

INFORMATION TO OBTAIN
(Ontario Court of Justice)

CANADA
PROVINCE OF ONTARIO
TORONTO REGION



An application for Production Orders pursuant to section 487.014 of the *Criminal Code*.

An application for Search Warrants pursuant to section 487 of the *Criminal Code*.

An application for an Order Denying Access to Information pursuant to section 487.3 of the *Criminal Code*.

I, Dennis YIM #9543, of the Toronto Police Service, City of Toronto, affirm and say as follows:

- (a) I understand that this is an *ex parte* application and that I am obligated to provide full, frank and fair disclosure of the material and information available to me. In drafting this Affidavit, I did not include every single detail of the investigation, which I believe does not impact on the sufficiency of the material and information I am presenting. I did not report on peripheral details to matters being investigated. Many reports I have read contained more information than I have included in this Affidavit. In an effort to prepare a document that is clear and concise, I have included information that, I believe, is relevant to this particular investigation and which is necessary to establish the grounds for granting the requested Authorizations. I am aware of my duty to present information that would detract from my grounds.
- (b) I have reasonable grounds to believe that the following offence under the *Criminal Code* has been committed:

Unknown person(s), between December 13, 2017 and December 15, 2017, inclusive, at 50 Old Colony Road in the City of Toronto in the Toronto Region, did commit the offence of Murder, contrary section 235(1) of the *Criminal Code*.

1. OVERVIEW AND ORDERS AND WARRANTS BEING SOUGHT

On Friday, December 15th, 2017, the Toronto Police Service received a 911 call to attend at 50 Old Colony Road, in the City of Toronto. Responding officers discovered the bodies of Bernard and Honey SHERMAN in the basement of their home, next to their swimming pool. They were facing the wall in a semi-seated position. Their arms were behind them, and their bodies were being held up by black belts wrapped around their necks and tied to a railing approximately

[REDACTED]. As detailed below, I have reasonable grounds to believe that Honey SHERMAN was murdered, and that Bernard SHERMAN was either murdered or committed suicide. At this point in the investigation, investigators are trying to determine who is responsible for their deaths.

In this application I am seeking the following orders and warrants:

- Three production orders for banking information relating to Bernard and Honey SHERMAN.
- A production order for OHIP¹ billing information relating to Bernard and Honey SHERMAN.
- A production order for Apotex employee security card logs and recordings of available video surveillance of the lobby and parking areas at the building occupied by Apotex Inc.
- A search warrant to search the office and lab of Bernard SHERMAN located at the building occupied by Apotex Inc.
- A search warrant to re-seize and analyze a computer that was seized from Bernard SHERMAN's office at Apotex Inc.
- An order denying access to documents relating to this application.

The banking information will afford evidence because it will allow police to narrow down the time of death, track the movements of Bernard and Honey SHERMAN in the days leading up to their deaths, identify persons with whom they had recent financial transactions who may be witnesses or potential suspects, as well as determine if either of them had purchased any of the items that were used to cause their deaths. Banking records from the time after their deaths will show if any other persons had access to their accounts which could reveal a motive for murder as well as identify any potential suspects.

The OHIP billing information relating to Bernard and Honey SHERMAN will afford evidence because it will identify any past treatment for mental illness, suicide attempts, or potential domestic violence. This information will assist investigators to assess whether this is a case of double murder or murder-suicide.

The surveillance video from Apotex will allow investigators to narrow down the time frame of the time of death of both Bernard and Honey SHERMAN, as stills from this video record the last known time that Bernard SHERMAN was seen alive. The video will also show the clothing that Bernard and Honey were wearing when they were last seen. The video will also be used to corroborate witness statements. If the time of death of the SHERMANS can be determined, the video surveillance of persons on video in and around that time can provide alibis and thereby eliminate potential suspects and persons of interest.

¹ OHIP-Ontario Health Insurance Plan.

Swipe card logs can be used to corroborate the video surveillance and can be used in the same way as video surveillance to provide alibis thereby eliminating potential suspects and persons of interest.

A search of the lab and office belonging to Bernard SHERMAN will allow investigators to search for any writings that would indicate Bernard SHERMAN's state of mind, such as a suicide note or journals. Correspondence could also reveal who Bernard SHERMAN was in contact with in the days, weeks and months leading up to his death. This could identify potential witnesses or suspects previously unknown to police. Financial documents could indicate if Bernard SHERMAN was [REDACTED]

[REDACTED] Medications and chemicals located in the lab will be compared to the toxicology results which will be obtained from the post mortem examinations of the SHERMANS to determine if either Bernard SHERMAN or Honey SHERMAN had consumed any of the medications or chemicals from Bernard SHERMAN's office or lab prior to their deaths. Medications and chemicals located in the lab will also assist to identify any further toxicological testing that should be conducted.

A search of the computer located in Bernard SHERMAN's office will assist investigators in identifying persons that Bernard SHERMAN was in communication with in the days leading up to his death, additional contacts or associates of Bernard, calendars that could indicate who Bernard planned to meet with, and other notes or text documents that were created, altered and stored within the computer.

If granted, the search warrants will be executed with the assistance of counsel from Goodmans LLP, Barristers & Solicitors to ensure that any legal privileges potentially impacted by the searches are respected. The specific terms and conditions relating to privilege have been agreed to with Goodmans LLP, and they are outlined in this Information to Obtain in the section pertaining to "manner of execution".

2. PREVIOUSLY CONSIDERED JUDICIAL AUTHORIZATIONS

(a) On Wednesday December 20th, 2017 investigators sought a search warrant authorizing the re-seizure and examination of the following electronic devices, which had been seized from the SHERMAN residence:

- i. White Apple iPhone
- ii. Black Blackberry phone
- iii. Two iPads
- iv. Toshiba laptop
- v. HP desktop computer

Judge L. PRINGLE authorized the warrant in relation to the white Apple iPhone but denied the warrant in relation to the other devices.

(b) On Wednesday December 20th, 2017, Production Orders were applied for and granted by Judge L. PRINGLE to obtain the following:

- i. Phone records for phone number [REDACTED] associated to Bernard SHERMAN for the time period of 12:00 AM on November 15th, 2017 to 12:45 PM on December 15th, 2017.
- ii. Phone records for phone number [REDACTED] associated to Honey SHERMAN for the time period of 12:00 AM on November 15th, 2017 to 12:45 PM on December 15th, 2017.
- iii. Email records for email address, [REDACTED] belonging to Honey SHERMAN for the time period of December 1st, 2017 to December 15th, 2017 inclusive.

(c) On Tuesday January 9th, 2018, a search warrant was applied for and granted on January 10th, 2018 by Judge L. PRINGLE authorizing the re-seizure and examination of the following electronic devices, which had been seized from the SHERMAN residence:

- i. Black Blackberry phone
- ii. Two iPads
- iii. Toshiba laptop
- iv. HP desktop computer

The application for this search warrant was supported by an Information to Obtain prepared and sworn by DC DEVINE. I have read and reviewed this Information to Obtain to obtain general background of this investigation and to ensure that I make full and fair disclosure in this application. However, for the purposes of this application I have also personally reviewed many of the case materials, prepared my own summaries of relevant information, and independently assessed my grounds. The sources for the information I rely upon are described throughout my Information to Obtain.

3. INTRODUCTION TO THE AFFIANT

- (a) I, Dennis YIM #9543, I am a police officer, employed by the Toronto Police Service since August 2006. I am currently assigned to 32 Division, Major Crime Unit and have been assigned to assist with this case as a criminal investigator with the Specialized Criminal Investigations, Homicide Unit. My duties include preparing judicial applications or other investigative duties as assigned by the Major Case Manager.
- (b) I have been involved in this investigation since Thursday December 21st, 2017 as a member of the homicide team investigating this matter. I have performed my duties in relation to this investigation under the direction of the Officer in Charge, Detective Sergeant Sue GOMES #1004.
- (c) The information contained within this application is known to me from the following sources:
- i. Direct knowledge;
 - ii. Interviews conducted with witnesses;
 - iii. Information relayed to me by other officers based on the interviews they have conducted and their observations;
 - iv. Written reports and police officer's memorandum books that I have read;
 - v. Photographs taken of the scene and at post-mortem examinations

Wherever possible the information set forth in this application will be laid out in chronological order, however, due to the complexity of the investigation and for clarity and ease of use it has been broken down into separate headings.

- (d) I have personal knowledge of this investigation and I believe the following information to be accurate and true.

4. INVESTIGATIVE SOURCES AND ACRONYMS

- (a) Intergraph Computer Assisted Dispatch** hereinafter referred to as ICAD. ICAD is a computer program operated by the Toronto Police Service. ICAD is designed to record information regarding calls for service from members of the public, and assist with the dispatch of Toronto Police Service members to those calls for service.

(b) Versadex Records Management System (RMS) herein after referred to as “VDX”. On November 5th 2013, VDX replaced and consolidated the Toronto Police Service’s ECOPS and CIPS systems. Similar to ECOPS and CIPS, VDX is an internal database managed by the Toronto Police Service. It contains records pertaining to any individual who has reported an incident to and/or have been charged by the Toronto Police Service. A VDX report contains the nature of the incident, the person(s) involved in the incident, and may contain business and individuals’ personal information, including but not limited to: name, date of birth, physical descriptors, phone numbers, personal and business addresses, next of kin information, vehicle information, vehicle plates, court information [charge(s) / disposition(s)] and other details related to the reported incident. Any incident reported to the Toronto Police Service is entered into the VDX system.

(c) Cumulus is an electronic catalogue of digital photographs captured by the Toronto Police Service. In addition to cataloguing photographs, the Cumulus system also records the dates and times of the photographs and the badge numbers of the officers who took the photographs.

5. POLICE OFFICERS INVOLVED

- (a) Detective Sergeant Sue GOMES #1004, hereinafter referred to as D/Sgt. GOMES is a police officer employed by the Toronto Police Service – Homicide Unit. She is the Major Case Manager in this matter and at times provides investigative direction.
- (b) Detective Sergeant Kevin LEAHY #99418, hereinafter referred to as D/Sgt. LEAHY is a police officer employed by the Toronto Police Service – Homicide Unit. He has various investigative duties in this matter.
- (c) Detective Brandon PRICE #8329, hereinafter referred to as Det. PRICE is a police officer employed by Toronto Police Service – Homicide Unit. He has various investigative duties in this matter.
- (d) Detective Constable Kristin THOMAS #7660, hereinafter referred to as DC THOMAS is a police officer employed by the Toronto Police Service – Homicide Unit. DC THOMAS conducted interviews and viewed video.
- (e) Detective Constable Kristy DEVINE 9132, hereinafter referred to as DC DEVINE is a police officer employed by the Toronto Police Service – Homicide Unit. DC DEVINE is the original affiant in this matter.

- (f) Detective Constable Xu WU #9403, hereinafter referred to as DC WU is a police officer employed by the Toronto Police Service – Forensic Identification Services. DC WU attended the post mortem examination of Bernard SHERMAN and the scene at 50 Old Colony Road.
- (g) Detective Constable Paul SOUCY #8583, hereinafter referred to as DC SOUCY is a police officer employed by the Toronto Police Service – Forensic Identification Services. DC SOUCY attended the scene at 50 Old Colony Road.
- (h) Police Constable Lesley HENRY #5393, hereinafter referred to as PC HENRY, is a police officer employed by the Toronto Police Service – 33 Division Primary Response Unit. PC HENRY was one of the first officers on scene.
- (i) Police Constable Kristina MEHAK #11211, hereinafter referred to as PC MEHAK, is a police officer employed by the Toronto Police Service – 33 Division Primary Response Unit. PC MEHAK was one of the first officers on scene.
- (j) Police Constable Felice BUCCIERI #65788, hereinafter referred to as PC BUCCIERI, is a police officer employed by the Toronto Police Service – 33 Division Primary Response Unit. PC BUCCIERI completed the Initial Officer Report
- (k) Detective Constable Angela TABORSKI #90405, hereinafter referred to as DC TABORSKI, is a police officer employed by the Toronto Police Service – 33 Division, Criminal Investigations Bureau. DC TABORSKI conducted witness interviews.
- (l) Detective John BEREZOWSKI #3858, hereinafter referred to as Det. BEREZOWSKI, is a police officer employed by the Toronto Police Service – 33 Division, Criminal Investigations Bureau. Det. BEREZOWSKI conducted witness interviews.
- (m) Detective Michelle CAMPBELL #8113, hereinafter referred to as Det. CAMPBELL, is a police officer employed by the Toronto Police Service – Homicide Unit. Det. CAMPBELL conducted witness interviews.
- (n) Detective Constable Catherine DE OLIVERIA #10360, hereinafter referred to as DC DE OLIVERIA, is a police officer employed by the Toronto Police Service – 33 Division, Major Crime Unit. DC DE OLIVERIA conducted witness interviews.

- (o) Detective Constable Scott GRONDIN #7828, hereinafter referred to as DC GRONDIN is a police officer employed by the Toronto Police Service – Forensic Identification Services. DC GRONDIN attended Apotex Inc. at 150 Signet Road.
- (p) Detective Constable John ANGUS #86527, hereinafter referred to as DC ANGUS is a police officer employed by the Toronto Police Service – Technological Crimes Unit. DC ANGUS attended Apotex Inc. at 150 Signet Road.
- (q) Detective Jeff TAVARES #7744, hereinafter referred to as Det. TAVARES, is a police officer employed by the Toronto Police Service – Homicide Unit. Det. TAVARES conducted witness interviews.

6. THE DECEASED PERSONS

- (a) Honey SHERMAN, born January 25th, 1947



On January 3rd, 2018, I reviewed a Supplementary Report created by DC THOMAS, regarding the background of Honey SHERMAN and learned the following:

- i. Honey SHERMAN resided at 50 Old Colony Road, Toronto, ON
- ii. She did not have any criminal record or fingerprints on file with police.
- iii. The above photo was from the Ministry of Transportation databases.
- iv. Honey had an Ontario Driver's licence with licence number [REDACTED] and she had three vehicles registered under her name. The vehicles are:
 - I. 2007, brown, Lexus with Ontario plate [REDACTED]
 - II. 1999, silver, Ford with Ontario plate [REDACTED]

III. 1982, grey, Chrysler with Ontario plate [REDACTED]

- v. Honey SHERMAN was married to Bernard SHERMAN and they had four adult children together.

(b) Bernard SHERMAN, born February 25th, 1947



On January 3rd, 2018, I reviewed a Supplementary Report created by DC THOMAS regarding the background of Bernard SHERMAN and learned the following:

- i. Bernard SHERMAN resided at 50 Old Colony Road, Toronto, ON.
- ii. He did not have any criminal record or fingerprints on file with police.
- iii. The above photo was taken from the Ministry of Transportation databases.
- iv. Bernard had an Ontario Driver's licence with licence number [REDACTED] [REDACTED] and one vehicle registered under his name. The vehicle is a:
 - I. 2008, white, Acura, with Ontario plate [REDACTED]
- v. Bernard SHERMAN was married to Honey SHERMAN and they had four adult children together.

7. THE SCENE

The scene is a single detached home located at 50 Old Colony Road, Toronto, ON, in an affluent neighbourhood, south of Highway 401 and East of Bayview Avenue.



2



3

On January 3rd, 2018 I viewed a “Real Estate Open House Package” for 50 Old Colony Road obtained by D/Sgt. LEAHY #99418. I learned from this package that the house was listed for sale on MLS⁴ under MLS number C3994621 for \$6,988,000, and Elise STERN was one of the listing agents.

² I obtained this image from Google Maps.

³ I obtained this image from Google Maps.

⁴ Multiple Listing Service (MLS) - is a service used by a group of real estate brokers. The brokers band together to create an MLS that allows each of them to see one another's listings of properties for sale. Under this arrangement, both the listing and selling broker benefit by consolidating and sharing information, and by sharing commissions. Source: <https://www.investopedia.com/terms/m/multiple-listing-service-mls.asp>

8. BACKGROUND OF THE INVESTIGATION

(a) ICAD Report

On January 3rd, 2018, I reviewed ICAD Report numbers 2017-3200639 and 2017-3201016 and learned the following.

- i. The call came in at 11:44 AM on December 15th, 2017, as a 911 call and was dispatched as an “Echo Tiered Response”.
- ii. The location of the call was 50 Old Colony Road.
- iii. Elise STERN, who is a real estate agent called and said that there were two victims and that she believes that someone had killed her clients.
- iv. There was another male caller, who identified himself as Joseph COHEN, who told the dispatcher that he was going to attend the address.
- v. The gardener, Clair BANKS, believed that the victims were deceased and that the two victims’ [REDACTED]
- vi. Nelia NACACANGAY identified herself as the cleaning lady and spoke with the dispatcher. Nelia advised that she arrived at the house at 8:30 AM and she thought her clients were sleeping so she did not think to go check the pool area.
- vii. Elise STERN advised she did a showing and they had walked through the whole house.
- viii. At 11:56 AM police on scene located two parties with vital signs absent.

(b) First Officers On Scene

On January 3rd, 2018, I reviewed the memorandum notes for PC HENRY and learned the following:

- i. PC HENRY arrived on scene at 50 Old Colony Road at 11:54 AM on December 15th, 2017 and members of the TFD⁵ were already on scene and had entered the residence. Members of DAS⁶ had just arrived and entered the residence with PC HENRY.

⁵ Toronto Fire Department.

⁶ Toronto Department of Ambulance Services.

- ii. PC HENRY attended the lower level, indoor pool area and noted that members of the TFD were in the inner pool area and there were no other persons in the area.
- iii. TFD advised PC HENRY that there was one male and one female and they were both obviously deceased as they were blue in colour with obvious signs of rigour mortis. [REDACTED]
- iv. The bodies [REDACTED]
[REDACTED]
[REDACTED]
- v. The TFD also advised that there was [REDACTED]
[REDACTED]
[REDACTED]
- vi. At 1:47 PM, Forensic Identification Services officers, DC SOUCY and DC WU arrived on scene along with Det. MCCALL.
- vii. The coroner, Dr. GIDDENS and the pathologist, Dr. PICKUP arrived on scene at 2:41 PM.
- viii. Both Honey SHERMAN and Bernard SHERMAN were pronounced deceased by Dr. GIDDENS at 2:55 PM. An autopsy was ordered for both victims.
- ix. At 7:50 PM, the bodies were removed from the scene.
- x. At 8:06 PM, PC HENRY followed the bodies to the Coroner's office and at 8:26 PM and 8:27 PM the Coroner's office accepted custody of the bodies of Honey SHERMAN and Bernard SHERMAN respectively.

(c) Initial Officer Report

On January 5th, 2018, I reviewed the Initial Officer Report prepared by PC BUCCIERI on Friday December 15th, 2017 and learned the following:

- i. Bernard SHERMAN born February 25th, 1942 and Honey SHERMAN born January 25th, 1947, reside at 50 Old Colony Road.
- ii. The home is a large mansion with two stories and a basement. There is a large backyard and the mansion is not gated.
- iii. On Friday December 15th, 2017 at 12:46 PM police received and responded to an "Echo Tiered" call at 50 Old Colony Road where the complainant Elise STERN had attended and found her two clients deceased.
- iv. When police attended, they found Bernard SHERMAN and Honey SHERMAN in the indoor pool area of their home located in the basement.
- v. The bodies were located outside of the pool at the farthest end of the pool, facing towards a wall.

- vi. [REDACTED]
- vii. [REDACTED]
- viii. [REDACTED]
- ix. PC BUCCIERI went through the rest of the house to look for other victims and did not find any other victims or any suspects.
- x. The house was neat and orderly.
- xi. The following people were in the house upon police arrival:
 - I. Nelia MACADANGAY, born [REDACTED] [REDACTED] [REDACTED] is a cleaner who had entered the home at 8:30 on December 15th, 2017.
 - II. Elise STERN, born [REDACTED] [REDACTED] [REDACTED] is a real estate agent who was showing the home and located the bodies.
 - III. Clair BANKS, born [REDACTED] [REDACTED] [REDACTED] whose job is to water the plants in the house attended the home at 11:30 AM on December 15th, 2017.
- xii. Weidong ZHAO was another real estate agent in the house and was showing the house to his two clients. Weidong had left with his two clients before police arrived on scene.
- xiii. PC BUCCIERI noticed a [REDACTED]
- xiv. [REDACTED]
- xv. [REDACTED]

(d) Photographs and Descriptions From the Scene

On January 8th, 2018, I reviewed the memo book notes of DC WU. On Friday December 15th, 2017, DC WU had attended 50 Old Colony Road and at 1:37 AM he entered pool room.

In his memo book DC WU described the following from the scene:

- I. [REDACTED]
- II. [REDACTED]
- III. [REDACTED]
- IV. The male victim was wearing:

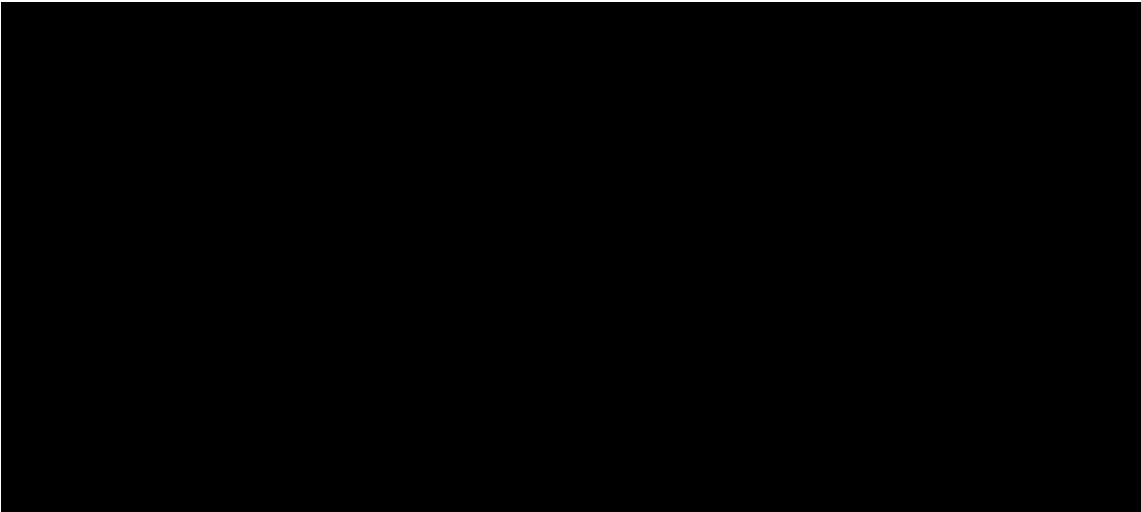
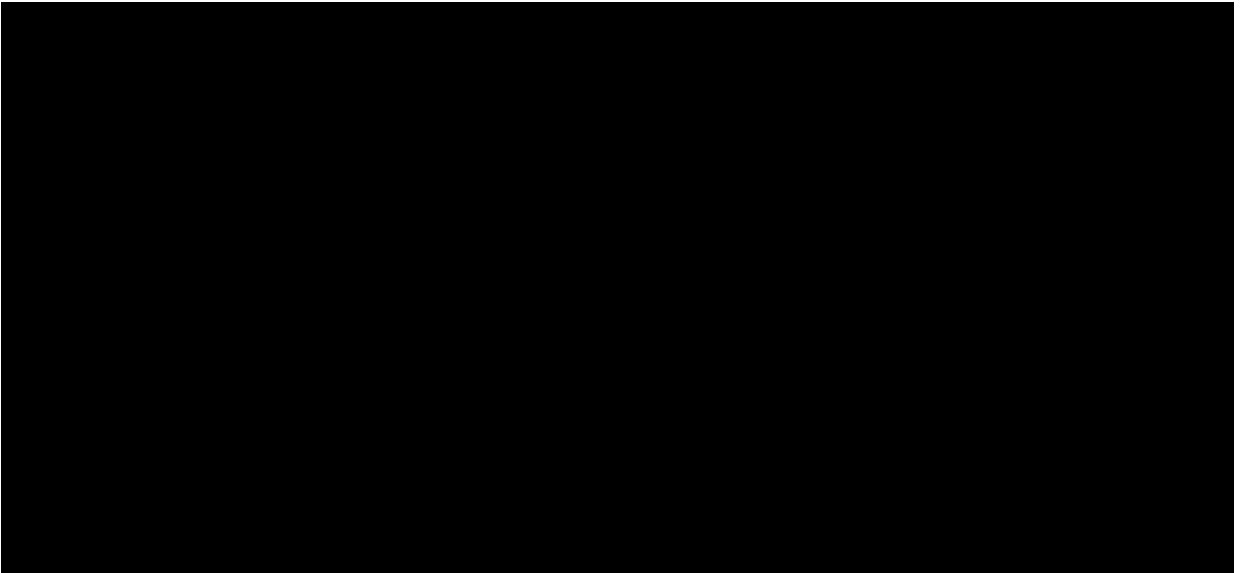
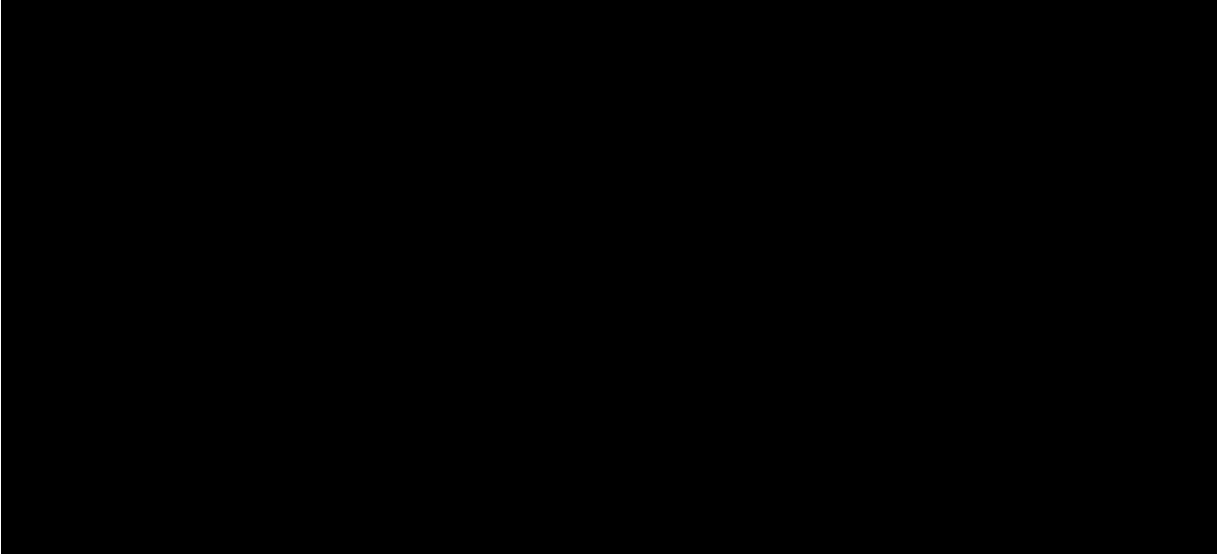
- i. [REDACTED]
- ii. [REDACTED]
- iii. [REDACTED]
- iv. [REDACTED]
- v. [REDACTED]
- vi. [REDACTED]
- vii. [REDACTED]
- viii. [REDACTED]

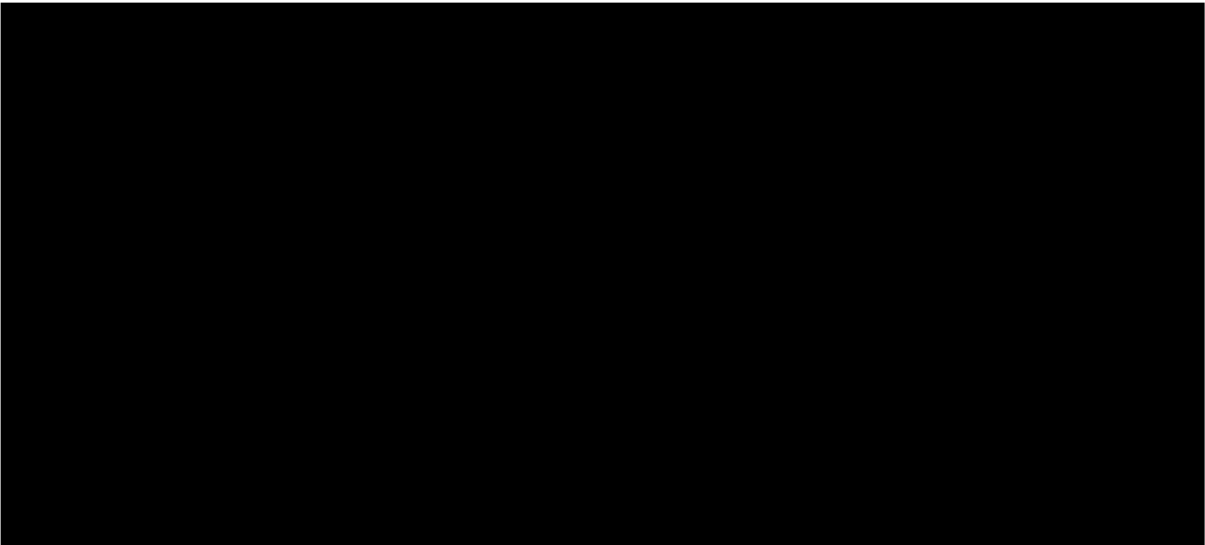
- vi. The female victim was wearing:

- i. [REDACTED]
- ii. [REDACTED]
- iii. [REDACTED]
- iv. [REDACTED]

- vii. [REDACTED]
- viii. [REDACTED]
- ix. [REDACTED]
- x. [REDACTED]
- xi. DC WU indicates that the victims are Honey SHERMAN and Bernard SHERMAN.

The following photographs, which I obtained from Cumulus, with date stamp of December 15th, 2017, were taken by DC WU. They illustrate what is described in DC WU's memo book notes from December 15th, 2017.





(e) [Redacted]

On January 8th, 2018, I reviewed a Supplementary Report and associated video stills, completed by DC THOMAS, regarding Apotex video surveillance. Through the Supplementary Report I learned the following:

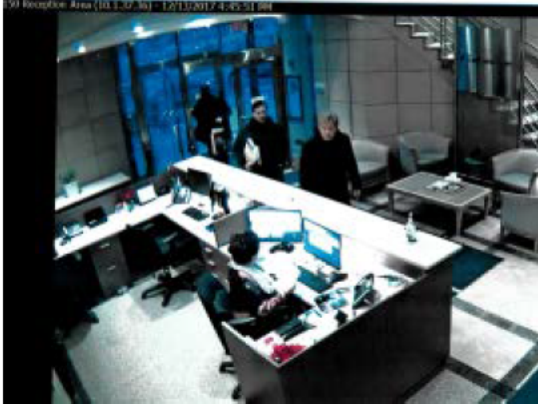
- i. The address where the video surveillance was obtained belongs to Apotex and is located at 150 Signet Drive, Toronto.
- ii. DC THOMAS met with Apotex security officer Sean MCDONALD and they reviewed video surveillance footage for Wednesday December 13th, 2017.
- iii. The video covered the front entrance, lobby area, exterior parking lot, entrance and exit to the parking lot and the executive office areas.
- iv. The time on the video surveillance was confirmed to be actual time and the video was working properly.

The following stills were taken from the video surveillance at Apotex and are listed below with the associated time stamps and description.

- i. [Redacted]

[REDACTED]

ii. 150 Reception Area, December 13th, 2017 at 4:45 PM



The above video still shows three males walking into Apotex. All three are allowed access to the lobby by the receptionist.

iii.

[REDACTED]

iv.

[REDACTED]

v.

[Redacted]

vi.

[Redacted]

vii.

[Redacted]

viii.

[REDACTED]

[REDACTED]

On January 10th, 2018, I reviewed the case book notes of DC THOMAS dated December 17th, 2017 and December 18th, 2017 and learned the following:

- i. Through open source checks of Brennan Custom Homes Inc. and photographs of documents at 50 Old Colony Road, DC THOMAS and DC THAYALAN were able to identify the three males that were seen on surveillance video that had attended Apotex Inc. at 150 Signet Road to meet with Bernard and Honey SHERMAN.
- ii. The three males were identified as Joe BRENNAN, Danny GREENGLASS and Roman BUKOVYNSKY.

On January 10th, 2018 I reviewed the following Cumulus pictures taken by DC SOUCY on December 20th, 2017 at 50 Old Colony Road. The pictures are of [REDACTED]

[REDACTED]

i.

[REDACTED]

ii.

[REDACTED]

[REDACTED]

On January 10th, 2018 I reviewed a video log created by DC DE OLIVEIRA for video obtained from [REDACTED] From the video log, I obtained the following information and video stills:

The time on the video is accurate.

i.

[REDACTED]

ii.

[REDACTED]

iii.

[REDACTED]

iv.

[REDACTED]

[REDACTED]

9. WITNESS STATEMENTS

Investigators have taken many witness statements in this investigation. I have not summarized all of these statements in this Information to Obtain. Instead, I have focused on the statements that are relevant to this application. In many cases, witness statements taken by investigators have been summarized in Statement Summaries prepared by other officers or civilian members of the Toronto Police Service. In many cases, as detailed below, I have relied on these Statement Summaries as accurate summaries of the statements taken by the investigators. For the sake of being clear and concise, I have produced by own summaries of these Statement Summaries for use in this Information to Obtain.

Persons Employed By the SHERMANS

(a) Elise STERN, born November 17th, 1963, real estate agent

On January 4th, 2018, I reviewed the Statement Summary of Elise STERN's statement provided to Det. BEREZOWSKI and DC TABORSKI on December 15th, 2017. The statement commenced at 2:39 PM and concluded at 3:10 PM and was recorded on video. I have summarized the Statement Summary as follows:

- i. Elise is a real estate agent selling 50 Old Colony Road for Barry SHERMAN and Honey SHERMAN and today, she had a showing at 11:00 AM.
- ii. Elise arrived at 10:45 AM and there was another agent, Weidong ZHAO, at the house with his two clients.
- iii. The house cleaner, Nelia MACATANGAY, was also at the house at this time.
- iv. Elise, the other agent and his clients went through the main floor and while doing so Elise noticed that there was a cellular phone in the power room and thought it was Nelia's.
- v. While they were viewing the rooms in the basement that are at the front of the house, Elise noticed [REDACTED]
[REDACTED]
[REDACTED]
- vi. Elise also saw a [REDACTED]
[REDACTED]
- vii. Elise, the agent and the clients then went to the change room and opened the door to the pool area.
- viii. The clients noticed it first and when Elise looked she saw Honey and Barry sitting on the floor with their heads hanging from some kind of rope and thought they were doing "a weird yoga thing".
- ix. No one went into the pool area and they all went back upstairs and the agent and clients left the house.
- x. Andrea Claire BANK, who goes by Claire, arrived at the house and volunteered to go down and check on Barry and Honey as everyone else was too afraid.
- xi. Elise was already calling police and when Claire came back upstairs she told Elise that Barry and Honey were dead.
- xii. Elise last saw Honey on Wednesday and last saw Barry the previous week.
- xiii. The house was listed for \$6,988,000 and there were 20 prospective buyers that went through the house in the past two weeks.

(b) Andrea Claire BANKS, born [REDACTED] [REDACTED] [REDACTED], contractor

On January 5th, 2018, I reviewed the Statement Summary of Andrea Claire BANKS statement, which she provided to Det. BEREZOWSKI and DC TABORSKI on December 15th, 2017. The statement commenced at 3:35 PM and concluded at 3:50 PM and was recorded on video. I have summarized the Statement Summary as follows:

- i. Andrea Claire goes by Claire and she is a contractor that takes care of all the plants in the house.
- ii. Claire had arrived at 11:00 AM and she went to the side door of the house and the house keeper, Nelia MACATANGAY, opened the door and appeared agitated.
- iii. Claire then overheard Elise STERN say, "Should we call the police?" Claire asked if there was a problem and if she could help, to which Elise responded, " I am sure I saw them in the basement, something happened I am sure I saw them down there."
- iv. Elise explained that she had seen Barry and Honey in the basement.
- v. Claire was worried about carbon monoxide and decided to go down to the basement to check.
- vi. She went down to the basement, pressed the button to enter the change room, looked through the glass door and saw two people sitting in the pool room.
- vii. Claire, believing that the persons were dead, went up to check.
- viii. She saw that the bodies were hanging from a pool railing, sitting in almost the exact same way, facing the same direction and [REDACTED]
- ix. Claire came within a meter of them but did not touch them and proceeded to go back upstairs.
- x. Police were called.
- xi. Claire had never seen Barry and Honey argue.

(c) Nelia MACATANGAY, born [REDACTED] [REDACTED] [REDACTED] house keeper

On January 5th, 2018, I reviewed the Statement Summary for the statement of Nelia MACATANGAY, which she provided to Det. BEREZOWSKI and DC TABORSKI on December 15th, 2017. The statement commenced at 4:04 PM and concluded at 4:30 PM and was recorded on video. I have summarized the Statement Summary as follows:

- i. Nelia is a house keeper for Barry and Honey and she goes to the house every Friday to work from 8:30 AM to 4:30 PM.
- ii. She has worked for the SHERMANs for the past 3 years.

- iii. Nelia arrived at the house at 8:25 AM and waited for the personal trainer because they usually entered the house together.
- iv. When the personal trainer arrived they went to the side door of the house, which was locked and [REDACTED]
- v. Nelia and the trainer went inside the house and to the kitchen where they would usually find Barry reading the morning paper.
- vi. Nelia noted that on this particular morning the newspaper was outside and she had to bring it into the house along with the mail.
- vii. Nelia and the trainer waited in the kitchen for some time and when Barry did not show up Nelia decided to go upstairs to check.
- viii. [REDACTED]
- ix. Nelia went back downstairs and told the personal trainer that it appeared that the SHERMANs were not home.
- x. The trainer noted that Honey's car was in the driveway and Nelia told her that sometimes Honey leaves the car there when she goes away.
- xi. The personal trainer left the house sometime before 9:00 AM and Nelia proceeded to clean the house.
- xii. Soon after, a furnace cleaner that Nelia recognized as having attended the house before arrived at the house and went to the basement and left a short time later.
- xiii. Five minutes later, a real estate agent arrived at the house and was showing people the house and five minutes after that another real estate agent Elise STERN arrived at the door and began to show the house as Nelia continued with her cleaning.
- xiv. As Nelia was cleaning she overheard Elise say to a man that, "they are hanging" at which point the other real estate agent along with his clients left the house.
- xv. A few minutes later Andrea Claire BANKS arrived at the house.
- xvi. Elise told Nelia to go to the basement to check, however, Nelia was too scared.
- xvii. Eventually Claire and Elise went down and then they called police right away.
- xviii. Nelia was told that the SHERMANs had hung themselves.
- xix. Nelia advised that Honey has bad legs and never goes into the basement.
- xx. Aside from the mail on the ground, everything in the house appeared to be in order.
- xxi. When Nelia arrived at the house the [REDACTED]

(d) Denise GOLD, personal trainer

On January 8th, 2018, I reviewed the Statement Summary for the statement of Denise GOLD, which she provided to DC THOMAS on December 16th, 2017. The audio statement commenced at 5:23 PM and concluded at 6:56 PM. I reviewed the Statement Summary and learned the following:

- i. Denise has been a personal trainer for 8 years and has been training Honey and Barry SHERMAN for the past 7 years.
- ii. She trains the SHERMANS on Mondays and Wednesdays when one or both of them are in town. Barry trains from 8:30 AM to 9:30 AM and Honey trains from 9:30 AM to 11:00 AM and was extended to 11:30 AM this past week.
- iii. Honey has another personal trainer that comes in during the week.
- iv. Honey had back surgery years ago, a shoulder replacement a year ago and arthritis in her hand and surgery on one of her heels.
- v. Barry was on Metformin and is borderline diabetic.
- vi. Denise met the SHERMANS through a mutual friend and has known them for about 20 years. Denise was also a teacher before and the SHERMANS' youngest daughter Kealen was a student at the school that Denise taught at. Denise does not know the other SHERMAN children well. Denise knows that their other daughter, Alex, is a nurse.
- vii. [REDACTED]
- viii. Denise said that Honey would sometimes ask Barry to bring home large amounts of cash, around \$5000 to \$10000.
- ix. Honey would pay Denise in cash for her services.
- x. Honey was going to Florida on Monday December 18th, 2017 and Barry was going to leave for Florida on the evening of December 24th, 2017 and they were going to return together on January 12th, 2018.

(e) Sheila STANLEY, personal assistant to Honey SHERMAN

On January 5th, 2018, I reviewed the Statement Summary for the statement of Sheila STANLEY, which she provided to Det. CAMPBELL and DC DE OLIVERIA on December

24th, 2017. The sworn statement commenced at 9:21 AM and concluded at 11:51 AM and was recorded on video. I reviewed the Statement Summary and learned the following:

- i. Sheila worked as a personal assistant to Honey and had done so for two years.
- ii. Her jobs included taking care of bills, scheduling, keeping Honey's devices in line, dressing Honey for events and other random jobs.
- iii. Sheila described Honey as her employer and someone that she knows very well.
- iv. Honey was last seen on Wednesday December 13th, 2017 until 2:40 PM by Sheila and they were not to see each other for the remainder of the week as Sheila was going on holidays and Honey was going to Florida.
- v. On a typical day, Sheila would arrive at the house at 10:00 AM, the same time that Barry left the house and the door would usually be unlocked, even though Sheila has a key, and the alarm system would rarely have to be turned off.
- vi. If Sheila was leaving the house and no one else was at the house Sheila would put the alarm on.
- vii. Honey's usual routine [REDACTED]
[REDACTED]
[REDACTED]
- viii. In regards to Honey's physical and mental state, Sheila says that she has not noticed any changes in any way and that everything was good because Honey had a trip to Japan scheduled in March and a trip to Israel scheduled for April.
- ix. Mary SHECHTMAN, Honey's sister, planned all the travel for Honey.
- x. The relationship between Barry and Honey was good.
- xi. Honey did not spend that much money and it was Mary who spent a lot of money at U.S. Saks and Barry was never to see those bills.
- xii. According to Sheila, infidelity was not possible in Barry and Honey's relationship because of how busy they were.
- xiii. Honey worked hard at maintaining her health and mobility despite the fact that she found walking and climbing stairs difficult.
- xiv. Sheila cannot think of anyone who would want to harm the SHERMANs, Honey in particular.
- xv. There were workers going to 50 Old Colony Road recently and Sheila identified them as a company called Father and Sons, a company for the outside steps and an organizing and de-cluttering company with someone by the name of Rachel.
- xvi. Honey was scheduled to leave for Florida on Monday December 18th, 2017 and was to return on Friday January 12th, 2018.

- xvii. [REDACTED]
- xviii. Sheila has only met Honey's son Kaelan once and another son Noah and [REDACTED]
- xix. Recently, [REDACTED]
- xx. [REDACTED]
- xxi. Sheila mentioned that it was unusual to have Wednesday's meeting at Apotex and she does not know if that meeting was deleted from the calendar.
- xxii. Sheila recalled that, that week, she was asked by Honey, to help [REDACTED]
- xxiii. [REDACTED]

Family

(f) Jonathon SHERMAN, Bernard and Honey SHERMAN's son

On January 8th, 2018, I reviewed the Statement Summary of Jonathon SHERMAN's statement, provided to Det. CAMPBELL and DC DE OLIVEIRA, on December 23rd, 2017. The sworn video statement commenced at 11:08 AM and concluded at 12:14 PM. I have summarized the Statement Summary as follows:

- i. Jonathon says that his parents were complicated people and that there are people out there who would have a grudge against them and would have a reason to hurt them.
- ii. [REDACTED]
- iii. In the past five to six years Jonathon has made an effort to step back from the family business.
- iv. [REDACTED]
- v. Jonathon has an office at 150 Signet where his dad works day to day and Jonathon would meet with him once every one or two weeks to have lunch.
- vi. Jack KAY and Alex GLASENBERG are two people who would understand the business side of things.

vii. Joanne MAURO is the receptionist who could identify people coming in and out of the office.

viii. [REDACTED]

ix. Typically Jonathon would talk about his business when he saw Barry.

x. Barry's work routine was busy despite the fact that he was 75 years old and Barry would go into the office at around 10:00 AM. Barry had a very scheduled routine of going back and forth to work.

xi. Barry had a Blackberry and was constantly on it, checking email. He did not use the internet much. When not in use, the phone was kept in his pocket.

xii. Apotex has an ID card for security which is held against the door to unlock the door.

xiii. [REDACTED]

xiv. Jonathon describes Barry as being complicated, brilliant, lacking in emotional and social intelligence, unfiltered but genuine.

xv. Jonathon describes Honey as being opposite to Barry. Honey was smart, abrasive, high energy, in your face and blunt, but not in an evil way. Honey was involved in charities.

xvi. [REDACTED]

xvii. [REDACTED]

xviii. [REDACTED]

xix. [REDACTED]

xx. [REDACTED]

xxi. [REDACTED]

xxii.

xxiii.

xxiv.

xxv.

xxvi.

xxvii. Jonathon does not know if his parents took their shoes off when going into the house.

xxviii. Jonathon says that Honey spoke with is aunt, Mary, multiple times a day and they were very good friends. Barry's best friend was Joel ALSTER and another good friend was Jack KAY.

xxix.

xxx.

xxxi.

xxxii.

xxxiii.

xxxiv.

xxxv.

xxxvi.

- xxxvii. [REDACTED]
- xxxviii. [REDACTED]
- xxxix. [REDACTED]
- xl. [REDACTED]
- xli. [REDACTED]

(g) Jonathon SHERMAN, Bernard and Honey SHERMAN’s son (second interview)

On January 8th, 2018, I reviewed the Statement Summary of Jonathon SHERMAN’s statement, provided to Det. CAMPBELL on December 24th, 2017. The audio statement commenced at 3:16 PM and concluded at 3:57 PM. I have summarized the Statement Summary as follows:

- i. This statement is a follow up to a statement that Jonathon provided on December 23rd, 2017.
- ii. [REDACTED]
- iii. [REDACTED]
- iv. [REDACTED]

- v. [REDACTED]
- vi. [REDACTED]
- vii. [REDACTED]
- viii. [REDACTED]

(h) Alexandra SHERMAN KRAWCZYK, [REDACTED], Bernard and Honey SHERMAN's daughter.

On January 9th, 2018, I reviewed the Statement Summary of Alexandra SHERMAN KRAWCZYK's statement, provided to Det. CAMPBELL and DC DEOLIVEIRA on December 27th, 2017. The sworn video statement commenced at 12:43 PM and concluded at 1:40 PM. I have summarized the Statement Summary as follows:

- i. Alexandra says her father, Barry SHERMAN, was very humble, unassuming, quiet and loving.
- ii. Apotex was Barry's life, he was always there and he loved all his employees.
- iii. Alexandra says her father was very hands on and smarter than everyone.
- iv. Honey SHERMAN was more of a strong personality, loud, outgoing and loving.
- v. [REDACTED]
- vi. Honey would not go to the office often but Alexandra heard that they were last seen at the office on Wednesday reviewing their plans for their house. Honey being at the office was out of the ordinary.
- vii. Joanne MAURO is the secretary/ assistant for Barry and has been for over 40 years.
- viii. Alexandra says that the relationship between Honey and Barry was difficult while she was growing up. Honey was parenting and Barry would be at work. Honey loved Barry but she was commanding.
- ix. A lot has changed over the past few years since the birth of Alexandra's son. She noticed Honey and Barry were a lot more in love and not arguing and spending more time together and were caring towards their grandchildren.

x. Alexandra would be in contact more with her mother because Honey would reach out to her.

xi. [REDACTED]

xii. [REDACTED]

xiii. [REDACTED]

xiv. [REDACTED]

xv. [REDACTED]

xvi. [REDACTED]

xvii. [REDACTED]

xviii. [REDACTED]

xix. [REDACTED]

xx. Jack KAY and Joel ASLER are Barry's closest friends.

xxi. Honey had a lot of good friends such as Sue SILVERBURG, Mimi GREENSPOON and Judi GOTTLIEB.

xxii. Honey never discussed her plans unless it was something big as she was very private.

xxiii. Alexandra says that her parents were Jewish by heritage but not by practice. Honey would host Rosh Hashanah and Passover. Barry was very atheist.

xxiv. [REDACTED]

xxv. [REDACTED]

- xxvii. [REDACTED]
- xxviii. [REDACTED]
- xxix. [REDACTED]

(i) Brad KRAWCZYK, [REDACTED] son in law of Bernard and Honey SHERMAN

On January 13th, 2018 I reviewed a Statement Summary, for the statement of Brad KRAWCZYK that he provided to Det. PRICE on December 17th, 2017, and learned the following:

- i. Brad says that Barry was a quiet, friendly, generous and not overly affectionate, father -in-law who bought Brad’s brother a house and Brad’s mother a million dollar savings bond.
- ii. Brad is married to Barry’s daughter Alexandra.
- iii. Brad had worked his way up in Apotex and he had lunch with Barry on December 12th, 2017.
- iv. Barry and Honey bickered but they loved each other.
- v. Honey’s best friend is Mary SHECKMAN.
- vi. Brad and his wife last spoke with Honey on the Tuesday. They had sent text messages with photos on Thursday and they got no response. Brad had also called Barry on Thursday morning with a work related question and got no response. Barry was also not in the office on Thursday, which was unusual.
- vii. [REDACTED]
- viii. According to Brad, Honey’s last communication would be an email to Alexandra on Tuesday and that Brad last heard from Barry on Wednesday at 11:06 AM.
- ix. [REDACTED]

- x. [REDACTED]
- xi. [REDACTED]
- xii. [REDACTED]
- xiii. [REDACTED]
- xiv. [REDACTED]
- xv. [REDACTED]
- xvi. [REDACTED]
- xvii. [REDACTED]
- xviii. [REDACTED]
- xix. [REDACTED]

(j) Mary SHECHTMAN, born [REDACTED] Honey SHERMAN's sister.

On January 13th, 2018 I reviewed a Statement Summary, for the statement of Mary SHECKMAN that she provided to Det. TAVARES on December 15th, 2017, and learned the following:

- i. Mary SHECHTMAN is the sister of Honey SHERMAN.
- ii. Mary says that Honey called her the day before she left for Florida and she spoke quickly over the phone.
- iii. Mary sent Honey a text message on Thursday December 14th and Honey did not respond.

- iv. Mary flew out at 11:00 AM, on her own to Florida on Thursday December 14th with Air Canada from Pearson International Airport. She and Honey were each supposed to fly three legged flights. Honey was supposed to fly into Florida on her own on Monday December 18th, 2017 and Barry would be flying in on December 24th, with Mary's three children and their significant others.
- v. [REDACTED]
- vi. [REDACTED]
- vii. [REDACTED]
- viii. [REDACTED]
- ix. [REDACTED]
- x. [REDACTED]
- xi. [REDACTED]
- xii. [REDACTED]
- xiii. [REDACTED]
- xiv. [REDACTED]
- xv. [REDACTED]
- xvi. [REDACTED]
- xvii. Honey had surgeries to her feet.
- xviii. Mary says that when Barry and Honey would fight and they would both call Mary. Mary says they would fight however they could not live without each other. Honey and Barry were married for 40 years and Mary met Barry when she was 19 years old.
- xix. Barry and Honey would have fights about Barry not being home and working. Honey would complain about Barry not showing her enough attention and Honey being the one always making plans as Barry was not social.
- xx. Mary says everyone wanted to get near Barry and Honey because of their wealth.

- xxi. Honey never had any physical issues with Barry.
- xxii. Honey and Barry never used to lock their doors.

Last Persons To Have Contact With The SHERMANS

(k) Joe BRENNAN, born [REDACTED] [REDACTED] [REDACTED] met the SHERMANS at Apotex Inc. [REDACTED]
[REDACTED]

On January 9th, 2018, I reviewed the Statement Summary of Joe BRENNAN's statement, provided to Det. CAMPBELL and DC DEOLIVEIRA on December 22nd, 2017. The sworn audio statement commenced at 9:41 AM and concluded at 10:16 AM. I have summarized the Statement Summary as follows:

- i. Joe met the SHERMANS 10 to 15 years ago on a trip to Israel.
- ii. About a year and a half ago the SHERMANS decided to build a house and they contacted him and that is how their business relationship started.
- iii. Joe mainly has contact with Honey and they would typically meet every one to two weeks in person. They would also communicate over emails.
- iv. Their last meeting was on Wednesday night and the purpose of the meeting was for window selection.
- v. Honey wanted Barry at meetings where engineering or technical things were discussed.
- vi. The meeting on Wednesday included Daniel GREENGLASS and another guy from the office. The meeting commenced at 5:00 PM and Honey arrived at 5:01 PM.
- vii. Honey has a very strong personality.
- viii. Joe and Honey have had several meetings, only three or four of which have included Barry.
- ix. Joe does not know about Honey and Barry's relationship, Honey never said anything negative about Barry, only that he was not interested in being at meetings.
- x. Joe does not know anything about Honey's routines.
- xi. After the meeting Honey planned on going home and either Barry or Honey mentioned that Barry does not leave the office until 11:00 PM but Honey had said something that made Joe think that Barry needed to be home earlier that evening but Joe could not recall what it was.
- xii. Barry and Honey never mentioned any safety concerns and Joe never sensed any concerns of infidelity.

- xiii. Joe mentioned there was another Toronto Jewish couple murdered in North Miami Beach, Florida by ligature four or five years ago and they never found the person who did it.

10. POST MORTEM EXAMINATION RESULTS

(a) Results from post mortem examination of Honey SHERMAN

On January 4th, 2018 I reviewed an email sent by D/S GOMES to DC DEVINE in regards to Honey SHERMAN’s post mortem examination results and learned the following:

- i. Honey SHERMAN’s post mortem examination was done by Dr. Michael PICKUP.
- ii. The cause of death was ligature neck compression.
- iii. [REDACTED]
- iv. [REDACTED]

(b) Results from post mortem examination of Bernard SHERMAN

On January 4th, 2018 I reviewed the notes of Team Briefing #1 for this incident and learned the following (briefing notes are notes of investigative team briefings which record information exchanged by investigators during the briefings):

- I. DC THAYALAN attended the post mortem examination of Bernard SHERMAN, conducted by Dr. PICKUP
- II. The cause of death was ligature neck compression.

On January 11th, 2018 I reviewed the case notes of DC SOUCY and learned the following:

- I. [REDACTED]
- II. [REDACTED]

(c) On January 8th, 2018, I reviewed the notes from Team Briefing #3, dated December 27th, 2017, and learned the following:

- i. D/S GOMES advised during this meeting that, as per Dr. PICKUP, there are three outcomes from this incident and they are:
 - I. A double suicide.
 - II. A murder suicide.
 - III. A double murder.

According to Dr. PICKUP, all three possible scenarios are still viable.

(d) On January 11th, 2018 I reviewed the case notes of DC SOUCY for December 16th, 2017 and December 17th, 2017 and learned the following:

- i. DC SOUCY was in attendance at the post mortem examinations of both Bernard and Honey SHERMAN.
- ii. Samples were taken from Bernard SHERMAN and Honey SHERMAN for toxicology testing.

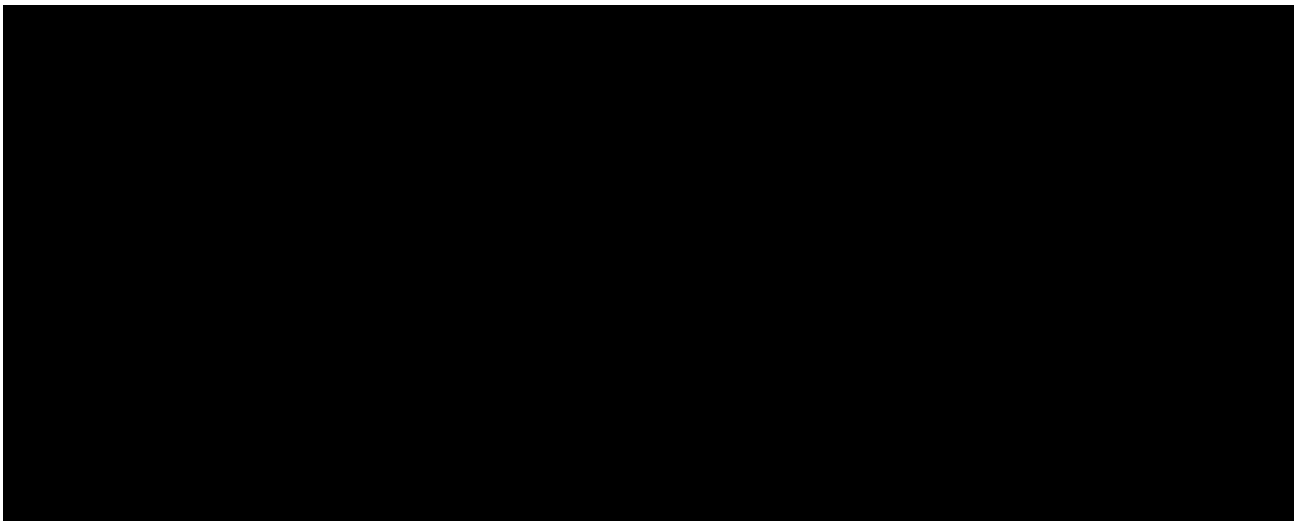
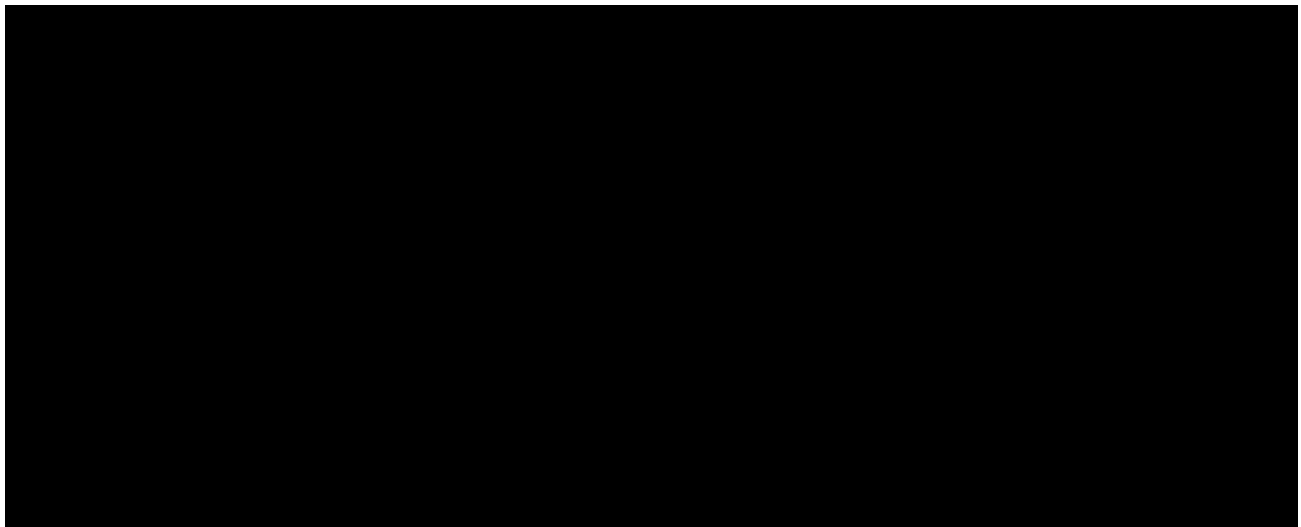
11. [REDACTED]

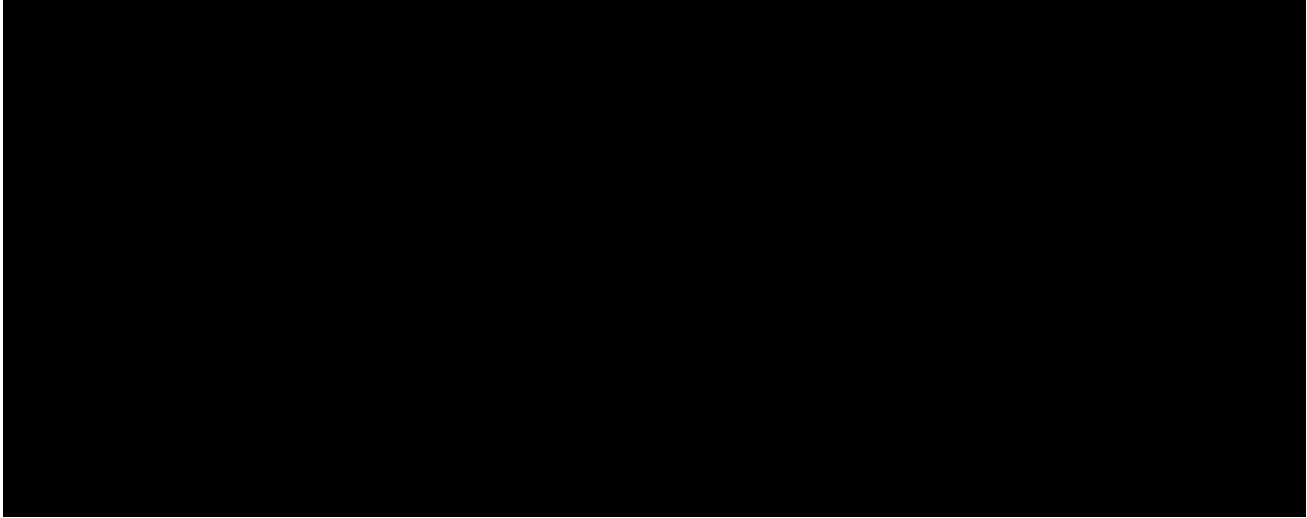
On Thursday January 4th, 2018 I reviewed the memo book notes of DC WU and learned:

- (a) On Friday December 15th, 2017 at 12:42 PM, DC WU, along with his escort DC SOUCY, was detailed to attend 50 Old Colony Road in regards to a Sudden Death.
- (b) The information that DC WU received was that the victims were Bernard SHERMAN and Honey SHERMAN and they were found hanging in their residence.
- (c) The residence was for sale and the victims were found by a real estate agent.
- (d) At 1:17 PM DC WU and DC SOUCY arrived on scene and were met by PC HART and Det. MCCALL at the front foyer.
- (e) At 1:47 PM DC WU and DC SOUCY were escorted by Det. MCALL, to the pool room where they observed the deceased persons, a male and a female, hanging by their necks on a pool railing.
- (f) [REDACTED]
- (g) [REDACTED]
- (h) At 2:29 PM, Forensic Pathologist Dr. PICKUP and Coroner Dr. GIDDENS arrived on scene and DC WU was directed by DC SOUCY to take photographs.

- (i) At 3:20 PM, 3:30 PM, 3:35 PM and 5:35 PM, the Coroner, Pathologist, Det. MCCALL and Det. PRICE from the Homicide Unit had left the scene respectively.
- (j) At 5:35 PM DC WU commenced photographing the inside of the house.
- (k) [REDACTED]
- (l) At 7:20 body removal arrived.
- (m) The body bag containing the female victim was sealed with seal #2052607 at 7:41 PM by DC SOUCY and the body bag containing the male victim was sealed with seal #2052608 at 7:46 PM.
- (n) At 8:20 PM DC WU had completed the scene for the day and the scene was turned over the PC CHOW #9845

On Thursday December 28th, 2017 I reviewed the following Cumulus photos, taken by DC WU, with date stamps of December 15th, 2017:





- (a) The licence number is [REDACTED]
- (b) The name on the licence is Honey SHERMAN with a date of birth of January 25th, 1947 and an address of 50 Old Colony Road, Willowdale, ON, M2L 2K1.

On January 4th, 2018, I reviewed the memo book notes of DC WU and learned the following:

- (a) On Saturday December 16th, 2017 at 6:55 AM DC WU along with DC SOUCY and D/Sgt. KEALY #1815 were in the triage room at FIS



On Thursday December 28th, 2017 I reviewed the following Cumulus photos taken by DC WU with date stamps of December 16th, 2017.

[REDACTED]

[REDACTED]

[REDACTED]

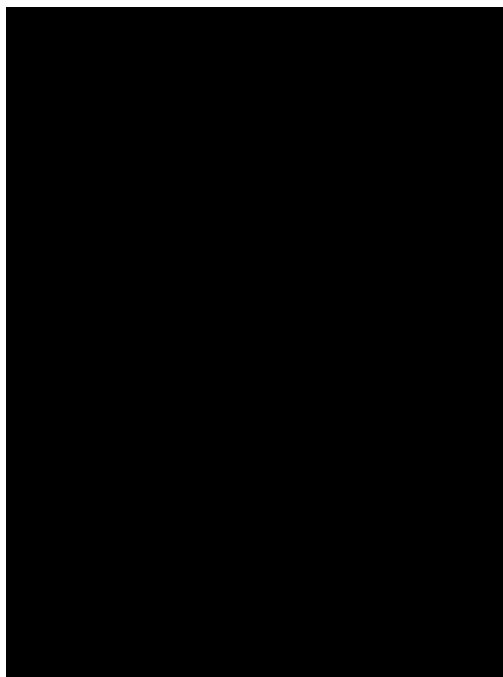
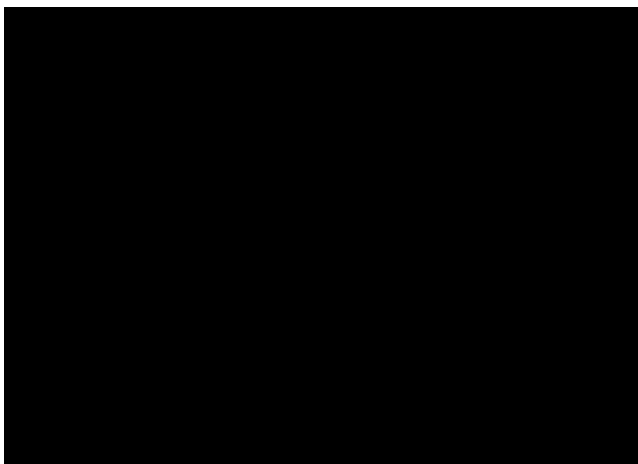
[REDACTED]

12. [REDACTED]

On January 4th, 2018 I reviewed the memo book notes of DC WU and learned the following:

- (a) On Saturday December 16th, 2017 at 9:10 AM, DC WU attended the morgue office.
- (b) At 9:21 AM, DC WU was in Bay #3 and proceeded to take pictures of items that belonged to Bernard SHERMAN.
- (c) [REDACTED]

On December 22nd, 2017, I reviewed the following Cumulus photos taken by DC WU on Saturday December 16th, 2017, that [REDACTED]

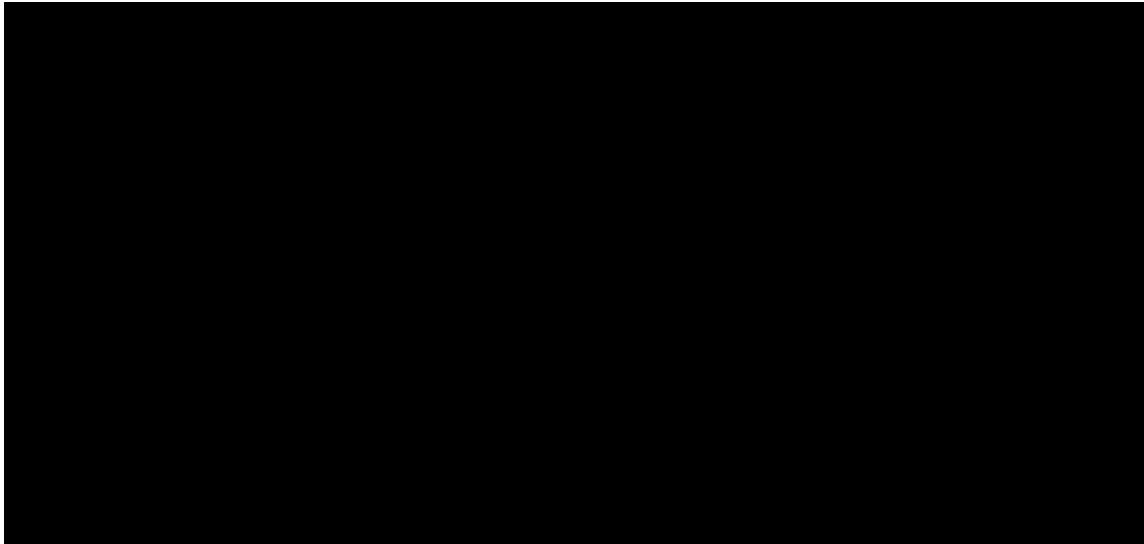


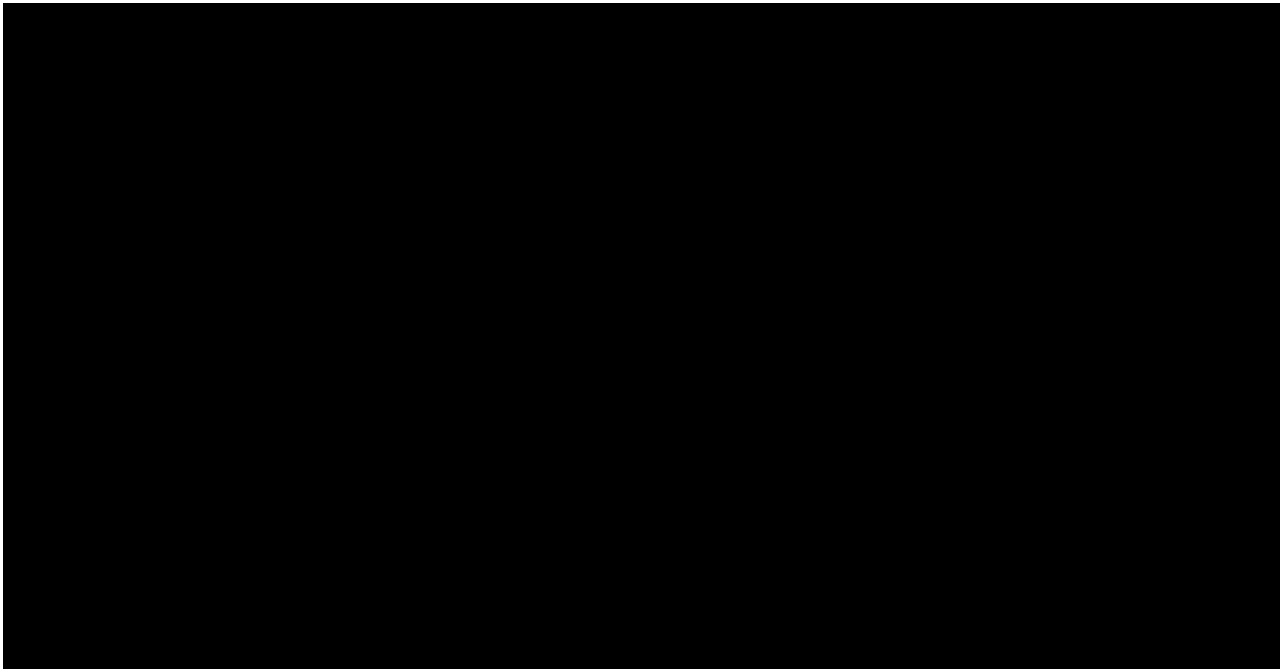
[REDACTED]
[REDACTED] The following is a list of the cards and their associated identifiers (the bold items relate to records I am seeking in this application):

- (a) Ontario Drivers Licence in the name of Bernard, C, SHERMAN with number [REDACTED]
[REDACTED]
- (b) OHIP card in the name of Bernard Charles SHERMAN with number [REDACTED]**
- (c) Apotex, Identification card, in the name of Barry SHERMAN with [REDACTED]
- (d) TD Visa card in the name of Bernard SHERMAN with number [REDACTED]**
- (e) CIBC, Aerogold Visa, in the name of Dr. Bernard C. SHERMAN with number [REDACTED]
[REDACTED]**
- (f) BMO, Diners Club International, Master Card in the name of Bernard SHERMAN and Apotex with number [REDACTED]**
- (g) BMO corporate Master Card in the name of Barry SHERMAN and Apotex Fleet with number [REDACTED]**
- (h) Air Miles card in the name of [REDACTED]
- (i) CAA card in the name of Bernard SHERMAN with number [REDACTED]
- (j) Aeroplan card with Aeroplan number [REDACTED]
- (k) Esso Extra card with number [REDACTED]
- (l) Petro Points card with number [REDACTED]

13. CHEQUE PAYABLE TO BRENNAN CUSTOM HOMES

On Wednesday December 27th, 2017 I reviewed the following Cumulus pictures taken by DC WU. The pictures had a date stamp of December 18th, 2017.





14. TORONTO DOMINION BANK

On Thursday December 28th, 2017, I was in contact with TD Bank Group, Team Lead, Production Order Specialist, Ranjit RAI.

Ranjit confirmed that Bernard SHERMAN has a TD Visa account with account number [REDACTED] [REDACTED] as well as several other personal and commercial accounts with TD bank under the name of Bernard SHERMAN. Ranjit advised that they have records for all the aforementioned accounts.

Ranjit advised that Honey SHERMAN does not have any accounts with TD Bank.

15. CANADIAN IMPERIAL BANK OF COMMERCE

On Thursday December 28th, 2017, I was in contact with CIBC Corporate Security Consultant, Bruna DURIGON. Bruna confirmed that Bernard SHERMAN had a CIBC Aerogold Visa account for CIBC Visa card number [REDACTED]

Bruna also advised that Honey SHERMAN has a CIBC Aerogold Visa card with card number [REDACTED]

Bruna stated that the CIBC has records for the Visa accounts of Bernard and Honey SHERMAN and that they have no other accounts with CIBC.

16. BANK OF MONTREAL

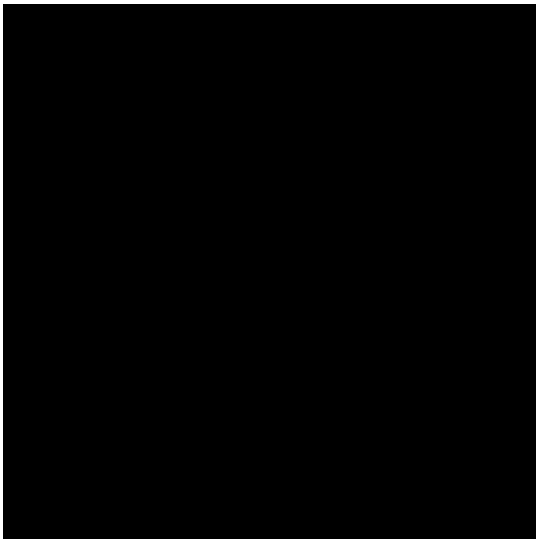
On Thursday December 27th, 2017 I was in contact with Craig CHRISTIE, Investigative Analyst, BMO Financial Group. Craig confirmed that the following accounts were valid:

- (a) BMO, Diners Club International, Master Card in the name of Bernard SHERMAN and Apotex with number [REDACTED]
- (b) BMO corporate Master Card in the name of Barry SHERMAN and Apotex Fleet with number [REDACTED]
- (c) BMO Harris Private Banking account number [REDACTED] in the name of Bernard SHERMAN and Honey SHERMAN

Craig advised that Bernard SHERMAN has other personal accounts with the BMO Financial Group. Honey SHERMAN does not have any other accounts with BMO Financial Group, however, Craig acknowledged that she may have accounts that he is unable to view as she is a client of BMO Harris Private Banking. A Production Order requesting other personal accounts records would reveal their existence.

17. MEDICAL INFORMATION FOR HONEY SHERMAN

On Wednesday December 27th, 2017 I reviewed the following Cumulus picture:



Health Card Number is listed on [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

18. APOTEX INC. AT 150 SIGNET ROAD

Bernard SHERMAN's Office and Lab

On January 11th, 2018 I reviewed the case notes of DC GRONDIN for December 17th, 2017 and learned the following:

- (a) DC GRONDIN was detailed to attend 150 Signet Road by Det. PRICE to take photographs.
- (b) At 4:05 PM DC GRONDIN met with DC THOMAS and security supervisor Sean MCDONALD of Apotex Inc., and together they went to the executive corridor of the building.
- (c) Bernard SHERMAN's office is designated room #1010, Jack KAY's office is designated room #1006. The offices are adjacent to one another and are connected by a laboratory.
- (d) DC GRONDIN took pictures of Bernard SHERMAN's office and of the laboratory.
- (e) At 4:45 PM the door connecting Bernard SHERMAN's office to the laboratory was sealed with seal number 2052489 by DC GRONDIN and at 6:20 PM the door from the hallway to Bernard SHERMAN's office was sealed with seal number 2052490 totally securing the office.

On January 9th, 2018 I reviewed the case notes of DC THOMAS for December 17th, 2017 and December 20th, 2017 and learned the following:

- (a) On December 17th, 2017 at 3:05 PM, DC THOMAS attended the Apotex building located at 150 Signet Road with DC ANGUS from the Technological Crimes Unit.
- (b) At 4:05 PM, DC GRONDIN from the Forensic Identification Unit attended the scene as well.
- (c) At 4:43 PM DC THOMAS seized a computer from the office Bernard SHERMAN.

(d) DC THOMAS left the Apotex building with the computer and the computer was brought to Toronto Police Service, 33 Division and lodged in the property locker #51.

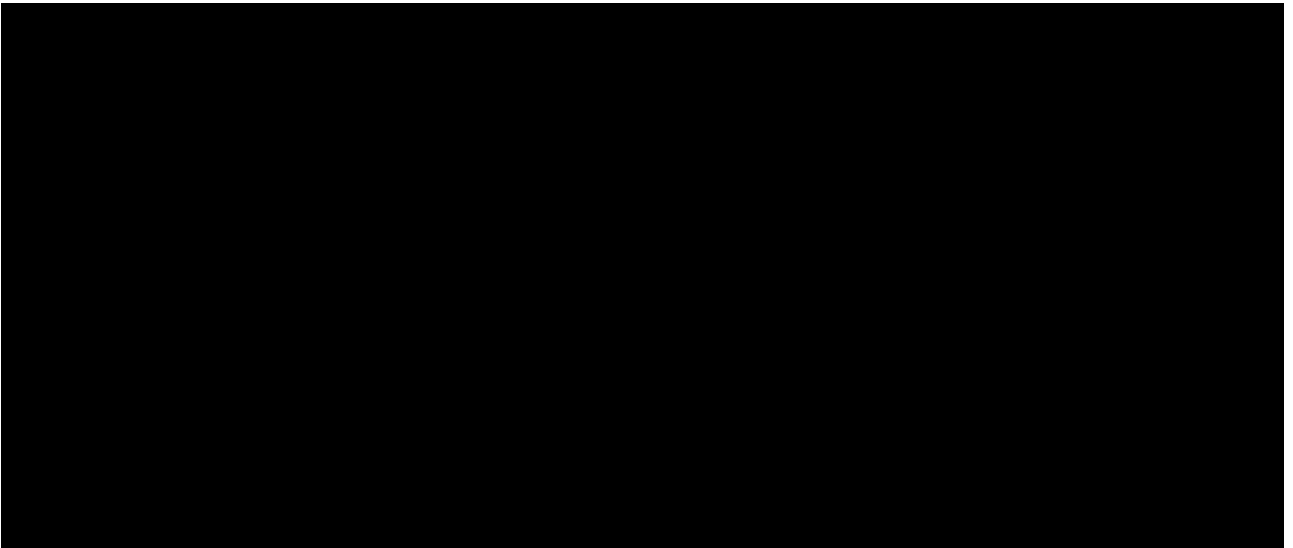
(e) The following property receipts are associated with the computer:

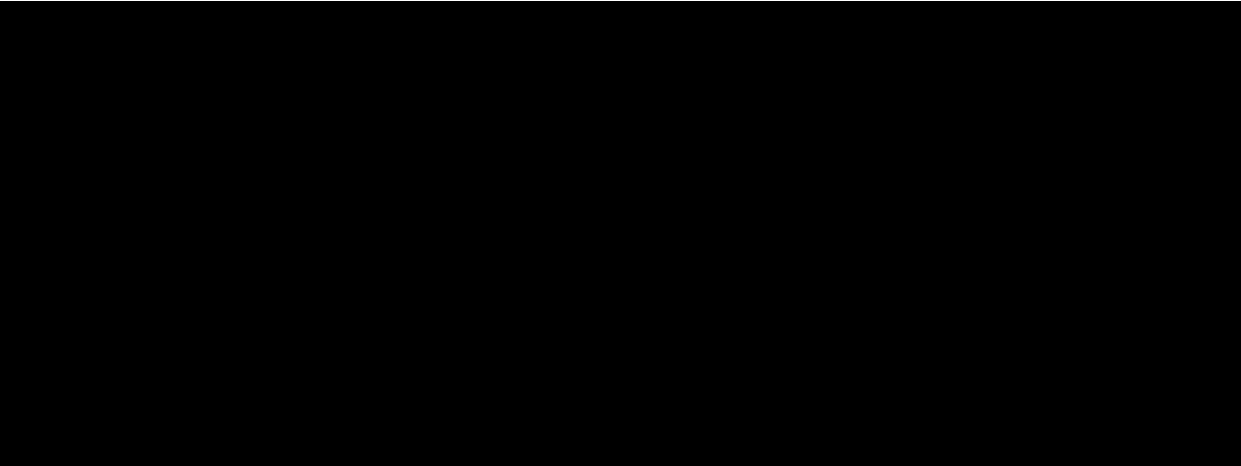
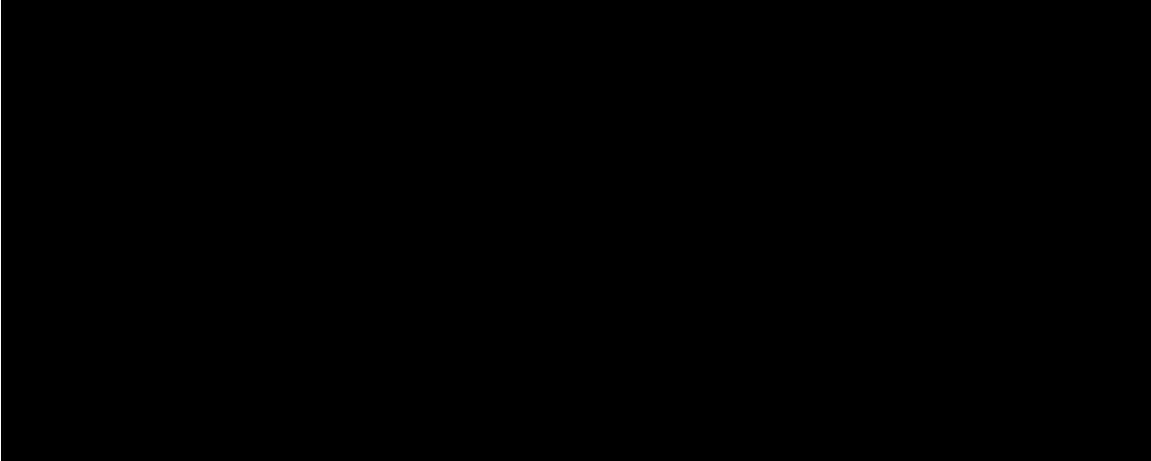
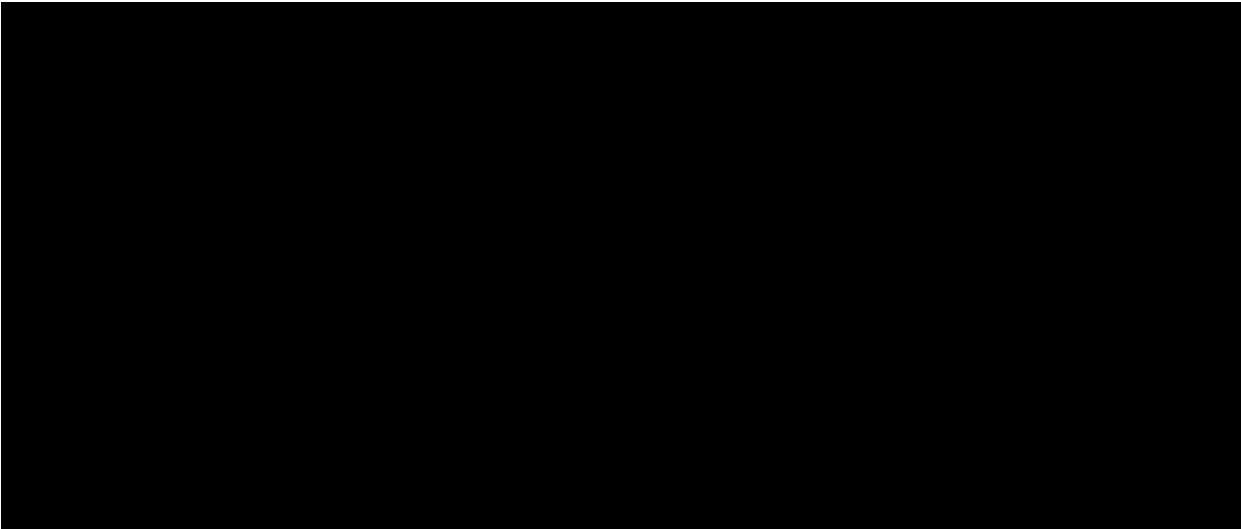
- i. Property Receipt #P168891 – CPU hard drive, power cord
- ii. Property Receipt #P168892 – monitor
- iii. Property Receipt #P132177 – black power cord, keyboard, mouse

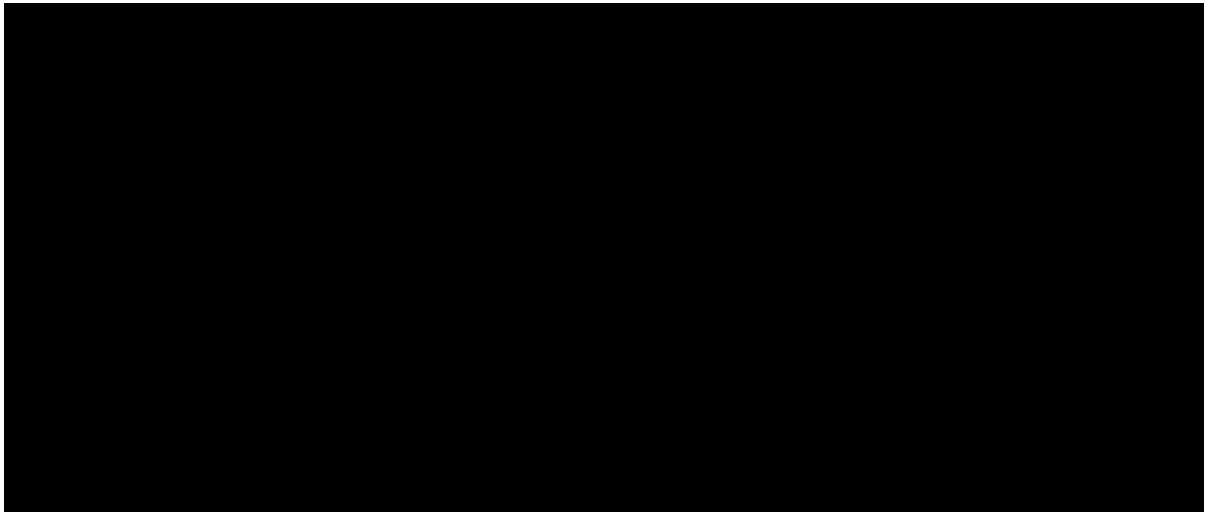
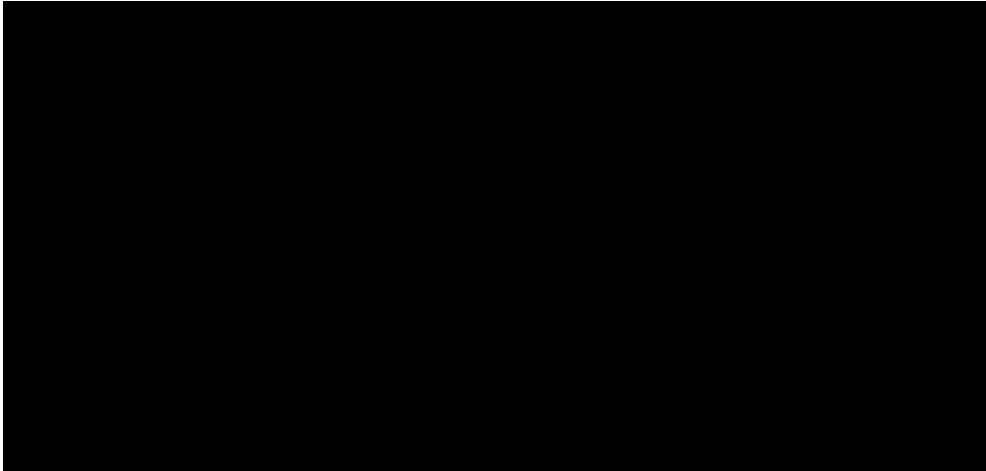
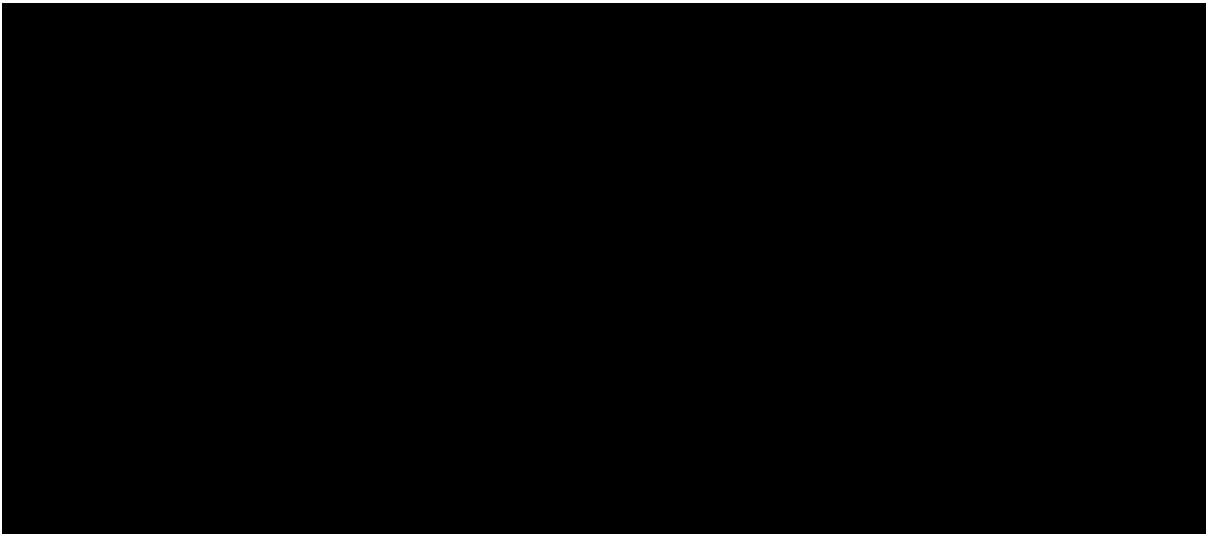
(f) On December 20th, 2017 DC THOMAS returned to the Apotex building at 150 Signet Road and arrived at the building at 11:40 AM.

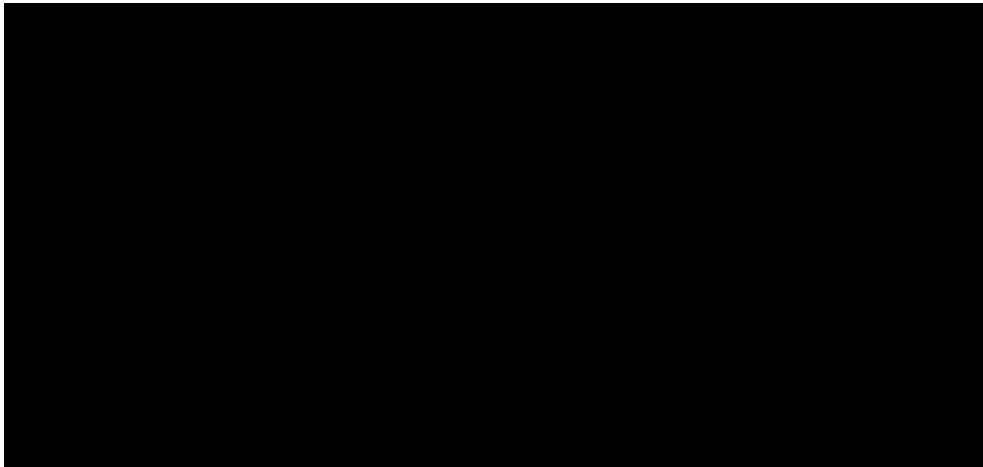
(g) At 11:50 AM DC THOMAS sealed a door leading to Bernard SHERMAN's lab from Jack KAY's office with seal number 1278117, thereby totally securing the lab.

On January 9th, 2018 I reviewed the following Cumulus photographs taken by DC GRONDIN. The photographs all have a date stamp of December 17th, 2017.









19. GOODMAN'S LLP

(a) On January 9th, 2018 DC DEVINE brought to my attention a letter sent by Goodmans LLP to DC THOMAS, dated December 18th, 2017:

- i. The letter was addressed to Detective Constable Kristin THOMAS #7660, Toronto Police Force, Homicide.
- ii. The letter was in regards to: Documents Seized from the Premises of Apotex Inc. 150 Signet Drive, Toronto, ON, M9L 1T9 (the "Premises") in Connection with the Toronto Police Service Investigation of Sherman deaths (the "Investigation").
- iii. The content of the letter is as follows:

We are the solicitors for Apotex Inc. We understand that in the course of the Investigation the police attended at the Premises on Sunday December 17, 2017 and seized a desk top computer with hard drive, power cords and a monitor from the offices of the now deceased Chair and founder of the company, Dr. Bernard Sherman. The company's director of security, Sean McDonald, in the aftermath of the shocking news of the deaths of Dr. Sherman and his wife, was well intentioned in his desire to co-operate with the ongoing Investigation but was not in a position to properly advise the police inspectors who attended that the property that was seized very likely contains electronic documents that are privileged (the privileges that apply include, without limitation, solicitor-client and litigation and settlement privilege), and Mr. McDonald did not have the authority of the company to waive its privilege. We understand that Peter Kalins, the Vice-President, General Counsel of Apotex, has been in touch with you on a preliminary basis in this regard. It has also come to our attention that the Toronto Police Services may have seized other electronic devices from the home of Dr. Sherman, including but not limited to computers, phones, Ipads and the like, that contain electronic documents belonging to the company that would similarly be privileged. Any such privileges will apply to documents and records that have not necessarily been identified on their face as "privileged" or "confidential" (although certainly would include documents so identified) and to communications not only with internal and external counsel, but may also apply to communications with others if in furtherance of the seeking and receiving of legal advice and/or in furtherance of litigation or its settlement. Many of the documents are also highly confidential and proprietary to the company and their disclosure to third parties could result in significant financial harm to the company. Any such property (whether it be computers, hard drives, phones, Ipads and/or other devices) that has been seized that may contain privileged documents and records needs to be segregated and sealed. To the extent that any copies or images have been, or are, made of the electronic documents and records contained on the seized hard drive or any other devices, they will also need to be segregated and sealed, all until such time as we can make appropriate arrangements (by agreement and/or court order) to ensure that the company's privilege and confidentiality is protected. The company wishes to co-operate fully in the Investigation and does not wish to in any way interfere with it, but you can appreciate that these are important rights that must be protected and we must invoke the appropriate protections on its behalf. Similar considerations (including, without limitation, the necessity of sealing and segregation pending resolution of the privilege concerns by agreement and/or court order) will apply to any search warrant that is to be executed in respect of the company's property, on the Premises or at any other location. We will work with you to ensure that this is done as efficiently and with as little interference or delay as possible. To the extent that

it assists, we are available to discuss this with you in advance of the execution of your search warrant, or when it is executed (as we have been asked by the company to be present). Yours truly, Goodmans LLP Jessica Kimmel Jk/ cc. Peter Kalins, Vice-President, General Counsel Apotex Inc.

(b) On January 9th, 2018 DC DEVINE brought to my attention a letter sent by Goodmans LLP to Det. PRICE, dated December 21th, 2017:

- i. The letter was addressed to Detective Brandon PRICE #8329, Toronto Police Service, Homicide Squad.
- ii. The letter was in regards to: Search Warrant(s) for Documents of Apotex Inc. 150 Signet Drive, Toronto, ON, M9L 1T9 or other locations (the "Premises") in Connection with the Toronto Police Service Investigation of Sherman deaths (the "Investigation")
- iii. The content of the letter is as follows:

We are writing as a follow up to the letter we sent to Detective Constable Thomas dated December 18, 2017, our email exchanges of December 21, 2017 and your discussion with Peter Kalins of Apotex on that same day. As you know, our role as counsel to the company is to ensure that the Toronto Police are aware of the privilege assertions over the company property that has been or may be seized, and to take steps to protect those privileges under appropriate arrangements, that could be effected by agreement and/or by court order. As has been previously indicated, the company wishes to fully cooperate in the Investigation and we are looking for the most efficient path forward to that end. We understand that you are going to be making an application for a search warrant (or perhaps multiple search warrants) in respect of company property. We also understand that you have been consulting with counsel and thus expect that they have been made aware of the implications of the company's concerns (and restrictions on access to any property seized until those concerns have been resolved). Given the circumstances (and, in particular but without limitation, our advice that the electronic and hard copy records of the company are likely to be replete with privileged communications and materials), we expect that you will bring our December 18, 2017 and this correspondence to the attention of the issuing judge and that a condition will be included in any search warrants issued to the effect that: upon seizure all property covered by the search warrant will be immediately sealed and deposited to the attention of the Superior Court of Justice or with Toronto Police Services to be kept in

their custody for safe-keeping until the privilege concerns of the company (and any related companies whose privileged materials may be stored on the property) are resolved either by agreement or by further order of the court. If that condition does not appear in the search warrants then we will have to, at that time, make blanket privilege assertions to that effect and will ask that all property covered by those warrants be sealed upon their execution. Either way, we are going to need to have a dialogue about how to resolve the privilege concerns, and, in our view, it would make sense to start that dialogue now rather than waiting until after execution of the search warrants as there are a number of possible approaches to this, and the available options are, in turn, to some extent going to be informed by and dependent upon the historical time frame of interest. You and others who have been dealing directly with company representatives have provided assurances to them that they will be given ample notice of any planned execution of a search warrant so as to be able to have their teams in place and present, including counsel. We would appreciate any update that you are able to provide as to anticipated timing for this on Friday December 22, 2017. In the meantime, we remain available to discuss the company's privilege concerns and possible options for addressing them with you and your counsel and urge you to open those lines of communication in the interests of efficiency.

Yours truly, Goodmans LLP

Jessica Kimmel

cc. Peter Kalins, Vice-President, General Counsel Apotex c.6769888

I had since had several conversations with Randy SCHWARTZ, General Counsel, Ministry of the Attorney General for Ontario, Crown Law Office – Criminal. As a result of these conversations, it is my understanding that he has spoken to and exchanged e-mails with Jessica KIMMEL and Mark DUNN at Goodmans LLP to discuss terms and conditions for dealing with privileged material that may exist at Bernard's SHERMAN's lab and/or office at Apotex, and in the computer that was seized from Bernard's SHERMAN's office at Apotex. These discussions and e-mails have extended over several days and have resulted in their agreement to a protocol by which Goodmans LLP, acting for Apotex and as agents for the estate trustees of Bernard SHERMAN and Honey SHERMAN, will, a) participate in the execution of the search at the lab/office, to safeguard any legal privileges in a manner acceptable to them, and b) review any data extracted from the seized computer before the data are released to investigators, to safeguard any legal privileges in a manner acceptable to them. The agreed-upon terms for these searches are what I am proposing should be incorporated into the search warrants I am seeking in this application. The specific terms and conditions that have been agreed to with Goodmans LLP are outlined in this Information to Obtain in the section pertaining to "manner of execution".

20. GROUNDS TO BELIEVE AN OFFENCE WAS COMMITTED

I have reasonable grounds to believe that unknown person(s), between December 13, 2017 and December 15, 2017, inclusive, at 50 Old Colony Road in the City of Toronto in the Toronto Region, did commit the offence of Murder, contrary section 235(1) of the *Criminal Code*.

(a) On December 15th, 2017 at approximately 11:45 AM police were called to 50 Old Colony Road in the City of Toronto for an “Echo Tiered Response”.

(b) The bodies of Bernard SHERMAN and Honey SHERMAN were first located and identified by the witness Elise STERN.

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

(f) On December 16th, 2017 at 2:55 PM the coroner, Dr. GIDDENS pronounced Bernard SHERMAN and Honey SHERMAN deceased.

(g) Post mortem examinations conducted by Dr. PICKUP determined that the cause of death for both Bernard SHERMAN and Honey SHERMAN was ligature neck compression.

[REDACTED]

(h) Dr. PICKUP advised investigators that there are three possible outcomes in regards to this investigation. They are:

- i. A double suicide
- ii. A murder suicide
- iii. A double murder

(i) The [REDACTED] makes the deaths suspicious. At this point I believe the death of Honey SHERMAN was a murder and that the death of Bernard SHERMAN is either a murder or suicide.

(j) I do not believe that the deaths of both Honey and Bernard SHERMAN can be attributed to a double suicide as it appeared that they were both living a happy life with no financial difficulties and no known mental illnesses. Family members advised that there has been no previous suicide attempts and no self-harm in the past for both Honey SHERMAN and Bernard SHERMAN.

(k) So far in the investigation, there has been no indication that either Bernard SHERMAN or Honey SHERMAN harboured any hostility towards each other and there is no documented history, with police, of any domestic violence. They were making plans for the future together as they had a trip to Florida scheduled and were in the process of having a new home built. The SHERMAN children indicated that their parents did not get along when they were younger, however they also said that their parents' relationship had improved recently and they appeared to be getting along. No persons interviewed so far have indicated that there was infidelity in the relationship.

(l) At this point in the investigation, I believe that Honey SHERMAN was murdered. However, further investigation is required to determine if either Bernard SHERMAN caused Honey SHERMAN's death or if other person(s) are responsible for both their deaths.

For the aforementioned reasons, I believe that the investigation in Honey SHERMAN's death is a homicide investigation and the investigation into the death of Bernard SHERMAN is either an investigation into a suicide or a homicide investigation as well.

PRODUCTION ORDERS

21. GROUNDS TO BELIEVE THE DOCUMENTS TO BE PRODUCED WILL AFFORD EVIDENCE:

I have reasonable grounds to believe that the documents I am seeking through production orders in this application will afford evidence of the offence of murder.

The following is a list of the documents sought by production order in this application and an explanation of my reasonable grounds to believe the documents will afford evidence.

- (a) OHIP billing records and records of visits to hospital and clinics from December 2010 to December 16th, 2017 for Bernard SHERMAN with a date of birth of February 25th, 1942, under OHIP number [REDACTED] and Honey SHERMAN with a date of birth of January 25th, 1947, under OHIP number [REDACTED]**

The records available from OHIP are limited to records of the following:

- i. Date of service.
- ii. A Fee Schedule Code with a brief description (which is a brief description of what the physician did to generate the charged fee).
- iii. The location of service.
- iv. The physician's name.
- v. A Diagnosis Code Description (which is a brief description of the reason for the visit).

The records will not contain any more detailed or private information about the patient or the treatment received. They are not medical records – they only serve to identify services that were accessed by Bernard and Honey SHERMAN. I am aware of this, both through communication with Ontario Ministry of Health & Long Term Care, Information Management Support Centre, Team Manager, Brenda ANTLIFF, and from my personal experience of receiving OHIP billing records stemming from the execution of prior production orders. If investigators deem any particular visit is of interest to this investigation and the medical records have investigative or evidentiary value, follow up production orders will be applied for to obtain the records from the particular physician and/or medical facility.

The OHIP records will show if either Bernard SHERMAN or Honey SHERMAN suffered from or received any treatment for any mental illnesses in the past. They will reveal if Bernard SHERMAN and Honey SHERMAN had ever sought medical treatment for suicide

attempts, medical treatment for domestic violence incidents or if they had attended any psychologists or psychiatrists in the past. This information can assist investigators in assessing and determining the likelihood of a double suicide or murder suicide scenario.

Billing records will also allow investigators to determine what types of medical professionals were treating Bernard and Honey SHERMAN. Professionals such as oncologists or those specializing palliative care or pain, who may be identified in the billing records, will allow investigators to investigate whether Bernard or Honey SHERMAN were suffering from any undisclosed, terminal illness or any substantial pain which could alter their outlook on life. If required, subsequent production orders to the specific medical professionals will allow investigators to determine if either Honey or Bernard SHERMAN suffered any terminal illnesses or suffered any substantial pain.

I understand that OHIP records going back 7 years, is a long period of time. However, I believe the privacy interest of the billing records is low as the records are not medical records rather they are just billing records which show which doctors the SHERMANS visited and subsequently billed OHIP. Upon receipt of these records, investigators can determine if any of the doctors were psychologists or psychiatrists to determine if the SHERMANS had received any treatment for mental illnesses in the past. [REDACTED]

[REDACTED]

I recognize that, at the present time, I do not have any concrete, positive evidence that [REDACTED]

[REDACTED] that might support the conclusion that there was a motive for suicide. However, it is very important to this investigation that investigators do everything possible to investigate and determine whether their deaths were the result of a double suicide or a murder suicide. The presence and absence of mental health records and other records pointing to a motive for suicide will assist investigators in this assessment.

It is important to consider that both the presence and absence of medical records potentially supporting a motive for suicide will afford evidence in this case. If the OHIP records show that Bernard and/or Honey SHERMAN had received treatment for a

condition that might have contributed to a motive for suicide, this may support the suicide theory of the investigation and point away from the theory that this was a double murder committed by one or more other suspects. Alternatively, if the OHIP records show that Bernard and/or Honey SHERMAN had not received any such treatment, this may point away from a motive for suicide and support the investigative theory that this was a double murder. Accordingly, both the presence and absence of relevant entries in the OHIP records will assist. I rely on this reasoning in support of my grounds to obtain the records.

I also rely on the fact that if a suspect is ultimately arrested and charged in relation to the deaths, any medical records that may point towards to a motive for suicide could become potentially relevant to a defence. The investigators will want to know whether any such records exist when weighing the case against other suspects.

(b) Banking records for Bernard and Honey SHERMAN for the time period of November 15th, 2017 to January 13th, 2018

I am requesting credit card and banking records for the time period of November 15th, 2017 to January 13, 2018, inclusive, for the following accounts held by Bernard and Honey Sherman:

- i. TD Visa card account number [REDACTED] in the name of Bernard SHERMAN.
- ii. CIBC, Aerogold Visa account number [REDACTED] in the name of Dr. Bernard C. SHERMAN.
- iii. BMO, Diners Club International, Master Card account number [REDACTED] in the name of Bernard SHERMAN and Apotex.
- iv. BMO corporate Master Card account number [REDACTED] the name of Barry SHERMAN and Apotex Fleet.

The banking cards associated with the above accounts were [REDACTED]
[REDACTED] It is reasonable to believe that Bernard SHERMAN would have access to the credit cards and bank accounts associated to these banking cards and that he would have used these cards.

- v. BMO Harris Private Banking account in the name of Bernard SHERMAN and Honey SHERMAN with account number [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

- vi. CIBC Aerogold Visa account number [REDACTED] in the name of Honey SHERMAN.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- vii. All TD Bank Group personal and commercial accounts held solely or jointly in the name of Bernard SHERMAN with date of birth of February 25th, 1942.

- viii. Any and all BMO personal accounts held solely or jointly in the name of Bernard SHERMAN with a date of birth of February 25th, 1942

- ix. Any and all BMO personal accounts held solely or jointly in the name of Honey SHERMAN with a date of birth of January 25th, 1947

Through conversations with Ranjit RAI of TD Bank Group and Craig CHRISTIE of BMO Financial Group I have reason to believe that, Bernard SHERMAN had other personal and commercial accounts at TD Bank in his name and that, Bernard SHERMAN and Honey SHERMAN had other personal accounts at BMO Financial Group in their names and that it is reasonable to believe that they would have access to these accounts.

For all the aforementioned accounts I will be requesting the following:

- i. Profile information
- ii. Account opening and closing documentation.

- iii. Account statements for period from November 15th, 2017 to January 13th, 2018 inclusive.
- iv. Account supporting transactions for the period from November 15th, 2017 to January 13th, 2018 inclusive.
- v. Details of all electronic transfers and payments and source IP addresses of the party responsible for conducting the said transactions.
- vi. Video of the parties responsible for the above referenced transactions if available.

For several reasons, I reasonably believe that the records I am requesting relating to these accounts will afford evidence.

- I. The credit card and banking records will assist investigators in tracking the movements of the deceased persons prior to their deaths. Investigators could determine the location and time that transactions were completed. This information can be used to narrow the time of death for investigators.
- II. DC DEVINE had already applied for and received authorization to obtain the cellular phone records for the time period of 12:00 AM on November 15th, 2017 to 12:45 PM on December 15th, 2017. By requesting credit cards and banking records commencing on November 15th, 2017, investigators would be able to corroborate and compare any times and locations where Bernard SHERMAN or Honey SHERMAN did their banking with the locations where their cellular phones were used.
- III. The banking and credit card records of BERNARD and Honey SHERMAN will show if they had made any purchases of any items that were used to cause their deaths. If there were any recent purchases of items that caused their deaths this would support the notion that this incident could be a double suicide or a homicide followed by a suicide.
- IV. [REDACTED]
[REDACTED] Banking records could reveal the time and the location where Honey SHERMAN obtained [REDACTED] and thereby assist investigators in narrowing the time of

death. Through banking records investigators can also identify potential witnesses, such as bank employees, that had contact with Honey SHERMAN or Bernard SHERMAN prior to their deaths, and perhaps witnessed Honey SHERMAN [REDACTED] This may assist in locating persons with a potential motive for murder.

V. Any transactions conducted on any of these accounts after the deaths of Bernard and Honey SHERMAN will reveal if any other parties other than Bernard and Honey SHERMAN had access to these accounts. This information could identify a possible motive for murder as well as the identification of potential witnesses or suspects that were previously unknown to police.

VI. Banking records could also reveal [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(c) Apotex Inc. video surveillance from 150 Signet Road, Toronto, from December 11th, 2017 at 12:01 AM to December 15th, 2017 at 6:00 PM.

The video surveillance from Apotex will allow investigators to corroborate the statements of Joe BRENNAN, Danny GREENGLASS and Roman BUKOVYNSKY who were all present at Apotex Inc. on Wednesday December 13th, 2017 and [REDACTED]
[REDACTED] Video surveillance for the days prior to December 13th, 2017 can be used to determine who Bernard SHERMAN met with at Apotex prior to his death. This information can lead to the identification of witnesses previously unknown to investigators. If a time of death for the SHERMANs is determined, the video can be used to rule out potential suspects as any persons seen on video at the determined time of death would have an alibi.

As indicated above, investigators have already received stills taken from this video surveillance. While these stills are helpful in creating a timeline of events and narrowing the potential time of death, the video surveillance recordings themselves will provide

greater evidence about the comings and goings of the SHERMANS and others at Apotex around the time of the deaths. In addition, while the stills are useful to investigators, the surveillance recordings themselves are the best evidence for court purposes.

(d) Apotex Inc. Swipe Card Logs for 150 Signet Road, Toronto, from December 11th, 2017 at 12:01 AM to December 15th, 2017 at 6:00 PM.

The logs from the swipe cards can be used to corroborate what is seen on the video surveillance. The logs can also be used in the same way as the video surveillance as any swipe cards used at the Apotex Inc. building during the determined time of death of the SHERMAN's could be ruled out as a potential suspect or person of interest.

22. SUMMARY OF GROUNDS TO BELIEVE THE DOCUMENTS TO BE PRODUCED ARE IN THE POSSESSION AND CONTROL OF THE ENTITEIS FROM WHICH I AM SEEKING THEM

I have reasonable grounds to believe the documents I am seeking are in the possession or control of the entities from which I am seeking them.

(a) OHIP billing records and records of visits to hospital and clinics from December 2010 to December 16th, 2017 for Bernard SHERMAN with a date of birth of February 25th, 1942, under OHIP number [REDACTED] and Honey SHERMAN with a date of birth of January 25th, 1947, under OHIP number [REDACTED]

The existence of an OHIP card for Bernard SHERMAN and an OHIP number for Honey SHERMAN suggest that billing records exist at the Ministry of Health and Long Term Care.

On Thursday December 28th, 2017 I was in contact with the Ontario Ministry of Health & Long Term Care, Information Management Support Centre, Team Manager, Brenda ANTLIFF. Brenda confirmed that the Health Card number [REDACTED] belongs to Bernard SHERMAN and that the Health Card number [REDACTED] belongs to Honey SHERMAN and that they have OHIP billing records going back seven years readily available and that they can be obtained from:

Ontario Ministry of Health & Long-Term Care
Personal Health Information Security Disclosure Section
49 Place d'Armes, 3rd Floor
Kingston, ON, K7L 5J3

(b) Banking records for Bernard and Honey SHERMAN for the time period of November 15th, 2017 to January 13th, 2018

- i. TD Visa card account number [REDACTED] in the name of Bernard SHERMAN.
- ii. Any other TD personal and commercial accounts held solely or jointly in the name of Bernard SHERMAN with a date of birth of February 25th, 1942

On Thursday December 28th, 2017, I was in contact with TD Bank Group, Team Lead, Production Order Specialist, Ranjit RAI. Ranjit advised that the Visa account number is a valid account and that Bernard SHERMAN had other personal and commercial accounts at TD held in his name. As per Ranjit RAI, records relating to these accounts may be obtained from:

TD Bank Group
3500 Steeles Avenue, East, Tower 1, Level 1
Markham, ON, L3R 2Z1

- iii. CIBC, Aerogold Visa account number [REDACTED] in the name of Dr. Bernard C. SHERMAN.
- iv. CIBC Aerogold Visa account number [REDACTED] in the name of Honey SHERMAN.

On Thursday December 28th, 2017, I was in contact with CIBC Corporate Security Consultant, Bruna DURIGON. Bruna advised that the CIBC, Aerogold Visa accounts belonging to Bernard C. SHERMAN and Honey SHERMAN are valid accounts. Records relating to these accounts may be obtained from:

Canadian Imperial Bank of Commerce
33 Yonge Street, 4th Floor, North
Toronto, ON, M5E 1G4

- v. BMO, Diners Club International, Master Card account number [REDACTED] [REDACTED] in the name of Bernard SHERMAN and Apotex.

- vi. BMO corporate Master Card account number [REDACTED] the name of Barry SHERMAN and Apotex Fleet.
- vii. BMO Harris Private Banking account in the name of Bernard SHERMAN and Honey SHERMAN with account number [REDACTED]
- viii. Any and all BMO personal accounts held solely or jointly in the name of Bernard SHERMAN with a date of birth of February 25th, 1942
- ix. Any and all BMO personal accounts held solely or jointly in the name of Honey SHERMAN with a date of birth of January 25th, 1947

On Thursday December 28th, 2017, I was in contact with BMO Financial Group, Investigative Analyst, Craig CHRISTIE. Craig advised that the Master Card accounts in the name of Bernard SHERMAN and Apotex, Barry SHERMAN and Apotex Fleet and the personal account in the name of Bernard SHERMAN and Honey SHERMAN are valid accounts.

Craig also advised that Bernard SHERMAN has other personal accounts with the BMO Financial Group and Honey SHERMAN may possibly have other accounts with BMO Harris Private Banking, which he cannot view and does not have access to, as Honey SHERMAN was a private banking customer. As per Craig CHRISTIE, records relating to all the accounts may be obtained from:

BMO Financial Group
234 Simcoe Street
Toronto, ON, M5T 1T4

- (c) **All Apotex Inc. video surveillance from 150 Signet Road from December 11th, 2017 at 12:01 AM to December 15th, 2017 at 6:00 PM.**

And;

Apotex Inc. Swipe Card Logs for 150 Signet Road, Toronto, from December 11th, 2017 at 12:01 AM to December 15th, 2017 at 6:00 PM.

On January 10th, 2018 I spoke with DC THOMAS who advised that she had spoken to Apotex Inc. security supervisor, Sean MCDONALD, earlier in the day, who advised that he had the video surveillance and the swipe card logs from 150 Signet Road for the stipulated time period.

SEARCH WARRANTS

23. GROUNDS TO BELIEVE THE THINGS TO BE SEARCHED FOR WILL AFFORD EVIDENCE

I have reasonable grounds to believe that the things I am seeking to search for and seize in this application will afford evidence of the offence of murder.

The following is a list of the things I am seeking to search for and seize, and an explanation of my reasonable grounds to believe the things will afford evidence.

(a) Office and adjoining lab of Bernard SHERMAN located at Apotex Inc., 150 Signet Road, Toronto, ON.

I reasonably believe that the search of the office and lab will yield the following items which will afford evidence:

- i. Personal writings either undated or dated in the period from June 15, 2017 to December 15, 2017
 - I. Any documents written by Bernard SHERMAN in the months leading up to his death could indicate his state of mind. Documents such as a journal or suicide note could be valuable in assisting investigators in determining which of the three scenarios identified by Dr. PICKUP is likely in this case.
- ii. Correspondence either undated or dated in the period from June 15, 2017 to December 15, 2017
 - I. Any correspondence located in Bernard SHERMAN's office and lab from the months leading up to this death could identify potential witnesses and suspects that he was in communication with prior to his death. The contents of the correspondence can be used to corroborate witness statements and determine Bernard SHERMAN's state of mind prior to his death.

iii. Personal financial documents for the period from June 15, 2017 to December 15, 2017

I. Financial documents can be used to corroborate financial information obtained from the Production Orders that are subject to this application.

II. Financial documents can also be used to determine if Bernard SHERMAN was in any financial difficulty which could provide further insight into Bernard SHERMAN's state of mind. Financial documents could also provide insight as to [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

iv. Medications and chemicals

I. Any medications and chemicals found in the office and lab of Bernard SHERMAN can be compared with the pending toxicology test results from the samples taken from the bodies of Bernard SHERMAN and Honey SHERMAN to determine if either of them had consumed any drugs or chemicals prior to their deaths and if those chemicals would have any adverse effect to their mental state.

I have considered whether it is possible to delay the search of the lab until toxicology test results have been obtained, and then narrow or eliminate the search for medications and chemicals depending on what the toxicology tests show. I have concluded that this is not a viable option. This option would require that the lab remain sealed pending the receipt of toxicology results, which might be an inconvenience for Apotex. Further, it is my understanding that the toxicology tests will not identify any and all chemicals that may be present in blood. Rather, the tests screen for certain standard chemicals. In this case, Bernard SHERMAN was a chemist with potential access to many unknown chemicals in his lab. It is impossible to seek toxicology test results for any

such chemicals without first knowing what chemicals to look for in this testing. Accordingly, investigators must start by determining what chemicals were available to Bernard SHERMAN. Only then can further, specific toxicology testing be conducted based on what is found.

- v. Digital devices and storage media (such as computer disks, hard drives, memory cards and memory sticks) capable of holding data; cables, peripheral components and operating manuals needed to operate the digital devices; and written memory aids containing passwords (such as sticky notes, memo pads, and note books) and digital passcode generators (collectively “digital devices”).

I do not have reasonable grounds to believe there are any digital devices in the office or lab at Apotex (a computer was already seized from the office and it is the subject of the other search warrant I am seeking in this application). However, I am aware that in *R. v. Vu*, the Supreme Court held that in order to seize and examine an electronic device, police do not need to establish reasonable grounds to believe, in advance, that the device will be found in the place they are searching. Rather, police must establish reasonable grounds to believe that any electronic device they discover during the search will contain relevant data. In this case, I believe that this test is met.

My grounds are the same as my grounds to believe that the computer that has already been seized from Bernard SHERMAN’s office will afford evidence. These grounds are set out below in the section of this Information to Obtain dealing with the computer that has already been seized. Given that my grounds are the same, the data I am seeking authority to access from any devices that are located are also the same as the data identified for the computer that has already been seized. These data are also set out below in the section of this Information to Obtain dealing with the computer that has already been seized.

In setting out these grounds, I am cognizant of the fact that the contents of Bernard SHERMAN’s office and lab contain information that may be privileged. As indicated above, if granted, the search of the lab and office will be conducted with the assistance of counsel from Goodmans LLP, Barristers & Solicitors to ensure that any legal privileges potentially impacted by the search are respected. The specific terms and conditions

relating to privilege have been agreed to with Goodmans LLP, and they are outlined in this Information to Obtain in the section pertaining to “manner of execution”.

I am also cognizant of the fact that I am asking for authority to search for and seize documents that are either undated or that are dated in the six months leading up to the deaths in this case. I note that this six month period is longer than the period sought for electronic documents obtained from seized devices.

The reason that I am asking to seize documents that are undated is that many potentially relevant documents written by or to Bernard SHERMAN may not be dated. For example, a suicide note, an unsent letter to Honey SHERMAN, or an extortion letter to Bernard SHERMAN, may not be dated. In addition, a document that is not dated may have been written or received close in time to Bernard SHERMAN’s death, and thereby may have evidentiary value.

The reason that I am asking to seize documents that are dated in the six months leading up to the deaths in this case is that I reasonably believe that documents from this time period are most relevant to the investigation. They are most relevant to assessing Bernard SHERMAN’s state of mind at the time of the deaths; they are most relevant to establishing a potential motive for suicide and/or murder; and they are most relevant to identifying other potential witnesses.

The reason that the period sought for electronic documents obtained from seized devices is shorter than the date range for documents from the office and lab is that in the case of seized digital devices, investigators can analyse the devices incrementally without compromising the investigation. The seized devices are securely in the custody of the police, so the police can start by seeking authority for a very narrow examination of the devices, knowing that as the investigation progresses they can seek further authorization for a broader examination if the need arises. This is not true of the search of the lab and office at Apotex. For the lab and office, police need to search for and seize the broader set of all of the documents for which they have reasonable grounds, because if the documents are not seized now, continuity may be lost and the documents may not be available for seizure in the future.

(b) Computer seized from Bernard SHERMAN’s office

I reasonably believe that the computer seized from Bernard SHERMAN’s office will contain the following categories of data which will afford evidence:

- i. Data relating to use, ownership, access to the device and configuration of the device, including internal and external system or program configuration.

This information will show who had access to the device, who used the device, who created, sent or received information on the device that would be relevant to any identified criminal offence. This information will confirm if Bernard SHERMAN was the only person who had access to his computer in his office or if other persons had access to the computer.

- ii. Emails sent and received between December 1st, 2017 and December 15th, 2017, inclusive.

Emails will reveal who Bernard SHERMAN was communicating with prior to his death and will show if he had any disputes or disagreements between any other persons. I am aware of the privacy interest of other third parties as well as DC DEVINE's previous application to search the digital devices found in the SHERMAN's home. The time period requested by DC DEVINE was from 14 days prior to the deaths and I will be requesting the same as information found on Bernard SHERMAN's work computer can be used to corroborate information located on the devices found in the SHERMAN residence.

- iii. Internet Browser History showing websites visited including social media for the period between December 1st, 2017 and December 15th, 2017, inclusive.

The internet browser history will identify any websites that Bernard SHERMAN was viewing prior to leaving Apotex Inc. on the night of December 13th, 2017 and in the days leading up to his death. Any search history that includes thoughts of suicide or ways to commit suicide, would suggest that his death was caused by a suicide and would rule out one of the scenarios presented by Dr. PICKUP.

- iv. Contacts, addresses and phone books

Information from contact lists, addresses and phone books contained within the computer will assist investigators in identifying other persons who may have known Bernard SHERMAN, may be potential witnesses to this incident, or may be able to provide additional information into the background of Bernard SHERMAN.

- v. Calendar and scheduled events for the period between December 1st, 2017 and December 15th, 2017, inclusive.

Any calendars with entries will reveal any planned meetings with persons that were previously unknown to investigators. If any of these previously unknown meetings occurred, further investigation could lead to the identification of potential witnesses or suspects and will also assist with the narrowing of the time of death.

- vi. Any other text documents or notes created or edited in the period from December 1st, 2017 to December 15th, 2017, inclusive.

Other text documents may reveal the existence of a suicide note or any other drafted correspondence that was not sent. The presence of a suicide note or correspondence will reveal Bernard SHERMAN's state of mind prior to his death.

I am cognizant of the fact that the contents of the computer located in Bernard SHERMAN's office may contain information that is privileged. As indicated above, if this search warrant is granted, the analysis of the computer will be conducted with the assistance of counsel from Goodmans LLP, Barristers & Solicitors to ensure that any legal privileges potentially impacted by the analysis are respected. The specific terms and conditions relating to privilege have been agreed to with Goodmans LLP, and they are outlined in this Information to Obtain in the section pertaining to "manner of execution".

I am also cognizant of the fact that several other digital devices have already been seized in this investigation and search warrants have issued for their examination. The categories of data identified for examination in this application mirror the categories of data identified for examination in the other search warrants that have already been issued, except that in this application (unlike the other search warrants) I am not seeking authority to examine the devices for text messages and call logs. This is because the device seized from Bernard SHERMAN's office is a computer, not a cell phone or other personal device, and I do not seek to locate text messages or call logs on this computer.

24. SUMMARY OF GROUNDS TO BELIEVE THE ITEMS TO BE SEARCHED FOR AND SEIZED ARE IN THE PLACES TO BE SEARCHED

(a) Office and lab belonging to Bernard SHERMAN located at Apotex Inc., 150 Signet Road, Toronto, ON.

i. Documentary evidence

The pictures of Bernard SHERMAN's office and lab at Apotex Inc., located at 150 Signet Road, taken by DC GRONDIN shows various stacks of papers scattered throughout the office and lab. Investigators have not gone through or viewed the stacks of paper to determine what they are and determine if they are of evidentiary value to this case.

[REDACTED] states in [REDACTED] statement that, [REDACTED] [REDACTED] and that, [REDACTED] [REDACTED] If this is the case it is reasonable to believe that Bernard SHERMAN would have personal writings, correspondence and financial documents in his office and even more so if he had items that he wanted to keep private from other persons or his wife.

ii. Medications and Chemicals

The pictures of Bernard SHERMAN's office and lab at Apotex Inc., located at 150 Signet Road, taken by DC GRONDIN show various pill bottles and boxes of medications throughout Bernard SHERMAN's office and lab. Investigators do not know if the medications were prescribed to Bernard SHERMAN or if they are there because of the nature of his work. Nevertheless the presence of the pill bottles and boxes of medications in Bernard SHERMAN's office and lab makes it reasonable to believe that Bernard SHERMAN had access to them and could have possibly consumed them or provided them to other persons.

(b) Computer located at Toronto Police Service, 33 Division in secure property locker #51.

As outlined in DC THOMAS' notes on December 17th, 2017, DC THOMAS seized a computer and it's components from Bernard SHERMAN's office and took it to 33 Division and placed it in secure property locker #51. The computer and the components were assigned property receipt numbers P168891, P168892 and P13217.

25. MANNER OF EXECUTION OF SEARCH WARRANT AT THE APOTEX OFFICE AND LAB

I am proposing the following terms of the search of the Apotex lab/office and the examination of any electronic devices that are found. As indicated above, these terms include terms designed to safeguard any legal privilege that may arise from this search. These terms have been agreed to by Goodmans LLP, acting for Apotex and as agent of the estates of Bernard and Honey Sherman.

Search of the Premises for Documents

1. The Toronto Police Service (“TPS”) will only enter and search the place to be searched pursuant to this warrant (the “Premises”) accompanied by one or more representative(s) of Goodmans LLP (“Goodmans”), acting for Apotex Inc. and its affiliates and subsidiaries (“Apotex”) and as agent for the Estates of Bernard and Honey Sherman.
2. During the search of the Premises, the TPS will, to the extent possible, avoid examining the content of any documents prior to review by Goodmans, except as necessary to determine whether the documents should be seized. To the extent that any content is observed by a member of the TPS, that person shall not communicate it to anyone else or make use of it unless and until it is provided to the TPS in accordance with the review process described below.
3. The TPS will provide any documents that they wish to seize to Goodmans, who will review them to identify any documents or portions thereof that may be subject to a legal privilege. Documents that are not so identified by Goodmans, and any portions of documents that are not so identified and that can reasonably be extracted on site, will be provided to the TPS by Goodmans and may be seized in accordance with the terms of this search warrant.
4. Any documents or portions thereof that Goodmans concludes may be subject to a legal privilege will be sealed and retained in the secure possession of the TPS. Subject to the privilege review referenced below, no person other than Goodmans and any IT experts retained by Goodmans for the purpose of complying with this order (the “Experts”) shall be entitled to access these sealed documents without a Court Order or, in the case of access by the TPS, the consent of the privilege holder.
5. Any documents or portions thereof referenced in paragraph 4 may be unsealed and copied or scanned by Goodmans or the Experts, under supervision by the TPS. During this process, the TPS will, to the extent possible, not observe any contents of the documents, and if any contents are observed, the observing TPS personnel will not share the contents with anyone. The copies will be retained by Goodmans or the Experts and sealed, and the originals will be resealed.

6. Goodmans will review any copies of documents or portions thereof referenced in paragraph 5, above, as expeditiously as is practical (using whatever review platforms are deemed most practical by them), to identify any documents or portions thereof that may be subject to a legal privilege and will redact anything that is identified as such. During its privilege review, Goodmans will create a privilege log describing any documents, or portions thereof, over which a claim of privilege is made and that is subject to a redaction or withholding. The privilege log shall be drafted in a manner that does not itself disclose any privileged information.
7. Following its privilege review, Goodmans will provide in a secure manner copies of any non-privileged documents and portions thereof, and a copy of the privilege log, to Det. Brandon Price or his designate at the TPS to be used in the police investigation. Goodmans or the Experts will retain in its secure possession the copies of any privileged documents and portions thereof that are not otherwise returned to the TPS. No person shall be entitled to access the copies of privileged documents or portions thereof retained in Goodmans' or the Experts' possession without a Court Order or, in the case of access by TPS, the consent of the potential privilege holder.
8. Goodmans and the Experts will keep any documents located in the Premises confidential and will not share them with anyone without the consent of Det. Brandon Price or his designate or a Court Order. However, Goodmans can communicate with potential privilege holders about the documents solely for the purpose of determining whether any of the documents or portions thereof are privileged and/or whether privilege should be asserted or waived.

Digital Devices Located and Seized at the Premises

1. Any digital devices that are seized will be sealed and brought to the Intelligence Services of the TPS, located in the City of Toronto.
2. Examination of the data in any digital devices that are seized will be based on the offences set out in this warrant and the following seven categories of data:
 - a) Data relating to use, ownership and access to the devices;
 - b) Data relating to the configuration of the devices, including internal and external system or program configuration;
 - c) Emails sent and received between December 1st, 2017 and December 15th, 2017, inclusive;
 - d) Internet access history showing websites visited including social media for the period of December 1st, 2017 to December 15th, 2017, inclusive;

- e) Contacts, addresses and phone books;
 - f) Calendars and scheduled events for the period of December 1st, 2017 to December 15th, 2017, inclusive;
 - g) Any other text documents and notes created or edited in the period from December 1st, 2017 to December 15th, 2017, inclusive.
3. The analysis and examination of the devices for the seven identified categories of data to be extracted, and the extraction process, will be conducted by members of the TPS Technological Crime Unit (“TCU”) who are not officers otherwise involved in the investigation. These members are Certified Forensic Computer Examiners who will unseal the seized devices and search for and extract the data contained within the devices using computer forensic software that allows for the search and extraction of data from these devices without modifying, destroying or damaging any of the data.
 4. To the extent possible, the members of the TCU conducting the analysis and examination of the devices shall avoid examining the content of any of the data on the devices. To the extent that any content is observed on the devices by a member of the TCU, that person shall not communicate it to anyone else.
 5. After the TCU members complete the data extraction referred to above, the TCU will reseat the devices and deposit the sealed devices in secure storage at the TPS or the Court and no person shall be permitted to unseal or have access to the devices without a further Order of the Court upon notice provided in writing in advance to Apotex. Any such notice shall be directed to the attention of Peter Kalins or such person as he designates.
 6. The extracted data will be delivered by the TPS in a secure and confidential manner to Mark Dunn or his designate at Goodmans LLP, at 333 Bay Street, Suite 3400, in Toronto, in their native format.
 7. Goodmans and the Experts shall keep the extracted data confidential and will not share it with anyone without the consent of Det. Brandon Price or his designate or a Court Order. However, Goodmans can communicate with potential privilege holders about the data solely for the purpose of determining whether any of the data are privileged and/or whether privilege should be asserted or waived.
 8. Goodmans will review the extracted data as expeditiously as is practical (using whatever review platforms are deemed most practical by them), to identify any data or portions thereof that may be subject to a legal privilege and will redact anything that is identified as such. During its privilege review, Goodmans will create a privilege log describing any documents, or portions thereof, over which

a claim of privilege is made and that is subject to a redaction or withholding. The privilege log shall be drafted in a manner that does not itself disclose any privileged information.

9. Following its privilege review, Goodmans will return in a secure manner the non-privileged portions of the extracted data, and a copy of the privilege log, to Det. Brandon Price or his designate at the TPS to be used in the police investigation. Goodmans will retain in its secure possession (and/or in the secure possession of the Experts) all of the privileged portions of the extracted data that are not otherwise returned to the TPS. Subject only to term 7, above, no person shall be entitled to access to the privileged portions of the data retained in Goodmans' or the Experts' possession without a Court Order.

No Waiver of Privilege

1. None of Apotex, the estates of Bernard or Honey Sherman, or any other person has waived any legal privileges to which it may be entitled in the documents or data located at the Premises, including the data to be seized and extracted from devices under this search warrant, and none of the steps taken pursuant to these terms shall be deemed to be a waiver of privilege by it or them.

Copy of Search Warrant

1. For the purpose of carrying out the terms set out above, Goodmans LLP shall be given a copy of this search warrant.

Time of Execution

I propose that the Toronto Police Service be granted five days from the authorization of this warrant to execute this warrant as it will allow time for the Toronto Police Service to coordinate with a designate from Goodmans LLP, Barristers and Solicitors and Apotex Inc. to arrange a time for the execution of the warrant. I understand, based on discussions with Randy SCHWARTZ, that in terms of scheduling, Goodmans LLP prefers that if this warrant is issued, execution commence on Monday, January 15, 2018. Should this warrant be issued, investigators will attempt to accommodate this schedule.

26. TERMS AND CONDITIONS AND MANNER OF EXECUTION OF SEARCH WARRANT FOR THE SEIZED COMPUTER

I am proposing the following terms of the re-seizure and examination of the computer previously seized from the Apotex lab/office. As indicated above, these terms include terms designed to safeguard any legal privilege that may arise from this search. These terms have been agreed to by Goodmans LLP, acting for Apotex and as agent of the estates of Bernard and Honey Sherman.

1. The seized device will be brought to the Intelligence Services of the Toronto Police Service (“TPS”), located in the City of Toronto.
2. The examination and analysis of the device will be based on the offences set out in this warrant and the following seven categories of data:
 - a) Data relating to use, ownership and access to the device
 - b) Data relating to the configuration of the device, including internal and external system or program configuration
 - c) Emails sent and received between December 1st, 2017 and December 15th, 2017, inclusive
 - d) Internet access history showing websites visited including social media for the period of December 1st, 2017 to December 15th, 2017, inclusive
 - e) Contacts, addresses and phone books
 - f) Calendars and scheduled events for the period of December 1st, 2017 to December 15th, 2017, inclusive; and
 - g) Any other text documents and notes created or edited in the period from December 1st, 2017 to December 15th, 2017, inclusive
3. The analysis and examination of the device for the seven identified categories of data to be extracted, and the extraction process, will be conducted by members of the TPS Technological Crime Unit (“TCU”) who are not officers otherwise involved in the investigation. These members are Certified Forensic Computer Examiners who will unseal the device and search for and extract the data contained within the device using computer forensic software that allows for the search and extraction of data from the device without modifying, destroying or damaging any of the data.
4. To the extent possible, the members of the TCU conducting the analysis and examination of the device shall avoid examining the content of any of the data on the device. To the extent that any content is observed on the device by a member of the TCU, that person shall not communicate it to anyone else.
5. After the TCU members complete the data extraction referred to above, the TCU will reseal the device and deposit the sealed device in secure storage at the TPS or the Court and no person shall be permitted to unseal or have access to the device without a further Order of the Court upon notice provided in writing in advance to Apotex Inc. (“Apotex”). Any such notice shall be directed to the attention of Peter Kalins or such person as he designates.

6. The extracted data will be delivered by the TPS in a secure and confidential manner to Mark Dunn or his designate at Goodmans LLP (“Goodmans”), at 333 Bay Street, Suite 3400, in Toronto, in their native format.
7. Goodmans and any IT experts retained by Goodmans (the “Experts”) for the purpose of complying with this order will keep the extracted data confidential and will not share it with anyone without the consent of Det. Brandon Price or his designate or a Court Order. However, Goodmans LLP can communicate with potential privilege holders about the data solely for the purpose of determining whether any of the data are privileged and/or whether privilege should be asserted or waived.
8. Goodmans and the Experts will review the extracted data as expeditiously as is practical (using whatever review platforms are deemed most practical by them), to identify any data or portions thereof that may be subject to a legal privilege and will redact anything that is identified as such. During its privilege review, Goodmans will create a privilege log describing any documents, or portions thereof, over which a claim of privilege is made and that is subject to a redaction or withholding. The privilege log shall be drafted in a manner that does not itself disclose any privileged information.
9. Following its privilege review, Goodmans will return in a secure manner the non-privileged portions of the extracted data, and a copy of the privilege log, to Det. Brandon Price or his designate at the TPS to be used in the police investigation. Goodmans will retain in its secure possession all of the privileged portions of the extracted data that are not otherwise returned to the TPS. Subject only to term 7, above, no person shall be entitled to access to the privileged portions of the data retained in Goodmans’ possession without a Court Order.

No Waiver of Privilege

1. None of Apotex (including, but not limited to, affiliates and subsidiaries of Apotex), the estates of Bernard or Honey Sherman, or any other person has waived any legal privileges to which it may be entitled in the data on the device, including the data to be seized and extracted under this search warrant, and none of the steps taken pursuant to these terms shall be deemed to be a waiver of privilege by it or them.

Copy of Search Warrant

1. For the purpose of carrying out the terms set out above, Goodmans LLP shall be given a copy of this search warrant.

27. CONCLUSION

At this point in the investigation, investigators are trying to determine who is responsible for the deaths of Bernard and Honey SHERMAN.

The evidence obtained from the OHIP records of Bernard and Honey SHERMAN may provide a background to their mental health as well as determine if they were suffering from any life altering illnesses such as terminal illnesses or illnesses that caused substantial pain, thereby assisting investigators in determining if double suicide or a murder suicide scenario is likely or not.

Banking records will allow police to narrow down the time of death, track the movements of Bernard and Honey SHERMAN in the days leading up to their deaths as well as determine if either of them had purchased any of the items that were used to cause their deaths. Banking records [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] which could reveal a motive for murder as well as identify any potential suspects.

Production Orders for surveillance video at Apotex Inc. and Apotex Inc. swipe card logs will allow investigators to corroborate witness statements, build a time line of events leading up to Bernard and Honey SHERMAN's death and eliminate persons as either suspects or persons of interest.

Evidence obtained from search warrants of Bernard SHERMAN's office and lab and at Apotex Inc. will determine if there were any items, writings, correspondence, financial documents, medications and chemicals that could indicate Bernard SHERMAN's state of mind, identify potential witnesses or suspects or identify a motive for Bernard SHERMAN's death.

A search of the computer found in Bernard SHERMAN's office will assist investigators in determining who Bernard SHERMAN was in contact with prior to his death, identify other potential witnesses or suspects and provide an insight into his state of mind prior to his death.

28. ORDER DENYING ACCESS TO INFORMATION

I am requesting that an order be made, pursuant to section 487.3 of the Criminal Code, denying access to and disclosure of this Information to Obtain and its attached appendices, as well as a copy of the requested Production Orders and Search Warrants.

I am requesting that this order be made for an indefinite period and until an application is brought to a court with competent jurisdiction to have the order terminated or conditions of the order varied pursuant to section 487.3(4) of the Criminal Code.

I am also requesting that a term/condition of the sealing order be added allowing the Crown to access the sealing materials for the purpose of making disclosure. This term/condition will allow the Crown to fulfil its disclosure obligation, if charges are laid, without first obtaining an order varying this sealing order.

I am requesting that this order be made on the following grounds:

(a) Pursuant to section 487.3(2) (a) (ii), Compromise the nature and extent of an ongoing investigation

The Information to Obtain of the proposed judicial authorization applications details the facts of an ongoing investigation and if this information were to be made public it would jeopardize the investigation. Currently the investigation is still ongoing, with substantial media coverage of the investigation. Information about the investigation has been already inadvertently or purposely disclosed to the public thereby rendering any potential hold back information to be of no value to police.

The investigation is still underway with witnesses still to be identified and spoken to. If the details contained in the Information to Obtain were to be made public it could contaminate any subsequent witness statements.

(b) Pursuant to section 487.3(2) (a) (iv), Prejudice the interest of an innocent person

The disclosure of the information relating to the Production Orders and Search Warrants would prejudice the interest of an innocent person, due to the fact that several witnesses have already been interviewed by police and the contents of this affidavit would reveal the identity of witnesses who have provided information and statements to police.

I believe that, if the names and information provided were to be made public, that it would be detrimental to the progress of the investigation, the safety of witnesses and the safety of any potential witnesses due to the fact that investigators have not confirmed if this incident was a murder suicide or a double murder. If indeed this

incident was a double murder, the perpetrators are still unidentified and unaccounted for and could seek out the witnesses in this incident to cause them harm. Also, this would mean that the SHERMAN's have been targeted and it is unknown if other family members of the SHERMAN's are in danger. Disclosure of this affidavit would reveal the names and information of the family members and associates of the SHERMAN's thereby assisting any perpetrators in locating them.

The family and associates of the deceased have already been subjected to heavy media coverage. If their identities were to be revealed through this application the media coverage would only get worse prejudicing their right as innocent persons to be left alone.

(c) Pursuant to section 487.3(b), For any other sufficient reason

On December 20th, 2017 a Search Warrant and Production Orders were granted by Judge L. PRINGLE and on January 9th, 2018, Search Warrants were granted by Judge L. PRINGLE in relation to this case. In those instances those orders were sealed and I am requesting that this order be sealed as well because if this application were not to be sealed, it would circumvent the sealing of the previous applications.

If this Sealing Order is granted, I request that the Information to Obtain, as well as a copy of the requested Production Orders and any subsequent Reports to Justice, be sealed in a packet, delivered to and kept in the custody of the Local Registrar of the Ontario Court of Justice in the Toronto Region, or his Agent, at Old City Hall, at 60 Queen Street West, city of Toronto, Ontario, or until otherwise ordered.

SWORN BEFORE ME AT
The City of Toronto
In the Province of Ontario, this
14th day of January 2018

A Commissioner of Oaths
(TORONTO REGION)
ONTARIO COURT OF JUSTICE
(TORONTO REGION)

Informant
D/C Dennis YIM #9543
Toronto Police Service