

**CANADIAN  
HUMAN RIGHTS  
TRIBUNAL**



**TRIBUNAL CANADIEN  
DES DROITS  
DE LA PERSONNE**

**BETWEEN/ENTRE:**

RICHARD WARMAN

**Complainant**

**le plaignant**

**and/et**

CANADIAN HUMAN RIGHTS COMMISSION

**Commission**

**la Commission**

**and/et**

MARC LEMIRE

**Respondent**

**l'intimé**

**and/et**

ATTORNEY GENERAL OF CANADA;  
CANADIAN ASSOCIATION FOR FREE EXPRESSION;  
CANADIAN FREE SPEECH LEAGUE;  
CANADIAN JEWISH CONGRESS;  
FRIENDS OF SIMON WIESENTHAL CENTER  
FOR HOLOCAUST STUDIES;  
LEAGUE OF HUMAN RIGHTS OF B'NAI BRITH

**Interested Parties**

**les parties intéressées**

**BEFORE/DEVANT:**

ATHANASIOS D. HADJIS

CHAIRPERSON/  
PRÉSIDENT

LINE JOYAL

REGISTRY OFFICER/  
L'AGENTE DU GREFFE

**FILE NO./N° CAUSE:**

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CANADIAN HUMAN RIGHTS TRIBUNAL/  
TRIBUNAL CANADIEN DES DROITS DE LA PERSONNE

HEARING HELD IN HEARING ROOM #1, 160 ELGIN STREET, OTTAWA,  
ONTARIO ON FRIDAY, MAY 11, 2007 AT 9:45 A.M. LOCAL TIME

CASE FOR HEARING / CAUSE DEVANT ETRE ENTENDUE

IN THE MATTER of the complaint filed by Richard Warman dated November 23rd, 2003 pursuant to section 13(1) of Canadian Human Rights Act against Marc Lemire. The complainant alleges that the respondent has engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour and national or ethnic origin in a matter related to the usage of telecommunication undertakings.

APPEARANCES / COMPARUTIONS

Giacomo Vigna Phillipe Dufresne Ian Fine	for the Canadian Human Rights Commission
Barbara Kulaszka	for the Respondent
Alicia Davies	for the Attorney General of Canada
Paul Fromm	for the Canadian Association for Free Expression
Douglas Christie	for the Canadian Free Speech League

1 Ottawa, Ontario

2 --- Upon resuming on Friday, May 11, 2007

3 at 9:45 a.m.

4 REGISTRY OFFICER: Order, please. Be  
5 seated.

6 THE CHAIRPERSON: Good morning.

7 Hello there, Mr. Christie.

8 MR. CHRISTIE: Good morning, sir. I  
9 am here to cross-examine Mr. Goldberg. That's my  
10 purpose.

11 THE CHAIRPERSON: Yes.

12 Good morning, Mr. Fine. I haven't  
13 seen you in a while.

14 MR. FINE: No, it has been quite some  
15 time, Mr. Chair. Good morning.

16 I am here on behalf of the  
17 Commission. I found out about 45 minutes ago that I  
18 would be here and I first of all apologize for my  
19 dress. I was not expecting to have been here this  
20 morning.

21 I am here for two reasons -- well, I  
22 am here for one reason, and that is to ask for a  
23 postponement of the hearing this morning. I am asking  
24 for that for two reasons. I found out about this, as I  
25 say, about 45 minutes ago.

1 THE CHAIRPERSON: I don't know if  
2 everyone knows your position with the Commission for  
3 the record.

4 MR. FINE: I'm the Director General  
5 of the Knowledge Centre at the Canadian Human Rights  
6 Commission. Part of my responsibility is for legal  
7 advisory work in the Commission. I have other duties  
8 as well, but I have been asked by our Chief  
9 Commissioner to attend this morning to request this  
10 postponement.

11 It comes as a result of both of our  
12 counsel being ill, number one. I should say, by the  
13 way, our witness is here; Mr. Goldberg is here.

14 Both of our counsel are ill. As I  
15 said to my friend, I understand that that is not  
16 exactly a wonderful happening. I can assure you that  
17 they are ill. I indicated to my friend that if she  
18 indicated she was ill, I might not be very happy about  
19 it because it would be an inconvenience, but I would  
20 also accept that she was ill.

21 There are a lot of issues in this  
22 case, as I understand. If I knew much of anything  
23 about this case I would be happy to continue myself,  
24 but I don't.

25 The reality is they are both ill and,

1 on that basis alone, I would be asking for a  
2 postponement and I don't think that it is unreasonable.  
3 It may be inconvenient, it may not be a great thing, as  
4 I said, to happen, but the reality is I don't think  
5 it's fair to make them go ahead when they are sick.

6 Number two, it has come to my  
7 attention that there was an issue involving the  
8 security of people who are employed by the Commission  
9 last night, and I don't feel able to say more than that  
10 at this time, but suffice it to say it's a very serious  
11 issue and one that we feel we need to look into before  
12 this hearing proceeds.

13 I don't know at this stage how that  
14 will unfold; I don't know what will be determined, and  
15 I am asking the Tribunal to accept that I can't say  
16 more at this time about it other than to say that it is  
17 a serious issue in our view, and it does involve people  
18 who are now employed by the Commission and involving  
19 this case.

20 THE CHAIRPERSON: Did it take place  
21 in my hearing room?

22 MR. FINE: Yes.

23 THE CHAIRPERSON: The security issue?

24 MR. FINE: I'm sorry, it involves  
25 people that come to this hearing room, yes.

1 THE CHAIRPERSON: People that come to  
2 this hearing room?

3 MR. FINE: Yes.

4 THE CHAIRPERSON: Yesterday the only  
5 people in this hearing room were -- it was an in camera  
6 session yesterday.

7 MR. FINE: Well, people were here at  
8 the Tribunal.

9 THE CHAIRPERSON: Again, without  
10 anything more definite than that, I don't give any  
11 weight to that. I know you're alerting me to  
12 something, but I have heard too much so far. Until I  
13 get something definitive in front of me, I can't deal  
14 with that.

15 What do you want me to do? I can't  
16 do anything about it.

17 MR. FINE: I guess what I am saying  
18 though is I would hope that the Tribunal would accept  
19 that I'm not here to raise an issue unless there was  
20 some basis to it.

21 THE CHAIRPERSON: I appreciate that.

22 MR. FINE: I also accept that you,  
23 without more, can't do much about it, but on the other  
24 hand I am saying that it's something that we need to  
25 look into, and if there is more to be doing about it,

1 we will be back here.

2 THE CHAIRPERSON: So the only real  
3 concern for me at this moment is the fact that counsel,  
4 who are physically present here at this moment, are  
5 ill. Is that who you are talking about, Mr. Vigna and  
6 Mr. Dufresne?

7 MR. FINE: Yes.

8 THE CHAIRPERSON: Can you elaborate  
9 on their illness, or can you, gentlemen, just so we  
10 have some idea? Do you have the flu or something or  
11 what?

12 MR. DUFRESNE: I do, Mr. Chair. I  
13 had it on Wednesday when I was here during the say. I  
14 was, as you know, not here yesterday.

15 I am here this morning and I had  
16 hoped to continue today.

17 THE CHAIRPERSON: So your absence  
18 yesterday was due to the flu?

19 MR. DUFRESNE: That's correct.

20 THE CHAIRPERSON: Because you had  
21 indicated on the first day that you would be here all  
22 three days.

23 MR. DUFRESNE: That's correct.

24 THE CHAIRPERSON: And I found it a  
25 little surprising that you weren't here yesterday.

1 MR. DUFRESNE: And that's why. I am  
2 here but I am not feeling well and not well enough to  
3 pursue without prejudicing my client.

4 MR. VIGNA: Mr. Chair, I had  
5 mentioned to Ms Joyal yesterday that Mr. Dufresne was  
6 sick yesterday.

7 THE CHAIRPERSON: But I wasn't aware  
8 of that. You may have mentioned that to her.

9 MR. VIGNA: I thought it had been  
10 relayed to you. It's not that I hadn't mentioned it.

11 THE CHAIRPERSON: Please speak up.  
12 Maybe it's because you're ill.

13 MR. VIGNA: Sorry. Mr. Chair, I  
14 don't have the flu but I don't feel in a serene state  
15 of mind to proceed with the file today. I don't feel  
16 very well. I feel dizzy, I feel anxiety, and I am not  
17 in a serene state of mind to proceed with this file  
18 today.

19 I have a lot of things worrying me  
20 right now and I don't want to elaborate, but my  
21 colleague said, Mr. Fine, there are some certain  
22 incidents that have occurred which I don't feel at  
23 liberty to elaborate right now, which have had an  
24 impact on my ability to proceed in a professional way  
25 on this file, at least for today, because I wouldn't be



1 rendering the Commission a just service by proceeding  
2 in this condition.

3 I am not dying, Mr. Chair, I don't  
4 have the flu, but I am not mentally capable of  
5 proceeding under these circumstances.

6 THE CHAIRPERSON: But the witness is  
7 here?

8 MR. VIGNA: The witness is here.  
9 It's not the question of the witness. The witness is  
10 here. I thought until this morning that I would  
11 proceed, but I really don't feel primarily mentally  
12 able to proceed, and physically too.

13 THE CHAIRPERSON: Ms Kulaszka.

14 MS KULASZKA: I am very concerned  
15 about this very hush hush allegation that some sort of  
16 breach of security has happened.

17 The only people who have been here  
18 for the last two days are us, either counsel or a  
19 representative of the party. No one else has been here  
20 in this room. I know of no incident outside that's  
21 happened. The security guards have said nothing.

22 So, I think if something has happened  
23 --

24 THE CHAIRPERSON: Have any of you  
25 tried to contact the witnesses or anything?

1 MS KULASZKA: No. I can speak for  
2 myself. Mr. Lemire -- we saw the witnesses in the  
3 room. We never saw them again.

4 THE CHAIRPERSON: Are you here alone  
5 the three of you or have you come up with other people?

6 MS KULASZKA: We're alone.

7 THE CHAIRPERSON: Have you met with  
8 people here?

9 MS KULASZKA: There was a meeting  
10 last night; Mr. Fromm had a meeting and we spoke about  
11 the case. It was nothing.

12 THE CHAIRPERSON: I am not conducting  
13 an inquiry. I don't know what is being alleged. I am  
14 just surmising.

15 MS KULASZKA: It was just telling  
16 people what the case is about, what the evidence has  
17 been, the various witnesses on the constitutional  
18 issues.

19 THE CHAIRPERSON: I want to be clear  
20 on one point, Ms Kulaszka. I have made it quite clear  
21 that the material that has been brought before me, none  
22 of it relates to Mr. Lemire. My statement that I made  
23 in my decision was quite clear on that point with  
24 regard to that motion that I dealt with.

25 The material itself was, as I said,

1           abhorrent and troubling that is on the internet. Some  
2           of that material contains details, clear details of the  
3           operations of hearings of this sort. To have that kind  
4           of knowledge it required someone to be -- at some point  
5           someone is at the hearing watching how things get done  
6           and passing that information on to somebody, or he is  
7           there and using his own knowledge or her knowledge to  
8           disclose it.

9                                So, there is some cause for concern  
10          for the material that is on the internet, but I don't  
11          associate it with this individual. I work with the  
12          parties who are in front of me.

13                               I would always ask all parties to  
14          work in good faith to ensure that this process  
15          continues properly and in a secure fashion with safety  
16          concerns for all.

17                               I make that point without making any  
18          aspersions on anyone.

19                               MS KULASZKA: I can undertake that --  
20          I mean, it was a small gathering of maybe ten people,  
21          and there was no description of any of the witnesses.  
22          It was about issues in the case in section 13. We have  
23          not seen these witnesses outside of this hearing room.  
24          So I don't know what they're talking about.

25                               THE CHAIRPERSON: Can you address the

1 point? Both counsel are ill. They tell us they cannot  
2 proceed.

3 I would like to hear Ms Kulaszka  
4 first, Mr. Christie.

5 MS KULASZKA: We had three days  
6 scheduled. We came up to Ottawa because it was going  
7 to save a lot of money for the Commission, and the  
8 respondent wanted these witnesses, so we went to a  
9 great deal of expense to come up here.

10 THE CHAIRPERSON: Before we get too  
11 far, if your concerns about costs and delay could be  
12 somehow accommodated, would you have any objection in a  
13 sense that suppose we were able to reschedule something  
14 in the GTA, I will use that language.

15 MS KULASZKA: Or Oakville.

16 THE CHAIRPERSON: Yes, that's what I  
17 mean by GTA, the Greater Toronto Area.

18 MS KULASZKA: The other issue is if  
19 we bring a section 37 application, then that is going  
20 to take time.

21 THE CHAIRPERSON: I know. I  
22 understand. That could have some bearing on the June  
23 dates. I understand, but you still want to get through  
24 this last witness, don't you?

25 MS KULASZKA: I don't know if we

1           could get through this last witness today, to tell the  
2           truth, after seeing how long it took to get through the  
3           last two witness.

4                         THE CHAIRPERSON:   So rescheduling has  
5           another benefit in that you may need two days for that  
6           witness is what you're saying?

7                         MS KULASZKA:   Yes.

8                         THE CHAIRPERSON:   So let's explore  
9           those options then.

10                        It sounds like you wouldn't be able  
11           to finish in any event today.

12                        MS KULASZKA:   Mr. Christie is here.  
13           He wants to cross-examine Mr. Goldberg.  I have my own  
14           examination to do of Mr. Goldberg.  So I doubt very  
15           much we could get through Mr. Goldberg today.

16                        THE CHAIRPERSON:   Mr. Christie, you  
17           wanted to say something?

18                        MR. CHRISTIE:   Yes, I came here at  
19           considerable cost to my client.  I travelled all day  
20           yesterday and late into the night so that I could be  
21           here and assist in the examination of the question of  
22           the operations of the Commission in relation to any  
23           reasonable limits on freedom of speech.  That is my  
24           function here.

25                        I hope to assist the Tribunal in

1 making a decision on that issue.

2 Many times in history I have been  
3 involved in court cases where counsel have been  
4 seriously ill, and in order to demonstrate the  
5 justification for adjourning proceedings, they produce  
6 what is called a medical certificate. This is normally  
7 necessary because very few of us are competent to  
8 diagnose our own conditions.

9 I have heard two explanations which  
10 are as frivolous as any I have ever heard in justifying  
11 an adjournment of a whole proceeding involving one,  
12 two, three, four, five, six, seven and more people,  
13 even people on behalf of the Crown, plus yourself, sir,  
14 plus the whole of the staff of this court.

15 To say I am not feeling well, but sit  
16 here and talk about it, is inconsistent. There is no  
17 medical certificate, and I heard very faintly Mr. Vigna  
18 say I'm not physically sick, I don't have a serene  
19 state of mind. Very few of us in the difficulties we  
20 face always have a serene state of mind. I don't know  
21 what that means.

22 This is not a case of a nervous  
23 breakdown or a mental state justifying a psychiatric  
24 examination. I am certain of that. To say I just  
25 don't feel like doing it today is insulting.

1                   Of course I feel a little offended  
2 myself having travelled maybe 3,000 miles. That's not  
3 really that serious. What really is serious is the  
4 rights of a person before the Tribunal and the  
5 difficulties of arranging all this.

6                   Yes, I agree it's quite likely we  
7 couldn't finish today, but the whole day is involved  
8 for yourself, the Tribunal staff, and to come here with  
9 some statement about anxiety, worry, and then sort of  
10 hint that it's got something to do with some nebulous  
11 allegation, we don't hear the particulars of which,  
12 just drives me to distraction wondering what kind of  
13 games are being played here.

14                   These are two gentlemen sitting in  
15 front of you saying I don't feel like going ahead  
16 because I'm anxious, I'm worried right now, and those  
17 are his words. This is not very respectful, not only  
18 to yourself, but to the other parties.

19                   Unless there is some verifiable  
20 evidence of genuine illness, I simply say there is no  
21 evidence to justify an adjournment.

22                   As far as this allegation is  
23 concerned, it should be particularized and it should be  
24 identified. Ms Kulaszka is standing up front and  
25 explaining about a public meeting. These, except for

1 in camera proceedings, are public proceedings. We're  
2 supposed to be educating the public with a remedial  
3 statute, and suddenly these allegations sound like  
4 national security certificate claims of privilege. I  
5 have heard numerous references to section 37.

6 I am absolutely amazed that this can  
7 be seriously advanced at this point without anything in  
8 the nature of information and particulars. It is  
9 insulting to counsel; it is insulting to the Tribunal.  
10 I don't accept it for a minute as justification for an  
11 adjournment.

12 THE CHAIRPERSON: I have some  
13 concerns too, I have to tell you, Mr. Vigna.

14 MR. VIGNA: Mr. Chair, I said that I  
15 felt ill because of my mental state and physically I  
16 don't feel well also, but I don't have a primarily  
17 physical condition.

18 I am intending to go see the clinic  
19 after this hearing. I came to the Tribunal this  
20 morning in the hope that I would be able to proceed and  
21 in respect to the Tribunal. I had no clue that Mr.  
22 Christie would be coming here this morning. He wasn't  
23 here all week.

24 I am not alleging this for any  
25 purposes that is illegitimate. I told you the honest



1 truth, Mr. Chair, in order to be able to do a proper  
2 job, I have to have a state of mind that will allow me  
3 to think properly.

4 I intend to go see the doctor after  
5 this hearing. Like I said, there are incidents that  
6 have occurred that are playing in my mind. I don't  
7 know what I can tell you. If you have any questions, I  
8 will answer them.

9 THE CHAIRPERSON: Mr. Vigna, I don't  
10 have much to go with.

11 Can I throw one idea out there? You  
12 would not be examining the witness at this point. The  
13 witness would be under questioning from the other  
14 person. Can other counsel for the Commission sit in?

15 MR. VIGNA: I have been on this file  
16 all along, Mr. Chair.

17 THE CHAIRPERSON: I know you have.

18 MR. VIGNA: It would be unfair to put  
19 somebody else at the last minute that has no knowledge  
20 of the file to proceed.

21 In any event, Ms Kulaszka said she  
22 wouldn't be finished today.

23 I am not doing this to ask for an  
24 adjournment for the purpose of an adjournment. I came  
25 here the other two days and I was hoping to go ahead

1           this morning. But in the circumstances, I realize that  
2           despite my will to do so, it wouldn't be the best  
3           service I could render the Commission.

4                       MR. CHRISTIE: It seems, with  
5           respect, Mr. Chair, that this explanation seems to  
6           hinge sort of obliquely on the allegation of something  
7           sinister happening. The anxiety Mr. Vigna expresses,  
8           he says I'm asking in view of the allegation that's  
9           causing me anxiety.

10                      So, we are left with this sort of  
11           innuendo that something terrible has happened. We  
12           don't know what it is and we're supposed to be  
13           concerned because it's sort of pointed, hinted at us,  
14           and then Mr. Vigna uses it as an explanation for his  
15           anxiety.

16                      We think it's appropriate for Mr.  
17           Fine or somebody to put it on the table, tell us what  
18           it is. You're here to protect anyone and there is  
19           ample security, so let's hear about it.

20                      MS KULASZKA: I would also like to  
21           put this on the record.

22                      What you referred to earlier,  
23           whatever that was, it was when the hearings were open  
24           to the public. What they are alleging now is two days  
25           where this has been a closed hearing and the only

1 people here are counsel, the parties. So I am taking  
2 this very seriously.

3 They called it a serious issue  
4 concerning security. Mr. Vigna says he's so upset  
5 because of the security things that have happened. So,  
6 what is it?

7 If we wanted to clear the room,  
8 that's fine, let's talk about it.

9 THE CHAIRPERSON: Mr. Fine.

10 MR. FINE: First of all, no, with  
11 respect, I am not going to give any more details of the  
12 issue, one, in fairness to everybody concerned because  
13 I don't know much more than that at this point. I  
14 haven't said who is responsible, if anybody, for this  
15 incident.

16 I have raised the issue and I  
17 wouldn't be raising it unless I felt it to be very  
18 serious.

19 If it involves anybody in this room,  
20 if it involves anybody connected to this case, we will  
21 find out. But I am not going to give any more details  
22 because I don't have any more details and I am not  
23 suggesting who it would be.

24 But quite apart from that, I have a  
25 real serious issue with respect to how counsel treat

1 each other. If Mr. Christie came here today and said  
2 he was ill, I might be unhappy about it, but I wouldn't  
3 question it. Out of respect for another counsel, I  
4 would say I accept.

5 Our Commission counsel appear here  
6 every day, Mr. Chair, and now say that they're sick.  
7 They wouldn't be doing it unless they're sick. I think  
8 in fairness to them, in fairness to the case, I would  
9 ask that the Tribunal accept what they're saying and,  
10 as inconvenient as it may be, to allow a postponement.

11 THE CHAIRPERSON: Is the Commission  
12 prepared to, if there any costs that have been incurred  
13 by the respondents in this file, to compensate them?

14 MR. FINE: We would look at the  
15 travel costs of Mr. Christie and the other counsel who  
16 was here in any event.

17 THE CHAIRPERSON: If this was over  
18 yesterday they would have gone home. They wouldn't  
19 have stayed an extra day. I'm sure there are expenses  
20 related to that.

21 Costing power is not in our statute,  
22 but I have to work this out here.

23 MR. FINE: Right.

24 THE CHAIRPERSON: One of the reasons  
25 they are here is because they were very, I have to use

1 the term, accommodating. On day one of this hearing,  
2 January 29th, it's on the transcript, we got into this  
3 debate about these witnesses because I raised the issue  
4 what are we going to do about bringing them down here,  
5 and right away Ms Kulaszka says I'll go up to Ottawa.  
6 We said, great, that's going to minimize everyone's  
7 inconvenience. They will be somewhat inconvenienced.  
8 I don't know how far a distance it is from her  
9 residence. I understand it's not in Toronto, but she  
10 came up and the rest came up from Toronto.

11 So, that is why we are here. We were  
12 scheduling this for one day. We made it three days,  
13 lots of room. That has to be addressed from the  
14 Commission side for the expenses here.

15 MR. FINE: What I am saying is we  
16 will look at that; we will look at costs.

17 THE CHAIRPERSON: There is another  
18 thing too. I don't think that we should consider it  
19 appropriate that they come back here to Ottawa to  
20 examine this witness. You have to be prepared to bring  
21 your witness now to Toronto or somewhere in the Toronto  
22 area to be examined there.

23 Is there going to be an objection on  
24 that?

25 MR. FINE: I am not suggesting not

1           rightfully so, but then we will incur costs going down  
2           there to do it. So maybe that's the quid pro quo here.  
3           I don't know.

4                           I guess what I am saying to you, Mr.  
5           Chair, I will in good faith look at the issue of costs.  
6           We will determine what the costs were and we will look  
7           at them. I am not saying here today that we are not  
8           going to do that. We will look at it and we will look  
9           at some sort of reasonable compensation for the travel  
10          costs.

11                           THE CHAIRPERSON: Sir.

12                           MR. CHRISTIE: It's not a problem  
13          with money. I am not here because of money. I don't  
14          have any more time to come back for months and months,  
15          not that I'm that important, but I do have a function  
16          that I'm trying to perform for the benefit of the  
17          Tribunal and for hopefully all society.

18                           Second point. Mr. Vigna appears to  
19          know more about this, enough to upset him; Mr. Fine  
20          appears to know more about it, enough to tell us that  
21          it's very serious, but we don't know enough to tell us  
22          that it's serious. Why is there this reluctance to put  
23          on the table the thing that makes it so serious?

24                           THE CHAIRPERSON: I don't know what  
25          it is.

1                   MR. CHRISTIE: I'm really troubled by  
2 the suggestion that we should just take our -- two  
3 gentlemen come here, they can speak quite clearly and  
4 they tell us then they're sick, and then we're supposed  
5 to be believe that some nebulous seriousness makes them  
6 so upset they can't think straight.

7                   I strain my credulity as far as I can  
8 in good faith. My friend, Mr. Fine, says we should  
9 show good faith. Well, we should have candour so that  
10 we can all have good faith in each other. I would love  
11 to believe that there is something serious but no one  
12 wants to tell us. How can we believe?

13                  THE CHAIRPERSON: Mr. Vigna you say  
14 you're also physically ill. Right?

15                  MR. VIGNA: When you ask me if I'm  
16 physically ill, I mean, I feel dizzy and I feel  
17 anxiety, and in order to be here today I have to be  
18 alert. I don't feel able to be alert enough to be able  
19 to proceed in this matter.

20                  THE CHAIRPERSON: You're an officer  
21 of the Court, sir. You're making this assertion with  
22 that in mind?

23                  MR. VIGNA: Yes, Mr. Chair. It's six  
24 years I'm here. In 15 years it's the first time I've  
25 asked for --

1 THE CHAIRPERSON: Yes, I have never  
2 seen you absent from a hearing.

3 MR. VIGNA: I'm here because of the  
4 fact that I am an officer of the Court, Mr. Chair.  
5 When I say I am not physically sick it's because I  
6 don't have cancer or anything like that. It's just  
7 that there is a serious of events and this morning I  
8 don't feel proper to proceed.

9 Mr. Christie is questioning my  
10 integrity by questioning whether I'm sick or not. I  
11 have never been sick since I have been before the  
12 Tribunal in 15 years of my career. If I have to  
13 produce a medical certificate, I will produce it.

14 THE CHAIRPERSON: I think it might be  
15 necessary that you produce it with the Tribunal.

16 MR. VIGNA: I have to go get it  
17 first. In terms of the incidents that have occurred, I  
18 am not at liberty to speak about them right now but I  
19 intend to see the proper authorities as soon as this  
20 hearing is over today.

21 THE CHAIRPERSON: I want to say for  
22 the record, though, whatever these incidents may have  
23 been, I don't associate them with these respondents. I  
24 asked some questions of Ms Kulaszka and that is it. I  
25 am not drawing any conclusions whatsoever at the



1 Commission. I want you guys to be clear about that.

2 I am not sure how the Commission is  
3 working all this stuff out. All I know is this  
4 hearing, Mr. Fine, you haven't been here but it's run  
5 like any hearing we have ever done, no issues, none.  
6 Even the one thing that happened with Mr. Kulbashian,  
7 leaving some leaflets on a chair, nothing came of that.  
8 That is what I am working with.

9 I want to ensure all parties,  
10 interested parties and participants, that this process  
11 is legitimate and has operated without any obstacles to  
12 this point.

13 Ms Kulaszka, it's an officer of the  
14 Court making representations to me. I realize your  
15 concern, sir. I would like some medical certificates  
16 to back it up but I won't question their integrity at  
17 this point. I don't want you to be inconvenienced by  
18 this. So, what can we do to accommodate? There are  
19 costs involved.

20 What time frame? You mentioned  
21 something about section 37 and the Federal Court. What  
22 is happening on all that?

23 MS KULASZKA: That is another issue.  
24 Mr. Christie was going to proceed first because he has  
25 a series of questions that may involve the invocation

1 of section 37 by Mr. Vigna. Also, he is here, he has  
2 flown in because these deal with the issues he wanted  
3 to deal with today with Mr. Goldberg. At that point I  
4 could include everything in one application to the  
5 Federal Court.

6 THE CHAIRPERSON: So you want to hold  
7 off?

8 MS KULASZKA: So I wanted to proceed  
9 certainly today with Mr. Goldberg and get through this  
10 --

11 THE CHAIRPERSON: But now the clock  
12 is running from yesterday.

13 MS KULASZKA: The clock starts  
14 running. They have given such a short period, it is  
15 ridiculous, but it has to be filed next week.

16 THE CHAIRPERSON: I understand. We  
17 have taken care of the transcript. I understand the  
18 transcript is being produced in a short period of time,  
19 and I think the cost is being borne by the Tribunal for  
20 that.

21 MS KULASZKA: The cost would be one  
22 hotel night for Mr. Lemire and for me. As for an  
23 adjournment, preferably to Oakville. The Novotel was  
24 excellent.

25 THE CHAIRPERSON: There are

1 reservation issues. We am looking more at Oakville  
2 these days, rather than Mississauga.

3 MS KULASZKA: The other issue for Mr.  
4 Lemire is he got these days, he got them a long time  
5 ago and he has just informed me he has no more vacation  
6 from work. He has been using up vacation time.

7 THE CHAIRPERSON: You have set aside  
8 three days, sir, for the arguments?

9 MR. LEMIRE: For the argument I  
10 didn't necessarily have to be here, and I didn't have  
11 much in terms of vacation left. That's why we wanted  
12 to go ahead now. We have all this prepared to go ahead  
13 now.

14 THE CHAIRPERSON: I understand. I  
15 know that, sir.

16 MS KULASZKA: It depends how long Mr.  
17 Christie was going to be. I doubt I could have gotten  
18 through Mr. Goldberg today. But it was the section 37  
19 I was very concerned about.

20 THE CHAIRPERSON: Yes. It sounds  
21 like you may have to make your motion at this point  
22 anyways with regard to the other witness. Right?

23 MS KULASZKA: I am going to have to  
24 file it next week.

25 THE CHAIRPERSON: Perhaps we should

1 go off the record to discuss dates, but I am flexible.  
2 There is some flexibility, but we have to consider Mr.  
3 Christie since he was going to be the -- yes, Mr.  
4 Fromm.

5 MR. FROMM: Back on the record.

6 THE CHAIRPERSON: Okay, back on the  
7 record.

8 MR. FROMM: There is the issue of Mr.  
9 Christie. Mr. Christie is very, very experienced  
10 counsel with I think over 30 some years, much of it in  
11 the criminal area, and his assistance was going to be  
12 very, very helpful to Mr. Lemire.

13 There really is the matter of  
14 expenses. He managed to arrange things on his own to  
15 be here on dates that have been already changed once.  
16 If you are going to grant an adjournment, I think there  
17 should be some consideration. As you know, we are not  
18 well funded, we don't have a big Bay Street law firm  
19 behind us.

20 I think Mr. Christie's assistance  
21 particularly with the next witness and the invocation  
22 of section 37 and other matters is really invaluable.  
23 It would appear, unless there is some sort of  
24 compensation for his travel, he may not be able to be  
25 there to assist Mr. Lemire. We already, as I said like

1 a broken record, feel at some disadvantage. If you  
2 could look to that.

3 THE CHAIRPERSON: I don't know if I  
4 have the power to order costs. I am counting on the  
5 good faith here of the Commission. What goes around  
6 comes around one day.

7 MR. FINE: I have already indicated  
8 that we would look at that, Mr. Chair.

9 THE CHAIRPERSON: Okay. In good  
10 faith. I am having your undertaking on that.

11 Mr. Christie, since your presence,  
12 from what I gather from both Ms Kulaszka and Mr. Fromm,  
13 is considered essential, when are your dates of  
14 availability?

15 MR. CHRISTIE: I am flattered by  
16 their comments. I just really just wanted to try and  
17 help the Tribunal and look at this rather serious  
18 issue.

19 THE CHAIRPERSON: I have made it  
20 clear here from moment one that my role throughout this  
21 whole process is to get as much information out on the  
22 table so that I can address it, and if any other  
23 instance has to address it later on, they have a full  
24 record to work with. That is my goal.

25 MR. CHRISTIE: We are very grateful

1 for the consideration of this serious issue and of the  
2 willingness to expand and look at the fundamentals.

3 But in any event, I have the next two  
4 weeks which I had scheduled to be sort of a holiday,  
5 but I will --

6 THE CHAIRPERSON: You could take any  
7 of those days sort of?

8 MR. CHRISTIE: I would make myself  
9 available in that period of time.

10 THE CHAIRPERSON: Let me just look  
11 here on my schedule.

12 MR. CHRISTIE: The 17th would be  
13 particularly good in that region.

14 THE CHAIRPERSON: Just give me a  
15 moment to pull it up on the screen.

16 On this point, Mr. Vigna or Mr. Fine  
17 or Mr. Dufresne, you are all here, we are going to look  
18 at dates. I don't know how available Mr. Vigna is, but  
19 if we find some date that's convenient but that you,  
20 Mr. Vigna, are in another hearing, I want -- this is  
21 last minute, I know you can't be replaced, Mr. Vigna,  
22 but if we are stuck in one of those situations, we have  
23 two weeks ahead of us, maybe you could bring someone  
24 else up to speed and have them act for you. I want you  
25 to seriously consider that in good faith.

1 I don't know what your schedule is,  
2 Mr. Vigna, in the next two weeks. Are you both in any  
3 hearings? I know when you're in a hearing you're in a  
4 hearing somewhere else.

5 MR. VIGNA: I think we had the dates  
6 for the submissions on the 25th.

7 THE CHAIRPERSON: Of June?

8 MR. VIGNA: May 25th was the dates  
9 for the submissions but I guess that will have to be  
10 postponed also.

11 THE CHAIRPERSON: You mean for filing  
12 of the written submissions?

13 MR. VIGNA: Yes.

14 THE CHAIRPERSON: That while thing  
15 may have to be revisited now, I don't know, if all the  
16 evidence isn't in. I don't know who is in a rush to  
17 finish this case off, one side or the other.

18 MR. VIGNA: The next case I have is  
19 in Penticton June 18th to 22nd, which means I have to  
20 get there beforehand.

21 THE CHAIRPERSON: Yes.

22 MR. VIGNA: I don't know if it's  
23 better to reschedule a conference call. I didn't bring  
24 my agenda but I have pretty much an idea of my dates.

25 THE CHAIRPERSON: If the blockages of

1           your availability relate to hearing dates, I can pull  
2           them up on the screen and I can tell you what hearing  
3           dates are, if it's Tribunal cases.

4                       MR. VIGNA:  It's Tribunal, yes.  It's  
5           18th to the 22nd.

6                       THE CHAIRPERSON:  Let me pull these  
7           up.  Just give me a moment.

8                       MR. VIGNA:  That I recall.  And the  
9           25th I guess will have to be rescheduled.

10                      MR. CHRISTIE:  Would it not be wise  
11           to wait for the medical certificate to determine how  
12           long Mr. Vigna will need to recover his serenity and to  
13           cope with this --

14                      MR. FINE:  I am really having great  
15           difficulty with that.  These two individuals have not  
16           come here before and asked for a postponement because  
17           they were ill.  I would ask you to pay a little bit of  
18           respect to these two gentlemen.  If they are saying  
19           they are sick, they are sick.  They are not playing  
20           games, with the greatest of respect.

21                      Their integrity at the Commission is  
22           very much intact and beyond the Commission.  There are  
23           no games being played here.

24                      THE CHAIRPERSON:  Mr. Fine, please  
25           address yourself to me.



1 MR. FINE: I am sorry, Mr. Chair. It  
2 is not at all appropriate. I would not for a second,  
3 if Mr. Christie said he was sick, question him.

4 MR. CHRISTIE: Mr. Chairman --

5 THE CHAIRPERSON: Please, both of you  
6 stop. I am expecting medical certificates. I have  
7 that undertaking. Mr. Vigna nodded before when I asked  
8 him to provide one. He will. I think that it will  
9 complete the record.

10 Allow me, please, to pull up the  
11 dates.

12 MS DAVIES: Mr. Chair, may I suggest  
13 a brief adjournment while we check our calendars?

14 THE CHAIRPERSON: That makes sense.  
15 I can also check with the Tribunal here perhaps in a  
16 better fashion than pulling it up on a computer.

17 Ms Kulaszka, just generally, are  
18 those dates available in any way? Is there some sort  
19 of problem?

20 MS KULASZKA: I actually don't have  
21 my calendar here.

22 THE CHAIRPERSON: Maybe you can call  
23 somebody. Is there way you can get your availability?

24 MS KULASZKA: If we can get some  
25 dates, I will say okay and if there is a problem I will

1 let you know.

2 THE CHAIRPERSON: There is Mr. Lemire  
3 too. I know you need him to be next to you.

4 Okay.

5 --- Upon recessing at 10:22 a.m.

6 --- Upon resuming at 10:40 a.m.

7 THE CHAIRPERSON: Has everyone looked  
8 into their dates of availability? Yes?

9 MS KULASZKA: Mr. Chair, I just  
10 wanted to bring up a matter that we were going to bring  
11 up first thing this morning.

12 THE CHAIRPERSON: Okay, before we get  
13 to that.

14 MS KULASZKA: It was a motion. We  
15 were going to bring a motion for a subpoena, a subpoena  
16 for the records from Bell Canada for the IP address  
17 70.48.181.203 for December 8th, 2006.

18 That IP address can be found at tab  
19 17 of R-17, the last page.

20 THE CHAIRPERSON: The last page of  
21 tab 17? Is that that page that I couldn't figure out,  
22 okay, the one with all the quotes on it?

23 MS KULASZKA: I'm sorry, it is tab  
24 18. Tab 18, and it's the last two pages. It's a Whois  
25 search of an IP address. This is the IP address of

1           Jadeware.

2                               We were going to bring this motion  
3           for the subpoenas because the internet service  
4           providers like Bell Canada have very short records  
5           retention for these. We found that out in Rogers when  
6           we subpoenaed them, and they had nothing.

7                               THE CHAIRPERSON: I remember somebody  
8           read something into the record about that.

9                               MS KULASZKA: We're still within the  
10          time limit for that date. If we can get the subpoena  
11          today and serve them, we would be able to get that  
12          information.

13                              THE CHAIRPERSON: You want to serve  
14          them to come and testify at the next hearing?

15                              MS KULASZKA: What we would get from  
16          them is the account name and the subscriber  
17          information.

18                              THE CHAIRPERSON: These documents,  
19          when did you obtain them, this Whois thing?

20                              MS KULASZKA: These documents were  
21          printed off on March 25th, 2007.

22                              MR. VIGNA: Mr. Chair, I don't want  
23          to start pleading today, but I recall this is the same  
24          issue as yesterday for which I raised section 37.

25                              THE CHAIRPERSON: You raised section

1 37 with regard to your investigation techniques. This  
2 is something they obtained by doing a Whois search.

3 MR. VIGNA: Jadeware.

4 THE CHAIRPERSON: Yes, it's just a  
5 name.

6 MR. VIGNA: Mr. Chair, I would like  
7 to have the opportunity to argue this motion with the  
8 proper time to think it over, not today in the fury of  
9 things.

10 THE CHAIRPERSON: Ms Kulaszka, do you  
11 think that a couple of days would be too long for you  
12 to be able to deal with Bell Canada? Can't you tell  
13 them at least and tell them to hold on to this and that  
14 the Tribunal may deal with it?

15 MS KULASZKA: Just a phone call, I  
16 doubt they would hold on to records.

17 THE CHAIRPERSON: Given my earlier  
18 finding on the adjournment, I don't think it's  
19 appropriate that I take representations at this moment  
20 from the Commission. But we can do this with haste.  
21 Someone at the Commission can reply to this request by  
22 Tuesday.

23 MS KULASZKA: And I could file the  
24 motion certainly by Monday.

25 THE CHAIRPERSON: Yes, just a letter.

1           You don't have to get very formal with it. Just give  
2           me the details of what you want and I'll consider it.

3                         MR. FINE: We'll respond by Tuesday,  
4           Mr. Chairman.

5                         THE CHAIRPERSON: Be mindful of what  
6           I said earlier, though. The Jadeware issue was the  
7           Commission practices. I gather here this is  
8           information you're trying to get from Bell Canada.

9                         MS KULASZKA: Yes, it's from Bell  
10          Canada.

11                        THE CHAIRPERSON: Mr. Christie.

12                        MR. CHRISTIE: Mr. Chairman, in view  
13          of your comments, I take it that you have basically  
14          decided to grant the adjournment?

15                        THE CHAIRPERSON: Yes, I am granting  
16          the adjournment.

17                        MR. CHRISTIE: I take that clearly  
18          now. There is something in relation to this that I  
19          would ask if you would, please, to require as a term of  
20          the adjournment -- perhaps that may already be decided,  
21          I don't know, but here is my suggestion.

22                        I am very concerned about this  
23          nebulous serious matter. If there is some serious  
24          matter affecting the capacity of my client to feel that  
25          this is an appropriate case to assist the respondent

1 in, in view of some perhaps allegation against the  
2 respondent, I need to know that in time to advise and  
3 seek advice and seek instructions from my client.

4 I am asking this.

5 THE CHAIRPERSON: What is that?

6 MR. CHRISTIE: That this serious  
7 allegation should be disclosed. Really, it should have  
8 been disclosed today, and I take it that that's not  
9 going to happen, and I still strongly urge your  
10 authority, sir, to require it to be disclosed. I think  
11 it's appropriate to disclose. It's a serious matter  
12 that they obviously know is serious enough to upset Mr.  
13 Vigna.

14 So I say this, that at least within  
15 five days there should be a written disclosure of what  
16 this allegation is so that I can consider whether I  
17 wish to continue on behalf of my client to assist in  
18 any way the respondent.

19 The other thing is this. It's not  
20 entirely clear what the cause of Mr. Vigna's mental  
21 state is, but when counsel raises issues about their  
22 mental state, that's a very serious matter, and I am  
23 sure my friend would not do so lightly, but I would  
24 like the opportunity, if Mr. Vigna is providing a  
25 medical certificate, to see it and to consider what

1           submissions, if any, would be appropriate in response  
2           to it.  If there is a serious long-term mental problem  
3           that isn't related to this serious issue, I think it's  
4           appropriate that we should know about it.

5                         THE CHAIRPERSON:  I hear you, Mr.  
6           Christie, but all I am asking is that Mr. Vigna or the  
7           Commission provide medical certificates to the  
8           Tribunal.  That is all I am asking.  Sorry, Mr.  
9           Christie, I won't be addressing the orders that you're  
10          addressing.

11                        MR. VIGNA:  Mr. Chair, I will provide  
12          a medical certificate.

13                        THE CHAIRPERSON:  Please sit down,  
14          Mr. Vigna.

15                        MR. VIGNA:  I feel insulted by that  
16          comment.

17                        THE CHAIRPERSON:  Please sit down.

18                        MR. CHRISTIE:  It is a serious  
19          matter.

20                        THE CHAIRPERSON:  I understand.  I am  
21          expecting that information to come to me.  You should  
22          be satisfied that the Tribunal will be satisfied and  
23          leave it at that.

24                        MR. CHRISTIE:  Normally if there is  
25          something that the Tribunal sees, we should have the

1 opportunity to see it.

2 THE CHAIRPERSON: I am not saying  
3 it's going to be a mysterious document but I want it to  
4 be addressed to me. I am going to get the document and  
5 we will deal with it at that point.

6 MR. CHRISTIE: I am only submitting  
7 that in order to know how to respond to this allegation  
8 --

9 THE CHAIRPERSON: The first thing,  
10 the allegation.

11 MR. CHRISTIE: Yes.

12 THE CHAIRPERSON: Again, I am not  
13 going to make any orders that it be disclosed because I  
14 right now do not consider it as being in front of me.  
15 It was made, but that's not the reason that the  
16 adjournment is being sought.

17 I am making it abundantly clear to  
18 the respondents, as I said from the outset, all of this  
19 effectively, until I have some clear evidence, doesn't  
20 mean anything. It has emerged repeatedly in my rulings  
21 on every one of these issues as you have seen. I am  
22 consistent on this.

23 The disquieting things, the things  
24 that trouble me, I have referred to them in my last  
25 ruling. They don't have anything to do with this



1           respondent as far as I am concerned.

2                         MR. FINE: I hope I made it clear,  
3 but I need to make it abundantly clear, and I would  
4 hope that my friend would understand, it is a reason  
5 why I wouldn't want to say more is I didn't say that I  
6 -- in fact, I intentionally said that I had no  
7 information that it involves anybody in this hearing  
8 doing anything inappropriate.

9                         THE CHAIRPERSON: Because I asked you  
10 a question does it involve people at this Tribunal, and  
11 you said yes.

12                        MR. FINE: I said it involves two  
13 people who were here who are employed by the  
14 Commission, but I'm not suggesting that anyone in this  
15 room --

16                        THE CHAIRPERSON: I misunderstood  
17 your answer. I thought you meant that, if I can use  
18 the term, and it's very loose, and please record the  
19 quotation marks, wrongdoers were in this room.

20                        MR. FINE: No, if I didn't make it  
21 clear, let me make it perfectly clear right now, I  
22 would never, as an officer of the Court, come into a  
23 Tribunal or a Court and give any more information than  
24 I have because I don't have information.

25                        THE CHAIRPERSON: Because I

1           understood your answer that way, that led to my  
2           semi-interrogation of Ms Kulaszka which I felt somewhat  
3           uncomfortable doing.

4                         MR. FINE:   Thank you for asking me  
5           that question, then, Mr. Chair, because I am making it  
6           clear that I don't have evidence at this point that it  
7           involves wrongdoing on anybody's part in this room.  
8           So, I am making it very clear.

9                         THE CHAIRPERSON:   Fine.   That being  
10          said, looking now at scheduling, an idea crossed our  
11          minds.   This is an important case.   We shouldn't be  
12          running at full speed if we don't have to be running at  
13          full speed.   Emotions are up here, and there may be  
14          timeline restrictions and there is the possibility of  
15          motions before Federal Court and so on, and also  
16          availability of hearing rooms.   We have had a real  
17          problem on that front in the past.   We do have hearing  
18          rooms booked for the June dates that we have already  
19          set aside.   I presume everybody set aside their  
20          calendar for those dates as well, including the  
21          interested parties who may not be here.

22                         So, would it not make a lot of sense  
23          -- I have checked with my office too.   We have  
24          pressures here too to keep cases moving along, but this  
25          is more important than other cases perhaps in terms of

1           its relevance or significance. So what if we were to  
2           say that we will continue with the witness at the June  
3           dates? I think the facility that has been booked  
4           tentatively is in Oakville. Right?

5                         REGISTRY OFFICER: Yes. It's not  
6           tentative. It's booked.

7                         THE CHAIRPERSON: I think it's at the  
8           Holiday Inn in Oakville. That's not for sure.

9                         MS KULASZKA: That's agreeable to the  
10          respondent.

11                        MR. LEMIRE: With the proviso that  
12          they're paying for this witness to come to Toronto.

13                        THE CHAIRPERSON: Yes, that's  
14          understood. Mr. Lemire has said -- I don't know if it  
15          was recorded -- with the proviso that the witness be  
16          brought down by the Commission. I would expect that.  
17          I mean, this postponement is being made at the  
18          Commission's request.

19                        MR. FINE: That's understood.

20                        THE CHAIRPERSON: Is that agreeable  
21          with everyone?

22                        MS KULASZKA: I would also ask for  
23          costs of \$900.

24                        THE CHAIRPERSON: Do you want to  
25          specify them on the record?

1 MS KULASZKA: Yes.

2 THE CHAIRPERSON: So that we don't  
3 have to exchange receipts and so on. That has been  
4 said on the record, \$500.

5 MS KULASZKA: \$900.

6 THE CHAIRPERSON: To be fair, I have  
7 been in this situation before. I believe that, dealing  
8 with public funds, receipts will have to be shown at  
9 some point. I seem to recall when we had done the case  
10 that involved the RCMP there were witnesses being flown  
11 across. You have to show receipts for Auditor General  
12 purposes.

13 MS KULASZKA: We will send them next  
14 week.

15 THE CHAIRPERSON: I ask you in good  
16 faith to cooperate amongst yourselves on that.

17 MR. FINE: I have already given that  
18 undertaking.

19 THE CHAIRPERSON: Maybe, Mr. Fine,  
20 you could take over at this point, given the situation  
21 here with Mr. Vigna's condition, you could take over  
22 this aspect of dealing with --

23 MR. FINE: With the cost issue, Mr.  
24 Chair?

25 THE CHAIRPERSON: Yes, the cost

1 issue.

2 MR. FINE: Yes, I will ensure that it  
3 is done.

4 THE CHAIRPERSON: Or someone else.  
5 That is what I am suggesting. If everyone is in  
6 agreement here, we will spread the word to the other  
7 parties who aren't present.

8 What of course this all means is I am  
9 going to have to lift the timeline on the submissions,  
10 and we are going to also have to look for dates I am  
11 guessing something like September or October, let's say  
12 September -- let's not push it too far away -- for  
13 final submissions.

14 Would it be wise that we try to set  
15 down some dates from now? I am seeing negative on the  
16 left side, in the middle, on the right side.

17 MS DAVIES: I have to talk to Mr.  
18 Fothergill again.

19 THE CHAIRPERSON: At least he will be  
20 able to enjoy his vacation in England now.

21 MS DAVIES: Yes, it is well deserved.

22 THE CHAIRPERSON: Mr. Vigna, again,  
23 and Mr. Dufresne, I don't know which of you were going  
24 to be present.

25 We will let things lie now. I don't

1 want to let it run too long. I don't want to put it  
2 off until June, the decision about those September  
3 dates, because things get booked and then we will have  
4 difficulty again.

5 Let's see how things play out in the  
6 next few weeks and maybe I will organize a conference  
7 call, at which time we could talk about dates unless  
8 you find some other issue to bring up with me.

9 Ms Kulaszka, can you put that letter  
10 together by Monday?

11 MS KULASZKA: Definitely. You will  
12 have it by Monday morning.

13 THE CHAIRPERSON: I will hear a reply  
14 by somebody at the Commission by Tuesday and we will  
15 look into it.

16 Anything else? Everyone is okay.  
17 Have a good afternoon, good weekend. The weather looks  
18 like it's good, so let's enjoy it.

19 --- Whereupon the hearing adjourned at 10:55 a.m.  
20 to resume on June 25, 2007 at 9:30 a.m.

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I hereby certify that I have reported using CAT and transcribed therefrom the foregoing transcript to the best of my skill and ability.

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Barbara Neuberger  
C.S.R., R.P.R.

**StenoTran**