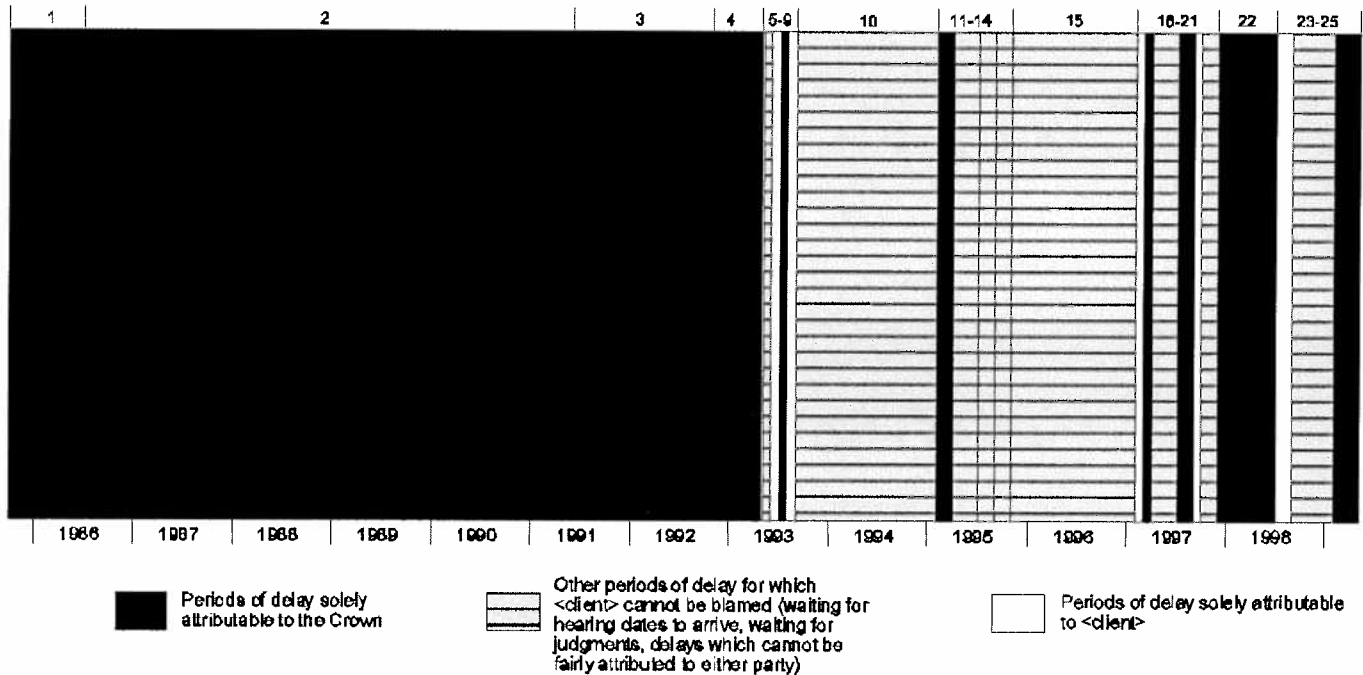


## Responsibility for Delay

There are 25 identifiable periods of delay since the Crown became involved. Who is responsible?

The rationale for the assignment of the periods of delay to parties appears on the following three pages.



## **Appendix 2 — Diagrams**

Compare this excerpt from a factum, with the reworked excerpt on the next page. Sometimes a picture is worth a thousand words.

\* \* \* \* \*

### **The Corporate Structure**

3. Before November 21, 1994, 134982 Canada Inc. was owned 51.0% by Property Investments PLC and 49.0% by 158892 Canada Inc.

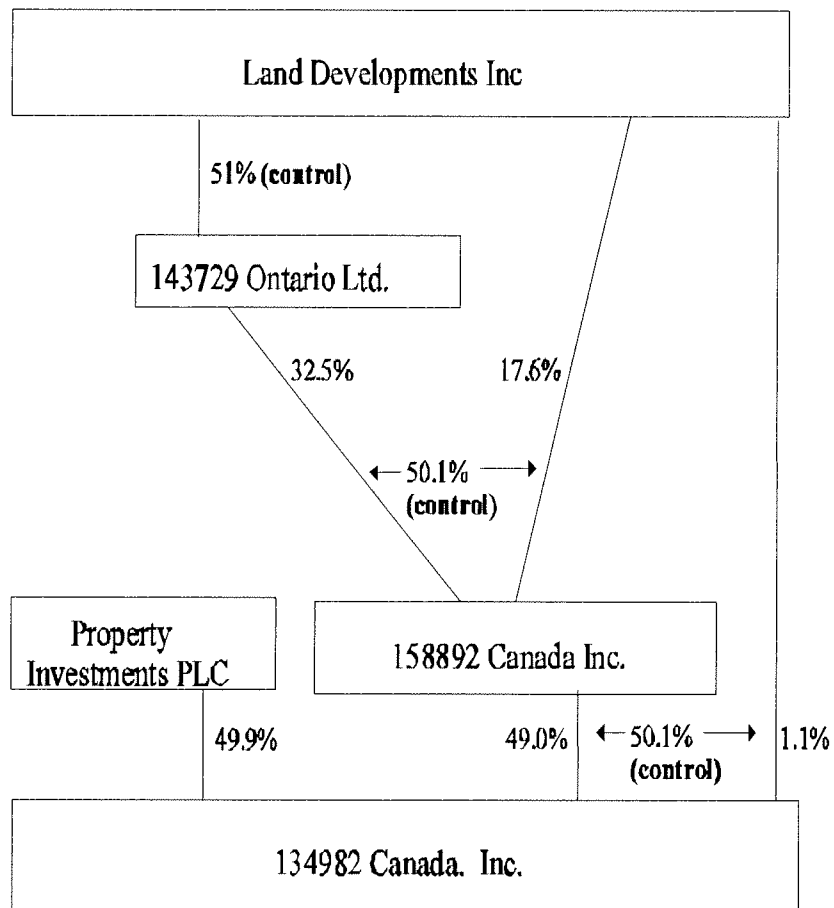
4. At all material times, 32.5% of the shares of 158892 Canada Inc. have been owned by 143729 Ontario Ltd., which in turn has been 51.0% owned by Land Developments Inc. At all material times Land Developments Inc. has owned 17.6% of 158892 Canada Inc.

5. On November 21, 1994, Property Investments PLC sold 1.1% of its shares to Land Developments Inc.

6. Therefore, at the present time, 134982 Canada Inc. is effectively controlled by Land Developments Inc.

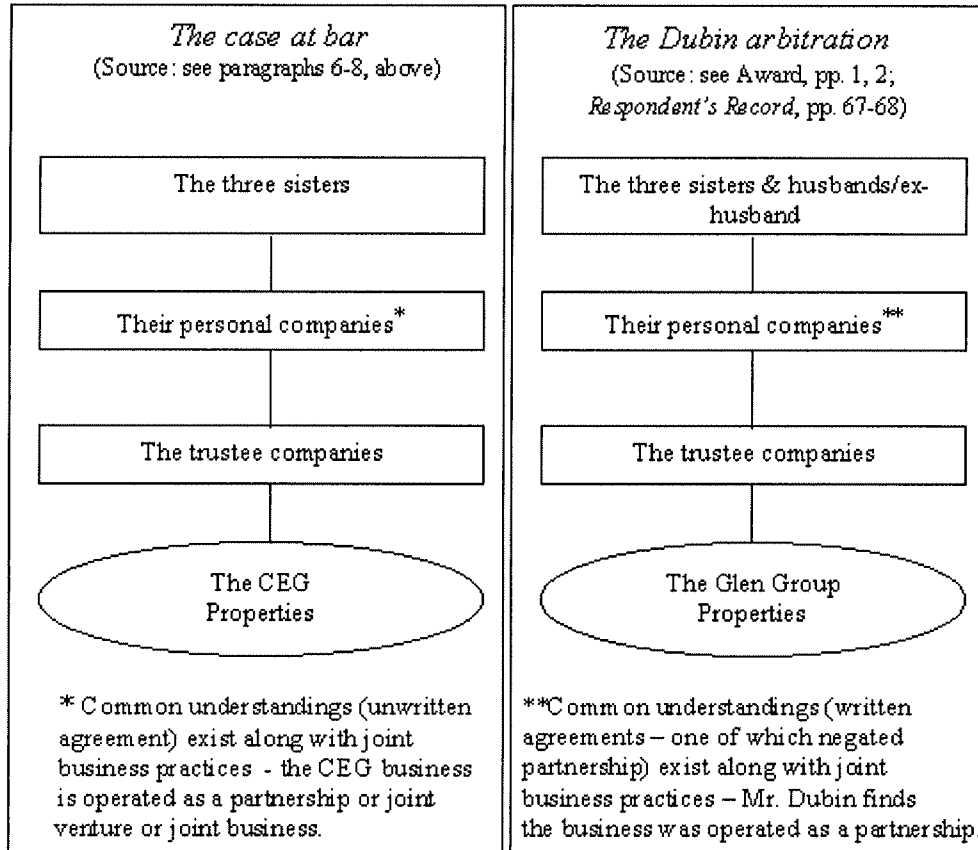
## The Corporate Structure

1. The following diagram illustrates the corporate structure. Land Developments Inc. effectively controls 134982 Canada Inc.:



\* \* \* \* \*

Diagrams can also be used to show that your case is exactly like or very similar to an earlier case on point. Here is a diagram that was used in a factum to show that the facts of the case at bar were very similar to those of an earlier arbitration:



The following is a comparison of *S.P. Gupta v. President of India* and the case at bar:

	<b><i>S.P. Gupta et al. v. President of India,</i></b> <b>AIR 1982 Supreme Court 149</b> <b>(Applicant's authorities, Tab 38)</b>	<b><i>Criminal Lawyers' Association v. Ontario (Ministry of the Solicitor General)</i></b> <b>Ontario Superior Court of Justice (Divisional Court), court file no. 730/000</b>
<b>Statutory provision(s) in issue</b>	No express discretion in the <i>Indian Evidence Act</i> to recognize the public interest in disclosure and override secrecy: see s. 123 of the <i>Indian Evidence Act</i> .	No express discretion in the <i>Freedom of Information and Protection of Privacy Act</i> to recognize the public interest in disclosure and override secrecy in these circumstances: see ss. 14(2)(a), 19 and 23 of the Act
<b>Constitutional guarantee of freedom of expression?</b>	Yes. Articles 19(1)(a) and (2) of the Indian constitution.	Yes. Sections 1 and 2(b) of the <i>Charter</i> .
<b>Right of access to information?</b>	Yes. It is inherent in the art. 19 guarantee of freedom of expression: see para. 66 of the majority judgment of Bhagwati J. at p. 234. It is also inherent in the concept of "democracy": see paras. 63-66 of the majority judgment of Bhagwati J. at pp. 232-234.	This is for the Divisional Court to decide. The CLA's submissions echo much of the reasoning in the majority judgment of Bhagwati J.