

January 28, 2022

SENT VIA EMAIL

Honourable Ted Arnott
Speaker, Legislative Assembly of Ontario
Room 180, Legislative Building, Queen's Park
Toronto, ON M7A 1A5
c/o David Taylor, Conway Litigation LLP

Dear Sir:

Re: Laurentian University of Sudbury – Standing Committee on Public Accounts

I am writing on behalf of Laurentian University of Sudbury in the above-noted matter in relation to the decision of Chief Justice Morawetz dated January 26, 2022.

Chief Justice Morawetz stayed the warrants of the Speaker dated December 9, 2021, pending further order of the court, to the extent they require production of documents and information covered by the Mediation Order dated February 5, 2021 and the sealing provisions of the Initial Order dated February 1, 2021.

The deadline on the face of the Speaker's warrants is February 1, 2022. They require production of, among other things, all emails from 2010 of over 60 Laurentian personnel, many of whom were involved in work related to the sealed exhibits or the confidential mediation in the CCAA proceeding.

Accordingly, Laurentian is now caught between competing obligations. It is prohibited by a court order from producing documents pertaining to the mediation process and the sealed exhibits, but is required by the Speaker's warrants to produce documents that do not fall into those categories. In certain document repositories and for certain date ranges, the documents that must be produced and the documents that must be kept confidential are intermingled.

As a result, it is not possible to produce by February 1 all documents required to be produced while keeping confidential those that must be produced. That would require a manual review of documents, which is not feasible by February 1.

Since the stay imposed by the Chief Justice is interlocutory only, it would not be proportionate to require Laurentian to conduct a manual review that may not even be necessary, depending on the outcome of the hearing on the merits. Laurentian is an insolvent university that needs to devote its limited resources to operations and moving forward with its restructuring. Very significant resources (chiefly, the time of staff and external advisors) have already been devoted to producing documents to the Standing Committee (approximately 18 gigabytes of data so far), and preparing to produce other documents depending on the result of the Chief Justice's decision. Especially during the restructuring, a costly and time-consuming manual review of emails and electronic files is not a project that Laurentian can responsibly embark on if it may not be necessary at all.

However, there is an alternative means of making production that can be done by February 1. Laurentian proposes to make production in the following way:

1. For personnel and departments that were not involved in work related to the CCAA mediation or the sealed exhibits, producing all emails and files requested in the Committee's letter of October 15, 2021;
2. For personnel and departments that were involved in work related to the CCAA mediation or the sealed exhibits:
 - a. Producing all emails and files requested that were created **on or before** the date that person or department became involved in work related to the CCAA mediation or the sealed exhibits (the "**Separation Date**"); and
 - b. Producing all emails and files requested that were created **after** the Separation Date on an encrypted hard drive. If the courts ultimately decide that Laurentian must produce all documents, Laurentian would provide the password to the drive and all the documents would be immediately available to the Committee. If the courts ultimately decide that not all the documents must be produced, then Laurentian would go through a review process to produce the documents required.

I enclose a chart setting out the various requests of the Committee from its October 15 letter, with notations to show which document source contains documents related to the mediation and the sealed exhibits, and, for those that were, the Separation Date for each.

In my respectful view, the above represents the most practical solution to the situation. It is a good-faith, best-efforts attempt by Laurentian to comply with the competing obligations that it faces while using its stretched resources responsibly. **On behalf of Laurentian, I am asking for confirmation that the Standing Committee on Public Accounts will not regard this production as contempt of the Assembly.**

If you or the Speaker's counsel would like to discuss the above, I can be reached at your convenience.

Yours truly,

A handwritten signature in black ink, appearing to read 'F. Schumann', with a long, sweeping horizontal line extending to the right.

Fredrick Schumann

Enclosure

- c. David Taylor, Conway Litigation LLP (*counsel to the Speaker*)
D. J. Miller, *Thornton Grout Finnigan LLP* (Insolvency counsel to the University)
Sharon Hamilton, *Ernst & Young Inc.* (Court-Appointed Monitor of the University)
Ashley Taylor, *Stikeman Elliott LLP* (Counsel to the Court-Appointed Monitor)
Peter Osborne, *Lenczner Slaght* (Counsel to the Board of Governors of the University)
Brian Gover, *Stockwoods LLP*

LIST B – REQUEST OF OCTOBER 22, 2021

	Request	CCAA mediation information	Provide in full / Separation date
1.	All Board of Governors and Board of Governors Committee and Ad-hoc Committees public and in-camera materials and minutes from January 1, 2010 to present in their entirety	Yes	January 20, 2021
2.	All Senate and Senate Committee, Subcommittee and Ad-hoc Committees public and in camera materials (including all communications of financial information on programs viability and/or Laurentian's overall finances) and minutes from January 1, 2010 to present in their entirety*	Yes	January 20, 2021
	The complete emails (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 for the following individuals and domain names**:		
3.	Emails* Carol McAulay	No	Provide in full
4.	Emails* Chris Mercer	No	Provide in full
5.	Emails * Dominic Giroux	No	Provide in full
6.	Emails * Isabelle Bourgeault-Tasse	Yes	January 20, 2021
7.	Emails * Julie Lacroix	Yes	January 20, 2021

8.	Emails * Lorella Hayes	Yes	January 20, 2021
9.	Emails * Normand Lavallée	Yes	January 20, 2021
10.	Emails * Dr. Pierre Zundel	No	Provide in full
11.	Emails * Sara Kunto	Yes	January 20, 2021
12.	Emails * Dr. Serge Demers	Yes	January 20, 2021
13.	Emails * Shawn Frappier	Yes	January 20, 2021
14.	Emails * Tracy MacLeod	Yes	January 20, 2021
15.	Emails * Dr. Robert Haché • rhache@laurentian.ca rhpsc@laurentian.ca • president@laurentian.ca	Yes	January 20, 2021
16.	Emails * pvpa@laurentian.ca (Provost email account)	Yes	January 20, 2021
17.	Emails * vpadmin@laurentian.ca	Yes	January 20, 2021
18.	Any and all email communications, (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 with the following domains**: ☐ kpmg.ca ☐ sudburylaw.com	Kpmg: no Sudburylaw.com: yes	KPMG: provide in full Sudburylaw.com: separate clacroix@sudburylaw.com at January 20, 2021; provide all else in full

	Extract of all folders, including subfolders and contents, from Laurentian University's TDrive as of August 16, 2021 contained in the folders identified below**:		
19.	Finance	Yes	January 20, 2021
20.	Human Resources and Organizational Development ** T Drive	Yes	January 20, 2021
21.	Legal**	Yes	January 20, 2021
22.	Physical Plant Capital **	No	Provide in full
23.	Risk and Insurance **	No	Provide in full
24.	Secretariat**	Yes	January 20, 2021
25.	KPMG audit planning reports for the following fiscal periods: ☐ year ending April 30, 2019 (presented to the Audit Committee during its meeting on March 25, 2019) ☐ year ending April 30, 2020 (presented to the Audit Committee during its meeting on March 23, 2020) ☐ year ending April 30, 2021 (presented to the Audit Committee at an unknown date)	No	Already provided in full
26.	KPMG audit findings reports for the following fiscal periods:	No	Already provided in full

	☐ year ending April 30, 2010 (presented to the Finance Committee during its meeting on October 4, 2010) ☐ year ending April 30, 2021 (presented to the Audit Committee at an unknown date)		
27.	All documentation relating to the appointment and retention of the external auditor (including but not limited to internal correspondence, request for proposals, vendor-submitted proposals, evaluation of submissions, minutes of any discussions or decision-making, and signed Board or Audit Committee resolutions) for the fiscal years ending April 30, 2019, April 30, 2020, April 30, 2021	No	Already provided in full
28.	All draft and final budgets and supporting analysis for Laurentian University's budgets from 2010 to present	No	Already provided in full

LIST A - REQUEST OF OCTOBER 15, 2021

	Request	CCAA mediation information	Provide in full / Cut-off date
29.	Duplicate		
30.	Duplicate		
	The complete emails, including archives, from January 1, 2010 to present (October 15, 2021) **		
31.	Joel Dickinson	Yes	January 20, 2021
32.	Jay Patel	Yes	February 9, 2021
33.	Jennifer Straub	Yes	February 9, 2021
34.	Joseph Burke	Yes	January 20, 2021
35.	Julie Birnie	Yes	January 20, 2021
36.	Duplicate		
37.	Justin Lemieux	No	Provide in full
38.	Lace Marie Brodgen	Yes	January 20, 2021
39.	Duplicate		
40.	Lindsey Melanson	Yes	January 20, 2021
41.	Dr. Marie Josée-Berger	Yes	January 20, 2021
42.	Martin Bayer	Yes	January 20, 2021
43.	Maxim Jean-Louis	Yes	January 20, 2021
44.	Malek Abou-rabia	Yes	February 9, 2021
45.	Marie-France Girard	Yes	January 20, 2021
46.	Melanie Boulianne	Yes	January 20, 2021
47.	Michel Delorme	Yes	January 20, 2021
48.	Michel Seguin	No	Provide in full
49.	Duplicate		

50.	Dr. Osman Abou-Rabia	No	Provide in full
51.	Duplicate		
52.	Dr. Patrice Sawyer	No	Provide in full
53.	Richard Therrien	No	Provide in full
54.	Roxane Marois	No	Provide in full
55.	Robert Bourgeois	No	Provide in full
56.	Duplicate		
57.	Duplicate		
58.	Silvie Allard	No	Provide in full
59.	Shauna Lehtimaki	Yes	January 20, 2021
60.	Stan Pawlowicz (former Board member)	No	Provide in full
61.	Duplicate		
62.	Therese Klotz	No	Provide in full
63.	Tom Fenske	Yes	February 5, 2021
64.	Fabrice Colin	Yes	February 5, 2021
65.	Duplicate		
66.	Duplicate		
67.	Dr. Robert Kerr	No	Provide in full
68.	Rui Wang	No	Provide in full
69.	Alex Freedman	No	Provide in full
70.	Amanda Schweinbenz	Yes	February 9, 2021
71.	Annette Cacciotti	No	Provide in full
72.	Bernadette Schell	No	Provide in full
73.	Brad Parkes	No	Provide in full
74.	Blaine Nicholls (former Board member)	No	Provide in full
75.	Brent Roe	Yes	February 9, 2021
76.	Duplicate		
77.	Céleste Boyer	Yes	January 20, 2021
78.	Céline Larivière	Yes	February 1, 2021
79.	Duplicate		

80.	Chantal Beuparlant	Yes	January 20, 2021
81.	Cindy Cacciotti	Yes	January 20, 2021
82.	Claude Lacroix	Yes	January 20, 2021
83.	Collette Rainville	No	Provide in full
84.	Craig Fowler	No	Provide in full
85.	Darquise Lauzon	No	Provide in full
86.	Diane Massicotte	No	Provide in full
87.	Dr. David Lesbarrères	No	Provide in full
88.	Dean Millar	Yes	February 1, 2021
89.	Duplicate		
90.	Eric Chappell	Yes	January 20, 2021
91.	Eric Gauthier	Yes	February 9, 2021
92.	Heather McPherson	Yes	January 20, 2021
93.	Duplicate		
94.	Duplicate		
95.	Extract of all folders and contents from Laurentian University's T-drive, Google Drive, and any other drive or network share containing documents related to the administrative function of the University as of October 15, 2021	Yes	January 20, 2021 – request is extremely broad and cut-off may not be feasible on, for example, Google drives
96.	Duplicate		
97.	Duplicate		
98.	Duplicate		
99.	All contracts, reports, and correspondence with KPMG regarding nonassurance services (e.g. consulting services, accounting advisory services, tax, financial	No	Provide in full

	compilation, loan staff, internal audit services, etc.) for the period of January 1, 2010 to present		
100.	Documentation and correspondence related to all Laurentian University land purchases, sales and other transactions from January 1, 2010 to present	No	Already provided in full
101.	All documentation related to “Laurentian 2.0” prepared for of by the In Camera Ad Hoc Committee on Contingency Planning and the Contingency Planning and Sustainability Measures Report	Yes	Document-by-document review will probably be necessary
102.	Duplicate		
103.	All student registration data from January 1, 2010 to present	No	Already provided in full
104.	All internal analysis of revenue and expenses by programs and courses prepared by faculty and administration from January 1, 2010 to present	Yes	January 20, 2021
105.	All reconciliation of student enrollment submitted to the Province of Ontario, with Laurentian’s budgets presented to the Board of Governors and actual student enrollment for January 1, 2010 to present	No	Already provided in full
106.	Materials produced by faculty deans on their analysis of programs’ viability and student enrolment from January 1, 2010 to present	Yes	January 20, 2021

107.	All internal correspondence regarding the preparation of enrollment data submitted to the province of Ontario for funding purposes from January 1, 2010 to present	No	Already provided in full
108.	All documentation, including supporting analysis and decisions made in relation to program/course cancellations, staff and faculty cuts and restructuring prepared up to January 31, 2021 including, but not limited to: ☐ All analysis and supporting documentation used in the analysis ☐ Methodology of analysis ☐ Listing of all staff/faculty and departments that contributed to the analysis ☐ Results of the analysis All material that was provided to senior management, and Senate or Board or Committees related to this matter.	Yes	January 20, 2021
109.	All current and former Laurentian University Directors and Officers (D&O) Liability Insurance Policy(s) (including Carriers and Reinsurers agreements and policies) from January 1, 2010 to present	No	Already provided in full
110.	All personnel files, including but not limited to employment and benefits contracts, performance reviews, annual merit pay and compensation reviews,	No	Already provided in full

	and resumes, for Chiefs of Staff, Special Advisors, University Secretary and General Counsel, Chief Advancement Officer, and Assistant/ Associate Vice Presidents and higher including Interim and Acting appointments (current and former) from January 1, 2010 to present		
111.	All recruitment files, including but not limited to recruitment postings, applications and resumes received, and documentation of the selection process steps and decisions making for all Chiefs of Staff, Special Advisors and Assistant/ Associate Vice Presidents Administration (nonacademic) appointments from January 1, 2010 to present	No	Already provided in full
112.	All business case, justification or other analysis used to inform the creation of new senior administrator positions (Assistant/ Associate Vice Presidents and higher) from January 1, 2010 to present	No	Provide in full
113.	All legal engagement letters and invoices from January 1, 2010 to present	Yes	For TGF, Hicks Morley, EY/Stikeman, and Lenczner, Goldman Sloan Nash, and BMKP: Provide to January 20, 2021 For all other firms: Provide in full
114.	Any and all correspondence with Lenczner Slaght LLP, Stockwoods LLP Barristers, Thornton Grout Finnigan LLP and related personnel (including but not limited to all documents, engagement letters, retainer agreements,	Yes	January 20, 2021

	terms and conditions, invoices, recordings, reports, legal opinions) from January 1, 2010 to present		
115.	All documentation and correspondence relating to the property encroachment on 2115 South Bay Rd from January 1, 2010 to present	No	Provide in full
116.	All documents, including contracts and other information, related to third-party partnership agreements from January 2010 to present	No	Already provided in full
117.	All correspondence with the City of Sudbury regarding the School of Architecture property from January 1, 2010 to present	No	Provide in full
118.	All information and internal communications regarding actual or potential conflict of interest situations between January 1, 2010 and present	No	Provide in full
119.	All communications and correspondence with Desjardins between January 1, 2010 to January 31, 2021	Yes	Provide in full
120.	A listing of restricted donations received from January 1, 2010 to present	No	Already provided in full
121.	A listing of restricted research funding received from January 1, 2010 to present	No	Already provided in full
122.	All documentation pertaining to current and past litigation from January 1, 2010 to present	No	Provide in full

123.	All documentation provided by Laurentian University to Ernst & Young (EY) as financial advisor and subsequently monitor, and documentation provided by E&Y to Laurentian University from January 1, 2010 to present, not limited to: ☐ Letters(s) of engagement, statements of work, and terms of reference ☐ Documentation and correspondence for the period of engagement prior to the date of the CCAA filing and after the CCAA filing ☐ Reports and draft reports ☐ Meeting minutes	Yes	January 20, 2021
124.	All documentation pertaining to union grievances from January 1, 2010 to present	Yes	February 5, 2021
125.	All complaints filed by Laurentian University's employees from January 1, 2010 to present and accompanying documentation of the resolutions of those complaints	No	Already provided in full
126.	All correspondence, materials and minutes, from meetings between LUAPS Executive, the Board and/or Laurentian University from 2010 to present	No	Already provided in full
127.	Contracts with all international student recruiters and foreign governments from January 1, 2010 to present	No	Already provided in full
128.	All internal and external communications regarding the compliance with the Midwifery program funding agreements from January 1, 2010 to present	No	Already provided in full

129.	All internal and external communications regarding Laurentian's compliance regarding compliance with (<i>An Act to Incorporate Laurentian University of Sudbury, Broader Public Sector Accountability Act, Broader Public Sector Executive Compensation Act, French Language Services Act, Protecting a Sustainable Public Sector for Future Generations Act, 2019</i>) from January 1, 2010 to present	No	To be provided in full
130.	All current and former Board of Governors and Senate expenses from January 1, 2010 to present	No	Already provided in full
131.	All information on Board of Governor nominations and appointments from January 1, 2010 to present	No	Already provided in full
132.	All financial statements for the Laurentian University pension plan as well as plan text, plan amendments, actuarial valuations (funding and accountings), fund manager investment reports, and all documentation regarding the conversion of the pension plan from defined contribution to defined benefits for period of 2010 to present	No	Already provided in full
133.	The bids and submissions received for the operational and governance review that the university is currently undertaking, and any evaluations of the proponents	No	Already provided in full