

Court File No. CV-21-00669471-00CL

**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

AUDITOR GENERAL OF ONTARIO

Applicant

and

LAURENTIAN UNIVERSITY OF SUDBURY

Respondent

RESPONDING APPLICATION RECORD

October 15, 2021

STOCKWOODS LLP

Barristers

Toronto-Dominion Centre

TD North Tower, Box 140

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Toronto ON M5K 1H1

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briang@stockwoods.ca

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Lawyers for the Respondent

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100 King Street West
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100 Adelaide Street West
Toronto, ON M5H 0B3
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Monitor

**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

AUDITOR GENERAL OF ONTARIO

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RESPONDING APPLICATION RECORD

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Court File No. CV-21-00669471-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

AUDITOR GENERAL OF ONTARIO

Applicant

LAURENTIAN UNIVERSITY OF SUDBURY

Respondent

AFFIDAVIT OF EPHRY MUDRYK
(sworn October 15, 2021)

I, Ephry Mudryk, of the City of Vaughan, in the Province of Ontario, **MAKE OATH**
AND SAY AS FOLLOWS:

1. I am a law clerk at Stockwoods LLP, lawyers for the respondent, Laurentian University of Sudbury (“**Laurentian**” or the “**University**”). As such, I have knowledge of the matters hereinafter deposed to, save where I have obtained information from others. Where I do not possess personal knowledge, I have stated the source of my information and belief and, in all such cases, believe such information to be true.

2. On August 5, 2021, the Auditor General of Ontario, Bonnie Lysyk, sent a letter to Dr. Robert Haché, the President of Laurentian. Ms. Lysyk’s letter is attached hereto and marked as **Exhibit “A”** to my affidavit. It states her position that she is entitled to compel privileged information from an audit subject.

3. On August 9, 2021, Dr. Haché sent a letter to the Auditor General, stating that the issues regarding disclosure of privileged information were complex and that the University needed to

discuss them with its advisors and the Board. Dr. Haché's letter is attached hereto and marked as **Exhibit "B"** to my affidavit.

4. On August 11, Ms. Lysyk issued a summons to Dr. Haché requiring the production of certain categories of documents. The summons is attached hereto and marked as **Exhibit "C"** to my affidavit. The summons required production of all *in-camera* board material to her by 10:00 in the morning on Friday, August 13, 2021.

5. In response to the summons, also on August 11, 2021, one of the University's external counsel, Brian Gover, wrote a letter to Ms. Lysyk setting out the University's position and inviting her to reconsider the request for privileged information, failing which the University would take steps to set aside the summons. Mr. Gover's letter is attached hereto and marked as **Exhibit "D"** to my affidavit.

6. Later on August 11, 2021, Mr. Gover received a letter from Ms. Lysyk stating that the summons served on Dr. Haché had to be complied with and that she has the authority to compel the delivery of privileged information. This letter is attached hereto and marked as **Exhibit "E"** to my affidavit.

7. Also on August 11, 2021, Jeff Chauvin, a member of the Auditor General's staff, sent an email to Laurentian's staff, requesting board materials and emails. Fredrick Schumann, a lawyer at Stockwoods, replied to Mr. Chauvin's email. Mr. Schumann's email stated that the material requested will include privileged information and that the review of years of emails would take a great deal of time. I attach hereto and mark as **Exhibit "F"** to my affidavit the emails from Mr. Chauvin and Mr. Schumann.

8. Then, also on August 11, 2021, the Auditor General sent a letter to Dr. Haché about the disclosure of emails, stating that she is entitled to access privileged information, and pointing out that obstructing her from carrying out her duties is an offence. I attach Ms. Lysyk's second letter of August 11, 2021 hereto and mark it as **Exhibit "G"** to my affidavit.

9. I am advised by Mr. Schumann that, at the request of counsel to the court-appointed Monitor Ernst & Young Inc., in Laurentian's restructuring proceeding under the *Companies' Creditors Arrangement Act* (Canada) (the "**CCAA Proceeding**"), Chief Justice Morawetz scheduled a case conference on an urgent basis for 4:00 p.m. on August 12, 2021.

10. I am further advised by Mr. Schumann that, at the case conference on August 12, 2021, both Ms. Lysyk and her counsel Christopher Wirth made submissions to Chief Justice Morawetz. Mr. Schumann further advises me that at the case conference, Mr. Wirth informed Chief Justice Morawetz and others that the Auditor General was no longer seeking production of privileged documents through the summons power set out in the *Auditor General Act* and the *Public Inquiries Act, 2009*, that she conceded that that power could not be used to compel the production of privileged documents, and that it would not be suggested that failure to comply with the summons constituted the offence of obstructing the Auditor General or a member of the OAGO. Ms. Lysyk also mentioned her request for production of emails, the University's objection on the basis of privilege, and the University's assertion that the review of the emails for privilege would take a great deal of time.

11. On August 13, 2021, Mr. Gover wrote to Mr. Wirth, asserting that certain allegations of obstruction made by the Auditor General's staff were inappropriate and inconsistent with the position the Auditor General had taken at the case conference with Chief Justice Morawetz. Mr.

Gover stated that, if the threats of obstruction continued, the University would have to take steps to have the issue judicially determined. Mr. Gover's letter is attached hereto and marked as **Exhibit "H"** to my affidavit.

12. Mr. Wirth replied to Mr. Gover's letter on August 15, 2021. In that letter, Mr. Wirth stated "we confirm that the Office of the Auditor General is not alleging that Ms. Boyer or anyone else representing Laurentian University is committing the offence of obstruction under section 11.2 of the *Auditor General Act* by taking the legal position that they are not required to disclose privileged documents under the *Auditor General Act*." Mr. Wirth went on to say, "with respect to the issue of disclosure of privileged documents under section 10 of the *Auditor General Act*, the Auditor General has decided not to legally pursue the production of privileged documents and will conduct her audit using information and documents that she voluntarily receives from Laurentian University." Mr. Wirth's letter of August 15, 2021 sent on behalf of the Auditor General is attached hereto and marked as **Exhibit "I"** to my affidavit.

13. On August 30, 2021, the Auditor General sent a letter to Dr. Haché, about an interview she wished to hold with Sara Kunto, the former Secretary and General Counsel of Laurentian University. According to the Auditor General's letter, Ms. Kunto had told the Auditor General that she was precluded from discussing any privileged and confidential information. The Auditor General wrote: "Section 10 of the *Auditor General Act* entitles the Auditor General to privileged information ... Notwithstanding that the University disagrees with our interpretation of section 10 of the *Auditor General Act*, to expedite matters, I am requesting that the University inform Ms. Kunto that she can freely discuss all matters that will assist our value-for money audit." Ms. Lysyk's letter of August 30 is attached hereto and marked as **Exhibit "J"** to my affidavit.

14. Dr. Haché responded to Ms. Lysyk's letter on August 31, 2021. His letter stated that Ms. Kunto could meet with the Auditor General but could not disclose privileged information. Dr. Haché's letter is attached hereto and marked as **Exhibit "K"** to my affidavit.

15. On September 1, 2021, a lawyer at Stockwoods LLP, Fredrick Schumann, wrote to Ms. Kunto's lawyer, advising that she was free to meet with the Auditor General, subject to her obligation to safeguard privilege. Mr. Schumann's letter is attached hereto and marked as **Exhibit "L"** to my affidavit.

16. On September 8, 2021, the Auditor General sent a letter to Dr. Haché. Her letter states that she has "determined that we require access to all privileged information, both documentary and from interviewees such as Sara Kunto." She stated that she will be requesting an interpretation from the Superior Court under rule 14.05 of the *Rules of Civil Procedure* for an interpretation of s. 10 of the *Auditor General Act*. Ms. Lysyk's letter is attached hereto and marked as **Exhibit "M"** to my affidavit.

17. On September 27, 2021, the parties held a case conference before Chief Justice Morawetz. The Chief Justice endorsed a procedural memorandum submitted by the parties, which included their agreement about the relationship between this application and the ongoing CCAA proceeding. In particular, the agreement stated (in paragraphs 2 and 3) that the only issue to be raised in the application is the interpretation of s. 10 of the *Auditor General Act*, and that the University reserved its rights to seek relief under the CCAA. A copy of the memorandum and endorsement of Chief Justice Morawetz is attached hereto and marked as **Exhibit "N"** to my affidavit.

SWORN before me via videoconference by
EPHRY MUDRYK located in the City of
Vaughan, in the Province of Ontario,
before me at the City of Toronto, in the
Province of Ontario, this 15th day of
October, 2021, in accordance with O. Reg
431/20, *Administering Oath or Declaration
Remotely*.

Caitlin Milne

Commissioner for Taking Affidavits

CAITLIN MILNE

Ephry Mudryk

EPHRY MUDRYK

This is **Exhibit “A”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

August 5, 2021

Mr. Robert Haché
President and Vice-Chancellor
Laurentian University
935 Ramsey Lake Road
Sudbury, Ontario P3E 2C6

Dear Mr. Haché:

Re: Disclosure of Privileged Documents to the Office of the Auditor General of Ontario

I am writing to you to clarify the position of the Office of the Auditor General of Ontario (the “OAGO”) with respect to the disclosure of privileged documents and information as part of our audit of Laurentian University.

Subsections 10(1) and (2) of the *Auditor General Act*, R.S.O. 1990, c. A.35 (the “AGA”) impose a duty on audit subjects to furnish documents and information to the OAGO:

Duty to furnish information

10 (1) Every ministry of the public service, every agency of the Crown, every Crown controlled corporation and every grant recipient shall give the Auditor General the information regarding its powers, duties, activities, organization, financial transactions and methods of business that the Auditor General believes to be necessary to perform his or her duties under this Act.

Access to records

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by a ministry, agency of the Crown, Crown controlled corporation or grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Act.

These provisions grant the Auditor General broad authority to compel any documents or information that I believe to be necessary to perform my duties under the AGA. The provisions do not make any exceptions which would allow an audit subject to withhold or redact privileged information. Rather, pursuant to subsection 10(3), the AGA expressly contemplates the disclosure of privileged documents and information to the OAGO by confirming that such disclosure under this section does not constitute a waiver of the privilege:

Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2
416-327-2381
fax 416-326-3812

B.P. 105, 15^e étage
20, rue Dundas ouest
Toronto (Ontario)
M5G 2C2
416-327-2381
télécopieur 416-326-3812

Mr. Robert Haché
August 5, 2021
Page 2

No waiver of privilege

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege.

As an institution which receives reviewable grants and transfer payments from the Consolidated Revenue Fund, Laurentian University is a “grant recipient” as defined under section 1 of the AGA, and is therefore subject to the duty to furnish documents and information that I believe to be necessary to perform my duties, including privileged documents and information, pursuant to section 10 of the AGA.

We understand that Laurentian University may nevertheless have concerns about the disclosure of privileged documents and information to the OAGO. In that regard, we note section 27.1 of the AGA, which imposes a duty of confidentiality on the OAGO. In particular, subsection 27.1(3) prohibits the OAGO from disclosing privileged documents or information obtained under section 10 without the consent of each holder of the privilege:

Same

(3) A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 10 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege.

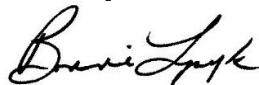
This provision prevents the OAGO from publishing Laurentian University’s privileged documents or information in its final report without your consent. You will be provided with a copy of the final draft report prior to publication. In the event that any privileged information is inadvertently included in the final draft report, you will be given an opportunity to identify such information so that it can be removed prior to publication.

It is my position that Laurentian University would not be complying with its obligations as an audit subject under section 10 of the AGA if it were to provide the OAGO with only redacted copies of its records, nor would redacting privileged information be necessary to maintain the privilege or prevent public disclosure, given the protections already afforded by subsections 10(3) and 27.1(3) of the AGA.

In that regard, audit subjects routinely provide the OAGO with unredacted copies of their privileged documents and information in accordance with the provisions discussed above.

Should you have any questions or concerns, please do not hesitate to contact me at 647-267-9263.

Sincerely,



Bonnie Lysyk
Auditor General of Ontario

cc: Shelley Tapp, Deputy Minister, Ontario Ministry of Colleges and Universities

This is **Exhibit “B”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



August 9, 2021

Sent via email

Ms. Bonnie Lysyk
Auditor General of Ontario
Box 105, 15th Floor
20 Dundas Street West
Toronto, ON M5G 2C2
Bonnie.Lysyk@auditor.on.ca

Dear Ms Lysyk,

Re: Disclosure of Privileged Documents

I acknowledge receipt of your letter of August 5, 2021 for which I thank you. As discussed during our meeting of August 6, 2021 the issues raised in your letter regarding your requested disclosure of privileged information are complex. They will need to be discussed with our advisors and the University's Board of Governors. The University intends to make a more substantive response to your letter as soon as it is able to do so.

Please let me reiterate that the University takes this audit seriously. Over the last few months, we have cooperated and worked diligently to compile and deliver information to your office. You may rest assured that our cooperation will continue during the upcoming campus site visit.

I look forward to welcoming you to Laurentian University.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Haché".

Robert Haché, Ph.D.
President and Vice-Chancellor

This is **Exhibit “C”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Castlin Milne

A Commissioner for oaths, etc.

Form 1

Public Inquiries Act, 2009

Prescribed Form of Summons Under Subsection 33(4) of the Act

Auditor General Act, R.S.O. 1990, c. A.35, ss. 11. (1) & 11.

(Name of Act under which proceeding arises)

SUMMONS BEFORE Auditor General of Ontario

(Name of body or individual)

TO Dr. Robert Haché, President and Vice-Chancellor

Name _____

935 Ramsey Lake Rd. Sudbury, ON P3E 2C6

Address

(For Evidence on Oath or Affirmation)

YOU ARE REQUIRED TO ATTEND to give evidence on oath or affirmation in this proceeding on:

_____ at _____
Date (yyyy/mm/dd) Time

at _____ Place _____

YOU ARE REQUIRED TO BRING WITH YOU and produce at the proceeding the following documents and things: (set out the nature and date of each document and give sufficient particulars to identify each document and thing.)

IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE
DIVISIONAL COURT MAY ORDER THAT YOU BE PUNISHED IN THE SAME MANNER AS FOR
CONTEMPT OF THAT COURT.

(For Production of Documents and Things)

YOU ARE REQUIRED TO PRODUCE at the proceeding on 2021/08/13 at 10:00 AM
Date (yyyy/mm/dd) Time

at 935 Ramsey Lake Rd. Sudbury, ON P3E 2C6 (11th floor, Senate Chamber)
Place

the following documents and things: (set out the nature and date of each document and give sufficient particulars to identify each document and thing.)

- In-camera and private Board of Governors meeting materials (packages) and minutes (2010 – present) in their entirety ;
- In-camera and private Board of Governors committees meeting materials (packages) and minutes (2010 – present) in their entirety; and
- Full read access to any and all electronic Board of Governors materials including network drives, loose files, board portal and any other forms of electronic storage.

IF YOU FAIL TO PRODUCE THE DOCUMENTS AND THINGS THIS SUMMONS REQUIRES, THE DIVISIONAL COURT MAY ORDER THAT YOU BE PUNISHED IN THE SAME MANNER AS FOR CONTEMPT OF THAT COURT.

Bonnie Lysyk, Auditor General of Ontario

(Name of body or individual)

Signature by or on behalf of body or individual

2021/08/11

Date (yyyy/mm/dd)

Note: You are entitled to be paid the same fees or allowances for attending at or otherwise participating in the proceeding as are paid to a person summoned to attend before the Superior Court of Justice.

This is **Exhibit “D”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Brian Gover
Direct Line: 416-593-2489
Direct Fax: 416-593-9345
briang@stockwoods.ca

August 11, 2021

BY EMAIL Bonnie.Lysyk@auditor.on.ca

Ms. Bonnie Lysyk
Auditor General of Ontario
Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2

Dear Ms Lysyk:

Re: Laurentian University - summons to Dr Robert Haché

As you know, we act for Laurentian University. We have been provided with a copy of a summons, issued by you, requiring the production of documents from Dr Robert Haché, the President and Vice-Chancellor of the University (copy attached).

The summons seeks production of *in-camera* packages and minutes for meetings of the University's Board of Governors, *in-camera* packages and minutes for meetings of committees of the Board of Governors, and "full read access to any and all electronic Board of governors materials."

The summons is returnable August 13, 2021, at 10:00 a.m., less than 48 hours from now.

You have taken the position in numerous communications that you are entitled to require privileged information from audit subjects, so it seems clear that the reason for the summons is to try to compel production of privileged information from the University.

As you know, the University has never objected to producing to you non-privileged *in camera* Board material. Rather, it has been diligently working to produce *in camera* Board packages to you. It has been reviewing, with counsel's assistance, those packages for privilege, and has already produced a great number of non-privileged Board packages to you. The privilege review is ongoing, and will not be complete by August 13.

STOCKWOODS LLP

TD NORTH TOWER, 77 KING STREET WEST, SUITE 4130, P.O. BOX 140, TORONTO, ONTARIO M5K 1H1 • PH: 416-593-7200 • FAX: 416-593-9345
Stockwoods:00279660.1

- 2 -

This is alongside the extremely voluminous production of other material that the University has already made, and continues to make. The University has provided a very large volume of documents and has provided access to all its staff, all while it navigates a court-managed restructuring process under the *Companies' Creditors Arrangement Act*.

The University's position remains that the Auditor General is not entitled to require an audit subject to disclose privileged information. The issuance of a summons does not change that.

Please confirm by **5:00 p.m. today**, August 11, 2021, that you will not require production of privileged information pursuant to the summons, and that you will not require production of the remainder of the non-privileged documents by August 13, but will instead work with us to agree on a reasonable timeline. In the event that you do not do so, the University will bring this issue before the judge case-managing the *Companies' Creditors Arrangements Act* process, Chief Justice Morawetz of the Superior Court of Justice, by moving to quash or set aside the summons.

We look forward to hearing from you.

Yours truly,



Brian Gover

BG/FRS

Enclosure: Summons to R. Haché, August 11, 2021

- c. Christopher Wirth (by email)
DJ Miller (by email)

This is **Exhibit “E”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

August 11, 2021

VIA E-MAIL (briang@stockwoods.ca)

Mr. Brian Gover
Stockwoods LLP Barristers
77 King Street West, Suite 4130
P.O. Box 140
Toronto, Ontario M5K 1H1

Dear Mr. Gover:

Re: Laurentian University - Summons to Dr. Robert Haché

Further to your letter of today's date, I am writing to you to confirm the position of the Office of the Auditor General of Ontario (the "OAGO") with respect to the summons served on Dr. Robert Haché ("Mr. Haché") and the disclosure of privileged documents and information as part of our audit of Laurentian University.

As discussed in our correspondence with Mr. Haché last week, it is our position that the *Auditor General Act*, R.S.O. 1990, c. A.35 (the "AGA") provides the OAGO with broad authority to compel the disclosure of documents and information that I believe to be necessary to perform my duties under the AGA, including privilege information.

Given the foregoing, the OAGO will not be rescinding the summons served on Mr. Haché and will require the production of all materials as set out in the summons in an organized manner tied to board and committee meeting dates, excluding information which may be subject to privilege.

Privileged information is required to be provided to us, without the need for a summons under *The Auditor General Act*.

Should you have any questions or concerns, please do not hesitate to contact us.

Best regards,

Bonnie Lysyk
Auditor General of Ontario

cc: Dr. Robert Haché, President & Vice-Chancellor of Laurentian University
Kristy May, Office of the Auditor General of Ontario (by email)

Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2
416-327-2381
fax 416-326-3812

B.P. 105, 15^e étage
20, rue Dundas ouest
Toronto (Ontario)
M5G 2C2
416-327-2381
télécopieur 416-326-3812

This is **Exhibit “F”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.

From: [Fredrick Schumann](#)
To: [Gus Chagani](#)
Cc: [Celeste Boyer](#); [Brian Gover](#); [Jeff Chauvin](#); [D. J. Miller](#)
Subject: RE: Request
Date: Wednesday, August 11, 2021 2:41:11 PM
Attachments: [image001.png](#)

Gus,

We received the below email from Martin Laferriere in Laurentian's IT department. We understand that you and Jeff Chauvin are in the IT office now and are refusing to leave until you receive the information you have requested.

The University is not able to fulfil this request. The material you have requested includes privileged information. In particular, the board materials and the emails of Executive Team members (including the emails of the University's former General Counsel, Sara Kunto) will contain a wide variety of privileged material, including material pertaining to the ongoing CCAA process.

The board material has been the subject of separate discussions between us and your office. Indeed, the Auditor General today served a summons to Dr Haché purporting to require him to provide board material. We have delivered a letter to the Auditor General, attached, regarding this summons. Given the outstanding summons for board material, you should not be attempting to obtain it directly from IT staff.

Because of the nature of the material requested, In order to produce it to you, we will need to review it for privilege. Since you have requested eight and a half years of emails, this will obviously take a great deal of time.

Accordingly, Laurentian's IT department will not be providing any material in relation to this request today.

Sincerely,

Fredrick Schumann

STOCKWOODS LLP

Direct: (416) 593-2490

Mobile: (647) 962-7823

From: **Jeff Chauvin** <Jeff.C Chauvin@auditor.on.ca>

Date: Wed, Aug 11, 2021 at 10:24 AM

Subject: Request

To: ML_Laferriere@laurentian.ca <ML_Laferriere@laurentian.ca>

Cc: Laura Geryk <lgeryk@laurentian.ca>, Jesse Dufour <Jesse.Dufour@auditor.on.ca>, Sara Harrison <Sara.Harrison@auditor.on.ca>

Martin, Laura –

Thanks for your time this morning. Can you guys start the network drive / google drive download for the board materials now and we can tackle the emails at 1pm? Let me know if you think that will be an issue.

As discussed see below for the list of items that we would like to collect. For timeframe, let's start with google mail (last 5 years) and any data from LTO5 tapes dating back to January 1, 2013. We can confirm specifics at 1PM.

Custodians (including archives):

- Dr. Robert Haché
- Dominic Giroux

Dr. Pierre Zundel

- Sara Kunto
- Lorella Hayes
- Serge Demers
- Normand Lavallee
- Tracy MacLeod
- Isabelle Bourgeault-Tasse
- Chris Mercer
- Carol McAulay

Any and all communications (including archives) with the following domains:

- kpmg.ca
- sudburylaw.com

Thanks in advance,

Jeff

Jeff W. Chauvin | CFE

Director – Forensic Audit | Office of the Auditor General of Ontario

20 Dundas Street West, Suite 1530 | Toronto, ON M5G 2C2

Tel: +1 (416) 522-3010 | E-mail: jeff.chauvin@auditor.on.ca

[cid:image001.png@01CD1728.2AC4BE80](#)



-- This email (including attachments) may contain confidential, personal, legally-privileged, copyrighted information, or information exempt from disclosure under The Auditor General Act, R.S.O. 1990, c. A.35. Contact me immediately if you are not the intended recipient and delete this email from your system and do not use, distribute (forward), copy, or disclose its contents.

This is **Exhibit “G”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

August 11, 2021

VIA E-MAIL

Mr. Robert Haché
President and Vice-Chancellor
Laurentian University
935 Ramsey Lake Road
Sudbury, Ontario P3E 2C6

Dear Mr. Haché:

**Re: Obstruction of the Office of the Auditor General of Ontario's Audit of
Laurentian University**

I am writing to you with respect to the disclosure of emails to the Office of the Auditor General of Ontario (the "OAGO") as part of our audit of Laurentian University.

I understand that Laurentian University is refusing to disclose emails requested by the OAGO as part of our audit, on the basis that they may be subject to privilege.

As discussed in our correspondence of last week, it is our position that the *Auditor General Act*, R.S.O. 1990, c. A.35 (the "AGA") provides the OAGO with access to documents and information that I believe to be necessary to perform my duties under the AGA, including privileged information.

It is an offence under section 11.2 of the AGA to obstruct the OAGO from the carrying out of our duties in the conduct of a special audit.

Prohibition re obstruction

11.2 (1) No person shall obstruct the Auditor General or any member of the Office of the Auditor General in the performance of a special audit under section 9.1 or an examination under section 9.2 and no person shall conceal or destroy any books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property that the Auditor General considers to be relevant to the subject-matter of the special audit or examination.

Given the foregoing, I request that you immediately allow my auditors to obtain all requested emails from staff of the Laurentian University IT Division in compliance with your obligations as an audit subject under the AGA.

Should you have any questions or concerns, please do not hesitate to contact me at 647-267-9263.

Sincerely,

Bonnie Lysyk
Auditor General of Ontario

Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2
416-327-2381
fax 416-326-3812

B.P. 105, 15^e étage
20, rue Dundas ouest
Toronto (Ontario)
M5G 2C2
416-327-2381
télécopieur 416-326-3812

www.auditor.on.ca

This is **Exhibit “H”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Brian Gover
Direct Line: 416-593-2489
Direct Fax: 416-593-9345
briang@stockwoods.ca

August 13, 2021

BY EMAIL cwirth@keelcottrelle.ca

Mr. Christopher Wirth
Keel Cottrelle LLP
36 Toronto St., Suite 920
Toronto, ON M5C 2C5

Dear Mr. Wirth:

Re: Laurentian University

I was informed today that Jesse Dufour, a member of the staff of the Auditor General of Ontario, met with Céleste Boyer, an in-house lawyer at Laurentian University. Mr. Dufour demanded from Ms. Boyer production of all legal invoices received by the University. Ms. Boyer responded that she could not disclose the invoices, at least not in unredacted form, because the task descriptions on those invoices would disclose solicitor-client privileged communications. Ms. Boyer suggested that Mr. Dufour confer with the Auditor General herself, since she was present at yesterday's case conference before Chief Justice Morawetz.

I understand that Mr. Dufour agreed to do so, then returned and read from a written statement in which he maintained the Auditor General's right to require the disclosure of privileged information, and asserted that Ms. Boyer was "obstructing" the Auditor General's investigation by failing to provide the unredacted invoices.

This is a very serious allegation and this behaviour of your client's staff is completely inappropriate. It directly contradicts the commitments you made before Chief Justice Morawetz just yesterday afternoon. On behalf of your client, you assured us that you recognized that there was a disagreement about the legal issue of the Auditor General's right to demand privileged information under her statute, assured us and the Court that there was no need to have the issue adjudicated urgently, and, most important of all, stipulated that there would be no further threats that, by not disclosing privileged information, University staff were "obstructing" your client's audit.

STOCKWOODS LLP

TD NORTH TOWER, 77 KING STREET WEST, SUITE 4130, P.O. BOX 140, TORONTO, ONTARIO M5K 1H1 • PH: 416-593-7200 • FAX: 416-593-9345
Stockwoods:00280302.1

- 2 -

Unless you can give us written confirmation that threats of obstruction will immediately cease and will not happen again, we will, unfortunately, have to raise the matter before Chief Justice Morawetz at Tuesday's scheduled hearing in the CCAA matter. I expect we will be instructed to schedule a hearing before him for a declaration that the Auditor General Act, in s. 10, does not require audit subjects to disclose privileged information. The threats that continue to be levelled by your client's staff give us no other choice.

I look forward to hearing from you.

Yours truly,



Brian Gover
BG/sk

c. Fredrick Schumann

This is **Exhibit “I”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.

August 15, 2021

VIA E-MAIL (briang@stockwoods.ca)

Mr. Brian Gover
Stockwoods LLP Barristers
77 King Street West, Suite 4130
P.O. Box 140
Toronto, Ontario M5K 1H1

Dear Mr. Gover:

Re: Laurentian University

In response to your letter of Friday, August 13, 2021, there appears to be a misunderstanding concerning the conversation that occurred between a member of the Auditor General's staff, Jesse Dufour and Céleste Boyer, in-house legal counsel for Laurentian University.

Mr. Dufour met with Ms. Boyer to request documents relating to the audit of Laurentian University. Ms. Boyer responded that she could not disclose these documents because they contained information which may be subject to solicitor-client privilege. Mr. Dufour left to confer with the Auditor General and her team, and then returned to Ms. Boyer to explain the Auditor General's position with respect to the usual disclosure of information to the Office of the Auditor General in full, unredacted form.

The reference in your letter that Mr. Dufour stated that Ms. Boyer was "obstructing" the audit is not an accurate statement of what occurred. The exchange was professional and cordial.

In accordance with our discussion before Chief Justice Morawetz on August 12th, we confirm that the Office of the Auditor General is not alleging that Ms. Boyer or anyone else representing Laurentian University is committing the offence of obstruction under section 11.2 of the *Auditor General Act* by taking the legal position that they are not required to disclose privileged documents under the *Auditor General Act*.

The Auditor General is disappointed that there have been delays in receiving specific information from Laurentian University that has been requested since June 2021. She also notes that auditees have typically provided all requested information to her Office consistent with the protocols contained within the *Ontario Public Sector Guide for Interaction with the Office of the Auditor General of Ontario: Value for Money Audits*. In accordance with this guide, auditees are responsible for reviewing documents requested by the Auditor General for privilege on a timely basis, before releasing the un-redacted privileged documents instead of not providing them at all.

As mentioned in previous correspondence, the Office of the Auditor General has a history of maintaining the confidentiality of privileged documents as part of its working papers. A vetting by auditees of their draft audit report enables auditees to confirm that privileged information is not disclosed in a public report. Should auditees choose not to review privileged documents prior to

them providing the information to the Office of the Auditor General, the review of the draft public report fulfills the intent of the task.

Notwithstanding the above, with respect to the issue of disclosure of privileged documents under section 10 of the *Auditor General Act*, the Auditor General has decided not to legally pursue the production of privileged documents and will conduct her audit using information and documents that she voluntarily receives from Laurentian University.

I will be connecting with Mr. Schumann on Monday to see when the outstanding non-privileged documents will be provided to the Office of the Auditor General.

If you have any questions, please do not hesitate to contact me.

Yours truly,

KEEL COTTRELL LLP



Christopher Wirth

CW/

cc: Bonnie Lysyk, Auditor General of Ontario (via email)
cc: Frederick Schumann, Stockwoods LLP Barristers (via email)

This is **Exhibit “J”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

August 30, 2021

Dr. Robert Haché
President and Vice-Chancellor
Laurentian University of Sudbury
935 Ramsey Lake Road
Sudbury, ON
P3E 2C6

Dear Mr. Haché:

Re: Value-For-Money Audit

I requested a meeting with Sara Kunto, the former Secretary and General Counsel of Laurentian University. Ms. Kunto has advised that the University must grant permission in advance of any discussion that may take place with me. Although I disagree that the University must provide Ms. Kunto with permission to meet with me or the audit team, to expedite matters, can you please inform Ms. Kunto that she is free to meet with me and my audit team members.

In addition, Ms. Kunto has advised that she is precluded from discussing any privileged and confidential information as the privilege can only be waived by the University. Section 10 of the *Auditor General Act* entitles the Auditor General to privileged information and in this regard I attach the *OPS Guide for Interaction with the Auditor General of Ontario : Value-for-Money Audits* (April 2019) signed by the Secretary to the Cabinet and the Auditor General which further outlines this access. Notwithstanding that the University disagrees with our interpretation of section 10 of the *Auditor General Act*, to expedite matters, I am requesting that the University inform Ms. Kunto that she can freely discuss all matters that will assist our value-for money audit.

Please provide a response to this letter on or before September 3rd.

Sincerely,

Bonnie Lysyk
Auditor General of Ontario

Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2
416-327-2381
fax 416-326-3812

B.P. 105, 15^e étage
20, rue Dundas ouest
Toronto (Ontario)
M5G 2C2
416-327-2381
télécopieur 416-326-3812

This is **Exhibit “K”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.

August 31, 2021

Sent via email

Ms. Bonnie Lysyk
Auditor General of Ontario
Box 105, 15th Floor
20 Dundas Street West
Toronto, ON M5G 2C2
Bonnie.Lysyk@auditor.on.ca

Dear Ms. Lysyk,

Re: Response to your letter dated August 30, 2021.

Ms. Kunto is free to meet with you and we will so inform her.

Ms. Kunto is correct that she is precluded from discussing any privileged and confidential information with you. A lawyer has legal obligations to her client to keep privileged matters confidential.

Your letter claims that s. 10 of the *Auditor General Act* entitles the Auditor General to privileged information.

However, your counsel confirmed in his letter of August 15, 2021 that you were not seeking access to privileged information. The University's counsel wrote to him on August 13, 2021, repeating the University's position that s. 10 "does not require audit subjects to disclose privileged information" and stating that, if the Auditor General continued to demand access to privileged information, the matter would have to be judicially determined. Rather than take up that invitation, Mr. Wirth replied, on August 15, that "with respect to the issue of disclosure of privileged documents under section 10 of the *Auditor General Act*, the Auditor General has decided not to legally pursue the production of privileged documents."

Accordingly, the claims about s. 10 and privileged information in your letter were surprising. We had understood that the issue was no longer being pressed.

- 2 -

In any event, the document you enclosed with your letter does not change the position. It is a guide prepared by the Secretary of the Cabinet for the Ontario Public Service. While it does contemplate that the Ontario government will provide privileged documents to the Auditor General, that is not the case for entities outside the government. Nothing in the document contemplates that grant recipients such as the University will provide privileged documents to the Auditor General.

The University will certainly inform Ms. Kunto that she can freely discuss all matters that will assist your audit, subject to her legal obligation to maintain privilege.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Robert Haché', with a stylized flourish at the end.

Robert Haché, Ph.D.
President and Vice-Chancellor

This is **Exhibit “L”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caatlin Milne

A Commissioner for oaths, etc.



Fredrick Schumann
Direct Line: 416-593-2490
Direct Fax: 416-593-9345
fredricks@stockwoods.ca

September 1, 2021

BY EMAIL *mwright@wrighthenry.ca*

Michael Wright
Wright Henry LLP
200 Wellington Street West, Suite 602
Toronto, ON M5V 3C7

Dear Mr. Wright:

**Re: Laurentian University of Sudbury - CCAA
Court File No. CV-21-656040-00CL**

I understand that you represent Ms Sara Kunto. I am a lawyer for Laurentian University in connection with the Auditor General of Ontario's audit of the University.

The Auditor General has told us that she has sought to interview Ms Kunto. I am writing to inform you that, from the University's perspective, Ms Kunto is free to meet with the Auditor General, and may discuss all matters that will assist the audit, subject to her legal obligation to maintain privilege.

I enclose a letter from the University's President to the Auditor General, which sets out the University's position.

Please let me know if you have any questions about the above. As well, if, in an interview with the Auditor General, Ms Kunto is uncertain about whether the answer to a question would reveal privileged information, please seek guidance from the University before answering.

Yours truly,

A handwritten signature in black ink, appearing to read "F. Schumann".

Fredrick Schumann
FS/hw

Encls.

August 31, 2021

Sent via email

Ms. Bonnie Lysyk
Auditor General of Ontario
Box 105, 15th Floor
20 Dundas Street West
Toronto, ON M5G 2C2
Bonnie.Lysyk@auditor.on.ca

Dear Ms. Lysyk,

Re: Response to your letter dated August 30, 2021.

Ms. Kunto is free to meet with you and we will so inform her.

Ms. Kunto is correct that she is precluded from discussing any privileged and confidential information with you. A lawyer has legal obligations to her client to keep privileged matters confidential.

Your letter claims that s. 10 of the *Auditor General Act* entitles the Auditor General to privileged information.

However, your counsel confirmed in his letter of August 15, 2021 that you were not seeking access to privileged information. The University's counsel wrote to him on August 13, 2021, repeating the University's position that s. 10 "does not require audit subjects to disclose privileged information" and stating that, if the Auditor General continued to demand access to privileged information, the matter would have to be judicially determined. Rather than take up that invitation, Mr. Wirth replied, on August 15, that "with respect to the issue of disclosure of privileged documents under section 10 of the *Auditor General Act*, the Auditor General has decided not to legally pursue the production of privileged documents."

Accordingly, the claims about s. 10 and privileged information in your letter were surprising. We had understood that the issue was no longer being pressed.

- 2 -

In any event, the document you enclosed with your letter does not change the position. It is a guide prepared by the Secretary of the Cabinet for the Ontario Public Service. While it does contemplate that the Ontario government will provide privileged documents to the Auditor General, that is not the case for entities outside the government. Nothing in the document contemplates that grant recipients such as the University will provide privileged documents to the Auditor General.

The University will certainly inform Ms. Kunto that she can freely discuss all matters that will assist your audit, subject to her legal obligation to maintain privilege.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert Haché', with a stylized flourish at the end.

Robert Haché, Ph.D.
President and Vice-Chancellor

This is **Exhibit “M”** to the Affidavit of Ephry
Mudryk, sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

September 8, 2021

Robert Haché
President and Vice Chancellor
Laurentian University
935 Ramsey Lake Road
Sudbury, ON
P3E 2C6

Dear Mr. Haché:

Re: Value-For-Money Audit

Further to your letter dated August 31st regarding my request for a meeting with Sara Kunto, please be advised that the *OPS Guide for Interaction with the Office of the Auditor General of Ontario: Value-for-Money Audits* does apply to Universities, which are part of the broader public sector (BPS). In accordance with the *OPS Guide*, privileged information and documents have been provided to my Office by numerous government agencies and BPS entities. In our past value-for-money audits in the post-secondary sector, the removal or redaction of privileged information was never demanded by the universities and colleges involved. Laurentian University is governed by the *OPS Guide* and is obligated under section 10 of the *Auditor General Act* to provide my Office with all privileged information and documents.

As regards your reference to the August 15, 2021 letter from Chris Wirth to Brian Gover, I have learned that last week your external lawyer (Fredrick Schumann) informed my Assistant Auditor General (Gus Chagani) that Laurentian University has located about 2.4 million emails and advised that there will be privileged material in those emails. Mr. Schumann also informed Mr. Chagani that it would take years to review and redact the privileged information contained in the 2.4 million emails. When the Assistant Auditor General replied that the University should provide all of the emails in their entirety which would not be a waiver of privilege, your General Counsel Celeste Boyer advised that the University is not going to be providing the emails without first vetting those emails. Accordingly, I have determined that we require access to all privileged information, both documentary and from interviewees such as Sara Kunto.

Because we have a disagreement about the interpretation of section 10 of the *Auditor General Act*, I will be requesting an interpretation from the Ontario Superior Court of Justice under Rule 14.05 of the *Rules of Civil Procedure*. My counsel, Mr. Richard Dearden (Gowling WLG (Canada) LLP) will be in communication with your counsel in the near future.

Sincerely,

Bonnie Lysyk
Auditor General

Box 105, 15th Floor
20 Dundas Street West
Toronto, Ontario
M5G 2C2
416-327-2381
fax 416-326-3812

B.P. 105, 15^e étage
20, rue Dundas ouest
Toronto (Ontario)
M5G 2C2
416-327-2381
télécopieur 416-326-3812

This is **Exhibit “N”** to the Affidavit of Ephry Mudryk,
sworn October 15, 2021

Caitlin Milne

A Commissioner for oaths, etc.

MEMORANDUM

DATE: 2021-09-27

TO: Chief Justice Morawetz

FROM: Laurentian University (Brian Gover and Fredrick Schumann, Stockwoods LLP);
Auditor General of Ontario (Rick Dearden, Heather Fisher, Sarah Boucaud
(Gowling WLG)

RE: Laurentian University/Auditor General of Ontario - procedural understanding

Chief Justice,

The parties agree that the issue of whether s. 10 of the *Auditor General Act* (a) requires an auditee to give privileged information to the Auditor General, and (b) provides the Auditor General a right of access to an auditee's privileged information may be heard by you as an application. They propose the following procedure for the resolution of that issue:

1. The Auditor General may commence an Application for an interpretation of s. 10 of the *Auditor General Act*. The Application would be under paragraphs 14.05(3)(d) (interpretation of a statute) and 14.05(3)(h) (any matter where it is unlikely that there will be material facts in dispute requiring a trial) of the *Rules of Civil Procedure*. The Application will be filed as a Civil List or Commercial List proceeding and not within the *CCAA* proceeding.
2. The only issue that will be raised in the Application is the statutory interpretation of s. 10 of the *Auditor General Act*. In particular, the parties agree that the University reserves all its rights to seek, after the Application is decided, any relief in relation to a request by the Auditor General for privileged documents or regarding other aspects of the audit.
3. Accordingly, no issues will be raised under the *CCAA* in the Auditor General's Application for an interpretation of section 10 of the *Auditor General Act*. For instance, Laurentian University will not assert in that Application that the *CCAA* stay prevents the Application from being commenced, or that the Auditor General is not a "regulatory body" within the meaning of the *CCAA*, or that an order should be made under s. 11 of the *CCAA* to address the unique situation of an applicant in an ongoing *CCAA* restructuring. Neither will the University assert estoppel in the Auditor General's Application based on her letter dated August 15, 2021 stating that she would not seek privileged documents in the audit. Those issues, if raised, will be brought by way of motion within the *CCAA* proceeding.

4. Laurentian University has not seen the Auditor General's Application Record, and reserves its rights to object or seek other relief once that material has been served.
5. Based on the above understanding, the parties propose the following timetable for the Application:
 - a. Auditor General to serve her Application Record on or before September 30, 2021;
 - b. Laurentian University to serve a Responding Application Record on or before October 15, 2021;
 - c. Cross-examinations, if any, to be completed on or before October 29, 2021;
 - d. Auditor General to serve her factum on or before November 12, 2021;
 - e. Laurentian University to serve its factum on or before November 26, 2021; and
 - f. Hearing date – subject to the availability of the Chief Justice, counsel are available any day during the weeks of December 6 and 13 except for Tuesday, December 14.
6. The parties may vary the timetable on consent, or return to court if one wishes to seek a variation and the other does not consent.

Sent 27, 2021

The Application of the Auditor General is to be issued in the Commercial List.

The Schedule is acceptable to the Court.
 The Application is to be heard by me on Friday December 6, 2021 on a date that is acceptable to all parties.
 1/2 Day to be set aside.

 C.J.

AUDITOR GENERAL OF ONTARIO and LAURENTIAN UNIVERSITY

Court File No. CV-21-00669471-00CL

Applicant

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

AFFIDAVIT OF EPHRY MUDRYK

STOCKWOODS LLP

Toronto-Dominion Centre
TD North Tower, Box 140
77 King Street West, Suite 4130
Toronto ON M5K 1H1

Brian J. Gover (22734B)

Tel: 416-593-2489
briang@stockwoods.ca

Fredrick R. Schumann (59377L)

Tel: 416-593-2490
fredricks@stockwoods.ca

Tel: 416-593-7200

Fax: 416-593-9345

Lawyers for the Respondent

Court File No. CV-21-00669471-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

AUDITOR GENERAL OF ONTARIO

Applicant

and

LAURENTIAN UNIVERSITY OF SUDBURY

Respondent

AFFIDAVIT OF MARTIN LAFERRIERE
(sworn October 14, 2021)

I, Martin Laferriere, of the City of Sudbury, in the Province of Ontario, **MAKE OATH**
AND SAY AS FOLLOWS:

1. I am Director, IT Portfolio Management at Laurentian University of Sudbury (“**Laurentian**” or the “**University**”). As such, I have knowledge of the matters hereinafter deposed to, save where I have obtained information from others. Where I do not have personal knowledge, I have stated the source of my information and belief and, in all such cases, believe such information to be true.

2. Members of the staff of the Auditor General of Ontario (“**AGO**”) were on-site at the Laurentian campus during the week of August 11, 2021. My staff and I had a meeting with them on the morning of August 11. They requested from us: (1) all Board material, (2) all emails of certain Laurentian staff, including Executive Team members such as its President, former

President, and former (until July 2021) General Counsel, and (3) all emails between any Laurentian email account and the domains kpmg.ca or sudburylaw.com.

3. I asked staff of the AGO to put their request in writing in an email to me. I wanted guidance on how to respond. Jeff Chauvin, one of the AGO's staff, sent me an email setting out their request. That email is attached hereto and marked as **Exhibit "A"** to my affidavit.

4. The AGO's staff were seeking emails both from active storage and long-term back-up tapes. The email stored on long-term backup tapes are in an archived format and are not readily accessible.

5. Sudburylaw.com is the domain name of a law firm in Sudbury, Lacroix Lawyers, one member of which is Claude Lacroix, who is currently the Chair of LU's Board of Governors. Mr Lacroix's firm has had clients who are employed by Laurentian, with whom lawyers at his firm would have communicated by email.

6. Laurentian has no policy prohibiting staff from using their Laurentian email accounts for personal communications.

7. The staff members of the AGO refused to leave the IT office until their demands were met. Laurentian's external counsel wrote to the staff of the Auditor General and communicated Laurentian's position that privileged material would not be provided, and that non-privileged material could not be identified for disclosure until a review for privilege was done.

8. After this email exchange, the AGO's staff members continued to refuse to leave the IT office. My staff and I told them that we would prepare the requested material but would not deliver it until directed to do so by Laurentian's management.

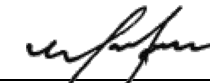
9. My staff and I have preserved the requested email accounts going back to 2015, and the volume of data is approximately 250 gigabytes. It consists of approximately 2.43 million emails.

10. Also, since August 11, 2021, OAGO personnel expanded their request to include all “T” drives of certain departments: Accounting; Finance; Legal / General Counsel; Corporate Secretary; Board of Governors; Capital Procurement; Procurement; and HR. “T” drives are the network storage areas of LU departments, where personnel maintain shared electronic documents. The names of departments requested by the Auditor General do not always correspond to LU’s actual departments. However, I have tried to identify the corresponding departments, and the total number of files in their T drives is approximately 450,000.

SWORN before me via videoconference by
MARTIN LAFERRIERE located in the City
of Sudbury, in the Province of Ontario,
before me at the City of Toronto, in the
Province of Ontario, this 14th day of
October, 2021, in accordance with O. Reg
431/20, *Administering Oath or Declaration
Remotely*.



Commissioner for Taking Affidavits



MARTIN LAFERRIERE

This is **Exhibit “A”** to the Affidavit of Martin Lafferiere,
sworn October 14, 2021

A handwritten signature in black ink, appearing to read "F. Schuman", written in a cursive style.

A Commissioner for oaths, etc.

Request

Jeff Chauvin <Jeff.C Chauvin@auditor.on.ca>

Wed, Aug 11, 2021 at 10:24 AM

To: "ML_Laferriere@laurentian.ca" <ML_Laferriere@laurentian.ca>

Cc: Laura Geryk <lgeryk@laurentian.ca>, Jesse Dufour <Jesse.Dufour@auditor.on.ca>, Sara Harrison <Sara.Harrison@auditor.on.ca>

Martin, Laura –

Thanks for your time this morning. Can you guys start the network drive / google drive download for the board materials now and we can tackle the emails at 1pm? Let me know if you think that will be an issue.

As discussed see below for the list of items that we would like to collect. For timeframe, let's start with google mail (last 5 years) and any data from LTO5 tapes dating back to January 1, 2013. We can confirm specifics at 1PM.

Custodians (including archives):

- Dr. Robert Haché
- Dominic Giroux
- Dr. Pierre Zundel
- Sara Kunto
- Lorella Hayes
- Serge Demers
- Normand Lavallee
- Tracy MacLeod
- Isabelle Bourgeault-Tasse
- Chris Mercer
- Carol McAulay

Any and all communications (including archives) with the following domains:

- kpmg.ca
- sudburylaw.com

Thanks in advance,

Jeff

Jeff W. Chauvin | CFE

Director – Forensic Audit | Office of the Auditor General of Ontario

20 Dundas Street West, Suite 1530 | Toronto, ON M5G 2C2

Tel: +1 (416) 522-3010 | E-mail: jeff.chauvin@auditor.on.ca



-- This email (including attachments) may contain confidential, personal, legally-privileged, copyrighted information, or information exempt from disclosure under The Auditor General Act, R.S.O. 1990, c. A.35. Contact me immediately if you are not the intended recipient and delete this email from your system and do not use, distribute (forward), copy, or disclose its contents.

AUDITOR GENERAL OF ONTARIO and LAURENTIAN UNIVERSITY

Court File No. CV-21-00669471-00CL

Applicant

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

AFFIDAVIT OF MARTIN LAFERRIERE

STOCKWOODS LLP

Toronto-Dominion Centre
TD North Tower, Box 140
77 King Street West, Suite 4130
Toronto ON M5K 1H1

Brian J. Gover (22734B)

Tel: 416-593-2489
briang@stockwoods.ca

Fredrick R. Schumann (59377L)

Tel: 416-593-2490
fredricks@stockwoods.ca

Tel: 416-593-7200

Fax: 416-593-9345

Lawyers for the Respondent

Applicant

Respondent

**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

RESPONDING APPLICATION RECORD

STOCKWOODS LLP

Barristers

Toronto-Dominion Centre
TD North Tower, Box 140
77 King Street West, Suite 4130
Toronto ON M5K 1H1

Brian Gover (22734B)

Tel: 416-593-2489
briang@stockwoods.ca

Fredrick R. Schumann (59377L)

Tel: 416-593-2490
fredricks@stockwoods.ca

Tel: 416-593-7200

Lawyers for the Respondent