

June 6/19

Court file no: 08-19-006-CVA

NUNAVUT COURT OF JUSTICE

BETWEEN:

THOMAS ROHNER

Applicant

-and-

THE DIRECTOR OF CORRECTIONS
FOR NUNAVUT and THE MINISTER
OF JUSTICE OF NUNAVUT

Respondents

ORDER

This Order is filed by:

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IN THE NUNAVUT COURT OF JUSTICE

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- and -

THE DIRECTOR OF CORRECTIONS FOR NUNAVUT and THE
MINISTER OF JUSTICE OF NUNAVUT

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**MINUTES OF SETTLEMENT
(DATED MAY 3, 2019)**

WHEREAS the applicant Thomas Rohner ("Mr. Rohner" or the "**Applicant**") commenced the judicial review application number 08-19-006-CVA (the "**Application**") in the Nunavut Court of Justice at Iqaluit in respect of the decision of the Respondent Director of Corrections dated December 14, 2018 (the "**Decision**");

AND WHEREAS the Applicant and Respondents (each a "**Party**" and together the "**Parties**") wish to settle any and all claims raised in or arising from and with respect to the Application, on the following terms and conditions;

THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY IRREVOCABLY ACKNOWLEDGED, the Parties hereby agree to settle the Application on the following terms:

1. The Decision shall be vacated forthwith, with the same effect as if it had been quashed by a court of competent jurisdiction;
2. Mr. Rohner shall be permitted to recommence visiting inmates at all of Nunavut's Correctional Facilities subject to ordinary approval procedures.

3. The Decision or other related matters giving rise to the Application shall not be considered and shall not serve as a basis or reason for refusing to grant Mr. Rohner visiting privileges, or to limit said privileges. The Respondents warrant that Department of Corrections staff will consider Mr. Rohner's future requests to visit inmates in good faith. The Respondents regret the impact the Decision had upon Mr. Rohner and his ability to report on matters of public interest.

4. Any rules applicable to visitors to Correctional Facilities in Nunavut will be posted prominently within said facilities and, to the extent they will be enforced, will be brought to the attention of visitors. The Respondents warrant that these rules will be applied consistently and without regard to the Decision or any matters giving rise to the Application.

5. The Respondents will make best efforts to develop a policy governing visits from members of the media (in their capacity as media) to Correctional Facilities. The Respondents will provide a copy of the policy to Mr. Rohner as soon as it is available.

6. By executing these Minutes of Settlement, the Applicant directs his counsel to execute his consent to the dismissal order (the "**Consent**") in the form attached hereto as Schedule "A" and provide an executed copy to counsel for the Respondents.

7. The Respondents shall file the Consent and any documents necessary to obtain an order dismissing the Application on a without costs basis forthwith after executing these Minutes of Settlement and shall confirm to Mr. Rohner once the order has been obtained. For greater certainty, the Respondents shall file the Consent and any

documents necessary to obtain the order within 10 days of executing these Minutes of Settlement.

8. If asked about the settlement, the Respondents agree to state that the matters have been settled to the mutual satisfaction of the Parties and that the Decision has been reversed. The Respondents shall otherwise refrain from making any further comment.

9. The Applicant acknowledges that by signing these Minutes he understands the terms and has had a reasonable opportunity to obtain independent legal advice with respect to them.

10. These Minutes shall be construed in accordance with the laws of Nunavut.

11. These Minutes constitute the entire agreement among the Parties concerning the subject matter of this agreement and replace all prior correspondence, negotiations and understandings amongst the Parties, and there are no other side or collateral agreements, understandings or courses of dealing that modify, vary, explain or supplement these documents.

12. No amendment of these Minutes of Settlement shall be effective unless made in writing and signed by authorized representatives of each of the Parties.


13. These Minutes inure to the benefit of and are binding upon the Parties and their respective successors and assigns.

14. These Minutes may be executed in counterparts and delivered by email (in PDF form or otherwise), which together shall be deemed to be one and the same Minutes of Settlement.

THOMAS ROHNER

Per: _____

For himself

Per:  _____

*(I have authority to bind the
Department)*

Nunavut Department of Corrections

Per:  _____

*(I have authority to bind the
Department)*

Nunavut Department of Justice

**William MacKay
Deputy Minister of Justice**

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and:

**THE DIRECTOR OF CORRECTIONS FOR
NUNAVUT and THE MINISTER OF JUSTICE of
NUNAVUT**

RESPONDENTS

MINUTES OF SETTLEMENT

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