

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:



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 GERALD
DUHAMEL, GEORGE WESLEY VOORHEIS, BRUCE LIVESEY and JOHN
DOES #4-10

Defendants

and

CANACCORD GENUITY CORP.

Third Party

AND BETWEEN:

WEST FACE CAPITAL INC. and GREGORY BOLAND

Plaintiffs by Counterclaim

and

THE CATALYST CAPITAL GROUP INC., CALLIDUS CAPITAL
CORPORATION, NEWTON GLASSMAN, GABRIEL DE ALBA, JAMES
RILEY, VIRGINIA JAMIESON, EMMANUEL ROSEN, B.C. STRATEGY
LTD. D/B/A BLACK CUBE, B.C. STRATEGY UK LTD. D/B/A BLACK CUBE
and INVOP LTD. D/B/A PSY GROUP

Defendants to the Counterclaim

AND BETWEEN:

BRUCE LANGSTAFF

Plaintiff by Counterclaim

and

THE CATALYST CAPITAL GROUP INC. and CALLIDUS CAPITAL CORPORATION
Defendants to the Counterclaim

**LETTER OF REQUEST
RE: EMMANUEL ROSEN AND ROYI BURSTIEN**

TO THE APPROPRIATE JUDICIAL AUTHORITY OF:

1. THE AUTHORIZED ISRAELI COURT

AND

**2. THE INTERNATIONAL LAW UNIT IN THE ISRAELI ADMINISTRATION OF
COURTS, 22 Kanfey Nesharim St, Jerusalem 9546434, Israel**

The Ontario Superior Court of Justice (Commercial List) presents its compliments to the Authorized Israeli Court and the International Law Unit in the Israeli Administration of Courts and respectfully requests international judicial assistance.

A PROCEEDING IS PENDING IN THIS COURT in the City of Toronto, in the Province of Ontario, Canada (the "**Ontario Proceeding**"), between, among other parties, West Face Capital Inc. ("**West Face**") and Gregory Boland ("**Boland**") as Plaintiffs by Counterclaim, and a number of Israeli parties, including B.C. Strategy Ltd. doing business as Black Cube ("**Black Cube**"), Invop Ltd. doing business as Psy Group (company identification number 515172039) ("**Psy Group**") and Emmanuel Rosen (personal identification number 56548456) ("**Rosen**"), as Defendants to the Counterclaim.

THE COUNTERCLAIM ALLEGES, among other things, that the Counterclaim Defendants, including Black Cube, Psy Group and Rosen, participated in a clandestine campaign of defamation and economic interference against West Face and Boland, and that the Counterclaim Defendants and those working for them engaged in a number of techniques to conceal their identities and conduct and to otherwise make it extremely difficult for West Face and Boland and this Court to determine who was responsible for the conduct at issue.

IT HAS BEEN SHOWN TO THIS COURT that it appears relevant and necessary for the purpose of justice and a just determination of the Counterclaim at trial that the following individuals (the "**Israeli Party Witnesses**") residing in Israel be examined in Israel for the purpose of giving evidence to be introduced at trial:

1. Emmanuel Rosen (personal identification number 56548456) ("**Rosen**")
2. Royi Burstien (personal identification number 24561383) ("**Burstien**")

INDEED, IT HAS BEEN SHOWN TO THIS COURT that Psy Group is in liquidation proceedings in Israel, and that both Psy Group and Rosen, despite being Counterclaim Defendants who were properly served with the Counterclaim pursuant to the Hague Convention, are not participating in the Ontario Proceeding.

IT HAS BEEN FURTHER SHOWN TO THIS COURT that each of the Israeli Party Witnesses has evidence relevant to the Ontario Proceeding. In particular, Rosen was an employee and/or agent of Psy Group that was individually involved in the conduct at

issue. Furthermore, Burstien was the Chief Executive Officer of Psy Group and therefore the directing mind of Psy Group's operations during the relevant time period.

IT IS THE FINDING OF THIS COURT that given the clandestine nature of the conduct alleged in the Counterclaim and the individual capacities and roles of the Israeli Party Witnesses that the evidence of each Israeli Party Witnesses is relevant and necessary for the purpose of justice and a just determination of the Counterclaim at trial.

THIS COURT HAS ISSUED A COMMISSION to Adv. Yaron Alon of Horovitz Even Uzan & Co. law office (the "**Commissioner**"), in accordance with the law of Ontario, providing for the examination of each of the Israeli Party Witnesses before the Commissioner in Israel, for the purpose of obtaining their evidence to be used at trial;

As there is no other way to cause the Israeli Party Witnesses to testify and produce documents during the trial of the Canadian proceedings, and as the direct evidence of the Israeli Party Witnesses is not otherwise available at this time,

YOU ARE REQUESTED, in furtherance of justice, to compel, summons, or otherwise cause each of the Israeli Party Witnesses to appear before the Israeli Court or Registrar, or in the alternative before the Commissioner at the law office of Horovitz Even Uzan & Co., 114 Derech Menachem Begin St., Tel Aviv, by the means ordinarily used in your jurisdiction to secure his or her attendance, for examination by Kent Thomson, Matthew Milne-Smith and/or Andrew Carlson of Davies Ward Phillips & Vineberg LLP, who are authorized to represent West Face and Boland in the Ontario Proceeding and to examine witnesses on behalf of West Face and Boland in that proceeding, and/or Adv. Divon Farkash of Sabari Farkash & Co. Law Firm, who is authorized to represent West

Face and Boland in Israel, and for re-examination by his or her own lawyer or by the lawyer for any party adverse in interest to West Face and/or Boland, to answer questions under declaration that he or she is aware of the provisions and sanctions contained in the Israeli criminal act concerning perjury in court and that his or her testimony contains the whole truth and nothing but the truth.

YOU ARE ALSO REQUESTED, in furtherance of justice to compel, summons, or otherwise cause each of the Israeli Party Witnesses to bring to and produce at his or her examination the following documents - which are all relevant and necessary for a just determination of the Counterclaim at trial - within his or her possession, control or power:

1. documents relating in any way to the project known internally at Psy Group as "Project Maple Tree";
2. documents relating in any way to the intentions or purposes of Psy Group, the Israeli Party Witnesses, or their clients in obtaining video or audio recordings of Justice Frank Newbould or any current or former employee of West Face, or the use, proposed use, or dissemination of such recordings or transcripts of such recordings;
3. documents relating to West Face or Boland in any way, including all communications relating to West Face or Boland in any way, including but not limited to communications with any of the other Israeli Party Witnesses, Counterclaim Defendants (including The Catalyst Capital Group Inc., Callidus Capital Corporation, Newton Glassman, James Riley, Gabriel De Alba, Virginia Jamieson, B.C. Strategy Ltd., and B.C. Strategy UK Ltd.) or

communications with any other employee of Psy Group, IOCO Limited, Tamara Global Holdings Ltd., Tamara Global Holdings 2016 Ltd., Tamara Holdings Ltd., Dan Gagnier, or Gagnier Communications) or communications relating to the use, proposed use, or dissemination of the recordings or transcripts referred to in paragraph 2 above;

4. documents relating in any way to the drafting, writing, publication, or dissemination of content about West Face or Boland;
5. documents relating to the persons or entities who engaged the Israeli Party Witnesses and/or Psy Group to publish or arrange the publication, including through Virginia Jamieson, of content about West Face or Boland, including any and all communications with such persons or entities, such as emails, voicemails, instant messages, online chats, Skype, communications through social or professional networks (such as Facebook, Twitter, Freelancer, WhatsApp, Fiverr, LinkedIn etc.), telephone, faxes, etc.;
6. documents relating to the payments that the Israeli Party Witnesses or Psy Group initiated, or caused to be initiated, or that the Israeli Party Witnesses or Psy Group received for any services performed relating in any way to West Face or Boland, including documents relating to the identities of the persons or entities who made such payments, the payment technology used to effect such payments, and the identities and roles of the persons or entities to whom such payments were made;

7. documents relating in any way to the Internet Postings (as defined in the Counterclaim, and including the websites www.wolfpackcorruption.com and westface.net) and any draft postings relating in any way to West Face, Boland, or Justice Newbould, including documents relating to sources of information for any of the statements made in the Internet Postings or any draft post posting;

8. documents relating in any way to the following companies, persons, emails, or usernames/accounts, including all communications involving such companies, persons, emails or usernames/accounts on any platform, and all documents used to establish these emails or usernames/accounts on the various platforms;
 - a. Samantha Beth;

 - b. sambeth381@gmail.com;

 - c. Alex Walker;

 - d. [walkeralex420](https://www.facebook.com/walkeralex420);

 - e. walkeralex420@gmail.com;

 - f. Amin Razvi;

 - g. Maja Bogovic;

 - h. martinamayer606@gmail.com;

- i. Platinum Xposure;
- j. Francesco Gianelli;
- k. francescogianelli10@gmail.com;
- l. Leah Masten;
- m. lmasten99;
- n. Naveh Smadga;
- o. navsma20@gmail.com;
- p. wolfpackcorruption@gmail.com;
- q. Jordan Brown;
- r. jordanbr9921@gmail.com;
- s. David Kelsey;
- t. davidjkelsey@gmail.com;
- u. david@kelseyrmedia.com;
- v. Beth Johnson;
- w. bethajohnson85@gmail.com;
- x. mariastoyanov25; and
- y. Virginia Jamieson

z. Phil Elwood

aa. Ivana Zurak

bb. Sharon Kisluk, Judith Helfgott, and/or any other employee or agent
of Psy Group

9. documents relating to the intentions or purposes of Psy Group, the Israeli Party Witnesses, or their clients in publishing or arranging the publication of content on the Internet about West Face or Boland;
10. documents relating to any of the websites, blogs, urls, or Twitter accounts referred to in the Counterclaim, including all communications between the Israeli Party Witnesses and such websites, blogs, or Twitter accounts, etc., and the location from which content was uploaded to those locations, such as the servers, proxy servers, IP addresses, cloud facilities, etc.
11. documents relating in any way to a real, perceived, or fictionalized “wolf pack” or “conspiracy” among Canadian investment funds;
12. documents relating in any way to the retainer of Tanuri and/or Tamara Global Holdings Ltd., Tamara Global Holdings 2016 Ltd., and/or Tamara Holdings Ltd. (collectively, “**Tamara**”) by any of the Counterclaim Defendants, including The Catalyst Capital Group Inc., whether directly or indirectly, including documents relating to Tanuri and/or Tamara’s authorization to retain subcontractors and/or additional consultants, including B.C. Strategy Ltd. and B.C. Strategy UK Ltd. (also known as Black

Cube) and/or Psy Group, and any instructions received or given by Tanuri or Tamara relating to Justice Frank Newbould, West Face, Greg Boland, or any current or former employee of West Face;

where the word "documents" shall be interpreted broadly and shall include, without limitation, all physical and electronic records, data, and information, including emails, text messages, or other electronic communications on any platform (and whether from personal devices or accounts or professional devices or accounts); and

where references to West Face include its current and former employees, including Brandon Moyle.

YOU ARE ALSO REQUESTED to permit the examination of each of the Israeli Party Witnesses in English, unless the Israeli Court or Registrar orders otherwise, in accordance with the law of evidence and *Rules of Civil Procedure* of Ontario and the commission issued by this Court.

YOU ARE ALSO REQUESTED to permit the examinations of each of the Israeli Party Witnesses to be attended by the lawyers for any party to the Ontario Proceeding, whether in person or by videoconference, and to permit the examinations to be recorded by videotape or other similar means if requested by the examining party.

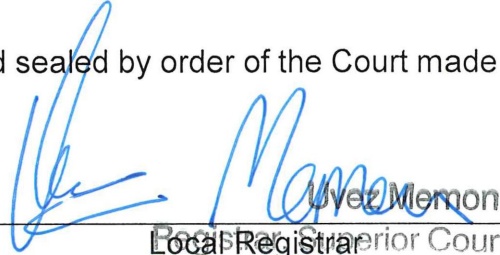
AND WHEN YOU REQUEST IT, the courts of Ontario are ready and willing to do the same for you in a similar case.

AND THIS COURT DECLARES that the evidence and information obtained from the Israeli Party Witnesses pursuant to this letter of request shall not be used for any purposes other than those of the Ontario Proceeding, including against the Israeli Party Witnesses in any other proceeding in Ontario.

THIS LETTER OF REQUEST is signed and sealed by order of the Court made on

Date OCT 17 2019

Issued by


Uyez Memon
Local Registrar

Address of court office: Superior Court of Justice
330 University Avenue, 7th Floor
Toronto ON M5G 1R7

THE CATALYST CAPITAL GROUP
INC. et al.

Plaintiffs

WEST FACE CAPITAL INC. et al.

Plaintiffs by Counterclaim

-and-

-and-

WEST FACE CAPITAL INC. et al.

Defendants

THE CATALYST CAPITAL GROUP
INC. et al.

Defendants to the Counterclaim

-and-

CANACCORD GENUITY CORP.

Third Party

Court File No. CV-17-587463-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

LETTER OF REQUEST

DAVIES WARD PHILLIPS & VINEBERG LLP
155 Wellington Street West
Toronto ON M5V 3J7

Kent E. Thomson (LSO# 24264J)
Email: kentthomson@dwpv.com
Tel: 416.863.5566

Matthew Milne-Smith (LSO# 44266P)
Email: mmilne-smith@dwpv.com
Tel: 416.863.5595

Andrew Carlson (LSO# 58850N)
Email: acarlson@dwpv.com
Tel: 416.367.7437

Tel: 416.863.0900
Fax: 416.863.0871

Lawyers for the Defendants (Plaintiffs by Counterclaim),
West Face Capital Inc. and Gregory Boland