

**Ministry of the
Attorney General**

Crown Law Office
Civil Law

720 Bay Street
8th Floor
Toronto ON M7A 2S9

Chantelle Blom
Tel/Tél: (647) 467-7762
Email: Chantelle.Blom@Ontario.ca
Fax/Télé.: (416) 326-4181

**Ministère du
Procureur général**

Bureau des avocats
de la Couronne Droit civil

720 rue Bay
8^e étage
Toronto ON M7A 2S9



August 26, 2024

SENT VIA EMAIL: To Wagg Stakeholders

To: Whom it may concern

Re: Third-Party Records Motions – Crown Immunity

I am writing to provide an update about the position the Attorney General of Ontario will be taking on third-party motions for production of Crown brief and police records (informally known as *Wagg* motions) that are served on the Crown on or after September 1, 2024.

Starting September 1, 2024, the Attorney General will oppose third-party records motions seeking production of records used in criminal prosecutions based on Crown immunity pursuant to section 19(2) of the *Crown Liability and Proceedings Act, 2019* (“CLPA”). Subsection 19(2) of the CLPA acts to bar the relief sought against the Crown when motions are brought for production of Crown brief records.

The effect of this position is that the relief sought by the moving party will only be available as against the investigating police service, who in turn will be responsible for the screening and production of the relevant police service records.

The Attorney General will continue to oppose motions for production of records that are being used in ongoing criminal prosecutions and may occasionally oppose motions for production of records from concluded prosecutions in cases involving unique public interest concerns. The Attorney General will continue to respond to requests to screen *Stinchcombe* disclosure that is already in the possession of the parties.

Going forward, please ensure that our office is copied on all correspondence on motions in which the moving party is seeking the production of records that are being used in an ongoing criminal prosecution. If the moving party refuses to adjourn the motion until the completion of the prosecution, we will oppose the motion. Likewise, please contact our office if, during review of responsive records, your police service client identifies a unique public interest concern that may

warrant a Crown response. You can contact our office via our Wagg Intake Law Clerk at jus.l.mag.lsd.cloc.wagg.clerk1@ontario.ca.

We will inform moving parties of the Attorney General's position on these motions starting September 1, 2024, on a case-by-case basis. We will continue to assist with the screening of police records used in criminal prosecutions on a consent basis for any matters that were served on the Attorney General of Ontario prior to September 1, 2024.

Please share this information with your staff as appropriate. I ask that you encourage your staff to contact Crown Counsel Sona Advani with any questions or concerns.

Thank you for your attention to this matter.

Yours truly,



Chantelle Blom
A/Legal Director
Crown Law Office – Civil
Ministry of the Attorney General