

EXHIBIT "E"

Highly Important: That the court be informed that the applicant, Derek Dunlop did **not** possess knowledge about the information contained within the following certified court transcripts until the applicant, Derek Dunlop read, examined and assessed the contents of those transcripts in late December of 2008 and in January of 2009.

Certified Court Transcript August 15, 2007.

Mr. Derek Dunlop was not present in court as a designation of counsel was on file.

Page 1- Line #6- Court: "Is this a pre-trial on the merits, or is it a pre-trial for resolution?"

Page 1- Line #8- Mr. Sager: "A primary resolution I would think Your Honour. There has been a pre-trial with Ms. Barnier, Beth Barnier of the Crown's Office. Now, the reason she's not here today is - dealing with this, is she is familiar with Mr. Dunlop. In fact, she worked with Mr. Dunlop when - at the Children's Aid Society in Barrie, so she knows him and of his- and his reputation in working with young people. Our- after our discussions, this primarily came all down (sic) to sentencing. I'm looking for- due to some very mitigating circumstances that I'll go into as we proceed along here, I'm of the opinion that a period of incarceration is not warranted in this particular case, and -but I'll go into that as we proceed.

-Line #23

Page 1- Line #24- Court- "Yes."

Page 1- Line #25-OFF RECORD FOR JUDICIAL PRE-TRIAL

- 1. Mr. Sager is asserting that this is for a primary resolution. Why is he discussing this at this juncture????**
- 2. Mr. Sager is discussing sentencing? Why is Mr. Sager discussing sentencing at this juncture? Who made the determination that sentencing was going to be discussed? Mr. Sager states that after our discussion it all came down to sentencing. What?**
- 3. Mr. Sager is discussing mitigating circumstances at this juncture. Why is Mr. Sager discussing mitigating circumstances???**
- 4. Why was Ms. Barnier part of a pre-trial if she knew of me and why did Ms. Barnier not excuse herself prior to the pre-trial and before the pre-trial began. I, Derek Dunlop am not even sure that I know who Ms. Beth Barnier is.**

Certified Court Transcript August 15, 2007(continued)

Page #2- Line #18- Mr. Enright(Crown)“...the idea is to get it back in front of you,
Your Honour,...”

Page #2- Line #20- The Court: “That’s fine.”

Page #2- Line #21- Mr. Enright: “...for a potential resolution.

- 1. The Crown Attorney is also under the impression that the next scheduled court date will be for a potential resolution.**
- 2. This truly reflects the collusion to have this matter concluded without a trial.**
- 3. As of August 15, 2007, I, Derek Dunlop have not been present in court since the initial stages of this matter.**
- 4. Upon reading this certified court transcript it is extremely shocking and unbelievable that potential resolution were already being discussed.**

Page #3- Line #23-#26 The Court: “ these matters have been the subject of a
pre-trial which will continue with possible
resolution to September 19th, 2007.

- 1. The Honourable Court is also discussing possible resolution at this juncture.**
- 2. This evidence displays that there was a pre-determined plan for the outcome of my matter without my involvement, consultation and so forth.**

Certified Court Transcript September 19, 2007.

Mr. Derek Dunlop was not present in court as a designation of counsel was on file.

Page #2- Lines #2-#13 The Court: “This is a matter which was pre-tried on the 15th of August, 2007. Mr. Enright and Mr. Sager were present and we spent a considerable amount of time going through, the facts and the Crown’s position, and the defence position, and identified what I understood to be the primary issue, and that matter was put over to today’s date so that we could jump start this matter, were it to come back again before me, rather than having to reinvent the wheel as it were, before another judge, and spend 15-20 minutes going through what we had done already.

1. The Honourable Court is not discussing a possible resolution.

Page #2- Line #14- Mr. Sager: “Yes.”

Page #2- Line #15- The Court: “All right. So where are we?”

Page #2- Line #16-#19 Mr. Sager: “What - I spoke to my friend during the recess and prior to our last meeting, Mr. Dunlop had seen a social worker, that helped him prepare a report for anger management.

1. What is Mr. Sager exactly talking about here? Why is Mr. Sager discussing these facts in relation to this matter?

Page #2- Line #19-#32- Mr. Sager: “When we appeared before Your Honour last August Your Honour brought forth- you would require some evidence of the fact that he has straightened himself out with respect to alcohol consumption, but you’d have to see that. So I felt the only way that we could really do this, is to have him see a psychiatrist that specializes in alcohol abuse. Mr. Dunlop resides in Sudbury, Ontario, which is- makes it a little bit difficult, ‘cause there’s not too many psychiatrists up there that deal in alcohol abuse. We’ve found three that could possibly look after this problem. But they’re going to need two to three months to do this. I spoke to my friend . We’ve agreed with your consent, to adjourn this matter to January the 9th.”

& Page #3- Line #1-#4

Certified Court Transcript September 19, 2007 (continued)

1. **You will note that Mr. Sager stated that “SO I FELT THE ONLY WAY THAT WE COULD REALLY DO THIS, IS TO HAVE HIM SEE A PSYCHIATRIST THAT SPECIALISES IN ALCOHOL ABUSE. This was entirely Mr. Sager’s idea and Mr. Sager even states it.**
2. **I, Derek Dunlop live in North Bay, Ontario not in Sudbury, Ontario.**
3. **Mr. Sager states we’ve found three that could possibly look after this problem. Who is “we’ve?” and who are the three?**
4. **I was never and have never been informed about the names of the three individuals with whom Mr. Sager is referring to.**
5. **I am still unaware if this is a standard protocol by the court system in a matter such as this.**
6. **Who had had discussions about time frames? This appears to have already been pre-arranged.**
7. **There was no mention about this during the court date of the August 15, 2007.**

Page #3- Line #9-#17- Mr. Westgate: “ What I can just add, Your Honour, is that I’ve spoken to Mr. Sager, and I understand that 11(b) will be waived until that date. It is likely that this matter will be resolved by way of a guilty plea, and so on those conditions, if you will, I am content to have the matter go to January 9th to allow Mr. Sager and his client to marshal the necessary evidence to put their position before you.

1. **Mr. Sager presumptively waives my 11(b) rights here and I am obviously not notified about this or what this means or what this could mean.**
2. **Mr. Westgate states “it is likely that this matter will be resolved by way of a guilty plea. (Where is Mr. Westgate getting this information and why is Mr. Westgate stating this at this juncture?) (It would appear that Mr. Sager would have had to inform Mr. Westgate that that is what Mr. Sager believed was going to happen otherwise why would Mr. Westgate state this).**

Certified Court Transcript September 19, 2007 (continued)

Page #5- Line #6-#8 -The Court: “I take it Mr. Sager, your client although not present, would waive section 11(b) in relation to these proceedings.

Page #5- Line #9- Mr. Sager: “Yes.”

Page #5- Line #10-#14- The Court: “Thank you. That particular request by the Crown therefore has been met. The information will be endorsed that section 11(b) under the Charter is waived, and do we have a court?”

- 1. The Honourable Court is assuming that I would waive section 11(b) without my presence and/or consultation.**
- 2. Mr. Sager states “Yes.” (Referring to the fact that I would waive section 11(b) Charter Rights.)**
- 3. The Honourable Court states that particular request by the Crown has therefore been met.**

Page #5- Line #25-#32- The Court: “ Mr. Sager appearing as counsel and agent for Mr. Dunlop. This matter will be adjourned for the reasons indicated to January 9th, 2008 at 9:30 a.m. in court room 102. I’m going to mark it for a continuation of a judicial pre-trial but obviously if the matter is ready to be resolved on that date, we can do so.”

Page #6- Line #1- Mr. Sager: “Yes, I’m hoping it is going to be.

- 1. Once again, the Honourable Court is making reference about if the matter is ready to be resolved.**
- 2. Mr. Sager stating that he is hoping the matter is going to be resolved on January 9th, 2008. There is ongoing dissension between Mr. Sager and myself.**
- 3. Under what basis and assumptions are people thinking that this matter is going to be resolved?**

Certified Court Transcript January 9th, 2008.

Page #1- Line #7- #27 Mr. Sager: “We’ve been involved in judicial pre-trials which you may or may not recall. Unfortunately, I felt that we were going to be able to resolve this matter, that was part of our conversation at the last pre-trial, but I’ve run into a big of snag with my client. He’s ill. He is suffering from a bit of a breakdown. His father and his stepmother, who is the surety in this matter, have come down. He resides in North Bay but, unfortunately the snag is that he does not want me to be his counsel any longer. He’s put this in writing. So this morning I’m asking for two things. Number one, that this matter be put over for two Months. He has waived his 11(b) rights. So I’ve got time to get all the file up to North Bay so that he can either do one of two things, represent himself or retain new counsel. **I’ve let my position be known as to what he should do but, unfortunately, he doesn’t agree with that.** So we are at a stalemate.

1. **Mr. Sager states that I am ill and I have suffered from a bit of breakdown. Which is it? Who is qualified to say that I am or I am not suffering from a breakdown. Mr. Sager is not qualified to make any such inference and/or assessment.**
2. **Mr. Sager makes a point in the midst of another thought to ensure that the court is aware that I waived my 11(b) rights. I never waived my 11(b) rights. Mr. Sager took it upon himself to waive my 11(b) rights and did so without informing me, without informing me about what this meant, without my consent, without my authorization and so forth.**
3. **It is true that I did not agree with Mr. Sager and his advice as I never did agree him.**
4. **As if the Honourable Justice Wright would not recall the pre-trials in this matter.**
5. **There was a designation of counsel on file and Mr. Sager’s theatrics were intentional and maliciously conducted to embarrass me on the court record.**
6. **Mr. Sager has had many previous written contacts outlining my displeasure with him and the defence that he has provided me well before January 9th, 2008.**

Certified Court Transcript January 9th, 2008 (continued).

Page #2- Line #2-15 Ms. Kulpers(Crown) “Okay. Dealing with first things first, Your Honour, I don’t know whether the court requires a formal application before the court with respect to the removal of counsel of record and I’m in the court’s hands with respect to that issue. If there has been a breakdown in communication, then I’m not opposed to the application, but I’m not sure which form it should take. Secondly, I’m concerned, while I appreciate that he needs time to get a new lawyer, and so on, and so forth, I’m concerned that the matter is languishing. Although 11(b) is being waived, I’m wondering if two months is a bit too long, but I’m in the court’s hands.

- 1. Ms. Kulpers ensured to make a statement about the matter languishing.**
- 2. Ms. Kulpers also ensured to mention that 11(b) is being waived. Once again, I am not aware of what this means. Mr. Sager made this decision on his own. I personally still have not been present in court since the onset of this matter.**
- 3. At that time, Ms. Kulpers was fully aware that I, Derek Dunlop no longer wanted Mr. Sager to represent me in this matter at that juncture.**

Page #3 Line #20-#28 The Court: “It’s not that I’m not prepared to accept your word for it as an officer of the court, I most certainly am, but I’m trying to protect the integrity of the record and particularly so given the fact that you’ve indicated your intentions to be removed as counsel of record and the client’s apparent indication that he no longer wants you to represent him. So I’m going to grant the adjournment.

- 1. The Honourable Court acknowledged that Mr. Sager was requesting his removal as counsel of record.**
- 2. The Honourable Court acknowledged that Mr. Dunlop no longer wanted Mr. Sager to represent Mr. Dunlop in this matter.**

Certified Court Transcript January 9th, 2008 (continued)

Page #4- Line #8-12- The Court: “We had a lengthy pre-trial that occurred on the 15th of August, 2007 and I had anticipated, based on my rather detailed notes and the length of time that was spent, that this matter would be resolved.”

Page #4- Line #13- Mr. Sager: “So did I, Your Honour.”

Page #4- Line #14- The Court: “I understand that. It hasn’t, but that’s all the more reason, given the timelines in this, that the matter proceed to trial as quickly as possible. So I’m going to select date, at your convenience, sometime in early February if you have your calendar with you.”

- 1. The Honourable Justice Wright stating that he anticipated that this matter would have already been resolved. On what basis is the Honourable Justice Wright making this an enormous assumption. I, Derek Dunlop have not even been in court on this matter since this initial stages.**
- 2. This is another example that there was collusion, collaboration, and pre-meditation to prevent this matter from proceeding to trial.**
- 3. Mr. Steven R. Sager played a significant role in ensuring that every effort was made to ensure that a trial in this matter would never happen.**
- 4. On what basis does Mr. Steven R. Sager believe that this matter would already be resolved. There was ongoing dissension between Mr. Sager and Mr. Dunlop.**
- 5. The Honourable Justice Wright states that this matter needs to proceed to trial as quickly as possible. Why?????? There was already a pre-determined plan for the outcome of this matter and that is why it needed to proceed quickly.**

Page #4 – Line #25-#33- The Court: “Please impress upon the defendant that he is required to be here in person. The Crown is **now** proceeding by indictment. I appreciate that there’s a designation of counsel. I would ask, as well, that your application to be removed as counsel of record be formalized in a written application, served on the defendant, and presented to the court indicating the reasons for the breakdown.

- 1. Was the Crown previously proceeding summarily as I was always informed by Mr. Steven R. Sager that the Crown was proceeding by indictment.**

Certified Court Transcript January 9th, 2008 (continued).

Page #5- Line #26-#29- The Court: “I did pre-try this matter and I know that Mr. Enright had actually indicated that he was hoping that if it were resolved that it could be dealt with before me.

- 1. Once again, this exhibits that Mr. Enright also had an impression that the matter would have already been resolved.**
- 2. It also displays that there was a collaboration to ensure that the Honourable Justice Wright was seized of this matter throughout its duration.**

Certified Court Transcript February 7, 2008.

Mr. Sager is referring to his application to be removed as counsel of record.

Page #1- Line #15-#17- Mr. Sager: “I didn’t know literally up until last night whether I was going to be on this or off of this so my friend has been served, Mr. Dunlop has been served, Madam Clerk has received a copy of this this morning.

- 1. What is Mr. Sager talking about not knowing until last night (February 6th, 2008) whether he was going to be on this or off of this case? This is not true.**

Page #1- Line #27- Mr. Sager: “Further discussion with the Crown, I formed an opinion that Mr. Dunlop should take a certain course of action. He doesn’t agree with that course of action in part because he felt that he didn’t have the entire disclosure himself to review which is unusual I know but he did not have the whole disclosure. Primarily he had all of the photographs from the accident scene but he didn’t have the whole disclosure which is quite lengthy. He now has that disclosure, my office has photocopied the entire thing and sent it off.

- 1. During the previous 15 months I had made numerous requests to Mr. Sager about providing me a copy of the disclosure but to no avail. Mr. Sager did not provide me a copy of the disclosure even though he said that he would do so.**
- 2. The only disclosure I had was a CVD of the photographs taken of the scene.**

Page #3- Line #6 & #7- The Court: “What is it that Mr. Sager has said that you don’t agree with?”

Page #3- Line #8-#11- Mr. Dunlop: “Well I- his reference to what he said about- just our kind of the way we have agreed to disagree I guess in relation to you know...”

Page #3- Line #12-#14- The Court: “Did you send him an e-mail for instance indicating that you no longer wanted him to represent you?”

Page #3- Line #15-#17- Mr. Dunlop: “After he advised me that that is what he would require prior to the Court date on January 9th.”

Certified Court Transcript February 7, 2008 (continued)

Page #3- Line #18-#20- The Court: “ Is this issue about fees or is this issue about the circumstances of the matter in which this case is being conducted? Which is it?”

Page #3- Line #19- Mr. Dunlop: “It is not about fees.”

1. I was never really permitted to answer the question about what I disagreed with in relation to what Mr. Sager had informed the Honourable Court.

Page #3- Line #29- The Court: “I am not asking you to reveal the solicitor/client discussions- I am not asking you to reveal any of that because it is none of my business. I just want to be sure that I have it clear that you did send an e-mail to Mr. Sager indicating that you no longer wanted him to represent you and it wasn't a matter in regard to fees is that correct?”

Page #4- Line #8

Page #4- Line #9- Mr. Dunlop: “That is correct.”

Page #4- Line #10-11- The Court: “When Mr. Sager did you receive that e-mail?”

Page #4- Line #12- Mr. Sager: “February second.”

- 1. The Certified Court Transcript of January 9th, 2008 will indicate that Mr. Sager informed the Honourable Court that I, Derek Dunlop had put in writing that I no longer wanted Mr. Sager to represent me in this matter prior to January 9th, 2008. Mr. Sager failed to mention this fact at that time.**
- 2. Again, on February 2nd, 2008, I did request in writing in an e-mail to Mr. Steven R. Sager that he remove himself from the record as my counsel.**
- 3. So for Mr. Sager to say I did on February 2nd, 2008 this was not my first request nor was it my first indication to Mr. Sager that I did not want him to represent me any longer in this matter.**
- 4. I am not sure exactly what all of this dialogue is about but it appears that there were trying to destroy my image on the court record.**
- 5. Once again, I am still confused about what Mr. Sager was referring to when Mr. Sager stated that he literally did not know until last night whether he was going to be on this or off of this referring to February 6th, 2008.**

Certified Court Transcript February 7, 2008 (continued)

Page #4- Line #17-#26- The Court: “Which means that this matter is now dated by some sixteen months. The matter has been the subject of extensive pre-trial discussion and I am sure your office is aware of that since Mr. Sager is conversing with members of your staff with a view towards a resolution. On the eve of the completion of that, Mr. Sager indicated that he had received an e-mail from his client advising that his client no longer wanted to represent him.

- 1. Once again, The Honourable Justice Wright discussing resolution? This is incredulous.**
- 2. The Honourable Justice Wright is referring that on the eve of the completion of a resolution Mr. Sager received an e-mail from his client advising that his client no longer wanted Mr. Sager to represent him.**
- 3. What eve is the Honourable Justice Wright referring to?**
- 4. What resolution is the Honourable Justice Wright referring to?**

Page #5- Line #16-#18- Mr. St. Michael: “I can simply say that this matter, as you (Crown) pointed out is some sixteen months old and needs to get either resolved or to trial as soon as possible.”

- 1. Mr. St. Michael (Crown) is once again referring to the immediacy of this case.**

Mr. Sager makes reference to his application to be removed as counsel of record.

Page #6- Line #22-#24- Mr. Sager: “ My question Your Honour is once we have set this trial date, my friend and I, are you going to grant the order.”

Page #6- Line #25- The Court: “Yes.”

Page #6- Line #26- Mr. Sager: “Thank you.”

- 1. The Honourable Justice Wright indicates that he will grant the order to remove Mr. Sager as counsel of record.**

Certified Court Transcript February 7, 2008 (continued)

The Honourable Justice Wright asked Mr. Sager, Mr. St. Michael and Mr. Dunlop to attend the trail coordinator's office to set a date for trial. (I was not present and Mr. Sager ensured that this would happen)

Page #7 -Line #30 & #31- Mr. St. Michael: "Wondering if the accused should be put to His election at this point Your Honour?"

Page #7- Line #32- The Court: "I think he should. I am going to ask you Mr. Sager to assist the defendant in relation to this matter if it is going to be a trial. The Crown has not yet elected its method of proceeding and I thought I should mention that to you Mr. St. Michael."

Page #8- Line #9

Page #8- Line#10 & #11- Mr. St. Michael: "Crown is proceeding by indictment."

Page #8- Line#12-#17- The Court: "Madam Clerk if you would endorse the information that the Crown is proceeding by indictment in the circumstances I would ask he be arraigned and the elections that are available to the defendant. Please listen carefully Mr. Dunlop."

- 1. The Honourable Justice Wright intentionally expecting me to elect mode for trial? The Honourable Justice Wright did this without hesitation.**
- 2. The Honourable Justice Wright requesting that Mr. Sager assist me knowing full well that I no longer want Mr. Sager to represent me and knowing that Mr. Sager has filed an application to be removed from the record as counsel.**
- 3. At this time, the Honourable Justice Wright knows Mr. Sager is still on the record and intentionally and purposely tries to get me to elect mode for trial.**
- 4. This was a complete set-up and pre-judicial to my best interests.**
- 5. On February 7th, 2008, Mr. Sager suggested to me to elect my mode for trial in this Court by His Honour (referring to the Honourable Justice Wright).**
- 6. As a result, of asking to acquire independent legal advice about my election it appears that the Honourable Justice Wright was not going to remove Mr. Sager as counsel of record. It certainly appears that the Honourable Justice Wright was expecting me to proceed with Mr. Sager's advice. When I did not proceed with Mr. Sager's advice this is when the Honourable Justice Wright changed his mind about granting the order for Mr. Sager's removal as counsel. THIS DEFINITELY IS REFLECTIVE OF COLLUSION AND CONSPIRACY.**

Certified Court Transcript March 6th, 2008.

Due to the fact that there are numerous legalities involved with this date I am going to refrain from providing an outline of my assessment of this Certified Court Transcript at this time.

I will state that my Will Say Statement of June 2nd, 2008 and the information contained within the Certified Court Transcript coincide with each other. Furthermore, this will prove that there was collusion, collaboration, corruption and conspiracy against me.

One Example:

Page #5- Line #3-#18 - The Court: “This matter is to be adjourned to April the 10th, 2008 at 2:15pm and I’m going to simply mark it as to be spoken to, because quite frankly, if the matter doesn’t resolve by way of plea, I don’t want something noted on the record that would prejudice the defendant. He has been ambivalent with respect to his instructions and the manner in which this case has been proceeded with in court. I want the defendant to clearly understand this matter will proceed to trial on the 17th and 18th of November, if the matter is not resolved in the interim. An indication has been given that there may be a resolution on April 10th, 2008, and for that reason I’m adjourning this matter, court room 201, at 2:15 to be spoken to.

- 1. If there was no collusion, collaboration and conspiracy then ask yourself one question, how was a plea entered on this date after the Honourable Justice Wright stated what he did above?**