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August 11, 2022

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## VIA ELECTRONIC MAIL

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Dear Registrar Charbonneau:

**Re: *Canadian Broadcasting Corporation et al v Coban and HMTQ, S.C.C. File No. 40223*  
Respondent HMTQ's Response to the Application for Leave to Appeal**

I am counsel for the Applicants for leave to appeal in this matter. Kindly accept this letter as the Applicants' Reply to the Response submitted by Her Majesty the Queen, in letter form dated August 8, 2022.

The Respondent relies upon mootness and alleged lateness in its Response. The mootness argument does not cite this Court's decisions on the point, which were addressed in the Applicants' Memorandum, noting that the recurring s. 648 ban issue would rarely if ever get to a hearing before becoming moot. As to lateness, the Applicants point out:

1. *Canadian Broadcasting Corp. v. Manitoba*, 2021 SCC 33 does not address whether leave should be granted, but whether the court below should have rejected the application on the basis of alleged delay in seeking reconsideration of the ban. The Respondent raised no such argument below.
2. Proceedings affected by the application below included those just days before the application. While such proceedings had occurred in prior months, the Applicants were attempting to schedule the application below from March 25, 2022 forward. It was heard May 18, 2022, and many of the most important pretrial hearings and decisions affected by the ban in issue only occurred in that immediate period, including several days of pretrial hearings in the week preceding the Application. The application for leave to appeal was filed within 25 days of the May 26, 2022 decision below.



3. The Respondent points to no prejudice arising from any alleged delay, either to the Application below or application for leave.

This Reply is served on the respondents today via email.

Yours truly,

**Owen Bird Law Corporation**

A handwritten signature in blue ink, appearing to read "Daniel W. Burnett, Q.C.", with a large loop at the beginning.

Daniel W. Burnett, Q.C.

DWB/chc

cc : Leslie Ruzicka, Q.C. - counsel for Her Majesty the Queen  
cc: Joe Saulnier – counsel for Aydin Coban