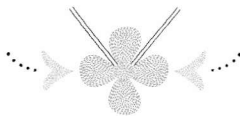


RULING ON THE MOTION OF THE FAMILIES FOR JUSTICE MADE OCTOBER 9, 2018

1. The Families for Justice made a motion to the National Inquiry into Missing and Murdered Indigenous Women and Girls (“the National Inquiry”) on October 9, 2018. The National Inquiry received the motion via email time stamped as “Tue 2018-10-09 5:12 PM” Eastern Time. The Notice of Motion is attached as Schedule “A” to this ruling.
2. The Notice of Motion requested relief be granted by the Commissioners, specifically:
 - I. An order directing Commission Counsel to provide the parties with standing all documents relating to the witnesses to be called at the last hearing in St. John’s, Newfoundland by 4:00 p.m. on October 11, 2018 (one business day in advance of the hearings scheduled to commence on October 15, 2018).
3. We note that the motion came with less than two business days from the requested deadline for the relief sought. Given existing commitments, we were unable to rule on the motion before October 12, 2018.
4. We made a decision to dismiss the motion on October 12, 2018. Ms. Fraser, Counsel for the Families for Justice, was advised of the decision via email on the same day and told that the Commissioners written decision would be forthcoming. Below are the written reasons on the ruling.
5. As of October 12, 2018, we were satisfied that Commission Counsel was making best efforts to produce materials to all parties, often with technical or computer connectivity issues delaying their distribution process. All materials received by other parties leading evidence was required to be fully reviewed by Commission Counsel. The review of materials from parties or witnesses was often complete and distributed in a matter of a couple of days, or less. We acknowledge the timeframes were tight and that it was difficult to get materials to parties in advance



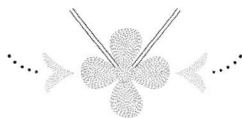
with ideal lead-time, but we also recognized that the need to hear this evidence and put it onto the public record was urgent given our diminishing timeframe.

6. The relief sought by the Families for Justice did not go beyond an order to Commission Counsel to provide a fixed deadline to receive materials. We were uncertain how such an order would have been of assistance when Commission Counsel was already demonstrating best efforts to produce materials to parties as quickly as they could. It is unclear what would have resulted if the order was breached because no further relief was sought nor was there practical relief available. There would not have been an opportunity to reschedule or adjourn the hearing. The hearing had to proceed given our diminishing timeframe. The practical utility of such an order or relief as requested was not clear in the given circumstances.
7. Keeping in mind a number of factors including and not limited to:
 - a. that Commission Counsel demonstrated best efforts to produce the materials throughout our hearing processes;
 - b. that Commission Counsel at prior hearings remained amenable to negotiating with parties so that documents could be submitted by parties throughout the proceedings. This was based on distribution dates of materials, rules and witnesses familiarity with documents or ability to answer questions in relation to the document. Most documents were allowed with more than 48 hours prior to testimony however, documents were accepted on consent inside of the 48-hour timeframe described in Rule 66 and the June 15, 2018 procedural guide particularly when materials became available to parties on shorter timeframes, and
 - c. that all parties received materials through the same means and received access to them relative to one another at the same time for all hearings;

We believe that the order sought was not appropriate in the circumstances.



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8. The motion requesting relief in setting a fixed date of October 11, 2018 for all documents to be provided to parties for the October 15-18, 2018 hearing was dismissed on **October 12, 2018**. Since no other relief was requested, no other relief was granted.

Written Decision released on October 30, 2018.

Chief Commissioner

Based on the decision of Chief Commissioner Buller, Commissioner Eyolfson and Commissioner Robinson.