

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE )  
 )  
MR. JUSTICE GLENN HAINEY ) THURSDAY, THE 17th  
 ) DAY OF OCTOBER, 2019

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

A N D B E T W E E N:

BRUCE LANGSTAFF

Plaintiff by Counterclaim

and

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

### ORDER

THIS MOTION, made on consent by the Plaintiffs by Counterclaim West Face Capital Inc. ("**West Face**") and Gregory Boland ("**Boland**") pursuant to, among other Rules, Rules 34.01(b), 34.07(2), 36.01(2), 36.01(3), 36.03 and 36.04 of the *Rules of Civil Procedure* for, among other things, the issuance of a commission and letter of request for international judicial assistance for the examination of persons outside Ontario and within Israel, was read this day at 330 University Avenue, Toronto, Ontario, M5G 1R8.

ON READING the Amended Amended Notice of Motion of West Face and Boland dated October 16, 2019, the Affidavit of Philip Panet sworn May 21, 2019, the Affidavit of Christie Blatchford sworn May 21, 2019, the Affidavit of Amin Razvi sworn May 24, 2018, the Affidavit of Maja Bogovic sworn April 25, 2018, and the two Affidavits of Philip Panet sworn June 4, 2018, and upon being advised of the consent of the other parties to the following relief:

1. THIS COURT ORDERS that the registrar prepare and issue a commission in the form attached as Schedule "**B**" hereto, naming Yaron Alon of Horovitz Even Uzan & Co.

law office as commissioner (the "**Commissioner**") to take the evidence of the following witnesses located in Israel (the "**Israeli Party Witnesses**"):

- (a) Emmanuel Rosen
  
- (b) Royi Burstien

for use on examination for discovery and for trial, as the case may be.

2. THIS COURT ORDERS that the registrar prepare and issue a letter of request addressed to the judicial authorities of Israel, in the form attached as Schedule "**A**" hereto, requesting the issuing of such process as is necessary to compel the Israeli Party Witnesses to attend and be examined before the Israeli Court or Registrar for the purpose of giving evidence that may be introduced at trial, or in the alternative before the Commissioner at the law office of Horovitz Even Uzan & Co., 114 Derech Menachem Begin St., Tel Aviv.

3. THIS COURT ORDERS that if any issue arises regarding the date of such examinations, further directions may be sought from this Court by any party to the Counterclaim herein.

4. THIS COURT ORDERS that each of the Israeli Party Witnesses may be examined by Kent Thomson, Matthew Milne-Smith and/or Andrew Carlson of Davies Ward Phillips & Vineberg LLP, the lawyers to West Face and Boland in Ontario, and/or Divon Farkash of Sabari Farkash & Co. law office, the lawyer for West Face and Boland in Israel, and may be re-examined by his or her own lawyers or by the lawyers for any party adverse in interest to West Face and/or Boland.

5. THIS COURT ORDERS that the examinations of each of the Israeli Party Witnesses may be attended by the lawyers for any party to this proceeding, whether in person or by videoconference.

6. THIS COURT ORDERS that the examinations may be recorded by videotape or other similar means.

7. THIS COURT ORDERS that the evidence and information obtained from the Israeli Party Witnesses pursuant to this Order, including pursuant to the commission and letter of request, shall be subject to the protections and restrictions provided for in the "deemed undertaking" rule in Rule 30.1.01 of the Rules of Civil Procedure.

  
(Signature of Judge)

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

OCT 17 2019

PER / PAR: 

THE CATALYST CAPITAL GROUP -and- WEST FACE CAPITAL INC. et al. -and- CANACCORD GENUITY CORP.  
INC. et al.  
Plaintiffs Defendants Third Party  
WEST FACE CAPITAL INC. et al. -and- THE CATALYST CAPITAL GROUP  
INC. et al.  
Plaintiffs by Counterclaim Defendants to the Counterclaim

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

**ORDER**

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

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

**Matthew Milne-Smith (LSUC# 44266P)**  
Email: mmilne-smith@dwpv.com  
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**Andrew Carlson (LSUC# 58850N)**  
Email: acarlson@dwpv.com  
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Tel: 416.863.0900  
Fax: 416.863.0871

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

**Schedule "A"**

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

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

**Defendants**

**and**

**CANACCORD GENUITY CORP.**

**Third Party**

**A N D B E T W E E N:**

**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](http://www.wolfpackcorruption.com) and [westface.net](http://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](mailto:sambeth381@gmail.com);
  
  - c. Alex Walker;
  
  - d. [walkeralex420](https://www.instagram.com/walkeralex420);
  
  - e. [walkeralex420@gmail.com](mailto:walkeralex420@gmail.com);
  
  - f. Amin Razvi;
  
  - g. Maja Bogovic;
  
  - h. [martinamayer606@gmail.com](mailto: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@kelseymedia.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 Moyse.

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 \_\_\_\_\_ Issued by \_\_\_\_\_  
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-

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  
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**Andrew Carlson (LSO# 58850N)**

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Tel: 416.863.0900

Fax: 416.863.0871

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

**Schedule "B"**

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

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

Defendants

and

CANACCORD GENUITY CORP.

Third Party

**A N D B E T W E E N:**

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

**A N D B E T W E E N:**

BRUCE LANGSTAFF

Plaintiff by Counterclaim

and

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

**COMMISSION**

TO Adv. Yaron Alon,  
Horovitz Even Uzan & Co. law office,  
144 Derech Menachem Begin St., Tel Aviv

YOU HAVE BEEN APPOINTED A COMMISSIONER for the purpose of taking evidence for the purpose of introducing that evidence at trial in this proceeding now pending in this Court by order of the Court made on (*date*), a copy of which is attached.

YOU ARE GIVEN FULL AUTHORITY to do all things necessary for taking the evidence mentioned in the Order authorizing this commission.

You are to send to this Court a transcript of the evidence taken, together with this commission, forthwith after the transcript is completed.

In carrying out this commission, you are to follow the terms of the attached Order and the instructions contained in this commission.

THIS COMMISSION is signed and sealed by order of the Court.

Date \_\_\_\_\_ Issued by \_\_\_\_\_

Local Registrar

Address of court office: Superior Court of Justice  
330 University Avenue, 9th Floor  
Toronto ON M5G 1R7

The registrar is to attach to this commission a copy of Rules 34 and 36 and section 45 of the *Evidence Act*.

### INSTRUCTIONS TO COMMISSIONER

1. This commission is to be conducted in accordance with Rules 34 and 36 of the Ontario *Rules of Civil Procedure*, a copy of which is attached, to the extent that it is possible to do so. The law of Ontario applies to the taking of the evidence.

2. Before acting on this commission, you must take the oath or affirmation set out below. You may do so before any person authorized by section 45 of the *Evidence Act* of Ontario, a copy of which is attached, to take affidavits or administer oaths or affirmations outside Ontario.

I, \_\_\_\_\_, swear (or affirm) that I will, according to the best of my skill and knowledge, truly and faithfully and without partiality to any of the parties to this proceeding, take the evidence of every witness examined under this commission, and cause the evidence to be transcribed and forwarded to the Court. *(In an oath, conclude: So help me God.)*

Sworn (or Affirmed) before me at the  
(City, Town, etc.) of \_\_\_\_\_,  
in the (Province, State, etc.) of \_\_\_\_\_,  
on (date).

\_\_\_\_\_  
*(Signature of Commissioner)*

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*(Signature and office of person  
before whom oath or affirmation is taken)*

3. The examining party is required to give the person to be examined at least five days' notice of the examination and, where the Order so provides, to pay attendance money to the person to be examined.

4. You must arrange to have the evidence before you recorded and transcribed. You are to administer the following oath (*or* affirmation) to the person who records and transcribes the evidence:

You swear (*or* affirm) that you will truly and faithfully record and transcribe all questions put to all witnesses and their answers in accordance with the directions of the commissioner. (*In an oath, conclude: So help you God.*)

On consent of the parties, or where the Order for this commission provides for it, the examination may be recorded by videotape or other similar means.

5. You are to administer the following oath (*or* affirmation) to each witness whose evidence is to be taken:

You swear (*or* affirm) that the evidence to be given by you touching the matters in question between the parties to this proceeding shall be the truth, the whole truth, and nothing but the truth. (*In an oath, conclude: So help you God.*)

6. Where a witness does not understand the language or is deaf or mute, the evidence of the witness must be given through an interpreter. You are to administer the following oath (or affirmation) to the interpreter:

You swear (or affirm) that you understand the \_\_\_\_\_ language and the language in which the examination is to be conducted and that you will truly interpret the oath (or affirmation) to the witness, all questions put to the witness and the answers of the witness, to the best of your skill and understanding. (In an oath, conclude: So help you God.)

7. You are to attach to this commission the transcript of the evidence and the exhibits, and any videotape or other recording of the examination. You are to complete the certificate set out below, and mail this commission, the transcript, the exhibits and any videotape or other recording of the examination to the office of the Court where the commission was issued. You are to keep a copy of the transcript and, where practicable, a copy of the exhibits until the Court disposes of this proceeding. Forthwith after you mail this commission and the accompanying material to the Court office, you are to notify the parties who appeared at the examination that you have done so.

CERTIFICATE OF COMMISSIONER

I \_\_\_\_\_,

certify that:

1. I administered the proper oath (*or* affirmation) to the person who recorded and transcribed the evidence, to the witness the transcript of whose evidence is attached and to any interpreter through whom the evidence was given.
2. The evidence of the witness was properly taken.
3. The evidence of the witness was accurately transcribed.

Date: \_\_\_\_\_

\_\_\_\_\_  
*(Signature of commissioner)*

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

**COMMISSION**

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

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

**Matthew Milne-Smith (LSUC# 44266P)**  
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Lawyers for the Defendants (Plaintiffs by Counterclaim),  
West Face Capital Inc. and Gregory Boland