

October 28, 2016

**** URGENT ****

Honourable Justice K.M. Horner

Calgary Court Center, 601 5th Street SW, Calgary, AB, T2P 5P7
BY FAX 403.297.7536 (2 pages, including this one)

RE: Transcripts of Hearing before you on October 26, 2016
Susan Mulholland v. Anne Rensonnet (Jan Uttl Third Party)
Jan Uttl v. Corry Clifton, Kara Clifton, and Anne Rensonnet (Action No. 1401-05866)
Biomea v. Anne Rensonnet et al.,

Dear Madam:

I requested the transcripts of the hearings before you on October 26, 2016, conducted in open court, in the above actions (Transcript Order #101366-16). I was informed yesterday by the Transcript Management Services (Natasha, from tms.calgary@just.gov.ab.ca) that "Because this is a Case Management Hearing we are unable to proceed with typing up your transcript as we need a Court Order from Justice Horner giving you permission to have this transcript."

I am surprised. I have always obtained the transcripts for a variety of reasons including (a) to review what was said, argued and ordered, as I am not usually able to take copious notes (b) to check that the formal order agrees with what was ordered and request corrections, if necessary, (c) to use as evidence in the subsequent proceedings, and (d) to appeal orders that needed to be appealed.

The open court principle is fundamental to democratic society and Supreme Court Canada made it absolutely clear that public (not mentioning the litigant's) access to court proceeding is a right, the necessity, ensuring the integrity of judicial proceedings (Re Vancouver Sun, 2004 SCC43 (CanLII), para 24 and 25):

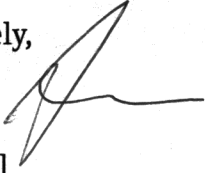
The open court principle has long been recognized as a cornerstone of the common law: *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, *supra*, at para. 21. The right of public access to the courts is "one of the principle ... turning, not on convenience, but on necessity": *Scott v. Scott*, [1913] A.C. 417 (H.L.), *per* Viscount Haldane L.C., at p. 438. "Justice is not a cloistered virtue": *Ambard v. Attorney-General for Trinidad*, [1936] A.C. 322 (P.C.O, *per* Lord Atkin, at p. 335. "Publicity is the very soul of justice. It is the keenest spur to exertion, and the surest of all guards against improbity": J. H. Burton, ed., *Benthamiana: Or, Select Extracts from the Works of Jeremy Bentham* (1843), p. 115.

Public access to the courts guarantees the integrity of judicial processes by demonstrating "that justice is administered in a non-arbitrary manner, according to the rule of law": *Canadian Broadcasting Corp. V. New Brunswick (attorney General)*, *supra*, at para. 22. Openness is

necessary to maintain the independence and impartiality of courts. It is integral to public confidence in the justice system and the public's understanding of the administration of justice. Moreover, openness is a principal component of the legitimacy of the judicial process and why the parties and the public at large abide by the decision of courts."

Would you please provide the Transcript Management Services with the order to provide the transcripts to me? Alternatively, please advise how I can obtain the necessary transcripts. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jan Uttl', written over a horizontal line.

Jan Uttl