

**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**

**AND IN THE MATTER OF KARLHEINZ SCHREIBER'S APPLICATION FOR FULL
STANDING AS A PARTY TO THE COMMISSION OF INQUIRY**

**NOTICE OF APPLICATION FOR
FULL STANDING BY KARLHEINZ SCHREIBER**

TAKE NOTICE that the Applicant, Karlheinz Schreiber hereby applies for full standing as a party to Part I – Factual Inquiry and any other proceedings before the Honourable Mr. Justice Oliphant in respect of the Commission of Inquiry into Certain Allegations Respecting Business and Financial Dealings Between Karlheinz Schreiber and the Right Honourable Brian Mulroney (the “Commission of Inquiry”).

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Counsel for Karlheinz Schreiber

THE APPLICATION IS FOR:

1. An Order pursuant to the Commission of Inquiry Rules of Standing and pursuant to section 5 of the *Public Inquiries Act*, R.S.O. 1990, c.P-41, granting Karlheinz Schreiber full standing as a party to Part I – Factual Inquiry, with rights of full participation, including:

- a) the right to make submissions on the *Rules of Procedure and Practice*;
- b) the right to receive and review all documents relevant to the Commission of Inquiry upon counsel executing an undertaking deemed appropriate by the Commissioner;
- c) the right to receive sufficient notice of all witnesses to be examined at the Commission of Inquiry and to receive copies of their anticipated evidence and to receive any documentary evidence to be presented to those witnesses during the examinations at the Commission of Inquiry;
- d) the right to make objections, make submissions and obtain rulings relating to the examinations of witnesses, the tendering of documents and any other evidentiary and procedural matters;
- e) the right to cross-examine all witnesses called to testify before the Commission of Inquiry;
- f) the right to propose witnesses to be called before the Commission of Inquiry; and

- g) the right to fully participate in closing arguments by way of oral and written submissions.

THE GROUNDS FOR THE APPLICATION ARE:

1. Section 5 of the *Public inquiries Act*, R.S.O. 1990, c. P-41 and paragraph (e) of the Terms of Reference, Order in Council 2008-1092 allow the Commissioner to grant standing to any person with a "substantial and direct interest in the subject-matter" of the Commission of Inquiry.
2. On November 27, 2007, Karlheinz Schreiber swore an affidavit setting out information in relation to his business and financial dealings with Brian Mulroney.
3. In 2007 and 2008, Karlheinz Schreiber testified before the House of Commons Ethics Committee in relation to his business and financial dealings with Brian Mulroney.
4. On January 9, 2008 and April 4, 2008, David Johnston submitted reports into the allegations respecting financial dealings between Karlheinz Schreiber and the Right Honourable Brian Mulroney. David Johnston also reported on the appropriate mandate for a public inquiry into those allegations.

5. In his report submitted January 9, 2008, David Johnston set out 17 questions which now form the subject-matter of the Commission of Inquiry as described in the Terms of Reference.

6. Karlheinz Schreiber has a substantial and direct interest in the subject-matter of the Commission of Inquiry and can contribute to the issues raised by the Commission of Inquiry's Terms of Reference because:
 - a. The Commission of Inquiry arose as a result of allegations made by Karlheinz Schreiber about his direct dealings with Brian Mulroney;

 - b. Karlheinz Schreiber had direct business and financial dealings with Brian Mulroney which will form the subject-matter of this Commission of Inquiry;

 - c. Karlheinz Schreiber is mentioned throughout the Terms of Reference of this Commission of Inquiry and throughout the subject-matter of the 17 questions listed in the Terms of Reference;

 - d. Karlheinz Schreiber is mentioned throughout David Johnston's reports dated January 9, 2008 and April 4, 2008; and

 - e. Karlheinz Schreiber delivered correspondence to Prime Minister Stephen Harper which is now the subject-matter of questions 15, 16 and 17 described in the Terms of Reference.

7. The Commission of Inquiry advises that applications for standing for Part II – Policy Review will be held at a later date. Karlheinz Schreiber reserves his right to make an application for full standing for Part II – Policy Review at the appropriate later date.
8. Such further and other grounds as this Honourable Commission of Inquiry may permit.

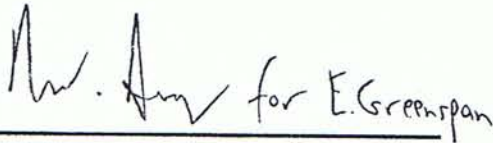
THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE RELIED UPON IN SUPPORT OF THIS APPLICATION:

9. Karlheinz Schreiber does not propose to file any material in support of this application because, on September 9, 2008, Commission counsel advised counsel for Karlheinz Schreiber that given Mr. Schreiber's status under the Terms of Reference, no such affidavit material needs to be filed.

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

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

Dated this 23rd day of September, 2008.



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Counsel for the Applicant

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