

Mr. Caza:

Thank you for discussing your client's motion that was originally scheduled for August 19, 2011, with me by telephone on August 15.

You have asked me whether my client would consent to having a bilingual judge from another jurisdiction hear the case in Peterborough during the trial sittings that are scheduled to commence on November 14, 2011. My client would consent to this arrangement provided that:

1. The case proceeds in Peterborough during the November, 2011, trial sittings, as scheduled.
2. Your client continues to produce and file all documents (including Court documents, expert reports, etc.) in English.
3. Your client agrees to be responsible for any translation costs incurred for the translation of any testimony or submissions at trial that are not otherwise paid by the Court.
4. Your client will request a daily transcript of any oral evidence or submissions given in French at the trial and produce a copy of the transcript to my client at your client's expense (with the transcript including the translator's translation, or interpretation, given during the proceeding).
5. My client's consent in this regard will not apply to any appeal taken in the proceeding.

Please advise.

Mr. Jeffrey D. Lanctot
Partner, LLF Lawyers LLP