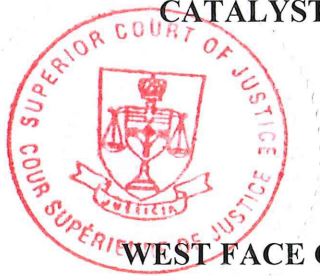


**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) WEDNESDAY, THE 20th
)
MR. JUSTICE GLENN HAINEY) DAY OF NOVEMBER, 2019

BETWEEN:



**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

ORDER

THIS MOTION, made by the plaintiffs by counterclaim West Face Capital Inc. (“**West Face**”) and Gregory Boland (“**Boland**”) pursuant to rules 1.04, 16, 34.01(b), 34.07, 36 and 39 of the Rules of Civil Procedure, and the inherent jurisdiction of the court for, among other things, the issuance of a commission and letter of request for international judicial assistance for the examination for the trial of the counterclaim 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 Christie Blatchford sworn on May 21, 2019, the affidavit of Amin Razvi sworn on May 24, 2018, the affidavit of Maja Bogovic sworn on April 25, 2018, and the four affidavits of Philip Panet sworn on June 4, 2018, June 24, 2018, May 21, 2019 and

November 19, 2019, and upon hearing the submissions of counsel to West Face and counsel to The Catalyst Capital Group Inc.:

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 Trial Witnesses**”):

- (a) Judith Helfgott Burstien;
- (b) Sharon Kisluk; and
- (c) Yosef (also known as Yossi) Tanuri,

for use at the trial of the counterclaim.

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 Trial Witnesses to attend and be examined before the Israeli Court or Registrar for the purpose of giving evidence that may be introduced at the trial of the counterclaim, 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 each of the Israeli Trial Witness shall be examined on such date(s) as the parties to the counterclaim and that Israeli Trial Witness shall agree on, or

in the absence of such agreement on a date to be fixed by this court, such examination not to commence before the completion of the following steps in the main action and the counterclaim:

- (a) the production of documents among all parties under Rule 30; and
- (b) examinations for discovery of all parties under Rule 31.

4. **THIS COURT ORDERS** that (i) nothing in this Order or in the Letter of Request attached hereto abrogates any privilege applicable to any documents in the possession of the Israeli Trial Witnesses, (ii) any such privilege is maintained, and (iii) further directions shall be sought from this Court prior to the production of any such privileged documents.

5. **THIS COURT ORDERS** that, notwithstanding the contents of the Letter of Request, no privileged document shall be produced, and any issues regarding the existence of any such privilege shall be determined by the Ontario Court

6. **THIS COURT ORDERS** that if any procedural or other issue arises regarding such examinations, further directions may be sought from this court by any party to the counterclaim.

7. **THIS COURT ORDERS** that each of the Israeli Trial Witnesses may be:

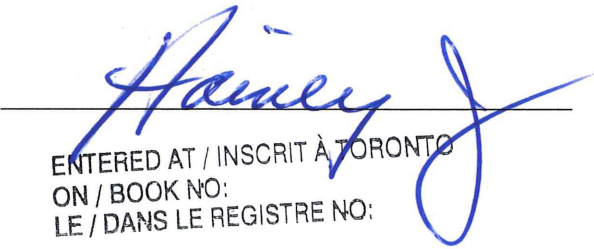
- (a) examined by Davies Ward Phillips & Vineberg LLP, the lawyers for West Face and Boland in Ontario, and/or Sabari Farkash & Co. law office, the lawyers for West Face and Boland in Israel;

- (b) cross-examined by the lawyers for any party adverse in interest to West Face and/or Boland in the counterclaim; and
- (c) if any cross-examination is conducted, re-examined by the lawyers for West Face and Boland.

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

9. **THIS COURT ORDERS** that video and audio recordings may be made of the examinations.

10. **THIS COURT ORDERS** that this order does not foreclose or prejudice the ability of the moving parties, if so advised, to seek further direction for the conduct and timing of the examinations in issue for the purpose of the pending anti-SLAPP motions.


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

NOV 26 2019

PER / PAR: 

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
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

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

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 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;
- 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 _____

Issued by _____

Local Registrar

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

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

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

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)

*(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 -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

COMMISSION

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

Kent E. Thomson (LSUC# 24264J)
Email: kentthomson@dwpv.com
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Tel: 416.863.5595

Andrew Carlson (LSUC# 58850N)
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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

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

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
Tel: 416.863.5595

Andrew Carlson (LSUC# 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