

IN THE SUPREME COURT OF CANADA

(On Application for Leave to Appeal from the Court of Appeal for the Province of Ontario)

B E T W E E N:

**POLICE CONSTABLE KRIS WOOD, ACTING SERGEANT MARK PULLBROOK,
POLICE CONSTABLE GRAHAM SEGUIN**

Applicants/Cross-Respondents
(Respondent)

-and-

RUTH SCHAEFFER, EVELYN MINTY AND DIANE PINDER

Respondents/Cross-Respondents
(Appellants)

-and-

IAN SCOTT, DIRECTOR OF THE SPECIAL INVESTIGATIONS UNIT

Respondent/Cross-Applicant
(Respondents)

-and-

JULIAN FANTINO, COMMISSIONER OF THE ONTARIO PROVINCIAL POLICE

Respondent/Cross-Respondent
(Respondent)

**NOTICE OF APPLICATION FOR LEAVE TO CROSS-APPEAL OF THE
RESPONDENTS, RUTH SCHAEFFER, EVELYN MINTY AND DIANE PINDER
(Pursuant to Rule 29 of the *Rules of the Supreme Court of Canada*)**

TAKE NOTICE that, in the event that the Applicants, Police Constable Kris Wood, Acting Sergeant Mark Pullbrook and Police Constable Graham Seguin, are granted Leave to Appeal, the Respondents Ruth Schaeffer, Evelyn Minty and Diane Pinder hereby apply for Leave to Cross-Appeal to this Honourable Court, pursuant to Rule 29 of the *Rules of the Supreme Court of Canada*, from the judgment of the Court of Appeal for Ontario Court File No. C52414 made November 15, 2011, or such further or other order that the said Court may deem appropriate;

AND FURTHER TAKE NOTICE that this Application for Leave to Cross-Appeal is made on the following grounds:

- 1) While the Respondent Families maintain as their primary position that leave should be denied, the Families are filing an Application for Leave to Cross Appeal in support of the following alternative position: If the Applicants' position prevails that the Court of Appeal's limited role for a lawyer is "unworkable", then the only credible option for protecting the independence of police notes is to defer any access to counsel until after the officer has completed his/her notes.
- 2) Thus, the Respondent Families seek leave to cross-appeal on the grounds that the Court of Appeal erred by adopting an interpretation of the *Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit, O. Reg 267/10* ("S.I.U. Regulations"), that permits officers involved in an S.I.U investigation to consult with legal counsel prior to completing their police notes;
- 3) Such further and other grounds as counsel may advise and this Honourable Court may permit.

Dated at Ottawa, Ontario this 13th, day of March, 2012.

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GRAHAM SEGUIN

RUTH SCHAEFFER,
EVELYN MINTER
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Applicants

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Respondent

Respondent

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OF THE RESPONDENTS, RUTH SCHAEFFER, EVELYN
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(Pursuant to Rule 29 of the Rules of the Supreme Court of Canada)

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