

Appendix 'A'

- 1) The Complainant in this complaint is representing a friend with an application before the Human Rights Tribunal of Ontario (HRTO) against the Ontario Provincial Police (OPP).
- 2) The application before the HRTO was filed on December the 13th, 2010, through then Counsel for the Applicant, Kimberley Wolfe (Exhibits: 1-a to 1-f).
- 3) Mrs. Kimberley Wolfe shared a copy of the application with the Respondent (OPP) via the Legal Services Branch of the Ministry of the Attorney General before removing herself from representation of the Applicant (Exhibit 2).
- 4) The Complainant is acting as a representative under authority of paragraph 2 of the Policy on Representation before the Human Rights Tribunal of Ontario (Exhibit 3).
- 5) Sometime after January 10th, 2011, the Respondent provided their Counsel, Marnie Corbold with seven volumes of information that was later shared with the Complainant.
- 6) On or about March the 11th, 2011, the application was shared with Counsel for the Respondent by the HRTO (Exhibit 4).
- 7) On March the 30th, 2011, Counsel for the Respondent, Marnie Corbold, requested for an extension of the 35 day deadline to provide a response to the Tribunal (Exhibit 5).
- 8) The extension was granted by the Tribunal and Counsel for the Respondent was given an extension of time to provide a response to the application until May 2, 2011 (Exhibit 6).
- 9) The Applicant subsequently received a copy of the response from Counsel for the Respondent via the Tribunal on or about the 4th day of May, 2011 (Exhibit 7).
- 10) Deadline for each side to make respective disclosure to each other was done by the stipulated date of January the 16th, 2012 (Exhibit 8).

- 11) Upon analysing the disclosure provided it became very apparent to the Complainant that Counsel for the Respondent, Marnie Corbold, was deceitful in her response provided to the Tribunal and shared with the Complainant. The following actions of Counsel support this belief:
- a) Whereas the seven volumes of information (disclosure), that was disclosed revealed inculpatory statements in numerous e-mails between many of the personal respondents (Exhibit 9) with respect to the allegations in schedule 'A' (Exhibit 1-d) of the application before the HRTO.
 - b) Whereas the inculpatory statements in the numerous e-mails do stand the test of credibility and reliability since they are communications between the personal respondents.
 - c) Whereas Counsel would not have been able to draft the submitted response in the absence of the seven volumes of information.
 - d) Whereas Counsel requested an extension of time specifically in order that she could study the seven volumes of information that was in her possession since sometime after January the 10th, 2011 and prepare a response (Exhibit 5).
 - e) Whereas Counsel was fully aware of those inculpatory statements in studying the seven volumes of information yet, deliberately manipulated the truth in preparing a response filled with denials of the allegations in the application (Exhibit 10).
 - f) Whereas Counsel deliberately put forth a position of innocence in submitting a response contrary to those inculpatory statements contained in the numerous e-mails.
 - g) Whereas Counsel was fully aware of her duty under the Law Society of Upper Canada with respect to being truthful and maintaining integrity (Exhibit 12).

h) Whereas Counsel was reminded of her duty to be truthful in her Declaration in section 21 (Declaration and Signature) of the response form, which is printed in bold print to capture the author's attention and signify its importance (Exhibit 7, page 12):

Instructions: Do not sign your Response until you are sure that you understand what you are declaring here.

i) Whereas Counsel compounded her deceit by making certain statements in the section 21 (Declaration and Signature), namely: *'To the best of my knowledge, the information in my Response is complete and accurate'* (Exhibit 7, page 12).

j) Whereby Counsel affixed her signature in section 21 (Declaration and Signature) of the response form thereby certifying her statements and everything contained in her response to be true.

k) Whereas Counsel, in submitting such a response did raise the inference that the application was false and made in bad faith because of the Applicant's termination of employment.

l) Whereas Counsel, in denying the allegations of discrimination in her response was deceitful to the Tribunal and to the Law Society of Upper Canada.

m) Whereas every other counsel acting in place of Counsel, Marnie Corbold and/or taking over from her has to familiarize themselves with the application and the seven volumes of information along with the response.

n) Whereas every other counsel acting in place of Counsel, Marnie Corbold and/or taking over from her, in not acknowledging the inculpatory statements contained in the numerous e-mails makes themselves party to the author's deceitful conduct.

o) Whereas Counsel, Lynette D'Souza in taking over representation of the Respondent from Counsel, Marnie Corbold on or about the 22 day of December, 2011, (Exhibit

11) is deemed to be familiar with the application, the seven volumes of information and the response.

p) Whereas the overall conduct of all counsel associated with the response that was prepared in the manner stated contravened the Rules of Professional Conduct (Exhibit 12) thereby undermining the integrity of the Law Society of Upper Canada and bringing its administration into disrepute.

q) Whereas the overall conduct of all counsel associated with the response that was prepared in the said manner also questions the credibility of the Ontario Public Service's compliance to their Guide to Public Service Ethics and Conduct and thereby, brings the administration of the Ontario Provincial Government into disrepute (Exhibit 13).

12) It is the Complainant's hope that an adjudication process, whether that be informal or in the form of a formal hearing will examine the complaint and address the identified concerns in the hopes of eliminating such conduct in future representations of the Respondent.