

**ONTARIO COURT (GENERAL DIVISION)  
DIVISIONAL COURT**

White J.

**ONTARIO FEDERATION OF ANGLERS AND HUNTERS**

- and -

**DONALD HALE, INQUIRY OFFICER, OFFICE OF THE  
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO et al.**

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E N D O R S E M E N T

Mr. Danson, counsel for the Ontario Federation of Anglers and Hunters, objects to Mr. Sherry, counsel for the Chippewas of the Nawash First Nation, seeing the sealed material since Mr. Sherry acts for other First Nations than the Chippewas of Nawash. Mr. Danson relies on Gravenhurst (Town) v. Ontario (Information and Privacy Commissioner) (1993), 13 O.R. (3d) 531 (Div. Ct). I distinguish that case in as much as there is no other litigation extant, in which Mr. Sherry is included, affecting the parties now before the Court. The general rule set out in NEI Canada Ltd. v. Information and Privacy Commissioner (Ont.) (1990), 40 O.A.C. 77 (Div. Ct.) should apply.

Mr. Sherry in my opinion should have as full access to all relevant material as other counsel in the matter. It would not be just to call on him to argue whether the Commissioner was correct in his ruling, unless he had an opportunity to review the material in respect of which the ruling was made.

An order will go on consent that the name of “John Doe” in the style of cause in all proceedings herein be changed to “the Chippewas of the Nawash First Nation” and that Chippewas of the Nawash First Nation be Respondents rather than proposed respondent.

An order will further go that Mr. Danson as counsel for the Ontario Federation of Anglers and Hunters, and that Mr. Sherry as counsel for the Chippewas of the Nawash First Nation shall have access to the sealed record of documents for the purpose of preparing for the hearing of the application for judicial review which challenges the Commissioner's ruling, on their providing to the Commissioner of an undertaking in writing that (1) they shall use the disclosed material only for the purpose of preparing for the application for judicial review and for no other purpose; and (2) they will not disclose that information to their respective clients, or any other person provided however that should the Divisional Court refuse to grant judicial review of the Commissioner's order, they may make disclosure of such material in accordance with the Commissioner's order.

An order shall therefore go in the form I have approved.

Dated: January 23, 1995

"J. M. White J."