

**IN THE MATTER OF THE COMMISSION OF INQUIRY INTO CERTAIN
ALLEGATIONS RESPECTING BUSINESS AND FINANCIAL DEALINGS BETWEEN
KARLHEINZ SCHREIBER AND THE RIGHT HONOURABLE BRIAN MULRONEY**

NOTICE OF APPLICATION

TAKE NOTICE that the Applicant, Karlheinz Schreiber will, by Application to be heard on Thursday, May 21, 2009, respectfully request that Commissioner Oliphant grant the following relief:

1. an Order, Direction or Recommendation that Karlheinz Schreiber remain available in Ottawa to attend the balance of Part I and Part II in order to instruct counsel in connection with the following rights arising out of being a party with full standing:
 - i. cross-examination of all remaining witnesses in Part I;
 - ii. any remaining document receipt and review;
 - iii. objections, submissions and rulings relating to the tendering of further evidence, the tendering of documents and other evidentiary and procedural matters;
 - iv. any further motions or applications to be brought by Mr. Schreiber;
 - v. any responses necessary as a result of any further motions or applications brought by other parties or applicants;

- vi. final submissions in connection with Part I now scheduled for June 10, 2009;
- vii. cross-examinations of any policy experts and/or witnesses called to testify during Part II; and
- viii. proceedings and submissions in relation to Part II now scheduled for June 15, 16 and 17, 2009.

THE GROUNDS FOR THE APPLICATION ARE:

1. On March 3, 2008, the Minister of Justice advised Mr. Greenspan, counsel for Karlheinz Schreiber, that “Mr. Schreiber will not be surrendered until he has testified before the inquiry”;
2. On March 6, 2008, the Minister of Justice stated publicly that he was prepared to defer the execution of Mr. Schreiber’s surrender order “until he has had the opportunity to testify before the anticipated public inquiry into matters pertaining to the Right Honourable Brian Mulroney and Mr. Karlheinz Schreiber”;
3. On October 2, 2008, Commissioner Oliphant granted full party standing status to Mr. Schreiber in connection with Part I;
4. On December 18, 2008, Mr. Greenspan wrote to the Minister of Justice advising that Mr. Schreiber had been granted full standing in Part I. Mr. Greenspan requested that the Minister of Justice agree to not surrender Mr. Schreiber until the conclusion of Part I;

5. On February 3, 2009, Commissioner Oliphant granted full party standing status to Mr. Schreiber in connection with Part II;
6. On February 4, 2009, the Minister of Justice advised Mr. Greenspan again that “Mr. Schreiber will not be surrendered until he has testified before the inquiry”.
7. On March 26, 2009, Mr. Greenspan wrote to the Minister of Justice requesting that Mr. Schreiber not be surrendered until the conclusion of Part II. Mr. Greenspan also advised the Minister of Justice that these issues may have to be raised with this Commission of Inquiry;
8. On April 16, 2009, the Minister of Justice advised Mr. Greenspan that “Mr. Schreiber will not be surrendered until after he has testified before the Inquiry”.
9. Counsel for Mr. Schreiber require Mr. Schreiber’s presence in Ottawa in order to properly seek, receive and act upon his instructions throughout the balance of Part I and throughout Part II;
10. Such further grounds and relief as this Honourable Commission of Inquiry may permit and grant.

THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION:

11. By service upon his solicitors Edward Greenspan, Q.C., Vanessa Christie and/or Richard Auger at the below noted co-ordinates.

Dated this 11th day of May, 2009.

Edward L. Greenspan, Q.C. and Vanessa Christie
GREENSPAN PARTNERS
144 King Street East
Toronto, Ontario
M5C 1G8

Tel: (416) 366-3961
Fax: (416) 366-7994
Email: egreenspan@144king.com

Counsel for the Applicant

Richard Auger
Auger Hollingsworth
1005- 130 Albert Street
Ottawa, Ontario
K1P 5G4

Tel: (613) 233-4529
Fax: (613) 822-5096
Email: richard@ottawalawfirm.ca

Counsel for the Applicant

VIA EMAIL TO: Commission Counsel, Richard Wolson, Q.C., Evan Roitenberg,
Nancy Brooks, Giuseppe Battista

VIA EMAIL TO: Registrar, Oliphant Commission of Inquiry, e-mail:
inquiry.admin@oliphantcommission.ca

VIA EMAIL TO: Counsel for all parties with Standing