SUPREME COURT OF NOVA SCOTIA

Citation: *A.B. v. The Nova Scotia Health Authority*, 2026 NSSC 29

Date: 20260126
Docket: Hfx No. 549999
Registry: Halifax

Between:

A.B.

Applicant

v.

The Nova Scotia Health Authority

Respondent

DECISION ON PUBLICATION BAN

Judge: The Honourable Justice Scott C. Norton

Heard: January 21, 2026, in Halifax, Nova Scotia

Decision: January 26, 2026

Counsel: A.B., self-represented Applicant
Erin J. McSorley, for the NSHA, not participating

By the Court:

Introduction

[1] The applicant brings this motion for an order permitting them to proceed under the initials "A.B." in publicly accessible court records and filings and banning publication of any information that would identify them in this proceeding.

[2] The motion is made pursuant to *Civil Procedure Rule* 85.04. As required by *Rule* 85.05, notice of the motion was provided to the media through the court's website on January 14, 2026. No media submissions were received, and no media attended the hearing of the motion.

[3] The respondent, Nova Scotia Health Authority, attended but did not participate in the motion.

[4] Pursuant to *Rule* 85.04(2)(c), the Prothonotary issued an interim confidentiality order on January 13, 2026, prohibiting the publication of the applicant's legal name or any information that would identify the applicant in connection with this proceeding.

[5] Notwithstanding that the motion was not opposed by the respondent and/or the media, I conducted my own inquiries and analysis in respect of the restrictions sought, consistent with the court's role and responsibility as gatekeeper and guardian of the open court principle and the public interest.

Background

[6] In this proceeding, the applicant seeks judicial review of decisions and processes involving Medical Assistance in Dying ("MAID"). More specifically, the applicant seeks judicial review of a decision declining to assess their application for MAID.

[7] The applicant attests that the judicial review will necessarily include sensitive and highly personal information about them. If their name is publicly linked to the proceeding, the record will connect their private medical information to their name in a way that is accessible to the public now and in the future.

[8] The applicant attests that there is a strong privacy and dignity interest in keeping their identity from being publicly connected to the medical details that will

appear in the record and any decisions. That public connection would deprive them of the right to control whether and when they disclose to family that they are pursuing MAID-related relief, by making the fact discoverable through the public record or media reporting.

[9] The applicant further attests that public identification would foreseeably expose them to stigma due to mental health diagnoses.

[10] The applicant is not seeking to restrict publication of the legal issues in the proceeding, only to prevent publication of information that identifies them as the applicant while allowing the substance of the proceedings to remain public. In this regard, they seek an order that:

> (a) Permits them to be identified as "A.B." in publicly accessible court records and filings;
>
> (b) Prohibits publication of information that would identify them as the applicant in this proceeding, including their legal name and other identifying information.

Legal Principles

[11] *Civil Procedure Rule* 85.04 states:

> 85.04 Order for confidentiality and interim order
>
> **(1)** A judge may order that a court record be kept confidential only if the judge is satisfied that it is in accordance with law to do so, including the freedom of the press and other media under section 2 of the *Canadian Charter of Rights and Freedoms* and the open courts principle.
>
> **(2)** An order that provides for any of the following is an example of an order for confidentiality:
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> > (a) sealing a court document or an exhibit in a proceeding;
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> > (b) requiring the prothonotary to block access to a recording of all or part of a proceeding;
> >
> > (c) banning publication of part or all of a proceeding;
> >
> > (d) permitting a party, or a person who is referred to in a court document but is not a party, to be identified by a pseudonym, including in a heading.
>
> **(3)** A judge who is satisfied that it is in accordance with law to make an order excluding the public from a courtroom, under Section 37 of the *Judicature Act*, may make an order for confidentiality to aid the purpose of the exclusion.

> **(4)** A party who moves for a confidentiality order may make a motion by correspondence to the prothonotary, or the chambers judge, for an interim order for confidentiality.
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> **(5)** A prothonotary, or chambers judge, to whom a motion for an interim order for confidentiality is made may restrict access to the record of the motion, and to any other record sought to be made the subject of the confidentiality order, for such time as is required to give notice of the motion and bring the motion to a hearing.
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> **(6)** A judge may extend the time provided by an interim order for confidentiality, and the judge who hears a motion for a confidentiality order, may give directions about access to the records in issue pending determination of the motion.

[12] As described by Justice Kasirer, writing for the Supreme Court of Canada in *Sherman Estate v. Donovan*, 2021, SCC 25, there is a strong presumption in favour of open courts. The open court principle is protected by the constitutionally entrenched right of freedom of expression and represents a central feature of a liberal democracy. Generally, the public can attend hearings and look at the contents of court files and the press, as the eyes and ears of the public, can inquire and comment on the workings of the courts, all of which makes the justice system fair and accountable. This can be the source of inconvenience and even embarrassment to those who feel their engagement in the justice system brings intrusion into their private lives. But this discomfort is not, as a general matter, enough to overturn the strong presumption for an open court (paras. 1 and 2).

[13] Notwithstanding this presumption, exceptional circumstances do arise when a competing interest justifies a restriction on the open court principle. An applicant must demonstrate that, as a threshold requirement, that openness presents a serious risk to a competing interest of public importance. This is considered a high bar. The applicant must further show that the order is necessary to prevent the risk, and that, as a measure of proportionality, the benefits of that order restricting openness outweigh its negative effects (para 3).

[14] *Sherman Estate* recognized an aspect of privacy as an important public interest for the purpose of the test in *Sierra Club of Canada v. Canada (Minister of Finance)*, 2002 SCC 41. The two part test is described in *Sherman Estate*, at para. 38:

> [38] The test for discretionary limits on presumptive court openness has been expressed as a two-step inquiry involving the necessity and proportionality of the proposed order (*Sierra Club*, at para. 53). Upon examination, however, this test rests upon three core prerequisites that a person seeking such a limit must show. Recasting the test around these three prerequisites, without altering its essence,

> helps to clarify the burden on an applicant seeking an exception to the open court principle. In order to succeed, the person asking a court to exercise discretion in a way that limits the open court presumption must establish that:
>
> > (1) court openness poses a serious risk to an important public interest;
> >
> > (2) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and,
> >
> > (3) as a matter of proportionality, the benefits of the order outweigh its negative effects.
>
> Only where all three of these prerequisites have been met can a discretionary limit on openness — for example, a sealing order, a publication ban, an order excluding the public from a hearing, or a redaction order — properly be ordered. This test applies to all discretionary limits on court openness, subject only to valid legislative enactments (*Toronto Star Newspapers Ltd. v. Ontario*, 2005 SCC 41, [2005] 2 S.C.R. 188, at paras. 7 and 22).

[15] In finding that an aspect of privacy can meet this test in certain circumstances, *Sherman Estate* held, at para. 7:

> [7] … Proceedings in open court can lead to the dissemination of highly sensitive personal information that would result not just in discomfort or embarrassment, but in an affront to the affected person's dignity. Where this narrower dimension of privacy, rooted in what I see as the public interest in protecting human dignity, is shown to be at serious risk, an exception to the open court principle may be justified.

[16] Justice Kasirer found that protecting individuals from the threat to their dignity that arises when information revealing core aspects of their private lives is disseminated through open court proceedings is an important public interest for the purposes of the test. He reasoned, at paras. 71 and 72 (references excluded):

> [71] Violations of privacy that cause a loss of control over fundamental personal information about oneself are damaging to dignity because they erode one's ability to present aspects of oneself to others in a selective manner. Dignity, used in this context, is a social concept that involves presenting core aspects of oneself to others in a considered and controlled manner. Dignity is eroded where individuals lose control over this core identity-giving information about themselves, because a highly sensitive aspect of who they are that they did not consciously decide to share is now available to others and may shape how they are seen in public. …
>
> [72] Where dignity is impaired, the impact on the individual is not theoretical but could engender real human consequences, including psychological distress. Viewed in this way, a privacy interest, where it shields the core information associated with dignity necessary to individual well-being, begins to look much

> like the physical safety interest also raised in this case, the important and public nature of which is neither debated, nor, in my view, seriously debatable. The administration of justice suffers when the operation of courts threatens physical well-being because a responsible court system is attuned to the physical harm it inflicts on individuals and works to avoid such effects. Similarly, in my view, a responsible court must be attuned and responsive to the harm it causes to other core elements of individual well-being, including individual dignity. This parallel helps to understand dignity as a more limited dimension of privacy relevant as an important public interest in the open court context.

[17] At paras. 79 to 84 of *Sherman Estate*, Justice Kasirer provided the following guidance for determining whether the information is sufficiently sensitive to strike at an individual's biographical core:

> [79] In cases where the information is sufficiently sensitive to strike at an individual's biographical core, a court must then ask whether a serious risk to the interest is made out in the full factual context of the case. While this is obviously a fact-specific determination, some general observations may be made here to guide this assessment.
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> [80] I note that the seriousness of the risk may be affected by the extent to which information would be disseminated without an exception to the open court principle. If the applicant raises a risk that the personal information will come to be known by a large segment of the public in the absence of an order, this is a plainly more serious risk than if the result will be that a handful of people become aware of the same information, all else being equal. In the past, the requirement that one be physically present to acquire information in open court or from a court record meant that information was, to some extent, protected because it was "practically obscure" (D. S. Ardia, "Privacy and Court Records: Online Access and the Loss of Practical Obscurity" (2017), 4 *U. Ill. L. Rev*. 1385, at p. 1396). However, today, courts should be sensitive to the information technology context, which has increased the ease with which information can be communicated and cross-referenced (see Bailey and Burkell, at pp. 169-70; Ardia, at pp. 1450-51). In this context, it may well be difficult for courts to be sure that information will not be broadly disseminated in the absence of an order.
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> [81] It will be appropriate, of course, to consider the extent to which information is already in the public domain. If court openness will simply make available what is already broadly and easily accessible, it will be difficult to show that revealing the information in open court will actually result in a meaningful loss of that aspect of privacy relating to the dignity interest to which I refer here. However, just because information is already accessible to some segment of the public does not mean that making it available through the court process will not exacerbate the risk to privacy. Privacy is not a binary concept, that is, information is not simply either private or public, especially because, by reason of technology in particular, absolute confidentiality is best thought of as elusive (see generally *R. v. Quesnelle*,

> 2014 SCC 46, [2014] 2 S.C.R. 390, at para. 37; *UFCW*, at para. 27). The fact that certain information is already available somewhere in the public sphere does not preclude further harm to the privacy interest by additional dissemination, particularly if the feared dissemination of highly sensitive information is broader or more easily accessible (see generally Solove, at p. 1152; Ardia, at p. 1393-94; E. Paton-Simpson, "Privacy and the Reasonable Paranoid: The Protection of Privacy in Public Places" (2000), 50 *U.T.L.J.* 305, at p. 346).
>
> [82] Further, the seriousness of the risk is also affected by <u>the probability that the dissemination the applicant suggests will occur actually occurs.</u> I hasten to say that implicit in the notion of risk is that the applicant need not establish that the feared dissemination will certainly occur. However, the risk to the privacy interest related to the protection of dignity will be more serious the more likely it is that the information will be disseminated. While decided in a different context, this Court has held that the magnitude of risk is a product of both the gravity of the feared harm and its probability (*R. v. Mabior*, 2012 SCC 47, [2012] 2 S.C.R. 584, at para. 86).
>
> [83] That said, the likelihood that an individual's highly sensitive personal information will be disseminated in the absence of privacy protection will be difficult to quantify precisely. It is best to note as well that probability in this context need not be identified in mathematical or numerical terms. Rather, courts may merely discern probability in light of the totality of the circumstances and balance this one factor alongside other relevant factors.
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> [84] Finally, and as discussed above, individual sensitivities alone, even if they can be notionally associated with "privacy", are generally insufficient to justify a restriction on court openness where they do not rise above those inconveniences and discomforts that are inherent to court openness (*MacIntyre*, at p. 185). An applicant will only be able to establish that the risk is sufficient to justify a limit on openness in exceptional cases, where the threatened loss of control over information about oneself is so fundamental that it strikes meaningfully at individual dignity. These circumstances engage "social values of superordinate importance" beyond the more ordinary intrusions inherent to participating in the judicial process that Dickson J. acknowledged could justify curtailing public openness (pp. 186-87).
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> [Emphasis added]

Analysis

Important Public Interest

[18] Applying the law as explained in *Sherman Estate* to this case, I find that the applicant has established that the information in issue is sufficiently sensitive to

strike at their core identity and dignity and as such is recognized as an important public interest. Accordingly, the first part of the *Sierra Club* test is satisfied.

[19] The applicant has attested that linking their identity to the proceeding before the court would deprive them of control over whether and when they disclose to their family that they are pursuing MAID-related relief. It is difficult to imagine a more sensitive medical issue.

[20] The sensitivity of the information being at the core of an individual's identity and dignity has been recognized by the Supreme Court in the cases considering the right to assisted death. In *Carter v. Canada (Attorney General)*, 2015 SCC 5, the Supreme Court revisited the criminal prohibition against assisted death and found that the *Criminal Code* provisions infringed on the rights guaranteed by s. 7 of the *Charter* (the right to life, liberty and security of the person) in a manner not in accordance with the principles of fundamental justice, and that it could not be saved by virtue of s. 1 of the *Charter*.

[21] The Supreme Court found that the *Criminal Code* provisions infringed on the liberty and security of the person interests of certain individuals in a deeply personal manner:

> [65] The trial judge concluded that the prohibition on assisted dying limited Ms. Taylor's s. 7 right to liberty and security of the person, by interfering with "fundamentally important and personal medical decision-making" (para. 1302), imposing pain and psychological stress and depriving her of control over her bodily integrity (paras. 1293-94). She found that the prohibition left people like Ms. Taylor to suffer physical or psychological pain and imposed stress due to the unavailability of physician-assisted dying, impinging on her security of the person. She further noted that <u>seriously and irremediably ill persons were "denied the opportunity to make a choice that may be very important to their sense of dignity and personal integrity" and that is "consistent with their lifelong values and that reflects their life's experience</u>" (para. 1326).
>
> [66] We agree with the trial judge. An individual's response to a grievous and irremediable medical condition is a matter critical to their dignity and autonomy. The law allows people in this situation to request palliative sedation, refuse artificial nutrition and hydration, or request the removal of life-sustaining medical equipment, but denies them the right to request a physician's assistance in dying. This interferes with their ability to make decisions concerning their bodily integrity and medical care and thus trenches on liberty. And, by leaving people like Ms. Taylor to endure intolerable suffering, it impinges on their security of the person.
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> [67] The law has long protected patient autonomy in medical decision-making. In *A.C. v. Manitoba (Director of Child and Family Services)*, 2009 SCC 30, [2009]

> 2 S.C.R. 181, a majority of this Court, per Abella J. (the dissent not disagreeing on this point), endorsed the "tenacious relevance in our legal system of the principle that competent individuals are — and should be — free to make decisions about their bodily integrity" (para. 39). This right to "decide one's own fate" entitles adults to direct the course of their own medical care (para. 40): it is this principle that underlies the concept of "informed consent" and is protected by s. 7's guarantee of liberty and security of the person (para. 100; see also *R. v. Parker* (2000), 49 O.R. (3d) 481 (C.A.)). As noted in *Fleming v. Reid* (1991), 4 O.R. (3d) 74 (C.A.), the right of medical self-determination is not vitiated by the fact that serious risks or consequences, including death, may flow from the patient's decision. It is this same principle that is at work in the cases dealing with the right to refuse consent to medical treatment, or to demand that treatment be withdrawn or discontinued: see, e.g., *Ciarlariello v. Schacter*, [1993] 2 S.C.R. 119; *Malette v. Shulman* (1990), 72 O.R. (2d) 417 (C.A.); and *Nancy B. v. Hôtel-Dieu de Québec* (1992), 86 D.L.R. (4th) 385 (Que. Sup. Ct.).
>
> [68] In *Blencoe*, a majority of the Court held that the s. 7 liberty interest is engaged "where state compulsions or prohibitions affect important and fundamental life choices" (para. 49). In *A.C.*, where the claimant sought to refuse a potentially lifesaving blood transfusion on religious grounds, Binnie J. noted that we may "instinctively recoil" from the decision to seek death because of our belief in the sanctity of human life (para. 219). But his response is equally relevant here: it is clear that anyone who seeks physician-assisted dying because they are suffering intolerably as a result of a grievous and irremediable medical condition "does so out of a deeply personal and fundamental belief about how they wish to live, or cease to live" (*ibid.*). The trial judge, too, described this as a decision that, for some people, is "very important to their sense of dignity and personal integrity, that is consistent with their lifelong values and that reflects their life's experience" (para. 1326). This is a decision that is rooted in their control over their bodily integrity; it represents their deeply personal response to serious pain and suffering. By denying them the opportunity to make that choice, the prohibition impinges on their liberty and security of the person. As noted above, s. 7 recognizes the value of life, but it also honours the role that autonomy and dignity play at the end of that life. We therefore conclude that ss. 241(b) and 14 of the *Criminal Code*, insofar as they prohibit physician-assisted dying for competent adults who seek such assistance as a result of a grievous and irremediable medical condition that causes enduring and intolerable suffering, infringe the rights to liberty and security of the person.
>
> [Emphasis added]

[22] Following the *Carter* decision, courts across the country heard applications by persons seeking a declaration that they were entitled to a constitutional exemption authorizing physician assisted deaths. These became known as "*Carter* applications." In the process of hearing these applications, courts were requested to grant several types of exemptions from the open court principle, including sealing

orders, publication bans, orders excluding the public from a hearing, or redaction orders. The cases were heard before *Sherman Estate* was decided. The test applied at that time was as set out in *Dagenais v. Canadian Broadcasting Corp*., [1994] 3 SCR 835: *R. v. Mentuck*, 2001 SCC 76, and *Sierra Club*, *supra*. The *Carter* application cases are nevertheless helpful on the issue of core identity and dignity.

[23] In *S. (H.), Re*, 2016 ABQB 121, Justice Sheila Martin, as she then was, conducted a *Carter* application. At the hearing, counsel requested various forms of confidentiality orders. After noting the importance of the open court principle and the *Dagenais/Mentuck* test, she stated, at para. 81:

> **81** However, in the circumstances, I determined that Ms. S.'s privacy, dignity and autonomy were the more important interests and the hearing was held *in camera*. This application pertains to Ms. S.'s medical state and to the fundamental life choice she wishes to make. Nothing could be more personal and, in my view, the need to protect Ms. S.'s privacy outweighs the benefit of an open courtroom in the circumstances of this case. I also note that the subject of the hearing, being her medical diagnosis and current physical condition, falls within the category of information that ordinarily would be protected under privacy legislation.

[24] In *B. (A.) v. Canada (Attorney General)*, 2016 ONSC 1571, the applicant relied on the decision of Martin J. in *S. (H.), Re, supra,* and requested various confidentiality orders. Justice McEwan held, at paras. 18-19:

> [18] For the reasons below, I accept the applicant's proposal that he be allowed to redact the application record and the identities of A.B. and his family, the responding physicians and health care providers involved and grant the orders sought. In my view, both branches of the *Dagenais/Mentuck* test are met. The confidentiality order is necessary in order to ensure that the applicant, his family, physicians and other health care professionals are not deterred from participating in a Carter application for fear of unwanted publicity and media attention. Further, the proposal suggested by the applicant strikes the appropriate balance between public interest in open court proceedings and the salutary effects of a confidentiality order in this case.
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> [19] In the case of *B. (A.) (Litigation Guardian of) v. Bragg Communications Inc.*, [2012] 2 S.C.R. 567, [2012] S.C.J. No. 46, 2012 SCC 46, at para. 13, the Supreme Court noted that an interest must be sufficiently compelling to warrant restriction on freedom of the press and open court. The Supreme Court further noted that there are cases in which the protection of societal values must prevail over openness. In my view, cases involving physician assisted dying warrant such restrictions, certainly to the extent of the moderate request being made by the applicant.

[25] In *Patient v. Canada (Attorney General)*, 2016 MBQB 63, Chief Justice Joyal considered an application for a confidentiality order in the context of a Carter application. Counsel for the media did not contest the application. The decisions in *S. (H.), Re*, and *B. (A.)* were cited. Chief Justice Joyal concluded, at para. 50:

> **50** In the present case, the evidence establishes that the applicant's situation does indeed meet the requirements for a confidentiality order that allows the applicant, the family and the healthcare team to remain anonymous. Exercising my discretion under ***The Court of Queen's Bench Act***, the ***Court of Queen's Bench Rules*** and the common law, I will be ordering a limited publication ban and a limited sealing order so as to allow the use of initials or pseudonyms in the pleadings. In the unique and particular circumstances of this case, the publication ban will also extend to the applicant's age, gender and any description regarding the symptoms of the applicant's diagnosis. I make those limitations having accepted the applicant's submission that because of the comparatively rare nature of one of the terminal diseases and its combination with the second terminal disease, that combination along with the applicant's age and gender will make it more likely than not that the applicant's identity will be discerned by certain individuals in the community who may already know that the applicant suffers from the one particularly rare terminal disease.

[26] In *Patient 0518 v. RHA 0518*, 2016 SKQB 175, Chief Justice Popescul reasoned:

> **11** Fewer decisions are more personal and private than the one the Applicant has made to apply for physician assisted death. If anonymity is not preserved, the Applicant may not be able to spend her remaining days in private and die with dignity surrounded by her family. It is possible that the Applicant's family members may be subjected to public scrutiny based on a personal, sensitive choice on an issue which remains highly contentious in the public domain. The Applicant has expressed the fear that she will be contacted or harassed by individuals or groups opposed to her decision to end her life with the assistance of a physician.
>
> **12** If confidentiality cannot be maintained, individuals who qualify for physician-assisted death, may not be willing to undergo the required legal process. Applications of this nature are a very significant and personal decision made by individuals who are inherently vulnerable. It is reasonable to conclude that prospective applicants who qualify for constitutional exemptions may also experience similar concerns if their identities are made public, which would thereby limit their access to physician-assisted death.

[27] Chief Justice Popescul made a permanent order authorizing the use of pseudonyms and redactions in the material that was made public, and a temporary publication ban respecting any information that might tend to identify the patient, her family, the health region affected and the physicians involved.

Serious Risk to Interest

[28] Turning to the second part of the *Sierra Club* test, I find that in the full factual context of this case, the order sought is necessary to prevent this serious risk to an identified interest because reasonably alternative measures will not prevent this risk.

[29] First, considering the extent to which the information would be disseminated without an exception to the open court principle, as cautioned by *Sherman Estate*, courts must be sensitive to the information technology context and the ease with which information can be communicated and cross referenced. It is difficult to be sure that the information will not be broadly disseminated without an order. This factor supports an order.

[30] Second, considering the extent to which the information is already in the public domain. There is no evidence to suggest that the information is in the public domain. It is confidential medical information protected by the *Personal Health Information Act*, SNS 2010, c. 41. This factor supports the order.

[31] Third, the magnitude of the risk that the information will be disseminated is a product of both the gravity of the feared harm and its probability (*Sherman Estate*, para. 82). This is difficult to quantify precisely. The gravity of the harm is high. This factor supports an order.

[32] Finally, this is not a case where an individual sensitivity alone amounts to only an inconvenience and discomfort. This factor weighs in favour of the order.

Proportionality

[33] In summary, the applicant has satisfied the first two requirements of *Sierra Club*. The applicant has established that court openness poses a serious risk to an important public interest. The order sought is necessary to prevent this serious risk and reasonably alternative measures will not prevent the risk. The third requirement of *Sierra Club* is proportionality.

Proportionality

[34] The applicant is not seeking an in-camera hearing that would ban the public and media from attending. The applicant does not seek to seal the legal issues and their determination from the public. The order sought is proportional in that the salutary effects of the order outweigh any deleterious effects on the rights and

interests of the public in respect to the right to free expression and the administration of justice.

Conclusion

[35] The motion is granted.

[36] Therefor I order as follows:

1. The initials "A.B." shall be used to identify the applicant in the style of cause and in all materials filed to protect the identity of the applicant.
2. There shall be a ban on the publication of the applicant's legal name or other identifying information that would identify the applicant, including for greater certainty, the applicant's residential address, employer, family members, date of birth, social insurance number, Nova Scotia Health Card number, driver's license number, or any combination of information that could reasonably identify the applicant.
3. The pleadings and motion materials filed before the date of this order shall be restricted from public access.
4. Public access to the recording from the motion hearing shall be restricted as permitted by *Rule* 85.04(2)(b).
5. The applicant shall, within two weeks of this Order, file redacted copy of the Notice of Judicial Review using the initials "A.B." in the style of cause and supporting documents and redacting any identifying information with the nature of the redactions identified.
6. The respondent shall use the initials "A.B." to identify the applicant in the style of cause and in any documents filed with the court.
7. Subject to further direction of the judge at the motion for directions, the respondent shall file under seal an unredacted copy of the "Record" for the benefit of the judge hearing the judicial review.
8. Within two weeks after the unredacted Record is filed, the applicant shall file a public copy of the "Record" from which information that would tend to identify the applicant is redacted and which is to include a description of the nature of the redaction.
9. Subject to further directions from the judge at the motion for directions or the judge hearing the judicial review, the parties will be responsible to file under seal an unredacted copy of any evidence, documents, pleadings or submissions for the use of the judge and a public copy of each such filing from which information that would tend to identify the applicant is redacted and which is to include a description of the nature of the redaction.

[37] No costs are awarded on this motion. The court will prepare the order.

Norton, J.