

13-Jul-06-  
8:28am Mary Hall called to let me know that my next court date was the 23-Aug-06 and that we have to get together before than as there is a lot of disclosure to go through together. Mary was cut off by our answering machine. I happened to be out early this morning (Coincidence?) (on audio-tape)

13-Jul-06-  
9:35am I called Mary Hall back and left her a message to state that I was going to drive over to her residence to bring her some money.

13-Jul-06-  
10:30am Mary Hall called back to say that it was 10:30 and she stated that she knows that she was cut off. Mary stated not to drive over as she was just getting ready to go on her sailboat for a few days. The part that was cut off was that she suggests that mail me a couple of cheques, 1 current cheque and one post-dated cheque for a couple of weeks but it would be nice to have \$2000.00 in my trust account before your next court date in August. So my address is on the business card just put it in the mail for me. I will be back early next week if you want to get together (Coincidence)  
(\*\*\*It was as if Brad had called her. I left at 10:10am to go over. Mary does not call back and it was almost as if Brad Carne had called her to let her know I left. When I confronted Brad when I returned home he was off. I did not ask him if he called but when he said there was a message from Mary he was acting very strange.) (Coincidence)

23-Jul-06-  
12:00pm

Mary Hall it is Sunday just after noon and things have cleared and I can see you tomorrow. I know it is short notice, I was thinking about tomorrow afternoon about 3:00 or 3:30pm, if that works for me that we could review the disclosure, hand her a couple of cheques and sit and talk about her case. Would you call to confirm, (705)-445-0878, thanks, bye.

(\*\*\*Once again I am not at home, it is Sunday- Mary does not return my calls but she calls me on a Sunday. She wants to see me at 3:00-3:30pm- EVERYTHING SEEMS TO HAPPEN AT THIS TIME OF DAY- I have not figured this out yet but I will. If we met at this time Brad Carne would be home from work and I would be in Collingwood- (Coincidence?)

24-Jul-06-  
3:20pm

I left a message for Mary Hall at 445-0878 stating that I had received her message from the 23-Jul-06. I said that I would like to get together with her but tomorrow probably did not work but that mornings were better for me and Wednesday or Thursday morning would probably work for me. I said I would also like to discuss what is going on behind the scenes. I informed Mary that I had money set aside for her and that I would have to get her a cheque from my dad in the next couple of weeks.

27-Jul-06-  
9:14am

I left a message for Mary Hall at 445-0878 stating that I would greatly appreciate it if she could call me back in relation to getting together to discuss my case and to discuss my labour law matter in relation to my case. I said I did not know how much she has talked to Ellen (Ellen Swan) in relation to my case. I asked her to please get back as soon as she could.

09-Aug-06-  
10:55am

I called Mary Hall and left her a message saying that I would greatly appreciate it if she could get back to me as I would like to get together before my next court date. I said that I did not even know what was going on there. I also said I would appreciate it if I could get a copy of the disclosure. (Additional disclosure) I asked her to get back to me at her earliest convenience.

12-Aug-06-  
7:20pm

I left Mary Hall a message stating that I apologize for calling her on the weekend. I said that I was not sure why she was not returning my calls. I said I would greatly appreciate if she could call me back to arrange a time to meet so we could review the disclosure. I said that I would not be around much this week and then we only had the Monday or Tuesday the next week prior to court. I said that we also need to discuss the monetary thing. I asked her to get back to me at her earliest convenience.

22-Aug-06-  
11:21am

Mary Hall called and said it is Mary Hall it is around 11:30 on Tuesday August 22<sup>nd</sup> as you know, uh, we have court tomorrow the 23<sup>rd</sup>, uh I am going to attend myself and get the lay of the land. I was thinking that it would be convenient for you to meet me at the court house, you would not have to make a court appearance, you could pass over the cheques you have for me or the cash you have been saving and I could give you a copy of the new disclosure and then we can arrange to meet to review everything a week or two from now. If that works for you, please call me at 705-445-0878, your court appearance is at 9:00 o'clock, uh, Derek I always want to make the court myself. I am always at the courthouse by 8:30, sign the list, uh so that uh I can get quickly in and out. So if it works for you to meet me between 8:30 and 9:30 at the court house that would be great but please let me know. Thanks. Bye.

23-Aug-06-  
10:25am

I call Mary Hall at (705)-445-0878. I left message for Mary Hall asking her to call me back to let me know what happened in court today, when my next court date is. I also said that I would greatly appreciate it if I could get a copy of the disclosure from the last court date and anything that was disclosed today so that I could peruse it. I also said that I would greatly appreciate it if she did not get a hold of me if she could leave me a time that was convenient to call her back.



23-Aug-06-  
11:58am

Mary Hall left me a message. Derek, Hi, Mary Hall its about noon hour on Wednesday the 23<sup>rd</sup> of August. Derek I got your message, uh just minutes ago. Uh, if you were in Barrie and did not come to court I will be very disappointed, uh because I was hoping to touch base with you. Derek there is just so much disclosure to read here and uhm, I thought you were going to mail a cheque or get some money organized for me uh. Uh, I know you're a real close friend of Vic Matanovic's but I mean I put money out on your file now and I just can't sit down and read all the disclosure until I see some money from you Derek. I know we played telephone tag over the summer but I thought one of the messages I left you was uh just mail me the cheques so that I could read this disclosure on my own which is the most productive way to do it rather than have you sit there and watch me read it. Uh, Derek I must read it before September 7<sup>th</sup>, I have a very important meeting with the Crown on that date. Uh, so I am going to suggest you phone me but if you get my voice-mail put some money in the mail for me. By this point you should have at least a couple of thousand dollars Derek. Uh, I just got to get going on it. As I said that Crown is getting a little anxious to move on it. So you've got my business address on my card, get the cheque in the mail and get it in the mail soon so that I can read it between now and as I said September 7<sup>th</sup>. 445-0878. Thanks, Bye.

24-Aug-06-  
9:16am

Hi Mary, it is Derek Dunlop and it is about 9:15am on Thursday morning the 24<sup>th</sup> of August. I greatly appreciate all the assistance that you have provided me so far but I am extremely concerned about the lack of professional. You have disclosure that could be pertinent to my civil case and I am trying to make an educated decision about that. If you could get back to me as soon as possible that would be great. Thanks. Bye.

24-Aug-06-  
11:58am

Uh Derek, Hi Mary Hall, it is just about 12 o'clock. This is uh kind of crazy we have been playing telephone tag all summer. Uh, yeah I was a little disappointed that you weren't in court yesterday not that you had to make a court appearance but it would have been nice to uh see you personally rather than play voice-mail. Um, Yes I have been busy this summer and I suspect you have to. Um I am more than happy to turn the criminal file over to another lawyer, uh, Derek. Just let me know if you think I am being unprofessional, uh but quite frankly I did not think there was anything to do in reference to your civil case. I thought I made it very clear that they were taking the lead and uh I would uh let the criminal charge play out so that I did not in anyway jeopardize your civil case. But in any event, um if you want to discontinue our services uh I guess that is not very hard to do since uh you really haven't paid me anything. Um I guess I would have some trouble uh. Uh turning over to you, uh, well I guess I couldn't. I picked-up some DVD's yesterday when I was in Barrie, uh and I signed an undertaking in reference to those, uh to review them with you but not give you copies of them. Uh, so that I could not just turn them over to you. I could turn over to your civil lawyer, uh, but only in reference to the criminal case. Uh, the disclosure does not work both ways. So you are going to have to speak to me. Uh, if you want to make arrangements for another lawyer don't hesitate to do that. Uh, as I said I am more than happy to look after this, particularly as you are so close to Vic Matanovic. But in any event I just can't undertake the review of all of this disclosure until uh. Uh I have a retainer. So that

24-Aug-06-  
11:58am

I can be assured that I will be paid for my efforts. Um, your next court date and we'll have to make the decision before then, uh, would be. I think I left it in the last voice-mail message. Um, your pre-trial is on the 7<sup>th</sup> and if you want to get another lawyer I would just cancel that. Obviously, I would not go to Barrie for that, it is not an appearance that you have to make in any event. But your next court appearance would be the 13<sup>th</sup> of September so please let me know right away. As I said, if you want me to start to prepare for the pre-trial there is a lot of disclosure I have to read and I um am going to have to start working on that and uh I am going to need a retainer. So uhm again lets try not to do voice-mail again. Um I don't know what the best time to reach you is. I have just come back from court in Owen Sound. So that mornings aren't great for me Derek. I had court 3 mornings this week, including yours, yesterday. So uh please call me and let's talk. If you as I said if you want to hire a different lawyer, that's fine to. I just get you to sign uh, the new lawyer. I'll get you to sign whatever is required and uh I could get the file to that person. So let me know. (Mary appeared to be cut off by answering machine).

25-Aug-06-  
10:17am

Hi Mary, it is Derek Dunlop returning your call. I would greatly appreciate it if you could get me a copy of the disclosure that you have received, a copy of the list of witnesses and anything else that you have received from the Crown in order that I can prepare my defense. I have a copy of the initial disclosure that I picked up from Jokinen/Parent from my first court date. I am really surprised that you have suggested that I pursue other lawyers. Anyway we can discuss the other things when you call me back. Thanks. Bye.

25-Aug-06-  
11:50am

Uh, Derek, Mary Hall just again missed your call. I can't believe this. Uh. I don't know if you call. I don't know. But in any event. I think you missed the point of my message. I can't give the disclosure that I have picked up for you to you. They are DVD's and I had to sign an undertaking that I would keep them in my possession and review them with you but keep them in my possession. So that being said I can not turn them over to you. Uh. If you retain another lawyer and that lawyer sends the appropriate direction to me I could turn the DVD's over to that new lawyer. Uh, but I can't turn them over to you. That is the only thing that I picked-up in court other than a sort of a chronology of uh I guess the 911 call that was placed to make the complaint. Uh, so you are going to have to get another lawyer before the next court date. Uh and/or be in court there with me so that I can get off the record and you can indicate to the court that you are looking after it yourself or you're looking for another lawyer and uh, then you can discuss uh, I guess with the Crown if you are unrepresented if you are entitled to these DVD's, uh, but in any event, I gave you in my last message the next court date, uh, oh, here is my diary right here. I'll just give it to you again. I had a pre-trial which I will not keep I guess. Uh unless you continue to retain me for September the 7<sup>th</sup>. Uh and as I said I can't do the pre-trial unless I read the disclosure. And I am not reading that disclosure. Uh, if you don't want to retain me properly. Uh. But that can be cancelled with a phone call. You must be in court then yourself or have a new lawyer and a designation on September 13<sup>th</sup>. So let me know. It is at 9:30 and I hate to make that trip over there if it is not necessary. Uh again I can't disclose to you directly the DVD's. Sorry about that, that is the rules

25-Aug-06- in a criminal case and you probably know that in cases that involve  
11:50am either, uh, child abuse or domestic abuse. Uh, so let me know what you  
want to do again, (705)-445-0878. Thanks. Bye.

**This letter was comprised on the 25-Aug-06 but it was NOT sent.**

25-Aug-06.

Dear Ms. Hall

I greatly appreciate all of the assistance that you have provided me to date. I know that you are a highly respected and reputable attorney and that you were strongly recommended by Mr. Victor Matanovic. As a result, I possess the utmost respect for your knowledge and expertise.

On the other hand, it is for many reasons that I am extremely shocked and surprised about the lack of professionalism that you have exhibited with respect to myself and my case. The following facts are irrefutable.

1. You have not returned my 4 previous telephone calls (24-Jul-06, 27-Jul-06, 09-Aug-06 and 12-Aug-06) prior to contacting me on 22-Aug-06.
2. You contacted me on the 22-Aug-06 expecting me to meet with you at the last minute on the 23-Aug-06.
3. You have not made yourself readily available for me to meet with you and to discuss the additional disclosure that you received at court on the 12-Jul-06. You said that we needed to meet to review that disclosure you received at court on the 12-Jul-06 prior to my court date on the 23-Aug-06.
4. The last time **you contacted me** prior to the 22-Aug-06 was on Sunday 23-Jul-06 asking me to meet with you at the last minute on Monday 24-Jul-06.
5. We have not had direct contact since well before my court date on 12-Jul-06 and you have made assumptions in relation to voice-mails that you have left me, without having direct contact with me.
6. You are not providing me with information about what has happened during my last two court dates, other than the fact that you received additional disclosure on the 12-Jul-06. I was not even aware of what was happening at court on the 23-Aug-06 and I still am not aware of what occurred at court on the 23-Aug-06. You have also not informed me about the details of your meeting with the Crown Attorney on the 07-Sep-06.
7. You are not providing me an opportunity to review any additional disclosure. (R. v. Stinchcombe) Additionally, this disclosure could be pertinent to my civil case.



**This letter was comprised on the 25-Aug-06 but it was NOT sent.**

8. You are not providing me a copy of that disclosure as I have requested on various occasions.
9. As far as I am aware, you have not contacted my civil lawyer Ellen V. Swan of Aird & Berlis. This was something that you had wanted to do a while ago.

As a result, I am extremely concerned about the lack of integrity you have displayed. We are not working as a cohesive unit and as a team. It appears that our lack of communication has conjured up some trust issues for both of us and I am wondering how we proceed forward together from here.

Your due diligence and attention to these matters is greatly appreciated.

Please respond by telephone so that we can rationally discuss my concerns.

Thank you for your continued assistance and cooperation.

Yours truly,

Derek Dunlop

30-Aug-06- I called Mary Hall and left her a message stating that it was  
2:02pm Derek Dunlop and that I would appreciate it if she could call me back at  
her first opportunity.

01-Sep-06- I called Mary Hall and left her a message stating that it was Derek Dunlop  
1:10pm and that I would appreciate it is she could call me back.

02-Sep-06- **I revised the letter that I had created on the 25-Aug-06. This copy was also NOT sent to Mary Hall. \*\*\*Ms. Mary Hall called on Saturday 02-Sep-06 @ 12:08 as I had just finished revising the letter. (coincidence?)**

02-Sep-06.

Dear Ms. Hall

I greatly appreciate all of the assistance that you have provided me to date. I know that you are a highly respected and reputable attorney and that you were strongly recommended by Mr. Victor Matanovic. As a result, I possess the utmost respect for your knowledge and expertise.

On the other hand, it is for many reasons that I am extremely shocked and surprised about the lack of professionalism that you have exhibited with respect to myself and my case. The following facts are irrefutable.

1. You did not returned my 4 previous telephone calls (24-Jul-06, 27-Jul-06, 09-Aug-06 and 12-Aug-06) prior to contacting me on 22-Aug-06.
2. You contacted me on the 22-Aug-06 expecting me to meet with you at on the 23-Aug-06.
3. You have not made yourself readily available for me to meet with you and to discuss the additional disclosure that you have in your possession. You said that we needed to meet to review that disclosure you have in your possession prior to my court date on the 23-Aug-06. This did not occur.
4. The last time **you contacted me** prior to the 22-Aug-06 was on Sunday 23-Jul-06 leaving me a message asking me to meet with you on Monday 24-Jul-06 @ 3:00pm.
5. We have not had direct contact since well before my court date on 12-Jul-06. You have made assumptions in relation to voice-mails that you have left me, without having direct contact with me to discuss or confirm the related matters.
6. You are not providing me with information about what has happened during my last two court dates, other than the fact that I believe that you received additional disclosure on the 12-Jul-06. I was not even aware of what was happening at court on the 23-Aug-06 and I still am not aware of what occurred at court on the 23-Aug-06. For that matter, I am not really aware of what occurred at court on the 12-Jul-06.

7. You are not providing me an opportunity to review any additional disclosure. (R. v. Stinchcombe) Additionally, this disclosure could be pertinent to my civil case.
8. You are not providing me a copy of that disclosure as I have requested on various occasions.
9. As far as I am aware, you have not contacted my civil lawyer Ellen V. Swan of Aird & Berlis. This was something that you had wanted to do a while ago.
10. You have not returned my telephone messages from this week dated the 30-Aug-06 and the 02-Sep-06.
11. I am not sure what you plan is for my pre-trial scheduled for the 07-Sep-06.

As a result, I am extremely concerned about the lack of integrity you have displayed. We are not working as a cohesive unit and as a team.

Please respond to this letter in writing. Please feel free to address any discrepancies that you believe are contained in this letter.

Your due diligence and attention to these matters is greatly appreciated.

**Since, my case has a pre-trial scheduled for the 07-Sep-06, I believe it would be imperative that we have a meeting and/or discussion prior to that date.**

Thank you for your continued assistance and cooperation.

Yours truly,

Derek Dunlop

02-Sep-06-  
12:08pm

Uh, Derek, Mary Hall returning your call its Saturday September 2<sup>nd</sup>, I know it is not a business day and I know its the long weekend, uh, it is round the noon hour, uh, I am going to suggest that when you get this message, you tell me, you leave me a message when you would be available to speak with me by telephone on Tuesday, sort of the next business day, uh September FIVE, uh, during business hours. If you give me a couple of hours by way of a window of opportunity, we can communicate by phone then. I did get a message from Vic Matanovic uhm and I expect I know why he is calling but in fairness I guess I should speak to you first. So call me back, I know its the long weekend, leave me a time, a couple of hours that you are available to speak to you by phone uhm on September FIVE, 705-445-0878. Thanks.

02-Sep-06-  
12:34pm

I called Mary Hall back from her call earlier today and we did make contact. (\*\***OUR FIRST CONTACT SINCE PRIOR TO MY COURT DATE 12-JUL-06.**) We exchanged our hellos. Mary asked where things were at. I said that I understood that she needed some money. Mary explained what she had already done by attending court for me and paying others to attend for her. Mary stated that she may have made it too easy for me in the beginning by saying that she did not need money up front right away. Mary said that she would be willing to pass the case on to another lawyer and cut her losses. I said that regardless I would still pay her for her services rendered. I informed Mary Hall that it was my concern that she did not call me back for a month's period of time from July to August. Mary said (In a snarky tone) that's called summer holidays and I was away for two weeks. As I told you (Mary said) I sail and we were sailing. (\*\*I thought to myself that still only accounts for a couple of weeks what happened to the other two). Mary said, in any event I have a lot of work to do to prepare for the pre-trial. I said that I appreciate that and realize that she needs some money. We discussed my civil suit. Mary asked where things were at with that. I said to Mary that it is at the decision stage. I said I have to decide whether I am going to accept their offer or whether I pursue a civil suit. Mary asked what their offer. (\*\*\*)-I decided that I would play along. If Mary was baiting me and this came back to haunt me then I knew she doing this to bait me. I would then now that if this effected my civil suit that she was against me to. I figured that her being a lawyer that she would legally know if it was okay for me to discuss this with her. If she set me up then this will come out later.) I informed Mary that the offer was basically one month's

02-Sep-06-  
12:34pm

salary per years service and a reference letter. A reference letter, Mary seemed surprised. Mary asked if I had this in writing or not. I said I believe that it was all verbal at this point. Mary stated that this is an angle that she might be able to pursue with the Crown by showing them what C. A. S. is willing to offer. Mary stated that the charge against me is very minor. I asked Mary about the diversion that Mary had discussed during our initial meeting. Mary stated that this is a possible option. Mary asked if I had made repairs to the wall. I said yes that I had. Mary asked if I had anything to account for the repairs. Other than it being fixed I said "no." I said that Maria does not ever reside at that residence anymore. Mary asked me about my job prospects and if I had been looking for another job with a C. A. S. I informed her that when I first lost my job I approached Muskoka C. A. S. with whom I had worked with in the past. I said that I actually had an interview with them but in speaking to Mr. Vic Matanovic he suggested that I not go because I would have to inform them about some information. I said that they would also require a criminal record check. Mary said that she did not do this for a living but she would figure that my civil lawyer would have suggested that I try and find work in my field to show that I was Wrongfully Done. Mary asked me if I wanted my job back. I said it would be difficult to go back and work for Simcoe C. A. S. Mary said something to the effect you could possibly go back and work for a couple of months. Mary also discussed the fact that if it could be proved that they had **an ulterior motive to have me dismissed from my job**. Mary said that it appears that all the Crown Attorneys are aware of the case. Mary said that when she has been in Barrie that they all have knowledge of the case. Mary said that if it came to the point of having to bring in another



02-Sep-06-  
12:34pm

Crown Attorney that she knew how to do that. (\*\*\*- I don't know what this was about.) Mary and I agreed to meet on Tuesday (Tuesday 05-Sep-06). Mary asked me how much money I was going to give her. I said two (meaning two thousand). I asked Mary if that was good. Mary said that was good for now. Mary said that she would not call Vic Matanovic back then as she hated to bother people on the weekend.

05-Sep-06-  
11:10am

I went to Mary Hall's residence to bring her some money. My mother had deposited \$1000.00 in my bank account earlier this morning. I was giving Mary that \$1000.00 and then I had to wait until after 12:00pm to go to the Royal Bank and get another \$1000.00 that Peggy Greer was supposed to deposit in my account at that time. I brought my briefcase full of Case Law and other documents. I also brought my criminal code and placed them on Mary Hall's floor. When I arrived Mary Hall was on the telephone. Upon getting off of the telephone Mary greeted me. I asked Mary Hall if she was going to be at home over lunch and she said "yes." I explained that I had to wait to have money transferred to my account. I gave her (Mary) the \$1000.00 that I had. I said I would get her the other \$1000.00 at noon. Mary said you have to drive all the way back to Barrie. I said "no." I'll just wait in Collingwood, ON. (\*\*\*)Mary was basically pushing me out her door at the time, oh we'll see you then.) We then had a further discussion. I said to Mary Hall that I had been doing my own research in relation to section 11B of the Charter and section 29(2) (b) of the Criminal Code of having the right of being informed of what I was being charged for. (\*\*\*)Mary said oh well I have not read the disclosure and you gave them all that disclosure and I have to see how incriminating that will be. (\*\*\*)Mary never addressed what I said about Charter & C. C. C.) I said the to Mary the disclosure in relation Maria Malvaso. Mary said yes. I asked Mary what the pre-trial would be about. Mary stated that she would be prepared for the pre-trial. Mary stated that it would be to determine what the Crown's best offer would be. I asked Mary Hall what the court date on the 13-Sep-06 would be about. Mary informed me that that court date was for to determine whether

05-Sep-06-  
11:10am

the case proceeds forward or not. Mary asked me if I had been doing anything since I lost my job. I said no that I had not but that I have a job stocking shelves at Wal-Mart that I will beginning this Friday. Mary asked me what I would making, I said \$10.50/hr. Mary again asked if I had done anything part-time or anything. It was almost as if she was fishing (\*\*\*-to see if I had been working and did not inform police- I may be wrong, but I doubt it.) I said to Mary what about the DVD's. Mary said they are actually CVD's. Mary said that all the lawyers in Barrie are frustrated with CVD's. Mary went and got them. There was a DVD of Maria Malvaso's interview and CVD's of Linda Sauhammel's interview and Elizabeth Dye's interview. (\*\*\* **-On the sheet(legal document-not sure what it was) but it had the Mischief charge at the top and a list of disclosure on it with DVD & CVD numbers. There was a number that I believe was 676 and it was crossed out.** Mary stated that she was not sure if this was a typo or not. I asked if it was another DVD. Mary said she did not believe so. However, there was another CVD from 09-Jun-05. Mary stated that she believed that it was the 911 call made by the victim. (Maria Malvaso). I informed Mary that Maria had called the main number in the documents I had. I said that working for C. A. S. we obviously know the main number. I said to Mary. Hall or Hull- (referring to her and Crown Attorney Hull, Kate). Mary said that she (Kate Hull) seems interested in the case but that if it went to trial that it would have to go to a senior Crown. Mary Hall stated it seems if everybody knows everybody. (\*\*\*referring to the Crown knowing CAS workers) Mary asked me if I was a C. A. S. worker who would interview children if they were a witness to

05-Sep-06- a domestic. I said "yes." Mary said that she had received my message  
11:10am about the officer calling me about when Maria drove by and I was going to  
mail box. Mary said something about the finger. Mary said that I said  
that the officer was not going to pursue anything. I said that that is what  
he informed me. I said that Maria (Maria Malvaso) does not need to be in  
that area and it was near my neighbourhood. Mary said oh then I will see  
you in few minutes. There was a ring. Mary said Oh there is my fax  
machine I gotta go. (\*\*\*- for a fax??)

### **POINTS OF INTEREST**

- 1) Once again, Mary never scheduled a time to view CVD's & DVD's. Mary did say there was a place in Collingwood that would charge \$30 to make copies.  
\*\*\* I am sure that you are unable to make copies. As Mary had signed and undertaking. Mary asked me if I had access to a good lap top. I said "no." Mary does not either.
- 2) Was it a 911 call or did Maria Malvaso call main number?
- 3) \*\*\*I do not believe that the police **used CVD's or DVD's on 09-Jun-05**. I am not 100% sure but I am almost positive **Barrie Police still used VHS copies!**
- 4) The supposed typo of #676.

05-Sep-06-  
12:15pm

I went back to Mary Hall's residence to provide her with the other \$1000.00. I asked Mary if she wanted to contact my civil lawyer. Mary said it is just at the negotiation stage. I said yes. Mary stated that she did not see a reason why. I was about to leave and Mary was about to return inside her house. I asked Mary Hall for a receipt. Mary said she would see what she could find as she did not cash very often. Mary provided me a receipt. (\*\*\*)She does not have a name stamped or printed on it- just a signature.) I asked Mary if she thought it was worth getting something in writing from my civil lawyer about CAS's offer. I said that she had said that might be beneficial. Mary said that the meeting on Thursday was a preliminary meeting and not to panic. I said I was not. Mary said that she would call me Thursday at noon.

08-Sep-06-  
2:32pm

I called Mary Hall and left her a voice message to please call me back at her first opportunity. I stated that I was wondering what the outcome of yesterday's pre-trial was.

09-Sep-06-  
4:54pm

Derek, Hi Mary it's uh 7 minutes to 5 on Friday. Um, I wish I could report something to you Derek but uh we had a good hearing uh yesterday and there has been some back and forth a bit Derek, uh and I just am not at liberty to discuss back and forth yet with you. Uh, but hang in there, um, uh. I am going to see what the Crown is prepared to do. Um and sort of the my last move(?)... The last move was mine. I left her a voice-mail today following up from her voice-mail to me. Uh, so uh if we can't resolve this Derek in a way that I think is satisfactory then uh what we are going to do sort of the next stage is to have a judicial pre-trial. Uh and I have taken the liberty of sort of finding out when we can do that and that would be October... I think it is October 30<sup>th</sup>. I scheduled it tentatively, uh. But hang in there. The Crown will get back to me I am sure on Monday. As I said we played voice-mail tag uh a couple of times today and uh I had a really good hearing with her when we had our pre-trial. So I'll let you know as soon as I have something I can tell you. Okay. Take care. Bye.

- 1) \* Mary Hall called me about 5 minutes after I left my house for the evening as I was staying at Burl's Creek.
- 2) \*Mary Hall called me about 6 minutes after Ellen Swan of Aird & Berlis e-mailed me with Mr. John Anderson's written offer on behalf of Simcoe Children's Aid Society.

12-Sep-06- I left Mary Hall a message to see if we required to be in court  
10:45am tomorrow or not. Mary had not indicated whether we had to be or not.  
I asked Mary to call me back to see if we were required in court or not.

1)- I don't think Mary Hall would have called me to inform what was going on?



12-Sep-06-  
10:52am

Mary Hall returned my call and said that I was not required in court and that she was not attending-either. Mary stated that she had spoke to the crown and informed the Crown that she would really not speak to me until she heard back from the crown. Mary stated that she had made a counter offer to the Crown and had not heard back. Mary stated that if we did not hear back from the Crown that we would go to the judicial pre-trial scheduled in front of a judge on the 30-Oct-06. (\*\*\*) It sounded as if Mary did not think that she would hear back from the Crown). Mary stated that she did not want to get my hopes up. Mary stated that a good friend-duty counsel would attend court tomorrow on her behalf. Mary stated that she had spoke to the crown and that Maria (Maria Malvaso) was digging her heels in. Mary stated that she had spoke to the Crown and that she had informed the Crown that she probably should not listen to everything Maria says as she used to be a Crown. Mary Hall said hang in there. Mary said that court was for 9:30am on the 30<sup>th</sup>. Mary said she likes to see her clients there for about half an hour before. **Mary said that she would see me on the 30<sup>th</sup> then.**

- 1)- IT WAS LIKE MARY DID NOT WANT TO TALK TO ME AND WAS VAGUE.**
- 2)- MARY DID NOT SAY WE WOULD MEET OR TALK BEFORE THE 30<sup>TH</sup> OF OCTOBER.**

12-Sep-06-  
11:55am

I left Mary a message stating that I apologized as I was half asleep when I talked to her earlier. I said that I was assuming that there was a pre-trial scheduled for the 30<sup>th</sup> of October and that if there is not a settlement on that day that the case would proceed to trial. I asked if this pre-trial hearing was in accordance with Section 625.1(1) of the Criminal Code. I said I get the impression that you do not expect to hear back from the Crown in relation to her offer. I also asked her if she could provide me some information about what Maria is digging her heels in about. I also said that it appears that tomorrow's court date was not of essence as a result of the pre-trial scheduled for the 30<sup>th</sup>. I said that I know that it is all billable hours but I would greatly appreciate it if she could give me a call back. I also said that Maria Malvaso is a professional liar and that the world jumps for her. I said that this was the long and the short of it.

12-Sep-06-  
7:16pm

I left Mary Hall a message apologizing for calling in the evening but I am contemplating going public with this entire situation and I wanted to know what she thought. I said that I know Vic Matanovic Sr. always informs me not to go public. I said I would appreciate it if she could get back to me.

13-Sep-06-  
12:00pm  
(about)

Mary Hall returned my calls from yesterday. Mary says, Derek, don't go public. Mary stated to just sit tight and wait until the 30<sup>th</sup> (30-Oct-06). Mary stated that we need to maintain a low profile until then. Mary stated that she knew that an occurrence had been generated by the police in relation to me walking to the mail box. Mary stated that she said that Maria (Maria Malvaso) was just probably making noise in relation to that. Mary stated that if I had any contact with her at all just to turn and walk away. Mary stated that I should probably document anytime that I do bump into her. Once again Mary stated I'll see you on the 30<sup>th</sup>. Mary did say that I was right that the pre-trial hearing was in relation to the Criminal Code.

**\* Mary Hall called while I was on the other line again.  
(just as if she knew)**

**\* Once again not suggesting we meet prior to 30<sup>th</sup> of October.**

28-Sep-06- Fax Transmission Page stating Transmisson Ok of 6 pages to  
Mary Hall @ 705-445-6625 on 28-Sep-06 @ 8:29.

28-Sep-06- Fax cover page to Mary Hall- 6 pages including cover.

**The next 5 pages are the contents of the letter I faxed to Mary Hall.**

27-Sep-06

Dear Ms. Hall:

This is the third letter that I have felt compelled to write. It is truly unfortunate that I feel that I have to write. I believe that I am working on this case predominantly on my own. We should be working as a team and I believe that you are avoiding me and failing to provide me with information at every turn. You do not appear to be providing me with a defence that is required.

After you had you pre-trial with Crown Attorney Kate Hull on the 07-Sep-06, you left me a message stating that you had a good meeting and that there was some back and forth a bit but that you were not a liberty to discuss back and forth with me, however, you have also seemed to push me off until the 30-Oct-06. You really did not provide me answers as to exactly why the court date on the 13-Sep-06 was attended by a colleague of yours. I do not even know who that colleague was or what happened on the 13-Sep-06.

You do not want to meet prior to the 30-Oct-06. We have not reviewed disclosure as you wanted to do previously. In 2005, I have already experienced collusion between my previous Defense Attorney, Dennis Fenton and North Bay Crown Attorney, Paul Larsh, with my case in North Bay.

I have no idea what your plan is for the Pre-Trial on the 30-Oct-06. I am not sure whether it will be in open court or whether it is just between yourself, Kate Hull, the Judge and myself. During this entire case, I have been provided with very few answers. Your evasive nature throughout this matter is leaving me with many unanswered questions.

**The first 11 facts were included in the letter I comprised on the 02-Sep-06.**

1. You did not returned my 4 previous telephone calls (24-Jul-06, 27-Jul-06, 09-Aug-06 and 12-Aug-06) prior to contacting me on 22-Aug-06.
2. You contacted me on the 22-Aug-06 expecting me to meet with you at on the 23-Aug-06.
3. You have not made yourself readily available for me to meet with you and to discuss the additional disclosure that you have in your possession. You said that we needed to meet to review that disclosure you have in your possession prior to my court date on the 23-Aug-06. This did not occur.
4. The last time **you contacted me** prior to the 22-Aug-06 was on Sunday 23-Jul-06 leaving me a message asking me to meet with you on Monday 24-Jul-06 @ 3:00pm.

5. We have not had direct contact since well before my court date on 12-Jul-06. You have made assumptions in relation to voice-mails that you have left me, without having direct contact with me to discuss or confirm the related matters.
6. You are not providing me with information about what has happened during my last two court dates, other than the fact that I believe that you received additional disclosure on the 12-Jul-06. I was not even aware of what was happening at court on the 23-Aug-06 and I still am not aware of what occurred at court on the 23-Aug-06. For that matter, I am not really aware of what occurred at court on the 12-Jul-06.
7. You are not providing me an opportunity to review any additional disclosure. (R. v. Stinchcombe) Additionally, this disclosure could be pertinent to my civil case.
8. You are not providing me a copy of that disclosure as I have requested on various occasions.
9. As far as I am aware, you have not contacted my civil lawyer Ellen V. Swan of Aird & Berlis. This was something that you had wanted to do a while ago.
10. You have not returned my telephone messages from this week dated the 30-Aug-06 and the 02-Sep-06.
11. I am not sure what you plan is for my pre-trial scheduled for the 07-Sep-06.

**These are points that I have added since my letter dated 02-Sep-06, that I refrained from sending you.**

12. You and I are not reviewing disclosure, **again.**
13. You informed me that you had a good meeting with the Crown Attorney, Kate Hull on the 07-Sep-06. You informed me that you were waiting to hear back from her (**What has come of that???**)
14. I had to make contact with you on the 12-Sep-06 to determine what was happening for my court appearance on the 13-Sep-06. You had not informed me in your message on the 09-Sep-06 about anything to do with the court date scheduled for the 13-Sep-06. **Correct me if wrong, but I do not believe that you would have even called me to inform me about what was happening with the court date scheduled for the 13-Sep-06.**
15. What exactly happened during the court date on the 13-Sep-06. You did not inform exactly why you did not attend. You also did not inform me who your colleague was that represented me on your behalf.



16. During on discussion on the telephone on the 12-Sep-06, you informed me that you told the Crown Attorney that you would not really speak to me until you heard back from the Crown. **You said what to the Crown? What does this mean?**
17. You have not requested that we meet prior to the pre-trial hearing scheduled for the 30-Oct-06. Once again, I am unaware of what our defence will be for that morning.
18. You have not really informed me about all the particulars of this pre-trial.
19. You just want to meet at the court house prior to pre-trial hearing.
20. **You do not want to have contact with me until the 30-Oct-06. Why?**
21. You do not want to draw from any of my knowledge. Why?

This list is not even exhaustive or comprehensive. I have many other questions that I have wanted to ask but do not feel that I have been permitted the opportunity to do so.

I appreciate that you are a well respected attorney, however, the lack of interest, lack of attention and lack of professionalism that you have exhibited in relation to my case is of extreme concern.

In the past I have informed you that I have been framed and assaulted by two officers of the North Bay Police Force. I have been confronted with collusion & conspiracy amongst Ms. Malvaso, C. A. S. employees, police officers, attorneys and so forth.

As a result, I need a lawyer who is going to communicate with me and exhibit the highest degree of professionalism. At this point, I virtually have no idea what our defence is and I am left in the dark.

**I could not imagine the position I would be in if I was a person who had significantly less resources than myself.**

I would greatly appreciate it if you could respond in writing to this letter and the other attached letters. I am prepared to meet to have a face-to-face meeting to rectify all of the matters disclosed in this letter.

Thank you for your attention to these issues.

Yours truly,  
Derek Dunlop

**P.S.- Please remember that each and every person who is involved in this case is involved primarily because of one, Ms. Maria Malvaso.**

**The next two pages are a copy of the letter that I comprised on the 02-Sep-06 that I did not send to Mary Hall on the 02-Sep-06 but I did fax her a copy of that letter on the 28-Sep-06.**

**A copy of the letter of the 02-Sep-06 is contained on pages 20 & 21 of this document.**

**The next two pages are a copy of the letter that I comprised on the 02-Sep-06 that I did not send to Mary Hall on the 02-Sep-06 but I did fax her a copy of that letter on the 28-Sep-06.**

**A copy of the letter of the 02-Sep-06 is contained on pages 20 & 21 of this document.**

28-Sep-06-  
11:07am

Uh, Derek, Mary Hall, it's just after 11 o'clock on Thursday the 28<sup>th</sup> of September. Uhm. I got home to receive some faxes from you. Uh in my home office. Regrettable, that I didn't receive them earlier because I just had come back from court in Barrie and I could have met you. But in any event uh, Derek I just am not use to having a client treat me the way you are. I am no longer able to act for you. Uh, you obviously don't have any confidence in me and uh and I don't propose to answer in questions in writing. So the situation will be that uh, I hope you can get another lawyer before the 30<sup>th</sup> of October. Uh, that's when your judicial pre-trial is. And I am happy to, if you get another lawyer and you assign me direction, I am happy to fax the file to that other lawyer. And hopefully you can get it before the 30<sup>th</sup> of October so that the matter isn't delayed. Uh, And then of course on the 30<sup>th</sup> or thereafter, I'll do a bill to the account, and uh your money is in trust. So that whatever, hasn't been properly earned by me will be returned to you. I haven't yet sort of counted the hours, I have put on the file. Rest assured that your money is in my trust account. And it will be available to you with a proper accounting. Please stop putting these faxes through to me. Uhm, as I said I don't intend to respond in writing to these questions. This is not the way I practice with all my clients who do not have confidence in me or they get another lawyer. And one way or another I will get off the record in court on the 30<sup>th</sup> of October. Please let me know, uh how you want to do this. Whether you want to come to court on the 30<sup>th</sup> or whether you want to retain another lawyer who

28-Sep-06- will come to court on the 30<sup>th</sup>. Uh, but that is our next deadline. Uh,  
11:07am you have my number 705-445-0878, Thank you.

28-Sep-06-  
11:09am

Derek, I didn't make myself clear. I neglected to refer with you, both letters, uh, I received today a letter dated September TWO and a letter dated September 27<sup>th</sup>. I can assure you that whenever you wrote the letter dated September 2<sup>nd</sup>, I have not seen it until this morning when it was faxed to my home office. So uh, if you sent it earlier, I did not get it. Uh, in any event, it doesn't change my position. It's not uh... obviously we can't continue to have a professional relationship. Please let me know, how you plan to deal with it. Thank you. Bye.

Mary Hall

47

04-Oct-06- Fax cover letter to Ms. Mary Hall. (2 pages including cover)

04-Oct-06- Letter faxed to Ms. Mary Hall.

Dear Ms. Hall:

I am writing to inform you that I received your messages from last week. First, I am extremely surprised that you will not continue to represent me without us having any face-to-face discussions about our relationship and your desire to remove yourself from my case. Second, I would have hoped that we could have discussed this rationally and jointly come together with a decision. Furthermore, this is a decision that you have selected to make on your own volition. As a result, I now have to endure another hardship in relation to this matter. In addition, I am astounded that you will not respond to the **facts and questions** contained in my documented letters, addressed to you, dated the 02-Sep-06 and the 27-Sep-06.

In your first message last week you referred to my treatment of you, however, you have not indicated to me the exact particulars of that treatment. I am not sure what I have done to you, other than to be inquisitive about my case and certain aspects of the services that you have provided to me.

- 1. I will politely ask again, that you respond in writing to the information and questions that I have posed in my previous two letters, please and thank you.**
- 2. Next, I will ask that you provide in writing your concerns about how I have treated you. I believe that this is necessary for myself to completely understand why you want yourself removed from the record and my case. This will also be necessary for the court to understand why it is that you will not continue to provide me service. You will have to explain this to the court orally and/or in writing as I will not be explaining any of that.**
- 3. I will require time to research, acquire and retain another attorney. With all of the dynamics of my case this will be a daunting task. As you and I both know this is a case that does not generate a lot of attention or interest from prospective attorneys. As a result, I am going to require a sufficient amount of time to obtain an adequate lawyer. I would greatly appreciate it if you could explain this predicament to the court.**

This is truly an unfortunate situation that I know has created dissension between you and I. I am still willing to meet to rectify and amend any differences that exist. I am also very curious about the fact that you have also previously indicated that you would have been happy to pass my case onto another lawyer. We will have to discuss the arrangement for court on the 30-Oct-06.

Your continued cooperation and assistance is greatly appreciated. Thank you.

Yours truly,  
Derek Dunlop



04-Oct-06-  
12:20pm

Uh, Derek it's Mary Hall, it's Wednesday October 4<sup>th</sup>, I am in receipt of another of your facsimile, facsimile communications. Uh I am not again going to participate in, uh written responses to your questions. Uh, I will have to be in court one way or the other on your behalf on October 30<sup>th</sup>. Uhm I would appreciate.. I will obviously speak on your behalf, uh to ask for more time for you. Uh, I will do that...Uh I don't have to be there...Uh I need to be released from my obligation that also effects my designation that you signed authorizing me to appear for you. So it won't take long on the 30<sup>th</sup> of October. Uh, but I am happy to sort of meet you at the courthouse uh and uh when the court is called I can indicate that you and I have had professional differences and that you wish an opportunity to hire a new lawyer and uh you need some time for that lawyer to get up to speed. Uh and I'm happy to if you have another lawyer on board, I can hand the disclosure over to that person. Or I could hand it back to the Crown so that it would be available for your new lawyer to get it directly from that... from the Crown rather than having to get it through me in Collingwood. So just let me know, Uh, court starts at I believe it's 9:30 on the 30<sup>th</sup> of October. As I said I have to be there to get off the record and you have to be there to uh deal with the designation that's been filed. So I will see you between 9 and 9:30 then on the 30<sup>th</sup>. And again if you want, I can speak to the Crown in advance, so that they know that we are going to be applying to adjourn the case. So that no one's inconvenienced, they don't read the file. Just let me know. Uh, 705-445-0878.

11-Oct-06-  
9:03am

I contacted Mary Hall and asked her if it was imperative that I be in court on the 30-Oct-06. Mary stated that it would not take all that long. Mary asked me to be there at 9:00am so that maybe we could be the first case heard. Mary asked me if I had made any contacts with any lawyers. I said I had. ( I had not). I have numbers to call but no lawyer in place. Mary said that the court will want to see what efforts I have made to obtain another lawyer. Mary said that she will notify the Crown that we will be asking for an adjournment so that they don't waste their time reading the file. Mary said that she can speak on my behalf on the 30<sup>th</sup> of October to ask for more time.