

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No.: 500-06-001225-230

DATE: September 9, 2024

BY THE HONOURABLE CATHERINE PICHÉ, J.S.C.

S.N.

Plaintiff

v.

ROBERT GERALD MILLER

HELMUT LIPPMANN

RAYMOND POULET

FUTURE ELECTRONICS INC.

SAM JOSEPH ABRAMS

Defendants

JUDGMENT ON THE PRODUCTION OF MEDICAL REPORTS

[1] **CONSIDERING** the Subpoena Duces Tecum sent by Applicants to Defendant Miller's attorneys Me Liaghati and Me Renno, requesting that a copy of all medical reports or records filed by Defendant Miller in the context of his criminal proceedings be provided, including those of experts Hughes, Wein (January 10 and May 8, 2024) and Gruber;

[2] **CONSIDERING** that attorneys for Defendant Miller object to providing said reports, based upon attorney-client privilege;

[3] **CONSIDERING** that the medical reports requested were commissioned by same attorneys in Mr. Miller's criminal file;

[4] **CONSIDERING** that the medical reports are requested in order for Applicants to demonstrate that Mr. Miller's health has declined since the most recent months;

[5] **CONSIDERING** that this fact was acknowledged at least twice by colleagues of this court in their judgments, that is justices Dadour and Immer, who have both ascertained in their judgments the extremely fragile and declining health of Defendant Miller;

[6] **CONSIDERING** that Applicants could obtain the reports otherwise;

[7] **CONSIDERING** that the medical reports are protected by attorney-client privilege;

[8] **CONSIDERING** the balance of the following considerations, that is, the relevance and importance of sharing the reports with the Applicants, the right to defend oneself entirely and fully, the possibility for Applicants to obtain those reports otherwise, and the prejudice that may be caused to Defendant Miller, the beneficiary of the confidentiality of those reports, should the reports be shared¹;

FOR THESE REASONS, THIS COURT:

[9] **DENIES** the request made by Applicants for a copy of all medical reports or records filed by Defendant Miller in the context of his criminal proceedings, including those of experts Hughes, Wein (January 10 and May 8, 2024) and Gruber;

[10] **WITH COSTS.**


CATHERINE PICHÉ, J.S.C.

¹ *Fédération des infirmières et infirmiers du Québec c. Hôpital Laval*, 2006 QCCA 1345.

For the Applicant

Me Jeff Orenstein

Me Andrea Grass

Me Lawrence. David

GROUPE DE DROIT DES CONSOMMATEURS INC.

Attorenys of the Applicant

For the Defendants

Me Karim Renno

Me Ava Liaghati

RENNO VATHILAKIS INC.

Attorenys of Robert Gerald Miller

Me Neil G. Oberman

Me Marie-Christine Sicard

SPIEGEL, SOHMER, INC.

Attorenys of Helmut Lippman

Me Rémi Bourget

RB Avocats

Me Justine Bernatchez

Attorenys of Raymond Poulet

Me William Marckety Berry

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ROBINSON SHEPPARD SHAPIRO SENCRL

Attorenys of Future Electronics Inc.

Me Sylvain Deslauriers

Me Frédérique Boulanger

DESLAURIERS & CIE, AVOCATS S.A.

Attorenys of Sam Joseph Abrams

Hearing date: September 9, 2024