

COURT FILE NO.: M 261/13

M 263/13

M 264/13

DATE: 20131030

**SUPERIOR COURT OF JUSTICE -- ONTARIO**

**Toronto Region**

**RE:** CANADIAN BROADCASTING CORPORATION & SUN MEDIA CORPORATION and HER MAJESTY THE QUEEN, ALEXANDER LISI & JAMSHED BAHRAMI  
TORONTO STAR NEWSPAPERS and HER MAJESTY THE QUEEN, ALEXANDER LISI & JAMSHED BAHRAMI  
CTV, THE GLOBE AND MAIL, SHAW TELEVISION & POSTMEDIA NETWORK and HER MAJESTY THE QUEEN, ALEXANDER LISI & JAMSHED BAHRAMI

**BEFORE:** NORDHEIMER J.

**COUNSEL:** *T. Andreopoulos*, for the Crown  
*P. Jacobsen*, for CTV, Globe, Shaw, Postmedia  
*R. Gilliland*, for Toronto Star  
*I. MacKinnon*, for CBC and Sun  
*S. Weinstein*, for Alexander Lisi

**HEARD:** October 30, 2013

**ENDORSEMENT**

[1] The applicants seek production of an Information to Obtain (ITO) that was used by the police to obtain certain search warrants involving, among others, the accused Lisi and Bahrami. Certain preliminary issues were argued today, namely, whether persons who are mentioned in the ITO should be given notice of these applications and an opportunity to respond and whether the applicants, and other media organizations, should be provided now with the portions of the ITO that the Crown does not proposed to edit.

[2] At the end of the argument, I gave brief oral reasons as follows:

I see no principled basis for providing notice to any of the persons who are mentioned in the ITO. To do so would, in my view, open up a Pandora's box of issues and would greatly lengthen a process that should, given the nature of the interests involved, be completed as expeditiously as possible.

I am also not satisfied that it is appropriate to provide the accused, Lisi, with an opportunity to argue that some material not redacted by the Crown should have

been redacted when the foundation for those particular redactions are themselves the subject of a challenge and do not fall within any of the recognized and pressing bases for non-publication such as confidential informant privilege or witness safety. It is the Crown's duty to redact the document and, in my view, the accused must, for these present purposes, take the ITO as he receives it.

I conclude therefore that those portions of the ITO that are currently unredacted should be released to the applicants, and all other media organizations, forthwith. A copy of the unredacted ITO as provided to the media organizations should also be placed in the court file.

[3] I provide this endorsement to record my decision, a copy of which should accompany the copy of the ITO to be placed in the court file.

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**NORDHEIMER J.**

**DATE:** October 30, 2013



**SUPERIOR COURT OF JUSTICE**

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