requested I provide to you. Paragraph 2 of my letter points out the email from Mr. Rancourt in which he believed Mr. Lamontagne did not have to pay costs until after November 15th. This is the email that paragraph 1 of my October 11th letter referenced.
2. Mr. Rancourt subsequently agreed that Mr. Lamontagne had to pay \$350 costs forthwith. Quite frankly, I did not realize that Mr. Rancourt changed his position and agreed with me in paragraph 3 in his October 10th email sent @ 3:25 p.m. until I read his enclosed response.

Yours truly,



Richard G. Dearden
RGD/mj
Enclosure

cc: Denis Rancourt

OTT_LAW\2947440\1

Dearden, Richard

From: Denis Rancourt [denis.rancourt@gmail.com]
Sent: October 13, 2011 3:45 PM
To: Dearden, Richard
Cc: Kennedy, Ryan; Wagner, Wendy
Subject: Re: Letter to Master MacLeod with attachments

Mr. Dearden,

Please review again my email to you of October 10, 2011, 3:25pm, attached below. You have failed to disclose this email to Master MacLeod.

In light of your review please immediately correct your false accusation of me making a misrepresentation to the Court. You should make this correction to Master MacLeod forthwith. I trust that you will do so.

Thank you.

DGR

On Thu, Oct 13, 2011 at 2:44 PM, Dearden, Richard <Richard.Dearden@gowlings.com> wrote:
attached is my letter to Master MacLeod in response to your letter of today

Richard Dearden
Partner
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----- Forwarded message -----

From: Denis Rancourt <denis.rancourt@gmail.com>
Date: Mon, Oct 10, 2011 at 3:25 PM
Subject: Re: Professor St. Lewis v. Denis Rancourt
To: "Dearden, Richard" <Richard.Dearden@gowlings.com>
Cc: Claude.Lamontagne@uottawa.ca, "Kennedy, Ryan" <Ryan.Kennedy@gowlings.com>

13/10/2011

Hello Mr. Dearden,

I can answer your questions using your same numbering as follows.

1. I understand that Mr. Lamontagne will be available at 1pm on October 14th.
2. I confirm my presence at 9:30am on October 14th.
3. I have accessed and reviewed my copy of the decision and I agree with you. Thank you.
4. Master Macleod stated in his paragraph-24 "Subject to any contrary order of the judge hearing the main motion." The main motion will be heard on November 15th. Please put me in copy to any or all communications with Master Macleod in this matter. Please do not use regular mail for this as that would be too slow.
5. Yes.

DGR

Sent on Monday Thanksgiving Day.

On Sun, Oct 9, 2011 at 4:19 PM, Dearden, Richard <Richard.Dearden@gowlings.com> wrote:

Mr.. Rancourt

1. I will accommodate Professor Lamontagne's teaching schedule on Friday morning and through this email I am asking him if he can re-attend for cross-examination at 1pm on Friday (same location as last time).

2. I will commence your cross-examination at 930am on October 14th.

3. I do not agree with your interpretation of Master Macleod's costs order . Professor Lamontagne owes \$350 payable forthwith per para 22 (ie. now). I sent Professor Lamontagne an email on October 7th at 1:58 pm that asked him to bring a cheque to the cross-examination on October 14th.

4. I am going to write Master MacLeod to clarify whether you must pay the \$3,000 in costs within 30 days of October 6th in that Justice Mackinnon did not allow you to make submissions that the mandatory mediation motion was improper and adjourned that motion to be heard on November 15th on all issues.

5. Justice MacKinnon has ordered you to pay \$2,000 in costs forthwith. On or before October 14th please provide me with a cheque payable to Gowling Lafleur Henderson LLP in trust.

Richard Dearden
Partner
613-786-0135
gowlings.com

From: Denis Rancourt [<mailto:denis.rancourt@gmail.com>]

13/10/2011

Sent: Sunday, October 09, 2011 12:41 PM
To: Dearden, Richard
Cc: Claude.Lamontagne@uottawa.ca; Kennedy, Ryan
Subject: Re: Professor St. Lewis v. Denis Rancourt

Hello Mr. Dearden,

Just a quick note.

I understand that Dr. Lamontagne is away this weekend and I do not have frequent access to email until Tuesday.

I understand that Dr. Lamontagne teaches all morning on October 14th and that he would be available in the afternoon, as would I.

I believe Master Macleod's order is to pay the motion costs after the main motion has been decided (after November 15th), in view of possible re-assignment of costs. This also applies to Dr. Lamontagne I believe?

Thank you.
DGR

On Fri, Oct 7, 2011 at 1:58 PM, Dearden, Richard <Richard.Dearden@gowlings.com> wrote:

Good afternoon Mr. Lamontagne

1. I attach a Decision issued by Master MacLeod yesterday that orders you to produce to me by October 11th copies of your exchanges with Mr. Rancourt (drafts of your affidavit, emails, notes, documents) relating to the preparation of your August 25th affidavit. You have also been ordered to fulfill your undertakings to provide me : (i) copies of the dictionary entries referred to in para 8 of your affidavit and during your cross-examination of September 6th, and, (ii) provide me the names of the people on the Committee for the Defence of Education from the beginning.

2. You have been ordered to re-attend for cross-examination on October 14th . Do you teach a class that day?

3. Lastly, Master Macleod has ordered you to pay costs of \$350 (see para 25 (e) of the Decision). On October 14th, please bring a cheque payable to Gowling Lafleur Henderson LLP in trust in the amount of \$350.

Richard Dearden
Partner
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13/10/2011