

**IN THE MATTER OF THE THOMAS R. BRAIDWOOD, Q.C.,
COMMISSIONS OF INQUIRY UNDER THE *PUBLIC INQUIRY ACT*,
SBC 2007, c. 9**

Room 801
Federal Courthouse
701 West Georgia Street
Vancouver, B.C.

February 3, 2009

PROCEEDINGS AT
HEARING (DAY 10)

COPY

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(ii)

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Counsel for Corporal Benjamin Robinson:	R. Harris
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Counsel for Public Service Alliance of Canada:	C. Buchanan, B. Matthews
Counsel for City of Richmond:	J. Goulden, M. Kleisinger, G. Trotter
Counsel for TASER International, Inc.	D. Neave
Registrar:	L.N. Giles
Court Recorder:	P. Kealy, C.V.R., C.M.
Transcriber:	D. Rochfort

Vancouver, B.C.
February 3, 2009

1
2
3
4 MR. VERTLIEB: Just to outline the day that we expect
5 to have, Mr. Commissioner, the first witness is a
6 Jame, J-a-m-e Canzon, and he is part of the video
7 that you saw. After that gentleman is Lorne
8 Meltzer who you've heard about, and we expect he
9 maybe some time from the discussions we've had
10 with our friends, that they may be while with him
11 in cross-examination.

12 Then we have Servidio Agraviador, and he is
13 the gentleman who controlled the secure elevator
14 at the top of the escalator. It's been referred
15 to as elevator 40, and that's where Mr. Meltzer
16 went and asked for security to be called.

17 But we believe that these three witness will
18 cover the day, based on what we understand from
19 our discussion. So that's the outline of where
20 we're at. I think we can start with Mr. Canzon,
21 who will not be a lengthy witness, and there's
22 some other discussions I want to have with one of
23 my colleagues about some other matters. So if we
24 could start, then, that way, with Mr. Canzon.

25 THE REGISTRAR: Good morning, sir.

26 MR. CANZON: Good morning.

27 THE REGISTRAR: Before you're seated, do you wish to be
28 sworn or affirmed? Sworn is on the Bible, and
29 affirm is not.

30 MR. CANZON: Swear.

31 THE REGISTRAR: You'll swear. Place your right hand on
32 the Bible, please.

33
34 JAME GLENN CANZON, a witness,
35 sworn.
36

37 THE REGISTRAR: Would you state your full name, please?
38 Would you state your full name, please?

39 A Pardon me?

40 THE REGISTRAR: Your full name?

41 A Oh, sorry. My full name is Jame Glenn Canzon.

42 THE REGISTRAR: And spell your surname?

43 A Surname is S -- C-a-n-z-o-n.

44 THE REGISTRAR: Thank you. You may be seated.

45 A Thank you.

46 MR. MCGOWAN: Thank you. Mr. Canzon, just have a seat
47 there. I'm going to -- for the record, it's

2
Jame Glenn Canzon
In chief by Mr. McGowan

1 Patrick McGowan. I'm counsel for the Commission.
2 I'm going to be asking you some questions first of
3 all.

4 Just before we do that, Dr. Perra, we're
5 going to be shortly requiring a video, so I'll
6 perhaps give you the particulars on that so you
7 can start to get it cued up. It'll be the YVR
8 video 22244, part 2. We'll come to that
9 momentarily.

10

11 EXAMINATION IN CHIEF BY MR. MCGOWAN:

12

13 Q Mr. Canzon, I'm going to start by asking you some
14 questions just about yourself and about your
15 background to get us started, all right?

16

A All right.

17

Q I'm going to ask you to make sure you keep your
18 voice up so I can hear you over here, and speak
19 right into that microphone, okay?

20

A Okay.

21

Q And if you don't understand any of my questions,
22 you let me know and I'll try and ask them a
23 different way.

24

A Thank you.

25

Q Okay. Now, sir, you came to Canada from the place
26 you were previously living in 1991; is that
27 correct?

28

A Yes, sir.

29

Q And you've been employed since 1994 as a -- on a
30 contract basis as a cleaner for the Royal Bank; is
31 that correct?

32

A Oh, no.

33

Q No?

34

A Royal Bank is I started last 1993 to -- up to this
35 time.

36

Q Okay. So it was 1993 you started with the Royal
37 Bank?

38

A Yeah.

39

Q Okay. And you have your own cleaning company; is
40 that right?

41

A Yes, sir.

42

Q And you provide your services on a contract basis
43 to the Royal Bank?

44

A Yeah.

45

Q You've also worked for a number of years -- and,
46 to be clear, those Royal Banks are not just at the
47 airport. There are other locations; is that

3
Jame Glenn Canzon
In chief by Mr. McGowan

1 right?
2 A Yeah.
3 Q Okay. You've also worked for a number of years
4 providing cleaning services through your company
5 at the airport; is that correct?
6 A Yes, sir.
7 Q Okay. Now, when I say you have a cleaning
8 company, you perform the cleaning services
9 yourself?
10 A That's right.
11 Q Okay. You're not an employee of the Vancouver
12 International Airport; is that right?
13 A That's right.
14 Q And you're not employed by the Airport Authority?
15 A That's right.
16 Q Okay. But you do have a contract to provide some
17 cleaning services at the airport?
18 A That's right.
19 Q Okay. I wonder if you'd explain to the
20 Commissioner what it is you do at the airport?
21 A Yeah, it -- I taking care of the small RBC and
22 then the -- all ATMs from the domestic and then
23 international, and I also taking care of the
24 currency exchange, the whole offices in the
25 airport.
26 Q Okay. Let me see if I can -- if we've got that
27 clear. You have a contract with the Royal Bank of
28 Canada?
29 A Yeah.
30 Q To provide cleaning services to certain of their
31 outlets at the airport?
32 A That's right.
33 Q Those include automatic teller machines?
34 A Yeah.
35 Q And also currency exchange booths?
36 A Yeah.
37 Q And those are in both -- is it both the domestic
38 and the international terminal?
39 A That's right.
40 Q Okay. Now, what time of day do you provide those
41 services?
42 A Oh, it's seven days a week from like 11:00 or
43 10:00 up to the -- until one or two o'clock in the
44 morning.
45 Q Okay. So you're working -- are you personally
46 working seven days a week at the airport?
47 A Yes, sir.

Jame Glenn Canzon
In chief by Mr. McGowan

1 Q Okay. How many years have you been doing that
2 for?
3 A Oh, two -- since 2000, September 2000 until --
4 Q And do --
5 A Yeah, I'm still working in there at the RBCs.
6 Q 365 days a year?
7 A Yes, sir.
8 Q And do you also work during the day?
9 A No.
10 Q Okay. You just work at nighttime?
11 A Nighttime.
12 Q Okay. And do you only work at the airport at
13 night or do you also work other locations?
14 A I also work in other RBC location.
15 Q Okay. In October of 2007 -- you know that's the
16 time period that we're going to speaking about
17 today. Do you understand that?
18 A Okay.
19 Q Okay. You understand that we're going to ask you
20 some questions about an incident involving a man
21 named Mr. Dziekanski and the police?
22 A Yes, sir.
23 Q Okay. And you know that happened in October of
24 2007?
25 A Yeah.
26 Q Okay. So I'm going to ask you some questions.
27 And when I ask you the questions, I'm going to be
28 focusing on that time period, okay?
29 A All right.
30 Q All right. So in October of 2007, did you have
31 responsibilities to conduct cleaning services in
32 the international terminal?
33 A Yes, sir.
34 Q Okay. And what areas did you clean in the
35 international terminal at that time?
36 A I clean all the area, but the -- the last -- the
37 last area that I'm cleaning is in the
38 International Arrival.
39 Q Okay. So you had areas -- teller machines and
40 currency kiosks to clean, both domestic and
41 international terminals?
42 A Yes, sir.
43 Q And you were cleaning all of those in October
44 2007?
45 A Yeah.
46 Q And the last of those was in the international
47 terminal.

5
Jame Glenn Canzon
In chief by Mr. McGowan

1 A That's right.
2 Q Okay. And are those all in the public areas of
3 the airport, or are some of them behind security?
4 A Yeah.
5 Q Okay. Did you have to cross the security line or
6 go through Prox doors to get to some of the areas
7 you cleaned?
8 A I crossed, yes, security areas.
9 Q Okay. And did you have a card for doing that?
10 A Yeah, I have.
11 Q Okay. Now, is one of the areas you cleaned a
12 currency exchange in the IRL, the International
13 Reception Lounge?
14 A That's right.
15 Q Okay. And is that -- that was one of the areas
16 which you cleaned on the night of October 14th,
17 2007?
18 A Yes, sir.
19 Q Okay. And, to get into that area, you had to go
20 through glass doors which had a Prox reader; is
21 that right?
22 A That's right.
23 Q Okay. And you -- to get through those doors, you
24 have to use your card to open them; is that right?
25 A That's right.
26 Q And do you understand that when you use your card,
27 there's a record kept of when you go through the
28 doors?
29 A Yeah.
30 Q Okay. Do you recall going through the glass doors
31 between the meet-and-greet area and the IRL on the
32 night this incident happened?
33 A That's right.
34 Q Okay. And did you use your Prox card?
35 A Yeah, I use that.
36 MR. MCGOWAN: Okay. I wonder if we could have Exhibit
37 30, please. If that could be placed before the
38 witness.
39 Mr. Commissioner, these are the Prox records
40 for the door between the meet-and-greet area and
41 the IRL which were entered previously.
42 Q Now, sir, on the front you'll see a list of
43 writings and dates. Do you see that?
44 A Yes, sir.
45 Q Okay. And we -- and I don't need you to
46 necessarily read this, but we see your name having
47 gone through the doors, and there's two

6

Jame Glenn Canzon
In chief by Mr. McGowan

1 indications. It indicates that you Prox'd the
2 door at 1:16:50 and 1:17:04. Does that sound like
3 about the time you went through the doors?
4 A Yeah.
5 Q About a quarter past 1:00 in the morning?
6 A But I didn't -- I didn't -- I didn't -- I forgot
7 if I swipe it twice.
8 Q Okay.
9 A But I remember I swipe it once.
10 Q Okay. Is it possible you swiped it once and then
11 swiped it again just a few seconds later?
12 A Yeah, I can't remember now.
13 Q Okay, that's fine. Now, sir, I'm going to ask you
14 just to flip through that document. There should
15 be nine pages attached. One of those should have
16 a photograph of you. I wonder if you could just
17 point that one out.
18 A Yes.
19 Q Okay. If you could just hold up -- are you -- and
20 is that the one that says "Canzon, Jame Glenn" on
21 it in the boxes?
22 A Yes, sir.
23 Q Okay. And that's your photograph, right?
24 A Oh, yeah.
25 Q Okay. So that's the record for your Prox card.
26 A Okay.
27 MR. MCGOWAN: That's all we need with that exhibit, Mr.
28 Registrar.
29 Now, Dr. Perra, I'm going to ask you to cue
30 up the video that we'd requested which is 22244 to
31 the time 15:15, and we don't need to start it
32 quite yet. I've got a few more questions. But if
33 we could just get it set to that point.
34 Q Mr. Canzon, when you're -- if you -- watch me just
35 for a sec. We'll go to the video in just a
36 moment. When you're conducting your cleaning
37 services, what do you wear by way of an outfit.
38 A Oh, it's the regular clothes.
39 Q Okay. You don't have a uniform?
40 A I don't have a uniform.
41 Q Do you carry any equipment with you?
42 A Yeah, I have the cart.
43 Q Okay. Describe the cart for the Commissioner.
44 A Oh. The cart is a -- I use my -- my cart, and I
45 put it on the airport cart.
46 Q Okay. Do you put it -- you put it on a luggage
47 cart?

Jame Glenn Canzon
In chief by Mr. McGowan

1 A In a luggage cart.
2 Q So you push a luggage cart with some of your
3 cleaning tools on the luggage cart?
4 A That's right.
5 Q Okay. And you were pushing that on the night when
6 you saw Mr. Dziekanski?
7 A Yes, sir.
8 Q Okay. Now, we know that you went through the
9 doors a little after quarter past 1:00 in the
10 morning into the IRL. So that tells us what that
11 time was, okay?
12 A I -- I know it's past one o'clock --
13 Q Okay.
14 A -- but I can't remember now exactly that time.
15 Q Okay. Do you remember when you first saw the man
16 who we know as Mr. Dziekanski?
17 A I'm sorry?
18 Q Okay. You saw a man when you were about to enter
19 the IRL; correct?
20 A Yeah, Mr. -- yeah, I saw him. He's standing in
21 front of the door.
22 Q Okay. This is the man who you later know -- found
23 out had an incident with the police.
24 A Yes, sir.
25 Q Do you -- okay, do you remember this man?
26 A Yeah.
27 Q Okay. Where was he when you first saw him?
28 A Yeah, I'm -- I'm about walking to the gate, and I
29 saw him standing in front of the door, and he put
30 the two chair on the side -- side by side of the
31 door.
32 Q Yes. Where were you coming from?
33 A I coming from the elevator.
34 Q Okay. And you were heading towards...?
35 A Inside the -- the restricted area.
36 Q Okay. And that was for the purpose of cleaning a
37 currency kiosk which is back there; correct?
38 A That's right.
39 MR. MCGOWAN: I wonder if we could show the video,
40 please.
41 Q Now, sir, I think you've seen this video before,
42 but I'm going to play it for you and there's a
43 couple of points we're going to play it and I'll
44 stop it and ask you some questions, all right?
45 A Okay.
46 MR. MCGOWAN: If we could have the time count, please?
47 DR. PERRA: 15:04.

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Jame Glenn Canzon
In chief by Mr. McGowan

1 MR. MCGOWAN: Okay, sir.
2 DR. PERRA: 15:10.

3
4 (VIDEO BEING PLAYED)

5
6 MR. MCGOWAN:

7 Q Sir, if you just watch on the right-hand side of
8 the screen, Mr. Canzon, coming out of the
9 elevators, there's a person coming forward pushing
10 the cart. We can just keep rolling the video,
11 please. Do you see that person coming behind the
12 totem poles?

13 A Yes, sir.

14 Q Okay. Do you know who that is?

15 A That's me.

16 Q Okay. Now, where -- is the time when you're
17 heading into the restricted area to clean?

18 A Yes, sir.

19 Q Okay. Now, we'll just watch you proceeding around
20 the lane. Now, you're proceeding towards here,
21 the glass door that you used your Prox card on?

22 A Yeah.

23 Q Okay. Where is Mr. Dziekanski at this point?

24 A Just in front of the door.

25 MR. MCGOWAN: Okay. If we could just pause it there.

26
27 (VIDEO PAUSED)

28
29 MR. MCGOWAN:

30 Q Sir, there should be a laser pointer beside you.
31 I wonder if you could take that laser pointer -
32 that's right - and just show the Commissioner
33 where Mr. Dziekanski was.

34 A That --

35 Q You're showing of the space right in front of the
36 IRL Prox doors; correct?

37 A Oh, yeah, yes, sir.

38 Q Okay. And was he inside or outside of those
39 doors?

40 A He is inside the restricted area.

41 Q And are the doors open or closed?

42 A It is closed.

43 Q What's Mr. Dziekanski doing at this point?

44 A He's just standing there.

45 Q Okay. Was he moving that you recall?

46 A No.

47 Q Was he making any noise that you recall?

Jame Glenn Canzon
In chief by Mr. McGowan

1 A No.
2 Q Did he speak to you or look at you as you
3 approached?
4 A I approach him.
5 Q Okay, you approached him?
6 A Yeah.
7 Q And he was inside?
8 A And he was -- yeah.
9 Q Okay. Were the doors staying closed or were they
10 opening and closing?
11 A It's still closed.
12 Q Okay. At some point, did the doors open without
13 you using your card?
14 A Yeah, it's closed.
15 Q You know these are automatic doors that open if
16 you get close in the inside. Am I right about
17 that?
18 A That door is very secured.
19 Q Yes.
20 A If you don't want -- if you don't swipe your card,
21 it will never open.
22 Q Okay. What about from the other side?
23 A The other side is automatically opening if there's
24 somebody going out.
25 Q Okay. Was Mr. Dziekanski close enough to make the
26 doors open when you went close?
27 A No.
28 Q Okay.
29 A He just standing there.
30 Q Okay. Now, when you went up to the door, you said
31 he was standing there, he wasn't making any noise.
32 How did he look to you?
33 A I look at him and I saw him and his hair is
34 sweating.
35 Q Yes.
36 A And then the perspiration is running all over his
37 face.
38 Q Okay. How tall was Mr. Dziekanski?
39 A As I look -- he's tall.
40 Q Okay.
41 A Yeah, I look up on him. He's tall.
42 Q Okay. How tall are you, sir?
43 A I'm only less than five feet, I think five feet.
44 Q Okay. And was Mr. Dziekanski -- compared to you,
45 how tall was he?
46 A I think -- I'm not sure if he's six-foot or less
47 than.

1 Q Okay. He was quite a bit taller than you?
2 A Yes, yes, taller than me.
3 Q Okay. When you approached the door, were you able
4 to -- was he blocking the doorway for you to go
5 through?
6 A Yeah, he's -- I look at him and talk to him. "I
7 need to get in." And he -- he put his arm like
8 that.
9 Q You're showing that he spread his arms out like a
10 T.
11 A Yeah, he spread his arms and he speak with his
12 language and I don't understand it.
13 Q And are the doors open or closed at this point?
14 A It's still closed.
15 Q Okay.
16 A And then what I did is I swipe my card --
17 Q Yes?
18 A -- to get in.
19 Q Okay.
20 A But then I get in.
21 Q Okay.
22 A Yeah, I got through.
23 Q Okay. So you open the door with your Prox card?
24 A Yes, sir.
25 Q And you walked towards Mr. Dziekanski. Now, he's
26 standing in front of you with his arms out and how
27 did you get by him?
28 A I -- I go by his side and I get through.
29 Q Were his arms still out when you went by him?
30 A Oh, I can't remember.
31 Q Okay, you don't --
32 A But I get through beside him.
33 Q Okay. How close did you go to Mr. Dziekanski?
34 A It's just beside him like that.
35 Q You're showing just a matter of an inch -- a few
36 inches?
37 A Like one foot.
38 Q Within one foot. And did he make any motion
39 towards you when you went by him?
40 A No.
41 Q Did he say --
42 A He's very harmless.
43 Q Did he say anything to you?
44 A No.
45 Q Okay. When you heard him speaking -- you said you
46 heard him speaking in his language. How was the
47 tone of his voice?

11
Jame Glenn Canzon
In chief by Mr. McGowan

1 A Oh, it's like rrr, rrr, rrr (sic), something like
2 that.
3 Q Okay. Was it loud or soft or can you tell?
4 A Oh, it's loud.
5 Q It's loud?
6 A Yeah.
7 Q Okay. Was he -- appear to be speaking to you or
8 somebody else, or could you tell?
9 A I'm not sure. Just talking his language and after
10 I pass by him, and he's running back and forth to
11 the gate.
12 Q Okay. So you pass by Mr. Dziekanski within about
13 a foot with your cart, and where did you proceed
14 to after that, sir?
15 A I'm -- I went to the IRL kiosk, the ICE, currency
16 exchange office.
17 Q Now, sir, do you see over your left-hand shoulder
18 there's a large placard. It's a big poster. It's
19 beside the screen; it's not on the screen. It's a
20 big poster showing a diagram of the airport. For
21 the record, it's the large poster of Exhibit 2.
22 A On the left.
23 Q Do you see where Dr. Perra is putting the red dot?
24 DR. PERRA: Open on the side.
25 MR. MCGOWAN: Mr. Commissioner, perhaps I'll walk over.
26 Q Do you see this poster here, Mr. Canzon? I'm
27 pointing to the one that has blue and green on it.
28 A Okay.
29 Q Okay. And do you see, sir, that the light green
30 area is the meet-and-greet area, and the dark
31 green area is the IRL.
32 A Okay.
33 Q Do you see that that's the diagram? And on the far
34 left-hand side is the street. That's the road.
35 A Okay.
36 Q Does that make sense to you?
37 A Just making -- about right. IRL is the blue one.
38 Q The dark green area is the IRL. By looking at it
39 this way, are you able to tell us where the kiosk
40 you were cleaning at is?
41 A On the level of the elevator just close to it
42 there. It's on the -- can I show you?
43 Q Yes, sir. Would it be easier for you to describe
44 it rather than point it out?
45 A Okay. It's -- when I get in --
46 Q Have a seat, sir, and maybe I'll try it this way.
47 We see the IRL doors that you went through.

1 A Yes, sir.
2 Q From there do you walk straight back to get to the
3 currency exchange or do you turn left or right
4 when you walk through the door?
5 A After I -- after I clean?
6 Q No, after you go through the doors --
7 A Yes, sir.
8 Q -- to get to where you clean --
9 A Okay, it's on the right-hand side.
10 Q On the right-hand side.
11 A Yes.
12 Q How far is it from the doors?
13 A It's like on the other end of the -- on the other
14 end of this room.
15 Q Okay. At the very far back wall --
16 A Yeah.
17 Q -- or where the railing is?
18 A Right at far back wall.
19 Q Okay. That's how far you have to walk to get to
20 your cleaning place?
21 A Yes, sir.
22 Q Okay. So approximately the length of the
23 courtroom from the IRL doors.
24 A Yes, sir.
25 Q Okay. Now, tell me, when you go to clean are you
26 inside a room or are you outside?
27 A I'm inside.
28 Q And are the walls glass or are they solid?
29 A The wall is glass.
30 Q You can see through it into the IRL?
31 A Yes, sir.
32 Q Okay. How long are you cleaning at this kiosk
33 for?
34 A I'm -- I can't remember now how many minutes.
35 Q Approximately how long did it take you to clean
36 that area generally?
37 A It's like -- it was a regular cleaning, all the
38 garbage and wiping. It's only ten minutes, 10 to
39 15 minutes, something like that.
40 Q Okay. And did -- as you recall, was this a
41 regular cleaning that night?
42 A Yeah, and I'm hurrying that night.
43 Q Okay. Was there any particular reason you were
44 hurrying?
45 A That's when they're having a gathering in my
46 sister-in-law house so I need to get there.
47 Q Okay. Okay. So when you were cleaning, did you

1 clean the windows?
2 A Yes, sir.
3 Q And that's the windows between the IRL and the
4 kiosk?
5 A The window facing to the -- facing to the door.
6 Q Facing to the glass door?
7 A On the -- yeah, on the -- I could see the gate,
8 the door.
9 Q While you were cleaning, could you see Mr.
10 Dziekanski?
11 A Just the glass, 'cause I -- when I -- only when I
12 clean the window.
13 Q Okay. When you were cleaning the window, what did
14 you see him doing?
15 A Yeah, I saw him -- he has the -- I saw him, he
16 talk to the other guy.
17 Q Okay. Who did he talk to?
18 A There's another guy want -- I think want to come
19 in or something. He's close to the door, but I
20 can't understand what he is talking. I just heard
21 a loud voice.
22 Q Okay. Do you know who that other man is?
23 A No.
24 Q It was a man?
25 A Yeah, he's a man.
26 Q Okay. Can you describe him at all?
27 A I can't.
28 Q When you saw him talking to Mr. Dziekanski, was he
29 inside the railing?
30 A He is outside -- yeah, outside the door.
31 Q Outside the door.
32 A Yes, sir.
33 Q Okay. When you were in cleaning, sir, could Mr.
34 Dziekanski see where you were? Was there anything
35 between you blocking your view or his view?
36 A Yeah, he could see me by the -- by the glass if I
37 -- if I'm facing the counter.
38 Q Okay. What could you see him doing while you were
39 cleaning, if anything?
40 A Yeah, I just saw him -- after they talk, he -- the
41 guy talk to him loudly, and then the guy, he -- I
42 saw him in his hand the computer is that (sic) --
43 Q Okay. Let's -- let's first of all talk about the
44 man that spoke to him. Where was the man
45 standing?
46 A Behind the door -- close to the door.
47 Q And was Mr. Dziekanski inside the door then?

Jame Glenn Canzon
In chief by Mr. McGowan

- 1 A Yeah, he's inside and the other guy is outside.
2 Q Okay, what was the man saying to him if you could
3 hear?
4 A I don't understand. It's --
5 Q Okay, was he --
6 A I just heard a loud voice.
7 Q Okay. Was that Mr. Dziekanski's voice or the
8 other man's?
9 A The other man.
10 Q Okay. He was talking loudly to Mr. Dziekanski?
11 A Yeah.
12 Q Was he yelling at him?
13 A It's like yelling to me 'cause it's loud.
14 Q Okay. And after that, did the other man leave?
15 A I can't -- I can't remember.
16 Q Okay. What did Mr. Dziekanski do after the other
17 man spoke to him loudly?
18 A He -- he has the -- what's that -- the computer.
19 Q Part of the computer?
20 A What's that?
21 Q The keyboard?
22 A The keyboard.
23 Q Yes? Okay. Did you see Mr. Dziekanski moving
24 about the IRL at all, sir? Was he walking at all
25 that you saw?
26 A By the door he's moving.
27 Q After you finish your cleaning, sir, did you leave
28 the area?
29 A Yeah, I leave.
30 Q How did you leave? How did you exit?
31 A I go to the other side by the automatic door by
32 the elevator.
33 Q Okay. Is that another glass door that exits?
34 A Yes, sir.
35 Q And does -- that door does not have a Prox reader;
36 correct?
37 A Yeah.
38 MR. MCGOWAN: Okay. I wonder if we could run the YVR
39 video forward to -- well, let's just run it
40 forward just so we see Mr. Canzon go through the
41 doors if we can, another few seconds.
42
43 (VIDEO BEING PLAYED)
44
45 MR. MCGOWAN:
46 Q Are you inside now, sir, can you tell?
47 A I think I'm inside.

15

Jame Glenn Canzon
In chief by Mr. McGowan

1 MR. MCGOWAN: I wonder if we could take the video
2 forward, please, to 1:27, 1:27:20.
3 MR. HARRIS: Sorry, sir, could you repeat that number
4 again, please?
5 MR. MCGOWAN: 1:27:20.
6 MR HARRIS: Thank you.
7 MR. MCGOWAN: Now, sir, we're going to come forward to
8 a time which is shortly after 1:27 in the morning,
9 and I believe we're going to see you exit through
10 the doors on the right-hand side of the screen. I
11 wonder if you could just watch for yourself there,
12 please, if we could roll the video.
13 If we could have a time count, please?
14 DR. PERRA: 1:27:51.
15 MR. MCGOWAN:
16 Q If you look on the right-hand side of the screen,
17 do you see yourself at all, sir?
18 A Yes, sir.
19 Q Okay. Can you point to yourself, please, with the
20 laser pointer?
21 MR. MCGOWAN: We can keep rolling the video, please.
22 Q So that's you, you're pushing your cart?
23 A Yeah.
24 Q Walking across the meet-and-greet area, and I
25 think we're going to see you here exit at the
26 bottom of the screen.
27 A Yeah.
28 MR. MCGOWAN: If we could have the time, please?
29 DR. PERRA: 1:28:31.
30 MR. MCGOWAN: 1:28:31 we see you leaving the area. And
31 if we could just straight forward right up ahead
32 to 1:29, please, and just pause there.
33
34 (VIDEO PAUSED)
35
36 Q So, sir, after you cleaned, you left the area, but
37 it looks like you returned momentarily, and then
38 again returned later on. Were you coming in and
39 out of this area several times?
40 A There's another currency exchange office in there
41 beside the escalator.
42 Q Yes? So you went to clean that area?
43 A Yeah, I cleaned that area.
44 Q Okay. After you left, did you see the police?
45 A Yeah, I saw them.
46 Q Okay. Where did you see them?
47 A I saw the -- they're going inside.

Jame Glenn Canzon
In chief by Mr. McGowan

1 Q Okay. Where did you see them -- you saw them go
2 inside through the door?
3 A Yes, sir.
4 Q Okay. Did you see anything that happened after
5 the police went inside?
6 A I just heard a pop.
7 Q Tell me what you heard, sir?
8 A I heard -- I heard a pop of a gun.
9 Q Pop of a gun?
10 A Yeah.
11 Q Okay.
12 A But I'm continuing cleaning.
13 Q Okay. Did you stop your cleaning at all to watch
14 what was happening?
15 A I just look.
16 Q Okay. Did you see anything that happened between
17 Mr. Dziekanski and the police?
18 A No, no, no.
19 Q Did you see Mr. Dziekanski on the ground at any
20 point?
21 A Before I go home, I'm heading to the elevator and
22 I saw the guy is lying on the carpet.
23 Q Okay. Do you know what time that was?
24 A No, sir. I can't remember now.
25 Q Okay. Perhaps we can help with that. When you
26 saw him lying on the carpet, was there anybody
27 beside him or near him?
28 A There were police on the -- I can't remember now
29 how -- how distance are them with the guy (sic).
30 Q Okay. Was anybody touching Mr. Dziekanski?
31 A No.
32 Q Was anybody kneeling beside him?
33 A No.
34 Q Okay. Could you see him quite clearly?
35 A No, I -- I just him as this guy lying on the
36 carpet --
37 Q Okay.
38 A -- and then I go up and go home.
39 MR. MCGOWAN: Okay. I wonder if we could just run
40 through from 1:29 to 1:29:20, please.
41 We should see you appear and then exit again,
42 sir.
43
44 (VIDEO BEING PLAYED)
45
46 (VIDEO PAUSED)
47

17
Jame Glenn Canzon
In chief by Mr. McGowan

1 DR. PERRA: 1:29:30.
2 MR. MCGOWAN: Thank you.
3 Q Now, if you could just point, sir, where the kiosk
4 -- the other kiosk to be cleaned is.
5 A The last one?
6 Q Yeah, the last one that you cleaned.
7 A Right here.
8 Q It's -- so it's just off the screen at the bottom?
9 A Yes, beside -- close to the escalator, the small
10 one.
11 MR. MCGOWAN: Okay. We go forward, please, to 1:36 --
12 make that 1:39.
13
14 (VIDEO BEING PLAYED)
15
16 MR. MCGOWAN: Now, sir, are we playing at 1:39 now?
17 DR. PERRA: It's 1:39 -- 1:38:59, 1:39.
18 MR. MCGOWAN:
19 Q Okay. Sir, watch for yourself. In about 15
20 seconds I believe that you should appear somewhere
21 perhaps near the totem poles. Is that you pushing
22 the cart?
23 A Oh, yeah.
24 MR. MCGOWAN: Okay. Can we have the time, please?
25 DR. PERRA: 1:39:15.
26 MR. MCGOWAN: Okay.
27 Q Now, sir, does it appear that you've left your
28 cart?
29 Now, sir, do you now have your cart and
30 you're heading towards the elevator on the right-
31 hand side?
32 A Yeah, yeah.
33 Q That's not you with the yellow cart, you're
34 further back; correct?
35 A No, no, no. I'm there on -- beside the elevator.
36 Q Okay. And is that when you looked and saw Mr.
37 Dziekanski on the carpet just before you got in
38 the elevator?
39 A Yes, sir.
40 Q Okay. The time that you get on the elevator by my
41 count is approximately 1:39:40.
42 MR. MCGOWAN: Is that the time count, Dr. Perra?
43 DR. PERRA: 1:40:05 right now.
44 MR. MCGOWAN: 1:40:05, okay.
45 Q And you've just entered the elevator or are about
46 to. I can't quite see from here
47 DR. PERRA: Still outside.

18
Jame Glenn Canzon
In chief by Mr. McGowan

1 MR. MCGOWAN:
2 Q Now, sir, I want to be clear. You looked over
3 before you got on the elevator and saw Mr.
4 Dziekanski laying on the carpet? Is that correct?
5 A Yes, sir.
6 Q Okay. Were you able to tell anything about
7 whether or not he was moving at that point?
8 A No, he's not moving.
9 Q Okay. Could you see his face?
10 A No.
11 Q Okay. Could you -- could you see whether there
12 was anybody near him at all?
13 A I can't remember now.
14 Q Okay.
15 A It's over a year.
16 Q Okay. You -- are you able to tell us with any --
17 DR. PERRA: 1:40:35 he's going in the elevator.
18 MR. MCGOWAN: I'm sorry, Dr. Perra?
19 DR. PERRA: 1:40:35.
20 MR. MCGOWAN: Thank you. We're done with the video for
21 now.

22
23 (VIDEO STOPPED)

24
25 MR. MCGOWAN:
26 Q When he was lying on the carpet, did you see
27 anybody who appeared to be close to him checking
28 on him in any way?
29 A No.
30 Q Are you telling us you don't remember or there was
31 nobody down close to him?
32 A Nobody close to him.
33 Q Okay. Sir, did you ultimately learn what happened
34 to Mr. Dziekanski?
35 A Yeah, I heard on the news the next day.
36 Q Okay. Is there anything else you saw that night
37 that you think is important for the Commissioner
38 to know?
39 A Yeah, I can't remember now.
40 MR. MCGOWAN: Sir, thank you for answering my
41 questions. Your lawyer, Mr. Stewart, may have
42 some questions for you, and then some of the other
43 lawyers might have questions for you.
44 A Thank you, sir.

45
46
47

Jame Glenn Canzon

Cross-exam by Mr. Stewart (for Vancouver Airport Authority)

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 CROSS-EXAMINATION BY MR. STEWART ON BEHALF OF VANCOUVER
2 AIRPORT AUTHORITY:

3

4 Q Mr. Canzon, I'm Dwight Stewart, you know me. I
5 work for the Vancouver airport. Mr. McGowan asked
6 you if you worked in the day, and just right now,
7 you're off today to do another contract right
8 after this; is that correct?

9 A Yes, sir.

10 Q Do you want to just tell Mr. Commissioner about
11 the new -- the two new contracts that you've
12 recently received with respect to the Olympics.

13 A Oh, yes, sir. Yeah, I lost -- I lost my contract
14 at the currency exchange last October, and now I
15 got another contract to other company cleaning --
16 yeah, cleaning those venues for the Olympics.

17 Q And what are the two venues you're cleaning?

18 A It's in the Cypress Mountain and also in the
19 Hillcrest in Vancouver.

20 Q For the curling?

21 A Yeah, for the curling.

22 Q Okay. And then just to confirm, you still clean
23 every night for the Royal Bank at the airport;
24 correct?

25 A Yes, sir. Yeah, I'm still...

26 Q It's just the currency exchange contract that went
27 to somebody else.

28 A That's right, sir.

29 MR. STEWART: Okay. Those are all my questions for
30 you, Mr. Canzon, and I think that some of the
31 other lawyers may have questions for you.

32 A All right.

33 MR. KOSTECKYJ: It's Walter Kosteckyj, the lawyer for
34 Zofia Cisowski.

35

36 CROSS-EXAMINATION BY MR KOSTECKYJ ON BEHALF OF ZOFIA
37 CISOWSKI:

38

39 Q Mr. Canzon, you -- you never called the police
40 when you saw Mr. Dziekanski, did you?

41 A No, sir.

42 Q And you never called for any help from security?

43 A No, sir, 'cause --

44 Q You -- you weren't afraid of Mr. Dziekanski, were
45 you?

46 A I'm not afraid 'cause he didn't do anything
47 against me.

Jame Glenn Canzon

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

Cross-exam by Ms. Roberts (for Government of Canada)

1 Q He -- he wasn't scaring you at all?

2 A No, sir.

3 MR. KOSTECKYJ: Okay. Those are my questions.

4

5 CROSS-EXAMINATION BY MS. ROBERTS ON BEHALF OF THE
6 GOVERNMENT OF CANADA:

7

8 Q Mr. Canzon, my name is Helen Roberts. I'm a
9 lawyer for the Government of Canada.

10 A Yes.

11 Q I just want to ask about one thing. You talked
12 about the man that came up to the door and had
13 interaction or talked to Mr. Dziekanski. Do you
14 remember that?

15 A Yeah, in front the door.

16 Q Right. Can you tell us whether that man was about
17 the same size as Mr. Dziekanski or whether he was
18 bigger or smaller?

19 A He's -- yeah, he's -- yeah, he's the -- he's --
20 yeah, I saw him in the newspaper, and he's the one
21 that I saw in the gate.

22 Q But do you remember from when you were watching
23 the two of them together whether they were roughly
24 the same size or different?

25 A It's the same size.

26 Q All right. And how close together did they get?
27 How --

28 A What's that?

29 Q How far apart were they from each other?

30 A I'm sorry, again, which guys are you talking?

31 Q When you saw the man come up to the door and speak
32 to Mr. Dziekanski at --

33 A Oh.

34 Q -- that door, how far apart were the two men?

35 A I'm sorry, Your Honour, I made the mistake of
36 answering.

37 Q Sorry, would you like me to ask it another way?

38 A Please.

39 Q All right. You remember the man you saw come to
40 the door and speak to Mr. Dziekanski, right?

41 A Oh, yeah.

42 Q Right. And that man was outside the door?

43 A It's outside.

44 Q Right. And he spoke to Mr. Dziekanski who was
45 inside the door in the IRL; correct?

46 A Oh, yeah.

47 Q Yes?

Jame Glenn Canzon

Cross-exam by Ms. Roberts (for Government of Canada)

Cross-exam by Mr. Hira (for Constable Millington)

1 A Yea, ma'am.

2 Q I want to know how far apart the two men were from
3 each other.

4 A Oh, it's like -- it's far from the side.

5 Q Okay. I'm not sure I'm being clear. The man that
6 came to the door and talked to Mr. Dziekanski,
7 right, they were close together, they were
8 talking?

9 A Yeah, he's talking to the guy, but I can't -- I
10 can't remember now how close is, but he's talking
11 to him.

12 Q All right. And you heard the man shout at Mr.
13 Dziekanski? He was loud?

14 A Yeah.

15 Q Right. Do you remember hearing him swear at Mr.
16 Dziekanski?

17 A No, I -- I can't -- I can't clearly hear the --
18 what he's talking about to him. Just heard this
19 loud voice.

20 Q All right. And did you hear Mr. Dziekanski
21 speaking back in a loud voice?

22 A Oh, I can't remember now, ma'am.

23 MS. ROBERTS: All right. Thank you.

24

25 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE
26 MILLINGTON:

27

28 Q Mr. Canzon, my name is Ravi Hira. I represent
29 Officer Millington. I've got a few questions for
30 you.

31 A Yes, sir.

32 Q You have worked at the airport doing that job
33 since the year 2000; correct?

34 A Yes, sir.

35 Q In that -- in those seven years, or perhaps close
36 to eight years coming up to October 14, 2007, will
37 you agree with me that you've never seen behaviour
38 like this by a passenger?

39 A It's the first time.

40 Q Yeah. Would you agree with me that, to you, the
41 behaviour looked very unusual?

42 A Oh, yeah.

43 Q In fact, is it fair to say that the behaviour was
44 bizarre?

45 A Yeah, I think so.

46 Q Thank you. Now, you saw him lift up the -- you
47 said -- at one stage you said computer, at another

1 stage you said keyboard.
2 A Yeah, the keyboard, not the computer. Computer
3 keyboard.
4 Q I see. So that's the keyboard and some cables
5 attached to the keyboard; correct? Did you see
6 him smash the keyboard?
7 A I can't remember now. That's what I recall that
8 he holding it.
9 Q Yes. And unfortunately nobody sat down and took a
10 statement from you at the time; correct?
11 A Yes, sir.
12 Q Did you at all see him pick up a chair?
13 A No, I can't remember.
14 Q Fair enough. Now, I'm just trying to find out
15 where these -- these -- this ATM, the Royal Bank
16 ATM that you were cleaning in the IRL was, and I'm
17 going to go over to this diagram and see whether I
18 can't help you here for a moment. This green area
19 -- let's start with the light green area for a
20 moment. This is the escalator that comes down
21 into the meet-and-greet area. Do you recognize
22 that, sir?
23 A Yes, sir.
24 Q And then there's some totem poles. Do you see
25 that? And then there's a barrier that leads all
26 the way into the IRL; correct?
27 A Yes, sir.
28 Q So the dark green area is the IRL?
29 A Okay.
30 Q Do you agree with that? Is that your
31 recollection, sir?
32 A Yes, sir.
33 Q Are you saying "yes"? I'm not sure that Mr.
34 Commissioner can see you and --
35 A Oh, sorry.
36 THE COMMISSIONER: Oh, that's all right. Go ahead. I
37 can follow.
38 A Yeah, I --
39 MR. HIRA: (Indiscernible - not at microphone) Yeah.
40 A Yeah, I can remember.
41 Q He's the most important person here, so while I
42 hear --
43 THE COMMISSIONER: Well, unless the witness might be.
44 Go ahead.
45 A Sorry, Your Honour.
46 THE COMMISSIONER: No, that's fine.
47

1 MR. HIRA:
2 Q So would you agree with me that this is the IRL,
3 the green area -- the dark green area? Do you
4 agree with that?
5 A Yes, I agree.
6 Q And the doors to the IRL where you saw Mr.
7 Dziekanski are right here at the end of this
8 arrow?
9 A That's right.
10 Q Could you -- do you mind coming here and just
11 pointing out to Mr. Commissioner where the ATM was
12 that you were cleaning?
13 A It's not on -- it's not on (indiscernible - not at
14 microphone) it's on this side.
15 Q So it --
16 A This side.
17 MR. HIRA: Can you see, Mr. Commissioner?
18 THE COMMISSIONER: Yes. Describe it, please.
19 A Currency exchange out there.
20 MR. HIRA:
21 Q Thank you. So it's at the bag transfer area
22 diagonally below the "T" under "Transfer" about an
23 inch below the "T"; is that fair to say?
24 A That's fair to say (indiscernible) but on the
25 side.
26 Q I see. So that would be on the wall.
27 THE COMMISSIONER: It can't be heard.
28 THE RECORDER: I can't hear you, sorry.
29 MR. HIRA: Maybe I could describe what he pointed out,
30 Mr. Commissioner.
31 THE COMMISSIONER: Yeah, why don't you go to the
32 microphone and tell us what was said.
33 MR HIRA: Yes. The witness pointed out the wall area
34 by --
35 A Yeah.
36 MR. HIRA: -- the curb -- which would be by the
37 curbside of the IRL and in terms of the diagram,
38 it would be in line with the "P" at "Passenger
39 Service Area" but at the wall.
40 THE COMMISSIONER: All right.
41 A Yeah, that's right, sir, just...
42 MR. HIRA:
43 Q And is it fair to say that your back was to Mr.
44 Dziekanski while you were cleaning the currency
45 exchange?
46 A I'm sorry, sir?
47 Q You were -- your back was to Mr. Dziekanski. You

1 were cleaning the counter which was in front of
2 you. Is that a fair statement by me?
3 A My back?
4 Q Yes.
5 A Yeah. I'm -- I'm facing the -- you know, the --
6 when I go inside, there's a glass.
7 Q Yes.
8 A 'Cause it's a small office. There's -- there's
9 table on the inside offices.
10 Q Oh, I see. So you'd gone into the office and you
11 were facing Mr. Dziekanski.
12 A Yes, sir.
13 Q Thank you. That helps me. Now, you used the
14 other door to leave because you didn't want to
15 have an incident with this man; correct?
16 A No, sir. Because I -- in my working the airport,
17 that's the exit that I'm using.
18 Q I see. It's the closest door; correct?
19 A Because -- because if I'm going to the other side,
20 I will use my pass again, but it's closest to the
21 way that I'm going to the elevator.
22 Q That's right. So you use the other door because
23 it was the closest to you; correct?
24 A Closest to me, the exit.
25 Q Thank you. Now, when you came back and caught the
26 elevator to go to your sister-in-law's place --
27 remember that?
28 A Yes, sir.
29 Q Do you recall seeing a person in a black suit, a
30 Mr. Enchelmaier, I believe, from YVR?
31 A I can't remember, sir.
32 Q Okay. I'm going to suggest to you that there was
33 a man in a black suit -- excuse me a moment, Mr.
34 Commissioner.

35
36 (SOME DIALOGUE AWAY FROM MICROPHONE)
37

38 MR. HIRA:

39 Q I'm going to suggest to you that at the time that
40 you were leaving, that there was a man who was
41 periodically checking on Mr. Dziekanski. Do you
42 remember that?
43 THE COMMISSIONER: I've got --
44 A I can't remember it now.
45 THE COMMISSIONER: Sorry.
46 MR. HIRA: Sorry, my --
47 THE COMMISSIONER: No, go ahead. He says he doesn't

Jame Glenn Canzon

Cross-exam by Mr. Hira (for Constable Millington)

Cross-exam by Mr. Butcher (for Constable Bentley)

1 remember.

2 MR. HIRA:

3 Q Do you recall where the police officers were as
4 you were leaving?

5 A I saw them, but I can't remember how close they
6 are.

7 MR. HIRA: Thank you. Those are my questions.

8

9 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
10 BENTLEY:

11

12 Q Mr. Canzon, I'm David Butcher. I'm the lawyer for
13 one of the RCMP officers.

14 A Yes, sir.

15 Q Just a couple of questions. When you saw Mr.
16 Dziekanski on the ground as you were leaving to go
17 into the elevators, did you form any impression or
18 opinion as to his condition or state?

19 A I can't remember, sir.

20 Q What did you do after you got into the elevators?
21 Did you just go home?

22 A Yeah, I go home.

23 Q You didn't stick around and wait to see if
24 somebody wanted to talk to you?

25 A No.

26 Q You've never provided a statement to the RCMP in
27 the 15 months or so that have passed since this
28 incident, have you?

29 A No, sir.

30 Q Did you ever phone them up and say, "I was there,
31 I saw something, I might have something to help
32 you."

33 A No, sir, 'cause I did not witness the tasing.

34 Q Sorry?

35 A I did not witness --

36 Q Okay. So you thought that because you hadn't
37 witnessed the tasing, you didn't have any
38 evidence to help them; is that what you're saying?

39 A Yes, sir.

40 Q My friend, Ms. Roberts, asked you a couple of
41 questions about the person who you saw talking to
42 Mr. Dziekanski. Remember you told us about a man
43 who walked up to the -- up to the doors and tried
44 to engage him in conversation.

45 A Yeah.

46 Q You remember that?

47 A Yeah, I remember.

Jame Glenn Canzon

Cross-exam by Mr. Butcher (for Constable Bentley)

Cross-exam by Mr. Harris (for Corporal Robinson)

1 Q How long was he trying to talk to Mr. Dziekanski?

2 A I can't remember 'cause I'm doing my -- I'm doing
3 my job and I just saw him, then cleaning, continue
4 cleaning again.

5 Q Do you remember that he was wearing a dark suit
6 and tie?

7 A I can't remember, sir.

8 Q Do you remember that he was a limo driver?

9 A I don't -- I don't know who he is exactly, I'm
10 sorry.

11 Q Were you able to recognize him as a limo driver or
12 not?

13 A No.

14 Q And I'm going to suggest, and see if this helps
15 your memory, that he was swearing loudly and
16 saying very nasty words to Mr. Dziekanski. Do you
17 remember that?

18 A 'Cause I just heard a voice, a loud voice. That's
19 it.

20 Q Did you hear him say something like, "You fucking
21 asshole" --

22 A No, no, no.

23 Q -- to Mr. Dziekanski?

24 A No, sir, I can't -- I can't clearly heard (sic)
25 what he's saying about.

26 Q But were you able to hear that his voice was loud
27 and angry?

28 A Is loud, only loud.

29 MR. BUTCHER: Okay, thank you. Those are my questions.

30

31 CROSS-EXAMINATION BY MR. HARRIS ON BEHALF OF CORPORAL
32 ROBINSON:

33

34 Q Sir, you were asked a question about -- or let me
35 stop for a moment. My name is Reg Harris, pardon
36 me.

37 A Okay.

38 Q I'm counsel for one of the RCMP officers that were
39 present that night. I appreciate you answering a
40 few of my questions, all right, sir?

41 A All right.

42 Q You said that when you came close to this man, Mr.
43 Dziekanski, you were not afraid of him.

44 A No.

45 Q You had no concern from him; correct?

46 A 'Cause he didn't -- he never do anything.

47 Q All right. At that moment, he didn't have

Jame Glenn Canzon

Cross-exam by Mr. Harris (for Corporal Robinson)

1 anything in his hands, did he?
2 A No.
3 Q At that moment, he wasn't focusing his attention
4 on you, was he?
5 A He's still calm when I facing him.
6 Q He was calm.
7 A Yeah.
8 Q And what I understand by that, he wasn't hitting
9 or smashing anything --
10 A No.
11 Q -- at that time. Now, sir, I take it if you
12 witness a passenger smashing something against the
13 glass or throwing a computer on the ground, you
14 would want the police to be involved in that
15 event?
16 A Oh, yeah.
17 Q All right. Now, sir, I would imagine -- or let me
18 put it this way. I've listened to your evidence
19 very carefully, and I've heard on several times
20 you saying you don't remember. I take it it's
21 hard to recall the events of that night?
22 A 'Cause I'm not focusing on that -- on what -- what
23 happening. I'm focusing on my job.
24 Q Okay. And let's talk about that for a little --
25 little moment. It's hard to remember because you
26 were focusing on your job; correct?
27 A Yes, sir.
28 Q It's hard to remember because you didn't make
29 notes; correct?
30 A I'm sorry?
31 Q It's hard to remember 'cause you didn't make
32 notes. You didn't write down what you saw that
33 night.
34 A Yeah.
35 Q It's hard to remember because you didn't expect a
36 year later, a year and a bit later, to come and
37 tell everyone what you saw that night? That's
38 right?
39 A Yeah.
40 Q You agree with me, or you don't know?
41 A Yes, sir.
42 MR. HARRIS: All right. Thank you for answering my
43 questions, sir. You've been helpful. I
44 appreciate it.
45 A You're welcome.
46 MR. MCGOWAN: No re-examination.
47 THE COMMISSIONER: Thank you very much, Mr. Canzon, for

28
Lorne Martin Meltzer
In chief by Mr. Vertlieb

1 coming and giving us your time.
2 A You're welcome, sir.
3 THE COMMISSIONER: You can be off now.
4 A Thank you.

5
6 (WITNESS EXCUSED)

7
8 MR. VERTLIEB: It's a bit early, but maybe it's a good
9 time to take the break and then we won't interrupt
10 the next witness.

11 THE COMMISSIONER: All right.

12 THE REGISTRAR: The hearing will now recess for ten
13 minutes.

14
15 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)
16 (PROCEEDINGS RECONVENED)

17
18 MR. VERTLIEB: Thank you. Lorne Meltzer.

19 THE REGISTRAR: Good morning, sir. Before you're
20 seated, do you wish to be sworn or affirmed?
21 Sworn is on the Bible and affirmed is not.

22 MR. MELTZER: Sworn.

23 THE REGISTRAR: Sworn? Please place your right hand on
24 the Bible, please.

25
26 LORNE MARTIN MELTZER, a
27 witness, sworn.

28
29 THE REGISTRAR: Can you state your full name, please.

30 A My name is Lorne Martin Meltzer.

31 THE REGISTRAR: Can you spell your surname, please?

32 A It's M-e-l-t-z-e-r.

33 THE REGISTRAR: Thank you. You may be seated.
34 Counsel.

35
36 EXAMINATION IN CHIEF BY MR. VERTLIEB:

37
38 Q Mr. Meltzer, you were born in Winnipeg but you've
39 lived in Vancouver the last 13, 14 years or so?

40 A Correct.

41 Q You work in this community as a corporate valet?

42 A Correct.

43 Q Tell us what that means?

44 A Basically what it is, is running errands for
45 people who don't have time, corporate people that
46 I've met over the years through my limousine
47 experience. I've met individuals that their lives

1 became quite busy and I got the feeling that there
2 is a need in the city that people would need
3 somebody to run errands for them, et cetera.
4 Q What was your limousine experience that you
5 mentioned?
6 A Basically just driving corporate people around,
7 driving to Whistler a lot.
8 Q Okay. You're here to discuss the events of
9 October 14 of 2007. What I'd like to do is take
10 you through your evidence, and after we cover the
11 evidence, look at some of the YVR videos and then
12 have you comment and see if any of the watching of
13 those videos helps your memory.
14 You were working on the day of October 14,
15 2007?
16 A Correct.
17 Q What were you doing that evening and into the
18 early morning hours of the 14th of October?
19 A I was at the airport at the request of a client,
20 business associate, picking somebody up at the
21 airport.
22 Q The person you were picking up was known to you?
23 A Yes.
24 Q You had picked him up before?
25 A Yes.
26 Q What time did you arrive at the airport?
27 A I honestly can't remember the time, but it was
28 about -- probably about five to six minutes before
29 I first encountered Robert, whatever that time
30 was.
31 Q And "Robert", you mean Robert Dziekanski?
32 A Correct?
33 Q Okay. Do you recall the time that you were
34 scheduled to meet this gentleman?
35 A I know it was the Cathay-Pacific flight from New
36 York, and I -- I know there was a time change --
37 between the time change, it's either an hour
38 earlier or an hour before -- I think -- I think it
39 was 12:40. I don't -- I can't remember.
40 Q You knew the airport well?
41 A Yes.
42 Q Now, there's been mention of the word "Prox card",
43 or "Proximity card". Do you have one of those?
44 A Yes, I do.
45 Q And how did you get that?
46 A I applied through the -- through YVR to get one.
47 Q And what does that allow you to do?

1 A It allows me to open those secure doors and stand
2 waiting for a client in the -- what they call the
3 IRL area.

4 Q You're familiar with the IRL area?

5 A Correct.

6 Q You've been there many times?

7 A Yes.

8 Q Okay. Tell us, then, what happened from the time
9 you arrived at the airport to pick up this
10 gentleman on the Cathay-Pacific flight.

11 A All right. So basically I walked up to -- to the
12 doors to Proxy, and I saw this -- diswrought (sic)
13 gentleman, angry, diswrought, holding a chair. I
14 don't know how -- I can't remember exactly how
15 hard he was trying to smash the window at the
16 doors. He was trying to get through, back into
17 the area after the doors had closed.

18 Q Okay. So let me just stop you a second.

19 A Yeah.

20 Q You saw this gentleman. You now know this
21 gentleman to be Mr. Dziekanski?

22 A Correct.

23 Q When you first saw him, where was he?

24 A Outside the doors.

25 Q And you -- outside the doors meaning outside the
26 doors --

27 A As far as I can remember, he was outside those
28 secure area doors that swing open and closed.

29 Q Okay. And where were you when you first saw him?

30 A Probably about, I don't know, 30, 40 feet away
31 walking down that corridor.

32 Q And the corridor, you mean the corridor leading up
33 to these doors?

34 A Correct, yes.

35 Q And why were you walking towards -- in that
36 direction?

37 A I was walking towards that direction to Proxy my
38 card to get those doors open.

39 Q To meet the passenger.

40 A Correct.

41 Q So tell us what happened once you saw Mr.
42 Dziekanski, as you described him, angry,
43 distraught and holding a chair.

44 A Right. He was holding a chair and I can't exactly
45 remember whether he was -- he was holding the
46 chair and I know he was -- to my best
47 recollection, he was hitting the window, but I

1 don't know how hard he was hitting the window. I
2 don't remember -- I don't recall him walking two
3 or three steps back and really slamming the
4 window, but I remember him holding the chair and
5 hitting the window doors (sic), but I don't
6 remember how hard. He was trying to get back in
7 there.

8 Q Okay.

9 A And then I -- I tried to talk to him, and I --
10 obviously I couldn't communicate with him. It was
11 a language barrier. And then I gestured -- I put
12 my hands in the air like "Hold on, hold on." And
13 I reached my hand in my pocket which -- where my
14 Proxy card was, and I remember him raising his
15 fist. I pulled my Proxy card out, and he was
16 standing more so to my left where the Proxy
17 station was. So I kind of had to -- I don't
18 remember how much I had to lean or push him aside,
19 but I was able to touch my card on that Proxy
20 station, or whatever you want to call it, and then
21 the doors opened.

22 He, to the best of my recollection, he was
23 standing -- where the doors open, he was standing
24 right in the centre there and on top is an
25 electric motion eye that have the doors open and
26 close, open and close when it senses motion. At
27 that time, he was trying to pull the doors closed,
28 and he wouldn't -- I was trying to get past him,
29 and he wouldn't let me get past. To the best of
30 -- this, you know, minute -- second-by-second to
31 the best of my recollection.

32 Then I got angry and -- got angry for several
33 reasons. One, I couldn't get through; two, I
34 couldn't speak to him in a language -- I couldn't
35 speak to him; and three, I'm being paid to meet
36 somebody and, you know, it's -- I miss somebody
37 and then, you know, it's not good financially for
38 me. So I was -- you know, the credibility or the
39 reputation of my company, et cetera, right. So he
40 wouldn't let me in there.

41 Q Let me stop you 'cause we'll get --

42 A Yeah, sure.

43 Q In a minute we'll get to what words were spoken by
44 you.

45 A Sure.

46 Q You said that you -- you reached into your pocket
47 and it appeared that you were reaching into your

1 -- with your right hand into your left --
2 A Yeah, I was reaching into my pocket to grab my
3 Proxy card.
4 Q Okay. Now, you were wearing a jacket, like a suit
5 jacket or a sport coat?
6 A I -- either this jacket or my long trench coat, I
7 don't remember exactly.
8 Q So you're reaching in with your right hand into a
9 left pocket.
10 A Correct.
11 Q And you said this -- the man had then -- when you
12 did that, he put his fist in the air?
13 A Yeah.
14 Q And then what happened when you pulled the Proxy
15 card out?
16 A Well, I just showed -- I showed him the card.
17 Q And what happened?
18 A And then he -- his fist went down.
19 Q Okay. Did -- did his fist ever come into play at
20 any time after that?
21 A Not that I recall, no.
22 Q Okay. So you were telling the Commissioner that
23 you got angry and you gave the Commissioner the
24 three reasons you were angry.
25 A Yes.
26 Q Tell us about that. What did you say?
27 A Well, to the best of my ability, I said -- I said,
28 "Look, you fuckin' asshole, I need to get through
29 here." That's to the best of my recollection.
30 And then I also -- and I don't even know where I
31 got this from. I -- it may have been later, but I
32 remember saying something about the police coming
33 to use a taser on him, and I don't -- I -- after
34 everything happened, I don't even remember -- I
35 don't even know where I got this whole taser thing
36 from. I -- it just came out of my mouth.
37 Q So when you swore at him, did he appear to
38 understand your English?
39 A I don't know if appeared to understand my English,
40 but he calmed down.
41 Q Okay. Tell us about the environment when you
42 swore at him. How close were you standing to him
43 when you said that to him?
44 A Oh, quite -- quite close. I'd say, I don't know,
45 a foot, a foot-and-a-half. Quite -- it was quite
46 close.
47 Q So it'll be -- when you say quite close, would it

1 be regular conversation distance or something
2 different than that?
3 A I'd say maybe a little closer, but I don't
4 remember actually leaning into him like face-to-
5 face like that. Maybe -- I don't know, a foot,
6 foot-and-a-half. Probably a little closer than
7 regular conversation but not kind of in your face
8 threatening. I don't know. That's what I
9 remember.
10 Q Okay. How tall are you, sir?
11 A I think around six-foot-one, six-foot-two.
12 Q Do you know in centimetres, by chance, how tall
13 you are?
14 A No, I don't, no. I could check on my licence.
15 Q Do you -- maybe --
16 A Do you want me to check?
17 Q See if you've got a quick note in centimetres.
18 A Yes, 185 centimetres.
19 Q Thank you. What was your tone of voice when you
20 swore at Mr. Dziekanski?
21 A Oh, I was loud and angry.
22 Q Were you making any hand gestures to him?
23 A Not that I recall, no. As in -- sorry, hand
24 gestures as in while I was swearing at him,
25 threatening him like with my fist up in the air?
26 Q Or anything.
27 A Yeah, I don't remember. I may -- I don't
28 remember. I couldn't tell you for sure.
29 Q Okay. Do you think you had left any doubt about
30 how you were feeling at that moment in time?
31 A No.
32 Q So when you said that to him, do you remember what
33 he did?
34 A I remember him looking at me and calming down for
35 a minute. I don't know if it was an actual
36 minute, but he -- after I yelled at him, he calmed
37 down. And I was trying to -- after that gesture,
38 that I was needing to go around, with my hands,
39 like, you know, move aside, I need to go past you.
40 Q And what happened? What happened when you
41 gestured?
42 A And -- and he wouldn't let me go. He had used --
43 I think it was the suitcases he had and a chair,
44 or the chair and the suitcases as kind of a
45 barrier on the inside of the door of the IRL area,
46 those swinging doors, but on the kind of the
47 inside area. So on the secure side.

- 1 Q Can you remember where the suitcases and chair
2 were relative to the centre of the doorway?
- 3 A Yeah, I would say, you know, to the best of my
4 memory maybe, I don't know, in between two to four
5 feet. I can't remember, you know, for sure.
- 6 Q Two to four feet in what way?
- 7 A On the inside -- sorry, crossways here. So if the
8 doors are opening them up, it was the same, like
9 left to right sort of a barricade.
- 10 Q Were those suitcases and chair in such a position
11 that they would prevent the doors from closing?
- 12 A To the best of my memory, I would think so, yes.
- 13 Q In the entire time that you were in contact with
14 Mr. Dziekanski, did he ever say anything to you
15 that you understood?
- 16 A In the entire time, I remember hearing the word
17 "politsia", which is, you know, to my
18 understanding, "police". And I remember hearing
19 him scream "revensia" (phonetic) which I didn't
20 know what it was, but I later found out which
21 means "help".
- 22 Q Now, continue on, sir, with your narrative from
23 the time when you said that he wouldn't let you
24 through, even though you gestured in a way to try
25 to tell him that you wanted to get past the door.
- 26 A Right, okay. I remember -- I remember -- I don't
27 know if it was at that point in time where I
28 hopped over the railing, or if I walked back out
29 and went to a phone. See, I -- I know there's a
30 phone right by where I Proxied, and I can't
31 remember if I used that telephone to dial "0" at
32 that time or if it was later, or if I used the
33 phone kind of in a general public area. I don't
34 -- I don't remember exact details, but I know I
35 did pick a phone up which is the YVR phone and I
36 hit "0" and nothing happened.
- 37 Then -- details are -- I don't specifically
38 remember, but I know I went to some of the other
39 people sitting in that general area and I asked
40 one of the ladies if she -- she knew any other
41 languages to kind of speak to him, 'cause I didn't
42 understand anything he said.
- 43 Q Okay. I just want to ask you -- Mr. Giles, would
44 you be good enough to give Exhibit 30 to Mr.
45 Meltzer. This is computer printout from the
46 airport which tracks the --
- 47 A Thank you.

1 Q -- Prox card.
2 A Right.
3 Q Do you see the second entry, and it's got 1:13.
4 A Correct.
5 Q Does that sound about right to you?
6 A I don't know. Time -- time for me was -- I was
7 more concerned about not missing my client, so I
8 can't exactly say about time.
9 Q Okay. Just while we've got Exhibit 30 there, if
10 you look down, there's three more entries.
11 There's one for 1:20 which has your name attached.
12 A Correct.
13 Q Do you remember using your Prox card twice?
14 A No. No, I don't. Honestly, I don't.
15 Q Thank you. That's fine, thank you. How long
16 altogether were you in contact with Mr. Dziekanski
17 this first time that you've been telling the
18 Commissioner about?
19 A I could -- I couldn't say for sure. I don't know,
20 I was, you know, upset and nervous, every -- I
21 couldn't say for sure. May -- I don't know,
22 ballpark figure maybe three, four minutes, five
23 minutes. I don't -- I couldn't really -- I -- you
24 know, just a guesstimate, but I don't know for
25 sure.
26 Q Okay. So you were telling the Commissioner about
27 going in to ask some other people about language.
28 A Correct.
29 Q Which area of the airport are you talking about?
30 A It was just on the other side of that glass
31 railing, kind of in the general area where people
32 were waiting for their passengers.
33 Q We -- I think we've heard about an area called the
34 meet-and-greet area.
35 A Yeah. I guess that would be the area, correct.
36 Q And that's not a secure area at all.
37 A No, it is not.
38 Q Do you remember who you spoke with?
39 A I remember speaking to -- I can't -- is it Mrs.
40 Ashferandi (phonetic) or something? Is that her
41 name? I just remember seeing her name on the news
42 or whatever, but I -- something like that name, I
43 guess. I don't know for sure.
44 Q Perhaps a Mrs. Ashrafinia?
45 A Yeah, okay.
46 Q Okay? And you spoke -- you think you spoke with
47 her?

1 A I know I spoke with her for sure and I asked her
2 if she could recognize or understand any languages
3 that maybe should could speak to him, and I know
4 she tried, you know -- I think she said Persian,
5 Italian, I think she said - I can't remember for
6 sure - and then, you know, English, right?
7 Q What did you do after speaking with Mrs.
8 Ashrafinia?
9 A It could have been at that time where I Proxied a
10 second time to get in, I can't -- I don't know for
11 sure. I couldn't -- I don't know. But shortly
12 thereafter, whether I Proxied a second time or
13 went to talk to Mr. Dziekanski, I can't remember
14 exactly. But I know at some point I jumped back
15 over to go get security.
16 Q Okay. Did you go get security?
17 A Yes, I did.
18 Q Tell the Commissioner how you did that and what
19 you did.
20 A Typically there's security at the IRL area
21 protecting that door till 9:00 or 10:00 at night,
22 and then after that, there's no security there.
23 Then I went upstairs to -- there's a secure --
24 there's an area that -- where the tower is, where
25 the flight controllers are, and I've seen security
26 there constantly. So I went up to that security
27 guard and I told that security guard, I said, "You
28 need to get somebody down here quick. There's a
29 man freaking out." Or I don't remember exactly
30 what I said to that security guard, but I alerted
31 him.
32 I know previous to that I did call 9-1-1 and
33 I was put on hold. So I hung up and went up to
34 the security, up on the second floor, up the
35 escalators.
36 Q How did you call 9-1-1?
37 A On my cell phone.
38 Q Okay. And so you went up the escalator to where
39 you believed there'd be a security person?
40 A Correct, correct.
41 Q You don't know the name of the gentleman you spoke
42 with?
43 A No, I don't, no.
44 Q Okay. After you spoke to that person --
45 A Yeah.
46 Q -- tell us what you did.
47 A I proceeded back downstairs to the -- to the

1 general meet-and-greet area I saw -- saw a couple
2 of women who work for Alaska Airlines, and I asked
3 the women if they could speak -- if they could
4 recognize any of his language.

5 Q Okay.

6 A And one of the ladies who was there, a blond-
7 haired woman who worked for Alaska Airlines, she
8 tried to speak with him. I think she said she
9 spoke in Czechoslovakian -- or I don't know -- or
10 Czech or whatever. And she tried to speak with
11 him and he didn't -- he didn't -- they couldn't
12 understand each other.

13 Q Okay. At this point in time, the police had not
14 yet arrived.

15 A No.

16 Q And then what's your next memory?

17 A My next memory is seeing a security guard coming
18 -- and I don't know where he came from, but he was
19 coming, so I went and talked to him in the -- in
20 that corridor that leads to the IRL area, and I
21 told him -- he came to see what was going on and I
22 told him that I was waiting for a passenger and
23 that -- I told him a flight was landing from New
24 York and I said I thought it would be a good idea
25 for him to go alert Customs to divert the people
26 to a different exit area, which I saw him proceed
27 to go do.

28 Q Okay. And we know a couple of Securiguard people
29 came. The -- the person that I think you spoke
30 with is a person named Agraviador.

31 A Yeah, I don't --

32 Q You don't know that name?

33 A No, no.

34 Q Okay. You don't know the names of the Securiguard
35 security people?

36 A Not at all, no, no.

37 MR. VERTLIEB: Okay. Well, maybe this is a good time
38 to go to the video and we can have you identify
39 yourself.

40 Dr. Perra, let's start with the camera 22233,
41 part 2. If you can go, please, to a minute and
42 ten seconds. I think this will be the first time
43 we see you.

44

45 (VIDEO BEING PLAYED)

46

47 DR. PERRA: 1:10.

Lorne Martin Meltzer
In chief by Mr. Vertlieb

1 MR. VERTLIEB: One-ten in the morning. Stopping there.
2 Thanks, Dr. Perra.
3 Q That's you?
4 A Yes, it is.
5 Q All right. And that's our first sighting of you,
6 I believe, on any of these tapes. All right.
7 Now, you're walking where, sir?
8 A Walking towards the IRL doors to Proxy.
9 MR. VERTLIEB: Okay, thank you. Can we skip ahead,
10 then, four minutes, please? We have a different
11 view we'll come to in a minute, but let's just get
12 the timing here, please. So 1:14 a.m.
13 DR. PERRA: 1:14?
14 MR. VERTLIEB: Yes, please. Off by the doors pushing
15 the cart, we believe that's Mr. Dhari.
16 Q You don't know that gentleman by name, do you,
17 sir?
18 A No, sir.
19 Q Okay.
20 A Don't even -- I don't even recognize him.
21 Q That's fine. There you are, okay. Now stopping
22 there a second, you're leaving now that walkway.
23 Is this after your visit with Mr. Dziekanski?
24 A Correct.
25 Q Okay. Please keep going, the tape, stopping
26 there. It appears you speak with Mr. Dhari. Do
27 you remember what you spoke to him about?
28 A No, I don't even remember speaking to him.
29 Q Okay. You were pointing. Do you remember what
30 you're pointing at?
31 A Security, I think. Up -- that's -- up the
32 escalator is security.
33 Q Right, okay.
34 MR. VERTLIEB: Just let that run the next 30 seconds,
35 please, Dr. Perra.
36 Q I think this will -- none of -- none of that
37 discussion with Mr. Dhari is --
38 A No, I don't remember any of this.
39 Q And the woman?
40 A No.
41 Q I see you pointing again. Do you know what you're
42 pointing at?
43 A People asking me questions about where -- I don't
44 know, where different things were. At that --
45 Q Okay.
46 A It's been my experience that, at the airport,
47 after 10:00 or eleven o'clock, everybody's lost.

Lorne Martin Meltzer
In chief by Mr. Vertlieb

1 There's not enough signs in the airport and people
2 ask -- people are lost all the time. People are
3 asking questions all the time.
4 Q So then we see you leaving the view.
5 A Right.
6 Q This is when you went up the --
7 A Escalator, correct.
8 Q -- escalator. Now, if we can jump ahead three
9 minutes or so, I think this will show you coming
10 off the escalator and walking up towards the IRL
11 doors. So 1:18 in the morning.
12 DR. PERRA: 1:18:20.
13 MR. VERTLIEB: Yes, thank you. There we are.
14 Q You're reappearing and you'd just come from where,
15 sir?
16 A From talking to the security upstairs.
17 Q And walking back towards the IRL doors.
18 A Correct.
19 MR. VERTLIEB: Okay, stop there, please. Now, let's
20 jump ahead seven minutes, please, to 1:25 a.m. I
21 think this will be the arrival of security people
22 and you visiting with maybe Mr. Dhari.
23 Q Do you remember what you were talking to Mr. Dhari
24 about?
25 A No, I don't.
26 Q You seem to be on the cell phone.
27 A Yes.
28 Q Okay. Do you know who with?
29 A Yeah, emergency, 9-1-1. They had called me back
30 and asked me why I -- you know, you called, why
31 did you call us for? I remember -- you know, I
32 don't specifically remember what I said, but I did
33 say, you know, I'm at the airport and, you know,
34 we need the police here.
35 MR. VERTLIEB: Okay. Let's just get the 1:25:36 to
36 bring the security guards into the view. Stop
37 there just a second.
38 Q Do you have any recollection of speaking with the
39 security guards?
40 A Yeah, I remember speaking more so to the gentleman
41 in the yellow jacket, but I don't know if I spoke
42 to both of them. I -- you know, something to the
43 effect that, you know, I'm trying to Proxy in and
44 this guy is freaking out and I have passengers.
45 You know, it might be a good idea to go tell
46 Customs to -- to divert the people.
47 Q Okay. Now, we believe those two security people

Lorne Martin Meltzer
In chief by Mr. Vertlieb

1 are Mr. Lance Rudek, R-u-d-e-k, and a Mr. Sid
2 Arora. Do you know either of those two names?

3 A No, I don't.

4 Q Okay. All right. Anything else about your
5 contact with those two people at that time?

6 A Maybe, you know, tell them that I was trying to
7 communicate, he doesn't speak English. The guy is
8 freaking out. Something to that aspect.

9 MR. VERTLIEB: Okay. Okay, thank you. Now this -- on
10 this one camera, let's go to 1:49:30, so it's 1:49
11 a.m.

12 DR. PERRA: 1:49.

13 MR. VERTLIEB: Stop a second.

14 Q You seem to be running from the --

15 A Right.

16 Q -- the door.

17 A I was standing probably 20 feet in that corridor
18 area talking to somebody who was waiting for their
19 passenger or meeting a family member, or whatever,
20 and then I saw my client coming out that other
21 area or the area where the Customs let the people
22 out.

23 Q So you ran down to meet your client?

24 A Correct. Correct.

25 MR. VERTLIEB: Just finish that up, and then we'll be
26 free of that.

27 Q That's you with your client?

28 A Correct.

29 MR. VERTLIEB: Okay, thank you.

30

31 (VIDEO STOPPED)

32

33 MR. VERTLIEB: Now, let's go to the next camera. This
34 will be the wide angle, Mr. Meltzer, and it'll
35 give us a different view. It's 22244, part 2. So
36 this is after 1:00 a.m.

37 Dr. Perra, as soon as you have it let me know
38 and I'll give you a time. Okay, thank you,
39 1:09:55. So 1:09-and-a-half or so.

40 DR. PERRA: 1:09:06.

41

42 (VIDEO BEING PLAYED)

43

44 MR. VERTLIEB: Okay. You can -- if you double it until
45 we get to 1:09:55. I think we're going to see Mr.
46 Meltzer getting off an elevator and going up the
47 walkway.

41
Lorne Martin Meltzer
In chief by Mr. Vertlieb

1 DR. PERRA: 52.
2 MR. VERTLIEB: Okay, there we are.
3 Q Do you recognize yourself, sir?
4 A Correct, yes.
5 Q So you'd come from an elevator that --
6 A Yes.
7 MR. VERTLIEB: And then just keep playing that, Dr.
8 Perra.
9 Q Not many people there at that time.
10 A No.
11 Q Just to look at it, it seems that it's quite calm,
12 not much going on.
13 A Yeah, it -- it seemed pretty calm.
14 Q Okay. Now, you're walking up towards the IRL
15 doors.
16 A Correct.
17 Q Is this when you first were in the process of
18 seeing Mr. Dziekanski?
19 A Yes.
20 Q Do you remember where you were when you first saw
21 him, just as you're watching here?
22 A Probably -- probably right there when I was -- as
23 I walking -- yeah.
24 Q Okay. Just --
25 A Maybe a bit before, where I'm standing now, yeah.
26 Q Okay. Can you see Mr. Dziekanski in that picture?
27 A Yes, in the white jacket, yes.
28 MR. VERTLIEB: Just -- just stop that for a second, Dr.
29 Perra.
30 Q Just so we can see it and make sure we know what
31 you're looking at so we're not guessing, we have
32 pointer for you. Show us where --
33 A Sure.
34 Q Show us where you are and Mr. Dziekanski is.
35 DR. PERRA: There's a little silver button there you
36 can...
37 A Okay. It doesn't -- it doesn't seem to be working
38 too well. I think the battery is dead on it.
39
40 (SOME BRIEF DISCUSSION NOT AT MICROPHONE
41 REGARDING POINTER)
42
43 MR. BUTCHER: Can we just have a time, Dr. Perra?
44 DR. PERRA: So this is 1:10:43.
45 A That area there.
46 MR. VERTLIEB: Just be careful with that pointer so you
47 don't get it --

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1 A Yes.
2 MR. VERTLIEB: -- in your eyes or anybody else's.
3 A Yes, or anybody else's, correct.
4 MR. VERTLIEB:
5 Q Okay. So show us where you are?
6 A In this area here.
7 Q Thank you. And Mr. Dziekanski?
8 A Correct, right there.
9 Q Okay. And you're both outside the doors at that
10 time.
11 A Correct.
12 Q The doors were closed?
13 A Correct.
14 MR. VERTLIEB: Let's just keep going with that.
15 Q Now, it's not really clear to our eye, is it?
16 A No.
17 Q You mentioned a chair. Can you see a chair in
18 there?
19 A I cannot see a chair, no.
20 Q Now, it's hard to see your interchange or
21 interaction with Mr. Dziekanski.
22 A Right.
23 Q Can you see yourself and does it in any way
24 refresh your memory?
25 A I can see myself now, but I can't -- I can see
26 myself Proxying, walking around him to Proxy in
27 the door.
28 Q You see that, do you?
29 A Yes. I can -- yeah.
30 Q Have you just seen that?
31 MR. BUTCHER: Can Dr. Perra stop so we can have a time.
32 A I can -- I can see it and I kind of recall that,
33 but I can't see for sure my hand touching the
34 Proxy station, but I kind of recall opening that
35 door.
36 MR. VERTLIEB:
37 Q We know from Exhibit -- I'm sorry, Mr. Butcher?
38 MR. BUTCHER: Can we stop so we have a time?
39 DR. PERRA: That's 1:12:16.
40 MR. VERTLIEB:
41 Q Now, we know from exhibit 30 that the card swipe
42 was 1:13:46. That's the computer record of
43 Exhibit 30. Can you see yourself doing anything
44 else right now as we're watching this?
45 A I can't really see, but I kind of remember trying
46 to get through there, but I can't really see from
47 that specific video. No, I cannot. Move -- I can

1 see myself moving around, but that's it. I can't
2 really recall what I was doing or what was going
3 on there.
4 Q As you watch yourself move around and we're
5 watching it with you, do you see Mr. Dziekanski?
6 A Yes.
7 Q And is he inside or outside?
8 A I see outside.
9 Q Okay. Thank you. Are you still visible?
10 A Yes. It's kind of unclear -- yeah, I'm visible,
11 yes.
12 MR. VERTLIEB: What's our time right now, Dr. Perra, on
13 this?
14 DR. PERRA: 1:13:35.
15 MR. VERTLIEB: Okay.
16 Q Can you tell if Mr. Dziekanski's now gone inside
17 or is it not possible for you to help us?
18 A I -- no, I can't really tell.
19 Q Okay. Let's just run it another 30 seconds
20 because I think then you come away from those
21 doors.
22 DR. PERRA: It's 1:14:09
23 MR. VERTLIEB:
24 Q Are you walking away now or is it somebody else?
25 Can you see?
26 A It appears to be me, but I can't tell for sure.
27 Q All right.
28 A Yeah, it's me.
29 Q Now, stop a second. You see the woman pushing the
30 cart?
31 A Yes.
32 Q Do you know who that is?
33 A No.
34 Q Okay.
35 MR. BUTCHER: The time there?
36 DR. PERRA: 1:14:28.
37 MR. VERTLIEB:
38 Q Now, just so you know, Mr. Meltzer, the -- the
39 Prox card swiping and the camera may not be
40 exactly in sync. I just don't know.
41 A Right, okay.
42 Q They're probably close, but they be exactly -- but
43 just so you know.
44 A Right.
45 Q Okay. So, now, you've walked away. Is that when
46 you're then on the way to go get -- up the
47 escalator and get security?

1 A Correct.

2 Q And we saw that from a different camera angle a
3 few moments ago.

4 A Correct.

5 MR. VERTLIEB: I don't think we need to replay it from
6 this angle, but just let that run out while I find
7 the next reference, please.

8 Q Now, see, there you are pointing again and Mr. --

9 A Right, I guess I'm pointing -- she asked me a
10 question, I don't know. People are always asking
11 questions in that airport. Nobody knows where to
12 go.

13 Q Okay. And then you go up the stairs, or up the
14 escalator, pardon me.

15 A Yes.

16 Q Okay. Let's -- you can stop there and move to
17 1:18 a.m., which would have you reappearing and
18 walking back towards the IRL doors. It's at
19 1:18:26, more or less, we think you reappear.
20 There you are. Is that you, sir?

21 A Correct, yes.

22 Q You're walking back to the IRL doors. The police
23 haven't arrived yet?

24 A No.

25 Q Now --

26 DR. PERRA: 1:18:56.

27 MR. VERTLIEB: I'm sorry?

28 DR. PERRA: It's 1:18:56.

29 MR. VERTLIEB: Thank you.

30 Q Now, can you help us with what happened, if
31 anything, that you recall when you got back to
32 those -- to the doorway?

33 A I vaguely remember going back there 'cause I
34 didn't know where my passengers were going to come
35 out at that point in time, and I was just
36 concerned. I was basically watching that door and
37 then watching behind me, kind of wondering if
38 they're going to come out or where they're going
39 to come out or whatever, and -- I don't remember
40 Proxying. I may have Proxied again to open that
41 door to go through, but I know Robert, at some
42 point in time, he's inside here and the doors are
43 opening and closing, opening and closing, opening
44 and closing and he's trying to pull the doors
45 closed.

46 Q How did he appear when that was happening?

47 A Very upset. Very upset, diswrought (sic), you

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1 know, mumbling whatever. I don't know what he was
2 mumbling.
3 Q Did you try to speak with him again?
4 A I don't remember. I want to say no, but I don't
5 remember for sure. I couldn't tell you.
6 MR. VERTLIEB: Okay. So let's just keep that camera
7 running, please.
8 Q This may have you hopping over a railing.
9 A Yeah, this is when I pop -- popped over the
10 railing.
11 Q Just tell --
12 A This could be the time where I swore at him,
13 because I was upset by now. I don't remember
14 exactly with the first time I talked to him or the
15 second time I talked to him, whether I was
16 swearing at him the first time or the second time.
17 But this is when I think I popped over the
18 railing.
19 Q Have you seen yourself do that?
20 A Right now? No, I don't see myself doing that,
21 but...
22 Q Let us know when you see your --
23 A Yeah, okay.
24 Q Yourself going over the railing.
25 A Okay.
26 Q Now, as we're watching that, you can see some
27 people moving towards the --
28 A Right.
29 Q -- towards the glass wall there.
30 A Correct.
31 Q Do you remember what was happening then?
32 A No, no. Probably -- well, that was maybe when I
33 was yelling, screaming at him, "Like I need to get
34 in there," and my loud voice was attracting
35 people. I don't -- I don't know for sure.
36 MR. VERTLIEB: What's our time, Dr. Perra, right now?
37 DR. PERRA: It's 1:20:39.
38 A And now I see myself stepping over the railing.
39 MR. VERTLIEB:
40 Q Okay. Thank you.
41 DR. PERRA: That's 1:20:53.
42 MR. VERTLIEB: Okay. We'll stop there, please. Let's
43 jump ahead four minutes or so to 1:24 a.m., just
44 near the end of the minute.
45 Q We think we might capture you on the phone.
46 A Right. Okay, yeah, that was when -- the time that
47 the emergency 9-1-1 called me, called me back.

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1 Q Okay. So let's get to 1:24-and-a-half, 1:25. Are
2 you visible?
3 A I was, yeah.
4 Q Okay.
5 A I'm behind the white cart, yeah.
6 Q Okay. Mr. Dhari just coming in. Is that you
7 there now approaching Mr. Dhari?
8 A Yes, it is.
9 Q And what are you doing now?
10 A I'm either dialling 9-1-1 again, or them calling
11 me saying that I called them. I don't know for
12 sure.
13 Q Now, I'll let this run another minute or so,
14 because I think this will show the Commissioner,
15 you and the two security people walking up towards
16 the door of the IRL.
17 A Right.
18 Q So let's just let that go.
19 A I think that was when I was dialling 9-1-1.
20 Q Now, did you have any more interchange with Mr.
21 Dziekanski from this point on?
22 A Not that I remember, no.
23 MR. VERTLIEB: Okay. We can stop it there, please.
24
25 (VIDEO STOPPED)
26
27 MR. VERTLIEB:
28 Q I wanted to ask you, just while we were watching
29 that, about the chair. When you -- you said that
30 he had a chair, but at the time you said that, he
31 was outside the IRL doors.
32 A Right.
33 Q So is it -- I'm just wondering where the chair
34 might have come from.
35 A Yeah.
36 Q We know there's chairs inside.
37 A The chair came from the security station just
38 outside the IRL door to the right.
39 Q Okay.
40 A There's a podium where a security guard sits on
41 that chair, and it's exactly the same kind of
42 chair I'm sitting on now.
43 Q Okay. Because when we watch some of Mr.
44 Pritchard's video we see a chair in there. That's
45 not the -- it's not a tall chair that you're
46 talking about. It's a chair like you're sitting
47 in right now.

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- 1 A It is -- it is quite a tall chair, yeah.
2 Q Okay. All right. But you're quite sure there was
3 a chair outside that he was --
4 A Almost 100 percent, yes.
5 Q Okay. And then we saw from the other camera angle
6 you meeting your client.
7 A Correct.
8 Q Now, I -- I think we can leave the videos for now
9 and go back to some more of the narrative. From
10 your position in the IRL walkway, you -- you were
11 able to see Mr. Dziekanski at the time the
12 security guards were there as well.
13 A Correct.
14 Q And did you stay there throughout that time, even
15 after the arrival of the police up until leaving
16 to go get your client?
17 A I may have walked back 20, 30 feet when the police
18 officers came. I don't remember exactly where I
19 was so I don't know for sure if I stayed in that
20 spot where I was last seen there.
21 Q Okay. Let's cover some areas of your evidence.
22 I'd like to just have you tell the Commissioner
23 about your observations from the time when you
24 were standing at the IRL doors with the security
25 guards there and with the police now in
26 attendance.
27 A Okay. Shortly before that, the -- I remember my
28 phone ringing. It was emergency services calling
29 asking me why I called, and I said, "I'm at the
30 airport. I called for the RCMP to show up," or,
31 "I called for the police to show up," and I
32 looked, and they were there. They had arrived.
33 Q Okay.
34 A And then I saw them walk down the corridor where I
35 was standing, and as they were walking, I said,
36 "This gentleman is diswrought. I'm trying to
37 speak to him. He doesn't speak any English." I
38 saw one of the police officers with his hand on
39 his -- on his gun or -- I don't know, I can't say
40 100 percent if it was his gun, but I saw him with
41 his hand on his side. And --
42 Q Let me stop you.
43 A Yeah, sure.
44 Q When the police went inside the IRL -- we know
45 that to be the case because we've seen the video.
46 A Correct.
47 Q Just so we're clear, you, at no point, ever went

1 inside the IRL after that?
2 A No, no, not at all, no.
3 Q Could you see in the IRL when the police were
4 there with Mr. Dziekanski?
5 A Yes.
6 Q Did you watch the interchange between the police
7 and Mr. Dziekanski?
8 A Yes, I did to a point, yes.
9 Q You know that inside area of the IRL quite well,
10 you've told us.
11 A Yes.
12 Q Is there a desk in that area towards the wall and
13 the doors leading into the IRL?
14 A Yes, there is, yes.
15 Q Do you have -- do you have any recall of Mr.
16 Dziekanski being at that desk?
17 A Yes.
18 Q Tell the Commissioner about that.
19 A I recall him going through drawers and -- I don't
20 know if it was the screen, computer screen, like
21 -- much like the display computer screen or a
22 keyboard or something, but I just remember him,
23 you know, rifling through drawers.
24 Q Was this before or after the police arrived?
25 A Before.
26 Q Did he ever go to that desk after the police
27 arrived?
28 A More so, to my recollection, not behind it but in
29 -- sort of in front of it or on the side of it.
30 Q Did you see what the focus of the attention was by
31 Mr. Dziekanski at that time? Could you see what
32 -- did it -- could you see where his hand was
33 moving?
34 A At what point, sorry?
35 Q When he was at the desk and the police were there?
36 A I don't -- when the police first arrived, I
37 remember the police asking for his passport, so
38 no, I didn't remember -- I didn't remember that.
39 Q Do you know which police officer asked for his
40 passport?
41 A Oh, I couldn't -- I couldn't tell you for sure,
42 no. No, I -- no.
43 Q Did you observe Mr. Dziekanski when he was asked
44 for his passport?
45 A Yes.
46 Q And how did he appear?
47 A Physically, or what did he do? I don't under --

- 1 Q Well, I'm going to ask you both.
- 2 A Okay. Okay. He appeared calm, not like -- when I
3 mean "calm", I wouldn't say like -- on a scale of
4 1 to 10, I wouldn't say like a number 1 or a
5 number 2, but he appeared to calm down somewhat
6 seeing that police or authority was there, or
7 something like that.
- 8 Q Okay. What did he do when he was asked for his
9 passport?
- 10 A I saw him reach -- and I can't remember if he was
11 reaching on the -- there's -- on this desk there's
12 a little half-circle kind of thing for people to
13 place papers on or whatever, and I can't remember
14 if he was reaching on his papers there or if he
15 was reaching into a suitcase or if he was -- he
16 was reaching -- or into his pocket or something.
17 I can't remember where he was reaching but, to me,
18 it looked like he was going to grab his passport.
- 19 Q What happened then, after the passport and your
20 observation of Mr. Dziekanski?
- 21 A And I don't remember exactly him pulling his
22 passport out or how -- kind of what prompted the
23 police to get kind of more half-circled around
24 him, and I remember -- what I remember exactly the
25 next point is reaching his side pocket, and I
26 remember seeing him lift something up in the air
27 and opening it, and I remember that being -- what
28 it looked to appear to me like a stapler from the
29 desk that he may have found in a drawer.
- 30 Q Okay. Keep going. What else do you remember
31 seeing?
- 32 A And then -- then I remember as he was raising that
33 up, I remember him opening -- pulling it out of
34 his pocket, raising it up, opening it out and all
35 of a sudden "Ahhhhh" (loudly). That's what I
36 remember.
- 37 Q Okay. Did you see the Taser that was ultimately
38 -- and we all know to be used?
- 39 A No, I didn't see it being used, and I didn't know
40 -- I didn't know that a Taser shocks people. I
41 had -- or -- and if I did, I didn't know how it
42 worked because I was wondering what's he going
43 like this for? Like what's he -- you know, I
44 didn't -- I couldn't understand 'cause I didn't
45 really hear like a loud gun or anything. I didn't
46 -- you know, at the time I was totally confused.
- 47 Q So after Mr. Dziekanski made the noise that you've

1 just indicated, tell us then what happened?
2 A Everybody kind of fell down on the ground or under
3 my view, because that kind of desk is quite long
4 and it's quite tall. I don't know, I would
5 venture to guess that desk is probably at least
6 four feet, if not higher, so I didn't see anything
7 behind. But I remember shortly thereafter walking
8 back and seeing kind of a bird's eye view. I was
9 talking to somebody who was waiting for the
10 family. I kind of remember seeing a bird's eye
11 view, and I remember seeing an officer on the
12 ground -- I didn't really see -- I'm getting
13 confused 'cause I saw the video, so I don't know
14 if it was the video or I remember hearing -- I
15 remember -- I specifically remember hearing,
16 whether I saw it or not, I remember hearing an
17 officer scream, "Do it again. Do it again."
18 Q Do you have any ability to tell us which officer
19 you believe said that?
20 A None at all, no. I -- I couldn't tell you it's
21 the recollection between what I saw, and then I
22 shortly thereafter saw the video, so I kind of
23 mixed my mind up between that specific instance of
24 that -- you know, I specifically remember one of
25 the officers yelling quite loudly, "Do it again.
26 Do it again."
27 Q Did you ever see the Taser in the hand of any
28 officer?
29 A No, not that I can recall.
30 Q You mentioned the counter blocking your view, and
31 you talked about the height of the counter.
32 A Right.
33 Q Were you able to see what was happening once the
34 officers were in close proximity to Mr.
35 Dziekanski?
36 A Nothing, no, no.
37 Q Did you ever move closer to get a view of that?
38 A No.
39 Q And I asked you if you ever went in the IRL and
40 you said no.
41 A Correct. No, I did not.
42 Q Now, you mentioned -- and you showed the
43 Commissioner with your right hand that one of the
44 officers had something on his -- was holding his
45 right hand in the area of the hip.
46 A Right.
47 Q When was it that you saw that?

- 1 A As they first approached the IRL door when they
2 first showed up.
- 3 Q Do you remember which officer that was?
- 4 A No, I don't remember which officer, I -- no, not
5 at all.
- 6 Q Do you have any more memory of that other than
7 what you've told the Commissioner?
- 8 A I just remember when I was standing back talking
9 to the gentleman who was waiting for a family
10 member shortly before my client came out, he -- I
11 was just standing there waiting, watching where my
12 client was going to come out and the gentleman
13 said to me, he said, "Oh, it doesn't look good."
14 And at that point the firefighter was trying to
15 resuscitate him.
- 16 Q Now, I wanted to ask you about your own feelings
17 during the time you were in discussion with Mr.
18 Dziekanski. Did you ever feel personally any
19 threat in any way?
- 20 A Honestly, no. No, I could tell -- from me being
21 at that airport, there's -- I could go to the
22 airport on any given day and show you probably 30
23 -- 30 to 50 confused people. It is better
24 sometimes with the volunteers that they have
25 there, but, you know, after the volunteers are
26 gone and the security is gone -- there is that new
27 desk there, but people are still confused. People
28 don't know where to go.
- 29 Q Apart from your own feelings, is there anything
30 that you saw him do that made you feel he might be
31 a threat to somebody's safety?
- 32 A Not that I -- not that I can recall, outside of
33 him raising his fist to me, you know, which is
34 understandable when somebody puts their hand in
35 their pocket like this. You know, I may have felt
36 threatened myself. But I don't really -- he
37 wasn't outwardly attacking people or mad at
38 people. He was just -- just diswrought (sic),
39 just tired.
- 40 Q And you say he was tired. Why do you say that to
41 the Commissioner? Tell us what you saw.
- 42 A Well, I could -- I could just tell, the way he was
43 just -- I don't know, just his whole gesture
44 (sic). He was sweating and just upset, and I
45 guess I could be assuming that he was tired. I
46 don't know for sure, you know.
- 47 MR. VERTLIEB: Mr. Melcher, thank you very much.

1 A You're welcome.

2 THE COMMISSIONER: Counsel?

3

4 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
5 CISOWSKI:

6

7 Q Mr. Meltzer, it's Walter Kosteckyj, counsel for
8 Ms. Cisowski.

9 Sir, as an independent contractor -- that's
10 what you are essentially; correct?

11 A Correct.

12 Q Corporate valet.

13 A Yes.

14 Q And you've been attending at the airport -- just
15 give us an idea of how long you've been dealing
16 with -- both as a limousine driver before and now
17 in your role as a corporate valet, how long have
18 you had experience at the airport?

19 A I'd probably say seven, eight years, maybe nine.
20 I've been doing it for quite a while.

21 Q Okay. And during that time, you've had access to
22 all the various -- the domestic side and the
23 international side?

24 A Correct, yes.

25 Q I gather when you're dealing with corporate
26 clients that travel, a good deal of your business
27 is dealt on the corporate -- or on the
28 international side.

29 A Yeah, I would say yes, yeah.

30 Q And you weren't certain that day about what time
31 you were greeting the flight, but it was a Cathay-
32 Pacific flight.

33 A Yeah, and sometimes they come early, yes.

34 Q And if I reminded you that in your statement you
35 said that the plane was coming in at 1:40 and you
36 like to be there a bit early, does that --

37 A Yeah, I do like to be there early, yes, 'cause
38 sometimes when we have clients that have the Nexus
39 pass, or whatever, the second the plane lands
40 they're out.

41 Q In fact, I recollect that when you were speaking
42 to the coroner -- you've given a couple of
43 statements in respect to this matter.

44 A Correct, yes.

45 Q You gave one to the RCMP, and then later you also
46 spoke to the coroner.

47 A Correct, yes.

1 Q You've been -- and I think you -- my recollection
2 was that sometimes you said that you would ask
3 your clients, "What do you do? Jump out of the
4 plane before it landed?"
5 A Correct, yes. Yes.
6 Q 'Cause they get there so quick.
7 A They get out before, sometimes, the pilots get
8 out. They're out. Correct.
9 Q And a lot of times these people are in a hurry and
10 they don't have a lot of patience if you're not
11 there.
12 A Right. Right. Oh, yeah, exactly. If you're not
13 there, it's -- yeah, it's game over. You don't
14 get paid and your time is wasted, et cetera, so...
15 Q 'Cause if you're not there, they'll grab a cab or
16 grab another limo driver and off they go.
17 A And start screaming at you, yeah, on the phone,
18 yeah.
19 Q Is that a fair assessment?
20 A Yeah, yeah, yeah. It has happened.
21 Q So you're -- so you want to make sure -- now, I'll
22 just caution you just to make sure that you wait
23 until I finish my question --
24 A Sure.
25 Q -- before you answer. But you're under some
26 pressure to make sure that you meet these people
27 on time, and on this particular evening, you were
28 trying to get there a bit early.
29 A Correct.
30 Q All right. This was the Cathay-Pacific flight
31 from New York that you were waiting on?
32 A Correct.
33 Q Now, I think I've -- I remember you saying that as
34 far as rerouting customers, you've seen that
35 happen before where customers or clients,
36 passengers, are rerouted around the IRL. You've
37 seen that happen before.
38 A Correct. I've seen -- I wouldn't say I've seen
39 whole airplanes or whole passenger airplanes being
40 rerouted that way, but I have seen -- when I was a
41 limousine driver I picked up people who needed to
42 pick up a work permit, and instead of letting them
43 out the general area, they'll let them out the
44 other way, which is a hallway by Customs by Burger
45 King.
46 Q Yeah. So you've seen that happen before, and
47 there was some discussion in your evidence in

1 chief about the fact that you thought in this
2 particular evening that would be a good idea, that
3 the passengers could be diverted around.

4 A Correct.

5 Q Okay. Now, let's just talk about your general
6 observations about things at the airport because
7 you've been there for the last nine years.

8 A Yeah.

9 Q Has -- you don't have a great opinion of security
10 in the Securiguard force that patrols the airport,
11 do you?

12 A Not really. I think it's -- I think it's pretty
13 lax and I've had certain -- I wouldn't say
14 altercations, but discussions with some of the
15 security guards about that.

16 Q And in fact I think you told the coroner that you
17 considered the security a joke at the airport.

18 A Yes.

19 Q And is that an accurate assessment about how you
20 felt about security at the airport on October the
21 14th, 2007?

22 A There was no security there until I called them.
23 Like in that area, there was nothing there.

24 Q I'm talking about generally. Your -- your
25 description of how you felt about the security
26 that was available at the airport as of October
27 the 14th, 2007.

28 A Right, yes, yeah -- I, yes, I did think it was a
29 joke, yes.

30 Q And you considered these to be, as you described
31 them to the coroner, rent-a-cops.

32 A Pretty well, yeah, yes.

33 Q That would -- if I'm not misstating what you were
34 saying -- would -- didn't seem to really take much
35 effort in security itself, by your view of things.

36 A Correct, yes.

37 Q Now, your observations of the -- the IRL area, and
38 you know what I'm speaking about when I speak
39 about the IRL?

40 A Correct, yes.

41 Q Yes. Looking -- I think that's Exhibit 2 that is
42 up on the board. Do you recognize that as a map
43 of the International Arrivals area?

44 A Yes, I do. It's kind of mixed -- yeah, I kind of
45 -- yeah, sort of. Yeah, I'm kind of mixed around,
46 but yes, I do.

47 Q Well, just to look at the map, the blue area is

1 the Customs Hall; correct?
2 A Right. Right.
3 Q The light green area is the meeting area where
4 people come in and out of? That's where you --
5 the general public --
6 A Okay.
7 Q -- meets --
8 A Right, right, okay. Right.
9 Q And these have been described to us as the totem
10 poles that --
11 A Oh, correct, yes, yes.
12 Q In that meeting area. Off to the -- to the left
13 of -- or my left is the curbside. Do you see
14 that?
15 A Further out, like almost on the edge there?
16 Q Yeah, the --
17 A Oh, correct, yeah, okay.
18 Q The white part.
19 A Right, right.
20 Q And then it's -- in darker green, it's called the
21 Passenger Service Area, IRL; correct?
22 A Right, yeah, I know it as the International
23 Reception Lobby, but yes.
24 Q Okay. Now, that -- we've been referring to it as
25 the IRL, and if I speak of that, you'll know that
26 I'm speaking about the Passenger Service Area.
27 A Correct.
28 Q Now, that, to your knowledge, is a semi-secure
29 area; correct?
30 A Yes.
31 Q You're supposed to have a Prox card to be able to
32 get in there.
33 A Correct.
34 Q Or you've got to be coming from the Customs area.
35 A Correct.
36 Q But in your statements to the coroner, you
37 indicated that after 10:00, eleven o'clock at
38 night, it's hardly secure at all. People can
39 walk --
40 A Yeah, if -- people can walk in provided that
41 there's passengers walking out. You can just walk
42 in. Nobody's there to check anything.
43 Q So as far as security goes, there is security
44 there, posted there up until I think your evidence
45 was about 9:00, ten o'clock at night; is that
46 fair?
47 A Correct.

- 1 Q And that's somebody that sits just outside the
2 doors, the automatic doors that go into the IRL.
- 3 A Correct.
- 4 Q Okay. Now, incidentally, for your Prox pass, how
5 far into the customs hall can you go with your
6 Prox pass? Can you actually walk into the --
7 right into the Hall and meet your client where
8 they pick up their luggage?
- 9 A No, no.
- 10 Q So where -- how far do you get in?
- 11 A Just -- just to the green highlighted -- the dark
12 green area, the IRL area, Passenger Service Area.
13 That's as far as I can go.
- 14 Q So you wait by the area which -- where the people
15 clear customs and --
- 16 A Correct.
- 17 Q -- that's where you look for your clients.
- 18 A Correct. Once they're released into the hallway,
19 that's where I'm waiting for my clients.
- 20 Q Okay. Now, I just want to make sure. You did
21 call 9-1-1; correct?
- 22 A Correct.
- 23 Q At some point. But is -- if I understand your
24 evidence correctly, it wasn't until the police
25 basically were there that you got confirmation or
26 a call back from 9-1-1.
- 27 A Correct.
- 28 Q So you were trying to get through to them, but you
29 hadn't been able to.
- 30 A Right.
- 31 Q So when we see you on the phone, you've got your
32 phone to the ear, but you seem to be carrying it a
33 fair bit of time, so I'm presuming that's when you
34 were on hold.
- 35 A Correct.
- 36 Q So it was just when the police actually arrived
37 that you got a call back from 9-1-1.
- 38 A Right. It was a couple of seconds before. I
39 noticed that they were there, that my phone did
40 ring.
- 41 Q So the best -- to the best of your recollection,
42 you didn't give any information to the 9-1-1
43 caller -- or the 9-1-1 operator about what you
44 were seeing or what was happening in the airport.
- 45 A I may have said a couple of things -- when I
46 received the phone call from them, they said, "You
47 called 9-1-1, what was the reason?" I said,

Lorne Martin Meltzer

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 "Well, I'm at the airport, somebody's freaking
2 out, I want the police here, and I was calling for
3 the police," and the lady said, "We've been
4 notified and they're on the way." Maybe somebody
5 else called, so...

6 Q Do you remember saying something to her like,
7 "They're here," to the --

8 A Yeah, I do remember that. I remember then turning
9 around and going, "Oh, they're here, it's okay,"
10 right?

11 MR. KOSTECKYJ: Okay. I'm just going to start into a
12 new area, and it may be an appropriate time.

13 THE COMMISSIONER: Yes, all right, if that's
14 convenient.

15 THE REGISTRAR: The hearing is now adjourned until 2:00
16 p.m.

17

18 (WITNESS STOOD DOWN)

19

20 (PROCEEDINGS ADJOURNED FOR NOON RECESS)

21 (PROCEEDINGS RECONVENED)

22

23 LORNE MARTIN MELTZER, a
24 witness, recalled

25

26 CROSS-EXAMINATION BY MR. KOSTECKYJ ON BEHALF OF ZOFIA
27 CISOWSKI, continuing.

28

29 Q Walter Cisowski, counsel for Zofia Cisowski,
30 again. Mr. Meltzer, I was just getting into a new
31 area with you when we took the break, and I just
32 want to take you back and just review with you the
33 time when the police arrived on the scene.

34 Now, incidentally, I've left two statements
35 there for you that I'll refer to in due course,
36 and just to -- just so that we're clear, you gave
37 two statements, one to the -- actually, you gave
38 three statements in total; correct?

39 A Yes.

40 Q Respecting this matter.

41 A Yes.

42 Q You gave one to an RCMP officer on October the
43 14th, 2007 which we've received a copy of today,
44 and it appears that that was given at 1:46 in the
45 morning of --

46 A Correct.

47 Q And that was taken with a tape recorder; correct?

- 1 A Yes, yeah.
- 2 Q And that was a Constable Bentley.
- 3 A Yeah, I don't remember his name, but I do remember
- 4 at the scene giving a short statement, yes.
- 5 Q Okay. So we'll talk about that in a few minutes.
- 6 You also gave a statement to the RCMP on October
- 7 the 19th, 2007.
- 8 A Correct.
- 9 Q And that was to a Corporal Teboul.
- 10 A Correct.
- 11 Q Then you, after that, gave a statement to Coroners
- 12 Jeff Dolan and Kate Corcoran.
- 13 A Correct.
- 14 Q And that was November the 23rd, 2007.
- 15 A Yes.
- 16 Q All right.
- 17 MR. BUTCHER: I think that date's wrong.
- 18 MR. KOSTECKYJ: Oh.
- 19 MR. BUTCHER: On the next page. It's December.
- 20 MR. KOSTECKYJ: Oh, sorry, December 23rd, 2007
- 21 Q Does that refresh your memory?
- 22 A I don't remember for sure, but it says November
- 23 here. So I guess whatever it is, it is. Yeah,
- 24 okay, December, yes.
- 25 Q Yes, on the second page.
- 26 A 23rd, okay.
- 27 Q Yeah, it's December.
- 28 A Yes.
- 29 Q In any event, we'll get to those in a few minutes.
- 30 But first, let's talk about your recollections
- 31 about the police arrival. Now, you recollect that
- 32 there were four police members that arrived?
- 33 A I remember at the time -- I don't know which
- 34 statement, but I said I knew it was more than two,
- 35 but I couldn't remember for sure.
- 36 Q All right. Of the police officers that arrived,
- 37 you saw them walking into the building?
- 38 A Correct -- not walking into the building, but I
- 39 saw them walking down that corridor.
- 40 Q As they approached you.
- 41 A You -- do you recollect remembering that Mr.
- 42 Dziekanski yelled out, "Politzia, politzia" when
- 43 they arrived?
- 44 A I remember him yelling that out before, not that
- 45 time. But I remember before him yelling that out,
- 46 yes.
- 47 Q All right. So you're not saying it didn't happen,

1 you just don't recollect it.
2 A When, exactly?
3 Q When the police arrived.
4 A I don't think he yelled it out when the police
5 arrived, but I remember him yelling out "Politzia,
6 politzia" and then "Revensia" or whatever it was.
7 Q Now, incidentally, about "revensia", you said that
8 you spoke to Mr. Dziekanski's mother.
9 A Yes.
10 Q When did you do that?
11 A I think it was the day after or -- no, not day
12 after. Probably was three, four days after,
13 something like that. I didn't know who she was or
14 whatever, and I read the newspaper article and I
15 decided to try and find her and give her my
16 apologies and --
17 Q Okay. So did you actually call her?
18 A Yes.
19 Q Okay. So you spoke to her on the telephone?
20 A Yes.
21 Q All right. The reason I ask you that is because
22 she doesn't recollect the telephone call, but --
23 A All right.
24 Q -- you do remember speaking to her?
25 A Yes. I remember speaking to somebody who answered
26 the phone first for her, and I had told that lady
27 -- maybe it was a lady who was helping her, take
28 of her, whatever. I told her kind of who I was,
29 et cetera, et cetera, and then I can't remember if
30 it was that lady or Mr. Dziekanski's mother that
31 I'd said, you know, this word that I kind of
32 heard.
33 Q Okay. So it's possible it wasn't Ms. Cisowski
34 then?
35 A Yeah, it is possible, yes.
36 Q In any event, when the police arrived, you didn't
37 see them stop to -- they didn't stop to interview
38 you?
39 A No.
40 Q Did they?
41 A No, they were just -- kept on walking.
42 Q They -- you didn't see them stop to speak to
43 anybody else at the scene either, did you?
44 A No.
45 Q No member of the RCMP that you heard asked anybody
46 who called?
47 A No, no.

- 1 Q No member of the RCMP that you saw, any of the
2 three or four members or however many you saw that
3 day, or that you recollect, went into the crowd to
4 get some background on what had happened?
- 5 A Afterwards, but not before, no.
- 6 Q No. And no member of the RCMP asked you for any
7 background or context to how this thing -- why
8 they were -- why they were there and why they were
9 called?
- 10 A Not to my recollection, no. It was just kind of
11 walking with them towards the IRL doors telling
12 them he doesn't speak any English, and maybe a
13 couple of other things like, "He's freaking out,
14 he doesn't speak English, I tried to talk to him."
15 And that's about it.
- 16 Q All right. Did you tell them that you had been in
17 the -- in a voice altercation or that you'd been
18 in an argument with him?
- 19 A I don't remember specifically, no. I don't
20 remember.
- 21 Q I suggest to you that that didn't happen. You
22 didn't tell them that you had been in a -- in an
23 argumentative --
- 24 A No, that -- I know -- I know that didn't happen
25 for sure. But nothing -- no extensive talk about
26 what happened before they showed up, did I tell
27 them anything, no.
- 28 Q Okay. From what you recollect, all of the police
29 officers attended directly on Mr. Dziekanski;
30 correct?
- 31 A Correct, yes.
- 32 Q It wasn't like one officer tried to go in there,
33 calm him down, the others stood back. They all
34 went in there.
- 35 A Correct, yes.
- 36 Q Now, at some point, a security guard went to alert
37 the Customs Hall to move people through a -- not
38 -- so that -- asked them not to put them through
39 the IRL, to divert them; correct?
- 40 A Correct.
- 41 Q Now, I've heard varying accounts of that. Today
42 you told us that you had talked to the security
43 guard and suggested that, and in your statement, I
44 noticed that you thought that you had told an RCMP
45 officer, and an RCMP officer had dispatched a
46 security guard to do that.
- 47 A During the video where I saw -- where you saw me

1 with those two security guards, it was then I did
2 suggest that -- that somebody -- I suggested to
3 the security guard -- I think it was in the yellow
4 jacket that I suggested to go tell Customs to get
5 the people diverted, and I didn't see that
6 security guard after I talked to him, so I may
7 have, in my statement, said that I told the RCMP
8 to do that as well.

9 Q Okay. Well, there was very little passage of time
10 between the time that the police officers arrived
11 and Mr. Dziekanski was tasered. Is that your
12 recollection?

13 A Correct, yes.

14 Q Did you have a sense at the time of how much time
15 had passed?

16 A No, no. It was -- I know it was quick, but I
17 don't know -- I couldn't tell you, no.

18 Q Did you have a sense at the time of whether -- or
19 do you have a sense of the time today as to
20 whether it was 10 seconds or 20 seconds or less
21 than a -- 30 seconds or more? Did you have a
22 sense of any of that?

23 A No, but I've -- I've read lately that it was maybe
24 25, 30 seconds. But I don't know for sure, no.

25 Q And based upon what your recollection was, did
26 that seem to make sense to you that it was 20 or
27 35 seconds?

28 A Yeah, yeah.

29 Q Now, you never at any time felt personally
30 threatened by Mr. Dziekanski, did you?

31 A No.

32 Q He never threw anything at anybody?

33 A Not that I can recollect, no.

34 Q You never saw him either lash out at any
35 individual --

36 A No.

37 Q -- physically?

38 A No.

39 Q He never tried to push you?

40 A No.

41 Q Even when you were yelling at him?

42 A No.

43 Q He never sought to throw anything at anybody in
44 particular?

45 A No.

46 Q Did you know that a janitor had walked by him
47 about the same -- during the period of time that

1 you were interacting with him?
2 A I don't recollect that, no.
3 Q Well, on the video, do you recollect, on the
4 second video, seeing a man that was -- that you
5 spoke to on a number of occasions, and he was --
6 appeared yesterday. Did you recollect that
7 gentleman at all?
8 A No, I'm -- I was surprised by watching the video.
9 You're talking about the gentleman I talked to
10 near the totem poles; correct?
11 Q Yeah, that was Mr. Dhari.
12 A Yes, I don't remember -- I was -- when I saw the
13 video, I didn't remember talking to him.
14 Q Well, you saw in the video that you actually spoke
15 to him --
16 A Right.
17 Q -- on a number of occasions.
18 A Right.
19 Q And did he ever tell you that he had -- he's
20 actually a -- he's actually the cart -- the guy
21 who picks up the carts. Did you know that he had
22 been up and spoken -- or had interaction with Mr.
23 Dziekanski?
24 A Not at all.
25 Q He never conveyed that to you in these
26 conversations you had?
27 A I don't remember, no. No.
28 Q Okay. Did you know that, in addition, there had
29 been -- were you in court earlier this morning?
30 A Not really, no.
31 Q Did you hear the evidence of the first witness?
32 A I heard a little bit vaguely, but --
33 Q So you heard about the fact that there -- that was
34 a janitor that was here earlier in the morning.
35 A Yes, I did.
36 Q And he talked about the fact that he walked past
37 Mr. Dziekanski without incident.
38 A I did hear that, yes.
39 Q And he said that he was inside the IRL and that he
40 heard some shouting.
41 A Uh-huh.
42 Q Do you remember seeing him?
43 A No, no.
44 Q And you saw Ms. Ashrafinia --
45 A Correct.
46 Q -- speaking with Mr. Dziekanski?
47 A Correct, yes.

1 Q And she didn't seem to be in fear of him that you
2 saw?

3 A No, no. She told me she had been there for about,
4 I don't know, maybe 15, 20 minutes before I was
5 there.

6 Q Okay. Basically you came to the conclusion that
7 he was acting like a frustrated person trying to
8 get attention.

9 A I don't know if it was attention, but yeah, he was
10 -- yeah, frustrated, yes. I may have said in my
11 statement wanting attention, possibly.

12 Q Well, is that what it seemed like to you?

13 A Yeah, he wanted -- he did -- to me, somebody
14 calling out, "Politzia, politzia" and just --
15 yeah, attention, frustrated, yes.

16 Q So I'm just looking at page 17 of your
17 statement --

18 MR HARRIS: Which one, sir, there are two -- two of
19 them.

20 MR. KOSTECKYJ: To the coroner.

21 MR. HARRIS: Thank you.

22 MR. KOSTECKYJ:

23 Q And if you look at the top of the page -- actually
24 at the bottom --

25 A Okay.

26 Q -- page 16.

27 A Right.

28 Q

29

30 You, you, you didn't see him act aggressively
31 or in a threatening way to any of the, of the
32 other fourteen (14) or fifteen (15) people
33 that were in the area?

34

35 And your answer was:

36

37 No, not at all --

38

39 A Correct.

40 Q

41 Not at all, no, no. He was just, he was just
42 super frustrated and he, I think he was
43 trying to smash things to get attention.

44

45 A Correct.

46 Q And the reason you came to that conclusion, sir,
47 was because he didn't direct his anger to anybody

1 in particular. He was -- when he did break a
2 chair or when he threw a chair down, it wasn't
3 directed at anybody, was it?

4 A No, not at all.

5 Q We've seen a fair bit of -- a fair bit of the tape
6 that showed the going back and forth of
7 yourself --

8 A Correct.

9 Q -- to the area where -- where the doors of the IRL
10 were located. Do you recollect now how many times
11 you went back and forth to that door?

12 A From seeing the video and also -- two for sure,
13 maybe three, I'd say. It's been a while, right?

14 Q Now, from all the video that we've seen, it was --
15 there were a few other people going into that
16 area. Did you see other people going in there and
17 trying to interact with Mr. Dziekanski?

18 A Outside of the security guards, no.

19 Q I'm just sort of curious as to why you didn't just
20 have a seat and wait for the security people to
21 show up.

22 A Right. I was -- I wasn't waiting because of -- my
23 guy, like I did read my -- the beginning of the
24 statement and the flight was coming in early. I
25 -- when I operate my own business, it's word of
26 mouth, and one -- one guy tells another guy tells
27 another guy and I don't -- I can't fool around.
28 It's my bread and butter. I don't fool around. I
29 need to get in there and I've known this client
30 come out several times, and he comes out fast, and
31 I can't miss my clients. I cannot miss them.

32 Q You just felt under pressure to really get this
33 thing taken care of with Mr. Dziekanski.

34 A Yeah, yes.

35 Q And you weren't satisfied with how quickly the
36 response was from the airport people.

37 A Correct.

38 Q And you weren't satisfied that the police were
39 coming fast enough to deal with this; correct?

40 A I would say so, yeah.

41 Q Now, we're going to go back to that in a little
42 bit, but I just want to turn your attention for a
43 minute to this issue about the stapler, when you
44 first saw it in his hand. Now, you don't actually
45 know where the stapler came from, do you?

46 A No, I don't, no.

47 Q And you can't say with any degree of certainty

1 whether or not the stapler was in Mr. Dziekanski's
2 hand before he was tasered or after.

3 A I know it was in his hand before he was tasered.

4 Q Okay. But you don't know what position that
5 stapler was in, in his hand, before he was
6 tasered.

7 A I did see him -- I did see something go up in the
8 air and he separated it.

9 Q Okay. Let's -- let's just take a look at the
10 bottom of page 10 and the top of page 11 --

11 A Which statement?

12 Q -- in your statement that you gave to the coroner.

13 A Okay.

14 Q Start with that.

15 A Okay.

16 Q Yeah, we'll have to read the whole passage. It's
17 fairly lengthy, but let's just go through it, sir.

18 Do you see that? It says --

19 A Yes.

20 Q

21 Before that. Then I told the RCMP officers,
22 I said, I am waiting for, I don't know if I
23 said client or I (INDECIPHERABLE) or [if] I'm
24 waiting for somebody to come off the Cathay
25 Pacific Flight. You better get Customs to
26 reroute the people right. So the
27 (INDECIPHERABLE) the RCMP Guard told the
28 Security Guard, go to Customs and tell them
29 to not bring anybody out this way. Okay. So,
30 at this point in time, I'm standing right
31 outside this door maybe five (5) feet. I see
32 the RCMP Officers go in there, the four (4)
33 RCMP Officers, not three (3). And uh,
34 Mr. DZIEKANSKI came from behind the kiosk
35 where he was trying to open doors and he went
36 out to the front of the kiosk.

37

38 Do you remember that part:

39 A Correct.

40 Q

41 The RCMP Officers surrounded him and I
42 remember the shorter, or sorry, the, the tall
43 black RCMP Officer asked him for a passport.
44 Okay, uh, do you have a passport? And it was
45 in English and he kind of (WRITING SOUND),
46 stood there for a second, and then the other,
47 he was still freaking out but he kind

1 of slowed down from freaking out, and then
2 the shorter RCMP Officer asked him, or not
3 (INDECIPHERABLE) sorry, didn't ask him, he
4 did the same thing I did, he took his hands
5 and pushed them down. He said like, calm
6 down, it's okay, calm down. And then they
7 asked him for a passport again and then Mr.
8 DZIEKANSKI kind of leaned down and he opened
9 a stapler which I assumed he got off of this
10 kiosk desk because it's you know bunch of
11 office stuff or maybe he got it from a
12 drawer. And I can't remember and I told the
13 RCMP this, I can't remember if he got Tasered
14 before he pulled the stapler out like this or
15 while he pulled, I know he leaned down to
16 grab it, but I can't remember like it's such
17 split seconds, got Tasered and his arm went
18 up in the air or if his arm, his two hands
19 went up, opened the stapler and as he was
20 going towards an RCMP Officer, he got
21 Tasered. I can't remember, it's such split
22 seconds.

23
24 Q Did you give that answer?

25 A Yes, I did, yeah.

26 Q Is that true?

27 A Yes, it is, yes.

28 Q All right. Now, let's take a look at your other
29 statement. You gave one to the police. That's
30 the October 19th, 2007 statement.

31 A Yes.

32 Q Do you have that one there?

33 A Yes.

34 Q Let's just take you to page 5. Let's start with
35 your -- you start with an answer:

36
37 You know, official hat, you know, vest. And
38 then they asked him for his passport.

39
40 And then Corporal Teboul says, "Okay." And then
41 your answer is:

42
43 In English, right. And he motioned down,
44 what I thought was the passport, but he had a
45 stapler in his hand, which he probably got
46 off that desk there. Um, then I, I'm trying
47 to remember if...the taser was drawn then or

1 when he put his hand up in the air with the
2 stapler and he was about, he made a motion
3 like he was gonna go towards an officer. To
4 his right. The officer was quite a ways
5 away. A good maybe six feet, seven feet,
6 maybe five feet away. And then they said,
7 "Put your hands on the desk!" In English
8 again. And then yeah it was, it was, I
9 would, I would more so say that he looked
10 down for his passport and then he was
11 probably looking for the stapler. He had it
12 in his hand. And then they said, "Put your,"
13 then the taser was drawn. "Put your hands on
14 the desk!" And that's when the stapler went
15 up in the air and he was about to go, I
16 think, towards an officer and then he got
17 tasered. But I know the taser was drawn, I
18 can almost, I can't say exactly right before
19 he picked the stapler up or when the staple
20 was in his arm. It must have been a couple
21 seconds before because once the taser, or
22 once the uh, stapler was raised in his hand
23 and he made a gesture towards,
24 (INDECIPHERABLE) to, you know, he opened the
25 stapler up.

26
27 So you weren't sure when you gave those statements
28 as to whether or not the -- you saw the stapler at
29 the same time he was tasered or if you saw it
30 before, did you?

31 A At the -- at the time of the statement, no. No.

32 Q So you'll agree with me that you gave both of
33 those statements at a time that was earlier --
34 closer to the time of the events.

35 A Yes.

36 Q The events were fresher in your mind at that time.

37 A Yes.

38 Q And at that time you were confused as to whether
39 the stapler came first or the Taser came first.

40 A Yes, yes.

41 Q All right. Now, after the initial tasing, the
42 only thing you heard that you told us about was in
43 a loud voice, "Do it again"; is that correct?

44 A Correct.

45 Q And that was one of the RCMP officers saying that.

46 A Correct.

47 Q To repeat the tasing.

1 A Well, that's what I --
2 Q That's what you understood.
3 A That's what I understood, yes.
4 Q All right. When you were looking in and the
5 taser went on, and they were dealing with Mr.
6 Dziekanski, did you get the sense that the police
7 were panicking a bit?
8 A I wouldn't -- I don't know if the word "panic" is
9 appropriate, I don't know. But I just -- my only
10 sense was that I thought they might have dealt
11 with in a little less severe way within the short
12 time they were with him. I don't know if the word
13 "panic" but -- I don't know.
14 Q Well, I'm talking about the immediate aftermath,
15 because what you hear from them is, "Do it again";
16 correct?
17 A Yeah, so I would -- I would -- I would say there
18 was a sense of panic there, yes, at the time.
19 Q All right. Now it's fair to say that there were
20 four of them and they were standing around him in
21 a semi-circle.
22 A Correct.
23 Q And they weren't within the -- they couldn't --
24 they could have easily moved back from any range
25 of danger that they would have faced from a
26 stapler.
27 A I would have -- I would think so, yes.
28 Q There was no one else in that IRL area apart from
29 the four RCMP members and Mr. Dziekanski as far as
30 you saw.
31 A As far as I recollect.
32 Q There weren't -- no members of the public were in
33 that area.
34 A Not as far as I remember, no.
35 Q And there were no cleaning staff that you saw at
36 that time in there.
37 A Not -- not as I remember, no.
38 Q So really there -- and you weren't inside there.
39 A No.
40 Q Now, I note that you were standing pretty close to
41 the door, though.
42 A Yes.
43 Q And nobody suggested to you before they went in
44 that you should move back or be -- or were
45 concerned for your safety; correct?
46 A Not that I recall.
47 Q Well, no one said -- if a police officer had said

1 to you, "You've got to move" --
2 A Yeah, I would have, yes.
3 Q You would have moved.
4 A Correct.
5 Q Right. So no one asked you to move.
6 A No.
7 Q Now, from what I understand and from what you had
8 told the coroner, after Mr. -- after the police
9 got Mr. Dziekanski down and -- let me just go back
10 for a second. After he was tasered, he
11 essentially went to the ground; correct?
12 A Correct.
13 Q He might have not gone -- do you know if he went
14 down immediately right there or if he took a step
15 or two and went down, or do you recollect?
16 A I don't recollect.
17 Q But it was pretty soon after he got tasered that
18 he was on the ground.
19 A Correct, yes.
20 Q And after that, you -- you, for the most part,
21 diverted your attention to a different direction,
22 didn't you?
23 A Yes. Yes.
24 Q So you didn't actually see whether the police
25 officers, for example, had their knees on his head
26 or his back?
27 A Nothing, no.
28 Q You didn't see them handcuffing him?
29 A No.
30 Q You didn't -- because your attention was looking
31 in a different direction.
32 A Correct.
33 Q And I understood that the first time that you
34 really noticed that he was being monitored or
35 being dealt with was by the ambulance people when
36 they had a mask over his face.
37 A I don't know if I specifically saw the mask, but I
38 did see, you know, maybe a firefighter, whoever it
39 was, working on him when I was standing back
40 talking to the gentleman waiting for a family
41 member.
42 Q Okay. Did you -- did you ever observe, yourself,
43 as to whether or not any RCMP officer was
44 monitoring Mr. Dziekanski while he was lying on
45 the ground?
46 A I wasn't really looking that way. I was looking
47 towards the Customs Hall kind of thing watching my

1 passenger, watching which way my passenger was
2 coming out. I wasn't really -- didn't see much
3 because that desk is so tall, I couldn't see
4 anything behind that desk.
5 Q So people that would be standing on the other side
6 would have a better view than you.
7 A The -- which other side, sir?
8 Q Well, the other side of the desk.
9 A Yeah, further --
10 Q Looking in.
11 A -- down that way, yes.
12 Q Further towards the curbside.
13 A Correct, yes.
14 Q All right. So you can't say with any certainty
15 one way or the other whether anybody monitored him
16 or not because you just weren't watching at that
17 time.
18 A Correct.
19 Q All right. Now, we talked about the short little
20 statement that you gave to Constable Bentley;
21 correct?
22 A Yeah.
23 Q Have you seen this statement?
24 A No, I haven't seen it and I don't have a copy
25 here.
26 Q I've only got one copy but I'll show it to you.
27 A Okay. Thank you.
28 Q If you look on the back, it says what time you
29 gave that statement.
30 A Okay. Okay.
31 Q Do you see that?
32 A Yes.
33 Q What time does --
34 A 1:46 in the morning.
35 Q Okay. And does that sort of accord with your
36 recollection that it was around that period of
37 time, some time around 2:00 a.m.?
38 A I would say so, yes, but I -- like I said, time
39 for me wasn't --
40 MR. BUTCHER: I would object to that characterization.
41 One-forty-six is not somewhere close to 2:00 a.m.
42 MR. KOSTECKYJ: All right.
43 Q Well, some time before 2:00 a.m.
44 A Correct.
45 Q Well, I'm just asking do you -- do you have an
46 independent recollection of when it was taken?
47 A I know it was after everything happened or after,

- 1 you know, most of the events took place, but I
2 don't remember, you know, like I said, I'm in a --
3 I'm in a panic to not miss my customer, you know,
4 so I can't really say timewise, you know. But it
5 sounds right, yeah.
- 6 Q Well, can you say if it was ten minutes after the
7 event?
- 8 A No, I really can't say that.
- 9 Q All right. Do you know what happened to the
10 police officer that took the statement from you?
11 Did he go back into the IRL after he talked to
12 you?
- 13 A No, I think he went and took a statement from
14 somebody else after that.
- 15 Q Okay. Were you the first one that he spoke to?
- 16 A I'm pretty sure he was.
- 17 Q Okay. That you were the first one.
- 18 A I'm pretty sure, yes.
- 19 Q All right. Besides the police officers, did you
20 see anybody else in the IRL after Mr. Dziekanski
21 was down?
- 22 A I saw the one firefighter, I think it was, or
23 whoever it was that -- somebody walking in there
24 or already in there.
- 25 Q Did you see any -- or, sorry, did you see any
26 security people in there from the airport?
- 27 A I couldn't recollect. I can't --
- 28 Q So there -- there might have been?
- 29 A There might have been, yes.
- 30 Q Now, that statement that I've just passed up to
31 you, you didn't mention to that police officer
32 that you'd had a verbal altercation with Mr.
33 Dziekanski, did you?
- 34 A I haven't read it so I don't know.
- 35 Q Well, why don't you take a minute - it's very
36 short - and read through it.
- 37 A Okay, no, I didn't mention that I had an
38 altercation with him, no.
- 39 Q You didn't mention to him that you'd been at the
40 door a couple of times. You didn't mention to him
41 that you'd shouted and told the guy to "F" off and
42 things of that nature.
- 43 A No. No.
- 44 Q You didn't consider that that was important to
45 knowing what his state of mind was, Mr.
46 Dziekanski's state of mind?
- 47 A It probably was important. I just -- like I said,

1 I was in a panic. I was -- I was really in a
2 panic to make sure -- one of the things, even as a
3 limo driver, it's like you do not miss your
4 customer, period. That's -- it's -- that's it.

5 Q Let's talk a little bit about the interaction that
6 you had with Mr. Dziekanski. Do you know whether
7 you had more than one interaction with him?

8 A I don't remember, but seeing the video, I could
9 say I probably did but I don't -- it's been a
10 while, you know, I don't --

11 Q Well, you saw the video earlier.

12 A Yes.

13 Q And that was the long shot where you're walking in
14 for the first time to see Mr. -- to the area --

15 A Correct.

16 Q -- where the IRL doors are. After viewing that
17 video - and I know it's difficult to see - are you
18 sure that Mr. Dziekanski was using a chair to try
19 to bang his way back in, or was he banging on the
20 doors -- could he have been banging on the doors
21 with his hands?

22 A I'm sure it was a chair. I specifically remember
23 him with a chair from the security behind that
24 podium. And I just don't know what kind of force
25 he was using. I don't remember what kind of force
26 he was using, but I do remember the mental image
27 of seeing a man holding a chair.

28 Q Well, at that point, he was holding a chair, but
29 he didn't bang that chair. In fact, you didn't
30 see that chair again until after the doors opened
31 and then he moved the chair inside. Isn't that
32 what happened?

33 A Correct, yes.

34 Q So he may have been pounding on the door with
35 hands, for all you know.

36 A I wouldn't -- I don't know that for sure. I --

37 Q What's --

38 A For all I know, yeah.

39 Q Once again, it's difficult to see in that video,
40 but you didn't notice a chair being banged against
41 the door in that video, did you?

42 A I -- in that video, no. No.

43 Q Now, when you had that very first meeting with
44 him, the first time you walked up there, do you
45 recollect passing somebody on the way out?

46 A No.

47 Q You don't remember if Mr. Dharya (sic) was going

1 past you on the way out?
2 A I don't remember that, no.
3 Q And you don't recollect whether you had any
4 conversations with anybody as you were walking
5 towards the door?
6 A No, I don't, no, no.
7 Q Okay. Now, when you met with Mr. Dziekanski at
8 the door the first time, is that when you first
9 had the verbal altercation with him?
10 A I'm pretty sure it was, but it could have been the
11 second time I saw him. But it's -- I'm pretty
12 sure. I remember using the Proxy and him holding
13 his fist up, and -- I can't -- you see, I can't
14 remember for sure if it was the first or second
15 time.
16 Q It might have been both the first and the second
17 time.
18 A It could have been, yeah.
19 Q Okay. Just to get a flavour of this, you were --
20 you were getting pretty frustrated with him there.
21 A Yes.
22 Q You were getting angry.
23 A Yes.
24 Q And your level of anger was rising to the point
25 where your level of anger was at a 7 or an 8 on
26 the -- on a scale of 10.
27 A I was pretty angry, yeah.
28 Q Yeah.
29 A Yeah.
30 Q Now, in spite of the anger that you demonstrated
31 towards Mr. Dziekanski, he never sought to push
32 you?
33 A No.
34 Q He never sought to hit you?
35 A No.
36 Q He never threw anything at you?
37 A No.
38 Q He didn't gesture towards you?
39 A Outside of just holding the fist up, no.
40 Q And that was only while you put your hand in your
41 pocket.
42 A Yes.
43 Q And then after that he put his hands down.
44 A Yes.
45 Q I'm just going to take you to page 25 of your
46 statement to the coroner.
47 A Okay.

1 Q

2 I'm, I'm sensing that you're acknowledging
3 that you were frustrated...

4
5 And your answer was:

6
7 Yeah, yeah, oh yeah, yeah, I was, yeah, yeah.

8
9 So, he would have seen some sort of
10 frustration...

11
12 I was...

13
14 And then Ms. Corcoran:

15
16 In your...

17
18 And your answer:

19
20 I was...

21
22 And she says:

23
24 Physical...

25
26 I wasn't frustrated until he wouldn't let me
27 in there. Like I was okay with him when I
28 first met him. I saw okay, this guy's
29 freaking out, I'm going to try and help him.
30 Naturally, I see people in airports all the
31 time. I'm there half of the time during
32 the day and people don't know where the hell
33 they're going, what they're doing, which way
34 is up, and I try to help people out all the
35 time right, because you know, you're
36 welcoming people to BC. I just, I see
37 somebody on a street corner doesn't
38 know where they are, I try to help people
39 right. So, I was, I was nice to him to a
40 point, and then I did yell at him, and then
41 he calmed down because he saw you know, like
42 the alpha male and the other male, you know
43 you got two (2) males in a room and one's
44 going to tain, gain power over the other, you
45 know, just by showing aggressive behaviour or
46 yelling and I yelled and he calmed down. He
47 did calm down.

1 Is that an accurate depiction? You were going to
2 show this man who the alpha male was in this
3 situation?

4 A Well, I got the alpha male thing from the previous
5 statement with the -- at the RCMP. They had
6 suggested the alpha male thing and I used that as
7 an example in my second statement.

8 Q Well, you used it because you thought it was
9 appropriate.

10 A Yeah, I guess so.

11 Q You thought it was an appropriate description.

12 A Correct, yes.

13 Q And you were the alpha male. You were showing
14 this guy what's up.

15 A Well, I was just -- I wasn't consciously thinking
16 at the time, okay, I'm going to show him who's
17 boss here. I was just trying to -- just trying to
18 yell, and just "Get outta my way."

19 Q Look, you never saw how this thing was going to
20 turn out.

21 A Exactly.

22 Q Nobody could have, right?

23 A Exactly. Exactly.

24 Q So at the time that you were doing this, that was
25 what was going through your mind. "I'm going to
26 show this guy."

27 A Well --

28 Q "Get outta my way."

29 A Yeah, exactly, yes. Yes.

30 Q "You're in my way, you're in my face, get the hell
31 outta here."

32 A Yes.

33 Q That kind of thing.

34 A Yes.

35 Q Yeah. Okay. Now --

36

37 And I motioned like, like I want to get in
38 there and please move aside, like move aside
39 (BACKGROUND NOISE) right but
40 (BACKGROUND NOISE) he was, he was, he was,
41 you know, I'd say from a level of Number
42 Eight (8) he calmed down to a Number Six (6)
43 when I yelled at him, and then he went back
44 up to a Number Seven (7) Eight (8).

45

46 Now, you were -- sorry?

47 UNIDENTIFIED SPEAKER: (Indiscernible - not at

Lorne Martin Meltzer

Cross-exam by Mr. Kosteckyj (for Zofia Cisowski)

1 microphone).

2 MR. KOSTECKYJ: Number 7, 8, sorry.

3 Q Now, that's -- that's the way you saw it?

4 A Correct.

5 Q While you were yelling at this guy, you were kind
6 of expecting -- somebody yells at you, you get
7 frustrated back, right?

8 A Yes.

9 Q I mean, if I walk up in your face and start
10 swearing at you, you're not going to be happy with
11 me.

12 A Correct.

13 Q You might even push me.

14 A Yeah, yeah, yeah.

15 Q And so you're not -- you weren't really too
16 surprised that this guy was elevating his level of
17 hostility.

18 A No, I wasn't surprised, but also the fact that
19 there was a language barrier, I don't even know if
20 he understood me, right?

21 Q Well --

22 A Just the verbal yelling and the aggressive
23 behaviour on my part, yes.

24 Q You've got a loud voice.

25 A Yes.

26 Q You told us that before. You're a -- you're a
27 person that speaks loudly, as I do.

28 A Yeah, yeah.

29 Q Right?

30 A Yeah.

31 Q And so you knew that your voice -- you had gotten
32 that voice up.

33 A Correct.

34 Q It was like this, wasn't it?

35 A It was a little louder than that, yeah.

36 Q Yeah.

37 A Yeah.

38 Q Okay. And I mentioned like -- sorry. And then we
39 go on.

40

41 Right away right.

42

43 What would you have been thought at the point
44 when you were using I think your words was...

45

46 Yeah, yeah, (INDECIPHERABLE) yeah, oh I was
47 (INDECIPHERABLE).

1 Where were you? What, if you're giving
2 numbers out.
3
4 Now she's asking about you.
5 A Correct.
6
7 Yeah, what am...
8
9 You're seeing...
10
11 What am I...
12
13 And she's asking you again.
14
15 Seeing a man...
16
17 I, I, I, yeah, yeah, yeah.
18
19 And then she says:
20
21 That you didn't know...
22
23 Yeah, I'm at, I'm at about a Number Seven (7)
24 Number Eight (8), yeah, yeah, yeah.
25
26 Okay.
27
28 And then you go on.
29
30 Yeah, yeah, I'm (INDECIPHERABLE) I'm, I'm
31 quite yeah, pissed off, ready to go. And I,
32 I was wondering if I added to
33 his, his aggression or his freaking out
34 (INDECIPHERABLE) or whatever but (AIR THROUGH
35 TEETH SOUND) I you know, I don't know. I
36 really, I can't say I helped him at that
37 point in time, but I don't think I added
38 anything more to where he already was.
39
40 That's what you said, right?
41 A (No audible response).
42 Q And then:
43
44 Yeah.
45
46 You know.
47

1 How close did you get to him?

2

3 Oh, (SLIGHT CHUCKLE) like this, maybe a foot,
4 two (2) feet.

5

6 So you were pretty much right in his face, were
7 you not, sir?

8 A I was -- like I said earlier, I was closer than
9 conversation, normal conversation, but I don't --
10 I don't specifically remember being like four
11 inches away in his face like somebody who's about
12 to have a serious fight.

13 Q Yeah, but you were within a foot or two.

14 A Yeah, yes.

15 Q Okay. And is that an accurate description of how
16 you felt, you were pissed off, ready to go?

17 A Yeah, yeah.

18 Q All right. In the same statement, let's take you
19 to page 14, your statement once again to the
20 coroner. At the very bottom of the page, Ms.
21 Corcoran is asking you?

22

23 You're watching. What is, what is your mood?

24

25 And your answer to her is:

26

27 Oh there's yeah, I uh, at one point in time
28 when he, I tried to get in there, and he
29 wouldn't let me in there, and I
30 (INDECIPHERABLE) I did yell at him.

31

32 "Uh-huh" she says, and you go on:

33

34 I yelled at him in English (CHUCKLE) a few
35 choice words, I, I screamed at him, I said, I
36 said, look you fucking asshole, I've got to
37 get in there. I was mad. I was really mad
38 too. Um, I didn't motion to hit him or
39 anything like that.

40

41 MR. BUTCHER: What page is that we're on?

42 MR. KOSTECKYJ: Page 14, bottom of 14 going on to page
43 15.

44 MR. BUTCHER: Thank you.

45 MR. KOSTECKYJ:

46

47 ...didn't motion to hit him or anything like

1 that. RCMP asked me how come I didn't get in
2 there. I said, well, he had the barrier,
3 he had it barricaded and it's like a man
4 marking his territory, and I, I wasn't about
5 to go in there and they said well, if you
6 weren't about to go in there, why did you say
7 you didn't feel you were, your life was
8 threatened. I said, I wasn't scared of
9 the guy. It's just I'm in a suit right, I'm
10 not, I'm waiting for a client. If I was
11 there waiting for a personal friend or
12 whatever, I probably would have moved him
13 aside or tried to restrain him or something
14 but I'm in a suit, I can't, I'm, I'm on a
15 professional level so.

16
17 And then it goes on.

18
19 Would you say you were agitated? Is that
20 the...

21
22 Yeah, I would, I wouldn't say (INDECIPHERABLE
23 BECAUSE OF RECORDER NOISE), started to get
24 really frustrated because I can't screw up
25 missing clients like, I miss somebody,
26 I lose the account, like it's, it's not a
27 joke for me, you know, it's not like oh,
28 Joe's coming back from Mexico. This is, this
29 is...

30
31 Yeah.

32
33 Your answer:

34
35 Hard core business stuff. Hard core --

36
37 Sorry.

38
39 Hard core business, business stuff right.

40
41 Were you able to get your client?

42
43 Yeah, he came out the other side...

44
45 The point to this is you shouted at this guy.

46 A Correct.

47 Q And you shouted loudly.

1 A Yes.
2 Q And he got more agitated.
3 A Immediately afterwards for a couple seconds, I
4 said in my statement, and I remember he calmed
5 down for a bit. And then what I remember -- the
6 reason why I remember him getting more agitated at
7 that point 'cause the doors were opening and
8 closing, opening and closing, and he didn't
9 understand that motion detector.
10 Q So here you are, you're shouting at this guy,
11 you're getting into it with him. He doesn't take
12 a swing at you.
13 A No.
14 Q He doesn't throw anything at you.
15 A No.
16 Q What he does is he displays just general
17 frustration as far as you can see.
18 A Correct.
19 Q You don't have the sense that this guy's got --
20 any danger to you at all, do you?
21 A No, no.
22 Q 'Cause you'd let him have it with both barrels and
23 if he was going to be getting -- getting it on
24 with you, it would have already happened.
25 A Correct, yes.
26 Q And it wasn't just in the statement to the coroner
27 that you talked about this. Let's take a look at
28 your police statement. Let's take a look at
29 paragraph 21 -- page 21.
30 A Okay. Page 21. Okay.
31 Q The top of the page, Corporal Teboul says:
32
33 ... screaming at him.
34
35 ... that was the point where I was yelling at
36 him, yeah.
37
38 And screaming at him.
39
40 Yeah, yeah.
41
42 Tell, tell me about that.
43
44 Yeah I was. I was very frustrated that, A) I
45 couldn't communicate with him. B) I couldn't
46 get in there, and C) I was...afraid I was
47 gonna to miss my client.. I just, you know,

1 I got, I, I got angry as well. You know.

2

3 I was really angry and I think, you know, I
4 did swear at him.

5

6

Yeah.

7

8

And then your answer was:

9

10 Yeah, I'm not gonna deny that. And you may
11 have that on video. I'm not gonna deny that
12 I probably called him a, a fucking asshole.
13 Right, I think I may have. I don't know
14 exactly the words, you know, I may, I know, I
15 knew I swore at him. I, and after he said,
16 "Policia" or whatever and I couldn't
17 communicate with him, I got angry.

18

19

I said, I said, I don't remember the exact
20 words but it may have been something like,
21 "Listen here you fuckin' asshole, I need to
22 get in there and you need to fucking move
23 aside." Like I got angry.

24

25

Yeah.

26

27

And then he still, you know, I couldn't
28 communicate with him. He was standing there
29 and at that point, I did make the comment and
30 why I did, made this comment, I don't know.
31 I said, "Okay, well you want the po-police,
32 I'm gonna go get the fucking police. And
33 they may taser you," I said. Right? 'Cause
34 I've seen, you know, I've seen so many things
35 about tasers in the news, whatever, you know,
36 that was just off the cuff of my mouth,
37 right? You know. I was, I was angry too.
38 Yes, I was really angry, yeah, yeah. And at
39 that point he calmed down for a second 'cause
40 he saw how angry I was.

41

42

A Correct.

43

Q You told the police that.

44

A Yes.

45

Q And that was the way it was.

46

A Yes.

47

Q So it didn't surprise you, did it, that when you

1 came back the second time, that Mr. Dziekanski
2 would get agitated when he saw you, did you?
3 Didn't you think -- let me start that again. When
4 you saw -- when he saw you coming the second time,
5 he'd already had a verbal altercation with you,
6 right?
7 A Correct.
8 Q So it wasn't -- it wasn't surprising to you that
9 he might get more agitated when he saw you the
10 second time.
11 A No, it wouldn't, no. No.
12 Q All right. Now, let's turn to the security guards
13 for a second. When the security guard showed up,
14 these guys never spoke to him at all, did they?
15 A I don't recollect them speaking to him, no.
16 Q It seems to me that you told the coroner that you
17 considered that these guys were just Mickey Mouse
18 rent-a-cops, eyes and ears, and they sit there and
19 do nothing. That's the way -- that's how you
20 anticipate it. That's how you saw that they were
21 dealing with this situation; is that fair?
22 A I stated that more so Mickey Mouse because of
23 different situations I've seen at the airport
24 where just -- yeah, it's like a rent-a-copy thing,
25 eyes and ears, yeah.
26 Q Well, that's what they were doing here. They were
27 eyes and ears.
28 A Yeah.
29 Q They weren't going in there. They weren't talking
30 to him. They weren't trying to negotiate with
31 him. They weren't trying to calm the situation at
32 all.
33 A Not that I saw, no.
34 Q And they weren't asking you to leave the area.
35 A No.
36 Q And you were the guy that just got into it with
37 him; correct?
38 A Correct, yes.
39 Q All right. Now, you told the police that -- you
40 made it clear to them that you really just thought
41 that Mr. Dziekanski was a frustrated guy. You
42 never considered him to be guilty -- or never
43 considered him to be dangerous; correct?
44 A Correct.
45 Q And the fact of the matter is the police kind of
46 really cross-examined you on that, didn't they,
47 and they tried to get you to change your mind.

1 A I don't specifically remember getting them to
2 change my mind, but I did start getting frustrated
3 with the line of questioning near the middle or
4 the end of the questions in this report. I was
5 starting to feel like they were insinuating a
6 liability or -- I don't know. I don't know what
7 it was, but I was getting -- I was getting
8 frustrated near the end, yes.

9 Q Well, let's -- let's just talk about this changing
10 your mind, because you were steadfast with the
11 police throughout this whole thing and I'm going
12 to take you to page 14 of your statement with the
13 police. They were raising with you the issue that
14 they couldn't understand why you were saying the
15 guy wasn't dangerous. I'm going to take you to
16 that.

17 A Okay. Page 14, you said?

18 Q Yeah.

19 A Okay.

20 Q So I'm looking at the -- have you got that, sir?

21 A Yes. Yes.

22 Q Okay. I'm taking you to the second entry of
23 Corporal Teboul. It says:

24
25 How did you ... I, I'm just having a tough
26 time ... um, making, sort of making, making
27 or formulating that understanding. Um, like I
28 have no, no, and I've seen the video that was
29 filmed by, by this guy, yeah.

30
31 And you say:

32
33 You did see the video?

34
35 Yeah.

36
37 Okay.

38
39 I've seen the video. Uh, it's fairly telling.
40 Uh...

41
42 And you say:

43
44 Did you see me screaming at the guy?

45
46 Uh...

47

1 No?

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

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45

46

47

No. There was um, there's a witness that, well actually (INDECIPHERABLE) to you about that but um, (INDECIPHERABLE) I've seen the video. I've talked to a lot of people that were there. Urn, I'm, I'm having a hard time understanding your perception when, (INDECIPHERABLE) I'll tell you this.

Yeah.

(INDECIPHERABLE) If somebody came to my house.

Yeah.

Or if I go to a public place tomorrow, and I see somebody grabbing a piece of furniture.

Yeah.

And smashing it against a window...

Yeah.

...demolishing it, if I see somebody grabbing a computer and smashing it on the ground, my first thought would not be that this person is crying for help.

Yeah.

My first though would be that this person is evidently distraught.

Yeah.

And so:

Um, but I'm having a (INDECIPHERABLE) a hard time understanding you when you say that this guy was crying for help when he's destroying property.

Yeah.

1 Is your answer.

2

3 (INDECIPHERABLE) somebody was asking for
4 help, simply says help, in any language
5 possible.

6

7 And it says you clear your throat.

8

9 Or it, it, would have a different behaviour,
10 would not, would not have a, a behaviour s -
11 a behaviour uh...

12

13 So (INDECIPHERABLE).

14

15 And Corporal Teboul says:

16

17 ...aggressive.

18

19 Yeah, so aggressive. Yeah, yeah.

20

21 Is your answer.

22

23 It would be more, more of a defensive posture
24 um, that an aggressive posture. And
25 certainly, maybe not destroying property.

26

27 Right.

28

29 Is your answer. Corporal Teboul:

30

31 Like I don't see the correlation between...

32

33 No, I understand. I understand.

34

35 Is your answer. And Corporal Teboul:

36

37 ...destroying property and...requiring help.

38

39 yeah.

40

41 And that's what I'm trying to get...

42

43 And you say:

44

45 I understand that.

46

47 ...into your mind to understand how you came

1 to that conclusion.

2

3

And your answer is:

4

5

6

7

8

9

10

11

12

13

Right. No. The, the way I came to that conclusion is because...if he was really like, to me, aggressive, a-as I was talking to him, he would have lunged at me with a fist and started you know, really fighting to get (INDECIPHERABLE). To me...

14

15

16

17

18

19

20

21

22

23

24

25

26

Yeah.

27

28

29

30

31

32

33

34

35

36

...combative, you know, you, I saw, you know, Dale CARR's little sheet today about combative whatever, right? He showed me kind of what it is and that's where I got the word combative from. And to me, if I was really worried for my life and him freaking out and him charging at me and going for me, then I would know that I would have made the difference between...somebody who's, I don't know, a threat to the public, compared to somebody who's just distraught and had enough...

37

38

39

40

41

42

43

44

45

46

47

Okay.

The, I guess it's also my...

So...

...own personal, you know, inference, or personal intuition or feeling of me dealing first hand with this guy.

That's your answer.

Okay.

He says:

So in other words, you're telling me that he was distraught, but you didn't see uh, him representing a danger to public safety.

Your answer was, "No."

1 Or to your safety (INDECIPHERABLE).
2
3 Right, yeah, yeah. To my safety, no.
4
5 Okay.
6
7 He may, he may have had a, a, a danger to
8 public safety by throwing things against the
9 window if that glass broke, yeah. Then that
10 would have been a danger to public safety.
11
12 Uh, let me ask you this (sic).
13
14 Yeah, yeah. Yeah.
15
16 It, it begs the question.
17
18 Yeah.
19
20 Um, you're telling me that you're, or you're
21 self-employed.
22
23 Yeah.
24
25 The point is they went through that kind of
26 interaction with you, kept trying to explain to
27 you why they thought this guy should be a danger
28 to your mind and you said, look, based on what I
29 saw of this guy and the way he acted with me, I
30 wasn't scared of him.
31 A Correct.
32 Q And I didn't think he was a danger to anybody
33 else.
34 A Correct.
35 Q Now, when you gave the police your statement, you
36 recollect that you came and saw me on or about
37 October the 24th, 2007.
38 A Correct.
39 Q You came to my office.
40 A Correct.
41 Q And do you recollect indicating to me that you
42 weren't happy with the way the police interviewed
43 you?
44 A Yes.
45 Q And do you remember mentioning to me that the
46 police were suggesting to you that -- before they
47 (sic) gave your statement about certain

1 information about what had happened?

2 A Sorry, could you repeat that last part?

3 Q Yeah, do you remember them giving you certain
4 information about what had happened?

5 A I do, yes. I don't remember exactly what, but I
6 must have told you, correct?

7 Q Well, do you remember them telling you anything
8 off the record about the fact that they thought
9 that -- mentioning that they thought that he was
10 suffering from mental illness?

11 A Yeah, yes, I do remember. I don't remember
12 specifically those words right now, but if I was
13 in your office and I told you that, I probably --
14 I do, you know, I wouldn't make something like
15 that up talking to you.

16 Q Well, do you remember being concerned enough about
17 the statement to the RCMP and being uncomfortable
18 with the way that they -- the information they
19 were giving you before your statement, that you
20 wanted to go and talk to the coroner?

21 A Yes.

22 Q And get -- give a statement that you thought
23 wasn't as influenced as what was happening with
24 the RCMP?

25 A Yes, I was more so upset when Corporal Teboul
26 asked me how I thought of -- how I thought they
27 should have better dealt with the situation.

28 Q And you talked about the fact that they might have
29 used pepper spray.

30 A I said pepper spray, hand-to-hand combat, and then
31 he told me that in their training video, they're
32 shown a situation in a trailer home in Nova Scotia
33 where there was an altercation where the RCMP
34 showed up, domestic dispute. Then the male agreed
35 to go with the officers and he just had to go get
36 his jacket, and he got his jacket and he -- and
37 instead of getting his jacket, he pulled out a
38 shotgun and killed both officers. That's what
39 Corporal Teboul told me they see in a training
40 video, and therefore they assume -- they never
41 assume that somebody, you know -- I don't know if
42 he used words they never assume that it's --
43 expect the worst or whatever.

44 I just -- I had suggested, you know, there
45 was nobody in the -- he said, well, we couldn't
46 use pepper spray 'cause it would contaminate the
47 area. I said, well, there was nobody in that

1 area. Hand-to-hand combat, pepper spray, there
2 were several RCMP officers there. You know,
3 something else other than what you did.
4 And that's when it got really -- I was
5 getting really frustrated as I felt like I was
6 being -- or they were insinuating that I was in
7 some way liable or -- I don't know what I was
8 getting -- that's what I was getting mad at, yes.
9 Q Did they -- do you recollect suggesting to me or
10 mentioning that you were told that the police
11 officers involved were -- had very little service
12 or were -- had --
13 A Yes.
14 Q -- concerned about what happened, and --
15 A Correct, yes.
16 Q -- it was having a big effect on them?
17 A Yeah, to me, I remember hearing that one of the
18 officers had -- I think it was maybe two years'
19 experience or something like -- I remember hearing
20 something like that. It was some small talk
21 either before or after this interview.
22 Q You're not clear now as to whether it came before
23 or after the interview?
24 A I am -- there was some small talk before and I
25 know there was some small talk after. It's almost
26 you bringing up the words the officers were
27 diswrought (sic). I remember that was at the end
28 of the interview.
29 Q Okay.
30 A Those words ring a bell.
31 Q Did you feel that the conversations that you were
32 having before with the police officer was meant to
33 elicit some sympathy for the police officers?
34 A You're talking that conversation before I went
35 into the interview there?
36 Q Yeah, before the tape machine got turned on.
37 A No, it was more so just introducing myself and,
38 you know, finding -- kind of finding out my
39 background, where I was born, et cetera, kind of
40 -- I guess just warming me up and making me feel
41 comfortable or something like that.
42 Q Okay. But at the end of this, you didn't get a
43 good feeling out of this conversation with the
44 police.
45 A No. No, I started feeling like I was being backed
46 into a corner. I was really upset.
47 Q Now, tell me about this -- in your statement, you

1 talked about Corporal Carr showing this diagram,
2 the use of force. Where did -- where did that
3 happen?

4 A You know what? I don't remember. I remember
5 reading this, and I know the only time I remember
6 seeing Corporal Carr was at the -- was at a radio
7 station, CBC. I was in a radio station and I was
8 sitting with Corporal Carr beforehand and he must
9 have pulled something -- I don't remember that. I
10 see it on my statement, but I don't remember --
11 I'm trying to recollect what that was, but I don't
12 remember.

13 Q Well, if you take a look at page 16 of your
14 statement --

15 A I did see that, yes.

16 Q You came -- this conversation with Corporal
17 Carr --

18 A Correct.

19 Q -- or Dale Carr, that's how you referred to him
20 there, had to come before -- before you gave your
21 statement.

22 A Yes. It was a radio interview. I was sitting in
23 the lobby of the CBC on the fifth or sixth floor,
24 whatever, and he introduced himself. And I think
25 -- we were sitting and talking and I -- I sort of
26 remember there some kind of sheet that shows the
27 combative level -- I don't know. I can't
28 remember. There's some -- something he showed me.

29 Q So you were having that kind of a conversation
30 with him about the events before you gave your
31 statement to Corporal Teboul.

32 A Yes, and he also asked me if I had given a
33 statement yet, and I said no, and he looked
34 surprised. And he got on the phone immediately
35 after that and kind of asked why, or found out,
36 you know -- or told somebody, you know, you need
37 to get this guy in for a statement, right?

38 MR. KOSTECKYJ: Those are my questions. Thank you.

39 THE COMMISSIONER: Maybe a very short break.

40 THE REGISTRAR: The hearing will recess for ten
41 minutes.

42
43 (WITNESS STOOD DOWN)

44
45 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)
46 (PROCEEDINGS RECONVENED)

47

1 LORNE MARTIN MELTZER, a witness,
2 recalled.
3

4 MR. BRONGERS: Jan Brongers for the Government of
5 Canada. I believe my colleague, Ms. Roberts, has
6 some questions for the witness. There she is.
7 Thank you.

8 THE COMMISSIONER: Ms. Holmes, you're taking over?

9 MS. ROBERTS: I apologize, Mr. Commissioner. I was
10 with Commission counsel and neither of us realized
11 that you had started.

12 THE COMMISSIONER: Maybe we better wait for a couple of
13 lawyers here. All right, go ahead.
14

15 CROSS-EXAMINATION BY MS. ROBERTS ON BEHALF OF THE
16 GOVERNMENT OF CANADA:
17

18 Q Mr. Meltzer, if I understood your evidence this
19 morning, you testified that it's becoming
20 difficult to distinguish between what you saw and
21 heard on October 13th, 14th, 2007 and what you've
22 learned later through video or through other
23 sources; is that correct?

24 A Correct, yes.

25 Q Right. And as Mr. Kosteckyj pointed out, you've
26 given a number of statements?

27 A Correct.

28 Q All right. And the first one was to Constable
29 Bentley at the airport?

30 A Correct.

31 Q And you have a copy of that in front of you now?

32 A Yes, yes.

33 Q All right. And if would be safe to assume, I
34 guess, that your memory was freshest then at about
35 1:45 in the morning.

36 A Yeah, it just -- it had just happened, yes.

37 Q And Constable Bentley was interviewing you because
38 he needed to get evidence about the property
39 damage that Mr. Dziekanski had done?

40 A Correct.

41 Q And you described what Mr. Dziekanski had done in
42 that first paragraph and I think Mr. Kosteckyj's
43 read that out, that:
44

45 ...a gentleman had the door to the arrivals
46 areas blockaged or barricaded with his
47 luggage, speaking a foreign language, and was

1 screaming and was about to throw a chair
2 through the window to get back in the -- the,
3 uh, secure area.

4

5 A Yes.

6 Q And then you -- there's another sentence or two
7 and then:

8

9 I came back down and he was inside throwing a
10 wooden table against the window as well as
11 the computer that's just inside the window.

12

13 A Correct.

14 Q So that's what you'd seen not long before you gave
15 this statement?

16 A Yes.

17 Q And that was unusual behaviour; correct?

18 A What -- are you asking me if I'm assuming that was
19 unusual behaviour for somebody to do? Is that
20 what you're asking me?

21 Q Yes.

22 A Yeah, yes, I would say so, yes.

23 Q All right. And it was such unusual behaviour the
24 constable asked you:

25

26 What, uh -- what do you believe was the
27 problem?

28

29 A Right.

30 Q And people were searching for an explanation as to
31 why somebody would behave --

32 A Right.

33 Q -- in such an unusual manner.

34 A Right.

35 Q Right. And you gave an answer:

36

37 I -- I just think it was a language barrier
38 and maybe some alcohol involved --

39

40 A Right.

41 Q

42 -- but he just didn't understand anything.

43

44 A Right

45 Q So your theory at the time was that he might have
46 been drinking and he also had the language
47 problem.

1 A Correct.

2 Q Is there anything else about what you observed,
3 other than what I've just read to you, that made
4 you think he might have been drinking?

5 A The only -- the reason, like, I -- myself, I quit
6 drinking 18 years ago. I'm drug and alcohol-free
7 for 18 years. And I didn't smell any alcohol, but
8 what I did is I saw the erratic behaviour and the
9 sweating, and his hair seemed greasy, sweating,
10 and just -- I couldn't find another explanation.
11 I know people come off airplanes, they're
12 drinking, I don't know. I couldn't rationally
13 think of why somebody would be, you know, that way
14 at the time. I just -- I was at a loss.

15 Q Fair enough. It was unusual behaviour.

16 A Yes.

17 Q The second time you talked to anyone publicly
18 about this was an interview you did with CBC on
19 October 18th. Do you remember that?

20 A Yes.

21 Q And that's, you've testified earlier, where you
22 ran into Sergeant Carr? Dale Carr?

23 A No, that was -- sorry, there was a CBC interview,
24 but before that there was this CBC radio show. So
25 there was a radio show and then, later on, I don't
26 know how many days later, there was -- from me
27 being at that radio show, there was some reporters
28 that met me downstairs and asked me if I would
29 come back and do a TV interview, and I did do
30 that.

31 Q All right.

32 A So it must have been during the radio interview,
33 yeah, where I met Mr. Carr, yes.

34 Q I've printed off something from the CBC website.
35 It's dated Thursday, October 18th, 2007. The time
36 on this is 9:19 p.m., Pacific Standard Time. The
37 second paragraph says [as read]:

38
39 Lorne Meltzer, a corporate valet, told CBC
40 news Thursday he was at the airport picking
41 up a client just before 1:30 a.m. Sunday and
42 found himself facing Robert Dziekanski.

43

44 So does that help you remember that you spoke to
45 -- I'm not sure if it was --

46 A Yeah, it was --

47 Q -- TV or radio but on the Thursday.

1 A That was -- yeah, I don't -- but I don't remember,
2 you know, who -- like there was so many, there was
3 two or three reporters that I met at first to go
4 up to the radio, and then later there was TV. I
5 don't remember, so...

6 Q All right. And the next paragraph says:

7
8 He said he tried to calm an agitated
9 Dziekanski, 40, in the public arrivals area
10 and unwittingly led the Polish immigrant back
11 into the secure international arrivals area
12 using his pass to open the one-way doors.
13

14 A Correct.

15 Q All right. And they go on some more, and I'm
16 going to read you another paragraph --

17 A Sure.

18 Q -- and see if that's what you told them.

19 A Yeah.

20 Q

21 Meltzer claimed the officers gave Dziekanski
22 two commands in English, and within seconds,
23 tasered him after he held a stapler in an
24 apparent threatening manner.
25

26 Is that accurate as to what you told them?

27 A Yes, yeah.

28 Q And the next paragraph says:

29

30 He, Dziekanski, raised the stapler in the air
31 and they, RCMP, said, "Put your hands on the
32 desk," in English, Meltzer said.
33

34 A Yeah, if I said that at the time. I probably said
35 that. I don't specifically remember. It's been a
36 while, but --

37 Q Right. Well, this was four days after the --

38 A Right.

39 Q -- incident.

40 A Right.

41 Q So your memory would be pretty fresh then.

42 A I would say probably fresher than it is now, yes.

43 Q All right. And you were trying to be honest and
44 forthright with the interviewer?

45 A Yeah, yeah.

46 Q You had no reason to lie to them?

47 A No, no, no.

1 Q And then the third public statement, if you will,
2 or the third statement I've found is the one that
3 you gave to the RCMP, the Integrated Homicide
4 Investigation Team on October 19th, 2007.
5 A Correct.
6 Q So that's the day after CBC reported your
7 interview comments.
8 A Right.
9 Q Again, that's just five days after you saw --
10 A The incident, right.
11 Q -- Mr. Dziekanski. Just a couple of portions I
12 wanted to read to you and see if --
13 A Yes.
14 Q -- you agreed with the description in here. I'm
15 on page 3 of 60.
16 A Okay.
17 Q And just after -- about level with the hole punch
18 in the centre of the page.
19 A Yeah, I don't have hole punches here, but go on.
20 Q Oh, I'm sorry.
21 A That's okay.
22 Q Just about the centre of the page --
23 A No, that's okay.
24 Q -- and you've talked about hearing a word.
25 A Right.
26 Q And then you say:
27
28 Um, he was trying to pull the door closed but
29 it, the door wouldn't close --
30
31 A Yes, okay. The door wouldn't close, right.
32 Q
33 -- because right above him is an electronic
34 eye that opens the door as people are coming
35 out, right?
36
37 A Yeah, okay.
38 Q You're with me there?
39 A Yes.
40 Q
41 So as you're exiting, the sensor will know
42 that people are coming it opens the door. So
43 he's standing directly under the sensor,
44 trying to pull the door closed. And the door
45 won't close. Which is adding to more of his
46 hysteria and upsetness.
47

1 A Correct.

2 Q

3 He was, you know, he was sweating, his, you
4 know, I didn't smell any alcohol.

5

6 A Correct.

7 Q

8 And that's what you've just told me, that the
9 sweating was part of the reason you thought he
10 might have been drinking.

11 A Correct, yes.

12 Q

13 And then you go on to say:

14

15 Uh, I just saw him in a heightened state of
16 just pure panic. Just, just, just really,
17 really upset. Uh, you know, just really, I
18 would even to say to the point where he was
19 delusional he was so upset. He was just
20 working up and working up and working up.
21 And um, then I once again asked him to move
22 aside. I was gesturing, 'me,' you know, 'go
23 in there, you move aside', right? And, and he
24 wouldn't let me in. You know, he was just,
25 you know he was just panicked, delusional,
26 freaking out, right? And I, and then he was
27 screaming at me something else and I started
28 yelling at him.

29

30 A Yes, yeah.

31 Q

32 And that's what you told the investigator when you
33 were interviewed five days after the events?

34 A

35 Correct, yes.

36 Q

37 And is that true according to your recollection?

38 A

39 Well, to me -- yeah, to me, yes, it -- yeah, I did
40 say that, yeah.

41 Q

42 All right. And then over the page, you've
43 described what Mr. Dziekanski had done.

44 A

45 You're talking the next page, page 4?

46 Q

47 Yes, page 4.

48 A

49 Okay.

50 Q

51 And at the end of that first section with your
52 name against it --

53 A

54 Yes.

55 Q

56 -- about the last few lines there.

57 A

58 Yes.

59 Q

60 You talked about:

61

62 Security came and they saw this guy freaking

1 out and at that point, he was, he had the
2 computer, trying to throw the computer
3 against the glass window. And he had thrown
4 a wooden table against the glass window and
5 the wooden table shattered.
6

7 A Correct.

8 Q Is that what you told the investigator?

9 A Yes.

10 Q And is that what happened?

11 A Yes, yes.

12 Q All right. So given the damage he'd done, it was
13 fair for the police investigator at the scene to
14 interview you about the damage.

15 A You're saying the police investigator at the time
16 --

17 Q At the airport was asking --

18 A At the airport? I guess so, yeah, yeah.

19 Q Well, you didn't know Mr. Dziekanski had died when
20 you were talking to Constable Bentley, did you?

21 A Not at all, no.

22 Q And Constable Bentley didn't know that either.

23 A No, not at all, no.

24 Q So you were just talking about this as if it was a
25 case where someone damaged some property.

26 A Correct, yes.

27 Q Now, Mr. Kosteckyj was asking you about how the
28 investigator questioned you.

29 A Yeah.

30 Q This is in the same statement. I think he read
31 this out, but I'm just going to read out, on page
32 14, if you want --

33 A Okay.

34 Q -- to read along.

35 A Yeah.

36 Q And the Corporal had asked whether you were
37 threatened or felt scared of Mr. Dziekanski up to
38 that point.

39 A Right.

40 Q Right. And then Corporal Teboul said:

41
42 How did you ... I, I'm just having a tough
43 time ... um, making, sort of making, making
44 or formulating that understanding. Um, like
45 I have no, no, and I've seen the video that
46 was filmed by, by this guy, yeah.
47

- 1 And then he goes on, right? As I read that, he's
2 having problems understanding why, if you weren't
3 frightened by Mr. Dziekanski, you didn't go
4 through the doors as the janitor had.
- 5 A Right.
- 6 Q So you understood that's why he was asking you
7 more about that?
- 8 A I didn't understand at the time. Maybe -- your
9 suggestion maybe he was thinking that. To me, I
10 was -- I was feeling very -- I was feeling upset
11 like he was -- I wouldn't say talking down to me,
12 but I felt like -- kind of like he was kind of
13 playing Perry Mason with me, going, "Now, let me
14 see here. I'm kinda confused here," and I was
15 getting -- I was really getting -- you know, I was
16 getting pissed off with the situation, right?
- 17 Q All right. And after Mr. Dziekanski died, you
18 probably felt quite badly about having yelled at
19 him.
- 20 A Oh, I felt like hell. I couldn't sleep for about
21 two weeks. I remember calling Robert's mother and
22 just crying, you know. I was saying I wish I
23 could have done something more for him. And also,
24 you know, having dreams at -- not dreams at night,
25 but just feeling helpless. Kind of like I've had
26 dreams in the past where -- if you ever had a
27 dream where you're being chased and you're stuck
28 to the ground and you can't go anywhere and you
29 feel totally helpless and panic. That's how I
30 felt for about two weeks after, two three weeks
31 after that. I was just, you know -- in hindsight,
32 right, you know, it's like I wish -- you know, I
33 help people out all the time at the airport. I
34 wish I could have done something more.
- 35 Q Right. Well, it's a surprise to you that Mr.
36 Dziekanski ended up dying?
- 37 A I was shocked. The next day I heard it and I was
38 just -- 'cause I was talking to him. I was
39 talking to him, I was trying to calm him down,
40 then I was arguing with him. I was just like --
41 I've never had somebody die in front of me -- not
42 die, I wouldn't say in front of me, but I've never
43 had somebody that quick, you know, like that --
44 escalate and that happen.
- 45 Q All right. I don't -- nobody at the airport
46 expected that to happen, did they?
- 47 A I don't think so, no. No.

1 MS. ROBERTS: Thank you.

2

3 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
4 BENTLEY:

5

6 Q Mr. Meltzer, I'm David Butcher. I act for
7 Constable Bentley who was the police officer who
8 took the statement from you at the airport on the
9 night of these events.

10 A Okay.

11 Q But before I get to that, I'm going to ask you a
12 few questions about the chronology so that we can
13 get that clear. Maybe you'll remember this from
14 the questions from Commission counsel this
15 morning, but I'm going to suggest to you so that
16 we've got an outline of how many times you went to
17 the IRL that this is what happened.

18 Do you remember that we saw you coming out of
19 the elevators on one of the cameras at 1:09 a.m.

20 A Yes. Yes.

21 Q And then at 1:10 a.m., you are seen walking up the
22 walkway towards the IRL. Do you remember that?

23 A Yes, like walking from the elevator down, yes.
24 Yes.

25 Q And then at 1:14 -- and it's actually 1:14:24, you
26 were walking back down from the IRL.

27 THE COMMISSIONER: Leaving.

28 MR. BUTCHER: Sorry.

29 Q Leaving the IRL back into the meeting area. Do
30 you remember that?

31 A By the totem poles?

32 Q Come back to the area of the totem poles.

33 A Yes, I remember seeing it on the video. I don't
34 specifically, like I said -- right now, I don't
35 specifically remember how many times I went back
36 and forth. I've seen --

37 Q Well, that's why I --

38 A -- it on the video, yes.

39 Q That's what I'm trying to make sure we get
40 straight.

41 A Right.

42 Q Because if that's correct, then you spent four
43 minutes up at the door on the first time that you
44 went --

45 A So --

46 Q -- towards the doors and dealt with Mr.
47 Dziekanski.

1 A I guess so, yeah. I --
2 Q And tell me if you have any doubt about what I'm
3 suggesting to you.
4 A Right, I'll tell you, yeah, I will.
5 Q And we know as well, in the middle of that time at
6 1:13, you used your Proxy card to get in the door.
7 A Yes, or to open the door for him, yes.
8 Q And the video then shows you at 1:15 going up the
9 escalator.
10 A Correct.
11 Q That was to go and report the circumstances at the
12 IRL door to the security office; correct?
13 A Well -- yeah, to the security guard up at the --
14 guarding the tower, yes.
15 Q And you came back down at 1:18. Do you remember
16 that?
17 A Yeah, I remember coming down. I don't remember
18 how much time had passed.
19 Q Do you remember how much time you spent at the
20 security office?
21 A I --
22 THE COMMISSIONER: Well, no, counsel. I don't want to
23 interrupt you, but I think we all accept the times
24 on the video.
25 MR. BUTCHER: Okay.
26 THE COMMISSIONER: You really can't expect the witness
27 to tell you whether it's two minutes or three
28 minutes. I mean we have that.
29 MR. BUTCHER: Yeah, and I'm just going through with him
30 so that he understands when I'm asking --
31 THE COMMISSIONER: Yes, if you --
32 MR. BUTCHER: -- the questions that I have.
33 Q And after -- at 1:18, you then go back to the IRL
34 door and the Proxy card shows that you used it
35 again at 1:20. Okay?
36 A Yeah.
37 Q Do you accept that?
38 A Yeah.
39 Q And shortly after that, you're seen hopping over
40 the railing and going back into the meeting room
41 area.
42 A Correct.
43 Q So you'll agree that on that occasion, you're up
44 at the IRL door for a minute or two dealing very
45 briefly with Mr. Dziekanski that time.
46 A Deal -- I don't know if I was dealing with him,
47 but more so seeing if I could get past him to go

1 wait for my client.
2 Q Just -- is what you're really wanting to do is to
3 go up towards the -- what we call the Point, which
4 is the area where the travellers come out of the
5 Customs Hall and meet them right at the Customs
6 Hall area?
7 A No.
8 Q Where are you wanting to go?
9 A No. You obviously don't know, right? So what it
10 is, is I'll -- if I had a pointer -- see the IRL
11 has changed. It works? Okay. The IRL has
12 changed since, so this is where we're talking
13 about where I am. I'm trying to get in there and
14 I'm trying to see -- the second -- see --
15 Q No, I'm going to stop you there for a moment.
16 A Okay. Right, right, okay.
17 Q 'Cause I think we all agree --
18 A Okay.
19 Q -- that this is the point --
20 A Okay, sorry.
21 Q -- where Mr. Dziekanski is at the door.
22 A Okay, right. So this is -- I'm standing here.
23 This is where I want to go.
24 Q That's where you wanted to go.
25 A That's where I want to go, and from my
26 understanding of your questioning, you're thinking
27 that I wanted to stand right there and I'm not
28 allowed to. I'm standing right here.
29 Q So you want to go into the IRL area and stand more
30 or less in the middle of it, which is where your
31 client --
32 A Not in the middle. More so towards this wall
33 right there, sort of in that -- that area. Not in
34 the middle, but here.
35 Q Are you able to agree that's the eastern wall?
36 A I guess so, yeah, sure.
37 Q And -- so is that an area where you've pre-
38 arranged to meet the clients where --
39 A That's where everybody stands. That's where
40 everybody stands and holds the signs to meet
41 people, 'cause when the clients come out through
42 those Customs doors, it's maybe 100 feet and they
43 can see, oh, there's my driver, or there's
44 whoever. There's the person who's supposed to
45 meet me.
46 Q Okay. And then you're next seen going up towards
47 the IRL doors at about 1:26 a.m., and the police

1 arrive about two minutes later.
2 A Correct.
3 Q So the -- you're back at the doors for a very
4 short period of time before the police arrive.
5 A I don't know. I can't remember being specifically
6 back at those doors, but I can remember being in
7 that area, the corridor. If the video shows --
8 Q (Indiscernible - overtalking).
9 A -- that -- if the video shows that I'm close to
10 the doors then, yeah, I guess I was close to the
11 doors.
12 Q And would you say that's -- when you say "close to
13 the doors" between four and six feet, within that
14 area?
15 A I wouldn't -- I don't recollect.
16 Q Okay. And if I'm right -- and tell me if this is
17 your recollection -- you don't leave the IRL again
18 until 1:49 when we see you running away to --
19 because you've seen your client coming out the
20 other exit.
21 A Correct.
22 Q Now, obviously you are interviewed by Corporal
23 Bentley before you meet your client.
24 A Right.
25 Q Sorry, Constable Bentley. Now, that night you
26 were wearing a dark suit and tie and a white
27 shirt.
28 A Correct.
29 Q It might even be the same suit -- certainly the
30 same kind of suit as you're wearing today.
31 A Well, almost, yeah.
32 Q Your height we've been told is six-foot-one.
33 A Six-foot-one. Well, whatever 185 centimetres is,
34 yes, six-one.
35 Q And your weight?
36 A Well, 185.
37 Q Have you had any physical or -- physical training
38 or martial arts training at any point in your
39 life?
40 A No.
41 Q You told the police that Mr. Dziekanski was a
42 little shorter than you, but very well built.
43 That was your impression.
44 A Yeah, he seemed -- I didn't know if it was heavy
45 built, but he seemed heavier set, like a bigger,
46 you know, guy. I don't know.
47 Q Have you got your statement to the coroner there?

1 A Yes, which page?

2 Q Page 28 and page 28. The very bottom of page 27,
3 you said this to the police officer.

4
5 ...he was physically a little shorter but he
6 was bigger than me like...

7
8 And the police officer asks:

9
10 How tall are you?

11
12 And you say:

13
14 Husky, I'm Six-Two (6-2).

15
16 You're describing yourself there, aren't you?

17 A I guess I am, but I don't know why I said the word
18 "husky". I don't know.

19 Q And you then said:

20
21 So he's a bit shorter than me but he's, and
22 he's well built.

23
24 A Yeah.

25 Q That's what you told the police officer, wasn't
26 it?

27 A Yeah, what I meant by that was wider than me.
28 That's what I meant by that, but...

29 Q Those were the words you used.

30 A Yes. Those were the words that I used in the
31 statement, yes.

32 Q And throughout your statements, the three
33 statements to the police, you were giving your
34 best recollection and trying to tell the truth.

35 A Trying to, yeah, yeah.

36 Q Now, you're able to identify yourself at times in
37 the video, I'm going to suggest, in part because
38 of your height and dark clothing; is that fair?

39 A More so -- more so from the lack of head on my --
40 on my -- lack of hair on my head.

41 Q Well, that's -- that's a problem we share.

42 A Yeah, well, that's --

43 Q If it is a problem.

44 A That's more so how I can recognize myself.

45 Q Okay.

46 A Yeah.

47 Q And I'm going to suggest as well it's also because

1 each of us are able to recognize themselves in a
2 video when we might not recognize someone else.
3 A Correct.
4 Q You -- well, I'll ask you -- it this way first:
5 What do you remember about the physical
6 description of the police officer who took the
7 statement from you?
8 A The physical description --
9 Q Description of the police officer who took the
10 statement from you that night.
11 A To me, he was -- I don't know, I'd say medium
12 height. I don't know for sure. I remember the
13 police vest on him, the bullet-proof vest and, I
14 think, wearing a hat but I can't remember.
15 Q Do you remember if he had reddish-hair?
16 A Now, that you say that, I think he did, yeah.
17 Q And if you look at the bottom of page 44 of your
18 statement to the coroner --
19 A To the coroner, okay. Page 44?
20 Q Yes.
21 A Okay.
22 Q You said this:
23
24 Um, but the shorter RCMP officer, he was, he
25 was quite short because he interviewed me
26 afterwards. Like after it happened.
27
28 To get a witness statement or whatever.
29
30 A Yeah.
31 Q
32 He was quite short. And, and I don't know
33 height, but maybe I don't know...five-five
34 (5-5), five-four (5-4).
35
36 A Yeah.
37 Q That's what you thought at --
38 A That's, yeah, I'm a bad --
39 Q -- the time.
40 A -- caller of age and height, yeah, so...
41 MR. BUTCHER: I'm going to ask Dr. Perra if he can take
42 us on video 22244 to about 1:38.
43 Q And I'm going to ask you, sir, if you can look at
44 this video at that point and see if you can
45 identify yourself being interviewed by the police
46 officer. And if you can't, that's fine, because
47 it's a very poor and distant image.

1 DR. PERRA: 1:30...?

2 MR. BUTCHER: 1:38.

3 Q Obviously I'm going to be asking you to look up in
4 the area of the IRL doors.

5 A Right.

6 Q Because if -- if my chronology is correct, you
7 don't leave there until you see your client coming
8 out the other exit.

9 DR. PERRA: 1:38.

10

11 (VIDEO BEING PLAYED)

12

13 MR. BUTCHER:

14 Q Yes. So I'm going to ask are you able to identify
15 yourself in that video? If we can stop there at
16 the moment, it's 1:38:07. Are you able to
17 identify yourself as the dark figure --

18 A Yeah.

19 Q -- standing by the door waiting for -- waiting for
20 your client?

21 A Yes.

22 Q No matter what's happening there, you're not going
23 to leave because you want to make sure you meet
24 the client.

25 A Well, I'm looking in that area, and I'm also
26 looking in this area, right?

27 MR. BUTCHER: I'm going to ask you to, Dr. Perra, to
28 play the video slowly.

29 Q And see if you're able to identify this as being
30 the time that the police officer talks to you.

31 Actually, I'm going to stop -- if I can stop
32 the video for a moment. You told us that you
33 didn't go back into the IRL after -- I think after
34 you swiped it the second time at 1:20. Does that
35 include after the incident?

36 A Yeah, I was --

37 Q After the taserings?

38 A -- never -- I was never in that area, like --

39 Q So after the taserings --

40 A -- past the doors.

41 Q -- you never went back through those doors?

42 A No, no.

43 Q And so the police officer interviewed you on this
44 side of the doors?

45 A Yes, this side of the doors, and I remember being
46 on this side of the railing, not that side. I
47 remember being on this side.

1 Q All right. Well, let's see if you can --
2 A Right.
3 Q -- remember that.
4 A Right.
5 Q Or let's see if you can identify the place. Now,
6 we're at 1:38:23. There's one dark figure there.
7 Are you able to identify that as yourself?
8 A No, I can't say for sure, but it looks like me.
9 But I can't, you know, say for sure.
10 Q And it's fair to say as we're playing the video,
11 you're pacing --
12 A Yeah.
13 Q -- around a bit waiting for your client.
14 A Yeah, it is fair to say that it's probably me, but
15 I -- you know, I can't -- it's so grainy.
16 Q Now, do you see a second person has -- somebody's
17 walking back in through the IRL at this point.
18 A Yeah, that seems to me like a limousine driver. I
19 saw him come with a piece of paper and that's
20 usually -- but I don't know if --
21 Q Would you -- now, that was 1:39:22. Would you
22 recognize that as Mr. Le?
23 A Mr. Le?
24 Q Yes.
25 A No, I don't remember seeing that person.
26 Q I'm just going to see if you can -- at any point
27 in the video that follows -- identify when the
28 police officer comes. Stop -- there. If you see
29 somebody's come out and it's 1:39:38, were you
30 able to see that that person was a police officer?
31 A Yeah, it looks --
32 Q Wearing a shirt and a bullet-proof vest?
33 A It looks like a grey shirt and a bullet-proof
34 vest, yes.
35 Q And that's somebody apparently talking to you.
36 A Okay, well...
37 Q Is that fair? Is that --
38 A Well, I would say yeah, I guess -- I guess, yes,
39 more so now seeing the video, yes.
40 Q And that's at 1:39:38 on this video; is that
41 correct?
42 DR. PERRA: Yes.
43
44 (VIDEO STOPPED)
45
46 MR. BUTCHER: Yes.
47 Q Now, before the officer who took the statement

1 from you took that statement, he made a note of
2 your driver's licence and of your address in his
3 notebook. Do you remember that happening --
4 A I --
5 Q -- before the statement was taken?
6 A I don't remember right now, but if you say that's
7 what happened, yeah.
8 Q Do you remember him making a radio broadcast
9 asking for the police file at some time that he is
10 dealing with you --
11 A Yes, I do. Now that you mention that --
12 Q (Indiscernible - overtalking) police file number.
13 A -- I do remember. He asked for a case number or
14 something like that, or something of the -- yes.
15 Q And the -- the movements that we've just seen are
16 actually inside the railing.
17 A Right, right.
18 Q Having seen the video, would you agree that that's
19 corrected the recollection you had a few minutes
20 ago?
21 A Yes, yes, now it has, yes.
22 Q Now, something -- I'm going to go back in time now
23 to when you first came into --
24 A The area.
25 Q -- the meeting area off the elevators. The very
26 first thing that you saw Mr. Dziekanski doing was
27 throwing suitcases over the railing from the
28 meeting area side of the walkway towards the --
29 the glass door side of the walkway; is that
30 correct?
31 A If that's what I said in the statement, yes, but I
32 don't remember -- like I said, details are so
33 vague now. I just -- I just -- the only thing
34 that sticks in my mind for sure is him screaming
35 after he got tasered. That's -- that's like
36 yesterday.
37 But these little details outside of me saying
38 them in my statement, if I said them in my
39 statement, I guess that's what I said in my
40 statement, right? It was more fresh than it is
41 now.
42 Q Okay. Let's go to page 5 of your statement to the
43 coroner.
44 A Okay.
45 Q Right in the middle of the page. Do you have it?
46 A Yes, page 5, yes.
47 Q

1 When I first saw him --

2

3 Sorry, this is what the coroner asked:

4 A Yeah.

5

6 When you first saw him?

7

8 Answer:

9

10 When I first saw him is here, maybe here,
11 something like that. And he's here with
12 three (3) suitcases, right. And he throws
13 them over the glass, which is you know, maybe
14 three (3) feet, whatever.

15

16 A Yeah.

17 Q

18 He threw them from here over here.

19

20 Have I read that correctly?

21 A Yes.

22 Q

23 And does that refresh your memory about seeing Mr.
24 Dziekanski throwing his suitcases?

24 A Yes.

25 Q

26 Are you able to tell us what you were meaning when
27 you were telling the coroner that you saw him
28 throw them "from here to here".

28 A

29 Yeah, well, reading this statement, I -- either
30 he's throwing them over the glass partition or
31 throwing it from like the inside of the glass
32 partition from one side to the other. I don't --
33 you know, it's...

33 Q

34 So today you don't have a memory of which of those
35 two --

35 A

36 I don't specifically have a memory of what I meant
37 by from here to there. I don't remember that, no.

37 Q

38 I'm going to ask you some general questions before
39 I get into the rest of the sequence of events.

39 A

40 You were interviewed at much more length by
41 Corporal Teboul.

41 A

42 Correct.

42 Q

43 On October the 19th which is about five days
44 later. If I've got your evidence correctly, the
45 day after you went to CBC.

45 A

46 Correct, I guess, yeah.

46 Q

47 And how much news coverage and video coverage had
48 you seen before you spoke to the police on October

1 the 19th.

2 A I saw quite a lot in the newspapers, and I don't
3 know if at that point in time the video had come
4 out. But I was -- I heard it on the news the next
5 day and I was quite shocked, and I just kept
6 reading the newspapers of people's different --
7 people's reports or recollections or whatever it
8 was.

9 Q And by the time you spoke to the coroner on
10 December the 23rd --

11 A Yeah.

12 Q -- you were asked this question:

13

14 Do you feel your memory has been altered by
15 having seen the video.

16

17 And you responded -- this is page 28, I'm sorry.

18

19 Yeah, yeah, yeah. Um, when I made the RCMP
20 Statement, I assume, I thought that the,
21 Robert got Tasered kind of more so on the
22 corner of this kiosk.

23

24 A Right.

25 Q You were asked that question and gave that answer
26 and it was true?

27 A Right, yes.

28 Q So the -- simply watching the videos on television
29 had changed your memory a bit.

30 A Yeah. Yes, it did, yes. Don't forget, at the
31 time I'm there panicking, not just 'cause of
32 Robert, but because of my client. This is my
33 bread and butter and the recollection of seeing a
34 video and seeing this video, compared to being
35 there in a panic, freaking out, is two different
36 things, right?

37 Q Now, when did you first go and see Mr. Kosteckyj?

38 A Well, I just saw him the one time on the date that
39 he mentioned.

40 Q Okay. And if you can look at your answer at the
41 bottom of page 29 of 46 of the December 23rd
42 statement, it's apparent that Mr. Kosteckyj gave
43 you his view of what was seen on the video as
44 well.

45 A Yeah. I'm reading it, yeah.

46 Q So that was another potential influence on what
47 you had -- on what you were then going to describe

1 about what you'd seen that night.

2 A I would -- I would say anything, any kind of
3 information would be a potential influence, I
4 guess. If you want to call it influence -- I
5 don't know if that's the word you want to use,
6 sir. I don't know if I'd agree with it, but
7 that's -- anything is possible.

8 Q Now, my friend, Ms. Roberts, read some parts of
9 your statements to you and I'm going to try not to
10 repeat those. But at various times, you were
11 asked in both your statement to the police and the
12 statement to the coroner to describe Mr.
13 Dziekanski's condition and I'm going to take you
14 to just a few of those if I may.

15 A Okay.

16 Q And I'll try not to repeat anything that Ms.
17 Roberts has done. If I can take you to page 9 of
18 60.

19 A Yes.

20 Q You said this at the very top of that page.

21
22 Yeah. He was, yeah, panicked, sweating.
23 (CLEARS THROAT) And his, his eyes were just,
24 I would say red, I would just say just very
25 fatigued and he'd had enough. You know? Just
26 very fatigued.

27

28 A Right.

29 Q And then at the bottom of that page, your last by
30 one comment:

31

32 He's kind of pacing back and forth a couple
33 feet left and right, mumbling in his
34 language. (INDECIPHERABLE) you know, he was
35 just mumbling going "(INDECIPHERABLE)" just
36 ... manic. Just manic.

37

38 That was -- those were two descriptions that you
39 gave of him to the police on October the 19th,
40 2007.

41 A Correct.

42 Q And indeed, when you went to speak to the coroner,
43 on page 17 of that statement, you repeated that --
44 you repeated that language, but he -- at the very
45 bottom of page 17.

46

47 But he was just pacing and he was manic and I

1 couldn't communicate with him in his
2 language, um, and he was manic, pacing and I
3 don't know, just I don't know. Also, you
4 know, I feel that you know, I don't know, I
5 just couldn't communicate with the guy...
6

7 A Correct.

8 Q Have I read that correctly?

9 A Yes.

10 Q Now, both of those excerpts accurately describe
11 your impression of Mr. Dziekanski at the time that
12 you dealt with him.

13 A Correct, yes.

14 Q Now, if I can take you to page 51 and 52 of your
15 statement to the police -- and you might want to
16 read that just for a moment, because this is the
17 point where you get into a discussion with the
18 police officer about some informal scale of sanity
19 or insanity; is that correct? So just --

20 A Yeah, yeah, describing on a scale of 1 to 10, but
21 I would think -- yeah.

22 Q And I'm going to read to you from about the middle
23 of page 51, some of the excerpts from those two
24 pages.

25
26 Yeah he (INDECIPHERABLE) gesture, "Calm
27 down." And between that time and the other,
28 other officer, the black RCMP officer asked
29 him for his passport, between those two
30 incidences, he calmed down a bit. But I
31 wouldn't say super like, you know, normal
32 calm.

33
34 I'd say, a number, you know, number nine
35 insanity to maybe a number six. I don't
36 know.

37
38 And the corporal said:

39
40 And I assumed you scale that is that a ten?

41
42 Yeah, yeah, out of ten.

43
44 So before we go on, let's just be sure. This was
45 your scale that you were using --

46 A Yes, correct.

47 Q -- not the police officer's scale.

1 A Yes. Yes.

2 Q And then at the top of the next page, 52, you
3 attempt to describe your scale as -- and you say
4 this:

5
6 Yeah, ten being...attacking, freaking out,
7 going after you know, attacking somebody,
8 yeah. I would say...I don't know.

9

10 The corporal asks you:

11

12 W-what do you mean you say attacking
13 somebody?

14

15 And you said:

16

17 Well, well to me on a scale of one to ten, to
18 me to me ten would be absolutely freaking
19 out, attacking somebody, going absolutely
20 crazy.

21

22 And the corporal asked:

23

24 Yeah, and you're saying he was at a nine?

25

26 I would say, yeah, he was at, yeah, I would
27 say he was at a, yeah he was...he...yeah I
28 would say h-he, he was, he was really
29 heightened. Ten being, okay he's gonna go.

30

31 A Yeah.

32 Q Those are your words.

33 A Correct.

34 Q And again, that's an accurate description of what
35 you were thinking about Mr. Dziekanski.

36 A At the time, yes.

37 Q And so you weren't thinking that he was actually
38 about to attack you, but he was just a little bit
39 below that level.

40 A I would say so.

41 Q Now, I'm going to ask you to try to do something
42 and it may be that I ask you to do this overnight.
43 I hope that I've been able to establish with you
44 that you actually were up at the IRL doors on
45 three separate occasions before the police
46 attended. All of those were brief interactions
47 with Mr. Dziekanski for a short number of minutes,

1 somewhere between two and four minutes each time.
2 Is that fair?
3 A I would say the third one was not an interaction
4 with him, no.
5 Q Oh, what --
6 A Not at all.
7 Q What was the third one?
8 A The third one was me just standing at the door
9 staring at the IRL area, staring at this area, and
10 watching Robert smashing things. But there's no
11 way that I talked to him when he was going through
12 drawers, smashing computers, smashing -- I just --
13 I couldn't communicate with him. There's no
14 interaction on that third one, for sure.
15 Q Okay. So we -- from that answer, we can take it
16 that the angry outburst that you've described
17 having with him occurred on one of the first two
18 interactions --
19 A One of the first.
20 Q -- which you had with him.
21 A It probably -- yeah, I can't say if it was the
22 first one or the second one. I can't say for
23 sure.
24 Q I'm going to suggest that it was more likely that
25 your first attempt involved trying to reason with
26 him and trying to calm him down, and that it was
27 in the second attempt that you were trying to deal
28 with him that you got angry because you, by that
29 point, got frustrated that you hadn't been able to
30 change his behaviour. Does that make sense to
31 you?
32 A I couldn't say for sure 'cause, as you pointed
33 out, the first four minutes I was there, it may
34 have taken a longer period of time for me to do
35 that. I don't know for sure. I couldn't tell
36 you. I wouldn't --
37 Q I want to deal with one last subject before we
38 break today. You described in your direct exam by
39 Commission counsel an effort to try to make
40 gestures to him to calm down.
41 A Yes.
42 Q Do you remember that?
43 A Yeah, that was during my first --
44 Q That's -- that's probably the very first thing
45 that you did with him.
46 A Yes.
47 Q Is that fair? And you lifted both palms up in the

1 air at about shoulder height when you --
2 A More like this.
3 Q -- showed that gesture.
4 A More like this. Not like this, but more like
5 just --
6 Q So it's --
7 A -- like "calm down".
8 Q -- palms out.
9 A Yes. Palm --
10 Q Shoulder height down to waist height.
11 A Hand gestures, yeah, like just --
12 Q A hand gesture that you're doing.
13 A -- slow palm down, yes.
14 Q And you later on in your statement said that when
15 the police first arrived, they tried to make it --
16 they made exactly the same gesture --
17 A Yes.
18 Q -- that you had made.
19 A Yes.
20 Q So is that the first gesture --
21 A It was --
22 Q -- that you see the police making as well? Palms
23 down?
24 A Not the first, no.
25 Q No?
26 A Not the first one, no.
27 Q What's the first thing you saw?
28 A To my recollection in my mind is the police
29 officers walk in, the tall black RCMP officer asks
30 him for a passport. This is my recollection; it
31 could be wrong. And then he -- I don't know if he
32 stumbled around or tried to look for something,
33 and then the other RCMP officer, the white guy --
34 it could have been the guy who interviewed me,
35 Bentley -- motioned, "It's okay, calm down." That
36 was the second interaction --
37 Q That's the second interaction they have with him.
38 A To my recollection, yes.
39 Q What you can say is that it was one of the shorter
40 officers who --
41 A Yes.
42 Q -- gestured to him to calm down.
43 A Yes. Yes. Yes.
44 MR. BUTCHER: Mr. Commissioner, I see it's four
45 o'clock. I've got some other areas and I know my
46 friends have more for him.
47 THE COMMISSIONER: Yes, all right. Just before we

1 break, Mr. Meltzer, you said he was very fatigued.
2 He -- you said a lot of things and I'm just
3 picking out one or two now.

4 A Yes, yes. Yes.

5 THE COMMISSIONER: You said he was pacing and manic.

6 What did you mean by manic, just manic?

7 A What I meant by manic is I saw him sweating and
8 pacing and he was talking to himself.

9 THE COMMISSIONER: All right.

10 A Right? And, to me, when somebody is manic,
11 they're talking to themselves, okay, this is
12 what's going -- you know, he just really seemed --
13 yeah.

14 THE COMMISSIONER: Okay. I understand what you're
15 saying. All right. Ten o'clock tomorrow.

16 THE REGISTRAR: The hearing is now adjourned until
17 10:00 a.m. tomorrow morning.

18
19 (WITNESS STOOD DOWN)

20
21 (PROCEEDINGS ADJOURNED TO FEBRUARY 4, 2009 AT
22 10:00 A.M.)
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