

Inquest into the death of Ashley Smith

Ruling On Motion by the Family of Ashley Smith (The Family) filed Sept. 13, 2011, heard Sept. 19, 2011

The Motion:

1. The Smith Family initially sought, in their Notice of Motion dated September 13, 2011, “an order that Dr. Carlisle lacks jurisdiction to preside at the continuation of the inquest into the death of Ashley Smith which was convened by Dr. Porter on May 16, 2011.”
2. By his letter to counsel for the other parties with standing and to my counsel of Sept 15, 2011 counsel clarified the relief sought by stating that the family did not challenge my authority to hold an inquest but rather that they challenged my jurisdiction to continue the current inquest and were opposed to the current process going forward. They sought a new inquest as a way of avoiding the jurisdictional concerns and other issues they submitted would prevent or delay a continuation of the current inquest or place its outcome at risk of jurisdictional challenge.
3. All references to statutory sections herein, unless otherwise stated, are to the *Coroners Act*.
4. The motion was heard before me at the Coroners’ Courts at Toronto on Sept. 19, 2001

Participants:

5. The participants were the parties with standing before the inquest. The following parties with standing did not appear though notified of the hearing:
 - The Canadian Civil Liberties Association
 - Karen Eves
 - Travis McDonald
 - Blaine Phibbs

Factual Basis:

6. The late Ashley Smith was an inmate in the custody of the Correctional Service of Canada at Grand Valley Institution on October 19, 2007 and was confined in a segregation cell and on suicide watch under the observation of correctional officers.
7. In the early hours of that day she was observed with a ligature around her neck and ultimately officers found that she was unresponsive.
8. Emergency Medical Services attended and transferred her to hospital where she was pronounced dead shortly after her arrival. There will be extensive evidence concerning the cause of her death, her incarceration, her management and, more generally, about the circumstances of the death.

9. This inquest was originally scheduled to begin in November of 2010. Legal matters required a postponement and the coroner set a new commencement date of January 10, 2011. A jury was selected with that date in mind. That date was subsequently provisionally changed to January 31 and a hearing was held on January 11, 2011 to formally consider the feasibility of January 31 as the new start date. Prior to that hearing, counsel for the family requested a delay until at least March, 2011. On January 11, a new date was set for April 4, 2011. A number of the original jurors were no longer available, so several new ones were selected.

10. Legal matters arose and certain counsel requested an adjournment to seek judicial review. There was such an adjournment and following the judicial review, a jury was empanelled and evidence started to be heard on May 17, 2011.

11. After a small amount of evidence, consisting in large part of the playing of videotapes, had been received, legal issues arose and further motions were heard on May 24 and 25th 2011. On June 21, 2011 a further hearing was convened and, on the agreement of the parties, a new date to re-commence the hearing of evidence was set for September 12, 2011.

12. The then coroner, Dr. Porter, did not announce any rulings regarding the motions then outstanding but stated that she hoped to do so shortly.

13. On June 29, 2011 the Chief Coroner of Ontario directed me to conduct an inquest into this death pursuant to his authority under subsections (1) and (3) of section 25 of the *Act*. It was explained that Dr. Porter was unable to continue due to her pending retirement as a coroner prior to the anticipated completion of the inquest.

14. There was correspondence between some of the parties and the Chief Coroner concerning his decision to appoint a new coroner and requesting that he hold a hearing into that matter. He replied that he was without jurisdiction to hold such a hearing and would, therefore, not do so. Ultimately I resumed the inquest as scheduled on September 12, 2011.

15. At that time counsel for the family announced his intention to file this motion and after the anticipated motion had been filed it was further explained and the relief sought was clarified by the above mentioned letter from counsel for the family to all parties and to my counsel.

16. I held a hearing on this motion on September 19, 2011 at coroner's court in Toronto.

17. The motion, the supporting materials and the explanatory letter are all well documented on the record and I will not repeat them here.

Do I have jurisdiction to hold this hearing?

Ruling:

18. I do have jurisdiction to hold this hearing at least insofar as it is required to determine this motion.

19. I have been appointed by the Chief Coroner of Ontario to preside at this inquest in his direction issued on June 29, 2011, which is an exhibit to this motion, pursuant to his authority under ss 25 (1) and (3) of the *Act*.

20. This appointment is valid on its face and has been known to all parties since its issue date. Parties have been in discussions with the Chief Coroner through his counsel and have had all reasonable opportunity to challenge the validity of the appointment. Until this motion was served they have not done so and, having brought and argued the motion before me they must be taken to have attorned to my jurisdiction at least for the purpose of the hearing of this motion.

Do I have jurisdiction to further continue to preside at this inquest going forward?

Ruling:

21. For reasons which appear below, I do not find it necessary to rule on this question.

Should I close the current inquest and commence a new inquest?

Ruling:

22. The current inquest will be closed and the jury will be discharged. A new inquest into this death will be convened.

Procedural and Jurisdictional Issues

23. The mover submitted in the Notice of Motion that the direction of the Chief Coroner replacing Dr. Porter as coroner by myself was without authority because the reasons given for it do not meet the statutory requirements needed to confer on the Chief Coroner the authority he purported to exercise in appointing me in place of Dr. Porter.

The Statutory Provision (Coroners Act, R.S.O. 1990, c. C.37, as amended):

Direction to replace coroner

(3) If the Chief Coroner is of the opinion that a coroner is unable to continue presiding over an inquest for any reason, the Chief Coroner may direct another coroner to continue the inquest. 1994, c. 27, s. 136 (3).

24. The explanation given for the exercise of the authority to replace Dr. Porter with myself was that the inquest had been started at a time when it was reasonably estimated that it could be finished before Dr. Porter's scheduled retirement date from the provincial civil service as a coroner. Thus it was expected that she would complete the inquest prior to retiring. When it was realized, as the matter went forward with considerable delays and legal issues, that she would almost certainly be retired before the inquest concluded resulting in the need to then introduce a new coroner at a time when a large amount of evidence would have been taken and rulings made, the Chief Coroner was of the opinion that Dr. Porter was unable to continue for this reason and, thus, he appointed me to conduct an inquest.

25. The mover submitted that a plain reading of the section would mean that Dr. Porter must be currently "actually unable" to continue by reason of something like medical or personal disability. He submitted that using the section in the manner which had been adopted would amount to unjustified interference in the process from "on high" and would give rise to a reasonable apprehension of institutional bias.

26. He also submitted that this decision by the Chief Coroner had been made without notice to the parties to the inquest and without the opportunity to make submissions and was thus defective. [In fairness to counsel, this submission, along with the submissions recited in paragraphs 11 and 13 above, are all taken from the Notice of Motion. These submissions were not specifically mentioned in oral argument and were not the subject of specific comment by other parties. They are referred to herein as background only.]

27. The mover submitted that this issue was a significant one which might leave the outcome of the current inquest open to challenge and that the interest of the statutory objects of the inquest would be better served by leaving the issue aside and commencing a new inquest which would meet the concerns of the family and remove any danger to the process.

28. The mover submitted that proceeding with the current inquest would be procedurally shaky because of this and other issues.

29. He also submitted that there was danger that, in a continuation of the current inquest, any new presiding coroner would have to rule on motions heard by a different coroner as to which Dr. Porter may already have ruled even though she never published any rulings.

30. Family counsel submitted that, if Dr. Porter had decided on her rulings, even though she never published them, any new coroner might unwittingly over rule those rulings.

31. It was submitted that the letter she wrote on Aug. 10, 2011 implied that she had ruled, that there was a public perception that she had ruled and that the length of the reserve suggested that she had ruled.

32. In support of his position counsel for the family cited R. v. Cunningham (2011 ONCA 543) in which a judge announced her decision, stated that she would shortly give reasons and then did not do

so until much later after it was known that an appeal would be taken. This, he submitted, showed that the decision and the publication of reasons are separate and distinct processes and that thus, it might be that Dr. Porter had indeed, decided the motions but had not published her decision. If so he submitted that I could not decide them.

33. He submitted that the interests of justice and the objects of the inquest should dictate avoiding this difficult and possibly time consuming issue by starting a new inquest.

34. Counsel for the family also submitted that it had recently come to the attention of the parties that the constable, acting in good faith, had selected the jurors from two different years' jury rolls. He submitted that he did not rely on this, at this time, as a fatal flaw to jurisdiction but it was a serious matter which would need to be resolved should the current inquest continue. He submitted that curative sections of the Act would only save the ultimate verdict from a defect in jury selection where the defect was unknown until after the process but the problem would not be curable later if some remedy was not found now since the defect is now known.

35. Counsel for the family submitted that Huynh v. Jones (2 O.R. 3d 562) provides authority for any new coroner to close up the current inquest, to discharge the jury and to commence a new inquest were s/he to find that the interests of fairness and the statutory objects of the Coroner's Act require it.

36. In his submission there are too many legal problems and loose ends which would get in the way of the effective continuation of the inquest all of which could be avoided by simply starting again and particularly so where so little evidence had been heard.

37. Counsel for the St. Thomas Hospital submitted that I had a clear direction to proceed under the appointment made pursuant to ss 25(3). He submitted that the Chief Coroner had been aware of the concerns of the family and had rejected them and he submitted that there had been no challenge brought by the family to the Chief Coroner's decision to change coroners.

38. He submitted that this motion to restart the inquest would amount to an impermissible collateral attack on the decision of the Chief Coroner.

39. It was submitted that the direction given to me by the Chief Coroner on June 29, 2011 amounted, when read together with the associated documents, to a direction to carry on the existing inquest.

40. Counsel for the St. Thomas Hospital submitted that the fact that the mover and other parties had submitted a motion to the Chief Coroner asking for a hearing regarding the direction the Chief Coroner had given and the fact that the chief Coroner had declined to hold such a hearing should be interpreted by me as a direction to continue the current inquest.

41. He submitted that the Chief Coroner's reply to the moving parties dated Aug 26th 2011 gave as its authority ss 25(3) and thus dictated that I should continue the current inquest.

42. He submitted that if I determined to recommence the inquest under ss 25(1) I would be overruling the Chief Coroner's order and that this would amount to an impermissible collateral attack on that decision.

43. He submitted that the current inquest should proceed based where necessary, on transcripts and or re-argument of motions outstanding.

44. Counsel for the Union of Canadian Correctional Officers (UCCO) submitted that the possible apprehension of institutional bias, if it is there at all, would exist whether the inquest is continued or restarted. He submitted that nothing in natural justice requires the restart of the inquest.

45. My counsel advised that Huynh v. Jones provides me with authority to restart the inquest if I feel that the interests of justice and the objects of the *Coroners Act* require such action.

46. He submitted that the R. v. Cunningham case is not really on point here since in that case the judge had given her ruling in court and then delayed the release of written reasons. Thus it was known that she had decided the matter prior to the delay. He submitted that, here, the Coroner had not indicated whether she had decided. He submitted that I should not rely heavily on the decision in that case.

47. He submitted however that there would be problems trying to rule on at least two of the outstanding motions in that they amounted to requests to change previous directions given by the former coroner in circumstances where, by the nature of the directions, there were no reasons given. Thus, he submitted, any new coroner would be trying to rule on requested changes without any information on the record as to why the challenged directions had been given. Dr. Porter knew that information but a new coroner would not. This would produce both a practical and procedural problem.

48. He also submitted that the issue surrounding the selection of the jury from two different year's jury lists might also be an issue which would introduce delay and might be serious.

49. I find that the letter of direction appointing a new presiding coroner by the Chief Coroner cited for its authority both ss 25(1) and 25(3). Whether any new coroner decided to continue the current inquest or close it up, s/he would have to hold further hearings within it so as to give the parties an opportunity to be heard on that question. I also find it to be reasonable for the Chief Coroner to advise the parties in correspondence that any further matters in the inquest after the release of his appointment of myself to preside ought to be brought to me and that this advice does not amount to a direction that I continue the inquest for any particular period. Indeed, there is nothing in the *Coroners Act* authorizing the Chief Coroner to direct a new coroner as to how the inquest, whether continued or restarted, should be conducted and certainly no power to do so without affording the parties an opportunity to be heard on such a question. The decision maker in the inquest is to be the presiding coroner who actually heard the parties.

50. I find that the circumstances of the appointment and its content constitute my authority to continue the inquest at least as far as necessary to properly consider its future and do not constitute an order or direction to continue it to its end even if I find that to be inappropriate for proper reasons.

51. For reasons set out below I find that I do not need to decide whether I have jurisdiction to continue with the current inquest.

52. I do not find that the current motion constitutes a collateral attack on a decision made in this matter by the Chief Coroner because I do not find in that decision any direction about how the inquest should be continued once I have taken carriage of it. I find that the words of the appointment leave it open to me to exercise all the powers of a presiding coroner including the power to close the inquest and start a new one if I feel that to be necessary for proper reasons.

53. I do find that, while no challenge has been yet taken to the propriety of the Chief Coroner's decision, it might very well yet be taken in the event that I determine to continue the current inquest. This motion asks me to start a new inquest and if I determine that such action is necessary the question of the appointment under s. 25(3) will probably not arise since the mover concedes that I have the authority to hold a new inquest. In a continued inquest the jurisdictional issue may well arise and occasion yet further delay and even litigation.

54. I do not find that a decision by me to close the current inquest and start afresh would in any way constitute an over ruling of the appointment made by the Chief Coroner because I do not find in that

appointment or any of the surrounding documents anything indicating that the Chief Coroner thereby directed me in any way as to how I was to conduct the inquest or limited my powers to do that in any way.

55. Based on the information available to me and the submissions made, I do not find that a specific breach of natural justice has occurred or been proven. However, there have been a number of issues raised which do give cause to consider which course of action is in the best interests of the inquest process. These include the issues regarding the validity of the order appointing me under ss 25(3), should I decide to continue the current inquest, and the concerns over the selection of the jury in the current inquest. I find these are significant issues which likely would have to be resolved should I determine to continue the current inquest.

56. I find that either or both of those issues could and likely would significantly delay the continuation of the current inquest. It appeared that, in any continued inquest, both time and extra expense would be required to solve those issues and any decision would potentially undermine the result of such inquest and subject it to the potential for judicial review.

57. I find that I do not need to determine whether Dr. Porter actually decided any of the outstanding motions in the current inquest for reasons given below but I do find that issues surrounding the way those motions were left at the time I assumed carriage of the inquest and particularly because of the fact that I would be asked to determine if changes should be made to directions of the previous coroner for which, by their nature, no reasons had been given, would be difficult and would probably delay and add costs to the attempt to carry on the current inquest.

58. It was submitted that the existence of s. 25(3) would make no sense if all it permitted was a restart of the inquest. I do not find this persuasive. In any case where a new coroner takes over carriage of an inquest from a previous coroner who cannot continue s/he could only do that pursuant to an order as contemplated in s. 25(3). The issue of whether the inquest so assumed by the new coroner should proceed or should be restarted as contemplated in Huynh v. Jones is a separate matter resting on the facts of each case. There must surely be cases where it would be appropriate to continue and others where it would not. That must be the reason why the Chief Coroner made my appointment under both subsections. I find that the existence of s. 25(3) or its mention in correspondence does not mean that a direction has been given that the coroner may not consider the circumstances of the inquest either in response to a motion or of his/her own motion and determine, should it be necessary to avoid unfairness or to protect the public interest and the interests of the inquest, that a new inquest should be started.

59. The authority to conduct an inquest carries with it the necessarily ancillary power to close it up under appropriate circumstances.

Huynh v. Jones (2 O.R. 3d 562)

(Per Campbell J., at p. 566)

15. The power of the coroner to close down the inquest and discharge the jury when required by fairness and the statutory objects of the Coroners Act is a necessarily incidental part of her powers to hold an inquest. Just as a judge needs no statutory authority to declare a mistrial, the coroner, even in the absence of S 46, needs no explicit authority to, in effect, declare a mistrial by discharging the jury and adjourning sine die. The coroner's warrant remains outstanding as a root of jurisdiction for the fresh inquest. It does not matter whether or not the fresh start is considered a new inquest or a continuation of the old. It is precisely parallel to the fresh start in a criminal trial on the old indictment following a mistrial.

16. The coroner considered all the matters he was obliged and entitled to consider in exercising his discretion, including the impact on the family, the company and the public, the implications of delay, the fact that new safety features had been installed, the potential impact on the pending charges, and also the danger that the inquest would be turned into a dry run for those charges.

Matters Affecting the Exercise of My Discretion in this Case

60. In determining whether to close this inquest and start a new one or whether to continue the current inquest I find that I must consider a number of matters, including:

- i. The impact of restarting on the family
- ii. The impact of restarting on the parties with standing
- iii. The impact of restarting on the public interest
- iv. The implications for the inquest of any delay
- v. The impact of restarting, if any, on the safety of the current inmates

i. The Family

61. In this case the family seek a new inquest and thus a decision to restart the inquest would benefit the family from their perspective and be welcomed by them.

ii. The Parties with Standing

62. The parties were divided on the question of restarting the inquest. The Family, The Canadian Association of Elizabeth Fry Societies (CAEFS) and the Provincial Advocate for Children and Youth supported a new inquest while the St. Thomas Hospital, the Correctional Service of Canada, the physicians, Cindy Berry and the UCCO opposed a new inquest.

63. The main theme of those who opposed was that costs and time loss should be minimized and that the inquest should move on.

64. The main theme of those who favoured a new inquest, in addition to the jurisdictional issues outlined above, was that more time and cost would be involved in attempting to resolve the remaining issues in the current inquest than would be expended by starting a new inquest.

65. There was general agreement in the submissions that the inquest should try to move forward as quickly yet as efficiently as possible.

iii. The Public Interest

66. The public interest is served if the inquest moves forward expeditiously and without protracted delays resolving matters which do not go to the core functions of the inquest concerning this death, lays the facts before the jury and seeks its recommendations

67. Whichever process best gets the inquest moving forward by resolving legal and, investigative and production issues should be preferred.

iv. Implications of Delay – Time Loss and Cost

68. Delay is to be avoided insofar as that is possible. It is likely that some delay will be occasioned by either choice between whether to continue or restart.

69. The issue is which choice will produce less delay both in the short and the longer terms.

70. In a continuation there may be additional delays to resolve the question of the propriety of the Chief Coroner's decision to remove Dr. Porter and substitute me as coroner, by issues surrounding the proper disposition of outstanding matters in this inquest and by issues surrounding the selection of the jury.

71. I find that restarting the inquest is likely to avoid most if not all those delaying issues.

72. Counsel for the family submitted that not much time would be lost by starting over since little evidence had been heard. He submitted that, in view of the 4.5 month lapse of time since the jury last sat, much of that small amount of evidence would have to be repeated anyway.

73. He submitted that the positions of parties on most issues will not change and that thus their preparation time will not be lost.

74. Counsel for St. Thomas Hospital submitted that a lot of time would be lost. There had already been 6 days of hearings, a lot of evidence and pre-inquest meetings.

75. He submitted that there was no need for a new inquest and that I should just rule on the outstanding matters by reading the transcripts with affidavits or further submissions if needed.

76. He submitted that his client too wants a full airing but that it is in no one's interest to restart due to the time loss and thus cost which should also be considered.

77. Counsel for the UCCO submitted that much work has gone into the current process including many days of hearing and other work which should not be wasted by going backwards.

78. In his submission the existence of ss 25(3) wouldn't make sense if it only permitted a restart of the inquest. He submitted that the transcripts are there and should just be used as any court would do.

79. He submitted that his client wants no delay and that the protection of current inmates requires no delay in this process.

80. My counsel advised that economy of time and cost is an issue to be dealt with but also submitted that what is less clear is whether more economy would be achieved by attempting to carry on or by restarting. He submitted that the inquest has at best been "limping along" due to legal issues and that it might well be that a fresh start with attempts to better deal with the issues outstanding in the course of the restart would actually produce more economy.

81. He submitted that it may be faster to deal anew with the issues around the obtaining, review and production of materials by restarting. There may also be new approaches to the presentation of material which can increase economy. He submitted that there may also be ways to avoid some of the legal problems raised and also to remedy any defect in the jury selection quickly rather than by further delays to the process.

82. Counsel for the family submitted that to continue would require large costs for transcripts and would be difficult with constant references to previous rulings and directions which would entail obtaining and attempting to interpret transcripts . He submitted that it would even be difficult for me to charge a jury when I had not made the opening to them without obtaining and reading all the transcripts.

83. He submitted that parties would not likely change their positions on previous issues and that, thus, previous rulings would probably be agreed to on consent in a new proceeding saving the costs of fresh preparation.

84. He submitted that the costs entailed in sorting out the procedural issues would be large if the inquest were continued and that this could all be avoided by restarting.

85. Counsel for the hospital submitted that increased costs were an issue that should be carefully considered.

86. Counsel for the Correctional Service of Canada also submitted that I should carefully consider excess costs of restarting.

87. My counsel advised that economy is an issue as is the public interest in moving forward. He also submitted however, that the real issue is how best to achieve those goals whether by attempting to carry on or by restarting.

v. Safety of the Current Inmates

88. Nothing was submitted before me indicating that there would be any increased safety threats to current inmates except for the submission of counsel for the UCCO who submitted that it was an issue.

89. I find that this inquest is dissimilar to Huynh v. Jones in the sense that the issue is not a defective tool the danger of which might be hidden and unknown to the users and in which case the outcome of the inquest and publicity for the defect from the inquest might protect the public in the short term. Here the issues are well known to all the affected parties.

Summary and Conclusions

90. I find that the interests of fairness and the statutory objects of the *Coroners Act* and the inquest into the death of Ashley Smith will best be served by closing the current inquest and beginning a new one.

91. I find that, while some time may be lost in starting a new inquest it is not likely to be more than would be lost by attempting to carry on the old and may indeed, be less.

92. I find that while it is true that some evidence had been taken (1.5 witnesses over 3 days) this amount, in the context of an inquest which will hear from scores of witnesses over many months, is very small. Since much of that time was taken showing videos, the actual amount of evidence already taken is, relatively, very small. Thus, I find that loss of evidence already taken is minimal in the larger context and whatever small loss might occur is probably going to be offset by the savings in time likely to be achieved by starting a new inquest.

93. I find that after 4.5 months since they last sat, the jury would need to be refreshed on the evidence then heard and while some of this was planned delay, there was still a much longer delay than anticipated and this delay might well be even longer still in a continued inquest if some of the lingering

issues referred to above need further hearings in the absence of the jury or litigation to resolve them before evidence could restart.

94. While it is true that some time was spent in arguing motions and in judicial review which might be lost by restarting, I would need to hear further submissions on at least some of these matters if the current inquest were to continue and much time would be spent reading all the transcripts and combining that information with probable further submissions from at least some parties. I find that my counsel is correct when he submits that at least two of these motions would be difficult to determine because they concern requests to change directions made by the former coroner for which no reasons were given. Thus, not even by the reading of transcripts could I determine why the original decision had been made. This might require that I make an even wider inquiry to try to ascertain what Dr. Porter intended by the original decision. All this would require more time and delay.

95. I find that, in at least some of a continued inquest, I would often be referred to argument or evidence that had occurred while Dr. Porter was presiding and would be then required to obtain and review transcripts. This would be time consuming, expensive and delaying to the hearing and would be avoided by a restart.

96. I find that at least some of the issues which became contentious and caused delays in the current inquest would probably be avoided in whole or in part during the organization of a new inquest and thus time loss, delay and expense could be minimized.

97. I find that, while there may be some marginal costs, they most likely will be offset by savings to be achieved in a new inquest and by the achievement of some of the opportunities mentioned above.

98. I find that the circumstances of the inquest are such that the interests of justice and the objects of the *Coroners Act* and the Inquest held under it require that the current inquest be closed, the jury discharged and a new inquest started. I therefore order that the jury be discharged and that a new inquest commence at a date that I shall determine in due course. I direct my coroner's constable to communicate my Order discharging the jury through the dissemination of a letter, signed by me, to each juror. The text of this letter is attached to these reasons. I do not feel that it is necessary, in these circumstances, to further inconvenience the members of the jury by requiring them to attend in order to be formally discharged.

99. Having made that determination I find it unnecessary to rule as to whether I have jurisdiction to continue the former inquest beyond the making of this ruling, whether the appointment issued to me by the Chief Coroner under ss 25(3) was effective for the purpose of carrying on the former inquest or whether Dr. Porter had ruled on any of the outstanding motions.

100. I urge that all parties co-operate with my counsel team to make all proper arrangements for the commencement of a new inquest.

101. To facilitate that process I would ask that all persons with standing communicate to my counsel, within one week from the date of the release of this Ruling, their intentions as to whether they wish to have standing at the new inquest. In the event that they do not wish to seek standing, they, along with any other person with interest in the inquest or counsel who has not sought standing but who has possession of a copy of the Inquest Brief, are to make arrangements for the immediate return of the Brief through the Coroner's Investigator, Acting Detective Patrick Colagiovanni.

102. With respect to those parties who had standing at the previous inquest and who wish to have standing at the new inquest, I direct, pursuant to the undertakings given by the parties with standing in the former inquest prior to the disclosure of the inquest brief to them, that they may continue to hold

their copies of the brief subject to all the terms of the undertaking they gave, until I give further directions.

Motion heard: September 19, 2011

Ruling issued: September 30, 2011

A handwritten signature in black ink, appearing to read "John Carlisle". The signature is written in a cursive style with a large, looping initial "J".

Dr. John Carlisle,
Presiding Coroner