

BY HAND

October 13, 2011

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

Richard G Dearden
Direct 613-786-0135
Direct Fax 613-788-3430
richard.dearden@gowlings.com

Dear Master MacLeod:

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

1. Mr. Rancourt's letter of today's date states at paragraph 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."

2. Mr. Rancourt has made a misrepresentation to the Court in stating that I am mistaken about his interpretation of your costs order against Dr. Lamontagne. Mr. Rancourt sent me the enclosed email on October 9, 2011 at 12:41 p.m. that states in part:

"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?**" (emphasis added)

3. Contrary to paragraph 4 of Mr. Rancourt's letter, I am not requesting that you change your decision. I am seeking a clarification because your costs order against Mr. Rancourt was not "in the cause" of the main motion.

Yours truly,



Richard G. Dearden
RGD/mj
Enclosure
cc: Denis Rancourt

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Dearden, Richard

From: Denis Rancourt [denis.rancourt@gmail.com]
Sent: October 9, 2011 12:41 PM
To: Dearden, Richard
Cc: Claude.Lamontagne@uottawa.ca; Kennedy, Ryan
Subject: Re: Professor St. Lewis v. Denis Rancourt
Attachments: signaturelogo-50best-eng.png

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
T 613-786-0135
richard.dearden@gowlings.com



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Ottawa Court House
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**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.”