


**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**

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 Witnesses**") residing in Israel be examined in Israel for the purpose of giving evidence to be introduced at trial:

1. Judith Helfgott Burstien (personal identification number 302041793) ("**Helfott**")
2. Sharon Kisluk (personal identification number 204478382) ("**Kisluk**")
3. Yossi Tanuri (also known as Yosef Tanuri) (personal identification number 28541431) ("**Tanuri**")

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 Witnesses has evidence relevant to the Ontario Proceeding. In particular, each of Helfgott and Kisluk were employees and/or agents of Psy Group that were each individually involved in the conduct at issue, in different capacities and in different roles. Furthermore, Tanuri is alleged in the Counterclaim to have acted as an intermediary between certain of the Ontario resident Counterclaim Defendants and the Israeli parties, Black Cube, Psy Group and Rosen. The Ontario resident Counterclaim Defendants have admitted that Tanuri was authorized to engage subcontractors in Israel, including Black Cube, on their behalf, but have denied any responsibility for the activities engaged in by those contractors.

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 Witnesses that the evidence of each Israeli Witness 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 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 Witnesses to testify and produce documents during the trial of the Canadian proceedings, and as the direct evidence of the Israeli 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 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 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 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 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 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 Witnesses or Psy Group initiated, or caused to be initiated, or that the Israeli 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;
- c. Alex Walker;
- d. 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

9. documents relating to the intentions or purposes of Psy Group, the Israeli 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 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.

NOTWITHSTANDING THE CONTENTS of this Letter of Request, no privileged document shall be produced, and all issues regarding the existence of any such privilege, if any, including but not limited in relation to any of the documents or categories of documents referred to or comprised within the lists of documents contained in this Letter of Request, shall be determined by the Ontario Court, pursuant to the order of Justice Hainey dated November 20, 2019.



YOU ARE ALSO REQUESTED to permit the examination of each of the Israeli 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 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 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 Witnesses in any other proceeding in Ontario.

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

Date November 26, 2019 Issued by  **Anita Stanojevic**  
**Registrar, Superior Court of Justice**  
Local Registrar  
Address of Superior Court of Justice  
court office: 330 University Avenue, 9<sup>th</sup> 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