

**FEDERAL COURT**

BETWEEN:

**Radu Sebastian HOCIUNG**

PLAINTIFF

AND:

**MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

DEFENDANT

**AFFIDAVIT OF DOCUMENTS**

I, Simon Quenneville, Senior Litigation Officer, employed by the Canada Border Services Agency, Recourse Directorate, with an office located at 333 North River Rd, Tower A, 11<sup>th</sup> Floor, in the City of Ottawa, Province of Ontario, SWEAR THAT:

1. I am employed by the Canada Border Services Agency and have been authorized by the Defendant to make this Affidavit.
2. I have conducted a diligent search of the Defendant's records and have made appropriate inquiries of others to inform myself in order to make this Affidavit.
3. This Affidavit discloses, to the full extent of my knowledge, information and belief, all of the documents relevant to any matter in issue in the action that are in the Defendant's possession, power or control, that were but are no longer in the Defendant's possession, power or control or that I believe are in the possession, power or control of a person who is not a party to the action.
4. I have listed and described in Schedule 1 all of the relevant documents, or bundles of relevant documents, that are in the Defendant's possession, power or control and for which no privilege is claimed.

5. I have listed and described in Schedule 2 all of the relevant documents, or bundles of relevant documents, that are in the Defendant's possession, power or control and for which privilege is claimed and have stated in that Schedule the grounds for each claim of privilege in respect of a document or bundle of documents.
6. I have listed and described in Schedule 3 all of the relevant documents, or bundles of relevant documents, that were but are no longer in the Defendant's possession, power or control and for which no privilege is claimed and have described in that Schedule how possession, power or control of any document or bundle of documents was lost and their current location, so far as I can determine.
7. I have listed and described in Schedule 4 all of the relevant documents, or bundles of relevant documents, that I believe are in the possession, power or control of a person who is not a party to the action and have described in that Schedule the identity of each such person, including the person's name and address, if known.
8. I am not aware of any other relevant document other than those that are listed in this Affidavit or that are or were only in the possession, power or control of another party in the action.

SWORN BEFORE ME at the City of  
Ottawa, in the Province of Ontario this  
6 day of November, 2015.

Nabih Slimohamed  
Commissioner for Taking Affidavits  
for the Province of Ontario

Simon Quenneville  
Simon Quenneville

## CERTIFICATE OF SOLICITOR

I, Eric Peterson, certify that I have explained to the deponent of this Affidavit of Documents the necessity of making full disclosure under Rule 223 of the *Federal Court Rules, 1998*, and the possible consequences of failing to do so.

The documents listed in Schedule 1 to this Affidavit may be inspected at the Department of Justice, 3400 – 130 King Street West, Toronto, Ontario, at a date and time to be agreed upon.

Date: \_\_\_\_\_

\_\_\_\_\_  
Eric Peterson  
Barrister and Solicitor

## SCHEDULE 1

The following are all of the relevant documents, or bundles of relevant documents, that are in the Defendant's possession, power or control and for which no privilege is claimed:

TAB	DATE	DOCUMENT DESCRIPTION
1	October 21, 2014	Seizure Synopsis (3 pages)
2	October 21, 2014	Seizure Receipt (K19C) and Statement of Goods Seized (2 pages)
3	October 21, 2014	BSO Debski's narrative report (4 pages)
4	October 21, 2014	BSO Stewart's narrative report (2 pages)
5	October 23, 2014	Electronic Enforcement Appeal Form (2 pages)
6	October 21, 2014	Letter from CBSA Recourse Directorate to Queenston Bridge Port of Entry (Port 4273) (1 page)
7	October 21, 2014	Port seizure file cover from Port 4273 (1 page)
	Undated	Handwritten notes (1 page)
	October 21, 2014	Border Services Officer Seizure Checklist (1 page)
	Undated	Driver's License photocopy – HOCIUNG, Radu (2 pages)
	Undated	Citizenship Card photocopy – HOCIUNG, Radu Sebastian (1 page)
	Undated	Canadian Passport photocopy – HOCIUNG, Radu (1 page)
	Undated	Declaration Card (E67) (1 page)
	October 21, 2014	Bailey Tire Inc. – Receipt (1 page)
	October 21, 2014	Jack Hunt – Coin Broker Inc. - Receipt (1 page)
	Undated	Owner's Certificate of Insurance and Vehicle License (2 pages)
	Undated	Images of Seized goods (7 pages)
	Undated	Handwritten notes (Business mailing addresses and phone numbers) (2 pages)
	October 21, 2014	Casual Goods Accounting Document (B15) and receipt (2 pages)
8	October 31, 2014	Email from A. Kendall to CBSA-ASFC_SOR_Recourse_Modernization (Port 4273) (1 page)
9	November 3, 2014	Acknowledgement letter from CBSA Recourse Directorate to Radu Sebastian Hociung (4 pages)
10	November 3, 2014	Email from A. Kendall to Port 4273 (1 page)
11	November 10, 2014	E-mail exchange between P. Minervini and A.

		Kendall (2 pages)
12	November 10, 2014	Letter from Radu Hociung to CBSA Recourse Directorate with attachments (12 pages)
13	November 12, 2014	CBSA Memo for File – Telephone Conversation between A. Kendall and Radu Sebastian Hociung (1 page)
14	November 19, 2014	E-mail exchange between CBSA Recourse Directorate (4 pages)
15	November 20, 2014	Email from P. Minervini to A. Kendall with attachments (3 pages)
16	December 11, 2014	Acknowledgement letter from CBSA Recourse Directorate to Radu Sebastian Hociung (3 pages)
17	December 11, 2014	Email from A. Kendall to Port 4273 (1 page)
18	December 17, 2014	CBSA Memo for File – Telephone Conversation between A. Kendall and Radu Sebastian Hociung (1 page)
19	December 18, 2014	Email from P. Minervini to A. Kendall with attachments (3 pages)
20	January 21, 2015	Letter from Radu Hociung to L. Portelance (4 pages)
21	January 21, 2015	Letter from Radu Hociung to CBSA Recourse Directorate (4 pages)
22	January 21, 2015	Letter from Radu Hociung to CBSA Recourse Directorate (5 pages)
23	January 28, 2015	E-mail exchange between CBSA Recourse Directorate with attachment (3 pages)
24	January 29, 2015	Letter from John D. with attachments (3 pages)
25	February 3, 2015	Acknowledgement letter from CBSA Recourse Directorate to Radu Sebastian Hociung (2 pages)
26	February 3, 2015	Email from A. Kendall to Port 4273 (1 page)
27	February 9, 2015	CBSA Complaint Input Form (1 page)
28	March 9, 2015	Acknowledgement letter from CBSA Recourse Directorate to Radu Sebastian Hociung (3 pages)
29	March 9, 2015	Email from M. Gagnon to Port 4273 (1 page)
30	March 17, 2015	Letter from Radu Hociung to CBSA Recourse Directorate (3 pages)
31	April 1, 2015	CBSA Memo for File – Telephone Conversation between M. Gagnon and Radu Sebastian Hociung (1 page)
32	April 8, 2015	CBSA Memo for File – Telephone Conversation between M. Gagnon and Radu Sebastian Hociung (1 page)
33	May 15, 2015	Email from M. Gagnon to Port 4273 (1 page)
34	May 22, 2015	Handwritten notes from J. Strickland (1 page)
35	May 26, 2015	Acknowledgement letter from CBSA Recourse

		Directorate to Radu Sebastian Hociung (2 pages)
36	May 26, 2015	Email from M. Gagnon to Port 4273 (1 page)
37	May 26, 2015	CBSA Memo for File – Telephone Conversation between M. Gagnon and Radu Sebastian Hociung (1 page)
38	May 28, 2015	Case Synopsis and Reasons for Decision (7 pages)
39	May 28, 2015	Draft Ministerial Decision Letter from CBSA Recourse Directorate to Radu Sebastian Hociung (4 pages)
40	June 1, 2015, 2014	Ministerial Decision Letter from CBSA Recourse Directorate to Radu Sebastian Hociung (5 pages)

## SCHEDULE 2

The following are all of the relevant documents, or bundles of relevant documents, that are or were in the Defendant's possession, power or control and for which privilege is claimed:

Date	Document Description	Privilege claimed
February 12, 2015	Memorandum for M. Lefebvre	Solicitor-Client privilege
February 16, 2015	Email from M. Gauthier to L. Ott	Solicitor-Client privilege
February 16, 2015	Email from P. Murphy to L. Ott and S. Arès	Solicitor-Client privilege
February 26, 2015	Memorandum to J. Strickland from L. Ott	Solicitor-Client privilege
February 27, 2015	E-mail exchange between CBSA Recourse Directorate (3 pages)	Solicitor-Client privilege
March 10, 2015	Email from T. Jones to M. Gagnon	Solicitor-Client privilege
March 25, 2015	E-mail from J. Strickland to M. Gagnon	Solicitor-Client privilege
March 25, 2015	Email from M. Gagnon to L. Ott	Solicitor-Client privilege
March 31, 2015	Email exchange between L. Ott and M. Gagnon	Solicitor-Client privilege
April 2, 2015	Email exchange between L. Ott and M. Gagnon	Solicitor-Client privilege
April 23, 2015	Email exchange between L. Ott and M. Gagnon	Solicitor-Client privilege
April 28, 2015	Email exchange between L. Ott and D. Docking	Solicitor-Client privilege
April 29, 2015	Email exchange between L. Ott and D. Docking	Solicitor-Client privilege
April 30, 2015	Email exchange between L. Ott and L. Lefebvre	Solicitor-Client privilege
April 30, 2015	Email from L. Ott to M. Gagnon	Solicitor-Client privilege
May 1, 2015	Email from M. Lefebvre to L. Ott	Solicitor-Client privilege
May 1, 2015	Email from M. Haley to L. Ott	Solicitor-Client privilege
May 1, 2015	Email from J. Strickland to L. Ott	Solicitor-Client privilege
May 1, 2015	Email from J. Strickland to L. Ott	Solicitor-Client privilege
May 1, 2015	Email from M. Haley to J. Strickland	Solicitor-Client privilege
May 5, 2015	Email from D. Docking to L. Ott	Solicitor-Client privilege

### **SCHEDULE 3**

The following are all of the relevant documents, or bundles of relevant documents, that were but are no longer in the Defendant's possession, power or control and for which no privilege is claimed:

Nil



#### **SCHEDULE 4**

The following are all of the relevant documents, that I believe are in the possession, power or control of a person who is not a party to the action:

Nil