

February 7, 2022

DELIVERED BY EMAIL TO comm-publicaccounts@ola.org

Christopher Tyrell
Clerk, Standing Committee on Public Accounts
99 Wellesley Street West
Room 1405, Whitney Block, Queen's Park
Toronto, ON M7A 1A2

Dear Mr Tyrrell:

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

I am writing on behalf of Laurentian University of Sudbury (“**Laurentian**”) to notify you and the Standing Committee of an issue that has arisen since my letter of February 1, 2022.

On February 1, the University delivered two external hard drives, Drive 1 and Drive 2, to the Standing Committee. Drive 2 contained the information requested by the Committee created or last modified **after** the Separation Dates.¹ The Separation Dates are based on Chief Justice Morawetz’s decision of January 26, 2022 relating to information or documents subject to the Sealing Order of February 1, 2021 and the Confidential Mediation Order of February 5, 2021. Further to the Chair’s letter and the Chief Justice’s decision, Drive 2 is password-protected.

Unfortunately, it has come to our attention that some information that should have been on Drive 2 may have been inadvertently placed on Drive 1, which is not password-protected.

The Standing Committee had requested all emails between any Laurentian email address and the domain sudburylaw.com, which is owned and used by the law firm where the former Chair of Laurentian’s Board of Governors, Claude Lacroix, practices. According to the chart enclosed with my February 1 letter, all email before the Separation Date of January 20, 2021 should have been on Drive 1. All email between January 21, 2021 and October 15, 2021 with sudburylaw.com email addresses other than clacroix@sudburylaw.com should also have been on Drive 1. However, all

¹ This is only the case where the chart contains a Separation Date. Where the chart states that all information will be provided, Drive 1 contains all the requested information.

email with clacroix@sudburylaw.com between January 21, 2021 and October 15, 2021 should have been on Drive 2. That is because that range of email likely contains information about the confidential mediation, or information protected by the Sealing Order. As you know, court orders prohibit the disclosure of that information, and the Speaker's warrant is stayed in respect of that information.

In reviewing the sizes of the various folders on Drive 1 and Drive 2, we have discovered that email with clacroix@sudburylaw.com between January 21, 2021 and October 15, 2021 was likely placed on Drive 1. Because of the size of Drive 1 and the timeline under which the university's staff were working, it was not possible to create a copy of Drive 1, so we cannot confirm the error with certainty.

Accordingly, I am writing to inquire whether, as we suspect, email with clacroix@sudburylaw.com between January 21, 2021 and October 15, 2021 was produced on Drive 1. The file would be in folder 18 and called "18 – sudburylaw.com Jan-Oct wCL.zip". If so, we will require confirmation that that file, and any copies of it or any of its contents that may exist in the possession of the Standing Committee or Auditor General, are deleted.

I apologize on behalf of Laurentian University for this error and for any inconvenience it may cause. I look forward to hearing from you.

Yours truly,



Fredrick Schumann

- c. 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)
Brian Gover, *Stockwoods LLP*
David Taylor, *Conway Litigation LLP/s.r.l.*