

Court File No. CV-16-544546

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

DIANE ZETTEL, CAMERON GRANT and CHAD HAGEL
Applicants

- and -

UNIVERSITY OF TORONTO MISSISSAUGA STUDENTS' UNION
Respondent

CROSS-EXAMINATION OF FRANCESCO OTELLO-DELUCA
on his Affidavit sworn March 4, 2016,
held at the offices of ASAP Reporting Services Inc.,
333 Bay Street, Suite 900, Toronto, Ontario,
on Tuesday, March 15, 2016, at 9:41 a.m.

CONDENSED TRANSCRIPT WITH INDEX

APPEARANCES:

Marty Moore on behalf of the Applicants
Alan Honner

Alexi Wood on behalf of the Respondent
Jennifer Saville

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LIST OF REFUSALS

Refusals (REF) found at pages:
13, 18, 23, 25, 28, 58, 63, 71, 83, 99,
111, 117, and 118

LIST OF EXHIBITS

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1 Toronto, Ontario
2 --- Upon commencing Tuesday, March 15, 2016, at
3 9:41 a.m.
4 SWORN: FRANCESCO OTELLO-DELUCA
5 CROSS-EXAMINATION BY MR. MOORE:
6 1 Q. Mr. Otello-Deluca, could
7 you state your name for the record?
8 A. Francesco Otello-Deluca.
9 2 Q. You have just sworn to
10 tell the truth today. Is that oath binding on
11 your conscience?
12 A. Yes.
13 3 Q. Will the answers you give
14 today be also binding on the University of Toronto
15 Mississauga Student Union?
16 A. Yes.
17 4 Q. When I refer to UTMSU,
18 you understand I am referring to University of
19 Toronto Mississauga Student Union?
20 A. I do.
21 5 Q. Or if I say "student
22 union," you also understand I am referring to that
23 same student union?
24 A. Yes.
25 6 Q. When I refer to UTM

1 Students for Life -- actually, when I say "SFL,"
2 you understand I am referring to UTM Students for
3 Life?
4 A. Yes.
5 MS. WOOD: Just to save me
6 some time in the afternoon, I assume you have no
7 problem with me using those same short forms
8 during my questioning.
9 MR. MOORE: Right. No problem
10 with that, as well.
11 MS. WOOD: Thank you.
12 MR. MOORE:
13 7 Q. You are here on behalf of
14 UTMSU. I am questioning on behalf of SFL just for
15 the clarification. Mr. Otello-Deluca, you were
16 the VP Campus Life in the 2014-2015 school year?
17 A. Yes.
18 8 Q. In that period of time,
19 you were on the Clubs Committee and oversaw the
20 approval of new clubs?
21 A. Correct.
22 9 Q. In 2014, do you recall
23 the application for SFL to be a student group, a
24 recognized student group there at UTMSU?
25 A. They were.

1 10 Q. Do you recall anything
2 about that application?
3 MS. WOOD: Could you be more
4 specific?
5 MR. MOORE:
6 11 Q. Do you recall that
7 application?
8 A. I recall the application,
9 yes.
10 12 Q. Do you recall noting what
11 kind of club SFL was?
12 A. They were a new club
13 applying for recognition.
14 13 Q. Do you recall
15 understanding what focus that club was taking?
16 A. Not specifically, no, at
17 that point in time.
18 14 Q. Did you review the
19 application of that club?
20 A. I did.
21 15 Q. Did you notice that club
22 took a pro-life viewpoint?
23 A. At that point, yes, we
24 did.
25 16 Q. You approved that club

1 without asking them further questions in
2 2014-2015?
3 A. With the rest of our new
4 clubs, yes.
5 17 Q. Do you recall any
6 concerns being raised about SFL during that
7 application process?
8 A. Not during the
9 application process.
10 18 Q. Before that club was
11 proved in 2014, there was no concerns that were
12 raised?
13 A. Not initially, no.
14 19 Q. But you had reviewed the
15 application that is located at Exhibit G of your
16 affidavit?
17 A. Yes.
18 20 Q. On the third page --
19 sorry. The fourth page of that exhibit, how many
20 executives are listed for that club?
21 A. There are three.
22 21 Q. This Exhibit G was the
23 application for club recognition that you approved
24 in 2014?
25 A. Correct.

1 22 Q. Thank you. Is there a
2 difference between approval of a club and renewal
3 of a club? Is there a different process that the
4 clubs go through, or do they all go through the
5 same process every year?

6 A. The difference is, with
7 the initial approval, they are on that one-year
8 trial basis, and there is no initial financial
9 audits during an initial approval. During a
10 re-recognition process, there is a more in-depth
11 overview of the club documents and their
12 financials from the year previous.

13 23 Q. On renewal applications
14 after the first year, they are reviewed more than
15 they are reviewed the first year?

16 A. Correct.

17 24 Q. But they have official
18 club status from the first year. It is just
19 conditional -- it is without the financial
20 benefit?

21 A. Can you explain that?

22 25 Q. Sorry. If you could
23 actually strike that last question. The approval
24 process in the first year gives these clubs
25 official status with UTMSU; correct?

1 A. Yes. On a trial basis.

2 26 Q. The renewal process
3 confirms that?

4 A. They will have full
5 benefits upon the re-recognition after the first
6 year.

7 27 Q. Do you review -- describe
8 the review you do for clubs initially, their
9 initial application. What kind of review do you
10 do of that club?

11 A. Everything is stated
12 within the affidavit for the process.

13 28 Q. All right. Could you
14 give me a brief description of what that entails
15 in addition to reviewing the documents? Is that
16 all that entails?

17 A. For the initial?

18 29 Q. When a club initially
19 applies to become a recognized club with UTMSU,
20 what do you do to review that club?

21 A. We look over all the
22 documents and do our best to ensure that
23 everything is in order.

24 30 Q. Do you consider the
25 nature of that club during that review?

1 A. As a student union, we
2 want to give the opportunity to student clubs to
3 show our members what they have to bring to the
4 table. The actual nature of the club is not
5 thoroughly investigated upon the initial
6 application process.

7 31 Q. In the year of 2014-2015
8 school year, did you have any discussions with SFL
9 concerning their club or their club activity?

10 MS. WOOD: Any discussions at
11 all?

12 MR. MOORE:

13 32 Q. Any discussions at all
14 with SFL concerning their club or their club
15 activities?

16 A. Me personally?

17 33 Q. You personally.

18 A. I do not recall.

19 34 Q. Do you recall receiving
20 complaints about SFL during the 2014-2015 school
21 year?

22 A. I do.

23 35 Q. What form were those
24 complains in?

25 A. They were verbal.

1 36 Q. Verbal complaints to you?

2 A. Not to me directly. They
3 were given to other members of the union and then
4 related back to me.

5 37 Q. All right. Did you raise
6 those complaints with SFL?

7 A. No, I did not.

8 38 Q. What was the nature of
9 those complaints?

10 A. The complaint were based
11 on the activities that the club were partaking on
12 our campus.

13 39 Q. All right. What was the
14 nature -- what was the focus of those activities?
15 What was the content of the expression of those
16 activities?

17 A. The main things which are
18 stated in the affidavit are posters and, I guess,
19 materials that they were using while tabling on
20 campus.

21 40 Q. The complaints were about
22 the content of the posters and the content of the
23 materials that were being used?

24 A. Yes.

25 41 Q. What was the content of

1 those posters and materials if you recall hearing?
2 A. I believe it is also
3 stated within the affidavit, but it was images of
4 different stages of pregnancy and unborn fetuses
5 which led to making members of the union and
6 students feel uncomfortable.
7 42 Q. The complaints were that
8 students felt uncomfortable by the images?
9 A. Yes.
10 43 Q. But you did not raise
11 those complaints with SFL while they were -- you
12 did not raise those complaint with SFL?
13 A. I did not.
14 44 Q. Are you aware if any
15 other members of the Clubs Committee or UTMSU
16 raised those complaints with SFL?
17 A. I do not know.
18 45 Q. Do you recall what
19 position SFL takes on the abortion issue or
20 concerning abortion?
21 A. To my knowledge, SFL is a
22 pro-life club.
23 46 Q. Do you recall whether the
24 complaints about SFL had to do with their
25 expression of pro-life views?

1 that to mean?
2 A. Am I allowed to review
3 their description of it within their documents?
4 52 Q. Certainly.
5 MS. WOOD: I think it is in
6 their application here.
7 THE WITNESS: It should be
8 within their constitution.
9 MS. WOOD: I will just
10 interrupt for a second. This is a different club
11 constitution. Mr. Moore, in your client's
12 affidavit, she has attached a constitution which
13 is at Exhibit A. It may contain the information
14 that my client is looking for.
15 THE WITNESS: All right.
16 After reading this, my interpretation of pro-life
17 would be the manner that aims to protect and
18 respect human life.
19 MR. MOORE:
20 53 Q. All right.
21 A. As stated within the
22 SFL's constitution.
23 54 Q. In the context of a
24 discussion concerning unborn fetuses, do you
25 understand that the pro-life view is to protect

1 A. I do not recall
2 specifically.
3 47 Q. Do you recall whether
4 SFL's materials expressed the view that unborn
5 fetuses had human rights?
6 A. I don't know.
7 48 Q. What is the pro-life view
8 in your description? You described SFL as a
9 pro-life club. What is the pro-life view in your
10 description? When you describe SFL as a pro-life
11 club, what are you describing them as?
12 A. Me personally?
13 49 Q. Right.
14 REF MS. WOOD: I am not sure his
15 personal view on what that means is relevant.
16 That is how SFL describes themselves.
17 MR. MOORE:
18 50 Q. How do you understand
19 SFL's description of themselves as a pro-life
20 club? What does that mean? What do you
21 understand that to mean?
22 A. My understanding of what
23 pro-life means is what you are asking?
24 51 Q. As SFL describes
25 themselves as pro-life, what do you understand

1 that unborn fetus as human life?
2 A. I understand that is the
3 viewpoint, yes.
4 55 Q. The pro-life view to sum
5 it up would be protecting unborn fetuses as human?
6 A. Yes.
7 56 Q. All right. Thank you.
8 Now, in the context of your affidavit, at
9 paragraph 8, you describe CFS which is the
10 Canadian Federation of Students, as -- sorry. You
11 describe UTMSU as a member local of the Canadian
12 Federation of Students. Is that correct?
13 A. Yes.
14 57 Q. What does it mean for
15 UTMSU to be a member local of CFS?
16 A. It means that we are a
17 part of the larger student movement across Canada.
18 It means that we endorse the same policies that
19 the Canadian Federation of Students has.
20 58 Q. All right. You are a
21 part of the larger student movement. What does
22 that mean as far as being a part of the larger
23 student movement?
24 A. That is what the Canadian
25 Federation is. It is a combination of various

1 student unions all across Canada. It kind of
2 encompasses a student movement.
3 59 Q. Are you controlled by CFS
4 then?
5 A. We are not controlled by
6 CFS, no.
7 60 Q. CFS is an external
8 association of other student groups that represent
9 the student movement in Canada? Would you
10 describe it as that?
11 A. Yes. It would be an
12 external organization.
13 61 Q. When you describe at
14 paragraph, I believe, 11 of your affidavit, you
15 state that CFS endorses UTMSU's policies?
16 MS. WOOD: Other way around.
17 MR. MOORE:
18 62 Q. I'm sorry. UTMSU
19 endorses CFS's policies?
20 A. Correct.
21 63 Q. What do you mean by
22 endorsing CFS's policies?
23 A. It means that the
24 policies that the CFS has are the same policies
25 that we choose to follow.

1 64 Q. UTMSU chooses to follow
2 CFS's policies. That is what it means by
3 endorsing those policies?
4 A. Correct.
5 65 Q. How does UTMSU choose to
6 follow CFS policies? Does it take votes at board
7 meetings to choose to follow CFS policies?
8 A. There are general
9 meetings that the CFS holds. UTMSU does attend
10 those meetings. We vote on different policy
11 changes to the CFS as a whole. We participate in
12 different actions and campaigns that CFS takes a
13 lead on.
14 66 Q. Has UTMSU ever taken a
15 policy position different than a CFS policy?
16 A. I don't know.
17 67 Q. Do you know if UTMSU has
18 ever advocated for a change in CFS policies at
19 those meetings?
20 A. We have made amendments
21 to policies at the CFS.
22 68 Q. Are CFS policies binding
23 on UTMSU members?
24 MS. WOOD: How do you mean
25 "UTMSU members"?

1 MR. MOORE:
2 69 Q. Can CFS enforce its
3 policies against UTMSU members, the individual
4 students at UTMSU?
5 REF MS. WOOD: I am going to step
6 in for a minute. That seems like a bit of a legal
7 question in terms of the level of enforcement that
8 could happen. I am not really sure he is
9 qualified to answer that legal analysis.
10 MR. MOORE:
11 70 Q. Does CFS take steps to
12 determine whether UTMSU members, as in students at
13 UTM, comply with CFS policies?
14 A. So just to clarify, the
15 question is does the CFS basically, like, push
16 their policies onto students?
17 71 Q. Yes. Do they do that?
18 A. No.
19 72 Q. Are all the students at
20 UTM required to support CFS policies?
21 A. No.
22 73 Q. Do CFS's policies trump
23 UTMSU's own policies?
24 A. In regards to stuff
25 happening on the UTM campus, our policies are

1 first and foremost. The organizations that we are
2 a part of also play a role within the actions that
3 we partake in.
4 74 Q. UTMSU policies are of the
5 highest order as far as policies go enforced at
6 UTM?
7 A. Correct.
8 75 Q. By the student union?
9 A. Yes.
10 76 Q. In regards to UTMSU's
11 affiliation with CFS, was that -- did that occur
12 by initial referendum, do you know?
13 A. To my knowledge, yes.
14 77 Q. Are you aware whether
15 that initial referendum required at least 10
16 percent of the students to vote in that
17 referendum?
18 A. I was not a student at
19 the time, so I do not know.
20 78 Q. You not familiar with the
21 policies that CFS has in order for organizations
22 to join an affiliation?
23 A. I have reviewed it. I
24 don't know if they are the same now that they were
25 when UTMSU initially joined.

1 79 Q. The policies that you
2 review, does it -- is it in agreement with your
3 recollection that those policies currently stand
4 with a 10 percent of the student vote in a
5 referendum and then a 50 percent of that vote in
6 favour of joining CFS?

7 A. I would have to review
8 it. I can't say for certain right now.

9 80 Q. Is it your understanding
10 that if a group -- if a student group takes a
11 position opposed to a position taken by a CFS
12 policy that that student group will lose its
13 recognition from UTMSU?

14 A. It goes by what the
15 student union stands for.

16 81 Q. What does the student
17 union stand for then?

18 A. Given that UTMSU does
19 endorse the same policies that the CFS does, then
20 those viewpoints also take a -- play a role within
21 the views that UTMSU stands by.

22 82 Q. UTMSU will choose which
23 views they will stand by in regards to policies
24 that they will enforce against student groups?
25

A. Can you repeat that?

1 83 Q. You state that what a
2 student group must comply with is the policies
3 that student union stands by?

4 A. Yes, by the mandates that
5 we have.

6 84 Q. All right. UTMSU chooses
7 what policies it stands by then; correct?

8 MS. WOOD: I am not sure I am
9 following what you mean by "UTMSU chooses" the
10 policies.

11 MR. MOORE:

12 85 Q. I am trying to
13 understand, I guess, the answer. CFS policies,
14 does UTMSU stand by all the CFS policies?

15 MS. WOOD: Do you know?

16 THE WITNESS: I can't speak
17 for certain. I don't know what policies UTMSU has
18 stood by before I was a member. I can't speak for
19 what they are going to stand by after I am a
20 member.

21 MR. MOORE:

22 86 Q. To your understanding,
23 UTMSU stand by the Women's Students' Issues policy
24 of CFS?
25

A. Correct.

1 87 Q. How do you know that CFS
2 stands by that policy? Sorry. How do you know
3 that UTMSU stands by that policy, the Women's
4 Students' Issues policy?

5 A. I am trying to think back
6 to different conversations that we have had at CFS
7 meetings. I personally was not a part of those
8 conversations, but I know for certain that the
9 members of UTMSU who do identify as women and do
10 identify as female are in support of this policy.
11 We as a whole do support this policy.

12 88 Q. When you say "we as a
13 whole do support the Women's Students' Issues
14 policy," do you mean that all students at UTMSU
15 support that policy?

16 A. I mean the, I guess,
17 administration of UTMSU.

18 89 Q. All right. The
19 administration of UTMSU supports the Women's
20 Issues policy. Do you know if they support any
21 other policies of CFS?

22 A. We do support other
23 policies, yes.

24 90 Q. I am presenting to you
25 the policy from page -- it doesn't have a page

1 number. This is the CFS policy concerning sexual
2 orientation.

3 A. All right.

4 MS. WOOD: Sorry. Where is
5 this from?

6 MR. MOORE: This is from the
7 CFS policy manual that is referenced at paragraph
8 10 of your affidavit.

9 91 Q. Are you aware of this
10 policy?

11 A. I haven't read over the
12 policy specifically, but I am aware that the CFS
13 does have policies like this.

14 92 Q. Are you aware
15 specifically whether UTMSU has chosen to stand by
16 this policy concerning sexual orientation?

17 A. To my knowledge, I
18 believe we do.

19 93 Q. In reference to student
20 groups, if a student group adopted a position
21 contrary to this policy, would UTMSU take steps to
22 remove the recognition of that student group?

23 REF MS. WOOD: That is a
24 hypothetical question. He can't answer that.

25 MR. MOORE:

1 94 Q. In regards to UTMSU
2 standing by its policies, when you reference
3 standing by a policy, does that mean all student
4 groups must comply with the policy that UTMSU has
5 stood by?
6 A. Yes.
7 95 Q. When you state comply
8 with the policy, do you require that all student
9 groups have views in line with that policy that
10 you are standing by?
11 A. Meaning that the club
12 agrees with the policy that we have?
13 96 Q. Sure, yes.
14 A. By complying with our
15 policies then they will have to, in a way, agree
16 with it.
17 97 Q. If a club takes a
18 position that is contrary to a policy UTMSU has
19 chosen to stand by, that club is now out of
20 compliance with the requirements of being a
21 student group; correct?
22 A. In the sense that the
23 clubs need to -- cannot contradict the mandate of
24 the union, yes.
25 98 Q. I am going to show you

1 one more policy. This is the trade agreements
2 policy also from the same manual referenced at
3 paragraph 10. Were you aware that CFS had a
4 policy concerning trade agreements and the concept
5 of free trade?
6 A. Not specifically, no.
7 99 Q. Do you know if UTMSU has
8 endorsed this particular trade agreement's policy?
9 A. I don't know.
10 100 Q. You are not aware if
11 UTMSU has chosen to stand by this policy?
12 MS. WOOD: I think that is
13 what he said.
14 MR. MOORE: All right.
15 101 Q. If UTMSU encountered a
16 CFS policy that they felt contradicted its
17 mandate, would UTMSU be free not to stand by that
18 policy?
19 REF MS. WOOD: I am not really
20 sure that is an appropriate question. There would
21 be so many levels of government that would have to
22 be involved in that decision. It is not
23 necessarily for Mr. Otello-DelUCA, himself, to
24 answer that question. I presume there would be
25 collaboration. There would be discussion. Taken

1 in the abstract, I don't think that is an
2 appropriate question.
3 MR. MOORE: All right.
4 102 Q. If I understand correctly
5 then, UTMSU -- you wouldn't be able to say whether
6 UTMSU would take a policy -- stand by a particular
7 CFS policy or not; correct?
8 A. Me personally, no.
9 103 Q. It would have to involve
10 the greater governing structure of UTMSU to
11 determine whether it would stand by a particular
12 policy?
13 A. Correct.
14 104 Q. Do you know if UTMSU
15 adopts specific motions to endorse specific CFS
16 policies or not?
17 MS. WOOD: At UTMSU meetings
18 do you mean?
19 MR. MOORE: Yes.
20 105 Q. Do they have specific
21 motions where they adopt specific CFS policies?
22 A. We have adopted motions
23 where we took action based on things set out by
24 the CFS.
25 106 Q. All right. In those

1 motions, you specifically adopt CFS policies and
2 take action on them?
3 A. I wouldn't say, like, a
4 specific policy per se but things that are related
5 to policies.
6 107 Q. Could you describe what
7 you mean by that?
8 A. Sure. For example, at
9 CFS meetings there are different things brought
10 forward to those general meetings, different
11 things going on around the world.
12 There is a motion that
13 requires member locals of the CFS to send out
14 letters to different levels of governments, for
15 example, and those things are passed through the
16 different governance levels of UTMSU.
17 108 Q. All right. Then UTMSU
18 adopts motions to take action on those specific
19 motions that have occurred at CFS meetings?
20 A. Correct.
21 109 Q. At paragraph 10, you
22 describe CFS as a "pro-choice organization."
23 Could you describe what you mean by stating that
24 CFS is a pro-choice organization?
25 A. It is within the

1 definition of pro-choice itself which gives the
2 woman the right to choose whether or not she would
3 want to have an abortion.
4 110 Q. Do you believe that
5 pro-life is the opposite of pro-choice in regards
6 to abortion?
7 MS. WOOD: I am not sure Mr.
8 Otello-Deluca's personal beliefs are relevant.
9 MR. MOORE: All right. I am
10 just trying to understand what he means when he
11 says that CFS is a pro-choice organization in
12 reference to SFL being a pro-choice organization.
13 REF MS. WOOD: He gave you his
14 explanation of CFS being a pro-choice
15 organization. It is also included within his
16 affidavit. He has answered questions already
17 about SFL's mandate.
18 MR. MOORE:
19 111 Q. Could you describe CFS as
20 also pro-life as you have described or understood
21 the description of pro-life before?
22 MS. WOOD: I am not sure -- I
23 am not following that question.
24 MR. MOORE: All right.
25 112 Q. Do you believe that --

1 would you describe UTMSU as a "pro-choice
2 organization"?
3 A. Given that we endorse the
4 policies of the CFS, then yes.
5 113 Q. Has UTMSU made any of its
6 own policies or statements that have labelled
7 itself as a pro-choice organization?
8 A. Statements, I don't know.
9 All of our policies are within the affidavit.
10 114 Q. Would you be able to
11 point me to a specific policy of UTMSU that states
12 that it is a pro-choice organization?
13 A. To my knowledge, I don't
14 know if we have a specific policy for that. We
15 just endorse the policies that have been set out
16 by the CFS.
17 115 Q. All right. The CFS has a
18 specific policy called the Women's Students'
19 Issues policy. Would you describe that policy as
20 pro-choice?
21 A. Yes.
22 116 Q. Does CFS have a similar
23 Women's Issue policy itself? Sorry. Does UTMSU
24 have a similar Women's Issues policy that you
25 would also describe as pro-choice?

1 A. I can't recall if we have
2 a specific policy on it.
3 117 Q. Students who are members
4 of UTMSU, do they have to endorse all the policies
5 that UTMSU endorses?
6 MS. WOOD: Do they have to
7 personally believe it?
8 MR. MOORE:
9 118 Q. Do they have to
10 personally endorse the policies of UTMSU as
11 members of UTMSU?
12 A. As a member, no.
13 119 Q. In order to receive the
14 benefits of membership in UTMSU, do those student
15 have to endorse the policies that UTMSU endorses?
16 A. What do you mean
17 by "benefits"?
18 120 Q. UTMSU provides numerous
19 benefits, whether it is printing --
20 MS. WOOD: Like the health and
21 dental?
22 MR. MOORE:
23 121 Q. The health and dental?
24 A. That is available to all
25 our members.

1 122 Q. Free printing for
2 students?
3 A. We charge 5 cents for a
4 black and white sheet.
5 MS. WOOD: That it would be
6 available to all members regardless of their
7 beliefs?
8 THE WITNESS: It is available
9 to all of our members. Correct, yes.
10 MR. MOORE:
11 123 Q. In regards to student
12 groups, they must endorse all the policies that
13 UTMSU endorses, as well, in order to receive the
14 benefits?
15 A. To receive club status,
16 they must comply with our mandates, yes.
17 124 Q. In compliance, you mean
18 endorsing those policies?
19 A. Yes.
20 125 Q. Would you agree that
21 there is a wide diversity that exists in the
22 student body at UTM?
23 A. Yes.
24 126 Q. A wide diversity of
25 social beliefs and views?

1 A. Yes.
2 127 Q. Some of the students
3 probably would have views that contradict the
4 views of other students; correct?
5 A. Yes.
6 128 Q. Does UTMSU support the
7 diversity in the student body there at UTMSU?
8 A. Yes.
9 129 Q. UTMSU is not seeking to
10 ensure that all students adopt the same social and
11 cultural values?
12 A. Can you repeat that?
13 130 Q. Is UTMSU seeking to have
14 all the UTMSU members adopt the same social and
15 cultural values?
16 A. No. We don't force
17 students to believe what it says within our
18 documents.
19 131 Q. Does UTMSU seek to
20 respect the social and cultural diversity that
21 exists in its student body?
22 A. We do.
23 132 Q. Do you know if UTMSU has
24 any policies that require it to respect that
25 diversity?

1 it wasn't phrased as Mr. Otello-DelUCA's personal
2 beliefs.
3 MR. MOORE: All right.
4 136 Q. Mr. Otello-DelUCA, is
5 that statement reflective of a policy that UTMSU
6 has adopted?
7 A. Yes.
8 137 Q. Would you agree with me
9 that statement protects the diversity within the
10 student body concerning their cultural and social
11 values?
12 A. Yes.
13 138 Q. Turning your attention to
14 paragraph 17 of your affidavit?
15 MS. WOOD: I am just going to
16 interrupt. If at any point you need a break, just
17 let us know.
18 MR. MOORE:
19 139 Q. At paragraph 17 of your
20 affidavit, you indicate that:
21 "The Clubs Committee
22 reviews and approves all
23 applications for student
24 group status and ensures
25 that a student group's

1 A. That are required to
2 respect the diversity within our campus?
3 133 Q. Right.
4 A. I believe that is stated
5 within our mandate.
6 134 Q. If I turn to paragraph 54
7 of your affidavit, and reading -- sorry. At
8 paragraph 53 of your affidavit, you state that:
9 "UTMSU has an obligation
10 to safeguard the rights
11 of all of its members
12 regardless of race,
13 colour, creed, sex,
14 nationality, place of
15 origin, or personal or
16 political beliefs." (As
17 read.)
18 Did I read that correctly,
19 paragraph 53?
20 A. Yes.
21 135 Q. I'm sorry. I should have
22 waited for you. Do you believe that statement is
23 reflective of a policy that UTMSU has adopted?
24 MS. WOOD: I don't necessarily
25 object to the question. I would just prefer that

1 mandate conforms with the
2 UTMSU policies." (As
3 read.)
4 Did I read that correctly?
5 A. Yes.
6 140 Q. Where does the Clubs
7 Committee get the authority to ensure that the
8 student group's mandate conforms with UTMSU
9 policies? Do you know?
10 A. The authority is given
11 through a constitution of bylaws and within our
12 policy itself.
13 141 Q. Within what particular
14 policy? Do you know?
15 A. The Union Club policy.
16 142 Q. All right. Just off the
17 record.
18 --- (Off-record discussion)
19 MR. MOORE:
20 143 Q. We are looking at the
21 Union Clubs' policy, at Exhibit F, page 171, of
22 your affidavit, Mr. Otello-DelUCA. Could you
23 indicate where in this policy it gives the Clubs
24 Committee the authority to ensure that "a student
25 group's mandate conforms with UTMSU policies"? (As

1 read.)
 2 MS. WOOD: I am just going to
 3 interrupt for one second. I don't believe my
 4 client said specifically it was there. He said it
 5 was within the broader documents. It may be that
 6 it is something he can find in another document.
 7 I just wanted to be clear about that. I am not
 8 trying to direct him on where it is.
 9 THE WITNESS: I was just going
 10 to state over here it says:
 11 "Recognized campus groups
 12 shall abide by all the
 13 conditions and
 14 restrictions enumerated
 15 in the Union Clubs'
 16 handbook,"
 17 which is included in this affidavit. It says:
 18 "Responsibility for the
 19 implementation of this
 20 policy is delegated to
 21 the Clubs Committee and
 22 the Vice President Campus
 23 Life." (As read.)
 24 MR. MOORE:
 25 144 Q. This Union Clubs' policy

1 requires that all recognized campus clubs comply
 2 with the Union Clubs' handbook; correct?
 3 A. Correct.
 4 145 Q. Do you know if the Union
 5 Clubs' handbook requires that all campus clubs
 6 comply with CFS policies?
 7 A. I would need to check.
 8 Where is it?
 9 MS. WOOD: The handbook is at
 10 tab E.
 11 THE WITNESS: At E? Within
 12 the handbook, at page 119 on No. 2, it says:
 13 "All union recognized
 14 clubs must adhere to
 15 UTMSU's club-related
 16 policies as stipulated in
 17 this handbook and the
 18 UTMSU constitution and
 19 the University of Toronto
 20 Student Code of Conduct
 21 at the discretion of the
 22 Clubs Committee at
 23 UTMSU." (As read.)
 24 MR. MOORE:
 25 146 Q. Does that require that

1 all student groups comply with CFS policies?
 2 A. With CFS policies
 3 directly, no.
 4 147 Q. Do you know if a club's
 5 objectives must be supported by the other students
 6 in UTMSU in order for that club to be a recognized
 7 student group? Must it be supported by all other
 8 students at UTMSU in order for it to be a
 9 recognized student group?
 10 A. No.
 11 148 Q. The Clubs Committee
 12 reviews and approves applications for renewal and
 13 student group status; correct?
 14 A. The Clubs Committee, yes.
 15 149 Q. At paragraph 36 of your
 16 affidavit, you state that "The Clubs Committee
 17 frequent goes in-camera when discussing student
 18 group applications." (As read.) Could you
 19 describe why the Clubs Committee goes in-camera to
 20 discuss these application?
 21 A. Yes. We are dealing with
 22 student information. When we are talking about
 23 club statuses, we are dealing with different
 24 financial implications. We are dealing with
 25 students' names. By virtue of confidentiality, we

1 don't want that student information to be
 2 reflected within our minutes for everybody to see.
 3 150 Q. Is there anything
 4 recorded from in-camera discussions?
 5 A. No.
 6 151 Q. No notes are taken?
 7 A. No.
 8 152 Q. Do you know if the
 9 discussions concerning SFL that were held
 10 in-camera were discussions that involved the
 11 confidential information of the applicants in this
 12 action, Chad Hagel, Diane Zettel, or Cameron
 13 Grant?
 14 A. I can't recall.
 15 153 Q. Do you recall why the
 16 discussions concerning SFL were held in-camera?
 17 A. To my recollection, it
 18 was -- we just -- it is a sensitive topic that
 19 people wanted to speak openly on. To respect the
 20 individuals of the committee's views, we went into
 21 camera for that reason.
 22 154 Q. Members of the Clubs
 23 Committee are elected from the UTMSU student body;
 24 correct? Or elected by the UTMSU students?
 25 A. The members of the Clubs

1 Committee?
2 155 Q. Yes.
3 A. The members of the Clubs
4 Committee are board of directors, then those board
5 of directors are appointed amongst themselves to
6 specific committees.
7 156 Q. Members of the board of
8 directors are elected by the --
9 A. The student body, yes.
10 157 Q. You, yourself, are not a
11 member of the board of directors?
12 A. I am a member of the
13 board of directors.
14 158 Q. Is Russ Adade a member of
15 the board of directors?
16 A. As a non-voting member.
17 159 Q. Are you a voting member
18 of the board of directors?
19 A. Yes, for the 2015-2016
20 year.
21 160 Q. Do you have any examples
22 of the board of directors reviewing decisions of
23 the Clubs Committee concerning student group
24 status applications?
25 MS. WOOD: Sorry. I want to

1 A. To my recollection
2 specifically on a status renewal or a status
3 application, I don't think we have.
4 165 Q. All right. Do you know
5 board of directors policies permit it to go
6 in-camera concerning those discussions?
7 A. If the board wishes to do
8 so, they could.
9 166 Q. Are you aware of other
10 circumstances where the board of directors has
11 gone in-camera?
12 A. Yes.
13 167 Q. If a student group
14 chooses not to have student group recognition from
15 UTMSU is it subject to UTMSU's policies concerning
16 student groups?
17 A. Meaning if a student club
18 does not want to have a club status under UTMSU,
19 would those student groups still need to abide by
20 the UTMSU student policies?
21 168 Q. Correct.
22 A. No, because they are not
23 affiliated with UTMSU.
24 169 Q. A student group that
25 doesn't have recognition from UTMSU would not have

1 clarify. What you mean by "reviewing"? It is my
2 understanding they are all ratified by the board
3 at the end of the day.
4 MR. MOORE:
5 161 Q. Is that your
6 understanding that all decisions of the Clubs
7 Committee are ratified by the board of directors
8 of UTMSU?
9 A. That is correct.
10 162 Q. The decision of the Clubs
11 Committee to take away the student group's status
12 of SFL was ratified by the board of directors?
13 A. Correct.
14 163 Q. Are you aware of what
15 process the board of directors reviews the
16 decisions of the Clubs Committee concerning
17 student groups' status?
18 A. They review the minutes
19 of the meetings. If there are any questions
20 regarding the minutes, they are able to bring up
21 any questions at the board meeting.
22 164 Q. Do you know if the board
23 of directors ever goes in-camera concerning
24 discussions of student groups' status
25 applications?

1 to comply with the UTMSU's Clubs' handbook or its
2 policies?
3 A. Not if they are not
4 recognized by UTMSU, no.
5 170 Q. What kind of actions does
6 UTMSU take to evaluate the actions or policies of
7 unrecognized student groups, if any?
8 A. Of unrecognized student
9 groups?
10 171 Q. Right.
11 A. We look after our
12 recognized student groups. The unrecognized
13 student groups are not subject to our, I guess,
14 supervision.
15 172 Q. All right. If an
16 unrecognized student group chooses to seek
17 recognition from UTMSU, what kind of evaluation
18 does UTMSU give that unrecognized student group?
19 MS. WOOD: Sorry. Are you now
20 just asking about the process to become a club?
21 MR. MOORE: Right.
22 173 Q. If an unrecognized
23 student group then applies to become a recognized
24 student group, is it subject to the same policies
25 that a brand new startup group would be in seeking

1 recognition from UTMSU?
2 A. Meaning that if a club
3 was already active on campus but not a part of
4 UTMSU and now wants to become a part of UTMSU?
5 174 Q. Yes.
6 A. Yes. They will still
7 need to abide by what we have in our policies and
8 handbooks.
9 175 Q. Going forward?
10 A. Yes.
11 176 Q. I am going to ask you
12 some questions concerning the benefits that UTMSU
13 provides to student groups that are recognized.
14 How much do you know -- do you know how much UTMSU
15 puts out as far as funding for student groups per
16 year?
17 A. For each club or in
18 total.
19 177 Q. In total.
20 A. This year the budget was
21 \$120,000.
22 178 Q. Do you know what the
23 largest amount of funding that any one student
24 group received from UTMSU is?
25 MS. WOOD: Sorry --

1 182 Q. All right. What would be
2 the most expensive space in the student centre for
3 a student group to book per hour?
4 A. I am trying to remember
5 the cost between a student group and an external
6 group. I can give the cost for an external group.
7 The student group pricing would be the same or
8 cheaper than that. For a one day, I believe it is
9 \$125 for a room.
10 183 Q. If a student -- if an
11 unrecognized student group sought to book that
12 room for a day, it would cost in the area of \$100
13 or \$125?
14 A. At a maximum.
15 MR. MOORE: I think now would
16 be a good time for a break.
17 MS. WOOD: Mr. Moore, just so
18 it is stated on the record, obviously -- I am
19 going to say his name wrong again.
20 THE WITNESS: Otello-DelUCA.
21 MS. WOOD: Not yours, Russ's.
22 THE WITNESS: Adade.
23 MS. WOOD: Thank you. I
24 pronounced it wrong all day yesterday when I was
25 meeting with him. Mr. Adade is here, and he is a

1 THE WITNESS: I don't know if
2 I am allowed to say that.
3 MS. WOOD: Also, I am not sure
4 I understand the question. There could be
5 different categories of funding.
6 THE WITNESS: The way we
7 allocate our funding is based on -- I believe it
8 says within the Funding policy under the Union
9 Club policy. We look at the amount of events, the
10 membership. Obviously, funding goes up each year
11 depending on how long you have been with the
12 union. There are many different factors that go
13 into an allocation of funding.
14 MR. MOORE:
15 179 Q. Do some student groups
16 receive up to \$5,000 a year?
17 A. Some do.
18 180 Q. Do some student groups
19 receive up to \$10,000 a year?
20 A. No.
21 181 Q. Do you know how much it
22 costs for an unrecognized student group to book
23 space in the student centre?
24 A. It depends on which space
25 we are talking about.

1 witness later. I know Ms. Zettel is here, and she
2 will be a witness later.
3 I just want to clarify that we
4 have excluded the witnesses from this examination.
5 I will not obviously be talking with my client
6 about his examination, nor will I be talking to
7 Mr. Adade about his examination.
8 I would presume that the same
9 will apply for Ms. Zettel, that you won't be
10 discussing what has already been discussed here in
11 this room with regard to her examination this
12 afternoon.
13 MR. MOORE: Yes. That is
14 correct. That is my understanding, as well.
15 MS. WOOD: Thank you. Off the
16 record.
17 --- Recess taken at 10:44 a.m.
18 --- Upon resuming at 10:59 a.m.
19 MR. MOORE: Prior to the
20 break, Mr. Otello-DelUCA, we were reviewing a
21 couple different policies from the CFS policy
22 manual. That policy manual is referenced at
23 paragraph 10 of your affidavit. It is the index
24 of that policy -- the table of contents, is
25 included at Exhibit B of your affidavit.

1 We were referencing
2 specifically the policies concerning sexual
3 orientation and trade agreements which are on page
4 41 in Exhibit B -- listed in the table of contents
5 on page 41 of Exhibit B. I am going to submit
6 these for marking as exhibits: first, the policy
7 concerning sexual orientation and then the policy
8 concerning trade agreements.
9 MS. WOOD: Exhibit 1 for
10 sexual orientation and Exhibit 2 for trade
11 agreements?
12 MR. MOORE: Yes.
13 EXHIBIT NO. 1: CFS
14 policy for sexual
15 orientation.
16 EXHIBIT NO. 2: CFS
17 policy for trade
18 agreements.
19 MS. WOOD: For the record so
20 we have it, Mr. Moore, I presume you accessed the
21 website that is referenced in paragraph 10 and
22 pulled these two exhibits off of that website.
23 MR. MOORE: Yes, that is
24 correct. I accessed the website and the CFS
25 policy manual that is referenced in paragraph 10.

1 That is where these two exhibits are from.
2 MS. WOOD: Thank you.
3 MR. MOORE:
4 184 Q. I am going to ask you
5 some questions concerning membership of student
6 groups, Mr. Adade?
7 MS. WOOD: This is Mr.
8 Otello-Deluca.
9 MR. MOORE: Sorry. Mr.
10 Otello-Deluca.
11 MS. WOOD: Now that we have
12 established how to pronounce it, we are all going
13 to be using that name.
14 MR. MOORE:
15 185 Q. My apologies. Are all
16 UTMSU members automatically members of all
17 registered UTMSU groups?
18 A. All clubs are open to all
19 UTMSU members.
20 186 Q. Does that mean that all
21 UTMSU members are also members of all registered
22 student groups?
23 A. Unless stated differently
24 within the specific club constitution.
25 187 Q. It is correct that all

1 UTMSU members are members of all registered
2 student groups?
3 A. I am trying to understand
4 the question properly.
5 188 Q. Maybe I will rephrase --
6 sorry.
7 A. Please.
8 189 Q. If I rephrase the
9 question --
10 A. Yes.
11 190 Q. Unless stated in the
12 constitution of the club, all UTMSU members are
13 members of that recognized club; correct?
14 A. If I recall correctly,
15 yes.
16 191 Q. Your understanding is
17 that all UTMSU members are members of all
18 recognized campus clubs unless that campus club
19 excludes that in its constitution?
20 A. To my current
21 understanding, yes. Can I review the Clubs'
22 handbook just to double check?
23 192 Q. You certainly can review
24 it.
25 A. After reading, I believe

1 that is the case, yes.
2 193 Q. In your affidavit, you
3 reference page 6 of the Clubs' handbook and that
4 is on page 121 of Exhibit E?
5 MS. WOOD: Right. That is
6 exactly what I was going to say. I think the page
7 numbers at the bottom of the Clubs' handbook are
8 cut off. Counting what we can see, I think it is
9 page 121 of the record.
10 MR. MOORE:
11 194 Q. Page 212, you reference
12 the statement in your affidavit that a club must
13 e-mail its members and notify them of the meeting.
14 I will direct your attention to the top of page
15 121, the second paragraph. It states as follows:
16 "For modification to
17 pass, a general meeting
18 must occur where all
19 members of the club are
20 informed and invited
21 through mass e-mail." (As
22 read.)
23 Do you understand that to
24 require --
25 A. Sorry. Where was that?

1 195 Q. Sorry. This is in the
2 second paragraph.
3 A. Yes.
4 196 Q. It is in the middle of
5 that second paragraph. I will read it again.
6 "For modification to
7 pass, a general meeting
8 must occur where all
9 members of the club are
10 informed and invited
11 through mass e-mail." (As
12 read.)
13 When a club notifies all
14 members of the club through a mass e-mail, does
15 that e-mail need to go to all UTMSU members or all
16 the members of that specific club?
17 A. I believe the
18 interpretation with this sentence, the members
19 they are referring to are the members that they
20 have submitted when they submitted their
21 recognition or re-recognition.
22 197 Q. All right. When it
23 refers to "all members of the club," that is not
24 referring to all the members of UTMSU, is it?
25 A. For this specific

1 portion, I believe it is the members who willingly
2 gave their information. It doesn't take away from
3 the fact that the meeting is open to all UTMSU
4 members.
5 198 Q. But that e-mail
6 specifically just goes to those who are listed
7 members of the club?
8 A. To my understanding.
9 199 Q. Do you know how other
10 members would be informed of that meeting if the
11 e-mail only goes to listed members of the club?
12 A. We have bulletin boards
13 that clubs have access to and even non-clubs have
14 access to put up posters, to give out
15 notifications. If they want to, they can inform
16 the VP Campus Life and Clubs Coordinator to say,
17 "I want help promoting this. Can you send out an
18 e-mail for me?" Those people also have, I
19 guess -- they can reach out to more people to
20 inform them of the meeting.
21 200 Q. All right. Do you know
22 if other clubs use the bulletin boards and other
23 means of promotion to promote amendments to their
24 constitution and internal changes such as
25 elections of executives for the club?

1 A. They promote for their
2 general meetings. The specific agendas for those
3 general meetings I am not aware of.
4 201 Q. In promoting for their
5 general meetings, are these meetings that just
6 deal with the general matters that the club is
7 focused on, as well?
8 A. It could be anything that
9 they want to bring forward. It could be just
10 general matters. It could be constitutional
11 changes. That is stated within the handbook, I
12 believe. You need to have one general meeting per
13 semester. Those clubs are abiding by those
14 policies. The content of the meeting itself is up
15 to the club that is hosting the meeting.
16 202 Q. If a club doesn't want to
17 advertise its internal elections or changes to its
18 constitution on the bulletin boards, does it have
19 to?
20 A. When it comes to, I
21 guess, elections specifically, there needs to be
22 some sort of promotion for that. I believe it is
23 stated either within -- I think it might be within
24 that handbook itself or -- and then as a
25 supporting documentation, whatever it says under

1 the election portion in the club's constitution
2 itself.
3 203 Q. All right. In the
4 regards to the modification of a club's
5 constitution that is referenced here on page 121,
6 is there any requirement in this section
7 concerning the modification of the constitution
8 for it to be published otherwise than a mass
9 e-mail to the members of the club?
10 A. Within this specific
11 paragraph, I do not see that. I will read the
12 elections portion. On page 122 of my affidavit,
13 under the election procedure, on the third bullet
14 point, it says:
15 "Advertising for
16 elections are mandatory
17 and are to take place
18 over a period of a
19 minimum of one week.
20 Advertising must be
21 visible throughout
22 campus." (As read.)
23 Then it speaks about the mass
24 e-mails, as well, in that portion. I believe the
25 interpretation for advertise visibly through

1 campus would be the posters on our bulletin boards
2 and stuff like that.
3 204 Q. This Clubs' handbook, the
4 policies we just referenced in the Clubs'
5 handbook, if I can turn your attention to page 119
6 also in this Clubs' handbook of your Exhibit E, at
7 bullet point No. 2, who does it say must adhere to
8 these policies?
9 A. All union recognized
10 clubs.
11 205 Q. Non-union recognized
12 clubs do not have to adhere to these policies?
13 A. Correct.
14 206 Q. If I understand you
15 correctly, Mr. Otello-Deluca, all UTMSU members
16 are members of all clubs that are recognized by
17 UTMSU unless those clubs specifically state
18 otherwise?
19 A. Correct.
20 207 Q. Even members of UTMSU who
21 disagree with the mandate of a club are members of
22 that club unless that club has stated otherwise?
23 A. Correct.
24 208 Q. If UTM Conservatives had
25 a meeting to change their constitution concerning

1 a policy or concerning anything in their
2 constitution and members of UTMSU that support the
3 NDP party -- if they showed up to vote against
4 those changes in that constitution, would there be
5 anything to stop them from doing that?
6 A. Unless there is anything
7 within the club's constitution that restricts
8 membership, to my knowledge, no.
9 209 Q. It is all right with
10 UTMSU for other groups to show up at meetings of
11 clubs that they disagree with and oppose the
12 voting process or the changes that club is
13 attempting to make?
14 A. I don't know if I can
15 speak on behalf of the viewpoints of those other
16 students that wish to do so. Within our handbook,
17 it says that you are a member of a club which
18 means you are eligible to go to those club
19 meetings if you wish to do so.
20 210 Q. It is your understanding
21 that they are also entitled to vote in those club
22 meetings?
23 A. Unless it is stated
24 otherwise within the constitution.
25 211 Q. You have various numbers

1 of clubs on campus including the UTM Catholic
2 Students' Club, which has a particular mandate and
3 a particular viewpoint which is referenced to the
4 Catholic Church in their policies; correct?
5 A. Correct.
6 212 Q. If the UTM Catholic
7 Students' Club showed up at a meeting of the Out
8 at UTM Club and voted against the policy changes
9 that Out at UTM was trying to make, would UTMSU
10 have a problem with that kind of involvement of
11 those students in the Out at UTM Club meeting?
12 REF MS. WOOD: Again, he has
13 already said he is not comfortable speaking on
14 behalf of UTMSU having a problem with something.
15 He has answered your question about how the
16 process works. He answered your question about
17 the membership and the voting. I think the
18 hypothetical is inappropriate. He answered your
19 questions about the process.
20 MR. MOORE: All right.
21 213 Q. To your knowledge, there
22 is no policy that UTMSU has that prohibits
23 students who are opposed to the mandate of a
24 specific club from voting in that club's election?
25 A. Not to my knowledge.

1 214 Q. Or in voting in that
2 club's constitutional changes or other meetings?
3 A. I don't know of a policy
4 that restricts that.
5 215 Q. But if other students
6 opposed to that club's meetings aren't notified of
7 that club's meetings, they are less likely to
8 appear at that club's meeting and vote against the
9 changes; correct?
10 A. If they don't know about
11 it, they won't be there.
12 216 Q. In regards to a student
13 group, a recognized student group, complying with
14 the Clubs' handbook, when it says "members of that
15 club" how does a student group determine who its
16 members are?
17 A. How does a club go about
18 determining --
19 217 Q. Who its members are?
20 When it requires that a student group notify its
21 members, in regards to the Clubs' handbook, who
22 are those members that the club must notify?
23 A. My interpretation is that
24 the direct people that they will be notifying are
25 the people who physically went to go sign up for

1 that club. Those are the primary ones. Again, if
2 there is nothing restricting it, then it is open
3 to all members.
4 218 Q. If a UTMSU member wants
5 to be notified of a club's meetings, they are
6 entitled to have their name added to that
7 membership list; correct?
8 A. Correct.
9 219 Q. They can request to have
10 their name added to the membership list of a club?
11 A. Correct.
12 220 Q. Then they would be
13 notified of all meetings pursuant to the Clubs'
14 handbook?
15 A. Correct.
16 221 Q. As a member of the club
17 under the Clubs' handbook?
18 A. Yes.
19 222 Q. If a club is beginning to
20 start the application process to become a
21 recognized club, can it simply name other members
22 of UTMSU as members of the club in its application
23 process, or does it need to actually have interest
24 from those members to be listed on that
25 application?

1 if that will count as being added as a member for
2 that.
3 227 Q. All right. Is it the
4 standard practice of the Clubs Committee to
5 reconsider its decision denying student group
6 status to clubs?
7 A. A standard practice? So
8 with -- I believe it states -- I don't remember
9 exactly where it is, but within the handbook or in
10 the affidavit itself, it says that the VP Campus
11 Life and Clubs Coordinator work with the club that
12 is seeking recognition to ensure that everything
13 is where it should be and then it goes to the
14 Clubs Committee for final approval.
15 If there are any issues within
16 there and the Clubs Committee decides to not move
17 forward with that club, then it is up to the
18 discretion of the Clubs Committee if they do wish
19 to reconsider it after any changes have been made
20 to comply with what we have set up.
21 228 Q. Do you know how many
22 decision to deny student group status the Clubs
23 Committee reconsidered last year?
24 A. Last year --
25 229 Q. As in 2015, from

1 A. Meaning through a
2 submission process, they are just adding whatever
3 name to the list?
4 223 Q. As long as they are a
5 student at UTMSU?
6 A. No. The students that
7 are signing up should want to be within that
8 initial 25.
9 224 Q. You can't just name
10 individuals within the initial 25 members who
11 don't support the actual club formation or
12 purpose?
13 A. Correct.
14 225 Q. What if one of those
15 individuals had attended a meeting of that club in
16 the past even though they don't support the
17 mandate of that club? Could that person be
18 claimed as a member of that club in its
19 application for recognition?
20 A. You are meaning before
21 the club has been recognized?
22 226 Q. Right.
23 A. That person who attended
24 the meeting will be listed as a member on the 25
25 member list? To be honest with you, I don't know

1 applications for renewal or applications for club
2 status in the 2015-2016 school year?
3 A. The exact number, I don't
4 know.
5 230 Q. Do you know if it was
6 more than one?
7 A. Yes.
8 231 Q. Do you know if it was
9 more than five?
10 A. I can't recall the exact
11 number.
12 232 Q. Would those
13 reconsiderations be listed in the minutes of the
14 Clubs Committee meetings?
15 A. Yes.
16 233 Q. I would like to request
17 an undertaking to identify how many Clubs
18 Committee reconsiderations of denials of student
19 group status there were in 2015?
20 REF MS. WOOD: He has told you
21 they are in the minutes. Those are public.
22 MR. MOORE: Those are public?
23 234 Q. The minutes of the Clubs
24 Committee meetings are attached to your affidavit;
25 correct?

1 A. Yes.
2 235 Q. Would you be able to
3 identify where in those minutes it indicates the
4 Clubs Committee decisions to reconsider decisions
5 that it had previously denied for student groups
6 status?
7 MS. WOOD: We didn't attach
8 all the minutes of the Clubs Committee. It is
9 only the relevant ones.
10 MR. MOORE:
11 236 Q. Do you know the names of
12 any of the clubs that the Clubs Committee has
13 reconsidered the decisions to deny their status
14 on?
15 A. I can't recall the exact
16 names of the clubs.
17 237 Q. All right. If I search
18 the minutes of the Clubs Committee meetings for
19 2015, I will find some other clubs that you have
20 denied status to and reconsidered their decisions?
21 A. Yes. They should be in
22 there.
23 238 Q. Do you know if the Clubs
24 Committee has ever reversed its prior decision to
25 reject a club?

1 A. Rejecting and then
2 accepting it?
3 239 Q. Right.
4 A. Yes.
5 240 Q. Do you know if that has
6 happened this year?
7 A. Yes.
8 241 Q. Do you know what club
9 that happened to?
10 A. I don't remember the
11 exact name. Russ might.
12 242 Q. Did that occur within the
13 last six months?
14 A. I believe so.
15 243 Q. Do you know why that club
16 was rejected in the first place?
17 A. I will have to review the
18 minutes for that. I can't remember the exact
19 reason.
20 244 Q. At paragraph 44 of your
21 affidavit, you indicate that "Comprehensive audit
22 of every student group is done during the summer"?
23 (As read.)
24 A. Correct.
25 245 Q. Was a comprehensive audit

1 of every student group at UTMSU done in the summer
2 of 2015?
3 A. To my knowledge.
4 246 Q. In that paragraph, you
5 also indicate that:
6 "The VP Campus Life will
7 advise the student group
8 if there is an issue and
9 work with the student
10 group to fix that
11 deficiency"? (As read.)
12 A. Yes.
13 247 Q. Do you know if a
14 comprehensive audit was done of SFL during the
15 summer of 2015?
16 A. Again, to my knowledge, I
17 believe we did review the club.
18 248 Q. In the manner that you
19 describe in paragraph 44?
20 A. For the -- like, I wasn't
21 a part of the full process because that is done by
22 the Vice President Campus Life and the Clubs
23 Coordinator. The greater scope of everything that
24 was done, I cannot say for certain. To my
25 knowledge, proper protocol was taken.

1 249 Q. Do you know if the VP
2 Campus Life or the Clubs Coordinator addressed any
3 issues with SFL during the summer of 2015?
4 A. I believe -- within the
5 e-mail threads that are included in here is when
6 that initial process began with the interaction
7 between the club and the Vice President Campus
8 Life and Clubs Coordinator.
9 250 Q. Do you know when that
10 process occurred then?
11 A. It happened in the
12 summer, the initial contact.
13 251 Q. You state at paragraph 45
14 that "All clubs fixed the deficiencies identified
15 by the VP Campus Life except SFL"? (As read.) At
16 paragraph 45 of your affidavit?
17 A. Yes, to my knowledge.
18 252 Q. This occurred in the
19 summer of 2015 to your knowledge?
20 A. Yes.
21 253 Q. Were you aware why SFL
22 didn't fix their alleged deficiencies in the
23 summer of 2015?
24 A. Why they did not fix
25 them?

1 254 Q. Yes.
2 A. I can't recall.
3 255 Q. Do you recall having
4 meetings concerning SFL during the summer of 2015?
5 A. Yes.
6 256 Q. In those meetings, did
7 the VP Campus Life or the Clubs Coordinator
8 indicate they had contacted SFL about alleged
9 deficiencies?
10 A. I can't remember.
11 257 Q. Was SFL ever given
12 opportunities during those meetings to address the
13 Clubs Committee's concerns?
14 A. During the summer month?
15 258 Q. During the summer months.
16 A. I do not believe so.
17 259 Q. Was SFL notified of those
18 meetings in advance during the summer months?
19 A. I don't know.
20 260 Q. Those meetings that
21 occurred in the summer of 2015 of the Clubs
22 Committee concerning SFL, did they address -- what
23 did they seek to -- what did they discuss
24 concerning SFL?
25 A. We discussed complaints

1 there.
2 265 Q. You, yourself, didn't see
3 the posters?
4 A. I saw the posters myself,
5 but I don't know if anybody else did. I can't
6 recall.
7 266 Q. Did you see the leaflets,
8 as well?
9 A. I saw the posters.
10 267 Q. Not the leaflets?
11 A. I don't think so.
12 268 Q. Did you see the models?
13 A. No. I heard about them.
14 269 Q. You don't know if anyone
15 else saw them or heard about them?
16 A. I don't know.
17 270 Q. Did you describe to the
18 Clubs Committee your concerns concerning the
19 posters that you did see?
20 MS. WOOD: That assumes he had
21 concerns. He has been talking about complaints
22 from other members.
23 MR. MOORE:
24 271 Q. Did you have any concerns
25 with the poster that you saw, Mr. Otello-DelUCA?

1 that were brought forward to the Clubs Committee
2 that we spoke about earlier and how -- the initial
3 talks were about the mandates contradicting the
4 mandate of the student union.
5 261 Q. You discussed the
6 complaints concerning, if I recall, the leaflets
7 that were handed out and posters of club; correct?
8 A. And I believe diagrams
9 that were used or, like, models that were used
10 during tabling.
11 262 Q. Did you have those
12 posters, leaflets, or models present during the
13 Clubs Committee discussion?
14 A. We did not.
15 263 Q. Did you have any written
16 complaints present during that discussion?
17 A. No. All the complaints
18 we had were verbal.
19 264 Q. Were the Clubs Committee
20 members going off of their recollection of seeing
21 those leaflets or posters or models themselves in
22 the discussions?
23 A. I cannot recall if any of
24 those current members were present during that
25 time, like, when the leaflets and models were

1 A. My only concerns were the
2 concerns brought forward by UTMSU members.
3 272 Q. You personally did not
4 have concerns?
5 REF MS. WOOD: His personal
6 beliefs are not at issue.
7 MR. MOORE:
8 273 Q. As a member of the Clubs
9 Committee, are you empowered to address concerns
10 you have about clubs?
11 A. If concerns are brought
12 forward to us, then, yes, we have the power to
13 address those concerns.
14 274 Q. You addressed the concern
15 about posters that had been brought forward to
16 you?
17 A. Yes. We discussed it
18 with the Clubs Committee.
19 275 Q. Were you able to describe
20 the posters for the Clubs Committee?
21 A. I did my best to from
22 what I was told and from what I saw.
23 276 Q. How would you describe
24 those posters that you saw?
25 A. Again, I mentioned

1 earlier, they were imaged of unborn fetuses within
2 a woman's body to my recollection.
3 277 Q. Did they have any words
4 on them?
5 A. I don't remember. I
6 remember the image.
7 278 Q. Is that what you
8 described to the Clubs Committee to the best of
9 your recollection?
10 A. To the best of my
11 recollection, yes.
12 279 Q. You are not aware if
13 those concerns concerning the leaflets or the
14 posters were brought to the attention of SFL
15 before the Clubs Committee discussed them?
16 A. I don't know. I don't
17 know. I will speak more clear. Sorry.
18 280 Q. In your role on the Clubs
19 Committee, do you apply the UTMSU policies to the
20 actions and policies of recognized clubs?
21 MS. WOOD: Sorry?
22 THE WITNESS: Can you clarify?
23 MR. MOORE:
24 281 Q. Do you apply the policies
25 of UTMSU to recognized clubs?

1 to a club or just raise concerns that were brought
2 to me to the Clubs Committee?
3 286 Q. Sorry. I think there is
4 some confusion here.
5 A. Yes.
6 287 Q. My fault. In your role
7 with the Clubs Committee, the Clubs Committee is
8 empowered to apply the policies of UTMSU to UTMSU
9 recognized clubs; correct?
10 A. Yes.
11 288 Q. Did the Clubs Committee
12 view the description of the complaints concerning
13 the posters as violating the UTMSU policies?
14 A. In regards to the views
15 that we have on providing a safe and inclusive
16 space for students, if the students are bringing
17 up concerns to us that they feel uncomfortable,
18 then, yes, it is our duty to discuss that and see
19 if there is any action that could be taken.
20 289 Q. In regards to the
21 posters, did the Clubs Committee feel that they
22 violated the policies of UTMSU?
23 A. In regards to providing a
24 safe space for students -- in that regard, then
25 yes.

1 A. Meaning --
2 MS. WOOD: I am still not sure
3 I am following your question.
4 MR. MOORE:
5 282 Q. Is the role of the Clubs
6 Committee to enforce and apply the student club
7 policies that UTMSU has on student groups?
8 A. Yes. It is our job to
9 enforce our club policies with our clubs and to
10 ensure that they maintain what they are supposed
11 to maintain.
12 283 Q. You are familiar with
13 policies that apply to UTMSU clubs then?
14 A. I try to be, yes.
15 284 Q. If a club is not
16 complying with those policies, then you, in your
17 role on the Clubs Committee, can address those
18 concerns with the club. Is that correct?
19 A. Like, me personally in my
20 current role?
21 285 Q. Yes. You can address
22 those concerns in your role with the Clubs
23 Committee?
24 A. Just to clarify, are you
25 asking if I will raise the concerns brought to me

1 290 Q. The Clubs Committee
2 viewed the posters as creating an unsafe place for
3 students?
4 A. Unsafe and uncomfortable
5 space.
6 291 Q. Did you feel that posters
7 jeopardized the physical safety of any students?
8 MS. WOOD: Sorry?
9 MR. MOORE:
10 292 Q. Did the Clubs Committee
11 feel the posters jeopardized the physical safety
12 of any students?
13 A. Not physical.
14 293 Q. Did they feel these
15 posters made students uncomfortable?
16 A. Yes.
17 294 Q. Did the Clubs Committee
18 raise these concerns with SFL before it terminated
19 SFL's club status?
20 A. I don't know.
21 295 Q. In your role with the
22 Clubs Committee, would you be informed if they
23 were notified of that concern?
24 A. We would be, yes.
25 296 Q. You are not aware of them

1 being notified?
2 A. Correct.
3 297 Q. Does UTMSU have a policy
4 that prohibits students from being made to feel
5 uncomfortable on campus?
6 A. I believe it is within
7 our mandate.
8 298 Q. It is within UTMSU's
9 mandate to ensure that students feel comfortable
10 on campus?
11 A. Correct.
12 299 Q. If the expression of an
13 unpopular or controversial view makes students
14 feel uncomfortable, is it within UTMSU's mandate
15 to stop that expression then?
16 MS. WOOD: Hold on. Are you
17 talking about an individual student? He has
18 already addressed how individual students are free
19 to hold their own beliefs.
20 MR. MOORE: I am talking about
21 the policy that he is referencing requiring that
22 students not be made to feel uncomfortable. I am
23 not sure what that policy is, so I am asking
24 questions concerning it.
25 MS. WOOD: When you are asking

1 about the student union taking action, he has
2 already discussed the fact that individual
3 students can hold their own beliefs and the
4 student union doesn't take action against
5 individual students. I am trying to clarify what
6 you are asking when you ask about taking action.
7 MR. MOORE: All right.
8 300 Q. If an individual student
9 were to express a controversial opinion that made
10 other students feel uncomfortable, is there a
11 policy that requires UTMSU to get involved and
12 stop that expression?
13 A. If a member brings
14 something forward to us, then it is our duty to
15 discuss it and see if there is anything that can
16 be done.
17 301 Q. What kind of things could
18 be done in a situation like that?
19 A. If a student brings
20 something forward to us, I guess it all depends on
21 what situation it is. It can be something --
22 somewhere from holding a campaign to writing a
23 letter to a member of administration. It all
24 varies; right?
25 302 Q. Is it the policy of UTMSU

1 to contact those individuals who are complained to
2 have created an unsafe space on campus?
3 MS. WOOD: Is it policy?
4 MR. MOORE:
5 303 Q. Is it the practice of
6 UTMSU to contact individuals who alleged to have
7 been creating an unsafe space on campus?
8 A. I think it varies from
9 situation to situation.
10 304 Q. Do you believe that
11 students at UTMSU are entitled to an environment
12 free of the expression of opinions they disagree
13 with?
14 A. Entitled to an
15 environment free of -- can you repeat that?
16 305 Q. Do you believe that
17 students at UTMSU are entitled to an environment
18 free of the expression of opinions they disagree
19 with?
20 A. Free of expressions of
21 opinions they disagree with, meaning that student
22 are able to speak their mind?
23 306 Q. No. Sorry. Do you
24 believe that students at UTMSU are entitled to an
25 environment on campus that is free from others

1 expressing opinions that those students disagree
2 with?
3 A. I understand. Again, as
4 I mentioned before, like, student are able to
5 speak their mind, but we do our best to provide
6 spaces that are inclusive to everybody.
7 307 Q. What if a student is
8 speaking their mind and making other students feel
9 uncomfortable?
10 A. If it is brought to our
11 attention, then we see what we can do about it, if
12 anything at all.
13 308 Q. If that student is a
14 member -- if the students alleged to be making
15 others feel uncomfortable is a member of UTMSU --
16 MS. WOOD: All student are
17 members of UTMSU.
18 MR. MOORE:
19 309 Q. If the student of UTMSU
20 that is alleged to be making other people feel
21 uncomfortable is -- will UTMSU seek to contact
22 that student and bring the complaint to that
23 student's attention?
24 A. I believe that has been
25 done in the past, again depending on the different

1 circumstances of situations.
2 310 Q. Was it the Clubs
3 Committee's understanding that the expression of
4 the pro-life view of UTMSU made other students
5 feel uncomfortable?
6 A. The initial instances of
7 students feeling uncomfortable were due to the
8 posters and leaflets and diagrams.
9 311 Q. It wasn't just the
10 expression of a pro-life view that made the
11 students uncomfortable?
12 A. No. It was the initial
13 visuals.
14 312 Q. Did UTMSU or the Clubs
15 Committee ever tell SFL not to use those visuals?
16 A. When it was brought up
17 last year, I can't recall.
18 313 Q. Would you be aware if the
19 Clubs Committee, during its review in the summer
20 of 2015 or the fall of 2015 -- were you aware of
21 the Clubs Committee requesting that SFL not use
22 those visuals?
23 A. I don't know if that
24 request was made.
25 314 Q. Would you be aware if it

1 was?
2 A. I would be aware if it
3 was.
4 315 Q. Do you know if there were
5 complaints that SFL was telling women what to do
6 with their bodies?
7 A. I don't know if any of
8 those complaints were made.
9 316 Q. All right. Did the Clubs
10 Committee discuss whether SFL was telling women
11 what to do with their bodies?
12 A. If the club specifically
13 was telling women what to do with their bodies, I
14 don't think that was discussed.
15 317 Q. Did the Clubs Committee
16 have a problem with UTMSU's -- sorry. Did the
17 Clubs Committee have a problem with SFL's pro-life
18 expression or pro-life views?
19 A. Did they have a problem
20 with the pro-life views? Upon renewal, we found
21 that those pro-life views did contradict what we
22 have in our own mandate.
23 318 Q. All right. That was the
24 reason why SFL was not renewed; correct?
25 A. Initially.

1 319 Q. Not on the basis of the
2 complaints?
3 A. The complaints is what
4 made us look into things more, and then that is
5 what we found.
6 320 Q. Were you afraid that SFL
7 would engage in similar expression to those that
8 were concerned in the complaints? Is that why the
9 status wasn't renewed?
10 A. Can you repeat that?
11 321 Q. Was there a concern by
12 the Clubs Committee that SFL would use posters and
13 leaflets and visuals similar to those that had
14 been raised in the alleged complaints and,
15 therefore, the Clubs Committee didn't renew the
16 status of SFL?
17 A. Obviously, providing a
18 safe space for our students is one of our top
19 concerns. We work towards ensuring that spaces we
20 provide are as safe as possible.
21 322 Q. But you don't know if the
22 Clubs Committee actually addressed the visuals,
23 the posters, or the leaflets?
24 MS. WOOD: No. He said that
25 they talked about that.

1 MR. MOORE:
2 323 Q. Did they address those
3 with SFL?
4 MS. WOOD: He has already
5 addressed that question.
6 MR. MOORE:
7 324 Q. You don't know if they
8 addressed those with SFL?
9 REF MS. WOOD: He has answered
10 that question.
11 MR. MOORE:
12 325 Q. The Clubs Committee is
13 concerned with the safe space. Is that correct?
14 A. Yes.
15 326 Q. Was that the basis for
16 the denial of SFL's renewal application?
17 A. I believe, within one of
18 the Clubs Committee's minutes, there was a
19 statement that was made that was sustained by the
20 chair of the committee as to the reasoning behind
21 not providing recognition status to the club.
22 327 Q. All right. Was that
23 the -- was the basis of that -- was it made on the
24 basis of UTMSU's commitment to a safe space?
25 A. It was part of it.

1 328 Q. By "safe space," you are
2 not meaning physical safety, you are meaning
3 freedom from being made to feel uncomfortable;
4 correct?
5 A. Correct.
6 329 Q. Was it the viewpoint of
7 SFL that made students feel uncomfortable in the
8 Clubs Committee's opinion, or was it the visuals
9 that SFL used that made students feel
10 uncomfortable?
11 A. Again, the part that
12 makes the students feel uncomfortable were the
13 complaints raised to us about the visuals being
14 used. Then that basically triggered the further
15 investigation as to -- that is when we found the
16 discrepancies within the mandate.
17 330 Q. All right. The
18 complaints triggered the investigation, but the
19 investigation didn't focus on the complaints as
20 much as it focused on the purpose and the mandate
21 of SFL; correct?
22 A. Which is what we do over
23 the summer months anyway.
24 331 Q. The focus of the
25 discussion wasn't so much on the complaints. The

1 reasoning for the decision not to renew SFL was
2 not based on the complaints but on the mandate of
3 SFL; correct?
4 A. Yes.
5 332 Q. What is it in the mandate
6 of SFL that the Clubs Committee felt contradicted
7 the UTMSU policies?
8 A. I can try to point it out
9 for you.
10 333 Q. Yes, please.
11 A. It would be the beginning
12 portion of it. Within the purpose, it became
13 clear that this club is a pro-life club. Given
14 our previous endorsements with being pro-choice,
15 we had a contradiction within the two.
16 334 Q. All right. It was the
17 Clubs Committee's view that a pro-life club would
18 violate UTMSU's requirements for being a
19 recognized club?
20 A. Yes. I think within the
21 minutes that the actual rejection happened, there
22 is a statement that states our view -- the Clubs
23 Committee's view point on the club's status.
24 335 Q. All right. It was based
25 on a review of the purpose of the SFL club within

1 its constitution, as stated in its constitution?
2 A. Correct.
3 336 Q. Could you point to me
4 which provision in the UTMSU constitution was the
5 offending provision or which provision here on
6 page 215 of your affidavit, Exhibit G, offended
7 the UTMSU requirements for recognized clubs?
8 A. I don't recall if there
9 was something specifically or if it was just as a
10 whole and, I guess, what it implies and what they
11 want to do moving forward with the club. I can't
12 recall something specific within that, but yes. I
13 need to use the bathroom.
14 MR. MOORE: All right. Off
15 the record.
16 --- Recess taken at 11:54 a.m.
17 --- Upon resuming at 12:08 p.m.
18 MR. MOORE:
19 337 Q. If the Clubs Committee
20 has concerns with activities of a club, will it
21 seek to address those concerns with that club?
22 A. Yes.
23 338 Q. But if a Clubs Committee
24 has concerned with the mandate of the club, will
25 it seek to address those concerns with the club,

1 as well?
2 A. Yes, it should.
3 339 Q. Will it seek to do that
4 before it takes a way a club's status as a
5 recognized UTMSU club?
6 A. It is to the discussion
7 of the committee. They can take away the status,
8 or they cannot take away the status. Either way,
9 the club will not be officially recognized until
10 said discrepancies are fixed.
11 340 Q. If the Clubs Committee
12 has concerns about a club's activities, it will
13 take way that club's status until those activity
14 concerns are addressed?
15 A. Correct.
16 341 Q. If the Clubs Committee
17 has concerns about the club's mandate, it will
18 take away that club's status until that mandate's
19 concerns are addressed?
20 A. Yes, it can.
21 342 Q. Is that the standard
22 practice?
23 A. From what I remember,
24 that is what we have done, yes.
25 343 Q. The Clubs Committee will

1 not seek to address the concerns generally prior
2 to taking away the club's status?
3 A. It has the power to do
4 so.
5 344 Q. That is its general
6 practice is to take away the status and then
7 address the concerns?
8 A. Through the
9 re-recognition status in the summertime, clubs are
10 not active anyway. Recognition runs up until
11 April 30th, the active recognition runs until
12 April 30th.
13 345 Q. If a club has issues
14 during a year and those issues are concerning its
15 activities, will the Clubs Committee take away the
16 status of that club during the year, until those
17 activities are addressed?
18 A. It has the power to do
19 so.
20 346 Q. Has it ever exercised
21 that power to your knowledge?
22 A. I don't know.
23 347 Q. That power wasn't
24 exercised in the case of the complaints concerning
25 SFL during the 2014-2015 school year, was it?

1 A. It was not because they
2 were raised to us at the end the year, in April to
3 my recollection.
4 348 Q. The Clubs Committee's
5 concerns concerning SFL -- the basis of the Clubs
6 Committee's decision not to recognize SFL for the
7 2015-2016 school year was based on the club's
8 mandate; correct?
9 A. Yes.
10 349 Q. It was not based on the
11 club's actions; correct?
12 MS. WOOD: I think we have
13 been over this, Counsel.
14 MR. MOORE: I am trying to
15 clarify it.
16 THE WITNESS: The actions led
17 to us finding the discrepancy in the mandate.
18 Then the Clubs Committee made the decision.
19 MR. MOORE:
20 350 Q. It was based on the
21 discrepancy in the mandate, not primarily based on
22 the actions?
23 A. Correct.
24 351 Q. Were you a member of the
25 board of directors throughout the relevant period,

1 2015-2016?
2 A. Yes.
3 352 Q. When was the board of
4 directors made aware of the decision to not renew
5 the club status of SFL?
6 A. That was in the August
7 board meeting, yes.
8 353 Q. Was there discussion of
9 that decision at the August board meeting?
10 A. To my recollection, I
11 don't think so. Nobody chose to discuss the
12 minutes of that Clubs Committee when that decision
13 was made.
14 354 Q. During a Clubs Committee
15 meeting, a member of the Clubs Committee -- I
16 believe, it is Mr. Omari?
17 A. Omari.
18 355 Q. Mr. Omari made a motion
19 to have SFL present to the board of directors
20 concerning their club status. Do you recall that?
21 A. I recall that.
22 356 Q. Do you recall your
23 response to that?
24 A. Yes.
25 357 Q. Do you recall indicating

1 that, if you, as the Clubs Committee, did not feel
2 a club represents UTMSU, you would deny club
3 status to that club?
4 A. Yes, because that is our
5 duty.
6 358 Q. You then opposed his
7 motion to send -- you opposed him forwarding a
8 motion to send decision to the board of directors
9 and give them the opportunity to present to the
10 board of directors; correct?
11 A. I believe so. So not to
12 the board, but I believe I said they could come
13 back to the committee. The Clubs Committee has
14 the jurisdiction to make those decisions. Then it
15 could be further discussed that board if the board
16 wishes to do so.
17 359 Q. Are you aware of any
18 situations where the board of directors has heard
19 appeals from the Clubs Committee's decisions not
20 to grant club recognition to a club?
21 A. Not to my knowledge.
22 360 Q. Are you aware that
23 another member of the Clubs Committee, Mr. Adade,
24 indicated that the club should appeal to the board
25 of directors?

1 A. Am I aware that was said?
2 361 Q. Yes.
3 A. Yes, I am aware that was
4 said.
5 362 Q. You are aware that two
6 members of the Clubs Committee had at various
7 times indicated that the SFL should appeal to the
8 board of directors? You are aware that occurred
9 at various times by two members of the Clubs
10 Committee?
11 A. Yes. The second time was
12 an error.
13 363 Q. Do you know when the SFL
14 was first notified of the decision not to renew
15 its club status?
16 A. I believe it is stated
17 within the affidavit.
18 364 Q. If I was to say August
19 26, would that coincide, corroborate, with your
20 memory?
21 A. It sounds familiar.
22 365 Q. Do you recall when SFL
23 submitted its renewal application? Was it at the
24 start of the summer?
25 A. I don't recall the exact

1 date.
2 366 Q. Do you know clubs
3 submit -- the general area, the general period of
4 time when clubs submit their applications for
5 renewal?
6 A. It usually starts -- they
7 can start handing it from May. Then it usually
8 runs for the entirety of the summer. The
9 students' schedules -- some people have summer
10 school. Some people are out of the country. So
11 we are lenient in that sense where we allow them
12 to hand them in as the summer goes on.
13 367 Q. Do you recall whether
14 SFL's application was submitted in the start or
15 the end of the summer?
16 A. I can't specifically
17 recall that.
18 368 Q. Do you recall when the
19 Clubs Committee began to address the issue of
20 SFL's application?
21 A. I don't recall, but I
22 think it is in here. I believe it is in the month
23 of July.
24 369 Q. It was at the end of the
25 month of August that SFL was notified of the

1 committee's decision?
2 A. Yes.
3 370 Q. That was the first they
4 were notified of the committee's consideration of
5 SFL's application to the best of your knowledge?
6 A. I think that was the
7 first contact, yes.
8 371 Q. Do you recall a meeting
9 with the president of UTMSU on October 23rd
10 concerning SFL and the application for club
11 renewal?
12 A. Meaning between myself
13 and the president.
14 372 Q. Yes and other members of
15 the UTMSU executive and board?
16 A. On October 23rd? I can't
17 remember specifically right now.
18 373 Q. Do you know if there were
19 any meetings between the president and others
20 discussing SFL and the application for renewal?
21 A. Other than the
22 president's involvement with the Clubs Committee,
23 I do not know.
24 374 Q. So the president is
25 involved in the Clubs Committee?

1 A. Correct.
2 375 Q. Were you aware of the
3 meetings that occurred around October 23rd?
4 A. We have meetings all the
5 time. I can't remember specifically.
6 376 Q. All right. Do you recall
7 a meeting with SFL in which the Clubs Committee
8 raised discrepancies in SFL's constitution?
9 A. Yes.
10 377 Q. Do you recall the Clubs
11 Committee refusing to address the issue of SFL's
12 mandate until the issues with SFL's constitution
13 were addressed?
14 A. I recall.
15 378 Q. Do you recall -- that was
16 correct?
17 A. That we informed SFL that
18 "Before we can tackle the issue of the mandate and
19 consider your recognition, your documents must
20 adhere to what our policies say."
21 379 Q. All right. The original
22 decision to not renew SFL's mandate was not based
23 on the lack of compliance with the technical
24 requirements of club documents; correct?
25 A. Initially, yes.

1 380 Q. Was there a specific
2 reason why SFL had to have its documents corrected
3 before its application could be considered?
4 A. It is the same thing with
5 all of our other clubs. All the documents need to
6 be in order before moving forward. In order to
7 grant a full recognition status after that one
8 trial period, these deficiencies needed to be
9 fixed. Then we are able to tackle any larger
10 issues that there may have been.
11 381 Q. In this case, the Clubs
12 Committee was aware of a larger issue that needed
13 to be address; correct?
14 A. Yes, because of the
15 initial e-mail that was sent.
16 382 Q. In order for SFL to get
17 to that issue, the Clubs Committee was requiring
18 them to do various changes to their constitution
19 and have a particular election?
20 A. Correct.
21 383 Q. Was there any indication
22 that the Clubs Committee had changed its mind on
23 its original decision that SFL's mandate did not
24 comply with UTMSU's policies?
25 A. I am not certain if there

1 was a change in position. As I stated earlier, we
2 do try to help every club gain recognition status.
3 So that was the stance that the Clubs Committee
4 took to do everything necessary to make things
5 possible.
6 384 Q. You were committed to
7 help SFL, which you knew was a pro-life club, gain
8 status?
9 A. We were committed to help
10 them take the steps necessary to get them to where
11 they need to be.
12 385 Q. In order for you to
13 consider their pro-life mandate again?
14 A. The mandate, yes.
15 386 Q. Doesn't that seem like a
16 lot of work, to get a club to do various steps in
17 order to then have the Clubs Committee reconsider
18 its decision based on its mandate? Was that the
19 understanding that the Clubs Committee had?
20 A. Every club goes through
21 this process when it comes to executives, when it
22 comes to -- I believe there are six different
23 things within the Clubs' handbook that it says a
24 constitution needs to have. Those needs to line
25 up with the constitution with what it says in the

1 Clubs' handbook. Every club goes through that
2 process to ensure everything lines up.
3 The Clubs Committee's stance
4 was, before we can consider their recognition
5 status again, these discrepancies need to be
6 fixed. That way your governing documents will be
7 proper in accordance to how we need the governing
8 documents to look.
9 387 Q. All right. In 2014, you
10 and the Clubs Committee had approved UTMSU to be a
11 recognized club with only three executives and
12 with the constitution that it currently had;
13 correct?
14 A. Correct. Under the terms
15 that they are under that one-year trial. The
16 three executives was actually just an oversight.
17 That should have been addressed in the 2014-2015
18 year.
19 388 Q. You approved the
20 constitution of a pro-life club under a one-year
21 trial period which meant that the club's
22 constitution didn't have to comply with UTMSU's
23 policies to be approved. Is that correct?
24 A. Again, the -- because it
25 is the one-year trial -- when clubs apply for

1 initial recognition, we don't want to take away
2 that opportunity from a new club to try to show
3 the campus what they have to offer.
4 That is why there is that one
5 year-trial pending that further review in the
6 summertime which will allow them the full benefits
7 once they have reached that full status of
8 recognition; right? That was the stance of the
9 Clubs Committee. That is how we interpreted what
10 the handbook meant at that point by that one-year
11 trial portion.
12 389 Q. All right. What was it
13 in that one-year trial period that caused the
14 Clubs Committee to determine that SFL was no
15 longer entitled to recognized status?
16 MS. WOOD: We have been over
17 this, Counsel. He has answered that.
18 MR. MOORE:
19 390 Q. For my clarification, was
20 it the complaints?
21 REF MS. WOOD: He has been over
22 that repeatedly. I have been patient with that.
23 You have asked that question seven different ways.
24 He has answered it seven different times exactly
25 the same way.

1 MR. MOORE:
2 391 Q. The discrepancies with
3 SFL's constitution were not found by the Clubs
4 Committee or the Campus Life VP during the summer
5 of 2015, were they?
6 A. During the summer? I
7 don't recall. They were found pending further
8 review of the documents.
9 392 Q. They were brought to the
10 attention of SFL in the fall of 2015?
11 A. Correct.
12 393 Q. Were they brought to the
13 attention of SFL after the UTMSU had received a
14 letter indicating that there was potential for
15 UTMSU to be sued regarding this decision?
16 MS. WOOD: That timeline will
17 speak for itself. You can answer it if you want
18 to, but the timeline will speak for itself.
19 MR. MOORE:
20 394 Q. Do you know if that was
21 the case?
22 A. Like she said, the
23 timeline is within the affidavit, and we stated it
24 within here.
25 395 Q. SFL lost their club

1 status in the summer of 2015; correct?
2 A. Correct.
3 396 Q. They were no longer a
4 recognized club of UTMSU?
5 A. Correct.
6 397 Q. In seeking to address the
7 discrepancies in SFL's constitution, did the Clubs
8 Committee require that SFL comply with the Clubs'
9 handbook and the Clubs' procedures?
10 A. Yes. The requirement to
11 comply was listed within the discrepancies that
12 were provided to the club.
13 398 Q. Even though SFL was no
14 longer a recognized campus club?
15 A. If they wanted to seek
16 UTMSU approval, then those were the steps that
17 they needed to take. We informed them of that.
18 399 Q. Is there a specific
19 provision within the handbook that requires clubs
20 seeking recognized status to comply with the
21 handbook?
22 A. Yes. In order to be a
23 recognized club, they need to comply with what we
24 have in the handbook.
25 400 Q. They need to comply with

1 the procedures and processes before they achieve
2 recognized status?
3 A. Yes. The documents needs
4 to be in order.
5 401 Q. All right. In order to
6 get the documents in order, they must comply with
7 the requirements of recognized clubs under the
8 Clubs' handbook?
9 A. Correct.
10 402 Q. Is there a statement in
11 the Clubs' handbook that requires that compliance
12 by a non-recognized club?
13 MS. WOOD: Counsel, we have
14 been through this this morning, earlier. We went
15 through the process. He took you to the parts of
16 the handbook and the policy where it says you have
17 to meet all these requirements. Yes, they have to
18 meet the requirements in the handbook. We have
19 been through this.
20 MR. MOORE: I think this is an
21 entirely different question, Counsel. We are
22 talking about the processes in which a club's
23 documents are changed before that club is a
24 recognized campus club.
25 MS. WOOD: In order for a club

1 to be a recognized club its documents have to be
2 in order. We went through the requirements this
3 morning.
4 MR. MOORE:
5 403 Q. When the Clubs Committee
6 receives an application for club status, does it
7 review how the documents contained in that
8 application were created or adopted by the
9 prospective club?
10 A. When it is a new club,
11 no. When it is a club seeking recognition, then
12 yes, because they have already been recognized.
13 404 Q. All right. What you are
14 telling me is that, if a club once was recognized,
15 it must always comply with the requirements of the
16 Clubs' handbook if it is going to seek recognition
17 again?
18 A. To my knowledge, that is
19 the practice that has been done.
20 405 Q. Even though that club is
21 not receiving the benefits of club recognition it
22 must comply with the obligations of the Clubs'
23 handbook; correct?
24 A. Yes, because they are
25 seeking re-recognition.

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1 406 Q. Just to be clear but not
2 to be further tedious, those requirements include
3 the processes by which that club makes changes to
4 its documents or has elections?
5 A. Yes.
6 407 Q. Do you recall in your
7 role on the board of directors with the board
8 receiving a letter from Marty Moore on October
9 19th concerning SFL's application?
10 A. Do I recall that
11 happening?
12 408 Q. Yes.
13 A. I recall it.
14 409 Q. Do you recall what
15 response, if any, the board had to that letter?
16 A. I don't believe we gave a
17 response.
18 410 Q. Was the board notified of
19 that letter -- did the board have any discussion
20 about that letter?
21 A. I don't recall if we had
22 a formal discussion at a board meeting or not, but
23 we did once the process, like, I guess, escalated.
24 411 Q. All right. Do you recall
25 that the board had a discussion or that there was

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1 from Mr. Moore on November the 24th sent to the
2 board of directors, as well?
3 A. I don't remember the
4 exact date of when these letters came.
5 MS. WOOD: It is paragraph 81
6 of your affidavit.
7 THE WITNESS: What day did you
8 say?
9 MR. MOORE:
10 418 Q. On November 24th.
11 A. Yes, I remember receiving
12 another letter.
13 419 Q. Do you recall the board
14 of directors discussing that letter at a
15 subsequent meeting?
16 A. I will need to check the
17 minutes of the board meeting and if it was an
18 agenda line item -- I do believe there was
19 discussion on it. I just don't remember when the
20 discussion happened.
21 420 Q. Do you recall what was
22 the nature of that discussion?
23 A. The letter.
24 421 Q. Do you recall what was
25 the consensus of the board, what was the opinion

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1 discussion between board members about the October
2 19th letter?
3 A. Like, amongst themselves?
4 412 Q. Yes.
5 A. Probably.
6 413 Q. Was there a consensus
7 among the members of the board what response would
8 be taken in regard to that letter, if any response
9 was to be taken at all?
10 MS. WOOD: He said the board
11 didn't respond.
12 MR. MOORE:
13 414 Q. So the board didn't
14 respond. Was there a consensus of the board
15 members not to respond to that letter?
16 A. That is my understanding.
17 415 Q. Was any action taken in
18 response to that letter even if it wasn't a
19 response to that letter? Did the board take any
20 action in response to that letter?
21 A. Like did we do anything
22 with it?
23 416 Q. Yes.
24 A. I don't think we did.
25 417 Q. Do you recall a letter

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1 of the board members concerning that letter?
2 A. We chose not to respond.
3 422 Q. Do you recall the board
4 having any opinion of what should be done in
5 regards to the SFL application after that letter
6 was received and discussed?
7 A. Specific opinions, I
8 can't recall.
9 423 Q. Do you recall the board
10 of directors making any decision that the Clubs
11 Committee or Mr. Adade should respond to that
12 letter?
13 A. Nobody wanted to respond
14 to the letter. I believe the consensus was to not
15 respond to the letter and continue working through
16 the Clubs Committee to work with this club.
17 424 Q. Did the board recognize
18 that was a letter from counsel on behalf of SFL?
19 A. I believe so.
20 425 Q. Does UTMSU have any
21 policies that specifically outline an appeal
22 procedure for the denial of student group status?
23 A. I don't believe there is
24 a specific procedure for it. It is just the
25 common practice we choose to take.

1 426 Q. The appeal process is at
2 the discretion of the Clubs Committee then?
3 A. Yes.
4 427 Q. The board of directors
5 does not involve itself in the Clubs Committee's
6 exercise of that discretion?
7 A. Unless they choose to do
8 so.
9 428 Q. In your recollection, the
10 board of directors doesn't, as a normal practice,
11 get involved in appeals from the Clubs Committee's
12 decisions concerning student group status?
13 A. Correct. It just go
14 straight to the Clubs Committee.
15 429 Q. Even appeals from Clubs
16 Committee decisions go straight to the Clubs
17 Committee?
18 A. Yes.
19 430 Q. SFL submitted a
20 constitution to the Clubs Committee on or about
21 November 5. Do you recall that submission?
22 A. Yes.
23 431 Q. The Clubs Committee has
24 seen that constitution. Does the Clubs Committee
25 feel that constitution still violates the

1 requirements of UTMSU's policies concerning club
2 constitutions?
3 A. I believe the
4 discrepancies that were brought forward were fixed
5 by the club. However, the changes are not valid
6 until they have that fourth executive.
7 432 Q. If those changes had have
8 been made by four properly elected executives of
9 SFL according to the Clubs' handbook requirements,
10 those constitutional changes and the current
11 constitution would have been valid according to
12 the constitutional requirements of UTMSU and the
13 Clubs' handbook?
14 A. To my knowledge, yes.
15 433 Q. Has the Clubs Committee
16 ever invalidated votes of UTMSU members in a
17 club's elections?
18 A. Has UTMSU ever
19 invalidated votes of UTMSU members in a club's
20 elections, meaning taking away their right to
21 vote?
22 434 Q. Yes.
23 A. Not to my knowledge.
24 435 Q. Does the Clubs Committee
25 have the authority to correct errors and intervene

1 in clubs' elections that were carried out
2 improperly?
3 A. The VP Campus Life and
4 Clubs Coordinator do have the authority to
5 intervene within club elections.
6 436 Q. Were you aware that SFL
7 held an election for a fourth executive?
8 A. It was a general meeting
9 where they were going to appoint somebody, I
10 believe.
11 437 Q. Were you aware that the
12 election of that fourth executive was defeated by
13 a vote of five to four?
14 A. Yes.
15 MS. WOOD: Mr. Moore, are you
16 talking about the meeting that happened on --
17 MR. MOORE: November 23rd.
18 MS. WOOD: The 23rd?
19 MR. MOORE: Yes.
20 438 Q. At that meeting, there
21 were five votes against the election of the
22 executive and four votes in favour of the election
23 of the executive. If those votes were not
24 counted, if the five votes against the election of
25 the fourth election were not counted, would that

1 have been a valid election under the policies of
2 the Clubs Committee?
3 A. If the five votes are
4 considered to be members, then they cannot be
5 taken away.
6 439 Q. If the five votes are
7 considered to be members of the SFL club, then
8 they can't be taken away. If the five votes were
9 not members of the SFL club, was that a valid
10 election of the fourth executive?
11 REF MS. WOOD: I think that is an
12 unfair question. There are a bunch of
13 hypotheticals that are going into that.
14 MR. MOORE: I'm just about
15 wrapping up here, so if I just take a couple
16 minutes here.
17 MS. WOOD: Would you like the
18 room?
19 MR. MOORE: No. Off the
20 record.
21 --- Recess taken at 12:45 p.m.
22 --- Upon resuming at 1:00 p.m.
23 MR. MOORE:
24 440 Q. The meeting on November
25 23rd, there were five individuals who attended an

1 SFL election meeting. I would like to ask you if
2 you are familiar with these five individuals.
3 First, do you know Salma Fakhry?
4 A. I do.
5 441 Q. Do you know if she is a
6 student at UTM?
7 A. To my knowledge, she is.
8 442 Q. Do you know if she is a
9 student pursuing a degree from UTM?
10 A. Yes.
11 443 Q. Do you know if she is
12 involved with the UTMSU executive or on staff?
13 A. She is an associate.
14 444 Q. That means she is an
15 employee of UTMSU?
16 A. Yes.
17 445 Q. Do you know Taman Khalaf?
18 A. Sorry. Repeat that.
19 446 Q. Taman Khalaf?
20 A. Taman, yes, I do.
21 447 Q. Do you know if he is a
22 student of UTM?
23 A. She is.
24 448 Q. Sorry. Do you know if
25 she is pursuing a degree from UTM?

1 A. To my knowledge.
2 449 Q. Do you know if she is
3 involved with the UTMSU executive or on staff?
4 A. Neither.
5 450 Q. Do you know if she
6 frequents the UTMSU offices? Is that where you
7 know her from?
8 A. She is a club executive.
9 451 Q. Do you know what club she
10 is an executive of?
11 A. The Association of
12 Palestinian Students.
13 452 Q. Do you know Ariana
14 Serapigia?
15 A. Yes.
16 453 Q. Do you know if she is a
17 student at UTM?
18 A. To my knowledge.
19 454 Q. Do you know if she is
20 pursuing a degree, as well?
21 A. To my knowledge.
22 455 Q. Does she have any
23 involvement or role within the UTMSU executive or
24 on staff?
25 A. I believe she is one of

1 our volunteers.
2 456 Q. She is a volunteer with
3 the UTMSU executive?
4 A. With a promotional squad
5 that we call "Pump Squad."
6 457 Q. Do you know Hashim
7 Yussuf?
8 A. Yes.
9 458 Q. Do you know if she is a
10 current student at UTM pursuing a degree?
11 A. To my knowledge.
12 459 Q. Do you know what his role
13 is with UTMSU?
14 A. He is a div 3 board of
15 directors and an associate, as well. Division 3.
16 460 Q. A division 3 --
17 A. Board of directors.
18 461 Q. Do you know Nyasha
19 Chikowore?
20 A. Yes.
21 462 Q. Is she a student at UTM
22 pursuing a degree?
23 A. Yes.
24 463 Q. What do you know of her
25 involvement with UTMSU executive or staff?

1 A. He is an associate, as
2 well.
3 464 Q. And an associate is a
4 staff member of UTMSU; correct?
5 A. Correct.
6 465 Q. Do you know if any of
7 these individuals have previously been involved
8 with SFL?
9 A. I don't know.
10 466 Q. Prior to the November
11 23rd meeting?
12 A. I don't know.
13 467 Q. Do you know if any of
14 these individuals have expressed support for SFL's
15 mandate or pro-life objectives?
16 A. I don't know.
17 468 Q. Do you know if any of
18 these individuals have expressed disapproval of
19 the pro-life position?
20 A. I don't know.
21 469 Q. I will direct your
22 attention to paragraph 89 of your affidavit. You
23 state starting in the middle of the sentence on
24 paragraph 89 that:
25 "UTMSU is concerned that

1 SFL's mandate is
2 unwelcoming to UTMSU
3 members who do not agree
4 with SFL's pro-life
5 mandate." (As read.)
6 Does the Clubs Committee of
7 UTMSU believe that all recognized student groups
8 should be welcoming to those who disagree with
9 those student groups' mandates?
10 A. Just repeat that last
11 part again.
12 470 Q. Sorry. Is it a
13 requirement that all recognized UTMSU clubs be
14 welcoming to those who disagree with that club's
15 mandate?
16 A. We want to ensure that
17 all clubs are open to everybody and welcoming to
18 as many people as possible on our campus.
19 471 Q. Did SFL indicate that it
20 was not open to all people?
21 A. I believe in the
22 constitution it says it is open to all UTMSU
23 members.
24 472 Q. Whether a person feels
25 welcome at a club that they disagree with is

1 subjective. Would you agree?
2 A. Whether a person feels
3 welcome at a club that they disagree with is
4 subjective? Yes.
5 473 Q. For example, you have a
6 Catholic club at UTMSU, which is obviously
7 dedicated to Catholic doctrine such as the
8 authority of the Pope?
9 REF MS. WOOD: That is probably
10 correct, but their constitution isn't in evidence.
11 We actually don't know what their constitution
12 states.
13 MR. MOORE:
14 474 Q. We know what their name
15 is, the UTM Catholic Students' Club. Would you
16 agree with me that some individuals, perhaps a
17 Baptist individual, would be unwelcome -- feel
18 unwelcome at that Catholic club?
19 A. I have actually witnessed
20 collaboration business between the Catholic club
21 and the Baptist club.
22 475 Q. Would perhaps individuals
23 who dislike conservative policies feel unwelcome
24 at a conservative club meeting?
25 A. Probably.

1 476 Q. Would perhaps an
2 individual who is a native Sinhalese, who is a
3 native of Sri Lanka, feel uncomfortable at a Tamil
4 club meeting?
5 A. I don't know.
6 477 Q. Is it a requirement of
7 UTMSU that all clubs -- that students at UTMSU
8 feel welcome at all clubs?
9 REF MS. WOOD: He has answered
10 that question already. You started this line of
11 questioning by asking that question.
12 MR. MOORE:
13 478 Q. Could you clarify it for
14 me recollection, please?
15 A. Yes. All clubs should be
16 open and welcome.
17 479 Q. If a member of UTMSU does
18 not feel welcome at a club, does that indicate
19 that club will lose its recognized status?
20 A. It indicates that the
21 Clubs Committee should look into it.
22 480 Q. If the Clubs Committee
23 looks into it and determines it is because the
24 individual does not feel welcome at that club
25 because they disagree with the mandate of that

1 club, will the Clubs Committee take away that
2 club's recognized status?
3 A. The Clubs Committee will
4 look into the actions of the club and, if the
5 Clubs Committee feels that changes should be made
6 or that their recognition should be removed, they
7 have the jurisdiction to do so.
8 481 Q. At the discretion of the
9 Clubs Committee?
10 A. Correct.
11 482 Q. Paragraph 93 of your
12 affidavit, I will just read the first sentence,
13 "SFL continues to use the UTMSU e-mail address
14 first given to SFL in 2014-2015 school year." (As
15 read.) I will just stop there. Are you aware
16 that SFL has not had access to their e-mail
17 account since December of 2015?
18 A. I am not aware of that.
19 483 Q. You are not aware that
20 anyone within UTMSU took steps to block SFL's
21 access to their UTMSU e-mail account?
22 A. I don't know.
23 MR. MOORE: I have no further
24 questions at this time. In regards to the
25 questioning and the closing of questioning, we are

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1 potentially receiving a decision in -- we don't
2 know when -- which could change the makeup of this
3 action. We are not really sure. I am not
4 anticipating coming back for questions. For the
5 purposes and the possibility which may be mutual,
6 I won't be closing the questioning at this time.

7 MS. WOOD: I appreciate that.
8 Obviously, that would be a mutual thing. The one
9 thing I will, however, say is my two clients are
10 graduated and Mr. Otello-DelUCA will be working
11 full time starting in May. We may have some
12 schedule issues that we would have to address as
13 it will be a bit harder to have access to him once
14 he starts his employment in May.

15 MR. MOORE: Understood.
16 Congratulations, Mr. Otello-DelUCA, on your
17 employment. Thank you for your answers today.

18 THE WITNESS: Thank you.

19 MR. MOORE: Off the record.
20 --- Whereupon the proceeding adjourned at
21 1:11 p.m. sine die
22
23
24
25

A				
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