

Court File No. CV-17-586096

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE CATALYST CAPITAL GROUP INC. and CALLIDUS CAPITAL  
CORPORATION

Plaintiffs

and

WEST FACE CAPITAL INC., GREGORY BOLAND, M5V ADVISORS INC.  
C.O.B. ANSON GROUP CANADA, ADMIRALTY ADVISORS LLC,  
FRIGATE VENTURES LP, ANSON INVESTMENTS LP, ANSON  
CAPITAL LP, ANSON INVESTMENTS MASTER FUND LP, AIMF GP,  
ANSON CATALYST MASTER FUND LP, ACF GP, MOEZ KASSAM,  
ADAM SPEARS, SUNNY PURI, CLARITYSPRING INC., NATHAN  
ANDERSON, BRUCE LANGSTAFF, ROB COPELAND, KEVIN  
BAUMANN, JEFFREY MCFARLANE, DARRYL LEVITT, RICHARD  
MOLYNEUX and JOHN DOES #1-10

Defendants

**AFFIDAVIT OF ANNA GUMOWSKA**

I, Anna Gumowska, of the City of London, United Kingdom, MAKE OATH AND  
SAY:

1. I am a senior director at K2 Intelligence Limited ("K2"), a global corporate investigations firm, based in K2's London, UK office. On Thursday, November 9, 2017, K2 was retained by the law firm of Davies Ward Phillips & Vineberg LLP ("Davies"), counsel to the Defendant/Moving Party, West Face Capital Inc. ("**West Face**"), to investigate, confirm, and photograph a meeting between an employee of West Face and an individual (or individuals) purporting to be working for a company called Caesar & Co.

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I have been K2's exclusive point of contact with Davies throughout this process. As such, I have knowledge of the matters contained in this Affidavit.

**A. K2's Retainer by West Face**

2. K2 is an industry-leading investigative, compliance, and cyber defence services firm, with offices in New York, London, Madrid, Tel Aviv, Geneva, and Los Angeles. It is regularly engaged by law firms, government authorities, and multinationals to conduct investigations. It was one of only seven investigative consultancies recognized by *Global Investigations Review* in 2017 for the value K2 provides to lawyers.

3. On Thursday, November 9, 2017, at approximately 5:00 p.m. Greenwich Mean Time (GMT) (12:00 p.m. Eastern), I received a telephone call from Andrew Carlson, a Partner at Davies.

4. At approximately 5:45 GMT, K2 was retained by Davies to investigate, confirm, and photograph a meeting between an employee of West Face (the "**Employee**") and an individual or individuals purporting to be working for a recruitment company called Ceasar & Co. Davies provided K2 with photographs of the Employee so that K2 could identify that person and the relevant meeting.

5. K2 was informed that this meeting was scheduled to take place at 6:00 p.m. GMT (1:00 p.m. Eastern) at a Michelin-starred restaurant called Galvin at Windows (the "**Restaurant**"), located on the 28<sup>th</sup> floor of the London Hilton Hotel ("the **Hotel**") on Park Lane, in London's Mayfair neighbourhood near Hyde Park. Galvin at Windows is approximately a ten-minute walk from K2's London office on Albermarle Street, also in Mayfair. A screen-shot of Galvin at Window's "Our Restaurant" webpage is attached to

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my Affidavit as **Exhibit "A"**. A screen-shot of Google Maps showing the locations of K2's office and the Restaurant is attached as **Exhibit "B"**.

**B. K2 Investigators Confirm the Meeting**

6. K2 sent two employees ("**K2 Employee 1**" and "**K2 Employee 2**", together "The K2 Employees") to attend the Restaurant. They arrived at the entrance to the hotel at 18:00. The following facts are based on the K2 Employees' account of their observations communicated to me by telephone on the evening of 9 November 2017. To the best of my knowledge and belief, the K2 Employees' account is accurate.

7. On arrival of the K2 Employees at the hotel at 18:00, K2 Employee 1 deployed to bar next to the Restaurant on the 28<sup>th</sup> floor. K2 Employee 2 remained in the lobby. At 18:40, K2 Employee 1 moved to a table in the centre of the Restaurant. K2 Employee 1 spotted a woman he believed to be the Employee, who was sitting with two older men ("**Subject 1**" and "**Subject 2**", collectively "**The Subjects**") at a table by the window of the Restaurant.

8. At 19:00, K2 Employee 2 joined K2 Employee 1 at the table at the Restaurant. At 19:05, K2 Employee 2 walked past the woman believed to be the Employee and visually confirmed her identity based on the photos provided to K2 by Davies. Both K2 Employees had a clear view of the two Subjects that the Employee was having dinner with.

9. At 20:00, the K2 Employee 1 left the Restaurant and the Hotel. At 20:15, K2 Employee 2 left the restaurant and took up a seat in the lobby of the Hotel.

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10. At 20:43, K2 Employee 2 observed the Employee and the Subjects exiting Lift A into the lobby of the Hotel. The Subjects shook hands with the Employee and Subject 1 kissed her on both cheeks. The Employee then walked towards the main entrance onto Park Lane while the two Subjects walked away towards the rear entrance of the Hotel.

11. Following the Employee's departure from the Hotel, K2 Employee 2 observed the Subjects sitting in the lobby of the Hotel. K2 Employee 2 overheard a conversation between Subject 1 and Subject 2 and believed that Subject 1 was speaking with a strong foreign accent.

12. I have attached a number of K2's photographs of this meeting to my Affidavit as Exhibits "C". I understand that the Employee will provide an Affidavit identifying herself and identify the two Subjects in these photos.

**C. K2's Subsequent Investigation Into Caesar & Co.**

13. At Davies request, K2 also conducted a preliminary subsequent investigation into Caesar & Co. and an individual using the name Alexander Korovin.

14. The website of Caesar & Co. ([www.caesar-co.com](http://www.caesar-co.com)) states that the address of the company is Berkeley Square House, Berkeley Square, London, W1J 6BD. This address is a serviced office space managed by Regus, a provider of managed and virtual office space.

15. Caesar & Co. is not registered in the United Kingdom under (i) the *Companies Act 2006*, or (ii) the *Overseas Companies Regulations 2009*, or (in either case) any predecessor legislation or any equivalent legislation in any other part of the United

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Kingdom. K2 has also searched international corporate databases, but has not identified any entity using this name.

16. K2 has also determined, based on website registration information, that the company's domain name was registered on February 8, 2017 through a nominee registrar.

17. The phone number provided on Caesar & Co.'s website (0208 776 8491) is active, but no one has answered despite K2 having called it a number of times.

18. K2 employee ("K2 Employee 3") also conducted a site visit to Caesar & Co.'s Berkeley Square address. I am informed by K2 Employee 3 and believe that this Employee made enquiries at the reception of the building and concluded that Caesar & Co. is not a known tenant of this address. There was no sign with the name of Caesar & Co. in the building.

19. Furthermore, K2 reviewed LinkedIn and identified only four individuals supposedly employed at Caesar & Co. – three based in London and one in Pakistan. The London-based individuals share names with film editors or directors. K2 has not identified any further online presence for any of the four individuals.

20. Finally, K2 has conducted internet searches of Alexander Korovin and has failed to identify an individual of this name in the recruitment industry. We identified an Alexander Korovin who is a Russian figure skater and another who is a Chairman of a company called Orient Express Bank. We found no social media footprint for any Alexander Korovin.

**SWORN BEFORE ME** at the City of London, in the United Kingdom, this *14*... day of *November*... ..*2017*

  
\_\_\_\_\_  
Astrid von Preussen, Solicitor in England and Wales

}   
\_\_\_\_\_  
Anna Gumowska

# EXHIBIT A

HOME

RESERVATIONS

RESTAURANT

AWARDS

MEET THE TEAM

RECIPE BOOK

OFFERS

THE VIEW

MENUS

BAR

PRIVATE DINING

FESTIVE CELEBRATIONS

#GALVINTV

CALENDAR OF EVENTS

MICHELIN STAR

COMMUNITY

CONTACT US



CLOSE





## OUR RESTAURANT

Offering breathtaking and stunning views over London from the 28th floor, Galvin at Windows Restaurant is the perfect

setting for any memorable occasion.

Enjoy 360° views of the city from one of London's finest Michelin-starred Restaurants on the 28th floor of the London Hilton on Park Lane. Enjoy seasonally inspired modern French haute cuisine created by Head Chef Joo Won and the team. With elegant surroundings and a spectacular backdrop, we ensure your visit will be a truly memorable one.



### HAVE A LOOK AT OUR MENUS

We offer a range of menus for all occasions.

[See a selection of menus](#)



### EXCLUSIVE OFFERS

[Why not take a look at our current Exclusive Offers?](#)



### RESTAURANT OPENING HOURS

Lunch

Monday to Friday  
12.00pm - 2.30pm

Saturday  
Closed

Sunday  
11.45am - 3.00pm

Dinner  
Monday to Wednesday  
5.30pm - 10.00pm

Thursday to Saturday  
5.30pm - 10.30pm

Sunday  
Closed

## OF INTEREST



### IN THE COMMUNITY GALVIN'S CHANCE



Providing an opportunity to disadvantaged young people in London



### KITCHEN INSIDER VIDEO EPISODE 1

Cornish Mackerel Tartare, with Cucumber. Chris Galvin, Chef Patron.

[RECRUITMENT](#)   [MEDIA CENTER](#)   [DRESS CODE](#)   [PRIVACY](#)   [COOKIES](#)  
[SITE USAGE AGREEMENT](#)   [SITEMAP](#)

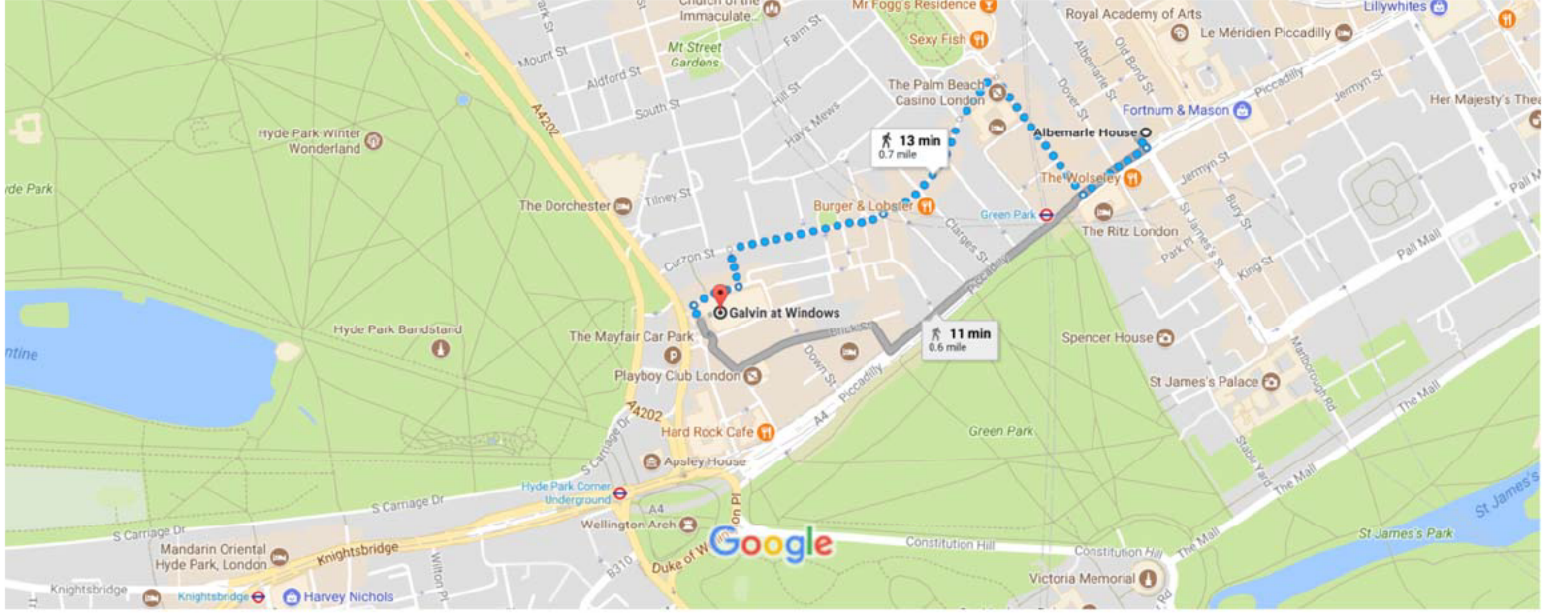


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# EXHIBIT B



# Albemarle House to Galvin at Windows, Park Lane, London, Walk 0.7 mile, 13 min UK



Map data ©2017 Google 100 m

- 
 via Piccadilly/A4 and Brick St 11 min  
0.6 mile

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- 
 via Curzon St  
Mostly flat 13 min  
0.7 mile

EXHIBIT C















THE CATALYST CAPITAL GROUP INC. et al.  
Plaintiffs

-and- WEST FACE CAPITAL INC. et al.  
Defendants

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SUPERIOR COURT OF JUSTICE**  
PROCEEDING COMMENCED AT  
TORONTO

**AFFIDAVIT OF ANNA GUMOWSKA**  
**SWORN** *1.4..... November., ... 2017*

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