

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN :

DR. AGNES JANE WHITFIELD

Plaintiff
(Moving Party)

- and -

BRYAN WHITFIELD

Defendant
(Responding Party)

MOTION RECORD

July 26, 2011

Dr. Agnes Jane Whitfield
4167 Marlowe Avenue
Montreal, Quebec
H4A 3M3

Tel.: 514.489.8953

Self-represented Plaintiff
(Moving Party)

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN :

DR. AGNES JANE WHITFIELD

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ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN :

DR. AGNES JANE WHITFIELD

Plaintiff

(Moving Party)

- and -

BRYAN WHITFIELD

Defendant

(Responding Party)

NOTICE OF MOTION

THE PLAINTIFF, Dr. Agnes Jane Whitfield (hereinafter "Dr. Whitfield"), will make a motion to the Court on _____ or as soon after that time as the motion can be heard, at the Court House, 470 Water Street, Peterborough, Ontario K9H 3M3.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. An Order transferring these proceedings, Court File No. 139/10, to the City of Kingston, Ontario;
2. An Order that the entire Court File No. 139/10, be transferred to the office of the Superior Court of Justice at the City of Kingston, 5 Court Street, Kingston, Ontario K7L 2N4;

3. An Order that this proceeding be tried at the City of Kingston;
4. Other relief that this Honorable judge may deem just; and,
5. Costs of this motion on a substantial indemnity scale.

THE GROUNDS FOR THE MOTION ARE:

1. The Plaintiff, Dr. Whitfield, speaks French and requires that this proceeding be conducted as a bilingual proceeding and be heard by a bilingual judge.
2. The Plaintiff's witnesses and experts also speak French and require that their testimony be heard by a bilingual judge.
3. A party to a proceeding who speaks French has the right to require that it be conducted as a bilingual proceeding.
4. A party is entitled to a bilingual judge who speaks French and English and does not need the assistance of an interpreter.
5. Peterborough is not a jurisdiction where litigants have the presumptive right to require a bilingual proceeding in accordance to Subsection 126(1) of the *Courts of Justice Act*, R.S.O 1990, c. C.43 ("Act").
6. The advantages of a bilingual proceeding are not available in this jurisdiction according to the Act.
7. In Peterborough, the Plaintiff will be forced to present her evidence and have her witnesses and experts testify through translation or an interpreter and be heard by a judge who only speaks English.
8. The proceedings should be transferred to Kingston as it is the most convenient designated bilingual jurisdiction, as set out in Subsection 126(1) of the Act, and it would allow the parties to be heard in both French and English with equal opportunity.

9. The change of venue to a designated bilingual jurisdiction is therefore desirable in the interest of justice and would adhere to the spirit and intent of Section 126 of the Act.

10. Rule 13.1.02(2)(b) of the *Rules of civil procedure*, R.R.O. 1990, Reg. 194.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Affidavit of Dr. Agnes Jane Whitfield sworn July 22, 2011; and,
2. Such further and other documentary evidence as counsel may advise and this Honorable Court may permit.

July 26, 2011

Dr. Agnes Whitfield
4167 Marlowe Avenue
Montréal, Québec
H4A 3M3
Tel: 514.489.8953

Self-represented Plaintiff

TO: **LLF Lawyers LLP**
332 Aylmer Street North
P.O. Box 1146
Peterborough, Ontario
K9J 7H4

Jeffrey D. Lanctot
Tel: 705.742.1674
Fax: 705.742.4677

Solicitor for the Defendant

WHITFIELD
Plaintiff (Moving Party)

v.

WHITFIELD
Defendant (Responding Party)
Court File No. : 139/10

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Toronto

NOTICE OF MOTION

Dr. Agnes Jane Whitfield
4167 Marlowe Avenue
Montréal, Québec
H4A 3M3
Tel : 514.489.8953

Self-represented Plaintiff

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN :

DR. AGNES JANE WHITFIELD

Plaintiff
(Moving Party)

- and -

BRYAN WHITFIELD

Defendant
(Responding Party)

AFFIDAVIT OF AGNES JANE WHITFIELD
(Sworn July 22, 2011)

I, AGNES JANE WHITFIELD, of the City of Montreal, in the Province of Quebec,
MAKE OATH AND SAY:

1. I am the Plaintiff (Moving Party) and I am representing myself in court in this action. For the purpose of this motion, Ronald F. Caza, a lawyer from Heenan Blaikie LLP in Ottawa, will be acting as my agent. I have personal knowledge of the facts and matters herein referred. However, in those instances in which the affidavit is based upon information obtained from other sources and my belief, I hereby state that in those instances, I verily believe such information to be true.
2. Although I would prefer writing this affidavit in French, I am writing in English in order to facilitate the court's review of the motion record.

3. On or about December 17, 2002, a Statement of Claim for sexual and physical abuse and assault against the Defendant (Responding Party), my brother Bryan Whitfield, was issued.
4. At the time that I commenced this action, I was working in the City of Toronto where I occupied, and continue to occupy, a position as a Professor at York University since 1990.
5. From 1980 to 1990, I was a Professor in the French Department of Queen's University. At York University, I worked in French at the bilingual campus, Glendon College, where I contributed to the creation of the Graduate Program in French Studies, of which I am still a member.
6. I have been and continue to be involved in various francophone associations, namely the "Association des auteures et auteurs de l'Ontario français" (Association for Franco Ontarian Writers), and publish almost all of my work as a professor and writer in French.
7. In 1997, I moved to Montreal where I live today with my husband Dr. Daniel Gagnon, a francophone writer and painter.
8. When I commenced this action in 2002, I was represented by Susan Vella, a lawyer at Goodman Carr LLP, in Toronto. I told Ms. Vella on separate occasions that I wanted to testify in French.
9. Although I can communicate both in English and French, I consider French as my first language. At home, I live in French with my husband, carry out all my daily activities in French and do my research and writing in French. I would be more comfortable discussing the issues at hand in French. I believe it is important that I be understood directly by the trier of facts in my first language, which is French.
10. I informed Ms. Vella that my witnesses would like to testify in French.
11. At that time in the proceedings, I had no knowledge of the procedure required to be heard before a bilingual judge. Ms. Vella never informed me that I had a right to a

- bilingual trial and did not inform me of the procedure to obtain a bilingual judge. I believed that it was merely an administrative detail and that it would not be problematic to testify in French before the court.
12. The Statement of Defence and Counterclaim was served on or about February 14, 2003.
13. The examinations for discovery were completed in 2004.
14. Subsequently, the Defendant requested that I be examined by a psychiatrist of his choice. Since my sister is a psychiatrist in Toronto, I informed my lawyer, Ms. Vella, that I did not want to be examined by a psychiatrist who knew my sister. Nevertheless, the psychiatrist proposed by the Defendant knew my sister. As a result, I began to lose confidence in my lawyer.
15. On or about November 3, 2008, my file was transferred to Linda Galessiere, a lawyer from MacLean & Kerr LLP in Toronto.
16. Ms. Galessiere agreed to take on my file but only temporarily as she was focusing her practice in Construction Law.
17. On or about May 7, 2009, the action was scheduled for a four (4) week trial to be commenced on May 3, 2010.
18. On or about January 5, 2010, my file was transferred to Karin Galldin, a lawyer from Galldin Liew LLP in Ottawa. A Notice of Change of Solicitor was served to the opposing party the same day.
19. At the time that my file was transferred, I was in Ottawa working at the University of Ottawa and Carleton University.
20. When I retained Ms. Galldin for representation, I had the intention of preparing for the scheduled trial dates, however, by February 2010, Ms. Galldin still had not received my file from Ms. Vella.

21. On or about February 3, 2010, I was informed by Ms. Galldin and verily believe to be true that she informed Mr. Lantot, counsel for the Defendant that she might be seeking an adjournment of the trial as she was unable to prepare in time for the trial.
22. On or about February 18, 2010, Mr. Lantot agreed to adjourn the proceedings if the matter was transferred to Peterborough. Mr. Lantot's practice is located in Peterborough.
23. On or about February 24, 2010, as I did not want my lawyer to be forced to proceed to trial without having enough time to review all of the relevant materials, I instructed my lawyer to adjourn the matter and to transfer the proceedings to Peterborough.
24. When I retained Ms. Galldin for representation, I informed her of my preference to testify in French. I also informed her that my witnesses wanted to testify in French.
25. Despite this, Ms. Galldin did not inform me of my right to a bilingual trial. Moreover, she never mentioned to me that the transfer of my file and of the proceedings to Peterborough would make it impossible to be heard by a bilingual judge as it is not a designated bilingual jurisdiction according to the *Courts of Justice Act*, R.S.O 1990, c. C.43. I was still under the mistaken impression that it would not be problematic to testify in French and to have my witnesses and experts testify and be understood directly in French by a bilingual judge in Peterborough.
26. On or about December 6, 2010, I decided to represent myself in this action and filed an affidavit to the Superior Court of Justice at the City of Peterborough to this regard. I did this mainly for financial reasons.
27. On or about February 28, 2011, I sent an e-mail to Catherine Larsen, Manager of Court Operations at the Superior Court of Justice for Peterborough inquiring about a request to have the proceedings heard by a bilingual judge.
28. On or about March 3, 2011, Ms. Larsen advised me that I should request to proceed with a bilingual judge during the pre-trial conference scheduled April 4, 2011.

29. At the pre-trial conference presided by Justice H.K. O'Connell in Peterborough on April 4, 2011, I requested that the trial be heard by a bilingual judge. I explained to Justice O'Connell that I had retained five (5) French-speaking experts who had expressed to me that they preferred to testify in French. Attached as **Exhibit "A"** to my affidavit is a copy of the e-mails confirming that my witnesses want to testify in French.
30. During the pre-trial, I also explained to Justice O'Connell that I preferred to testify in French and be heard by a bilingual judge given the delicate nature of this matter and my preference of testifying in French.
31. Justice O'Connell asked me if I was bilingual.
32. Subsequently, Justice O'Connell refused to grant that my proceedings be heard before a bilingual judge. Attached as **Exhibit "B"** to my affidavit is a copy of Justice O'Connell's endorsement.
33. Justice O'Connell informed me that if my witnesses preferred to testify in French, I had to arrange to have an interpreter for them.
34. At the pre-trial conference, I also requested that the proceedings be heard by an out of town judge because my mother is well known in the Peterborough area.
35. Justice O'Connell granted my request that the trial be heard by an out of town judge.
36. At the pre-trial conference, the Defendant requested that the trial, scheduled for May 2011, be adjourned to accommodate one of the experts who was unable to attend the scheduled trial dates.
37. Justice O'Connell granted his request and subsequently, the trial was schedule for November 2011.
38. Following the pre-trial conference, I proceeded to research my right to a bilingual trial. On or about April 27, 2011, I called the French Language Services of the Ministry of the Attorney General and was redirected to their website.

39. On or about April 27, 2011, I also called Sabine Derbier, French Language Service Manager of the Ministry of the Attorney General. I left her a voicemail with details of my inquiry. I also left messages with Christian Bérubé and Marie-Claude Moisan of the French Language Services.
40. On or about April 28, 2011, another employee of the French Language Services returned my call and informed me that there was no employee available at that time that had the knowledge to answer my inquiry. He referred me to Mirjeta Dhamo. I telephoned Ms. Dhamo and left a voicemail with my inquiry.
41. On or about April 29, 2011, Ms. Dhamo returned my telephone call. She explained to me that the Ministry of the Attorney General could not do anything to assist me in obtaining a trial before a bilingual judge. However, Ms. Dhamo advised me to file a Bilingual Proceeding Requisition with the Superior Court of Justice. Ms Dhamo informed me she would follow-up on this matter with the court.
42. On or about May 3, 2011, I filed a Bilingual Proceeding Requisition and an affidavit of service in accordance to Section 5 of the *Bilingual Proceedings*, O. Reg.. 53/01 to the Superior Court of Justice at the City of Peterborough.
43. On or about May 19, 2011, I wrote to Ms. Dhamo in order to follow-up on the requisition I had sent on May 3, 2011.
44. On or about May 30, 2011, Ms. Dhamo confirmed receipt of my e-mail and informed me that she would follow-up with the court.
45. On or about June 1, 2011, I left Ms. Dhamo another voicemail.
46. On or about June 8, 2011, having not received any news from Ms. Dhamo from the Superior Court of Justice at the City of Peterborough, I telephoned the court's Trial Coordinator's Office, who directed me to the Civil Office in regards to my requisition.
47. On or about June 8, 2011, I called the Civil Office where a clerk transferred my call to a voicemail to which I proceeded to leave a message detailing my concerns and

inquiry. The same day, I called the Civil Office again and spoke to another clerk who informed me that nothing could be done to grant my Bilingual Proceeding Requisition. When I asked her whether there were any other resorts in requesting a bilingual judge, she replied that she had never dealt with such a request.

48. On or about June 8, 2011, I wrote an e-mail to Jocelyne Samson at the Office of French Language Services Commissioner inquiring about my request to have my proceedings held before a bilingual judge. Ms. Samson replied to my e-mail the following day and asked if she could disclose my name in order to proceed with an investigation. I authorized the disclosure of my name and information.

49. On or about June 9, 2011, I had a telephone conversation with Ms. Dhamo. She confirmed that she had not followed-up with the Superior Court of Justice at the City of Peterborough.

50. On or about June 10, 2011, I contacted Patrick Ouellet of the Office of Francophone Affairs with my inquiry. I also sent Mr. Ouellet an e-mail as a follow-up to our telephone conversation.

51. On or about June 24, 2011, I contacted Heenan Blaikie LLP in Ottawa for legal advice regarding my right to a bilingual proceeding.

52. On or about July 11, 2011, Alexandra Waite, summer student at Heenan Blaikie LLP, informed me that she contacted the Superior Court of Justice at the City of Peterborough in order to inquire about any bilingual judges resident in Peterborough. She informed me and I believe it to be true that the Superior Court of Justice at the City of Peterborough does not have any bilingual judges.

53. On or about July 15, 2011, I proposed to the Defendant that this matter be transferred to the Superior Court of Justice at the City of Kingston instead transferring the file back to the City of Toronto. Kingston is a designated bilingual jurisdiction. It is approximately a two and a half hour drive from Peterborough. I believe that it would allow scheduling of an earlier trial date.

54. On or about July 15, 2011, Ms. Waite informed me that she contacted the Superior Court of Justice at the City of Kingston in order to inquire about available dates for a ten (10) day trial. She informed me and I believe it to be true that the Superior Court of Justice at the City of Kingston has available dates in 2012.

55. I also compared the travel distance required for each witness and have come to the conclusion that Kingston would require less travel time for all of my six (6) witnesses than Toronto. Attached as Exhibit "C" to my affidavit is a document demonstrating that the travel distance to Kingston is shorter for most witnesses as opposed to Toronto.

56. Moreover, I researched the costs of accommodation in both cities. Attached as Exhibit "D" to my affidavit is a document demonstrating that accommodations in Kingston as opposed to Toronto are less expensive.

57. I make this affidavit for the purpose of this motion and for no other or improper purposes.

Sworn before me, in the City of Montreal, in the)
province of Quebec on this 22nd day of July, 2011.)



A Commissioner of Oaths for the Province of)
Quebec)



DR. AGNES JANE WHITFIELD



WHITFIELD
Plaintiff (Moving Party)

v.

WHITFIELD
Defendant (Responding Party)
Court File No. : 139/10

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Peterborough

AFFIDAVIT OF AGNES JANE
WHITFIELD
(Sworn July 22, 2011)

Dr. Agnes Jane Whitfield
4167 Marlowe Avenue
Montréal, Québec
H4A 3M3
Tel : 514.489.8953

Self-represented Plaintiff

THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF Dr. Agnes Jane Whitfield
SOLEMNLY DECLARED BEFORE ME AT _____
THIS 22 DAY OF July, 2011



From: bergeron.johanne@videotron.ca
To: agnes.whitfield@bell.net
Subject: Témoignage en français
Date: Sun, 10 Jul 2011 11:41:36 -0400

Chère Madame Whitfield,

Je vous écris à la suite du rapport que je vous ai envoyé récemment.

Quand nous nous sommes rencontrés le 21 avril 2011, je vous ai bien expliqué que je rédigerai mon rapport en français et que je devrais obligatoirement témoigner en français, si votre cause se rendait à la Cour.

Je suis de langue maternelle française et toute ma scolarité est en français.

J'ai une certaine connaissance de l'anglais, mais je suis vraiment loin d'être bilingue. Je ne pourrai absolument pas expliquer le contenu de mon rapport en anglais, je n'ai simplement pas les connaissances linguistiques nécessaires.

Recevez, Madame Whitfield, mes cordiales salutations.

Johanne E. Bergeron, BCFDE, CDE

Experte certifiée en écriture et documents

5938-13e Ave, MONTRÉAL, (Québec) H1X 2Y5
(514) 544-8635 ou
Sans frais : 1-877-961-0982
jbergeron@graphoexpert.com
www.graphoexpert.com

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Devez-vous vraiment imprimer ce courriel? Merci! Do you really need to print this email? Thank you!

7/19/2011

Dear Mrs. Whitfield,

I am writing following the report I sent you recently.

When we met on April 21, 2011, I made it clear to you that I would write my report in French and that I would necessarily have to give my testimony in French, if your case went to Court.

My mother tongue is French and all my education has been in French.

I have some knowledge of English, but I am really quite far from being bilingual. I would be absolutely incapable of explaining the contents of my report in English. I simply don't have the necessary linguistic skills.

Cordially,

Johanne Bergeron

Certified Handwriting and Document Expert

Date: Tue, 12 Jul 2011 16:20:11 -0400
Subject: Re: Procès bilingue - lettre
From: nathalie.provencal@gmail.com
To: agnes.whitfield@bell.net

Chère Madame Whitfield,

Je tiens à vous remercier de me tenir au courant des dates de votre procès.

Lorsque j'ai accepté de témoigner dans le cadre de votre procès contre votre frère, il a alors été convenu entre nous que je pourrais faire mon témoignage en français. Voici les principales raisons qui ont alors mené à notre entente.

Le français est ma langue maternelle et la langue dans laquelle j'ai fait toutes mes études, y compris mes études en physiothérapie (je suis diplômée de l'Université de Montréal) et la formation de six ans en ostéopathe que j'ai terminée en mai dernier au Centre d'ostéopathe du Québec.

Comme il est important pour moi et pour vous que je puisse bien communiquer les notions complexes de physiothérapie et d'ostéopathe, il m'apparaît évident que mon témoignage serait plus complet et plus exact en français. De plus, il me serait certainement plus facile de "trouver" mes mots en français ce qui rendrait le témoignage plus fluide.

En vous remerciant de l'attention que vous porterez à ma requête.

Nathalie Provencal pht, D.O.

7/19/2011

Dear Mrs. Whitfield,

Thank you for keeping me advised of the dates of your trial.

When I accepted to testify in your case against your brother, it was agreed between us that I would be able to give my testimony in French. The main reasons which lead to our agreement are as follows.

French is my mother tongue and the language in which I have received all my education, including my studies in physiotherapy (I am a graduate of the University of Montreal) and the six years of training in osteopathy I just completed this past May at the Centre d'ostéopathie du Québec (Quebec Osteopathic Centre).

Given it is important both for me and for you that I be able to communicate well the complex notions of physiotherapy and osteopathy, it seems to me evident that my testimony would be more complete and more exact in French. Furthermore, it would certainly be easier for me to 'find' my words in French, which would make my testimony more fluent.

Thank you for your attention to my request.

Nathalie Provencal, Physiotherapist, Diploma of Osteopathy

Chère Agnès,

Nous vivons en français à Montréal et j'ai pu t'accompagner dans ton parcours.

Dès que tu as décidé de poursuivre ton frère pour abus sexuels, il a été question que je témoigne des difficultés que tu vis à la suite des séquelles de l'abus.

Le français est ma langue maternelle. J'ai fait toutes mes études en français et, comme tu sais, mon anglais oral est imparfait. Je ne pourrais pas être certain de bien comprendre les questions et mes fautes d'expression nuiraient beaucoup à la compréhension de mon témoignage.

C'est pour cette raison que nous nous sommes convenus, dès le début, que je ferais mon témoignage en français.

Il est essentiel pour moi de pouvoir m'exprimer à la Cour dans ma langue maternelle.

Affectueusement,

Daniel

Daniel Gagnon, D. ès L.

Ugam Service IMP: <http://www.er.ugam.ca/courrier>

Dear Agnès,

We live in French in Montreal and I have been able to accompany you in your journey.

When you decided to proceed with a civil action against your brother for sexual abuse, the question was raised of my testifying about the difficulties you have as a result of the abuse.

French is my mother tongue. All my education has been in French and, as you know, my oral English is faulty. I would not be able to be certain that I understood questions correctly and my errors of expression would considerably impair the comprehensibility of my testimony.

It was for this reason that we agreed, from the beginning, that I would give my testimony in French.

It is essential for me to speak at Court in my first language.

Affectionately,

Daniel

Daniel Gagnon, Doctor of Letters

Date: Wed, 20 Jul 2011 00:27:11 -0400

Subject:

From: odile.desbols@gmail.com

To: agnes.whitfeld@bell.net

Chère Madame Whitfeld,

Si je devais témoigner comme physiothérapeute et ostéopathe dans le cadre de votre procès contre votre frère, il serait très important pour moi de pouvoir le faire en français.

Je suis de langue maternelle française et j'ai fait mes études en français. L'année dernière, j'ai terminé une formation de six ans en ostéopathie, formation qui s'est déroulée en français.

Il n'y a aucun doute que je me sentirais plus à l'aise en français pour expliquer dans le détail la nature et les raisons du traitement que je vous donne et pour répondre clairement et avec exactitude aux questions que l'on me pose.

Tout cela pour vous dire combien il est important pour moi de pouvoir témoigner en français.

Bien à vous,

Odile Desbols PHT, DO

7/20/2011

Dear Mrs Whitfield,

If I have to testify as physiotherapist and osteopath at court in the context of your civil case against your brother, it would be very important for me to be able to do so in French.

My mother tongue is French and I received my education in French. Last year I finished six year's of training in osteopathy, and the training took place in French.

There is no doubt I would feel more at ease in French to explain the details, the nature and the reasons for the treatment I provide to you and to answer clearly and precisely the questions asked of me.

I write up all my notes in French and your treatment sessions all take place in French.

All this to say how important it is for me to be able to testify in French.

All the best,

Odile Desbois, Physiotherapist and Osteopath

> From: delphine.collin-vezina@mcgill.ca
> To: agnes.whitfield@bell.net
> Date: Sun, 10 Jul 2011 22:05:26 -0400
> Subject: témoignage

> Chère Madame Whitfield,

> Je vous écris au sujet de mon témoignage comme témoin-expert dans le cadre de votre procès contre votre frère pour abus sexuels sur vous.

> Comme je vous l'avais déjà indiqué, bien que j'aie accepté de rédiger mon rapport d'expert en anglais, il est très important pour moi de pouvoir témoigner à la Cour en français.

> Le français est ma langue maternelle et aussi la langue dans laquelle j'ai reçu ma formation comme psychologue. Je suis titulaire d'un baccalauréat ès sciences (1998) et d'un doctorat (2003) en psychologie de l'Université de Montréal. En 2006, j'ai eu une bourse postdoctorale à l'Université du Québec à Montréal.

> Par conséquent, il est beaucoup plus facile pour moi de m'exprimer oralement dans mon domaine en français, surtout quand il s'agit, comme dans votre cas, de présenter des recherches de pointe et de répondre à des questions hautement techniques et complexes.

> Je crains de ne pas pouvoir donner ma pleine mesure comme experte en anglais.

> Je me sentirai beaucoup plus en mesure de communiquer avec précision les résultats de mes recherches, de bien comprendre les questions que l'on me pose et d'y répondre avec toutes les nuances qui s'imposent, si le tout se déroule dans ma langue maternelle, le français.

> Veuillez croire, Madame Whitfield, à l'expression de mes sentiments les meilleurs.

> Delphine Collin-Vézina, PhD

>

7/19/2011

Dear Mrs. Whitfield,

I am writing about my testimony as expert-witness in the court case you have filed against your brother for sexual abuse.

As I have already indicated to you, although I accepted to write my expert report in English, it is very important for me to be able to testify at Court in French.

French is my mother tongue and also the language in which I received my training in psychology. I hold a B. Sc. (1998) and a Ph.D. (2003) in psychology from the University of Montreal. In 2006, I had a post-doctoral fellowship at the University of Quebec in Montreal.

Consequently, it is much easier for me to express myself orally in my field of specialization in French, especially when it is a question, as in your case, of presenting cutting edge research and answering highly-technical and complex questions.

I am afraid that I would not be able to provide my full measure of expertise in English.

I would feel I would be in a much better position to communicate precisely the results of my research, to understand fully the questions I am being asked and to answer with all the required nuances, if all this took place in my mother tongue, French.

Yours sincerely,

Delphine Collin-Vézina, PhD

THIS IS EXHIBIT "B" TO THE AFFIDAVIT
OF Dr. Agnes Jane Whitfield
SOLEMNLY DECLARED BEFORE ME AT _____
THIS 22 DAY OF July, 2011



ENDORSEMENT

IN THE MATTER OF WHITFIELD v. WHITFIELD: Peterborough Civil Pre Trial.

Dr. Whitfield, self represented

Mr. J. Lanctot, counsel for Mr. Whitfield

CIVIL PRETRIAL: April 04, 2011

This matter was before the court via a civil pre-trial on April 04, 2011. I heard from Dr. Whitfield at the pre-trial, as well as Mr. Lanctot for Mr. Whitfield.

I am crafting this endorsement as I did not note on any of the court file material that the trial date, originally scheduled for the May sittings, has been vacated. The matter is now set to proceed to trial in November 2011 during the sittings.

At the pre-trial Dr. Whitfield noted that she did not wish to be seen by Dr. Hoffman. Dr. Hoffman was a person who she originally agreed to be assessed by, however she changed her mind. She insists on seeing a female doctor. Mr. Lanctot very helpfully advised that he would continue to help find a female doctor to assess Dr. Whitfield. The assessment is at the request of the defendant.

Mr. Lanctot also agreed to try to obtain the OPP criminal investigation file, which lead to no charges being laid against Mr. Whitfield. I advised that I would be happy to execute any order that is required to speed the matter up. Dr. Whitfield noted her full consent to production of that material.

Dr. Whitfield indicated that there are some undertakings still outstanding. I suggested that Dr. Whitfield write to Mr. Lanctot a very particularized letter setting out what those were. Suffice it to say that Mr. Lanctot was very fair and responsive to this suggestion.

Finally Mr. Lanctot has put Dr. Whitfield on full notice about his objection to her attempt to proffer certain expert evidence.

Procedural Issues

Dr. Whitfield wanted a trial conducted in French, as she indicated that some of the witnesses that she has speak french. The proceedings are otherwise in English. A french trial is therefore not required. The trial will be in English. If Dr. Whitfield has witnesses who speak French and prefer to testify in French,

she must arrange an interpreter for those witnesses. That is an issue for Dr. Whitfield to arrange. It is not an issue for the court.

Dr. Whitfield expressed concern that the trial should be heard by an out of town Justice. Dr. Whitfield went to some length to say that her mother was well known in the Peterborough area. Mr. Lanctot did not oppose the request. I note that the trial should be heard by an out of town Justice.

Finally it would appear that this case could take up to 10 days of trial time.

Justice H.K. O'Connell

THIS IS EXHIBIT "C" TO THE AFFIDAVIT

OF Dr. Agnes Jane Whitfield

SOLEMNLY DECLARED BEFORE ME AT _____

THIS 22 DAY OF July, 2011





**Witness Travel Distances
Comparison Toronto-Kingston**

Pre-trial witness list.

Distances according to **Google Maps** (travel by car) <<http://maps.google.ca/maps>>.

Full Name	Party to be Called By	Address	Distance to the Toronto Courthouse (km)	Distance to the Kingston Courthouse (km)
Appathurai, Carol	Defence	33 Ridley Blvd. Toronto, Ontario	10.2	254.0
Aspinal, Mary Beth	Defence	1075 Johnston Drive Peterborough, Ontario	129.0	191.0
Bergeron, Johanne	Plaintiff	13e Ave. Montreal, Quebec	561.0	305.0
Choquette, Marie	Defence	5179 Isabella Street Montreal, Quebec	539.0	286.0
Collin-Vézina, Dr. Delphine	Plaintiff	3506 University St. Montreal, Quebec	546.0	289.0
Dafoe, Gary	Defence	Toronto, Ontario	1.6	263.0
Desbois, Odile	Plaintiff	3792 Décarie Blvd. Montreal, Quebec	545.0	289.0
Dimma, John	Both	P.O. Box 820 Oliver British Columbia	3,861.0	4,110.0
Dobson, Larry	Both	33 Apache Cres. Ottawa, Ontario	444.0	191.0
Gagnon, Daniel	Plaintiff	4167 Marlowe Ave. Montreal, Quebec	538.0	285.0
Hoffman, Dr. Brian	Defence	North York General Hospital, Branson Site 555 Finch Ave. W. Toronto, Ontario	16.1	256.0
Johnston, Herb	Defence	Witness deceased		
Kirschbaum, Alexandra	Plaintiff	Toronto, Ontario*	1.6	263.0
Kirschbaum, Olga	Plaintiff	New York, New York**		
Kirschbaum, Sophia	Defence	Madrid, Spain**		
Kirschbaum, Stanislav	Plaintiff	4 Glazebrook Toronto, Ontario	10.5	255.0
Kyryliuk, Tanya	Both	Campbellford, Ontario	180.0	123.0

* Where an address was not provided, the distance was measured from the city hall in the city of departure.

** Out of the country.

Maddocks, Dr. Sarah	Plaintiff	114 Maitland Street Toronto, Ontario	2.9	260.0
McConkey, Doreen	Both	306 Rogers Street Peterborough, Ontario	138.0	201.0
McElroy, Jack	Plaintiff	Peterborough, Ontario*	142.0	205.0
Provencal, Nathalie	Plaintiff	6530 Sherbrooke St. West Montreal, Quebec	537.0	281.0
Radey, Bill	Defence	Toronto, Ontario*	1.6	263.0
Whetung, Valorie	Defence	Buckhorn, Ontario*	169.0	202.0
Whitfield, Dr. Agnes	Plaintiff	4167 Marlowe Ave Montreal, Quebec	538.0	285.0
Whitfield, Bryan	Defence	1075 Johnston Drive Peterborough, Ontario	129.0	191.0
Whitfield, Joan	Both	33 Apache Cres. Ottawa, Ontario	444.0	191.0
Whitfield, Julia	Defence	London, England**		
Whitfield, Margaret	Both	60 Lascelles Blvd. Toronto, Ontario	60.0	258.0
Whitfield, Margot	Defence	Shaw Ave. Toronto, Ontario	3.8	269.0

* Where an address was not provided, the distance was measured from the city hall in the city of departure.

** Out of the country.

THIS IS EXHIBIT "D" TO THE AFFIDAVIT
OF Dr. Agnes Jane Whitfield
SOLEMNLY DECLARED BEFORE ME AT _____

THIS 22 DAY OF July, 2011



**Cost of Accommodation
Toronto-Kingston**

Accommodation in Toronto

Hotel	Address	Description	Price (\$/night)
Bond Place Hotel	65 Dundas St E Toronto, ON M5B 2G8 Canada	- Standard room - Internet not included - Parking fee \$15	Starting at \$98 (Starting at \$134 as of May 2012)
Hotel Victoria	56 Yonge St Toronto, ON M5E 1G5 Canada	- Standard - Parking not included	Starting at \$114
Novotel Toronto Centre	45 The Esplanade Toronto, ON M5E 1W2 Canada	- Standard - Parking not included	Starting at \$139

Accommodation in Kingston

Hotel	Address	Description	Price (\$/night)
Howard Johnson Inn Kingston	686 Princess Street Kingston, ON K71 1E7 Canada	- Standard room - Internet and parking included	Starting at \$56
Econo Lodge City Centre	840 Princess Street Kingston, ON K7L 1G3 Canada	- Standard room - Breakfast included - Internet and parking included	Starting at \$69
Ambassador Conference Resort Kingston	1550 Princess St Kingston, ON K7M 9E3 Canada	- Standard room - Internet and parking included	Starting at \$89
Super 8 Motel - Kingston	720 Princess St Kingston, ON K7L 1G2 Canada	- Standard room - Internet and parking included	Starting at \$55

Information according to [Expedia.ca](http://www.expedia.ca) <<http://www.expedia.ca/>>.

* Rates for accommodation for mid-November 2011

WHITFIELD
Plaintiff

v.

WHITFIELD
Defendant

Court File No. : 139/10

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Toronto

MOTION RECORD

Dr. Agnes Jane Whitfield
4167 Marlowe Avenue
Montréal, Québec
H4A 3M3
Tel : 514.489.8953

Self-represented Plaintiff
(Moving Party)