

Kramer Henderson

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August 18, 2003

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The Honourable Madam Justice Denise Bellamy
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Dear Commissioner, Sirs and Madam:

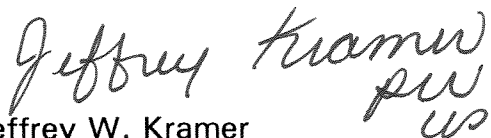
Re: Kathryn Bulko - Toronto Computer Leasing Inquiry
Our File No. 03-1487
Diary Date: August 21, 2003

Enclosed please find our client's reply submissions.

Yours very truly,

KRAMER HENDERSON

Per:


Jeffrey W. Kramer

JWK:vs
Encl.

cc Client

IN THE MATTER OF THE TORONTO COMPUTER LEASING INQUIRY

**BEFORE: THE HONOURABLE MADAM JUSTICE DENISE BELLAMY
COMMISSIONER**

**HELD AT: East York Civic Centre
850 Coxwell Avenue
Toronto, Ontario
M4C 5R1**

**REPLY SUBMISSIONS TO THE COMMISSIONER
OF THE TORONTO COMPUTER LEASING INQUIRY
REGARDING THE ALLEGATIONS OF PAULA LEGGIERI
(SUBMITTED BY COUNSEL FOR KATHRYN BULKO)**

1. These submissions reply to the submissions filed by Paula Leggieri ("Leggieri").
2. Bulko continues to adopt and rely upon the submissions filed by the City of Toronto.

A. OVERVIEW

3. The City took great pains to ensure the integrity and honesty of its investigation of Leggieri's allegations. There was no discussion among witnesses during the investigation. All of the affidavits were created independently as a result of meetings between the witnesses and City counsel. Bulko and her counsel attended several meetings with City counsel, but there was never any disclosure to Bulko of what had been disclosed by

other witnesses. Commission counsel, including Ronald Manes, then met independently with the witnesses to ensure that the affidavits were accurate and reliable.¹

4. Leggieri's submissions are replete with off-hand attacks and innuendo to the effect that the City's investigation was somehow staged or rigged to favour Bulko and prejudice Leggieri.² None of these submissions are referenced to any evidence.

5. It is submitted that Leggieri's attack on the integrity of the City's investigation is groundless and in fact offensive to the lawyers who conducted it. Leggieri's attack on the investigation and the evidence it uncovered is consistent with her approach to this entire matter. She ignores the facts and the evidence, but makes broad and conclusive allegations to the effect that she has been wronged.

6. It is noteworthy that nowhere in Leggieri's lengthy submissions is there any mention of the startling inconsistency between her testimony and that of Councillor John Filion.

B. EVIDENCE OF MICHAEL THOMPSON

7. Leggieri submits that Michael Thompson ("Thompson") verified Leggieri's evidence about Bulko arranging for a gift to be delivered to Dash Domi ("Domi")³. This submission is inaccurate.

¹ Statements of Commission Counsel, June 16, 2003, p. 52 ln. 7

² Leggieri submissions para. 4, 5, 6, 8, 9, 96 - 103

³ Leggieri submissions, para. 79 - 84

8. Leggieri alleged in her evidence that Bulko arranged for a package to be delivered to Domi.⁴

9. But Thompson testified:

Q: Mr. Thompson, you've told us that you're not exactly sure who this gift was from, that Ms. Bulko never said it was from her precisely, is that correct?

A: **That's correct.**

Q: And it sounds from the totality of what you've told us that both Ms. Leggieri and Ms. Bulko were involved in making the arrangements which ultimately led to you taking this package and dropping it off at the package room?

A: **That's correct.**

Q: And I take it then, from what you've told us, that it may well have been a gift from Kathryn Bulko, right?

A: **Correct.**

Q: But it may also have been a gift from the two (2) of them, perhaps?

A: **Correct.**

Q: Or perhaps a third party entirely?

A: **That's a possibility, yes.**⁵

10. Bulko testified that she, Leggieri and Lana Vinamae sent Domi a cookie gram for his birthday.⁶ Thompson testified that the delivery of the gift was in or around May and City counsel pointed out that Domi's birthday is in May.⁷

⁴ Testimony of Leggieri, June 16, 2003, p. 233 ln. 19 – p. 234 ln. 1

⁵ Testimony of Michael Thompson, June 19, 2003, p. 22 ln. 8 – p. 23 ln. 1

⁶ Testimony of Kathryn Bulko, June 17, 2003, p. 287 ln. 3

⁷ Testimony of Michael Thompson and statements of City Counsel, June 19, 2003, p. 32 ln 21 – p. 33 ln. 9

11. It is submitted that the evidence of Thompson is not consistent with the testimony of Leggieri. Leggieri said that the package was from Bulko, but Thompson said that both Bulko and Leggieri were involved and that he didn't know who it was from. It is submitted that Thompson's evidence is not inconsistent with the evidence of Bulko. The package delivered to Domi may well have been the cookie gram referred to by Bulko.

C. ATTACK ON BULKO

12. Leggieri's submissions in paragraphs 89-103 are a baseless attack. They contain no reference to the evidence. They are inaccurate, prejudicial in the extreme and ought to be ignored.

13. Leggieri submits that Bulko was not truthful⁸ and that she attempted to mislead the Commission.⁹

14. On the contrary, Bulko's demeanor in the witness box was straightforward and honest. She was supported in her evidence by each and every City employee who works in the vicinity of the offices of Bulko and Leggieri. Not one City employee testified in support of the *ad hominem* attacks made by Leggieri on Bulko.

15. Leggieri maintains that the testimony she gave to the Commission about the friendly or buddy/buddy relationship between Domi and Bulko was accurate¹⁰. Yet Leggieri herself withdrew those allegations

⁸ Leggieri submissions, para. 89

⁹ Leggieri submissions, para. 91

¹⁰ Leggieri submissions, para. 93 (f)

insofar as they suggested an intimate or romantic relationship¹¹ and Leggieri was overwhelmingly contradicted by every other witness on this point.

Date: August 18, 2003.

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¹¹ Testimony of Leggieri, June 16, 2003, p. 177 ln. 6 - 18

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