

**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

**THIRD SUPPLEMENTARY MOTION RECORD  
OF WEST FACE CAPITAL INC. AND GREGORY BOLAND**

**(RE: Catalyst Defendants' Partial Anti-SLAPP Motion returnable May 17-21, 2021)**

**VOLUME 2 of 4**

May 12, 2021

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Defendant to the Counterclaim

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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

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# Catalyst v West Face et al.

Newton Glassman  
on Tuesday, May 4, 2021



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

2 ONTARIO  
3 SUPERIOR COURT OF JUSTICE  
4 COMMERCIAL LIST

5 B E T W E E N:

6 THE CATALYST CAPITAL GROUP INC. and CALLIDUS  
7 CAPITAL CORPORATION  
8 Plaintiff

9 - and -

10 WEST FACE CAPITAL INC., GREGORY BOLAND,  
11 M5V ADVISORS INC. c.o.b. ANSON GROUP CANADA,  
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20 VOORHEIS, BRUCE LIVESEY and JOHN DOES #4-10  
21 Defendants

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

23 WEST FACE CAPITAL INC. and GREGORY BOLAND  
24 Plaintiffs by Counterclaim

25 - and -

THE CATALYST CAPITAL GROUP INC., CALLIDUS CAPITAL  
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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

-----  
--- This is the Continued Cross-Examination of  
NEWTON GLASSMAN pursuant to Rule 39.03, on his  
affidavit sworn November 24, 2020, taken via Zoom  
Videoconferencing with all participants attending  
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I N D E X

WITNESS: NEWTON GLASSMAN

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\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

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1 -- Upon commencing at 10:00 a.m.

2

3 NEWTON GLASSMAN; UNDER PRIOR

4 AFFIRMATION.

5 CROSS-EXAMINATION BY MR. THOMSON

6 (CONT'D):

7 578 Q. Good morning, Mr. Glassman.

8 A. Good morning, sir.

9 579 Q. I have two follow-up questions  
10 from yesterday, and then we'll move forward in  
11 time.

12 First, are you still in touch with Gadi  
13 Ben Efraim?

14 A. No. I may have written him or he  
15 may have written me to wish me a happy new year  
16 once or twice in the interim.

17 580 Q. All right. I take it you don't  
18 have a toxic relationship with him? You are not at  
19 odds with Mr. Ben Efraim; correct?

20 A. Not from my perspective.

21 581 Q. All right. Am I correct that he  
22 took over responsibility for this matter from Yossi  
23 Tanuri and Tamara Global in late November or early  
24 December of 2017?

25 A. I don't know what "take over"

1 means .

2 582 Q. All right. Well, let me show you  
3 what I mean. I would ask you to pull up, Tanya,  
4 please, tab 201 of my cross-examination brief. So  
5 here you'll find, Mr. Glassman, on the first page a  
6 letter -- or an email, rather, from Yossi Tanuri to  
7 Brian Greenspan of November 28th of 2017 where  
8 Tanuri says:

9 "Dear Brian -

10 I received the attached  
11 engagement letter from you further  
12 to our meeting on August 29th, 2017.  
13 At the meeting was also present Gadi  
14 Ben Efraim - Chief Security and Risk  
15 Management Officer.

16 My firm agreed at the meeting to  
17 provide you with the services  
18 outlined at letter of engagement for  
19 3 months where Gadi Ben Efraim  
20 serves as the project manager and  
21 will contract sub providers to  
22 execute the tasks provided to him by  
23 your client.

24 At the time Mr. Ben Efraim did  
25 not have the appropriate financial

1 vehicle to carry the activity (a  
2 registered company) and therefore we  
3 served as one.

4 By Nov. 30th it will be 3 months  
5 and as he promised Gad[i] Ben Efraim  
6 now registered his own company.

7 It is also a time where the  
8 contract of some of the  
9 subcontractors will come to an end  
10 unless renewed."

11 He says:

12 "I therefore suggest you  
13 evaluate services at this point and  
14 create a direct relationship with  
15 Gad[i] Ben Efraim consultants Ltd.  
16 [...]

17 My firm will be sending you by  
18 the end of the month the FINAL bill  
19 for the Nov. 2017 services as well  
20 as [a] final accounting for [the]  
21 last 3 month[s]."

22 So I take it that email would have been  
23 forwarded on to you by Mr. Greenspan after he  
24 received it on November 28th?

25 A. I assume he forwarded it. It is



1 not exactly how I remembered it happened, but  
2 obviously that is the way it happened according to  
3 this email.

4 583 Q. Now if you look at tab 211 of my  
5 documents.

6 MR. MOORE: What tab? Was this a tab  
7 in your document book? I didn't make a note of it,  
8 Kent.

9 MR. THOMSON: 211.

10 MR. MOORE: This specific email, the  
11 email you just referred to.

12 MR. THOMSON: Sorry, that is at tab  
13 201.

14 MR. MOORE: 201. Thank you.

15 MR. THOMSON: Yes. This one is at 211.

16 MR. MOORE: Okay.

17 BY MR. THOMSON:

18 584 Q. And what you will see here,  
19 Mr. Glassman, is the final financial statement of  
20 Mr. Tanuri or Tamara Global, and you will see that  
21 he sets out the amounts that he has received. He  
22 sets out his invoices, expenses to date, and the  
23 total amount adds up to US\$4,169,620; do you see  
24 that?

25 A. I do see that.

1           585                   Q.    And I am assuming that that final  
2                                   account was passed on to you presumably by  
3                                   Greenspan and then paid by Catalyst; fair enough?

4                                   A.    I am not sure that is exactly  
5                                   correct.  I think there was some discussion around  
6                                   some of the billing.

7           586                   Q.    Right.  Will you just let me know  
8                                   then --

9                                   A.    I don't remember if it is this  
10                                  bill or a subsequent bill, but we had found some --  
11                                  I don't know the right word to use.  We had -- we  
12                                  found some issues with the billing, some very  
13                                  substantial issues with the billing.

14          587                   Q.    All right.

15                                  A.    And I don't remember if it is this  
16                                  bill or this bill and another bill or just another  
17                                  bill, but there was some very large errors.

18          588                   Q.    Will you let me --

19                                  MR. MOORE:  Just a minute.  In fairness  
20                                  to the witness, this is one of the documents that  
21                                  we received about two months ago.

22                                  MR. THOMSON:  Right.

23                                  MR. MOORE:  And passed on as part of  
24                                  that package.

25                                  MR. THOMSON:  So, David, all I want to

1 know is what was the final amount paid to Tanuri or  
2 to Tamara Global by Catalyst.

3 MR. MOORE: No, I understand, and you  
4 asked for that yesterday, and it was asked as well  
5 on Mr. Riley's examination. We took that under  
6 advisement. I'm not committing myself to this, but  
7 my -- part of it is just how many things that are  
8 going on at the same time that had to get done.

9 My -- without making a commitment, we  
10 are trying to get that rationalized so it is not  
11 confusing of what the numbers are. It is XY  
12 dollars, et cetera. We haven't got that finished.  
13 So I understand where you are coming from and why  
14 you asked the question.

15 MR. THOMSON: Thank you.

16 MR. MOORE: I'm just saying that this  
17 is a document that was not listed in any of our  
18 affidavit of documents schedules at any time until  
19 the last -- until the supplemental affidavit of  
20 documents was delivered about a week ago, and the  
21 reason it wasn't listed previously is because we  
22 didn't have it previously. We just got it about  
23 two months ago.

24 MR. THOMSON: I didn't ask you a  
25 question about the timing. I just want to get the

1 amount. I'm trying to move forward. So I'll leave  
2 that in your hands, and you can let me know whether  
3 you are prepared to answer the question or not.

4 MR. MOORE: I thought you were getting  
5 into the timing of this, whether he got it back  
6 then, but maybe I misunderstood.

7 BY MR. THOMSON:

8 589 Q. No. Now, Mr. Glassman, let me  
9 show you one final document on this topic, and I  
10 would ask Tanya to pull up, please, tab 215. And  
11 here you'll find text messages between -- and these  
12 were produced by Catalyst, by the way, but text  
13 messages between you and Gadi Ben Efraim where he  
14 says:

15 "Hi Newton. As Tamara Global  
16 is out of the business I would  
17 appreciate you confirming that u  
18 continue with my company as a  
19 coordinator for all services  
20 approved by you. Once you approve I  
21 will ask Brian to send me a contract  
22 for a 4 month period and accordingly  
23 will sign contracts with all other  
24 subcontractors for the same period.  
25 I will charge each company a fee of

1 20% as agreed on previous contract.  
2 As for my consultancy fee I will  
3 reduce it by 50% (20K) as now there  
4 is less activity to coordinate.

5 Pls approve.

6 Thanks

7 Gadi."

8 And then you respond at 11:55, and you  
9 say "Approved"; correct?

10 A. It looks that way.

11 590 Q. So here --

12 A. What date is this, sorry? What  
13 date is this on? I'm just curious.

14 591 Q. I don't have the date. One of my  
15 colleagues may be able to dig it up. It doesn't  
16 really matter for my questions. Let me just ask  
17 you this. Have you ever asked -- have you  
18 personally ever asked Gadi Ben Efraim to provide to  
19 you documents that set out the terms of the  
20 retainer arrangements for Psy Group?

21 A. Have I personally?

22 592 Q. Yes.

23 A. No. Do I believe that people have  
24 been directed to ask for it? Yes.

25 593 Q. All right. Will you please,

1 Mr. Glassman -- you are the person who has got a  
2 relationship with Mr. Ben Efraim, will you make an  
3 inquiry of Ben Efraim, just ask him to provide you  
4 with several things. So, first of all, the  
5 documents that set out the retainer arrangements  
6 with Psy Group; second, his communications with  
7 representatives of Psy Group and Black Cube; and  
8 then finally, his communications with Yossi  
9 Tanuri --

10 A. Sorry. Sorry, sorry, I can't --  
11 sorry, Mr. Thomson, I can't write that quickly.

12 MR. MOORE: Don't you worry. I'm  
13 making a note of it.

14 MR. THOMSON: Yes, don't worry.

15 U/A MR. MOORE: I am going to take it under  
16 advisement, because I know what inquiries have been  
17 made. I know what requests have been made. I know  
18 to whom they have been directed. And the  
19 underlying assumption is that some personal request  
20 by Mr. Glassman is going to make a whit of  
21 difference at this point in time.

22 BY MR. THOMSON:

23 594 Q. Let me finish my question before  
24 you take a position, David. So my final request is  
25 also ask Ben Efraim to provide you with his

1           communications with Yossi Tanuri or others at  
2           Tamara Global. Will you please make those  
3           inquiries and do so as soon as possible?

4                       MR. MOORE: In substance, those  
5           inquiries have already been made.

6                       BY MR. THOMSON:

7           595           Q. All right. And, David, for my  
8           benefit, have we received any production from Gadi  
9           Ben Efraim concerning this matter, and if so, what  
10          is it?

11                      MR. MOORE: The reason I'm hesitating  
12          is that the package of stuff we got in -- yeah,  
13          whether you conceive of Gadi and Yossi as joined at  
14          the hip at some point in time, is some of that  
15          stuff coming from Gadi, is some from Yossi, I'm not  
16          sure.

17                      BY MR. THOMSON:

18          596           Q. All right. Well, look, I'll leave  
19          it in your hands. Can you please let us know  
20          whether you have received documents from Gadi Ben  
21          Efraim and if those have been passed on to us, and  
22          if they have, just identify which ones came from  
23          him?

24          U/T           MR. MOORE: Sure. I can tell you --  
25          well, I will follow up and make that inquiry.

1 MR. THOMSON: Thank you.

2 MR. MOORE: But to the best of my  
3 knowledge, my belief is that whatever documents we  
4 received directly or indirectly from Gadi Ben  
5 Efraim relative to these issues, if we have  
6 received any -- and there are precious few, but  
7 whatever we have received, they have been produced.

8 MR. THOMSON: All right. Well, just  
9 take my question under advisement. I want to --

10 MR. MOORE: Yeah. No, no, I can make a  
11 further inquiry and double-check and see and follow  
12 up with you.

13 BY MR. THOMSON:

14 597 Q. All right. Thank you.

15 Now, let me then fast-forward in time,  
16 Mr. Glassman. We have a fair amount of ground to  
17 cover here. So let's talk about what happened with  
18 Psy Group in the period just after your meeting  
19 with them in New York on September 14th. So you'll  
20 recall, just to bring you back to yesterday, that  
21 when we broke at the end of the day we were  
22 discussing your attendance at a meeting in New York  
23 with a representative of Psy Group on Thursday,  
24 September 14th, 2017; do you remember that?

25 A. Generally, yeah.



1           598                   Q.    All right.  And a gentleman named  
2           Phil Elwood, who is a public relations consultant  
3           in the United States, also attended that meeting.  
4           Do you recall him being there?

5                           A.    I don't -- as my affidavit says, I  
6           don't recall him being there, but I remember  
7           generally the meeting.

8           599                   Q.    I take it you don't dispute the  
9           fact that he was there?  You simply don't remember  
10          him?

11                          A.    That's right.

12          600                   Q.    All right.  So you would probably  
13          be aware -- in fact, you are aware because you  
14          swore your own affidavit, that on May 12, 2020,  
15          Mr. Elwood swore his own affidavit in which he  
16          described his involvement in this matter, including  
17          his attendance at that meeting in New York, and I  
18          just wanted to bring up his affidavit for a moment  
19          and show you several passages.

20                                So here is Elwood's affidavit, and the  
21          part that I am interested in is paragraph 7 first  
22          where he describes who attended the meeting in New  
23          York.  So he says:

24                                    "This meeting occurred in New  
25          York City.  I no longer have my

1 WeWork account and so cannot confirm  
2 the precise address or date. To the  
3 best of my knowledge, the meeting  
4 was attended by Royi Burstien, Ori  
5 Amir, Abraham Ronen, Avi Eliyahou,  
6 Emmanuel Rosen, and 'Yossef' (I do  
7 not know his last name) of Psy Group  
8 [...]; [Mr.] Glassman; [and] a  
9 security professional working for  
10 [Mr.] Glassman."

11 And I think you said yesterday you did  
12 attend that meeting with a body guard?

13 A. Yes, I did.

14 601 Q. Okay. And then he describes the  
15 people that -- at least some of the people who  
16 attended, and he says:

17 "My recollection of the roles  
18 and background of these individuals  
19 is as follows:"

20 So:

21 "(a) Royi Burstien was the  
22 Chief Executive Officer of Psy  
23 Group, who ran the business for its  
24 owner Joel Zamel, Burstien was in  
25 charge of all projects."

1 Second:

2 "Emmanuel Rosen was a Psy Group  
3 employee who specialized in public  
4 relations and dissemination of  
5 information through various means.

6 (c) Ori Amir was a cousin or  
7 otherwise related to Burstien  
8 somehow. He was involved in  
9 marketing or business development  
10 for Psy Group.

11 (d) Abraham Ronen was Psy Group's  
12 "Head of Humint Litigation & Special  
13 Projects Team", according to his  
14 email signature. I understood 'Humint'  
15 to refer to 'Human Intelligence', or  
16 more colloquially, 'spycraft'. He was  
17 a relatively new employee as of  
18 September 2017, and I understood that  
19 Psy Group had recently hired him from  
20 Black Cube. I found him somewhat  
21 intimidating and 'spooky'."

22 And then finally:

23 "'Yossef' was involved in  
24 marketing or business development,  
25 and I believe he may have been

1 responsible for bringing in Glassman  
2 as a client. I never knew his last  
3 name."

4 Forgetting that last part about  
5 bringing in Glassman, do you dispute Mr. Elwood's  
6 summary of at least some of the people who attended  
7 that meeting on behalf of Psy Group?

8 A. Well, I don't remember many of  
9 them. I don't know how somebody would know that  
10 somebody is a cousin or otherwise related to  
11 another person or each of their roles other than  
12 what he is now describing as a signature block for  
13 Abraham Ronen, and I don't know if -- Humint  
14 Litigation, I don't think, is spycraft. It says  
15 "Humint Litigation", which is supposed to be read  
16 together, I would assume. But I can't comment, for  
17 example, on whether he found somebody intimidating  
18 and spooky.

19 602 Q. Okay. That is fine. With respect  
20 to his background -- and maybe this is something  
21 you know nothing about --

22 A. So sorry, what -- sorry. And I  
23 also don't know if those were the people that were  
24 there. Like I know one or two of them were there  
25 because I remember them, but I don't remember a

1 person by the name of Ori Amir or a guy by the name  
2 of Yossef or even frankly a guy by the name of  
3 Abraham Ronen.

4 603 Q. Right. You can easily confirm  
5 that both Royi Burstien and Emmanuel Rosen were at  
6 the meeting; correct?

7 A. I wouldn't say "easily". I would  
8 assume that Royi was there, but I don't think I  
9 knew at the time that he was the CEO of Psy Group,  
10 and I do remember Emmanuel Rosen.

11 604 Q. All right. And then finally, let  
12 me take you to two additional paragraphs of  
13 Elwood's affidavit, paragraphs 9 and 10. So at  
14 paragraph 9, he says:

15 "The meeting in New York City  
16 took all day, lasting approximately  
17 seven hours. The first half of the  
18 meeting, lasting at least three  
19 hours, consisted primarily of  
20 Glassman describing his belief that  
21 a group of hedge funds, which he  
22 called the 'Wolfpack', were  
23 conspiring to harm him and Catalyst.  
24 He claimed that they were trying to  
25 harm him both in litigation and in

1 the financial markets. I had  
2 difficulty following Glassman's  
3 story at times, as it did not make  
4 much sense to me. Moreover, the  
5 participants in the meeting often  
6 switched between English and Hebrew,  
7 as I was the only person at the  
8 meeting who did not speak Hebrew.  
9 However, it was certainly clear to  
10 me that the principal target of  
11 Glassman's ire was a company called  
12 West Face and an individual named  
13 Greg Boland".

14 And then at paragraph 10:

15 "The rest of the meeting  
16 focused on Burstien explaining to  
17 the group what Psy Group was going  
18 to do for Glassman and Catalyst.  
19 The name of the operation was  
20 'Project Maple Tree'. It was to be  
21 a two-pronged campaign: the 'White'  
22 and the 'Black'. I was to be  
23 principally involved in the 'White'  
24 part of the campaign. The plan was  
25 to generate positive publicity in

1 the mainstream media for Catalyst  
2 and Glassman, such as touting their  
3 business successes and charitable  
4 donations. I was skeptical that any  
5 reputable media outlets would be  
6 interested in such stories, and  
7 indeed our efforts in that regard  
8 would ultimately prove fruitless."  
9 And finally paragraph 11:

10 "The 'Black' part of the  
11 campaign was to include several  
12 elements. These included:

13 (a) Generating stories about the  
14 'Wolfpack' conspiracy among West  
15 Face and various other hedge funds  
16 to harm Catalyst and other  
17 companies.

18 (b) Portraying a judge in Canada  
19 named Frank Newbould as corrupt and  
20 anti-Semitic; and.

21 (c) Publishing any kind of  
22 negative information possible about  
23 West Face and Boland."

24 And am I right that that summary of  
25 this meeting in New York is roughly consistent with

1 your recollection of what happened during the  
2 course of that meeting in New York?

3 A. It is not roughly consistent with  
4 my memory.

5 605 Q. And tell me what portions of that  
6 description of the meeting you dispute,  
7 Mr. Glassman, and tell me why.

8 A. Well, go back to the paragraph  
9 where we started.

10 606 Q. Paragraph 9?

11 A. I am not sure it lasted seven  
12 hours. It last lasted less than what is in my  
13 calendar because I remember having time to go for,  
14 like, a tea. I don't drink coffee, but  
15 colloquially a coffee after the meeting before we  
16 had to leave for the plane. So it is whatever is  
17 less -- it is at least half an hour or so less than  
18 what was in my calendar. So I don't believe it was  
19 the whole day, and for me, a whole day is a lot  
20 more than seven hours.

21 I do believe that the majority of the  
22 day was to discuss the background and what I do  
23 call the Wolfpack, which was conspiring to harm me  
24 and Catalyst, which in fact now has been proven by  
25 all the production that we have out of people's own



1 mouths.

2 It was discussed about that we believed  
3 that the Wolfpack was trying to harm us both in  
4 litigation and in the financial markets, and in  
5 fact by then we had not as big a mountain as we  
6 have now, but we had a mountain of evidence,  
7 including social media, conventional media,  
8 et cetera.

9 Whether he had difficulty following my  
10 story or not, I have no idea. I assume - I don't  
11 know why he would say it if it wasn't true - that  
12 the participants in the meeting often switched  
13 between English and Hebrew, but assuming that is  
14 true, I don't understand how he can make a comment  
15 about what was talked about if he says they were  
16 often switching between English and Hebrew and he  
17 and I both don't understand it completely. So how  
18 he can make all the other assertions when he is  
19 saying "they often switched between languages" is a  
20 little bit difficult for me to understand how he  
21 makes the other assertions.

22 He can have any opinion and allege any  
23 opinion he wanted about my ire being directed  
24 towards West Face and Greg Boland. That is not my  
25 memory. My memory is that it was about the

1           Wolfpack, and the whole reason we were there was  
2           about the Wolfpack and how we were being damaged.

3                       My understanding prior to the meeting  
4           was that I didn't actually know who we were meeting  
5           with. I actually thought it was the same  
6           subcontractor as before. It was either at the  
7           meeting or after the meeting that it was explained  
8           to me that it was a separate contractor. Maybe I  
9           wasn't paying enough attention when somebody was  
10          making a presentation, but that wasn't my  
11          recollection. My recollection was that it was  
12          about litigation support and that it was about -- I  
13          don't know if I would call it a "White" and "Black"  
14          campaign. I do know the phrase "White" and  
15          "Black". I don't know what he means by it. But I  
16          do know that the vast majority of the discussion  
17          was about a White campaign, and whatever  
18          conversation there was about a Black campaign was  
19          in the context of using investigative tools and  
20          online research to ensure that if anything is  
21          published, that it be accurate within and factually  
22          correct within a Black campaign.

23                       Whether he was primarily or principally  
24          involved in a White part of the campaign, I don't  
25          remember anybody dividing it because it was all

1 supposed to be factual, and I don't remember  
2 anybody saying, You are working on this, you are  
3 working on that, or any distinguishment between the  
4 two. They were all supposed to be factual, and it  
5 was all supposed to be to the betterment of  
6 undermining the non-factual attacks that were  
7 occurring to us and that actually continued to  
8 occur today.

9 Can you go to the next page, please? I  
10 suspect it was and I do believe it was about  
11 generating "positive publicity in the mainstream  
12 media for Catalyst and Glassman". That is actually  
13 appropriate when somebody is being attacked and is  
14 a very common methodology and tactic for media  
15 relations. He may have been skeptical. I find  
16 that very hard to believe. If he was skeptical,  
17 then why did he take the engagement? In fact, I  
18 believe everybody in the room told me that all of  
19 it could be done.

20 I don't remember what he talks about  
21 "several elements" of a Black campaign. It is  
22 possible. But as you can see from all of this, not  
23 once does he say that anything should be untrue in  
24 that campaign. I don't believe it being -- or  
25 remember it, not believe it. I don't remember it

1 being structured that way. I do remember (a). I  
2 do not remember (b). And I do not remember it  
3 being (c), although I do believe that in my  
4 rendition of the history, I covered concerns that  
5 we had about -- with both Mr. Newbould and West  
6 Face and Boland, both of which frankly have turned  
7 out to be accurate with subsequent evidence.

8 And I think that is where we ended on  
9 paragraph 11, is it not?

10 607 Q. It is. Let me take you to your  
11 affidavit that you swore, Mr. Glassman, on November  
12 24th of 2020, and ask Tanya to pull that up, and in  
13 particular, paragraph 32, where in paragraph 32 you  
14 are discussing the meeting in New York we are just  
15 looking at where you say:

16 "I understood and believed  
17 that, in addition to personal  
18 security services, Tamara Global was  
19 providing and/or arranging for a  
20 wide [variety] of services with  
21 respect to litigation and related  
22 media relations."

23 You then say this:

24 "I do not recall a great deal  
25 of detail about that meeting in New

1 York, but I do recall matters  
2 relating to litigation support,  
3 investigative work, and media  
4 relations were the primary subject  
5 discussed."

6 I take it that was a true statement  
7 when you included that in your affidavit sworn on  
8 November 24th?

9 A. I would like it if you could  
10 continue for the paragraph. I was listening to  
11 you, but I want to be able to read the full  
12 paragraph, please.

13 608 Q. Paragraph 32. It is right there.

14 A. Yeah.

15 609 Q. Okay.

16 A. That's right.

17 610 Q. Now, let me then set the stage for  
18 what happens next in the period immediately  
19 following this meeting in New York, and let me take  
20 you -- to do that, let me take you back to two last  
21 text messages that emanate from -- or emails that  
22 emanate from Burstien of Psy Group. So start, if  
23 you would, please, at tab 86 of my documents.

24 A. Sorry, what was the date of the  
25 meeting in New York?

1           611                   Q.   September 14.  This is two days  
2                               later, Saturday, September 16.

3                               A.   Okay.

4           612                   Q.   And this is a part I showed you  
5                               yesterday, but let me just set the stage, and I  
6                               want to be fair to you and show you what appears to  
7                               have happened in the sequence of events.

8                               So go to the second page of this email.  
9                               So this is an email, just so we have it for our  
10                              records, sent by Royi Burstien of Psy Group on  
11                              Saturday, September 16th of 2017, at 9:51 a.m., and  
12                              that time is going to become important in a moment  
13                              for reasons I will show you, and you will see on  
14                              the front page, he says:

15                              "Client's take on West  
16                              Face/Boland/Wolfpack".

17                              Again, you may recall I showed this to  
18                              you yesterday.  Let me take you back to just a part  
19                              of it that we looked at yesterday and show you why  
20                              this becomes relevant now in terms of what happens  
21                              next.  So the part that I am interested is about  
22                              halfway down the second paragraph on the page, the  
23                              one that starts with "Bluberi founders Can't be  
24                              publicly disclosed".

25                              And the part I'm interested in is about

1 maybe two or three sentences in where it says:

2 "However, no matter [...]"

3 Do you see that?

4 "However, no matter what the  
5 Bluberi/mafia connection will be  
6 public [...]"

7 Do you see where the cursor is?

8 A. Yes.

9 613 Q. Okay. So just follow on from  
10 there. So it is:

11 "However, no matter what the  
12 Bluberi/mafia connection will be  
13 public next wk some time and  
14 Boland's involvement in a criminal  
15 conspiracy will be public when we as  
16 a team choose to make it public for  
17 max impact. We r told that the  
18 Wolfpack article in the Financial  
19 Post will for sure be out tues or  
20 wed. Confirmed to me by the CEO of  
21 the paper. Allegedly it's already  
22 been edited in layout etc. I think  
23 the best time for the boland  
24 involvement in criminal conspiracy  
25 to manipulate the mkt to come out is

1 right after the Wolfpack article  
2 where it's disclosed he's part of  
3 the Wolfpack. However, I think NOW  
4 or VERY SOON is the perfect time to  
5 hear/see 'chatter' on social media  
6 etc of rumors of an alleged  
7 Wolfpack, rumors of west face/anson  
8 partners involvement therein, rumors  
9 of 8 or more victims, rumors of  
10 boland being looked at (not yet  
11 criminal investigation) for  
12 criminality etc."

13 So, again, I am suggesting to you it  
14 was more likely than not that that is a message or  
15 an email that you sent either to Tanuri or to  
16 people of Psy Group in the period following your  
17 meeting on September 14, and we have already had  
18 that discussion yesterday. I don't propose to go  
19 over that again.

20 But I do want to show you what happens  
21 next.

22 MR. MOORE: Could I just stop for a  
23 second? I invite you to -- I expect your position  
24 will be the same as yesterday, but explain to me  
25 why this is relevant to the pending SLAPP motions?



1 MR. THOMSON: And my position is the  
2 same as yesterday.

3 MR. MOORE: So you are not going to  
4 expand upon that today in any way, shape or form?  
5 There was no --

6 MR. THOMSON: One hundred percent --

7 MR. MOORE: The position is the same  
8 way as yesterday is the bottom line.

9 BY MR. THOMSON:

10 614 Q. Right. One hundred percent not in  
11 the middle of my cross-examination on that. So now  
12 let's move forward to the -- the same day now, but  
13 let's look what happens a little bit later the same  
14 day. So let's now look at tab 85.

15 MR. MOORE: Well, if you can let me  
16 know that in the absence of the witness if you  
17 want.

18 BY MR. THOMSON:

19 615 Q. No, I don't want, but thank you.  
20 Thank you for the invitation. Let me show you --

21 MR. MOORE: Well, if your concern --  
22 no, hold it. Just to be clear, if your concern is  
23 that articulating that is somehow going to affect  
24 your cross-examination or the witness's evidence or  
25 whatever, I simply invite you to let me know with

1 the witness being excused. If you choose not to,  
2 that is your prerogative.

3 BY MR. THOMSON:

4 616 Q. I choose not to. Thank you. So  
5 let me show you the email now at tab 85, which is  
6 now another email from Mr. Burstien, but it is  
7 later the same day. So this is now Saturday,  
8 September 16th, 2017, at 7:15 p.m., and there are  
9 just two passages I want to show you where Burstien  
10 is now writing to Emmanuel Rosen, the PR expert,  
11 Elwood and others, and he says at the start of the  
12 email:

13 "Hello team. The upcoming week  
14 is critical in us delivering - to  
15 gain the trust of the client. It is  
16 challenging, as the compliant has  
17 super high expectations of us and  
18 the Jewish holidays start Wednesday  
19 the 20th.

20 I know all of you have been on  
21 top of this, and I feel confident we  
22 will deliver. Here is my emphasis  
23 for the coming few days -"

24 And then if you skip to the second page  
25 of the same document, you will find a heading

1 "Negative campaign".

2 MR. MOORE: Let's not go so quickly.

3 BY MR. THOMSON:

4 617 Q. Well, this is the part that I am  
5 interested in. It is a negative campaign, not --

6 MR. MOORE: You may well be, but the --  
7 hold it, hold it. The witness is entitled to read  
8 the document, just because you may be interested in  
9 the next page.

10 BY MR. THOMSON:

11 618 Q. All right. Go ahead and read the  
12 rest of the document. And if you take --

13 MR. MOORE: Let me just say -- I am not  
14 going to clutter up the record, but I object to the  
15 line of questioning without any explanation of why  
16 it is relevant. I raised my objection. But  
17 notwithstanding that, under the rules I can object  
18 and still allow the witness to answer, so that is  
19 what I will do subject to what I am saying.

20 BY MR. THOMSON:

21 619 Q. Fine. Reserve your rights. Let's  
22 move forward here. We are going to keep  
23 Mr. Glassman longer than I had hoped to.

24 What I am interested in is on the  
25 second page, the "Negative campaign", where it

1           says:

2                           "Ori's team -"

3                           So:

4                           (i) Most urgent mission is what  
5 client requested today - hear/see  
6 'chatter' on social media etc of  
7 rumors of an alleged Wolfpack,  
8 rumors of west face/anson partners  
9 involvement therein, rumors of 8 or  
10 more victims, rumors of boland being  
11 looked at (not yet criminal  
12 investigation) for criminality etc.

13                          (ii) Tomorrow you need to create  
14 the plan, based on information from  
15 Yossef's team [and] campaign  
16 infrastructure. I recommend  
17 bringing Arnon on board if he can -  
18 he knows our work and has a lot of  
19 experience with finances in North  
20 America.

21                          (iii) Plan execution should  
22 start Monday and commence till Rosh  
23 Hashana."

24                          And just for your benefit,

25                          Mr. Glassman, I have my calendar of 2017 handy.

1 Monday is September 18, so he is saying plan  
2 execution to start Monday, September 18, and  
3 commence until Rosh Hashanah, and I believe Rosh  
4 Hashanah was on the 20th, Wednesday the 20th, but  
5 perhaps you could confirm that. Do you know, in  
6 2017?

7 A. I would have to go look in a  
8 calendar, which anybody else is capable of doing.

9 620 Q. No worries. We'll confirm that.  
10 And then number (iv):

11 "For the coming weeks there is  
12 no limitation on resources - as long  
13 as you bring TRUSTED people on  
14 board. This needs to be coordinated  
15 with Avi E."

16 So that is as of Saturday, September  
17 16th, at 7:15 p.m., and then what I want to show  
18 you is what happens in the next three days.

19 So pull up tab 201 -- sorry, 101. I  
20 apologize, 101. So at tab 101 of my  
21 cross-examination brief, you'll find an article  
22 that appears on the Huffington Post, and you will  
23 see the date is on the top, right-hand corner,  
24 September 19, 2017; do you see that, Mr. Glassman?  
25 Top, right-hand corner.

1 A. Yes.

2 621 Q. September 19, 2017.

3 A. Yes, I see it now. Sorry.

4 622 Q. So this is now a couple of days  
5 after the emails we have just looked at, and you  
6 will see an article entitled "The Buyout That  
7 Wasn't. The Truth Behind the Esco Marine Purchase  
8 and K2 & Associates".

9 And this was published under the name  
10 at least of someone named Marie Martinez, said to  
11 be a contributor columnist in the Huffington Post,  
12 on September 19; do you see that?

13 A. I do.

14 623 Q. And without going through this in  
15 a lot of detail, there are references in the  
16 article to Anson, K2, West Face -- look at the  
17 second paragraph, West Face Capital, Esco Marine;  
18 do you see that?

19 A. I'm sorry? I was reading. What  
20 do you want me to see, sir?

21 624 Q. The second paragraph of this  
22 document --

23 MR. MOORE: No, no. Stop.

24 MR. THOMSON: Just let me finish my --

25 MR. MOORE: No, no.

1 MR. THOMSON: -- finish my question,  
2 David, and then --

3 MR. MOORE: The witness --

4 BY MR. THOMSON:

5 625 Q. David, just hang on, just be  
6 patient.

7 Mr. Glassman, you asked what I was  
8 referring to. I'm referring to the second  
9 paragraph in the article that says:

10 "Although the entire group is  
11 worthy of an in-depth analysis and  
12 probing, the topic of this brief  
13 expose is the connection between  
14 Anson Funds Corporation, K2 &  
15 Associates, Westface Capital and  
16 Esco Marine Inc."

17 That is what I was referring to.

18 MR. MOORE: Okay. Well, just time out.  
19 Stop. Talk about being patient, you'll have to be  
20 patient as well. You'll have to let the witness  
21 read these documents out of which your questions  
22 arise rather than just jump to a paragraph here or  
23 a sentence there and not allow him to keep reading  
24 it, which he was in the process of doing. So  
25 patience is a two-way street.

1 MR. THOMSON: I understand that, but  
2 don't obstruct the examination and don't be  
3 directing the witness --

4 MR. MOORE: I'm not.

5 MR. THOMSON: Listen to me. Do not be  
6 directing this witness in my cross-examination to  
7 portions of documents that don't bear on the  
8 question --

9 MR. MOORE: Hold it, hold it.

10 MR. THOMSON: Just listen --

11 MR. MOORE: Stop. I'm not directing  
12 the witness to anything. The witness stated he was  
13 in the process of reading it when you jumped to  
14 your question. All I'm saying is let the witness  
15 finish reading it. That's all I'm saying.  
16 Whatever portion he chooses to read is up to him.

17 MR. THOMSON: No, it's not. I'm sorry,  
18 but that is not the way this works, David. If I  
19 put a 50-page document to him, are you telling me  
20 he gets to read 49 pages before I ask the question  
21 on page 50?

22 MR. MOORE: This is not a 50-page  
23 document, as you well know.

24 BY MR. THOMSON:

25 626 Q. All right. Mr. Glassman -- and,



1 David, believe me when I tell you, I reserve my  
2 rights to show this to Justice McEwen, and we'll  
3 all make our arguments about this.

4 But go ahead, Mr. Glassman, read the  
5 whole article.

6 MR. MOORE: Read whatever you want.  
7 I'm saying he should read whatever he wants and let  
8 you know when he is ready to answer your question.  
9 That is all I'm saying.

10 BY MR. THOMSON:

11 627 Q. Are you prepared to answer  
12 questions about this, Mr. Glassman? Is there  
13 anything you need to read to confirm that in the  
14 second paragraph of the article the author refers  
15 to Anson Funds, K2 & Associates, West Face Capital  
16 and Esco Marine? Is there something else you need  
17 to read to answer that question?

18 A. Can both of you stop fighting? If  
19 I have to read something, I will tell you, sir.

20 628 Q. All right. Fine.

21 A. If there is a particular part that  
22 you want me to comment on, I would appreciate the  
23 courtesy of being able to read it. But you guys  
24 don't need to fight about it. If you want me to  
25 read that paragraph, I will read it again, and if I

1           need to read more, I will tell you, and there is no  
2           need for anybody to be fighting about it, in my  
3           opinion.

4           629                   Q.    Perfect.  I agree.  One hundred  
5           percent agreed.  So I'm just simply trying to show  
6           this to you.  Now am I right that this article was  
7           posted by or on behalf of Psy Group to implement  
8           the Black campaign of Project Maple Tree?

9                           A.    I have no idea if Psy Group was  
10           involved.  I have no idea how it got posted on  
11           Huffington Post.  If you go back to his email, he  
12           is directing people, I assume that -- can you go  
13           back to the email first, please?

14           630                   Q.    Which one are you talking about?

15                           A.    The one that you are trying to  
16           link to this.  So I think it was at 7:15 -- or no,  
17           no -- yeah, the one at 7:15 or 7:00-something at  
18           night where he is directing people.

19           631                   Q.    Pull up my tab 85.

20                           A.    So if you read that carefully, he  
21           is directing a team to do something in media,  
22           obviously to be factually correct because that is  
23           what the previous email says, and it ends up being  
24           correct.  There is a Wolfpack.  There is rumours --  
25           more than rumours.  At that point, we even had

1 actually evidence of West Face and Anson partners'  
2 involvement therein. There wasn't rumours of 8 or  
3 more victims. I think there was evidence of 14  
4 victims, according to JSOT -- or our information  
5 along with what went to JSOT. And it wasn't  
6 rumours about Boland being looked at. We had -- it  
7 had been told to us point blank. I don't know if I  
8 would use the word "criminal", but certainly  
9 regulatory or quasi-criminal. They needed a plan.  
10 I can't comment on that. They obviously tried to  
11 execute a plan. I have no idea and will have never  
12 any idea, unless it is confirmed to me by somebody  
13 at Psy, that Huffington is related to that. I have  
14 no idea.

15 632 Q. And when you saw this article,  
16 which you saw, I'm assuming, at the time in  
17 September of 2017, did you ever ask Psy Group what  
18 role they played in the publication of this  
19 article?

20 A. It is so factually wrong, and it  
21 is so bizarre an article and so amateurish, I can't  
22 possibly believe a professional was involved in  
23 writing that article.

24 633 Q. Right. So --

25 A. If you read the whole article --

1           one of the reasons I wanted to look at the article  
2           is I haven't read it in years, but I remember  
3           reading it and laughing and thinking this was  
4           insane, which is what I think anybody reading it  
5           would feel. It is bizarre.

6           634                   Q.    So what is the answer to my  
7           question? Did you ever ask Psy Group whether they  
8           played any role in the posting or publication of  
9           this article?

10                           A.    No, I don't believe I did.

11           635                   Q.    Did you ever ask Mr. Tanuri  
12           whether Psy Group played any role in the  
13           publication or posting of this article?

14                           A.    I don't remember my ever asking  
15           anybody about it, because it is such a bizarre and  
16           poorly written and just amateur article. It is  
17           nothingness.

18           636                   Q.    All right. Let me ask you to turn  
19           to tab 102. And here I'm going to ask Tanya to  
20           play this video. Just so we have it, this is a  
21           YouTube video entitled "judicial and economical  
22           corruption in Canada", and you will see it was  
23           published -- just below the heading, the second --  
24           hang on, hang on. The second entry in the article,  
25           you will see it says "Published on Sept 19, 2017",

1 so the same day as the article we just looked at.  
2 Now let's have Tanya play the video.

3 MS. BARBIERO: Sorry, you'll have just  
4 to give me one second.

5 MS. O'SULLIVAN: Tanya, would you like  
6 me to play it?

7 MS. BARBIERO: Yes, if you could.  
8 Sorry, it is stuck.

9 MS. O'SULLIVAN: Yes. Absolutely.

10 [Reporter's Note: Video played.]

11 BY MR. THOMSON:

12 637 Q. Thank you. And, Maura, are you  
13 also able to show us the description of the video  
14 that is on the YouTube posting? Maura?

15 MS. O'SULLIVAN: Apologies, I was  
16 muted. I am able to do that, yes. I'll pull it up  
17 right now.

18 BY MR. THOMSON:

19 638 Q. Can you expand the size of that  
20 print? So just so we have it for the record, the  
21 description of the video posted on September 19th,  
22 2017, under the heading "YouTube Channel  
23 Description" says:

24 "There is a new beast on the  
25 scene in Canada - The Wolfpack.

1 Made up of a group of at least eight  
2 nefarious companies and their CEOs,  
3 The Wolfpack has been operating for  
4 several years to take out their  
5 competitors using 'short' tactics.  
6 By manipulating the stock market  
7 these companies guarantee that any  
8 business they target will fall into  
9 their hands. Spreading lies,  
10 committing [perjury], even  
11 laundering money - The Wolfpack will  
12 stop at nothing to accomplish their  
13 goals.

14 With connections across Canada  
15 and into the United States, West  
16 Face, Anson Partners, K2 Partners,  
17 along with several private investors  
18 like Marc Cohodes and Alex Speers  
19 are operating largely undercover to  
20 carry out their short schemes. The  
21 list of Wolfpack Members goes on and  
22 their reach is extensive, the  
23 Canadian credit market is in the  
24 midst of a major crisis."

25 And then finally:

1                   "Our mission is to expose these  
2                   companies and the men behind them  
3                   for what they really are and prevent  
4                   further economic repercussions.  
5                   There are at least four businesses  
6                   that we can confirm have been  
7                   affected by inducement actions  
8                   carried out by the group, including  
9                   Badger Day lighting, EIF, Valeant  
10                  Pharmaceuticals and Concordia  
11                  International. Each companies has  
12                  had its shares depleted by the  
13                  Wolfpack's market manipulation to  
14                  the point of declaring bankruptcy.  
15                  The time has come to put an end to  
16                  the manipulation or racketeering of  
17                  these men and reinstate the public's  
18                  trust in the financial system  
19                  system."

20                  And the category is "People & Blogs",  
21                  and the licence is "Standard YouTube Licence".

22                  So, Mr. Glassman, did this video come  
23                  to your attention around the time it was posted to  
24                  YouTube on September 19th of 2017?

25                  A.     Some period of time after.    I

1 can't remember exactly when, but I remember either  
2 Jim Riley or somebody else in my office saying,  
3 Have you seen this?

4 639 Q. Okay. And am I right that K2,  
5 Anson, West Face, and MMCAP are parties that  
6 Vincent Hanna mentioned in his first email to you  
7 of August 11?

8 A. Can you bring that back up,  
9 please, the written part?

10 640 Q. Sure. Pull up -- sorry, the  
11 written part of the video, or the written part of  
12 Vincent Hanna's email?

13 A. The written part, because there is  
14 some stuff in the written part that is, by simple  
15 research on the web, is obviously completely not  
16 true. So, for example, Badger Daylighting, EIF,  
17 never entered bankruptcy. I don't think Valeant  
18 ever entered bankruptcy, and Concordia went through  
19 a restructuring but not bankruptcy, and they are  
20 all -- some of them, not all, some of them have  
21 been in different legal battles with other  
22 short-and-distort.

23 So yes, the short answer to your  
24 question is, it appears that some of the names are  
25 the same that were in the Vincent Hanna email you



1 referred to. Clearly some of them are not parties  
2 that we are in a fight with or at least haven't  
3 been named parties to our action. And some of the  
4 facts are just not accurate and relate to other  
5 companies.

6 641 Q. And I think we went through this  
7 yesterday, but as of September 19th, 2017, you were  
8 still looking for corroborating information from  
9 Danny Guy or Snowdy to confirm the accuracy of the  
10 allegations made by Vincent Hanna in his first  
11 email of August 11; correct?

12 A. That is not quite correct. We  
13 were looking for corroborating evidence that would  
14 confirm certain elements, not all of everything he  
15 wrote in his email, but the ones that were relevant  
16 to us and to our cases or our actions. So if you  
17 read this first email, it refers to us being a  
18 target, and it is about us, that we have always  
19 been looking for the corroborating and confirmatory  
20 evidence.

21 642 Q. All right. And can you confirm  
22 for us, Mr. Glassman, that this video and the  
23 associated description of it were posted either by  
24 or on behalf of Psy Group to implement the Black  
25 campaign element of Project Maple Tree?

1                   A.    I have no idea.  I can't confirm  
2                   anything for you that I have no knowledge of.  I  
3                   don't know if they did that.

4    643                Q.    Did you ever ask anyone from Psy  
5                   Group whether they were responsible for the posting  
6                   of this video?

7                   A.    My daily -- daily.  It wasn't  
8                   daily.  My interaction was with Yossi and -- my  
9                   primary interaction was with Yossi and Gadi.  If I  
10                   had asked, I would have asked them.

11   644                Q.    Okay.  So --

12                   A.    Was there daily contact with  
13                   anybody at Psy?  I don't remember if I asked.  I  
14                   probably would not have.  I thought -- and I think  
15                   anybody who reads it that knows the facts would  
16                   dismiss it.

17   645                Q.    Okay.  Let me turn to the next --

18                   A.    It is true that those companies  
19                   were the subject of a short-and-distort attack.  
20                   Some of them are even -- or were - I don't know if  
21                   they still are - fighting it, like Badger Daylight  
22                   and EIF, quite successfully.  Some were even  
23                   directly attacking, I believe, some of the parties  
24                   that were named, like Marc Cohodes.  So I have no  
25                   idea if one of those parties may have been at the

1 root of that article. I don't know.

2 646 Q. Let me pull up the next document  
3 that comes out at the same time and ask Tanya to  
4 pull up, please, tab 103. So tab 103, you will  
5 find the same article we started with, that is,  
6 "The Truth Behind the Esco Marine Purchase and K2 &  
7 Associates". You'll see it is posted on September  
8 19, 2017, so the same day; do you see that at the  
9 top?

10 A. Yes.

11 647 Q. And this one, though, is now  
12 published under a different name on a different  
13 site. So this one is now published on a site  
14 called buzzfeed.com; do you see that at the top of  
15 the page?

16 A. I do.

17 648 Q. And this one is published not by  
18 Marie Martinez but by someone named Jules Jones,  
19 Community Contributor, and again, the same question  
20 for you. Did this article come to your attention  
21 around the time it was published on September 19,  
22 2017?

23 A. I remember the Esco article. I  
24 don't remember if more than one version of it -- in  
25 fact, I doubt more than one version of it was

1 brought to my attention, and as I said earlier, I  
2 pretty much dismissed it, as with anybody with half  
3 a brain that reads it, as gibberish.

4 649 Q. Am I right that this article was  
5 also posted by or on behalf of Psy Group to  
6 implement the Black campaign element of the Project  
7 Maple Tree?

8 A. I provide the same answer I had  
9 before. I have absolutely no idea.

10 650 Q. And, again, you never asked Psy  
11 Group whether it had played a role in the posting  
12 of this article; correct?

13 A. It appears to be the same article,  
14 so it is the same answer that I gave earlier.

15 651 Q. All right. Let me turn to the  
16 next document. Turn to tab 105. So here you'll  
17 find another article, and you will see the date.  
18 You have to blow this up to see the date. Tanya,  
19 can you make it bigger? Okay. Now scroll down a  
20 bit. Do you see the date? Again, "Posted on  
21 September 19, 2017 by Anonymous"; do you see that  
22 date?

23 A. Yes.

24 652 Q. And the title -- if you scroll  
25 back. Now you can shrink it a bit, Tanya, to see

1 the full title, and then -- we'll shrink it and  
2 then expand it. So here is the title of the  
3 article. It is entitled:

4 "West Face Strategy, Love'Em  
5 And Leave'Em."

6 And if you scroll to the top of that,  
7 go to the very top of the page, Tanya, you will see  
8 another heading at top of the page "Greg Boland and  
9 West Face Scam", and then scroll down in the  
10 article - it is a short article - where you'll see  
11 it says:

12 "West Face Capital CEO Greg  
13 Boland had made a fortune shorting  
14 companies, laying off thousands,  
15 then sells stocks high".

16 Did this article come to your attention  
17 around the time it was published on September 19th  
18 of 2017?

19 A. I don't remember when somebody  
20 showed me the article or brought it to me. I  
21 haven't read it in years. Do you want me to read  
22 it, or do you not have any question --

23 653 Q. No.

24 A. -- of substance?

25 654 Q. No, I'm not going to get into the

1 content of them. I just want to know what you knew  
2 about the posting.

3 A. No, as far as I know, it was  
4 posted, as far as I remember, without being given  
5 the opportunity to read it. His involvement in  
6 Maple Leaf Foods is accurate. The involvement of  
7 West Face and some of the other companies is  
8 accurate. If somebody made a conjecture as to the  
9 result of his being involved, that is their  
10 conjecture. I didn't write it.

11 655 Q. Now, am I right that this article  
12 was also posted by or on behalf of Psy Group in  
13 order to implement the dark campaign element of  
14 Project Maple Tree?

15 A. I have no idea.

16 656 Q. And, again, you never asked Psy  
17 Group whether they played a role in the posting of  
18 the article; correct?

19 A. No, but I would be curious to take  
20 a moment to read it, unless you want to move on,  
21 because I suspect some of this article, like the  
22 involvement in Maple Leaf and a fight with Michael  
23 McCain and some others, are accurate descriptions.  
24 I don't know -- I haven't read it in years, so I  
25 can't make a comment about whether -- about the

1 veracity of the article.

2 The other two things you showed me are  
3 just ridiculous.

4 657 Q. Okay. Am I right that in  
5 September of 2017 you and your PR consultant Dan  
6 Gagnier had been pressuring the National Post to  
7 publish its own story concerning this Wolfpack  
8 conspiracy?

9 A. I don't think I would use the word  
10 "pressuring". We had been -- my recollection is  
11 that we had been actually approached about rumours  
12 on the street about a Wolfpack and  
13 short-and-distort generally, and when we were  
14 approached, we decided that since we already had  
15 significant evidence about some systemic  
16 short-and-distort, that we would help with whatever  
17 facts we could.

18 658 Q. All right. And am I right that,  
19 as I suggested to you yesterday, you actually  
20 interceded personally with Paul Godfrey, who was  
21 the CEO or the Chair of the National Post?

22 A. No, I actually -- no, that is not  
23 what you asked me yesterday. You asked me if -- my  
24 memory is that you asked me -- and you can read me  
25 back the record if you want, but my memory is that

1           you asked me whether I knew Paul Godfrey, and I  
2           said I am friendly with Paul Godfrey. You referred  
3           to an email where I said that I had communicated  
4           with the CEO, which is true, but it wasn't about  
5           only this. There was a charity issue which was the  
6           major subject of our conversation and has been the  
7           major subject of many conversations between me and  
8           Paul Godfrey.

9           659

                  Q. All right. Just before you say  
10           something you might regret, let me take you to the  
11           emails to be fair to you and show you what actually  
12           happened. I would ask you to pull up, please, tab  
13           96 of my cross-examination brief.

                  And here you have got to start at the  
14           bottom of the page. So on September 18, 2017, Paul  
15           Godfrey writes and says:

                          "My office sent you an email  
17                           earlier today re a meeting with you  
18                           and whoever you wish to attend at  
19                           the Postmedia offices, 365 Bloor  
20                           Street [...]

                                  Please confirm

                                  Pvg."

                  And you write back the next day on  
24           September 19th. You'll see your email at the top  
25



1 of the page to Mr. Godfrey, copied to Dan Gagnier  
2 and your assistant Stephanie Wright, where you say:

3 "Hey, Paul. My assistant and  
4 PRvguy, r on it. The msg back to  
5 your people, I think, was that the  
6 better approach for us would be to  
7 meet after the first article re the  
8 Wolfpack is published. We r under  
9 tremendous pressure from other media  
10 on this and related stories. We  
11 obviously have a ton of evidence and  
12 info for follow-ups etc. I am in  
13 the air now so if u don't mind, have  
14 people coordinate w[ith] Dan gagnier  
15 [...] Stef will take of logistics  
16 [...]."

17 A. Right.

18 660 Q. So this email concerned the  
19 Wolfpack conspiracy allegation, not some charitable  
20 endeavour; correct?

21 A. No, but the discussions between us  
22 did, and my memory -- and we can find it in my  
23 calendar, I hope. My memory is that there was a  
24 follow-up meeting after the first article. It was  
25 at my office, and it was very, very little about a

1 follow-on article. The first article had appeared,  
2 and it was very much about a charity related to  
3 SickKids.

4 661 Q. And am I right that you and Dan  
5 Gagnier and others at Catalyst did in fact feed  
6 information to the National Post about this alleged  
7 Wolfpack conspiracy in the hopes that your  
8 information would be published?

9 A. Yeah, I think that is not quite  
10 correct, but generally it is correct. I think we  
11 gave them information that we had and that we knew  
12 was either already in the public domain or would be  
13 eminently -- imminently in the public domain.

14 662 Q. All right. And, David, can we  
15 please have production of all email exchanges or  
16 other exchanges between Dan Gagnier, Mr. Glassman  
17 and others at Catalyst, and people at the National  
18 Post concerning this alleged Wolfpack conspiracy?  
19 I want the full record of what was provided to the  
20 National Post and by whom?

21 MR. MOORE: Well, those are two  
22 different questions. The way you put that first  
23 request - and this was an issue during the  
24 cross-examination of Mr. Riley, as I recall - is it  
25 would include communications with counsel in this

1 time frame and possibly prior that are not  
2 communications with the National Post and were  
3 subject to privilege.

4 But if you are specifically -- I think  
5 you are specifically asking -- or part of your  
6 question is for communications with Paul Godfrey  
7 and the National Post about information being  
8 passed on to them.

9 MR. THOMSON: That's right. And to be  
10 clear, David, if there is information passed on to  
11 the National Post or exchanges with the National  
12 Post by counsel, I want those as well. So I'm --

13 U/T MR. MOORE: No, I understand. If  
14 persons XYZ, whether it be Dan Gagnier or whoever  
15 the counsel was at the time, are communicating with  
16 Paul Godfrey and saying, you know, Here is XYZ, I  
17 get it. You want to have that.

18 Now, we'll take a look at that. My  
19 understanding is that whatever there is has been  
20 produced, but I'll double double-check. I don't  
21 have every production and every element of the  
22 document gathering consigned to memory, nor was I  
23 directly involved in every aspect of it.

24 But I have your question, and we'll see  
25 if there is anything else of that nature that has

1 not been produced.

2 MR. THOMSON: Thank you. And of  
3 course, I'm not confining my request to Paul  
4 Godfrey. I mean anyone at the National Post,  
5 including --

6 MR. MOORE: No, no, it is not a trick.  
7 Oh, it is not Paul Godfrey, it is his assistant  
8 or -- I get it. I get it.

9 BY MR. THOMSON:

10 663 Q. All right. Thank you. Now,  
11 Mr. Glassman, to fast-forward a little bit, am I  
12 right that by the following week, the week of  
13 September 25th of 2017, you became concerned that  
14 no article had in fact been published in the  
15 National Post; was that a concern you had at the  
16 time?

17 MR. MOORE: Well, in fairness to him,  
18 is there some document that you want to put to him  
19 that you say establishes that?

20 BY MR. THOMSON:

21 664 Q. Well, let me just ask him  
22 generally. Were you aware -- sorry. Did you  
23 become concerned in September of 2017 that no  
24 article from the National Post had been published?

25 A. I don't know what the word

1 "concerned" means in that context. I knew that  
2 there were other people talking to us and whispers  
3 on the street were becoming quite loud about the  
4 Wolfpack being a serious issue, and more  
5 accurately, the short-and-distort had become a very  
6 serious area of investigation.

7 We had been talking, as you know from  
8 the record, with whatever people want to call it,  
9 JSOT, IMET, et cetera. We knew from them -- or we  
10 believed from them that it was a pressing issue. I  
11 don't know what "concerned about the article"  
12 means. As Mr. Moore has suggested, it depends on  
13 the context. Like, in which context was I  
14 concerned?

15 665 Q. Well, let's pull up some documents  
16 and help you with this. Pull up, please, Tanya, my  
17 tab 121. And scroll to the bottom, the start of  
18 the email. So you'll see that this email chain,  
19 Mr. Glassman, starts with an email from you to Dan  
20 Gagnier on September 27th of 2017, and the subject  
21 is "Just left u a [voicemail]" and you say:

22 "Is very time sensitive. Plse  
23 check your [voice message]. I am  
24 reachable by email but on a plane  
25 for next 3 hrs.

1 [Financial Post] has lost control  
2 of the Wolfpack story. Apparently  
3 [without] our knowing it, huffington  
4 post and others already on it,  
5 issued it 2 days ago, and even name  
6 the Wolfpack members. She needs  
7 this out asap because I am told it's  
8 picking up momentum very quickly."

9 So that is an email that you sent on  
10 September 27th; correct?

11 A. It looks that way, yes.

12 666 Q. And then Gagnier responds just  
13 above that, and he says:

14 "Newton - I see nothing yet.  
15 We are doing a full search and there  
16 are no references to any of the  
17 names. Only new [information] out  
18 there are some random websites  
19 discussing Boland.

20 If someone else is prepared to  
21 come out with names, that doesn't  
22 hurt what we are doing or reflect a  
23 loss of control. It likely adds to  
24 acceleration around the issue by  
25 mainstream media."

1 I pause there for a moment.

2 Mr. Gagnier, just so we have it for our record, is  
3 a highly experienced public relations consultant  
4 based in New York, as I understand it?

5 A. I don't know how I would  
6 characterize him the way you did, but he is -- he  
7 runs Gagnier communications, which is a New  
8 York-based communications firm.

9 667 Q. And you would accept that he is  
10 highly experienced in his field?

11 A. I don't know what "highly  
12 experienced" means. Isn't that a relative term?  
13 There might be somebody who has 50 years'  
14 experience. There might be somebody who has two  
15 years' experience. He would be somewhere in the  
16 middle.

17 668 Q. Do you consider him to be a  
18 sophisticated public relations consultant?

19 A. I consider him to be a  
20 communications consultant.

21 669 Q. No, that is not my question. Do  
22 you regard him to be a sophisticated, accomplished  
23 public relations consultant?

24 A. I consider him to be a  
25 communications consultant.

1           670                   Q.    Are you not prepared to comment at  
2                                   all on his qualifications or his experience?

3                                   A.    I have no basis.  I don't have  
4                                   enough experience with them.  I have one  
5                                   communications consultant.  It is Dan.  And I have  
6                                   no real reference.  It wouldn't be fair to him or  
7                                   to anybody else for me to have a view one way or  
8                                   the other.  He remains our communications  
9                                   consultant.

10          671                   Q.    And hasn't he been the  
11                                   communications consultant for Catalyst for years?

12                                   A.    Yes.

13          672                   Q.    And am I not right that he is  
14                                   actually listed on your website as being the person  
15                                   for others to contact about media relations issues?

16                                   A.    Yes.  We have out-sourced it to  
17                                   his firm.

18          673                   Q.    All right.

19                                   A.    I don't know if -- to be fair, I  
20                                   don't know if that is right.  I don't know if he is  
21                                   the contact that is listed or his firm is -- the  
22                                   firm that is listed.  I just haven't looked at our  
23                                   website.

24          674                   Q.    I am going to suggest to you it is  
25                                   him and his firm, but if there is some quibble



1 about that, David, you'll let me know?

2 U/T MR. MOORE: That is fine.

3 BY MR. THOMSON:

4 675 Q. And, of course, here we have  
5 Mr. Gagnier on September 27th saying, Look, I have  
6 done a full search, can't find anything. Look what  
7 you say next. Look at the email above that.  
8 September 27 at 11:05 a.m. you say:

9 "Check huffington post and  
10 check w[ith] Emmanuel".

11 "Check w[ith] Emmanuel."

12 A. Yes.

13 676 Q. And the "Emmanuel" you are  
14 referring to there is Emmanuel Rosen; correct?

15 A. I think that is correct. I think  
16 that is correct.

17 677 Q. And then Gagnier writes back, and  
18 here the timing matter. So he writes back to you  
19 at 3:10:33 p.m. UTC. He says:

20 "There is nothing online so  
21 far".

22 Do you see that?

23 A. I do.

24 678 Q. But then he seems to have reached  
25 out to Emmanuel Rosen. He followed your

1 recommendations. So let's look at Mr. Rosen's  
2 response. And, again, just bear in mind the date  
3 and time of Gagnier's email to you, which is  
4 September 27th at 3:10 p.m. UTC. Turn to tab 122.

5 A. What is UTC?

6 679 Q. Universal time coordinates or  
7 something. It doesn't matter. Here is the  
8 response from Emmanuel Rosen to Dan Gagnier the  
9 same day, September 27th, about 35 minutes later at  
10 3:45 p.m. UTC, Links, and look what he sets out  
11 below it. So the Huffington Post article, the  
12 Love'Em and Leave'Em article, the YouTube video,  
13 the Greg Boland blog that we have looked at. So in  
14 a matter of 35 minutes, Rosen was somehow able to  
15 locate all of these various postings on the  
16 internet and social media that Gagnier had not been  
17 able to find; correct?

18 A. Well, doesn't that just mean that  
19 Emmanuel has a better search engine or is more  
20 sophisticated at searching?

21 680 Q. No, I'm going to suggest to you it  
22 is exactly the opposite, that Emmanuel Rosen knew  
23 where to look. He knew where to look because he  
24 posted these stories. Do you accept that?

25 A. I don't know that, and the fact

1           that Dan Gagnier, as you described him as an  
2           experienced and sophisticated communications  
3           expert, couldn't find them, tells you how  
4           difficult, whoever wrote them, is to find. If Dan  
5           Gagnier - and he is in the business - couldn't find  
6           them, then couldn't have been very effective, could  
7           they, no matter who wrote them.

8           681                   Q.    Now, am I right that on September  
9           19th of 2017, going back now a week or so, you  
10          attended another meeting, this time in London, with  
11          people from Black Cube?

12                           A.    I don't know the date. Are you  
13          suggesting there were two trips or three trips to  
14          London?

15          682                   Q.    I'm suggesting this was your  
16          second trip to London to meet with Black Cube. You  
17          had met with them on September 6th. You met with  
18          them again 13 days later on September 19.

19                           A.    Right. So without a calendar in  
20          front of me and without a document in front of me,  
21          my best recollection is there is only two trips to  
22          London. The second trip that you are referring to  
23          was very close to Rosh Hashanah. I didn't want to  
24          go, and it was urged upon me to go, and that is the  
25          trip where I first found out certain things that I

1           hadn't known before that.

2           683                   Q.     All right.  And I took you to  
3           documents yesterday showing you that you actually  
4           set up the meeting on September 19th on September  
5           11, eight days earlier.  We went through that  
6           yesterday.  I'm not going to go back through that  
7           ground yet again, but let me show you your calendar  
8           just to refresh your recollection.

9                                So here we are at tab 45 of my  
10          cross-examination brief.  And if we look at the  
11          entry for September 18, am I right that you flew to  
12          London on the evening of September 18, I believe  
13          by -- I can't tell.  Is this a private jet?

14                           A.     I'm sorry, what is the --

15                           MR. MOORE:  You have got the flight log  
16          for it, Kent.

17                           BY MR. THOMSON:

18           684                   Q.     Yeah, I don't have those, David.  
19          Am I right, Mr. Glassman --

20                           MR. MOORE:  Well, you do.  Yes, you do  
21          actually.  Maybe not on the screen, but you do have  
22          them.

23                           BY MR. THOMSON:

24           685                   Q.     Yes.  I'm saying I don't have it  
25          sitting right in front of me.

1                   Mr. Glassman, did you fly to London on  
2                   the evening of September 18th?

3                   A.    It appears that way.

4                   686            Q.    Okay.  And am I right the  
5                   following day you met with Yossi Tanuri, Gadi Ben  
6                   Efraim, and representatives of Black Cube?

7                   A.    I don't think that is right.

8                   687            Q.    All right.  Do you want to -- let  
9                   me show you the texts that I showed you yesterday  
10                  about this meeting; would that be helpful?

11                  A.    No, you have included people that  
12                  I don't believe were in the meeting.  Now, I might  
13                  be wrong, but I don't believe -- for example, I  
14                  don't think Yossi was in the meeting, but I might  
15                  be wrong.

16                  688            Q.    Well, let's take you back to that,  
17                  just to make this easy for you.  Pull up my tab 62,  
18                  please.  So here are the text messages that -- or  
19                  exchange with Tanuri and you on September 11th  
20                  where you see at the top of the page:

21                                "Tuesday schedule London:

22                                   1300 lunch for us 3

23                                   1600 tea party.

24                                   1930 all free."

25                                And you confirm in the next text, you

1 say:

2 "To confirm u mean tues sept  
3 19, NOT tomorrow Sept12. Also, I  
4 likely need to [be in] the air by  
5 1900 so better if we start earlier.  
6 [...]."

7 And then he writes back and says:

8 "Yes sept 19. I will check  
9 again re timing... They wanted a few  
10 extra hours... We are running an  
11 operation on minutes... By wed am  
12 all nets will be thrown into  
13 water... Gadi is coordinating  
14 between parties to ensure no cross  
15 fire... [...]"

16 So I took it from that there wasn't --  
17 [Court reporter interrupts for  
18 clarification.]

19 THE DEPONENT: I said none of that says  
20 who was in the meeting. My answer to the previous  
21 question was I'm not sure who was in the meeting.  
22 For example, I don't know, and I don't remember,  
23 and I could easily be wrong, but I don't know if  
24 Yossi was in that meeting.

25 BY MR. THOMSON:

1           689                   Q.    You certainly met with  
2                                representatives of Black Cube on September 19 in  
3                                London?

4                                A.    With Gadi.

5           690                   Q.    Okay.  And let me take you, just  
6                                in fairness to you, because I'm obliged to put  
7                                things to you under our rules, Mr. Glassman, pull  
8                                up your affidavit, please, and turn to paragraph  
9                                24.  So at paragraph 24, you describe this trip to  
10                              London, and you say:

11                              "On or September 18, 2017, I  
12                              was contacted again by Mr. Tanuri.  
13                              Mr. Tanuri said that it was  
14                              important that I immediately travel  
15                              to London, England, on or about  
16                              September 19, 2017, to be briefed on  
17                              the work undertaken by up to that  
18                              point.  Prior to that meeting, I did  
19                              not know what the investigators had  
20                              done, either in connection with  
21                              Mr. Frank Newbould or any of the  
22                              other investigative activities which  
23                              later came to light.  I was very  
24                              reluctant to drop everything and go  
25                              to London as this was essentially on

1 the eve of an important Jewish  
2 holiday. Mr. Tanuri urged me to  
3 attend and stated that it was  
4 important for me to hear what steps  
5 had been undertaken and what  
6 evidence had been obtained by the  
7 investigators."

8 And I am going to suggest to you that  
9 that statement in your affidavit is simply  
10 incorrect. It makes no reference to the fact that  
11 this meeting had actually been arranged, as it  
12 turns out, on September 11, eight days earlier;  
13 fair enough?

14 A. I don't think you are right. No,  
15 it is not fair enough. As happens in business all  
16 the time, people earmark and try and reserve  
17 potential times and potential dates. You put them  
18 in your calendar or you earmark them. Often in my  
19 case I hope that they get moved, and I believe I  
20 was contacted on or around the 18th and told, No,  
21 no, you really have to go.

22 691 Q. Let me take you now to the  
23 presentation that Black Cube made on September 19  
24 and ask you to pull up, please, tab 94.

25 A. Sorry, to interrupt. Could we



1 take a bio break for a few minutes.

2 692 Q. Yes, sure, absolutely. Do you  
3 want to take five minutes?

4 MR. MOORE: Are we going to take a  
5 morning -- we'll take the morning break later?

6 MR. THOMSON: Yes, let's do it now,  
7 David. Let's break here.

8 MR. MOORE: This is a convenient time  
9 for the morning break, isn't it?

10 MR. THOMSON: Yes, that is fine.

11 MR. MOORE: So what do you want to  
12 take, 15 minutes or something?

13 MR. THOMSON: Let's say 15 minutes.

14 MR. MOORE: Okay.

15 MR. THOMSON: Thank you.

16 [DISCUSSION OFF THE RECORD.]

17 -- RECESSED AT 11:15 A.M.

18 -- RESUMED AT 11:30 A.M.

19 BY MR. THOMSON:

20 693 Q. So, Mr. Glassman, let me take you  
21 to the presentation made by Black Cube on September  
22 19, and you'll find that at my tab 94. And do you  
23 remember yesterday I suggested to you that Black  
24 Cube had a code name for this project called  
25 "Camouflage"? Sorry, I can't hear you.

1                   A.    Sorry, I remember you mentioning  
2                   that name yesterday and my not having remembered  
3                   it.

4    694               Q.    Right.  And I am not faulting your  
5                   memory, but you will see that the front page of the  
6                   presentation is "Camouflage"?

7                   A.    Yes.

8    695               Q.    And am I correct that during the  
9                   course of your meeting on September 19th  
10                   representatives of Black Cube walked you through  
11                   this presentation?

12                   A.    I remember a presentation.  I  
13                   don't know which one this is, so I would have to  
14                   see it.  And I don't remember if they walked me  
15                   through all of it, but there was a presentation.

16    696               Q.    All right.  Why don't you then, on  
17                   your own time, just flip through it.  If there is  
18                   any dispute that people from Black Cube walked you  
19                   through the presentation, you'll let us know?

20                   A.    Well, I don't even have --

21                   MR. MOORE:  Well hold on.  It is 178  
22                   pages long.

23                   BY MR. THOMSON:

24    697               Q.    That's right, which is exactly why  
25                   I'm not going to spend four hours going through 178

1 pages today in this cross-examination. So if there  
2 is any dispute that people from Black Cube walked  
3 you through the presentation, you'll let us know?

4 U/A MOORE: Well, I'll take that under  
5 advisement because I am not sure that I am willing  
6 to go through 178 pages to look at some granular  
7 detailed response that you are looking for. So  
8 I'll take it under advisement.

9 BY MR. THOMSON:

10 698 Q. Let me show you portions of this,  
11 Mr. Glassman. Turn to page 4, please. Under the  
12 heading "Goals", the presentation at page 4 says:

13 "Wind - Providing intelligence  
14 proving that West Face used  
15 privilege C&C data, and other  
16 forbidden actions, to steal the wind  
17 deal from C&C"

18 The next one:

19 "Newbould - Providing  
20 intelligence showing that Newbould  
21 either acted against C&C for a non  
22 legitimate reason, or he was not in  
23 a position to make any judgment on  
24 the case for general reasons"

25 Below that:

1 "Wolfpack - Providing  
2 intelligence exposing the wolfpack,  
3 it members, their methodologies and  
4 criminal actions in order to stop  
5 the attacks against Callidus"

6 And below that:

7 "West Face - financial  
8 difficulties, wrong statements"

9 Did people from Black Cube explain the  
10 goals they were seeking to achieve in conducting  
11 their operations?

12 A. I don't remember. I'll have to  
13 assume they did if it was on an introductory page  
14 like that.

15 699 Q. Okay. And then look at page 6.  
16 There is a document entitled "Accomplishments in  
17 One Week". So they say on this page:

18 "71 potential targets were  
19 thoroughly profiled.

20 Over 16 hours were recorded.

21 8 meetings were held.

22 37 analysts worked throughout the  
23 project.

24 We met with 6 targets.

25 14 infrastructures were built.

1 Initial contact was made with 26  
2 targets"

3 Did they walk you through those  
4 accomplishments during the course of your meeting  
5 in London on September 19?

6 A. I don't know, but I assume they  
7 did.

8 700 Q. Okay. And am I right in also  
9 saying this, that during the course of this  
10 presentation, people from Black Cube explained the  
11 ways in which they had gathered the evidence and  
12 information set out in the presentation, including,  
13 as an example, their use of pretexts, fake LinkedIn  
14 profiles, websites, false stories, to induce their  
15 targets to meet with their operatives; did they  
16 explain all that?

17 A. I don't think so. I could be  
18 wrong. I don't think so. I remember them showing  
19 me the results. I don't remember them telling me  
20 how they got the results.

21 701 Q. All right. Let me try to refresh  
22 your recollection. So one of the people who was  
23 targeted by Black Cube was Justice Newbould, and  
24 you'll recall that you certainly discussed Justice  
25 Newbould during the course of the meeting on

1           September 19th?

2                           A.    They played a tape for me.

3       702                   Q.    Okay.  And just to refresh your  
4       recollection on something we discussed yesterday,  
5       if we now look at the presentation and look at page  
6       11, you will see a heading "Surveillance on Frank  
7       Newbould", and again, I suggested to you yesterday  
8       that you were aware that Black Cube had placed  
9       Justice Newbould under surveillance.  Does this  
10      refresh your recollection of --

11                          A.    It does not.  I don't know if I  
12      saw this slide.

13      703                   Q.    Okay.

14                          A.    I just don't know.  I don't  
15      remember it.

16      704                   Q.    Look at slide 12.  So in relation  
17      to the case:

18                                 "Justice [Frank] Newbould was  
19                                 involved in the decision in the case  
20                                 of West Face & Catalyst Capital."

21                                 Below that, the "Agent" was a "40 year  
22                                 old male agent".  And then there is "Cover".  The  
23                                 "Cover" is "CEO of a consultancy firm", and then  
24                                 the "Story" below that is:

25   "Story:  The client of the

1                   consultancy firm is a Canadian based  
2                   owner of viscous oil extraction  
3                   technology. He hired an ex-employee  
4                   of a lobbying firm that negotiates  
5                   local and federal tax benefits for  
6                   industrial companies. The client  
7                   used their methods and techniques  
8                   obtained from the employee to help  
9                   get tax benefits on a number of  
10                  oilfield projects. As such, the CEO  
11                  is looking for Frank's advise."

12                  So am I right that they walked you  
13                  through this, and they explained the story they  
14                  used in order to induce Justice Newbould to meet  
15                  with them?

16                  A. Well, it is -- I don't remember  
17                  them detailing it, but it is very possible they  
18                  did. But it is obviously also pretty strong proof  
19                  that this was the first time I was finding out  
20                  about what they did. Otherwise, why would they be  
21                  giving me these --

22                  705                  Q. And then I have used the -- I  
23                  showed you the earlier slide where they used the  
24                  phrase "infrastructure". Slide 13 shows the  
25                  infrastructure used in the sting on Justice

1 Newbould. So you will see here a slide that sets  
2 out apparently a web page of this company that they  
3 were purportedly acting on behalf of, and they  
4 blacked out some of it. But am I right that this  
5 slide was also shown to you during the course of  
6 your meeting in London on September 19th?

7 A. There is no chance they showed me  
8 every slide of 178 pages. It is not possible.

9 706 Q. All right.

10 A. Because in the meeting -- we had  
11 the meeting, and they actually played the tapes.  
12 The tapes themselves, you guys can figure out how  
13 long they are, and in the middle of the meeting, as  
14 soon as I heard the tape of Mr. Newbould, I  
15 immediately called a stop to the meeting,  
16 immediately went into a boardroom next door and  
17 sought advice from counsel, from actually David  
18 Moore, who is on this call, who can confirm that,  
19 and I was on the phone with David for a period of  
20 time because I didn't know what the hell this  
21 meant.

22 707 Q. Right.

23 A. So there is no chance that I saw  
24 every slide, and I probably didn't see the majority  
25 of them, given the length of the tapes, as well as



1 the conversations that had to have -- had to be  
2 happened, and the fact that I had to excuse myself  
3 for a period of time to make a call.

4 708 Q. You may not have seen every slide,  
5 but certainly, sir, by the end of this meeting on  
6 September 19th, you were aware that Black Cube had  
7 approached Justice Newbould under false pretenses;  
8 correct? You knew that?

9 A. I was aware of it and seeking  
10 counsel's advice already.

11 709 Q. I just want to know what you knew.  
12 You knew that operatives of Black Cube had met with  
13 Justice Newbould under false pretenses. You knew  
14 that; correct?

15 A. Yeah, I think I did, yes.

16 710 Q. And you knew that operatives of  
17 Black Cube had secretly recorded their meetings  
18 with Justice Newbould without his knowledge and  
19 without his consent. You knew that; correct?

20 A. Well, it was with his knowledge,  
21 but under false pretenses. I'm not really sure how  
22 you structured the question, so I'm not trying to  
23 be difficult. They certainly elicited his  
24 cooperation under false pretenses, and as a result,  
25 I don't know what that means in terms of whether it

1 is, quote, "with his consent" or not. But it  
2 wasn't for the purpose that -- he consented to  
3 something that was clearly not accurate or truthful  
4 by Black Cube, that is true.

5 711 Q. You must have missed my question.  
6 I said that they recorded the meeting and recorded  
7 the meetings with Justice Newbould without his  
8 knowledge and without his consent? You knew that?

9 A. I didn't hear that. I'm sorry,  
10 Mr. Thomson, I actually did not hear you ask it  
11 that way. Clearly, it was not -- not clearly, but  
12 I assume it was not with his consent.

13 712 Q. All right. And then they also  
14 discussed with you, did they not, the stings they  
15 had conducted against a person named Alex Singh?

16 A. They played numerous tapes for me.  
17 I don't know whether all of them constitute a sting  
18 or not. I don't even know if that is a legal  
19 phrase. They played tapes for -- of numerous  
20 former employees, as well as Mr. Newbould, to me.

21 713 Q. All right. Look at page 28 of the  
22 presentation.

23 A. Can you turn it, please?

24 714 Q. Yes, I don't know why that is  
25 turned. Tanya, can you -- there we are. So here

1           you'll see a profile of Alex Singh, and if you look  
2           at slide 29, you will see he is described as:

3                               "Former Counsel and corporate  
4                               Secretary at West Face Capital".

5           So you knew that he was the former  
6           general counsel of West Face who was there at the  
7           time that Brandon Moyse was hired by West Face in  
8           May or June of 2014 and during the period of  
9           roughly three weeks that Moyse worked at West Face  
10          in June and July of 2014; correct?

11                           A.    Well, I knew more than that.  I  
12          also knew that he had waived his privilege by  
13          filing an affidavit in the Moyse action.

14          715                   Q.    All right.  Well, I guess we can  
15          debate that before Justice McEwen.  Let me show you  
16          a couple of portions of this.  Look at slide 34.

17                           A.    Well, sorry, Mr. Thomson, to be  
18          more accurate, I believe he had waived his right to  
19          privilege, and I was advised that he had waived his  
20          right to privilege.

21          716                   Q.    And who gave you that advice, and  
22          when did they do so?

23                           A.    At different times.

24                           MR. MOORE:  Hold it, hold it.  We are  
25          not going to get into the solicitor-client

1 privilege here, whoever that was.

2 BY MR. THOMSON:

3 717 Q. Well, sorry, the witness just  
4 disclosed the advice he says he received. How can  
5 you possibly now put that genie back in the bottle?  
6 I didn't ask him the advice he received. He just  
7 voluntarily injected it into my record. Having  
8 done that, he suffers the consequences.

9 So I want to know, Mr. Glassman, who  
10 gave you that advice and when did they do so?

11 U/A MR. MOORE: We'll take that under  
12 advisement.

13 BY MR. THOMSON:

14 718 Q. And if we look at slide 34, you  
15 will see that Black Cube operatives discussed with  
16 Mr. Singh the advice that he gave to West Face at  
17 the time that Mr. Moyse hired; do you see that?

18 A. I'm sorry, can you repeat your  
19 question?

20 719 Q. Yes. At slide 34, you'll see that  
21 the operatives of Black Cube discussed with  
22 Mr. Singh the advice that he provided to his client  
23 West Face concerning the hiring of Mr. Moyse. Do  
24 you see that?

25 A. Well, can I read it, and then I

1 will tell you if that is what it says?

2 720 Q. Sure. Go ahead.

3 A. [Witness reviews document.]

4 721 Q. Have you read the slide?

5 A. I have read most of it, yes.

6 722 Q. All right. And then look at slide  
7 47, just to put a pin in this. Mr. Singh actually  
8 raises with the Black Cube operatives the issue of  
9 privilege. So slide 47, under the heading "Meeting  
10 with Alexander Singh":

11 "Handling Moyse's  
12 confidentiality issue at West Face  
13 as something that can be resolved by  
14 a chat with the General Counsel."  
15 This presentation of the transcript at  
16 least says:

17 "Alexander: So as I explained  
18 earlier to BC1", and I guess he  
19 probably uses the name, and they  
20 insert some code, "its umm I think  
21 it was a smart strategy by Catalyst  
22 because they get to attack one of  
23 their only competitors in the  
24 Canadian landscape."

25 And the operative says:

1 "It was not very smart, to hire  
2 the kid in the first place."

3 And Singh says:

4 "well, yeah, I mean my email to  
5 the West Face partners would never  
6 come out because it was privileged  
7 [...], but my email to the west face  
8 partners was don't hire this guy."

9 So he says, I can't show you the email,  
10 but I'll tell you what the email said and, again,  
11 raises the issue of privilege.

12 And was this slide shown to you during  
13 the course of your meeting in London on September  
14 19th?

15 A. Probably.

16 723 Q. And am I right -- Mr. Glassman,  
17 just about your background, am I right that you did  
18 attend law school, I believe, at the University of  
19 Toronto?

20 A. I did.

21 724 Q. Did you graduate from law school?

22 A. I did.

23 725 Q. I understand that you -- did you  
24 article? Did you complete your articles?

25 A. I did part of my articles.

1 726 Q. But you never --

2 A. Not all of my articles.

3 727 Q. Okay. So you never completed your  
4 articles. You were never actually called to the  
5 bar?

6 A. Not the Ontario bar.

7 728 Q. All right. What bar were you  
8 called to?

9 A. I don't remember if I was called  
10 to the bar, but I passed the New York bar exam and  
11 was waived. The mark was high enough to get waived  
12 into Massachusetts and DC, I think.

13 729 Q. All right. Were you called to the  
14 bars of New York or Massachusetts?

15 A. I don't think so.

16 730 Q. All right. Am I right that  
17 certainly by September of 2017 you had at least a  
18 rudimentary understanding of the law of  
19 solicitor-client privilege; is that fair to say?

20 A. Sure.

21 731 Q. And you would have known that  
22 solicitor-client privilege belongs to the client,  
23 not to the lawyer. Would you have known that?

24 A. I'm not sure that the rule is that  
25 black and white.

1           732                   Q.    All right.  Well, Justice McEwen  
2                                   will know whether I am right or I am not right.  
3                                   Would you have known that Mr. Singh had no business  
4                                   disclosing to operatives of Black Cube the advice  
5                                   that he allegedly provided to West Face concerning  
6                                   the hiring of Mr. Moyses?  Would you have known  
7                                   that?

8                                   MR. MOORE:  Well, just a minute.  
9                                   Mr. Glassman, why don't you step away from the mic  
10                                  or the room or whatever for a second.

11                                 THE DEPONENT:  Yeah.  How long do you  
12                                  want me to leave for since I won't be able to hear  
13                                  if you call me back or not?

14                                 MR. THOMSON:  Two minutes, literally  
15                                  two minutes or less.

16                                 MR. MOORE:  Two minutes.

17                                 THE DEPONENT:  Okay.  Will turn off my  
18                                  phone, and I will close my screen.

19                                 MR. MOORE:  All right.

20                                 [Reporter's Note:  Witness exits the  
21                                  virtual meeting room.]

22                                 MR. THOMSON:  What is it, David?

23                                 MR. MOORE:  Sorry, I'm not sure how  
24                                  fair it is to put the questions this way when, as  
25                                  you know, there was extensive evidence given by



1 Singh prior to, and it was filed as part of the  
2 Moyse trial, about all these topics. My  
3 recollection is the Singh issue came up later on -  
4 that is just my personal recollection - regardless  
5 of the content of this 197- or 178-page document,  
6 but, you know, there is a context to it that, I  
7 think, the witness is entitled to be reminded of.

8 MR. THOMSON: Well, I'll scoot forward,  
9 and I am just going to ask him about a factual  
10 question concerning what he --

11 MR. MOORE: I mean, Singh filed an  
12 affidavit about the advice that he gave, about the  
13 Chinese walls. He was cross-examined on it. His  
14 affidavit was one of the trial affidavits that was  
15 filed. I mean, I know, because in preparing for  
16 the appeal we had to go through all that stuff.

17 MR. THOMSON: Yeah.

18 MR. MOORE: I wasn't at the trial, as  
19 you know, but Singh gave extensive evidence about  
20 all these topics --

21 MR. THOMSON: I think you are wrong,  
22 and you will see -- if you read this Singh  
23 affidavit, you will see he did not disclose the  
24 advice that he gave to West Face concerning the  
25 hiring of Moyse. What he did do is discuss in his

1 affidavit the admonitions he gave to Moyse about  
2 maintaining confidentiality.

3 MR. MOORE: Yeah, I am not sure you can  
4 slice and dice when you look at it. Let's not you  
5 and I debate it now. It is not going to be  
6 productive. All I'm saying is I think there is  
7 context to this that in fairness the witness should  
8 be reminded of, but I'm not going to say that in  
9 front of the witnesses when you are  
10 cross-examining, but I just make that observation,  
11 and let's continue.

12 MR. THOMSON: Okay. That is fair  
13 enough. That is fair enough. And I have got a  
14 couple of basic, factual questions which will skip  
15 past the point.

16 MR. MOORE: All right. Actually,  
17 before we get him back -- no, I have taken that  
18 other issue under advisement. Again, my  
19 recollection is that the issue about Singh came up  
20 later on, but rather than go from recollection, I  
21 have taken it under advisement the follow-up to  
22 your question about that issue that you asked a few  
23 minutes ago, so let's leave it at that for now.

24 MR. THOMSON: Yes. That is fine.

25 MR. MOORE: All right.

1 MR. THOMSON: I mean, it goes without  
2 saying, David, that if you are providing further  
3 information about this advice that he claims to  
4 have received, we are going to want to see the  
5 advice, and I'm not going to leave his remark  
6 unattended if you decide to answer further  
7 questions about it.

8 So if there is going to be further  
9 disclosure, we want to see every scrap of paper  
10 that relates to the advice that he actually did  
11 receive on the issue.

12 MR. MOORE: I hear you. I mean --  
13 like, I think I recall what happened, and I don't  
14 think it is quite as you -- well, whatever. Let's  
15 just leave it at that for now.

16 MR. THOMSON: Yes, that is fine.

17 MR. MOORE: All right. And maybe --  
18 actually, the reason why I was trying to call -- or  
19 reach you last night, there are a couple of things  
20 about some of the follow-up questions that I  
21 understand why you asked them. I don't want to be  
22 in a position that we decide to answer some of them  
23 that we are into some wholesale waiver of privilege  
24 for all purposes, et cetera.

25 So you and I should have an informal

1 discussion about some of these follow-up questions,  
2 but let's leave that for now, and we'll just keep  
3 going.

4 MR. THOMSON: Yes, that is fine. I'm  
5 happy to chat tomorrow if you would like and work  
6 through it.

7 [DISCUSSION OFF THE RECORD.]

8 [Reporter's Note: Witness re-enters  
9 virtual meeting room.]

10 BY MR. THOMSON:

11 733 Q. We'll wrestle the privilege  
12 issues, Mr. Glassman. I have just got a couple of  
13 factual questions and then we are going to move  
14 ahead.

15 Mr. Glassman, am I right that by the  
16 time the meeting on September 19th came to an end  
17 in London, you did not instruct Black Cube to down  
18 tools and stop all their investigations; correct?

19 A. Not on the 19th, but later.

20 734 Q. All right. We are going to  
21 discuss what happened later a little bit later.

22 Now, am I right that this presentation  
23 was not actually given to you as a document you  
24 could take with you following the meeting on  
25 September 19th? There was no physical copy

1 provided to you; correct?

2 A. I think that is correct. I am  
3 virtually certain I was never given a copy.

4 735 Q. And I can tell you this. No copy  
5 has been produced by you or by Catalyst, and I am  
6 assuming that if you had it, you would have  
7 produced it?

8 A. Of course we would.

9 736 Q. All right. And am I right that no  
10 copy of the presentation was emailed to you  
11 following the meeting?

12 A. If I had a copy, you would have  
13 it, whether it is email or hard copy.

14 737 Q. Okay. And no copy was emailed to  
15 your partners, Mr. de Alba or Mr. Riley; correct?

16 A. No, but they were briefed about it  
17 immediately.

18 738 Q. Let me then move forward a day in  
19 time to September 20 and ask you to turn up tab  
20 225. These are text messages between people at  
21 Black Cube, and the part I'm interested in is on  
22 page 51. And scroll down a little bit, Tanya,  
23 please, and stop there. So the one I'm interested  
24 in is a text from Dr. Avi Yanus on September 20th  
25 of 2017 at 23:36 where Yanus says:

1                   "The phone calls have begun.  
2                   Newton (as advised by his pals...)  
3                   Decided to use all materials about  
4                   the judge through the media. He's  
5                   asking that [the] transcripts and  
6                   audio/video segments be uploaded  
7                   tomorrow accordingly without [...]  
8                   Any references to 'Yonatan' (the  
9                   lawyer from the firm) - this is  
10                  currently not being published. It  
11                  should be in some Hotmail/Gmail  
12                  account, and he will transfer it to  
13                  the PR person, and she to the  
14                  reporter. Objections by tomorrow  
15                  noon to me please. Guy - Request  
16                  that it be in the box folder by noon  
17                  (Israel time), that way we can go  
18                  over the files before uploading to  
19                  the box."

20                  I took it from this that you spoke to  
21                  Avi Yanus or sent him a message on December --  
22                  sorry, September 20th; correct?

23                  A. That is what he is alleging. I  
24                  assume that he is being truthful. I don't  
25                  remember. "We needed" -- it is different than what

1 he says. My recollection is I needed it in order  
2 to give to counsel to get advice. That is how I  
3 remember it. And, in fact, I did deliver it to  
4 counsel for advice.

5 739

Q. And he is saying something

6 different, which is you had decided to use all the  
7 materials about the sting on Justice Newbould  
8 through the media. This is not about providing it  
9 to the lawyers. This was about giving this to the  
10 media, and in particular, Christie Blatchford; do  
11 you recall that?

A. That is actually not what

12 happened. He can say whatever he wants, but what  
13 happened was I eventually got a copy. I can't  
14 remember how. I think it was actually sent  
15 directly to counsel, but I am not exactly sure. So  
16 I don't even think his rendition here is correct  
17 even about the mechanics. To this day, I don't  
18 have a copy of any of the tapes, and I don't  
19 believe I was ever sent personally a copy of the  
20 tapes. That is number one. So that is just  
21 factually not correct in his email.  
22

23 Number two, I know that it was sent  
24 with virtual certainty -- not a hundred percent  
25 certainty, but virtual certainty that it was

1 actually sent to counsel so that we could review  
2 it. In fact, I know that after they received it,  
3 there were problems both in terms of what is on the  
4 tape and the transcript and errors, and there was  
5 back and forth with counsel to get an accurate  
6 transcription.

7 And I know that from sometime around  
8 this time to -- for about seven or eight weeks --  
9 and my period might be wrong, it might be six, it  
10 might be nine, but for many, many weeks we actually  
11 would not allow Christie to get the tape and had  
12 kept pushing to not give it to her.

13 740 Q. All right.

14 A. And she kept -- she either kept --  
15 I was told, because I wasn't -- so it is hearsay or  
16 the equivalent of hearsay or whatever you want to  
17 call it technically. I was told that she was  
18 getting increasingly annoyed that we wouldn't  
19 provide it.

20 741 Q. Now, did you have a discussion --  
21 I'm sorry.

22 A. So I can't speak to an internal  
23 email at Black Cube. I can tell you what happened,  
24 and I can tell you the steps to the best of my  
25 memory.



1           742                   Q.    All right.  I am going to suggest  
2                                   to you that your memory is simply wrong, and I will  
3                                   explain why in about two minutes.  But let's stay  
4                                   with this reference.

5                                   Am I correct that you spoke either to  
6                                   Yanus or to Tanuri and asked that any references to  
7                                   Jonathan Lisus be removed from the materials  
8                                   concerning the sting on Justice Newbould that were  
9                                   provided?  Was that request made?

10                                  A.    I don't remember, but I know that  
11                                  there was an issue about potential conflicts and  
12                                  how to proceed with our then counsel if in fact  
13                                  that reference remained, and we first needed  
14                                  advice.

15           743                   Q.    And the problem was that Rocco  
16                                   DiPucchio was from the Lax O'Sullivan firm and so  
17                                   was Jonathan Lisus; correct?

18                                  A.    That is my memory.

19           744                   Q.    And that during the sting on  
20                                   Justice Newbould, he had actually talked about  
21                                   referring the client over to Mr. Lisus to conduct  
22                                   the arbitration; that was the issue --

23                                  A.    Sorry, I can't hear what you said.

24           745                   Q.    The way that Jonathan Lisus as a  
25                                   name came up in all this is that during the sting

1 on Justice Newbould he discussed referring the  
2 client over to Mr. Lisus with respect to the  
3 arbitration he had been approached on; do you  
4 remember that?

5 A. I believe that is one of -- I  
6 believe it is one of the --

7 MR. MOORE: Time out. Time out. I  
8 think you should put the -- you have got the  
9 transcript of the tape so the witness can have his  
10 memory refreshed as to what the actual passages  
11 were.

12 MR. THOMSON: Yeah, not to worry. I am  
13 going to skip past this. I can prove it easily  
14 from the tapes themselves.

15 MR. MOORE: Well, no, no, it is not a  
16 matter of skipping past it and proving it easily or  
17 anything else.

18 MR. THOMSON: Sorry, it is.

19 MR. MOORE: No, it is not.

20 MR. THOMSON: Well, I'm sorry, but it  
21 is, so then treat the question as being withdrawn.  
22 I'll prove this in a different way. I am not going  
23 to spend the time --

24 MR. MOORE: No, no, no. You can't put  
25 a question and then withdraw it if it isn't --

1 MR. THOMSON: Oh, really?

2 MR. MOORE: That is not the way it  
3 works.

4 MR. THOMSON: What is the authority for  
5 that proposition, Mr. Moore?

6 MR. MOORE: Let's keep going. You have  
7 made certain assertions of fact on the record and  
8 put a question to the witness. It is on the record  
9 and so -- let's keep going. Let's keep going.

10 BY MR. THOMSON:

11 746 Q. Now, am I right, Mr. Glassman,  
12 that the strategy at the time was to try to plant  
13 an article concerning the sting on Justice Newbould  
14 in order to influence the judges in the Court of  
15 Appeal that were hearing the Moyse appeal? Was  
16 that part of the thinking at the time?

17 A. There were multiple options  
18 discussed at the time. There were, first, concerns  
19 of investigating and discussing whether this was  
20 evidence of bias and what we should do about it,  
21 which you well know because there are emails about  
22 having to get an adjournment.

23 747 Q. Let me take you to a text message  
24 right at the time to see whether it refreshes your  
25 recollection, and I would ask you to turn up my tab

1 109.

2 MR. MOORE: Sorry, what tab?

3 MR. THOMSON: 109.

4 MR. MOORE: Yes.

5 BY MR. THOMSON:

6 748 Q. And here you'll find text messages  
7 exchanged between Tanuri on one side and, we  
8 understand, Dan Zorella of Black Cube on the other.  
9 This is a Black Cube production, and the date that  
10 they have ascribed to it is September 21 of 2017,  
11 and you will see at the top of the page there is a  
12 text from Tanuri where he says:

13 "That's a future franchise  
14 issue as we have to appear in front  
15 of these judges in the future. The  
16 hoped for strategy is that the  
17 public pressure from an article  
18 makes it impossible for the court to  
19 ignore, and they have to means  
20 the [...]", I'm not sure what he  
21 means by that.

22 "[...] and they have to means the  
23 case back to lower court. And this  
24 way we can always decide at the last  
25 moment to also introduce it in court

1 next wk."

2 And then Zorella responds.

3 So am I right that this is part of the  
4 thinking at the time, was if you could get an  
5 article published before the Moyse appeal was  
6 argued on September 26th and 27th, the article  
7 might influence the way in which judges of the  
8 Ontario Court of Appeal dealt with the Moyse  
9 appeal?

10 A. So, first of all, you are only  
11 showing me and cutting off the top of the text,  
12 because I don't know what else was said.

13 Second of all, it is not my text. That  
14 might be Yossi's approach. That might have been  
15 one of the things he was thinking. He is not a  
16 lawyer. At the time I was first and most  
17 interested in getting advice from counsel on how to  
18 deal with the tapes. It was a very big problem.  
19 There were other considerations, I'm sure, but my  
20 biggest concern at the time was what the hell do we  
21 do with this and, you know, why don't you introduce  
22 the tape because what is on the tape is, in my  
23 opinion, incredibly horrible.

24 749 Q. Well, just a very simple factual  
25 question. Was there a discussion with you at the

1 time - this is now in the September 20, September  
2 21 time frame - about a strategy of having an  
3 article published in the period before the Moyse  
4 appeal was argued, and that it was scheduled for  
5 September 26 and 27th, that would make it  
6 impossible for the Court of Appeal to ignore the  
7 article and persuade the Court to allow the appeal  
8 and send the matter back to a lower court for  
9 retrial? Was that part of the strategy?

10 A. Mr. Thomson, if that was part of  
11 the strategy, the tape would have been in the  
12 public domain, and it wouldn't have been delayed  
13 with Ms. Blatchford. We are four years, roughly,  
14 three and a half years, whatever the number of  
15 years, since the tape was made. If the intention  
16 was to have a strategy, as written by Mr. Tanuri,  
17 then the tape would be in the public domain by us  
18 already.

19 So that couldn't possibly have been,  
20 quote, "the strategy" as you said it.

21 750 Q. All right. So you are saying you  
22 took no steps then to place this tape in the hands  
23 of Ms. Blatchford or any other journalist in the  
24 period before the appeal was to be argued on  
25 September 26th; that is your evidence?

1                   A.    My evidence is that the tape did  
2                   not and it was not given to any journalist ahead of  
3                   the appeal.

4           751           Q.    Okay.

5                   A.    And that is a fact.

6           752           Q.    Let me ask you to turn up, please,  
7                   tab 106.  So at tab 106, you will find an email  
8                   from you to your partner Jim Riley on September 20,  
9                   2017, the day we have just been looking at, at  
10                  10:49 p.m. UTC, and you will see the subject line  
11                  is "Virginia Jamieson", where you say:

12                                "This is the person they want U  
13                               to contact.  Allegedly needs to talk  
14                               w[ith] u around 9:45am and  
15                               recommended not from your own cell  
16                               or our office landline etc."

17                               It is an email you sent to Mr. Riley on  
18                   September 20th?

19                   A.    It looks that way.

20           753           Q.    And I'm suggesting that what you  
21                   were doing was asking Riley to put into the hands  
22                   of Virginia Jamieson materials concerning the sting  
23                   on Justice Newbould; correct?

24                   A.    Well, clearly she never gave the  
25                   tape to Christie Blatchford for a much longer

1 period of time, including after the appeal, so  
2 whatever was being thought of or discussed wasn't  
3 actually executed on as you are describing.

4 754 Q. Okay.

5 A. So either the strategy changed, or  
6 you have a misunderstanding of the strategy.

7 755 Q. And I'm interested in,  
8 Mr. Glassman, the second sentence of your email:

9 "Allegedly needs to talk w[ith]  
10 u around 9:45am and recommended not  
11 from your own cell or [from] our  
12 office landline [...]"

13 So you were instructing Mr. Riley not  
14 to leave electronic footprints concerning the  
15 provision of these materials to Virginia Jamieson,  
16 weren't you?

17 A. Well, no. The structure of the  
18 sentence is that "they recommended not from your  
19 own cell or our office landline". I left it up to  
20 him. I am just repeating to him what was said to  
21 you.

22 756 Q. And what was said to you by whom?  
23 Who made that recommendation to you?

24 A. I don't remember. I suspect it  
25 was Yossi or one of the other parties involved.



1           757                   Q.    Or it could have been Emmanuel  
2                                Rosen from Psy Group or Royi Burstien from Psy  
3                                Group; correct?

4                                A.    I don't think so.  They weren't  
5                                involved in this.  This was Black Cube.

6           758                   Q.    All right.  So they --

7                                A.    I don't even think --

8           759                   Q.    So they --

9                                A.    I don't even how they could have  
10                              known by the 20th.

11          760                   Q.    So to be clear, Emmanuel Rosen  
12                              from Psy Group had nothing to do with Virginia  
13                              Jamieson?

14                              A.    No, I didn't say that.

15          761                   Q.    Well, you --

16                              A.    You asked me about the tape.  You  
17                              asked me about the tape and recommendations.  I'm  
18                              talking about Black Cube and the tape.  The tape  
19                              was from Black Cube.

20          762                   Q.    Right.  And it was Psy Group's job  
21                              to plant negative publicity concerning Justice  
22                              Newbould and concerning West Face and concerning  
23                              Mr. Boland, wasn't it?

24                              A.    I'm sorry, can you repeat the  
25                              question?

1           763                   Q.    It was Psy Group's job to plant  
2                               negative publicity concerning Justice Newbould and  
3                               concerning West Face and concerning Mr. Boland. We  
4                               have gone through that at length. That was their  
5                               job, not Black Cube's job; correct?

6                               A.    Well, it wasn't their only job,  
7                               and in one of the emails you brought me to  
8                               yesterday - or I think you brought me to, I may be  
9                               wrong - they are clearly instructed somewhere  
10                              around this time, within a week or two, that the  
11                              priority had to be the White campaign. And the  
12                              tape was not given. The fact is the tape was not  
13                              given to Christie Blatchford for a very, very long  
14                              time, and it was a problem. Not very long, might  
15                              be an exaggeration, but many, many weeks, which for  
16                              sure was after the appeal.

17           764                   Q.    All right. And, Mr. Glassman, I'm  
18                               glad you --

19                              A.    Our focus -- our focus at the time  
20                              was trying to evaluate what we would legally, if  
21                              anything, do with the tape, and we obviously made a  
22                              choice not to use it as new evidence of bias, and  
23                              we obviously tried desperately to keep Blatchford  
24                              from getting the tape at least for a period of  
25                              time, and subsequently, for multiple years, we have

1           made an effort to not have the tape in the public  
2           domain. That is a fact. That is the result of  
3           what has been going on.

4           765

          Q. All right, and you sound highly

5           confident in that evidence and, Mr. Glassman,

6           because I'm a nice guy, I am going to give you one

7           chance and only one chance to retract that

8           evidence. I am going to tell you that Mr. Riley

9           has testified about this very matter and testified

10          that in fact he met with Virginia Jamieson the very

11          next morning at the Rosedale Subway Station in

12          Toronto and handed her a site from which she could

13          download the sting on Justice Newbould. I mean,

14          were you not aware of that? Did Mr. Riley not tell

15          you at the time he met with Ms. Jameson the next

16          morning?

          A. And Mr. Riley was instructed to

18          instruct Ms. Jameson not to provide it to Ms.

19          Blatchford for an extended period of time.

20          766

          Q. Well, I'm sorry, Mr. Glassman,

21          again, you are just simply dead wrong. The whole

22          purpose of the meeting was so that Jameson could

23          give the sting materials to Ms. Blatchford the same

24          morning, which she did at the Aroma Coffee Shop at

25          Yonge and Eglinton that day at 11:30 on September

1           21. And I'm just putting to you one last chance to  
2           get this right. Your evidence is just simply  
3           wrong. Are you prepared to accept that?

4                           A. No.

5           767           Q. Okay. So let me then fast-forward  
6           in time. Am I right that there was a meeting now  
7           involving Mr. Greenspan, Ms. Lutes and people from  
8           Black Cube on September 25. Let me take you to  
9           that, the notes of that meeting, and ask Tanya,  
10          please, to pull up tab 119.

11                           So here you'll see handwritten notes of  
12          Ms. Lutes of a meeting she attended with, as we  
13          understand it from the notes, two people from Black  
14          Cube, an Avi Yanus who we have talked about and a  
15          person named Guy Fikhte from Black Cube on  
16          September 25th. And you will remember, I hope,  
17          that this is the day before the Moyse appeal that  
18          was scheduled to be argued in the Court of Appeal  
19          on September 26th. Okay? Just to situate you in  
20          time.

21                           A. Okay.

22          768           Q. And this was the same day that  
23          your lawyers, Mr. Moore and Mr. Greenspan and  
24          Mr. DiPucchio arranged for an urgent appointment  
25          before Justice Rouleau in the Court of Appeal to

1 seek an adjournment of the Moyse appeal, and I just  
2 wanted to show you what happened during this  
3 meeting and then ask you about what happened next.

4 So you'll see in these notes at  
5 page 1 --

6 A. Sorry, excuse me, are you  
7 suggesting I was at this meeting?

8 769 Q. No, I am not. I'm just trying to  
9 show you what happened and then ask you what  
10 happened next.

11 So Ms. Lutes says at the start of the  
12 notes:

13 "Not sure why they requested  
14 meeting but we want to ensure we put  
15 the brakes on some of their  
16 activities."

17 Do you see that?

18 A. I do.

19 770 Q. And then if you skip down about  
20 two inches or so, you will see a note from Ms.  
21 Lutes saying:

22 "We made it clear this part of  
23 the investigation is over."

24 And then she underlines the word  
25 "over".

1 "Must stop".

2 A. Yes.

3 771 Q. And then just below that, she

4 says:

5 "Explained adjournment."

6 And then she says:

7 "We see no reason for them to

8 stay in Toronto."

9 And then if you go to the top of page 3  
10 of the document, you will see Brian Greenspan seems  
11 to have said:

12 "In many ways we are happy we

13 did not know about all this because

14 had we known we may have shut it all

15 down (they seem surprised)."

16 Do you see that at the top of the page?

17 A. I do.

18 772 Q. And then skipping down about two

19 or three inches, there is another line where the

20 note says:

21 "Shut this component of

22 investigation down."

23 Do you see that?

24 A. Well, I am trying to read all of

25 it.

1 773 Q. That is fine.

2 A. [Witness reviews document.]

3 Yes, and what is she talking about

4 "this component of the investigation"?

5 774 Q. The Black Cube. I believe it is  
6 the Black Cube activities.

7 A. But is it -- I am just confused.

8 Is it that she is talking about specifically

9 Mr. Newbould or all of the tapings, et cetera?

10 775 Q. Well the answer to that question  
11 is on this same page. So scroll to the bottom of  
12 the page now right where the cursor is now where  
13 Brian Greenspan says:

14 "No more undercover operations  
15 in Canada right now pls."

16 So she is talking about the whole  
17 thing, "No more undercover operations in Canada".

18 A. Yes.

19 776 Q. And then at page 5 of the notes,  
20 or page 5 of the production, the last entry on the  
21 page:

22 "Emphasized no more active  
23 operations in Canada."

24 Do you see that?

25 A. I do.

1           777                           Q.    And so I am going to suggest to  
2   you based on those references that during the  
3   course of this meeting on September 25th,  
4   Mr. Greenspan and Ms. Lutes made clear to Black  
5   Cube that its activities in Canada must stop and  
6   stop immediately; fair enough?

7   A.    They directed them to stop, yes.

8           778                           Q.    Okay.  Now, let me show you what  
9   happened next and ask you to pull up, please, tab  
10    225 of my cross-examination brief and turn, please,  
11    to page 89, and you will see the first entry on the  
12    page - and this is now September 26th of 2017,  
13    which is the next day - and Dr. Avi Yanus says:

14    "Just to clarify, Brian the  
15    lawyer asked us not to have meetings  
16    in Toronto in the near future,  
17    however, Yossi (and Gadi..) Said  
18    there's no such restriction.  Better  
19    to send objects out, but if there's  
20    no choice - we can do it there."

21    And I took it from this that what  
22    happens is Greenspan and Lutes have this meeting  
23    with people from Black Cube September 25th saying,  
24    You have got to stop everything.  And the very next  
25    day Yossi Tanuri and Gadi Ben Efraim said, No, no,



1 don't worry about the lawyers, drive right ahead.  
2 And is that consistent with your recollection of  
3 what happened in September of 2017?

4 A. It is highly possible.

5 779 Q. And let me show you what happened  
6 in real life and ask you to turn up a document we  
7 were looking at during the break when you were out  
8 of the room for a second and I would ask Tanya to  
9 pull up my tab 119A.

10 And you will see what this is, Mr.  
11 Glassman, is a chart that we have had Maura  
12 O'Sullivan, one of our talented young lawyers,  
13 prepare based on all the affidavits that have been  
14 filed, and what she has done is taken dates from  
15 the various affidavits of -- and the productions we  
16 have received now from Black Cube, and she has  
17 pulled together a chronology of the various  
18 activities that were undertaken by Black Cube to  
19 approach targets and sting targets both in Canada  
20 and elsewhere.

21 And if you just scroll down, please, to  
22 September 25. So you will see there is a whole  
23 series of dates, and now stop there. So you will  
24 see on page 3 of the chart there is a heading that  
25 says:

1 "After Intervention of  
2 Greenspan on September 25.

3 See Naomi Lutes notes of meeting  
4 with Avi Yanus and Guy Fikhte of  
5 Black Cube on September 25, 2017:  
6 'We made it clear this part of the  
7 investigation is over. Must stop  
8 [...] - no more undercover  
9 operations in Canada right now  
10 pls'."

11 What this then does is it shows you  
12 what Black Cube did in the period following  
13 September 25th. And if you just scroll down --  
14 sorry, you went too quickly. Just stay on page 3.  
15 Just stay there for a minute. You will see that  
16 there are a number of pieces of correspondence that  
17 take place after September 25th from a variety of  
18 people.

19 There is then -- on October 2nd, there  
20 is a meeting with Alexander Singh in London. And  
21 if you scroll to the next page, you will see that  
22 there are then a number of meetings with additional  
23 targets of Black Cube, including in Canada.

24 So as an example, October 3 of 2017,  
25 Peter Brimm in Canada; October 3, Alexander Singh

1 in London; and then Tony Lacavera in Canada on  
2 October 3; Bei Huang in Canada on October 10;  
3 Claude Robillard in Canada on October 10; Darryl  
4 Levitt in Canada on October 11.

5 Scroll down, please.

6 There is a Peter Brimm meeting in  
7 Canada on November 1; Yujia Zhu, a former West Face  
8 employee, a meeting in Canada on November 1, 2017.

9 There are then further meetings in  
10 London, so Victoria Kikhard, a meeting in London on  
11 November 6 of 2017. There is another meeting with  
12 Bei Huang in London on November 9. And then it  
13 goes on.

14 So my simple point is that although  
15 Mr. Greenspan and Ms. Lutes told Black Cube to shut  
16 down its investigation on September 25th, those  
17 instructions were countermanded by Gadi Ben Efraim  
18 and Yossi Tanuri the next day and the  
19 investigations of Black Cube continued; fair  
20 enough?

21 A. Certainly any meeting in Canada is  
22 by definition contrary to the instructions by Brian  
23 and Naomi.

24 780 Q. And not contrary to the  
25 instructions of Tanuri and Ben Efraim; correct?

1                   A.    It appears that way.  It appears  
2                   that way.

3       781                   Q.    And indeed, looking at this  
4                   through your eyes, Mr. Glassman, am I not right  
5                   that within two days of the meeting that  
6                   Mr. Greenspan had with Black Cube on September  
7                   25th, you were coming up with a new idea for a new  
8                   sting on Justice Newbould; do you recall that?

9                   A.    I do not.

10       782                   Q.    Let me ask you to pull up, please,  
11                   Tanya, tab 73.  So at tab 73 there are a number of  
12                   additional chat messages that have now been  
13                   produced by Black Cube, and these include chats  
14                   with Yossi Tanuri.  And the part I am interested in  
15                   here is at page 26 of this production, and you will  
16                   see right in the middle of the page there is a  
17                   reference of 27/09/2017 at 11:59:20?

18                   A.    Sorry, I am trying to follow.  
19                   Just give me one second.

20       783                   Q.    Yes, sure.

21                   A.    So this is -- okay, so you are not  
22                   saying this is a conversation with me.  This is  
23                   Yossi and Avi Yanus?

24       784                   Q.    Except that there are messages  
25                   from you embedded in this series of texts.

1                   A.    Well, hold on.  Let me first try  
2                   and read this stuff.

3       785           Q.    All right.

4                   A.    [Witness reviews document.]

5       786           Q.    Start at the top of the page and  
6                   just read, and I am going to suggest to you that is  
7                   a message from you that is then repeated by Tanuri  
8                   in these texts.

9                   A.    [Witness reviews document.]

10       787          Q.    So for our record, this is Tanuri  
11                   at 15:54 on September 25th saying:

12                                "Has never asked for a pin b4.  
13                   Tried the above.  Nothing works.  
14                   It's locked down.  May need new  
15                   phone.  Rocco's firm remains  
16                   committed to their position.  It's  
17                   legally wrong and very dangerous for  
18                   them.  It's highly likely that it's  
19                   the result of the fact Lisus is in  
20                   fact dirty or otherwise in bed  
21                   w[ith] newbould.  Brian and others  
22                   talking at 11 a.m.  It's possible  
23                   the court won't even let them resign  
24                   but then we would be forced to  
25                   proceed w[ith] counsel I no longer

1 trust. The highest probability is  
2 that this now gets adjourned for  
3 30-60 days but it's possible  
4 (unlikely) that we r forced to go  
5 [forward] tomorrow. Either way  
6 Rocco and his firm will now be in  
7 trouble w[ith] the Law Society  
8 separate and apart from  
9 Lisus/newboulds own issues."

10 And that is a message you sent to  
11 Tanuri, and Tanuri then sent it on to Black Cube;  
12 correct?

13 A. It may be. It looks like it might  
14 be.

15 788 Q. Right. And again, David, we do  
16 not have production of any message or email from  
17 Mr. Glassman on to Mr. Tanuri on September 25, so  
18 again, we come up with the production issue we  
19 discussed yesterday.

20 MR. MOORE: I understand.

21 THE DEPONENT: Well, this is an email  
22 that you raised yesterday -- it is one of the same  
23 emails you raised yesterday, I think.

24 MR. THOMSON: No, this is different.  
25 It is a different point.

1 MR. MOORE: Well, I understand the  
2 question.

3 BY MR. THOMSON:

4 789 Q. Okay. And what I am interested in  
5 is now go down about two inches, and there is  
6 another message from you, Mr. Glassman, at  
7 11:59:20, so:

8 "Yossi Tanuri: I have an idea.  
9 Newboulds identity is all wrapped up  
10 in being a former judge and golf.  
11 He must belong to some kind of judge  
12 or arbitrator organization. If they  
13 have a golf outing or some kind of  
14 function coming up, we should have  
15 the blacks set up a cover for  
16 someone that looks/talks/same  
17 profile etc as newbould. We get  
18 them closer and our guy discloses he  
19 essentially he has essentially the  
20 same 'values'. He discloses a case  
21 or 2 where he couldn't control his  
22 hatred/bias against blacks/Jews (NOT  
23 chinese-Lisus has told newbould by  
24 now everything). I would bet  
25 newbould won't be able to help

1                                   himself."

2                                   And that again was a message sent by  
3                                   you to Tanuri that Tanuri sent on to Black Cube on  
4                                   September 27th of 2017; correct?

5                                   A.    Are you suggesting that that  
6                                   actually happened?

7                                   790                                Q.    No, I'm asking simple factual  
8                                   questions, little itty bitty questions, because I  
9                                   build houses brick by brick. This is an email from  
10                                  you or a message from you, a text message to Tanuri  
11                                  and that Tanuri then sends on to people from Black  
12                                  Cube; correct?

13                                  A.    No, it is an email that Tanuri is  
14                                  alleging is from me. It may have summarized a  
15                                  conversation I had with him. I don't remember.  
16                                  But I know that certainly to the best of my  
17                                  knowledge that never happened.

18                                  791                                Q.    And you will see it says just  
19                                  below that, the next reference is "From the  
20                                  customer", and the customer was you. This was a  
21                                  text message you sent to Tanuri and he sent on to  
22                                  Black Cube; correct?

23                                  A.    No, Yossi is alleging it is from  
24                                  the customer. He is not saying whether he  
25                                  summarized it. He is not saying whether it was



1 asked to be done. He is not -- he is alleging that  
2 it is from me.

3 792 Q. All right. Mr. Glassman, I'm just  
4 going to put it to you straight up. I have now  
5 read hundreds or thousands of your messages and  
6 your emails and your texts. This is from you.  
7 This is your cadence. This is the way you write.  
8 These are your words. Correct?

9 A. I don't know. I would like to see  
10 it. I would like to see --

11 793 Q. Well, so would I --

12 A. I haven't destroyed anything. I  
13 haven't done anything that you are trying to accuse  
14 me of. I would like to see it.

15 794 Q. So would I --

16 A. I don't remember this.

17 795 Q. And if it had been produced, we  
18 would have a chance --

19 A. I would --

20 796 Q. Sorry, go ahead.

21 A. I would like to see it. And more  
22 importantly than seeing it, it never happened, to  
23 the best of my knowledge, so that is even more  
24 important.

25 797 Q. So again, David, I re-double my

1 requests for production of the text messages from  
2 Mr. Glassman to Mr. Tanuri and others, but we have  
3 already dealt with that.

4 MR. MOORE: Understood.

5 BY MR. THOMSON:

6 798 Q. And am I right that, Mr. Glassman,  
7 in the period thereafter, that is, after September  
8 25th, you continued to place pressure on Black Cube  
9 to drive ahead with their investigations; is that  
10 correct?

11 A. I think it is partially correct.  
12 I don't think it is entirely correct.

13 799 Q. So now if we go back into the text  
14 messages at my tab 225 within Black Cube and look  
15 at page 89 of tab 225, there is a text message from  
16 Tanuri on October 1. So scroll down a bit, Tanya,  
17 and stop there. I'm looking at the text of October  
18 1 of 2017 at 13:16:08 where Avi Yanus says:

19 "Hi Avi..."

20 It says -- it is from Avi and it is  
21 saying "Hi Avi", and I think this is from Tanuri to  
22 Avi Yanus, and he is saying:

23 "I spoke with the customer at  
24 length this morning... he's very  
25 concerned that you 'slipped into a

1 coma' during the holidays, and that  
2 the set targets will not be met!!!  
3 You know the man well by now, and  
4 understand that I'm transmitting the  
5 message very gently, and not as it  
6 was expressed to me, since I'm very  
7 sure that you fully understand even  
8 without me repeating his harsh words  
9 and real concern (as they were  
10 harshly expressed to me) that you  
11 won't achieve the targets. I ask  
12 that we prove to him quickly that we  
13 can achieve accomplishments and  
14 conquer targets. I convinced him  
15 and he accepted my recommendation to  
16 extend the bonus (target  
17 accomplishment) periods which were  
18 specified in the initial document by  
19 an additional 30 days after the date  
20 when the extension was given in  
21 court. No need to say anything  
22 more!! Charge!!!"

23 And am I right that around this period,  
24 October 1 of 2017, you had a direct discussion with  
25 Tanuri to complain about the lack of progress Black

1           Cube was making and to ask him to up the pressure  
2           on Black Cube to move ahead with their  
3           investigations?

4                   A.    I don't think that is entirely  
5           right.  I think it is partially right.  I think I  
6           was very concerned by what we had received, didn't  
7           know how we could use it, and I wanted them to find  
8           ways of using what we already had in a maximum way  
9           while fulfilling -- because I remember being in  
10          conversations both with Brian and others that they  
11          can't and shouldn't be doing going forward, quote,  
12          "for the time being", which is what is in Naomi's  
13          notes, "at least for the time being", in Canada.

14                   So I was pushing them.  I for sure was  
15          pushing them.  I for sure didn't think this was  
16          going to work out the way they did.  They had this  
17          perception that everything was over and everything  
18          was won and that they had provided all the  
19          litigation support possible with the tapes, and our  
20          view was that the tapes are potentially a problem  
21          and we were trying to figure it out.

22          800                   Q.    Did you extend the bonus period  
23          for bonuses under the arrangements with Black Cube?

24                   A.    I actually don't think I did.  I  
25          don't remember, but I don't think I did.  I could

1 be wrong, but I don't think I did.

2 801 Q. Now, with respect to --

3 A. I have a vague memory of a fight  
4 because I wouldn't, but I could be wrong. There  
5 was a little bit of fighting going on at the time.  
6 There was a lot of differences of opinion as to the  
7 value of what had been done, quote/unquote.

8 802 Q. And with respect to this idea of  
9 pursuing the golf club angle with Justice Newbould,  
10 let me take you to a couple of documents to show  
11 you what happened.

12 MR. MOORE: Could we just have one  
13 break for about two seconds? I'm having a doctor  
14 call me.

15 MR. THOMSON: Go ahead.

16 MR. MOORE: Thank you.

17 [DISCUSSION OFF THE RECORD.]

18 MR. THOMSON: So, David, one quick  
19 thing. I just had an email to me. So we'll  
20 include in this cross-examination brief, and there  
21 is no need to go through it with Mr. Glassman, but  
22 we'll include the Singh affidavit that was filed in  
23 the Moyse proceeding so we all have it.

24 And the other thing I was going to do,  
25 just so we have it for convenience, we'll also

1 include -- and "transcript" describes it the wrong  
2 way, but there is a document that Maura has  
3 prepared that just describes in writing the content  
4 of the video. So we'll include that, because I  
5 don't think Justice McEwen is ever going to watch  
6 the actual video but he may be interested to see  
7 what was said on the video.

8 MR. MOORE: Sorry, which video are we  
9 talking about?

10 MR. THOMSON: The one I just showed  
11 Newton or I showed Newton about an hour ago.

12 MR. MOORE: Oh, you mean the one you  
13 played?

14 BY MR. THOMSON:

15 803 Q. Yes, just so he has a written  
16 thing about what is in the video. It is one of the  
17 productions I have linked, so we'll just include  
18 that as well.

19 So, Mr. Glassman, I just wanted to show  
20 you a couple of --

21 A. Sorry, sorry, Mr. Thomson, I had a  
22 question for you before we start again.

23 804 Q. Okay, yes, go ahead.

24 A. Can we break at 1 o'clock for  
25 lunch, please?

1           805                   Q.    Yes, that is fine.  Yes, thank  
2                                    you.

3                                    So let's go forward then and I'll just  
4           show you a couple of documents on the golf club  
5           angle with Justice Newbould and show you and pull  
6           up, please, tab 134 of my documents.

7                                    So here you'll find another Black Cube  
8           production, and this is a certified translation of  
9           a Hebrew document in English.  And if you turn,  
10          please, to page 3 of the production, you'll find an  
11          email in the middle of that page on October 6th of  
12          2017 from "arik@psygroup" writing to Sarel --

13                                  A.    Who is Sarel?

14          806                    Q.    Sarel is Sarel Granit at Black  
15          Cube.  If you want to see the names, you can go  
16          back to the second page of the productions.  So  
17          Sarel Granit is a Black Cube person, and Guy Fikhte  
18          is a Black Cube person.

19                                  And what I am interested in is the  
20          October 6th email where Arik at Psy Group is now  
21          writing to Sarel at Black Cube saying:

22    "Hi Sarel,

23    Below is a list of our objects  
24    at this stage and I am already in  
25    contact with most of them.  We are

1 continuing to collect and expand to  
2 additional objects, we request to  
3 receive as soon as possible your  
4 list of objects in order to avoid  
5 doubles, redundancies and  
6 unnecessary work.

7 Thanks,  
8 Arik."

9 And then he lists I think 14 or 15  
10 different subjects. The one I'm interested in is  
11 the subject one. So at number 2, "David Soara,  
12 Bob Eliot & Rosedale golf club leadership"; do you  
13 see that?

14 A. I do. I have never seen this  
15 before; nor was I ever, to the best of my  
16 recollection, was I aware of any of this.

17 807 Q. And then if you scroll to the next  
18 email up the chain, you will see what happens is  
19 Black Cube is now confirming their understanding as  
20 to who is going to take care of which of these  
21 objects or targets. Psy Group uses "objects" and  
22 Black Cube uses "targets".

23 And you will see at the first entry in  
24 the email on October 6th at 10:48 GMT that Sarel  
25 Granit of Black Cube says to Arik at Psy Group:



1 "Hey Arik.

2 Yours according to agreement

3 with Gadi - 1+2."

4 And 1 and 2 include the Rosedale people  
5 that we just looked at, the Rosedale Golf Club  
6 people we just looked at. And I took it from this  
7 that Black Cube was confirming its understanding  
8 with Gadi Ben Efraim as to who was looking at which  
9 subjects or which targets, and he confirmed that  
10 the Rosedale Golf Club people, at least at this  
11 point in time, were the responsibility of Psy Group  
12 and others were the responsibility of Black Cube.

13 A. Sorry, I'm confused. Where  
14 exactly is it that Gadi is directing this? This  
15 looks like it is between -- and I am not trying to  
16 be thick. I'm just trying to follow along. This  
17 looks like it is between Sarel and others, but all  
18 of the addresses are Black Cube and Psy Group.  
19 Where is it that this is being directed by Gadi?

20 808 Q. Read the first entry in the email  
21 from Sarel Granit of October 6th at 10:10, and it  
22 is at the bottom of page 2.

23 A. I don't have it. It is not in  
24 front me. Sorry, I'm not trying to be thick. I  
25 just want to make sure I follow it along.

1           809                   Q.    It is right in front of you.  It's  
2                               right where the cursor is.  Sarel Granit, do you  
3                               see that?  Sarel Granit from Black Cube --

4                               A.    Right.

5           810                   Q.    -- writes Arik at Psy Group on  
6                               October 6th:

7                               "Hey Arik.

8                               Yours according to the  
9                               agreement with [...]" --

10                              A.    No, you are missing --

11           811                   Q.    But just listen --

12                              A.    You are missing my question.

13           812                   Q.    No, I am not.  I am going to  
14                              answer it.

15                              A.    He is saying "Yours according to  
16                              the agreement with Gadi", but I don't see Gadi on  
17                              it.  How do we know that Gadi actually was  
18                              instructing this?

19           813                   Q.    Well, all I can do is work with  
20                              the documents we have, Mr. Glassman, and what Sarel  
21                              Granit is saying on October 6th is:

22                              "Yours according to the  
23                              agreement with Gadi - 1+2."

24                              And 1 and 2 include the Rosedale Golf  
25                              Club people.  That is my very simple point.

1 A. Okay.

2 814 Q. Now, here is my question for you.  
3 Did you discuss this with Gadi Ben Efraim around  
4 the time frame of October 6th of 2017?

5 A. I don't remember any of this --

6 815 Q. Did you --

7 A. -- not even remotely. That is why  
8 I am surprised that Gadi -- if Gadi really did this  
9 kind of allocation or whatever, why wouldn't they  
10 just cc him on it? If I was -- if I had given  
11 him -- generally, in my and people that work for me  
12 and most professionals, if there is something that  
13 a third party has agreed to, I would cc that person  
14 in order to make sure that, A, that I understood  
15 what the agreement with that person was, and B,  
16 they couldn't later say that is not what I said,  
17 I'm sorry that is not what I meant.

18 I'm just trying to figure out why Gadi  
19 is not involved in it and/or whether he is involved  
20 in it. I don't know.

21 816 Q. Did you ever --

22 A. I --

23 817 Q. Did you ever attend a presentation  
24 made by representatives of either Psy Group or  
25 Black Cube where they set out targets at the

1           Rosedale Golf Club who were associated with Justice  
2           Newbould?

3                   A.    Not to my memory.  It doesn't mean  
4           that my memory is perfect, but I am a little bit  
5           gob-smacked.  I don't remember this.

6           818           Q.    Let me ask you to --

7                   A.    But that doesn't mean my memory is  
8           perfect either.  You have shaken me enough that I  
9           am like, I don't remember.

10          819           Q.    Let me ask Tanya to pull up,  
11          please, my tab 172.

12                   A.    Where was this presentation made?

13          820           Q.    In Montreal.  And we are going to  
14          come back to this in more detail a bit later, but  
15          just to hit this one point, am I right that you did  
16          attend a meeting with representatives of Black Cube  
17          in Montreal on November 15 of 2017?

18                   A.    We can check my calendar.

19          821           Q.    Okay, if there is any dispute  
20          about that, you'll let me know?

21          U/T           MR. MOORE:  We will.

22                   BY MR. THOMSON:

23          822           Q.    And again, this is "Project  
24          Camouflage" November 15, 2017, and let's look at  
25          page 161 -- sorry, hang on just for one second.

1                   Before we do that, look at -- just  
2                   before we do that, look at page 7 of the  
3                   presentation, before we get to the details of it.  
4                   With respect to the so-called "Object Mapping", do  
5                   you see that there is a picture on the left-hand  
6                   side of the page of Justice Frank Newbould and  
7                   below that Lynden D'Aloisio and Jim Deeks; and  
8                   Lynden D'Aloisio is listed as being a "Pro golfer  
9                   on Newbould's team" and Jim Deeks as a "Team Member  
10                  on Newbould's team"; do you see that?

11                               A.    I see it.

12                   823                Q.    And if we go to page 161, you will  
13                   see a profile for James Deeks:

14                                       "James Deeks is a member of a  
15                                       golf team at Rosedale golf club, he  
16                                       plays in the same team as Frank  
17                                       Newbould."

18                                       And there is a further copy of that at  
19                   page 162.

20                                       And then if you look at page 163, there  
21                   is Lynden D'Aloisio's profile:

22                                       "Lynden D'Aloisio is a member  
23                                       of a golf team at Rosedale golf  
24                                       club, he played in the same team as  
25                                       Frank Newbould as the pro golfer."

1 And so on.

2 And then there is a description of the  
3 cover story that they intend to use to approach  
4 Mr. D'Aloisio on page 164.

5 A. Did they actually approach him?  
6 Do we know if they approached him?

7 824 Q. One step at a time. The cover  
8 story:

9 "The agent will approach  
10 D'Aloisio as a golf player looking  
11 for private lessons."

12 And then below that the story is:

13 "We are a rich business man  
14 looking for private golf tutoring  
15 during his stay in Ottawa. During  
16 the private lessons our agent will  
17 talk about Frank Newbould."

18 And sorry, just to finish the story  
19 with James Deeks, look at page 162, and here the  
20 cover story is:

21 "The agent will approach Deeks  
22 as a senior partner at a consultant  
23 agency."

24 And the story that they propose to use  
25 is:

1                    "We are a consultant agency  
2                    representing a large Canadian PE  
3                    (insinuating WF) and we are in the  
4                    market for a strategic Media  
5                    consultant to help us with the  
6                    public image of the company."

7                    And that was contained in a  
8                    presentation made to you by operatives of Black  
9                    Cube on November 15th of 2017 in Montreal; fair  
10                    enough?

11                    A.    It is in a deck of 195 pages. I  
12                    don't remember.

13                    825                    Q.    Now, let me ask you this. Did you  
14                    tell Mr. Greenspan that in the period following his  
15                    meeting with representatives of Black Cube on  
16                    September 25th of 2017 that the taps had been  
17                    turned back on with Black Cube and that his  
18                    instructions had been countermanded? Did you tell  
19                    him that?

20                    A.    I don't know they were, except for  
21                    your table, and I don't know the degree to which  
22                    they were, except for your table.

23                    826                    Q.    Now, am I right that on October  
24                    10th of 2017 you attended a meeting in Toronto with  
25                    Mr. Burstien of Psy Group?

1 A. Which day?

2 827 Q. October 10, and let me make it  
3 easy for you. First of all, pull up my tab 139.

4 A. Okay.

5 828 Q. And here you'll find an email from  
6 Lauren Oberson. Again, she was an assistant at  
7 Catalyst; correct?

8 A. Yes.

9 829 Q. And you will see the date of it is  
10 October 10, 2017, "10:00 a.m. Meeting is here",  
11 where she says:

12 "Hi Newton,

13 Gad and Roy have just arrived.

14 They are in you[r] boardroom."

15 And I am going to suggest to you that  
16 the people she is referring to were Gadi Ben Efraim  
17 and Royi Burstien; correct?

18 A. I think -- I think that is what  
19 that means. I assume that is what that means.

20 830 Q. And your calendar might help you.  
21 Look at tab 127 for October 10, and you will see a  
22 reference to a 10:00 a.m. meeting with Gadi Ben  
23 Efraim in your boardroom?

24 A. Yes.

25 831 Q. And so I take it you did attend a



1 meeting on October 10th with Mr. Ben Efraim and  
2 Mr. Burstien of Psy Group?

3 A. I assume I did.

4 832 Q. And am I right that you have  
5 certainly not discovered any records as to what  
6 happened during the course of this meeting, no  
7 notes, no memos, no emails, no messages; correct?

8 U/T A. If there are, if there is any  
9 evidence of it or notes, then we would have  
10 produced it and we can go look again if you want.

11 833 Q. I do, thank you. And you will see  
12 your calendar entry makes no reference to  
13 Mr. Burstien attending. It refers only to Gadi Ben  
14 Efraim; correct?

15 A. I may not have known that Royi was  
16 coming with him.

17 834 Q. Or maybe you did and you didn't  
18 put it in your calendar; is that possible?

19 A. Everything is possible.

20 835 Q. And then if we look at the email  
21 that we just looked at at my tab 139, you will see  
22 that this was sent by the Executive Assistant to  
23 Jim Riley and not by your assistant, right?

24 A. Yeah.

25 836 Q. And had you issued instructions

1 within Catalyst to leave no paper trail concerning  
2 your dealings with Psy Group? Was that instruction  
3 ever given to anyone, including your assistant?

4 A. Of course not. Our assistants  
5 cover each other. They work as a team. They sit  
6 beside each other. If one goes to bathroom, the  
7 other one covers. If one has to go do an errand,  
8 the other one covers, and vice versa.

9 837 Q. So you certainly would never have  
10 issued instructions to someone saying, Look, for  
11 goodness sakes, don't include this meeting in my  
12 calendar. I'm having a meeting, but make sure it  
13 doesn't appear in my calendar. You would never  
14 have issued those sorts of instructions, would you?

15 A. From my calendar? Most of the  
16 stuff is in my calendar. I don't remember ever  
17 telling anybody not to put it in my calendar. I  
18 don't remember ever providing such an instruction.

19 Is it likely that I gave that  
20 instruction? It is not likely. But is it  
21 impossible? Everything in the world is possible at  
22 one level or another. I don't believe that I did  
23 that, but if you have an email that shows that I  
24 did, show it to me.

25 838 Q. Well, I do and I will. But let me

1 take this one step at a time. This meeting on  
2 October 10th of 2017 with Mr. Ben Efraim and  
3 apparently Mr. Burstien of Psy Group, what  
4 happened? What was discussed? And what was the  
5 purpose of the meeting?

6 A. I suspect it was an update from  
7 Gadi.

8 839 Q. And what about Mr. Burstien, no  
9 update from him?

10 A. Well, Gadi was the quarterback, as  
11 you know, so I suspect that Gadi was there to help  
12 explain and to provide an update along with Royi.

13 840 Q. And again, Mr. Glassman, one other  
14 chance on this. You certainly knew by the time  
15 that you met with Mr. Burstien on October 10th of  
16 2017 who he was and who Psy Group was; correct?  
17 You had to have known.

18 A. I think by then, yes, I did know.

19 841 Q. All right. And again, the same  
20 question I asked you yesterday. You never once  
21 asked anyone to see a copy of the Psy Group  
22 arrangements. I mean, weren't you even just mildly  
23 curious to know what the terms of the retainer  
24 were, what they were doing and why?

25 A. I understood that they were

1 running the White campaign, and I guess I probably  
2 should have asked more questions about how they  
3 were being employed and paid. I probably should  
4 have.

5 842 Q. And who did you think was running  
6 the dark campaign?

7 A. Well, what you refer to as the  
8 "dark campaign" I think I made pretty clear was  
9 instructions about everything having to be factual,  
10 so yeah, I guess I was running it.

11 843 Q. Let me ask you this. Did you  
12 attend further meetings in New York on Tuesday,  
13 October 17 of 2017 with representatives of both Psy  
14 Group and Black Cube?

15 A. Well, pull up my calendar and  
16 let's see.

17 844 Q. Okay. Pull up, please, tab 127.

18 A. Did you say October 17th or 27th?

19 845 Q. I said 17.

20 A. Sorry, I misheard then.

21 846 Q. And I believe you'll confirm that  
22 what your calendar demonstrates is a trip to New  
23 York on the morning of the 17th?

24 A. Yes.

25 847 Q. And you'll see that we have a

1 redacted version of your calendar on the 17th.

2 David, may we please have production of an  
3 unredacted version of this page?

4 U/A MR. MOORE: I'll take that under  
5 advisement.

6 BY MR. THOMSON:

7 848 Q. All right. And, Mr. Glassman, I'm  
8 assuming that because your counsel are very, very  
9 excellent lawyers and they are fair lawyers, that  
10 they wouldn't have redacted from your calendar  
11 meetings that were squarely relevant to the matter  
12 at issue in this case. So I'm assuming that if  
13 these redactions were done fairly, they will not  
14 disclose a meeting with either Black Cube or Psy  
15 Group on October 17. Is that a fair assumption?

16 A. Their instructions would be to  
17 follow the rules. If they redacted it improperly,  
18 it wasn't on my direction.

19 849 Q. And let me show you how this  
20 calendar entry came to be on the 17th and why I  
21 believe it doesn't disclose anything about Psy  
22 Group or Black Cube and ask you to pull up, please,  
23 tab 149.

24 MR. MOORE: Mr. Thomson, to be fair,  
25 there are notes that have been disclosed referable

1 to this time frame.

2 MR. THOMSON: Yes.

3 MR. MOORE: Well, I mean, you say  
4 "yes", but I mean, I think some of this stuff  
5 should be shown to the witness.

6 MR. THOMSON: Oh, it is going to be.  
7 Believe me, it is going to be.

8 MR. MOORE: Well, no, but not shown  
9 after the fact and kind of with the idea that  
10 something has been hidden and whatever else.

11 BY MR. THOMSON:

12 850 Q. Yes, we are going to go to the  
13 hidden point right now, David. So look at the  
14 emails at tab 149. That goes right to the heart of  
15 this issue. And scroll to the bottom of the page,  
16 please.

17 So this is an email from you to your  
18 assistant on October 17th at 9:44 a.m.:

19 "Need passport update/replaced

20 2. Calendar error.

21 1. Plse arrange or make appt etc.  
22 for new passport.

23 2. Today is not all day

24 [meetings] w[ith] Gadi. Plse delete  
25 from calendar and correct."

1 And then above that, the same date --

2 A. Whoa, whoa, go back, go back, go  
3 back. "[...] is not all day [meetings] w[ith]  
4 Gadi."

5 851 Q. Yes.

6 A. I don't know if that means that  
7 the whole day wasn't with Gadi or it isn't meetings  
8 with Gadi. And what "Plse delete from calendar and  
9 correct" can easily mean is make it so it is for  
10 whatever part of the day a meeting with Gadi, if I  
11 am meeting with Gadi.

12 852 Q. Right, you have to scroll up.  
13 Just stay with me. I'll come back and I am going  
14 to show you the whole email chain, and then we'll  
15 come back and I am going to ask you questions. I'm  
16 trying to be fair to you.

17 So above that, Stefanie Wright writes  
18 back at 10:17 a.m. and she says:

19 "1. Passport forms are already  
20 completed and I have you going in  
21 after your trip in November with  
22 Alexandra.

23 2. Gadi told me he had a meeting  
24 with you all day ending at 8:00PM.  
25 I just followed up with him and he

1                   responded 'I will talk with him.  
2                   Maybe he doesn't have time...its  
3                   ok.' Kindly advise once you speak  
4                   with Gadi how long your meetings  
5                   will be and I will correct  
6                   accordingly."

7                   And then above that your email to Ms.  
8                   Wright of October 17th at 11:05 saying:

9                   "I don't want it in the  
10                  calendars!!!!!" with five or six  
11                  exclamation points.

12                 A.    Okay.

13                 853           Q.    You asked her to delete the  
14                  meeting from your calendars; correct?

15                 A.    It appears that I did. I don't  
16                  know why, but yeah, it appears that is what  
17                  happened.

18                 854           Q.    And --

19                 A.    He wanted the whole day. He  
20                  wanted the whole day. I didn't want to spend the  
21                  whole day with him, at least that is how I am  
22                  reading this. Let me read it again.

23                 "Gadi told me he had a meeting  
24                  with you all day ending at 8:00PM.  
25                  I just followed up with him and he



1                   responded 'I will talk with him.

2                   Maybe he doesn't have time...'".

3                   Maybe I didn't meet with him. If I  
4 told him I don't have time, then maybe I didn't  
5 meet with him.

6                   "Kindly advise once you speak  
7 with Gadi how long your meetings  
8 will be and I will correct  
9 accordingly."

10                  I may have meant I don't want it in the  
11 calendars because I'm not meeting with him. I  
12 don't know --

13       855           Q. Well, I am going to show you  
14 documents --

15                  A. We will have it unredacted, and if  
16 I met with him, you'll have the calendar.

17       856           Q. All right. Are you able to do  
18 that over the lunch break? David, do you have  
19 these records easily accessible? Can you email me  
20 that one page?

21                  MR. MOORE: What is the --

22                  MR. THOMSON: It is October 17th, 2017.

23                  MR. MOORE: This is the 17th, is it  
24 not?

25                  MR. THOMSON: Yeah, October 17, 2017.

1 MR. MOORE: And this is about a -- is  
2 this not about a trip to New York?

3 THE DEPONENT: It is.

4 MR. THOMSON: Yes, it is. There are  
5 meetings in New York that take place that day.

6 MR. MOORE: Yes.

7 BY MR. THOMSON:

8 857 Q. I just want to see the calendar  
9 entries. I want to see an unredacted version of  
10 this page is what I want to see?

11 U/A MR. MOORE: Okay, I'll see what we have  
12 got, and I will let you know our position.

13 MR. THOMSON: Okay, so should we break  
14 there? It is 1 o'clock.

15 MR. MOORE: Yes. Just leave that on  
16 the screen so that we can get the document  
17 reference.

18 MR. THOMSON: How long do you want for  
19 lunch, Mr. Glassman? Is 45 minutes is enough?

20 THE DEPONENT: Yeah, 45 minutes, but  
21 there clearly wasn't a full-day meeting. I didn't  
22 even land until it says 10:30, and I didn't even  
23 check in until 11:00, which is almost impossible at  
24 that time of day to get from Peterborough to -- is  
25 it Peterborough? Yeah, from Peterborough to

1           midtown. Well, I'm assuming that is the Four  
2           Seasons. No, it is downtown, so it could be in  
3           half an hour.

4                   MR. THOMSON: All right, so let's come  
5           back at 1:45.

6                   MR. MOORE: Do you expect to be a good  
7           chunk of the afternoon?

8                   MR. THOMSON: I do, yeah.

9                   [DISCUSSION OFF THE RECORD.]

10                   -- RECESSED AT 1:00 P.M.

11                   -- RESUMED AT 1:50 P.M.

12                   BY MR. THOMSON:

13           858           Q. So, Mr. Glassman, let's forge  
14           ahead. I had taken you to October 17 of 2017, and,  
15           David, I don't think I had received the unredacted  
16           version of the calendar entry for October 17, but I  
17           think you can confirm that it does not set out a  
18           meeting with Gadi Ben Efraim or Black Cube or Psy  
19           Group?

20                   MR. MOORE: Well, yes, but I am not --  
21           I don't want to leave it at that because of, you  
22           know, the kind of potential innuendo that there was  
23           some improper action, you are going to get the  
24           clean copy. I don't know why you haven't got it  
25           yet, but we are going to circulate it, or we can

1 have someone put it up on the screen.

2 MR. THOMSON: Right. Well, can someone  
3 put it up on the screen now, or send it --

4 MR. MOORE: Yeah, we'll do it right  
5 now.

6 MR. THOMSON: Okay.

7 MR. MOORE: Well, can we share screen  
8 it right now? How do we do that?

9 MR. THOMSON: Or, David, if this is  
10 complicated, can you just read out the entry that  
11 is on the page or just confirm that there is no  
12 entry?

13 MR. MOORE: No, there is an entry. It  
14 is something about Newton going riding or something  
15 at 4 o'clock or something to that effect.

16 MR. THOMSON: All right. Look, why  
17 don't we do this then, because I don't want to  
18 waste the time. Let's agree that we'll include  
19 that unredacted page in the cross-examination  
20 brief?

21 MR. MOORE: All right.

22 BY MR. THOMSON:

23 859 Q. So, let's drive forward and let me  
24 take you to the meetings on October 17th. Am I  
25 right that you did meet, Mr. Glassman, on October

1 17th with representatives of Black Cube at the  
2 Sheraton New York Times Square Hotel? You are on  
3 mute. Newton, you are on mute.

4 [DISCUSSION OFF THE RECORD.]

5 BY MR. THOMSON:

6 860 Q. Do you need me to start again?

7 A. I was just trying to ask, isn't  
8 that the same October 17th that you already went  
9 through my calendar with? So I must have been in  
10 New York, yes.

11 861 Q. Yes. And do you remember meeting  
12 with people from Black Cube at the Sheraton Hotel  
13 in Times Square?

14 A. I remember a meeting. It is such  
15 a blur. I don't remember who individuals -- I  
16 remember a meeting.

17 862 Q. Okay. Let me show you -- I'll  
18 just show you a couple of references and then  
19 we'll, I hope, find common ground here. Number  
20 one, let me take you to the text messages at my tab  
21 73. These are, again, Black Cube text messages,  
22 and the relevant part is at page 32, and you will  
23 see at the top of that page -- this is now October  
24 13th of 2017, so several days before the meeting,  
25 and someone says:

1 "There's pressure about the  
2 meeting location"

3 Yanus says:

4 "No problem. We'll coordinate  
5 tomorrow.

6 This person says "Thanks".

7 And it says:

8 "Sheraton New York Times Square  
9 Hotel, 811 7th Ave, New York."

10 And so on.

11 Yanus says:

12 "This is the meeting location.

13 What about the final time?"

14 And then they debate the time.

15 And then the email -- or the text  
16 message rather at 14:14:25, this person using

17 Abu Gosh says:

18 "I thought you wanted afternoon  
19 [...]"

20 And he then says this:

21 "[...] and Petach Tikva in the  
22 morning. But can we change it to  
23 11:00 AM, until what time?"

24 And let me pause there. Am I right

25 that you and others used that phrase "Petach Tikva"

1 to refer to Psy Group?

2 A. I don't -- I actually don't -- it  
3 is Petach Tikva, which is a city in Israel, and  
4 whichever of the organizations had a head office in  
5 Petach Tikva, that is the reference. It is not a  
6 code name. It is a reference to the head office,  
7 and I forget which one it is. I just don't know  
8 which one it is.

9 863 Q. It is Psy Group. Psy Group has  
10 its office in that city. It is a suburb of  
11 Tel-Aviv, isn't it?

12 A. Okay.

13 864 Q. And if you want to see an example  
14 of what I believe to be a text sent by you, we  
15 can -- we'll come back to this document in a  
16 moment, but pull up volume 5 -- sorry, pull up tab  
17 225, rather, of my documents and look at page --

18 A. What is this Abu Gosh?

19 865 Q. It is the name of this email  
20 group.

21 A. Oh, I see.

22 866 Q. Someone seems to have been using  
23 that name, and I am not sure who. But look at page  
24 133, and you will see there is a text at the top of  
25 the page at 18:58:07, and I believe this to be

1 another text message from you that is embedded in  
2 the Black Cube chats, but the message says:

3 "Good morning. Thank u Gadi  
4 but not sure I fully understand.  
5 Just so u guys know, we now know  
6 that Lawrence delivigne is part of a  
7 large 'black PR push' by west face  
8 and others. They r trying to attack  
9 how we report our returns and our  
10 performance generally. They r  
11 focusing on tier 1 media outlets.  
12 We r the only firm in the world that  
13 has 2 audit firms review our returns  
14 (PwC and kpmg), our European carry  
15 structure means we don't get pd  
16 based on 'valuations' but rather  
17 only than on REALIZATIONS and only  
18 at the end of the fund life. Our  
19 partnership agreement is held up by  
20 the Institutional Limited Partners  
21 Association (ilpa) as the gold  
22 standard and Best in the world. All  
23 recent. Realizations have been  
24 above our valuations (ie we over  
25 deliver from what we and accounting



1 firms say). The pt is we need a  
2 white article ahead of their black  
3 attack."

4 And it goes on to say:

5 "Also: The mkt manipulation  
6 and the Wall Street Journal law  
7 suits will be filed and public  
8 either Monday or tues. the contents  
9 of such once public are devastating  
10 from a black perspective against our  
11 enemies and spectacular for us from  
12 a 'white' perspective. U must get  
13 both BC", which I took to be Black  
14 Cube, "and petach tikva", which I  
15 took to be Psy Group, "ready so they  
16 can use to max effect. Lawyers  
17 think it will be front pg news in at  
18 least cdn business press."

19 That is a message from you, is it not?

20 A. It is, but what is the message  
21 above that they are trying to hide from me and  
22 Yossi? There is something that they're hiding from  
23 something.

24 867 Q. What do you mean by that?

25 A. Well, somebody writes -- I guess

1           it is Dan:

2                               "[Somebody] doesn't get it.

3                               [...] we'll have to address that  
4                               point, otherwise, he'll blabber to  
5                               Yossi and the customer."

6                               What is it that they'll "blabber" to us  
7                               that we are not supposed to know?

8       868                    Q.    I don't know.  I mean, these are  
9                               Black Cube documents.  You can look at the bottom  
10                              of the preceding page if you want, but I am not  
11                              sure it sheds much light on this.

12                             A.    Well, clearly it is yet another  
13                             piece that people were hiding.

14                             MR. MOORE:  Let's look at the bottom of  
15                             the preceding page.

16                             BY MR. THOMSON:

17       869                    Q.    At the bottom of page 132.  I'm  
18                              not sure it sheds any light on your question, but  
19                              I'm asking you a very simple question, which is you  
20                              used the phrase "Petach Tikva" to refer to Psy  
21                              Group?

22                             A.    Well, I understand that, but it is  
23                             in the context of somebody having a conversation  
24                             where they were admitting they are already hiding  
25                             things from me and Yossi.

1           870                   Q.    But that is not my question.  My  
2                                   question is about the use of a phrase.  Did you use  
3                                   the phrase "Petach Tikva" to refer to Psy Group?

4                                   A.    I must have.  I would also like to  
5                                   know what they were hiding from us.

6           871                   Q.    Okay.

7                                   A.    It goes to the amount that I knew.

8           872                   Q.    That is a different subject.  So  
9                                   let me come back to the meeting then on October 17  
10                                  in New York and take you back to where we were,  
11                                  which is tab 73, and the other text messages from  
12                                  Black Cube, again, at page 32.  And I'm just trying  
13                                  to set up what happened here and the structure of  
14                                  these meetings.

15                                  So, again, I have taken you to the  
16                                  reference to Sheraton Times Square in New York, and  
17                                  then scrolling down to 14/10/2017, 14:14:25, "Gadi  
18                                  Activi - Abu Gosh" says:

19                                  "I thought you wanted [the]  
20                                  afternoon, and Petach Tikva in the  
21                                  morning.  But can we change to 11:00  
22                                  AM, until what time?"

23                                  So I took it from this that there are  
24                                  two meetings that took place on October 17 that you  
25                                  attended.  One was with Black Cube in the Sheraton

1 Hotel in Times Square, and the second was with --

2 MR. MOORE: No, time out. Time out.

3 This is before any meetings. It is talking about  
4 potential scheduling.

5 MR. THOMSON: Yes, exactly.

6 MR. MOORE: Okay. So that doesn't  
7 mean -- yeah, you can't extrapolate to say both of  
8 those meetings took place.

9 MR. THOMSON: Well, I am going to show  
10 you -- David, I am going to show you other  
11 documents. This is not --

12 MR. MOORE: Well, here is the problem,  
13 Mr. Thomson, I have. You put a proposition, and  
14 you are turning it into a memory contest in the  
15 case where there are thousands of documents, and  
16 then ten minutes later, you put some other document  
17 that would have been an easy way to get to the  
18 point with the witness.

19 So if there is some later document you  
20 want to put to him to show there is one or two  
21 meetings, then I suggest you do so.

22 BY MR. THOMSON:

23 873 Q. Yeah, what we are doing -- I can't  
24 put 16 documents at the same time on the same  
25 screen. I'm going to do it one little bitty bit at

1 a time because that is the way I build a house. So  
2 let's start with this. Did you attend meetings in  
3 New York on October 17th both with Black Cube and  
4 with Psy Group? It is a simple question.

5 A. I attended in New York on the -- I  
6 apparently attended in New York, which I vaguely  
7 remember. I don't remember the structure of the  
8 meetings. I don't remember if it was one group or  
9 two groups, and I don't remember how much time each  
10 one of them got. And I don't remember if it was  
11 one or two groups. If you have stuff to jog my  
12 memory, I'm happy to address it.

13 874 Q. All right. So let me deal one at  
14 a time. Let's start with the Black Cube meeting.  
15 First of all, did anybody attend the meeting from  
16 Catalyst other than you?

17 A. I don't think so.

18 875 Q. And --

19 A. We can find out. Just check the  
20 flight logs.

21 876 Q. Let me then show you the  
22 presentation that was apparently made at this  
23 meeting and pull up tab 148. So here you'll find  
24 another Project Camouflage presentation, this time  
25 October 17, 2017. Am I right that during this

1 meeting in New York people from Black Cube walked  
2 you through another presentation?

3 A. I assume so if you are showing it  
4 to me.

5 877 Q. And let me try and jog your  
6 memory. Am I right that this presentation was  
7 delivered by Avi Yanus, Guy Fikhte, and Ran Shacham  
8 of Black Cube; do you remember meeting with them in  
9 New York?

10 A. I don't even remember who the last  
11 two guys are. I remember who Avi is. I have no  
12 idea who was at that meeting, and I'll take your  
13 word for it.

14 878 Q. Okay. Well, let me show you  
15 another document that might jog your memory and  
16 look at your own notes of the meeting. These are,  
17 I believe, your only notes of a meeting with Black  
18 Cube. So let's pull up tab 156. And here you'll  
19 see handwritten notes made on paper that appears to  
20 have been supplied by the Sheraton Hotel?

21 A. Yes.

22 879 Q. Do you see the Sheraton logo in  
23 the top, left-hand corner?

24 A. I do.

25 880 Q. And am I right this is your

1 handwriting?

2 A. Oh, it is definitely my  
3 handwriting.

4 881 Q. Okay. And are you able to --

5 A. It is pretty awful, isn't it?

6 882 Q. Are you able to assist us as to  
7 what these notes concerned?

8 A. Well, it is clearly -- it is  
9 actually not the way I would normally organize it,  
10 but it is clearly notes about things people were  
11 reporting back to me.

12 883 Q. Okay. And the people, of course,  
13 in this case are people from Black Cube; fair  
14 enough?

15 A. I have to believe it is, yes.

16 884 Q. Okay. And as I read the notes,  
17 there is a number 1 on the right side and 2 on the  
18 left side, so --

19 A. That would be the way -- that is  
20 page numbering.

21 885 Q. Right. So I believe, if we wanted  
22 to read these in sequence, we would start with the  
23 note on the right and then go to the note on the  
24 left?

25 A. I think that is right.

1 886 Q. And --

2 A. That would be correct.

3 887 Q. And I am going to suggest to you  
4 what your notes record is information you are  
5 receiving from operatives of Black Cube who  
6 attended this meeting concerning various stings  
7 they had conducted, starting with Mr. Singh on the  
8 right-hand side of the page and then moving to Bei  
9 Huang, someone named Robillard, Darryl Levitt,  
10 Peter Brimm, and then Virginia, who was a former er  
11 West Face on the left side?

12 A. I don't know if they are stings.  
13 I don't know if they are conversations. I don't  
14 remember how they got the information. It is my  
15 notes of information that they imparted to me.

16 888 Q. All right.

17 A. And if you want -- can I have a  
18 minute to read my notes?

19 889 Q. Yeah. Actually, I am going to ask  
20 you to read your notes out loud so we have it for  
21 our record. Are you able to do that?

22 A. I'll do my best. I can't -- like,  
23 I have indentations and stuff that are just my way  
24 of making a new point or whatever, so I'll pause,  
25 but I don't know how to describe the indentations.



1           890                   Q.    Okay.  And if you want to explain  
2                                   your note at the same time, that is fine, but I  
3                                   would just like a record of what your notes  
4                                   actually say.

5                                   A.    Well, I'll do my best.

6                                   "Singh" underlined:

7                                   "Moyses - physically brought  
8                                   example not email etc months after  
9                                   email writing sample".

10                                  So in other words, Singh disclosed that  
11                                  Moyse actually was bringing confidential  
12                                  information months after he had emailed writing  
13                                  examples, so a hard copy.

14                                  "Why is document from Singh's  
15                                  advice to not hire Moyse  
16                                  'privileged', why not produced.

17                                  Singh alleges 'blacklisted'  
18                                  companies contrary" -- and the line  
19                                  with two lines through it means  
20                                  contrary or not equal to --  
21                                  "testimony that did nothing",  
22                                  meaning in fact they did do  
23                                  something about it.

24                                  "Singh says/confirms West Face  
25                                  introduced the Stornaway but not

1 supposed to be any contact between  
2 West Face and Moyse more than a year  
3 later by court order."

4 I don't know if that says "Den",  
5 something. I can't -- can we expand it a little  
6 bit? It might help me.

7 [Court Reporter intervenes for  
8 clarification.]

9 THE DEPONENT: Okay. I'm sorry. It  
10 might say "Dan" and then:

11 "Refused to go into details to  
12 Singh re why question Moyse."

13 Next point is:

14 "Says did 8 term sheets, 6  
15 between November and June, means 2  
16 term sheets between June and August  
17 during exclusivity."

18 Open bracket, which means it is a  
19 comment to myself, "(did West Face  
20 produce term sheets from between  
21 June to August)".

22 Which is the end of my idea -- or my  
23 thoughts, not idea. Next point:

24 "Alleges West Face went to  
25 government and were comfortable

1 would get approval", open bracket  
2 which means my thoughts, "(when  
3 allegedly go to government? How got  
4 'comfortable'? During exclusivity?  
5 How to be before -- had to be before  
6 he quit in August)."

7 The next point:

8 "Confirms Wind guys not want  
9 deal with Catalyst", and open  
10 bracket, meaning my thought, "(no  
11 equity for Tony Lacavera" -- we were  
12 giving no equity to Lacavera. "They  
13 gave percent - 10 percent to Tony  
14 Lacavera by West Face)."

15 Next point:

16 "Admits Psy letters (possibly  
17 via UBS) have Russian and Chinese  
18 investors but one step --"

19 I can't read that. It might say "covered", but I  
20 don't think so. If you can expand it a tiny bit,  
21 it might help me.

22 MR. MOORE: Removed.

23 THE DEPONENT: "One step removed".

24 Good point.

25 "Removed, not disclose

1 affiliated to Chinese government  
2 (could be Frydman/other used West  
3 Face to buy cheap."

4 Can you scroll it up because it is in  
5 front of the thing, so I can't read it. "Could be  
6 Frydman/other used West Face to buy cheap", is one  
7 of my questions to myself:

8 "How not disclose to Canadian  
9 government at time of [...]"

10 And I still can't see because you are  
11 blocking it. I think it says:

12 "Issues with Huawei/Allstream  
13 and still confident get."

14 So this is during a time when the  
15 Allstream deal was under review and Huawei was  
16 actually being considered to be banned by the  
17 government as an actual security issue. So the  
18 regulatory approval issue was a very, very  
19 significant issue in that context.

20 That is it on page 1.

21 Page 2 says:

22 "Bei" - can you expand it,  
23 please - "compliance not really  
24 involved in any deals ex ante",  
25 meaning not at the beginning of the

1 deal, possibly after. Contrary --  
2 it says something about contrary to  
3 policy". I don't know what that  
4 means.

5 "Robillard, admits play was for  
6 spectrum". And then "sell to  
7 strategic or financial buyer. How  
8 without government consent etc?"  
9 Darryl Levitt, just first meeting.  
10 Peter Brimm - now at Picton Mahoney,  
11 confirms lax compliance."

12 And then:

13 "Victoria - end of '16 AUM 1.7  
14 billion; Buy now says approximately  
15 1 billion. Victoria confirms poor  
16 performance and lots of  
17 redemptions."

18 The next point is:

19 "Wind in pipeline 'for few  
20 months'. During exclusivity?" Her  
21 language was "'huge transfers',  
22 redemptions or transfer to another  
23 LP?"

24 891 Q. Thank you. So if I listened to  
25 you carefully, it sounds to me like these notes are

1 a combination of what you were being told by the  
2 Black Cube people, coupled with your thoughts and  
3 some questions you were asking along the way  
4 concerning the information you had been provided;  
5 correct?

6 A. Questions to myself. Questions to  
7 myself, not to them.

8 892 Q. Yeah. No, exactly. Now, let me  
9 show you one other -- the email that relates to the  
10 meeting, in fact sent the same day as the meeting,  
11 and ask you to turn up, please, tab 152.

12 And I'm looking for the email at the  
13 bottom of the page, the one that is from -- it is  
14 from Avi Yanus to Yossi Tanuri, copied to Ran  
15 Shacham and Dan Zorella of Black Cube where he  
16 says:

17 "Dear Yossi,  
18 I hope this email finds you  
19 well."

20 This is on October 17th, by the way, at  
21 7:50 p.m. He says:

22 "I hope this email finds you  
23 well.

24 I am pleased to inform you that  
25 we have just concluded an excellent

1 meeting with your representatives.

2 The meeting included a  
3 presentation of the project's  
4 current findings, and a lively  
5 discussion regarding the status of  
6 work and future actions."

7 What were the future actions that were  
8 discussed, if you recall?

9 A. I don't. Maybe it is in the  
10 presentation.

11 893 Q. It says:

12 "While your representative  
13 appreciated the value of the  
14 findings presented to him, we all  
15 agreed that there is still a lot of  
16 work ahead of us."

17 And then:

18 "[...] we have agreed on the  
19 following:

20 Immediate payment of 150,000 USD  
21 to Black Cube as part of the success  
22 fee which was defined in the  
23 project's LOE.

24 All the rest of the success fees  
25 which were defined in the project's

1 LOE, are extended until 30/11/17.

2 The following addition success  
3 fee elements will be added to the  
4 success fees defined in the  
5 project's LOE:"

6 He then sets out a series of additional  
7 matters involving the court proceedings; do you see  
8 that?

9 A. I do.

10 894 Q. Were those agreed to during the  
11 meeting on the 17th?

12 A. I have no idea. I don't remember.  
13 None of them were ever likely to ever happen, so I  
14 probably didn't pay much attention to it.

15 895 Q. Right. I take it you have no  
16 reason to dispute the accuracy, though, of the  
17 email from Mr. Yanus to Tanuri on October 17, the  
18 same day as the meeting?

19 A. Nor do I have any reason to  
20 support it. I have no idea.

21 U/T MR. MOORE: Well, if there is something  
22 we want to point to that is responsive to that,  
23 we'll let you know.

24 BY MR. THOMSON:

25 896 Q. Thank you. Now, am I right that,



1 once more, no copy of this presentation was  
2 actually given to you, no physical copy?

3 A. Not that I remember. That is why  
4 I think I was taking notes.

5 897 Q. So am I right that no copy of the  
6 presentation was emailed to you following the  
7 meeting on October 17th?

8 A. If there was, you would have it.

9 898 Q. Well, we don't. It was only  
10 produced by Black Cube, so assuming from that that  
11 it was not emailed to you.

12 A. I think that is fair.

13 899 Q. I'm sorry. Am I right that no  
14 copy of the presentation was provided to Mr. Riley  
15 or to Mr. de Alba?

16 A. Well, I am sure I briefed them on  
17 it. It is part the reason why I took the notes.

18 900 Q. And --

19 MR. MOORE: So far as we know,  
20 Mr. Thomson, no copy of this document was given to,  
21 sent to, anyone at Catalyst.

22 BY MR. THOMSON:

23 901 Q. Okay. But, Mr. --

24 A. But those notes were made for  
25 follow-up issues for us to follow up on.

1           902                   Q.    And, Mr. Glassman, to put it in as  
2                               small a nutshell as possible, Mr. Riley was fully  
3                               in loop on what Black Cube was doing; that is your  
4                               perspective?

5                               A.    Look, when you are running a  
6                               business, "fully" is a difficult term.  Partners  
7                               have different roles.  We keep each other informed.

8           903                   Q.    All right.

9                               A.    "Fully" would mean he knows every  
10                              detail.  I doubt he knew every detail.  He would  
11                              know the results certainly or an action item that  
12                              required discussion amongst the partners.  So I  
13                              don't know what you mean by "fully", but generally  
14                              speaking, my partners were kept informed.

15           904                   Q.    Okay.  That is helpful.  Now,  
16                              let's talk about the Psy Group part of this  
17                              exercise and show you one more email, and look at  
18                              tab 146.  So at 146, you'll see an email from -- at  
19                              the bottom of the page, just reading up, this is  
20                              from Emmanuel Rosen to Virginia Jamieson on October  
21                              14th, which is a Saturday, the Saturday before  
22                              these meetings in New York, at 4:20 p.m., where he  
23                              says:

24   "[...] dear Virginia,  
25   [... ] thank you again for all

1                   [... ] you are doing [... ] for  
2                   opening your heart to me. I will  
3                   never forget it. Your son [has] the  
4                   most loving and sweet mother in the  
5                   world.

6                   Regarding our missions:

7                   The most urgent things is getting  
8                   from you on Monday list of media  
9                   that you are going to approach with  
10                  the woolpack case. Also I will  
11                  love to know on Monday that you set  
12                  up a meeting with Rachel", we  
13                  understand to be Rachel Levy of  
14                  Business Insider, "regarding West  
15                  Face.

16                  If you have any new ideas please  
17                  let me know. If you need additional  
18                  information from Daniel please don't  
19                  hesitate to contact him."

20                  It then says this:

21                  "I'm meeting with Glasman on  
22                  Tuesday afternoon in NYC and want to  
23                  update him on [these] activities."

24                  And just for your benefit, I have got  
25                  the calendar right here. The following Tuesday

1 after that exchange was October 17th. So he says:

2 "I'm meeting with Glasman on  
3 Tuesday [October 17th] in NYC and  
4 want to update him on these  
5 activities.

6 Also I would appreciate ideas on  
7 a strong magazine or TV show that  
8 can be interested in a profile story  
9 on Glasman and his companies."

10 I'm taking both from the Black Cube  
11 chat messages and from this email from Emmanuel  
12 Rosen to Virginia Jamieson that you did in fact  
13 meet with Rosen on October 17 in New York? Is that  
14 consistent with your recollection?

15 MR. MOORE: Just ask him his  
16 recollection. This document does not say that.

17 MR. THOMSON: It says --

18 MR. MOORE: Actually, Mr. Glassman, can  
19 you step away for a minute?

20 BY MR. THOMSON:

21 905 Q. No, no, no, hang on. Just hang on  
22 for a second. Just wait. No, no, don't go  
23 anywhere. I can't afford the time. Just to be  
24 crystal clear, it says:

25 "I'm meeting with Glasman on

1 Tuesday afternoon in NYC and want to  
2 update him on these activities."

3 And I am suggesting to you that you did  
4 in fact meet with Rosen the following Tuesday,  
5 which is the 17th of October, in New York. It is  
6 as simple as that.

7 MR. MOORE: It is not as simple as  
8 that. There is other documentation, I believe.  
9 But I'm not going to get into it. You don't want  
10 me to say anything, so keep going.

11 BY MR. THOMSON:

12 906 Q. I don't, and I don't know what  
13 documentation you are referring to, and I have  
14 scoured the record with a fine-toothed comb, so I  
15 don't know what you are talking about.

16 But go ahead, Mr. Glassman. Did you  
17 meet with Mr. Rosen and others from Psy Group in  
18 New York on October 17th?

19 A. I need your help in jogging my  
20 memory. I remember -- because of you, I remember  
21 that I must have been - and I was - in New York on  
22 the 17th.

23 907 Q. Yes.

24 A. I remember vaguely some meetings.  
25 I don't remember the structure of the meetings.

1 Without the notes that you just showed me, I  
2 wouldn't have remembered even the presentation, and  
3 I can't remember what happened in what you purport  
4 to be a second set of meetings with Psy in the  
5 afternoon or in the morning or what the order was  
6 or how long they were or who attended. I don't  
7 know. If you can help me and jog my memory, I  
8 would really appreciate it.

9 908 Q. And you have hit on the very  
10 question I was going to ask you, which is why  
11 aren't there any documents that relate to that  
12 meeting with Psy Group? Why are there no calendar  
13 entries? Why are there no confirming emails? Why  
14 are there no notes of the meeting? Why is there  
15 nothing that relates to that meeting with Psy Group  
16 in New York on October 17th?

17 A. Well, it is pretty clear. When I  
18 thought a meeting was important, I took notes.  
19 When there was something that was being presented  
20 to me that I thought was requiring thought, like in  
21 the meeting in the morning, I took a note. If  
22 there was nothing that I thought was valuable, I  
23 didn't.

24 909 Q. All right. And did you regard the  
25 meeting you had with Psy Group in September -- on

1           September 19th in London, do you regard that to be  
2           an important meeting?

3                       MR. MOORE: Hold on. There is no -- he  
4           didn't indicate he met with Psy Group on September  
5           19th in London.

6                       BY MR. THOMSON:

7           910           Q. Sorry. Black Cube. If I said Psy  
8           Group, that was a mistake. Did you regard the  
9           meeting you attended with Black Cube in London on  
10          September 19th where you discussed the Newbould  
11          sting to be an important meeting?

12                      A. If I did, I would have taken  
13          notes.

14          911           Q. No, please answer my question.  
15          Did you regard the meeting -- did you regard the  
16          meeting with Black Cube in London on September  
17          19th, where you learned for the first time about  
18          the sting on Justice Newbould, did you regard that  
19          to be an important meeting?

20                      A. Both yes and no. Yes, in the  
21          sense that I thought that there was some material  
22          that needed to be pursued. No, in the sense that I  
23          didn't think there was anything we could do with it  
24          without first talking to counsel and figuring out  
25          what the hell this all meant.

1           912                   Q.    And are you able to show me the  
2 notes you took during that meeting?

3                           A.    If I took -- like I said earlier,  
4 if I took notes, they would have been produced. We  
5 can look again if you want.

6           913                   Q.    Go ahead, but none have been  
7 produced. So --

8                           MR. MOORE: That's correct.

9                           BY MR. THOMSON:

10          914                   Q.    I'm just putting it to you,  
11 Mr. Glassman, that there are exactly one set of  
12 notes that you took of any of your interactions  
13 with Black Cube from start to finish, and those are  
14 notes I have just shown you from the Sheraton Hotel  
15 meeting on the 17th. So if you are suggesting  
16 that --

17                           A.    And I would --

18          915                   Q.    Go ahead.

19                           A.    And I would put to you that those  
20 notes were taken because I believed there were one  
21 or two action items that actually needed thought  
22 that were specific that I had to write down.

23          916                   Q.    And I'm just suggesting to you  
24 that you attended any number of meetings where you  
25 didn't take notes but also regarded those meetings



1 to be important steps along the way. It is as  
2 simple as that.

3 A. You can suggest whatever you feel.

4 917 Q. Now, did you receive a formal  
5 presentation from Psy Group during your meetings in  
6 New York on the 17th?

7 MR. MOORE: Just to be clear, we are  
8 not sure that there was any meeting on the 17th  
9 with Psy Group.

10 MR. THOMSON: Well, I'm going to ask  
11 the Court to infer that there was, so we'll have  
12 that debate a bit later. My question is --

13 MR. MOORE: Well, that is fine. That's  
14 fine. I just don't want to be silent --

15 MR. THOMSON: I appreciate --

16 MR. MOORE: Just a minute. Just a  
17 minute. I don't want to be silent when you are  
18 asking all these questions premised upon a fact  
19 that is not necessarily accurate, but keep going.

20 BY MR. THOMSON:

21 918 Q. My question is did you receive a  
22 presentation from representatives of Psy Group in  
23 New York on or around October 17th?

24 A. Are you asking if I received,  
25 like, a deck, and do I have a deck? If we had it,

1 we would produce it.

2 919 Q. Was there a presentation made to  
3 you, do you recall?

4 A. I assume there was at minimum a  
5 discussion. I don't know if there was a  
6 presentation. I don't remember. It is almost four  
7 years ago.

8 920 Q. Now, let me show you what happens  
9 shortly following these meetings in New York on  
10 October 17. Am I right that an effort was made,  
11 including involving people from Psy Group, to plant  
12 negative articles concerning West Face and  
13 Mr. Boland?

14 A. I don't know.

15 921 Q. Turn up, please, tab 153. You  
16 mentioned earlier that there was a woman named  
17 Sharon from Psy Group who attended at your offices,  
18 I believe, in Toronto?

19 A. Yes.

20 922 Q. And would that have been Sharon  
21 Kisluk from Psy Group, their senior project  
22 manager?

23 A. I'm assuming so.

24 923 Q. All right. And here you'll find  
25 an email from Sharon Kisluk to Mr. Riley on Monday,

1           October 23 of 2017, re Meeting With Business  
2           Insider, saying:

3                         "Hi Jim,  
4                         Emmanuel" - and that would be  
5                         Emmanuel Rosen - "wants to set up a  
6                         meeting for someone from your firm  
7                         with Virginia" - and that would be  
8                         Virginia Jamieson we have already  
9                         discussed - "a PR specialist who is  
10                        in touch with Rachel Levy from  
11                        Business Insider. The subject is  
12                        [West Face] and its poor financials.  
13                        He wanted to know who here can go  
14                        and meet with her today/tomorrow, to  
15                        give her more details about what  
16                        exactly is amiss over there,  
17                        preferably with concrete data.

18                        He does not intend for anyone  
19                        from management to go at this point.

20                        Would also like to ask you a few  
21                        questions from my colleagues in IL  
22                        when you have a minute" - which I  
23                        take to be Israel.

24                        And then if you go to the top of the  
25                        page, you'll find an email from Lauren Oberson to

1 Mr. Riley, your partner, on October 23rd saying:

2 "Hi Jim.

3 Diana said that Gabriel is free  
4 now (or might be whenever you get  
5 back from your meeting) to speak  
6 about the below.

7 I am going to go meet my cousin  
8 for tea downtown but am around if  
9 you need me."

10 And I took Gabriel to be a reference to  
11 Gabriel de Alba?

12 A. I would assume so.

13 924 Q. And do you know whether an effort  
14 was made by de Alba and Riley to pursue the  
15 publication of an article in Business Insider about  
16 West Face and its poor financials?

17 A. Well, I know a bunch of things. I  
18 know a bunch of things from this email -- or chain  
19 of emails.

20 925 Q. Okay.

21 A. I know that, number one, Jim Riley  
22 and Gabriel obviously were informed about our PR  
23 and IR endeavours, including Psy.

24 I know that there was an attempt for  
25 the article to be factual, hence the comment about

1                   preferably with concrete data, quote/unquote, and I  
2                   know that it was -- that I don't believe an article  
3                   ever did appear in Business Insider.

4           926                   Q.    And do you know why?

5                   A.    I do not know why.

6           927                   Q.    Okay.  Let me show you what  
7                   happened right at the same time, almost immediately  
8                   thereafter, and ask you to turn up, please, tab  
9                   154.  So here you'll find a posting that appeared  
10                  on October 24th of 2017.  You will find that  
11                  date -- it is right where the cursor is.  Can you  
12                  read that?  2017-10-24?

13                  A.    Yes.

14           928                   Q.    So this appears on October 24 of  
15                  2017.  This is now a week after the meetings in New  
16                  York we have just discussed on a website called  
17                  WorldNews.com, and it is entitled "West Face  
18                  Capital - Time to Face the Music"?

19                  A.    Okay.

20           929                   Q.    And am I correct that this story  
21                  was, again, prepared by Psy Group shortly after  
22                  your meetings in New York and posted by it or on  
23                  its behalf on WorldNews.com?

24                  A.    I don't know that.

25           930                   Q.    Did you ever ask -- well, let me

1 ask you this. Did this article come to your  
2 attention around the time it was published on  
3 October 24th of 2017?

4 A. I do not remember reading this  
5 article.

6 931 Q. And I take it then you don't  
7 recall asking anyone from Psy Group whether they  
8 played a role in the creation or publication of  
9 this article; correct?

10 A. Well, it is four -- it is almost  
11 four -- three and a half years later. I do not  
12 remember the article. I do not remember anything  
13 around it.

14 932 Q. Okay. Turn to tab 155. So two  
15 days after that article appeared, on October 26 of  
16 2017, another video appears on YouTube entitled  
17 "Public Market Manipulation in Canada", and I am  
18 going to ask Maura to play this video for you.

19 MS. O'SULLIVAN: Tanya, if you could  
20 cancel your screen share.

21 "Video: Hello and welcome to  
22 our latest financial reports. In  
23 recent breaking news, the Canadian  
24 market was rocked by allegations of  
25 insider trading, market manipulation

1 and interference by a group of  
2 well-known veteran short-sellers.

3 The extreme lack of regulations  
4 against short-selling has attracted  
5 many veterans to venture to Canada  
6 to take advantage of the system and  
7 use it for their own profits.

8 Currently, there are allegations  
9 that Anson, who is being sued by  
10 Nobilis, has been privately setting  
11 the agenda together with Marc  
12 Cohodes who publicly uses these  
13 market manipulation strategies in  
14 public.

15 These types of allegations have  
16 sparked inquiries into many people  
17 that execute coordinated market  
18 manipulation tactics which use  
19 short-selling attack campaigns  
20 against other companies.

21 They take advantage of a broken  
22 system that allow companies to  
23 attack other companies publicly  
24 through new means such as social  
25 media.

1                   Critics have been vocal about  
2                   short-selling and how much  
3                   accountability there is after the  
4                   string of recent, high-profile  
5                   short-selling attack campaigns in  
6                   Canada. Shorting is an ambiguous  
7                   tactic used by large financial  
8                   corporations to manipulate the  
9                   market in their favour by attacking  
10                  a company's assets and spread  
11                  vicious rumours. This manipulates  
12                  their public perception because they  
13                  know it will lead to massive drops  
14                  in their stock's value. Then these  
15                  malicious companies bet that these  
16                  stocks will drop in value, resulting  
17                  in massive profits for them.

18                  This event has reignited the  
19                  debate that does short-selling  
20                  expose existing problems such as  
21                  fraud within companies, or are they  
22                  creating self-fulfilling prophecies  
23                  through coordinated campaigns."

24                  BY MR. THOMSON:

25                  933                  Q.    Am I correct that that video was



1 prepared and posted by representatives of Psy Group  
2 or on their behalf?

3 A. I have no idea who created that,  
4 but it turns out that it is pretty factually  
5 correct, doesn't it?

6 934 Q. And did that video come to your  
7 attention around the time that it was posted in  
8 October of 2017?

9 A. I don't remember when it came to  
10 my attention, but I remember seeing it at some  
11 point.

12 935 Q. Did you ever ask --

13 A. But again, it is factually  
14 correct, and given all the evidence we have since  
15 then, it is pretty much worse than what that video  
16 says.

17 936 Q. Did you ever ask anyone from Psy  
18 Group whether they played a role in preparing or  
19 posting that video?

20 A. No, not that I remember.

21 937 Q. Okay. Let me ask you to turn,  
22 please, to tab 158.

23 So tab 158 is a posting on something  
24 called The Wolfpack Corruption. It is actually a  
25 website called wolfpackcorruption.com. This is the

1 home page that refers to The Wolfpack's Corruption,  
2 saying:

3 "A wolf stalks its [prey] from  
4 the shadows, waiting for the right  
5 moment to pounce.

6 When hunting as a pack, their  
7 [prey] is under attack from all  
8 sides."

9 And it goes on for a number of pages.

10 MR. MOORE: I am just going to pause  
11 there, Mr. Thomson, and I am not intervening every  
12 step of the way, but I'll register the same  
13 objection as before. And I take it you are not  
14 prepared to explain why any of this is relevant to  
15 the anti-SLAPP motions that are now pending?

16 BY MR. THOMSON:

17 938 Q. Not in the middle of my  
18 cross-examinations, I'm not, no.

19 Now, Mr. Glassman, am I correct that  
20 this was also -- the website was also created and  
21 administered by or on behalf of Psy Group?

22 A. I have no idea.

23 939 Q. And again, the same question, did  
24 this website come to your attention around the time  
25 that it was created in October of 2017?

1 A. I actually don't remember this.

2 940 Q. Okay.

3 A. So it may have. I may have  
4 forgotten it. I would have to go through the  
5 website. You would have to scroll down for me to  
6 see more. I actually don't remember this.

7 941 Q. I take it you have no recollection  
8 of asking anyone from Psy Group whether they played  
9 a role in the preparation or posting of this  
10 website?

11 A. Well, if I don't remember the  
12 website, how could I possibly remember asking about  
13 it? Can you scroll down? Could I see more of it  
14 or what is on it?

15 942 Q. Yeah. Well, you can if you want,  
16 but I'm just not going to take the time.

17 MR. MOORE: No, no, no, no, no, no.  
18 Stop. He is entitled to look at it. The fact that  
19 you might not want to take the time is --

20 BY MR. THOMSON:

21 943 Q. All right. Well, we'll just keep  
22 you here a bit longer then. Go ahead. It is just  
23 a simple question, which is did you ask anyone from  
24 Psy Group about this website around October of  
25 2017? If you think --

1 MR. MOORE: Can you expand the writing  
2 so we can read it?

3 BY MR. THOMSON:

4 944 Q. Just hang on. Hang on. If you  
5 think --

6 MR. MOORE: Expand it so he can see  
7 what it says.

8 BY MR. THOMSON:

9 945 Q. If you think looking at this is  
10 going to let you answer that question, then go  
11 ahead and look at it. Go right ahead. Look at it.  
12 Read the whole thing start to finish.

13 A. Can you roll down? I don't  
14 remember seeing this, so I just need to see what  
15 goes on. There is a discussion about Anson.

16 [Witness reviews document.]

17 Okay.

18 [Witness reviews document.]

19 It talks about something factual about  
20 Nobilis.

21 Okay. Next. Can you go down, please?

22 [Witness reviews document.]

23 Okay. Can you go down?

24 [Witness reviews document.]

25 Okay. Go down more, please.

1 [Witness reviews document.]

2 I don't remember ever actually seeing  
3 this.

4 946 Q. So what is the answer to my  
5 question? Do you remember ever asking Psy Group  
6 about this?

7 A. Well, if I don't ever remember  
8 seeing it, how do I ask them a question about it?  
9 And it looks, from what I perused in all of the  
10 minute and a half that you gave me, it looks like  
11 it is fairly factual. I don't know. If I haven't  
12 seen it before, how do I ask somebody about it?

13 947 Q. Let's turn to tab 160. So here  
14 you'll find the Twitter page associated with the  
15 wolfpackcorruption.com website. You will see on  
16 the left-hand side of the page WolfPack Corruption  
17 @WolfPackScam, and so on, and if you want to flip  
18 through it, you'll see it is just a series of pages  
19 involving periodic tweets by the people running  
20 this Twitter site.

21 A. So I don't even have a Twitter  
22 account. I have never seen this before.

23 948 Q. Okay.

24 A. I did notice at the beginning -- I  
25 don't know when you took the screenshot. Can you

1 go back to the front? Is that the number of tweets  
2 in total since today or when somebody took a  
3 screenshot?

4 949 Q. At the time someone took the  
5 screenshot.

6 A. That is not a very active site, is  
7 it?

8 950 Q. Well, that is a different  
9 question. My very simple question was, were you  
10 aware of this Twitter page associated for  
11 wolfpackcorruption.com website at the time in  
12 October of 2017?

13 A. Well, I have never -- I do not  
14 now, nor have I ever, intentionally had a Twitter  
15 account, a Facebook account, et cetera, and I  
16 was -- this is the first time I'm seeing it.

17 951 Q. All right. I take it from that  
18 nobody brought this account to your attention at  
19 the time?

20 A. I certainly don't remember it.

21 952 Q. Did you ever ask anyone from Psy  
22 Group about their role in the creation or  
23 administration --

24 A. If I don't --

25 953 Q. Let me finish my question and then

1           you can answer it. Did you ask anyone from Psy  
2           Group about the role that they may have played in  
3           the creation or in the administration of this  
4           Twitter account?

5                        A.    If I don't remember and haven't  
6           seen, to the best of my recollection, this before,  
7           then how could I ask about it?

8           954                Q.    Pull up, please, tab 159. So here  
9           you'll find a website with West Face's name on it  
10          saying -- the title of which is "The Truth about  
11          West Face Capital", and it goes on for a number of  
12          pages. I'm happy to have you flip through it if  
13          you would like.

14                       A.    Yes, please.

15                       [Witness reviews document.]

16          955                Q.    And the question I have, of  
17          course, is did you see this website at the time?

18                       A.    Sorry, I'm just reading it.

19                       [Witness reviews document.]

20                       No. I'm assuming those numbers are  
21          right. I can go get them checked if you want, but  
22          if it is factually accurate, it is factually  
23          accurate.

24          956                Q.    Well, the very simple factual  
25          question is, did you see it at the time? And the

1 second question, which I take it I know the answer  
2 to based on what you have just said, is did you ask  
3 anyone from Psy Group whether they played a role in  
4 the creation or the administration of this website?

5 A. Sorry, I got distracted, and I am  
6 just reading another paragraph.

7 Okay. Sorry, can you ask the question  
8 again.

9 957 Q. The question is, did you ask  
10 anyone from Psy Group at the time whether they  
11 played a role in the creation or the administration  
12 of this website?

13 A. I don't believe I have been  
14 directed to this before, nor do I believe I have  
15 seen it before. If the math is right, it is  
16 factually correct. I don't know who posted it, but  
17 no, I never asked anybody about it.

18 958 Q. Now, let me take you forward by  
19 about a couple of weeks in time and show you  
20 another email exchange. This time pull up tab 163  
21 where you'll find here a series of emails. This is  
22 now another Elwood document. This is an email from  
23 Royi Burstien of Psy Group of Saturday, November  
24 4th of 2017, to Mr. Elwood and others, including  
25 Emmanuel Rosen, where he says:



1 "This mission is TOP PRIORITY  
2 for the coming week."

3 And if you look down the page, you'll  
4 find an email from Burstien of November 4th at 5:41  
5 p.m.

6 MR. MOORE: Mr. Thomson, can I just ask  
7 you, I am assuming -- I think this is one of the  
8 exhibits to the Elwood affidavit?

9 MR. THOMSON: I believe it is.

10 MR. MOORE: All right.

11 BY MR. THOMSON:

12 959 Q. And he says -- Burstien in the  
13 email at the bottom of that page, November 4, says:

14 "This was received from the  
15 client today --"

16 And then the email below that -- or the  
17 message that is embedded in the email says:

18 "We have a very serious problem  
19 w[ith] this reporter Lawrence  
20 delivigne from Reuters. West  
21 face/anson/someone pushing him to  
22 write another very untrue and bad  
23 story about us. We r now at huge  
24 risk because PT [...]"

25 I'll pause there for a moment. That

1 would be Petach Tikva, the Psy Group; correct?

2 A. I assume so.

3 960 Q. And this is a message that you  
4 sent. It is another email that you sent or a text  
5 message you sent either to Yossi Tanuri or to Gadi  
6 Ben Efraim or to Psy Group directly; correct?

7 A. I would bet I sent it to Yossi or  
8 Gadi, if I had to bet, but I wouldn't bet my life  
9 on it. But yeah, it looks like something I wrote.

10 961 Q. Okay. And what you are saying is:

11 "We have no choice and it must  
12 start RIGHT NOW. One of the stories  
13 we need out RIGHT NOW is Catalyst's  
14 recognized 'Best of breed' for its  
15 reporting and processes as  
16 recognized by INSTITUTIONAL LIMITED  
17 PARTNERS ASSOCIATION."

18 And it goes on. Then you say in the  
19 next paragraph:

20 "[...] we have to have this in  
21 a tier one paper THIS COMING WK.  
22 this is not negotiable. it must  
23 happen. They have to make it happen  
24 ASAP. This is how [and} where the  
25 counter attack is coming and we need

1                   it squashed before they can even  
2                   start."

3                   And that gives rise to another series  
4 of emails between people at Psy Group, which I am  
5 not going to take the time to go through. What I  
6 wanted to get to is the punch line at the very end  
7 of that chain, which is the last email on the third  
8 page where Burstien says:

9                   "If it helps we have an  
10                   ADDITIONAL WORKING BUDGET/BONUS FOR  
11                   THIS - \$10k. IF THE ARTICLE IS  
12                   PUBLISHED BY FRIDAY!"

13                   So do I take it from this that an  
14 agreement was reached with people from Psy Group to  
15 pay them a bonus of \$10,000 if they managed to get  
16 this article that you were looking for published by  
17 Friday?

18                   A. Can you go back, please?

19                   962               Q. Back to what?

20                   A. To the heading. So the heading on  
21 the whole chain is "white campaign", right?

22                   963               Q. Yes.

23                   A. And when you read the paragraph,  
24 it is all factually correct, if I'm reading it  
25 correctly. Can you scroll up, please?

1                   So yeah, we do have a European carry.  
2                   We do have an absolute ban on transaction fees. We  
3                   do have an absolute ban on personal trading  
4                   accounts. We do have third party fund  
5                   administration. And we have -- I don't know if we  
6                   were the only at that time because now there is  
7                   more, but we do have two accounting firms doing our  
8                   valuation work.

9                   Okay. So it is a factual text or email  
10                  sent and wanting it to be in a paper as part of a  
11                  White campaign.

12           964                   Q. My question was --

13                                A. I'm sorry, I'm missing your point.

14           965                   Q. My question was none of that. My  
15                                question was did you enter into an arrangement with  
16                                Psy Group to agree to pay them a \$10,000 bonus in  
17                                November of 2017 if they managed to have this  
18                                article published by the deadline you had imposed?

19                                A. I have no idea if that is  
20                                factually correct or not. And I don't know why it  
21                                would be -- why it would matter one way or another,  
22                                but that is just my own inquiry.

23           966                   Q. Now, the Wolfpack action, which we  
24                                have talked about before, was commenced by Catalyst  
25                                and Callidus on November 7 of 2017, and let me take

1           you back to a message that I believe you sent just  
2           before the action was commenced, and I have already  
3           shown you this, I believe, before, but just for one  
4           last time, I'll take you back to tab 225.

5                       A.    Sorry, Mr. Thomson, you said we  
6           filed the action on what date? I just want to keep  
7           the dates correct.

8           967                       Q.    November 7 of 2017.

9                       A.    Okay.

10          968                       Q.    So pull up tab 225 and go to page  
11          133. And I showed you this earlier today,  
12          Mr. Glassman. It is the second half of that  
13          message at the top of the page that starts with:

14                                "Also: The mkt manipulation  
15                                [of] Wall Street Journal law suits".

16                                Do you see that?

17                       A.    Can you stop moving that, please?  
18          Can you go back up? Can you go back up to the  
19          first part, please?

20          969                       Q.    Yeah, just leave it.

21                       A.    So it ends up being true that  
22          Lawrence Delevingne actually was being manipulated  
23          and pushed by members of the Wolfpack. So now what  
24          you wanted me to read?

25                                "Also: the mkt manipulation

1 and the Wall Street Journal law  
2 suits will be filed and public  
3 either Monday or tues."

4 970 Q. Yeah, so look at the date of this  
5 text message, which is November 5th of 2017 and  
6 just --

7 A. Okay.

8 971 Q. -- for your benefit, November 5th  
9 is Sunday, and what you are saying in your message,  
10 the bottom half of that, is:

11 "Also: the mkt manipulation  
12 and The Wall Street Journal law  
13 suits will be filed and public  
14 either Monday or tues."

15 Tuesday would be November 7th, which  
16 turns out to be the date that the Wolfpack action  
17 was commenced. You then go on to say:

18 "the contents of such once  
19 public are devastating from a black  
20 perspective against our enemies and  
21 spectacular for us from a 'white'  
22 perspective. U must get both BC and  
23 petach tikva", meaning Psy Group,  
24 "ready so they can use to max  
25 effect. Lawyers think it will be

1 front pg news in at least cdn  
2 business press."

3 And again, that was a message or an  
4 email sent by you around the 5th of November of  
5 2017; correct?

6 A. I don't know if it is correct as  
7 to when it was sent, but I think the most -- to me,  
8 the most important part of that is to get people  
9 ready that it is coming, not to do anything --

10 972 Q. And, David, this is another  
11 example of a message sent by Mr. Glassman that we  
12 do not have production of. It is embedded in the  
13 Black Cube texts, and we don't have it produced by  
14 him or by Catalyst. So you'll inquire on that  
15 front as well?

16 U/A MR. MOORE: We will inquire. I won't  
17 repeat what I have said before in terms of the --  
18 and I haven't gone into the minutia of the steps  
19 that have been taken, but I'm not going to refuse  
20 to inquire, but I hear you. As far as I am aware,  
21 we have produced everything that is available.

22 BY MR. THOMSON:

23 973 Q. And, Mr. Glassman, just to put  
24 this to you squarely straight up, what you are  
25 asking both Black Cube and Psy Group to be ready

1 for was to use the commencement of the Wolfpack  
2 action to generate publicity against your perceived  
3 enemies that you knew would be devastated; correct?

4 A. The contents of such, which  
5 included, as I remember it, some substantial  
6 evidence is what I was asking people to get ready  
7 to use to maximum effect, if that is my email,  
8 which I suspect it is.

9 974 Q. All right. And you knew that  
10 those contents, once publicized, would be  
11 devastating to your enemies and your enemies  
12 included both West Face and Greg Boland; correct?

13 A. I also knew the content was  
14 accurate and factual.

15 975 Q. So what is the answer to my  
16 question? You knew that the content, once  
17 publicized, would be devastating to your perceived  
18 enemies, including West Face and Greg Boland;  
19 correct?

20 A. Well, it clearly wasn't  
21 devastating, but yeah, I used some colourful  
22 language, but yeah, I knew it wouldn't be good.

23 976 Q. And you wanted to ensure that  
24 Black Cube and Psy Group would both be geared up or  
25 ready to use that information with maximum effect



1 once the lawsuit was started; correct?

2 A. That is what the author of this  
3 email suggested.

4 977 Q. And you are the author of the  
5 email, are you not?

6 A. We think I am. I would like to  
7 make sure. It looks like my kind of writing.

8 978 Q. In other words -- let me put this  
9 to you, again, squarely. You knew that the very  
10 existence of the claim, once publicized, and the  
11 dissemination by members of the media of the  
12 allegations that Catalyst and Callidus were about  
13 to make would be devastating to the targets of the  
14 lawsuit; correct?

15 A. I knew it wouldn't be good, just  
16 like your client has repeatedly known it wouldn't  
17 be good when they made up false information to  
18 damage Catalyst. Ours was at least factual and  
19 correct.

20 979 Q. I'm just using your --

21 A. And was proven to be correct.

22 980 Q. I'm just using your words,  
23 Mr. Glassman. Now, let me take you forward --

24 A. And I am just saying the facts.

25 981 Q. Let me take you forward to another

1 text right around the same time. This is now the  
2 day after the Wolfpack action was commenced and ask  
3 you to turn forward to page 140 of tab 225.

4 A. Is now a convenient time to go to  
5 the bathroom for a minute, or do you want me to  
6 wait a few minutes, but it can't be more than five.

7 982 Q. You go ahead. Go ahead.

8 [DISCUSSION OFF THE RECORD.]

9 -- RECESSED AT 2:56 P.M.

10 -- RESUMED AT 3:10 P.M.

11 MR. THOMSON: Okay, so I'm on the 5  
12 yard line.

13 MR. MOORE: Which end of the field?

14 MR. THOMSON: Well, that is a good  
15 question. That is an excellent question. The one  
16 right next to the goal line, so we are close.

17 MR. MOORE: They are both next to the  
18 goal line.

19 MR. THOMSON: Yes.

20 MR. MOORE: All right.

21 MR. THOMSON: We can't hear you,  
22 Newton.

23 MR. MOORE: Newton is now not  
24 connected.

25 MR. THOMSON: You are waving around.

1 THE DEPONENT: Did you guys go and hug  
2 it out finally?

3 MR. THOMSON: We always hug it out.

4 MR. MOORE: Yeah, no, look -- are we on  
5 the record now or off the record?

6 MR. THOMSON: Well, I'm on the record.  
7 We are buddies.

8 MR. MOORE: Oh, okay. It is just  
9 Newton was the peacemaker between Kent and myself  
10 earlier today, and I thought that was quite a good  
11 revelation and good development.

12 MR. THOMSON: I think your next gig is  
13 at the United Nations, Newton. That is where you  
14 should head.

15 MR. MOORE: I think the two of you need  
16 to go into therapy together.

17 MR. THOMSON: Well, you are not the  
18 first --

19 MR. MOORE: What kind of therapy?

20 MR. THOMSON: Yeah, you are not the  
21 first person to suggest I need therapy, so I may  
22 take you up on that.

23 THE DEPONENT: I didn't suggest you  
24 needed therapy. I said you guys together.

25 MR. MOORE: All right, let's go.

1 BY MR. THOMSON:

2 983 Q. All right. So I have already  
3 shown you the November 15th of 2017 presentation.  
4 That is my tab 172.

5 MR. MOORE: Sorry, I just wanted to say  
6 something before we get too far going. Do we still  
7 have a whole host of people on the call?

8 MR. THOMSON: I don't know.

9 MR. MOORE: All right, so I just want  
10 to say that Mr. Riley did not attend this morning.  
11 I may have, and I haven't decided yet, five minutes  
12 of re-examination with Mr. Riley, and if I do need  
13 to do that, I have him standing by to join via  
14 Zoom. But it will be very short if I do that. I  
15 just wanted to mention that.

16 BY MR. THOMSON:

17 984 Q. Okay, thanks.

18 A. And I also -- I must, must, must  
19 leave at 5:30.

20 985 Q. Okay, thank you. So let's get  
21 through this quickly then. Mr. Glassman, I have  
22 already shown you this presentation in Montreal on  
23 November 15. Do you remember who attended that  
24 meeting from Black Cube?

25 A. No, I don't.

1 986 Q. Did Ben Efraim or Yossi Tanuri  
2 attend; do you recall?

3 A. Sorry, I didn't hear you. Did  
4 who? Gadi I think did. And what else did you say?

5 987 Q. Yossi Tanuri.

6 A. I am virtually certain Yossi did  
7 not, but I am also virtually certain Gadi did.

8 988 Q. Did anybody else from Catalyst  
9 attend?

10 A. Not to my recollection.

11 989 Q. Okay. And again, is this another  
12 example of a presentation that was delivered or  
13 shown during the meeting in Montreal on November  
14 15th but not actually physically given to you?

15 A. I assume so, given the fact that  
16 you are showing it to me.

17 990 Q. Right, and not emailed to you  
18 following the presentation?

19 A. I do not -- I do not, to the best  
20 of my knowledge, have a copy of it, nor do I  
21 believe I ever had a copy of it.

22 991 Q. Okay. And I have now shown you  
23 several presentations made by Black Cube. Why were  
24 none of these actually given to you or emailed to  
25 you? What was the rationale for not actually

1 giving you a copy either physically or by  
2 electronically?

3 A. You'll have to ask them.

4 992 Q. Now, am I right that by the time  
5 this meeting came to an end on November 15th of  
6 2017, you had assigned additional tasks to Black  
7 Cube involving the dissemination to members of the  
8 media of information or evidence that had been  
9 obtained by Black Cube during their investigative  
10 activities?

11 A. I have no idea. If you can walk  
12 me through a document, maybe it will refresh my  
13 memory.

14 993 Q. Okay. Let me show you then and  
15 turn back to tab 225 again, which are the Black  
16 Cube texts, and turn, please, to page 158.

17 MR. MOORE: Sorry, could you just go  
18 back to the beginning of that? Sorry.

19 MR. THOMSON: Of the texts, do you  
20 mean?

21 MR. MOORE: The very first, yeah, just  
22 for a second.

23 MR. THOMSON: Sure.

24 MR. MOORE: Yes, wherever we were a  
25 minute ago.

1 MR. THOMSON: That is page 1.

2 MR. MOORE: Yes, just a second. Hold  
3 on.

4 Okay, go ahead.

5 BY MR. THOMSON:

6 994 Q. So I'm at page --

7 A. No, don't go ahead. I'm reading.  
8 Hold on a second.

9 995 Q. Hang on. I'm at page 158. I'm  
10 not sure what you are looking at. You are off by  
11 --

12 A. I am reading --

13 996 Q. You are off by 18 or so pages. I  
14 have no idea how you ended up there. Go to 158.

15 MR. MOORE: No, no, I was just looking  
16 at the beginning, because I think there is an issue  
17 about the dates of some of these events that you  
18 are referring to, but I don't want to belabour  
19 that. You can keep going and --

20 THE DEPONENT: Well, I was in the  
21 middle of reading the previous page that was on the  
22 screen.

23 BY MR. THOMSON:

24 997 Q. So am I right that the meeting  
25 took place in --

1 MR. MOORE: Well --

2 BY MR. THOMSON:

3 998 Q. I'm sorry, this meeting took place  
4 in --

5 MR. MOORE: Hold on. Time out. Time  
6 out. Mr. Thomson is trying to get through this  
7 quickly, and that is fair. Subject to, Mr.  
8 Glassman, if you are in the middle of reading  
9 something, and I am not saying read 50 pages of  
10 anything, but if you were in the middle of reading  
11 something that you want to read, do so and we can  
12 go back to where that was. And I'm not trying to  
13 make this longer than it need be because we are all  
14 pressed for time, so if there is something that you  
15 want --

16 THE DEPONENT: Well, I would like to  
17 finish reading the page I was just reading which  
18 was on the screen right before this.

19 BY MR. THOMSON:

20 999 Q. I'm not sure what is going on  
21 here. I'm asking you about a meeting in Montreal,  
22 and you are going back because someone happened to  
23 stumble on page 140 of these texts? It has got  
24 nothing to do with my question, and we are in the  
25 middle of a cross-examination --



1 MR. MOORE: It is --

2 BY MR. THOMSON:

3 1000 Q. It has got absolutely nothing to  
4 do with this, and we are in the middle of a  
5 cross-examination here. I'm talking about a  
6 meeting on November 15th of 2017 in Montreal, and  
7 what is it you want to read about?

8 A. Whatever you had on the screen,  
9 which was related to a previous question, and I  
10 wanted to make sure I understood it.

11 1001 Q. Well, I asked for nothing to be  
12 pulled up on the screen except for page 158. David  
13 asked to go back to the beginning of tab 225, which  
14 is weeks or months before this. He asked to --

15 MR. MOORE: No, I asked to go to the  
16 entry of November 9th.

17 MR. THOMSON: November 9th?

18 MR. MOORE: Yes, that is when this  
19 document --

20 MR. THOMSON: Okay, November 9th has  
21 nothing whatsoever to do with --

22 MR. MOORE: I disagree with you.

23 MR. THOMSON: All right, then you are  
24 going to have to show me and you are going to have  
25 to show Justice McEwen. So let's go to November

1 9th and you can tell him and tell me how that  
2 relates somehow to the meeting in Montreal on  
3 November 15th. So what is it? What page do you  
4 want to look at?

5 MR. MOORE: Well, whatever the starting  
6 page was when we embarked upon this line of  
7 questioning, which I think was -- well, I know the  
8 date was November 9th.

9 MR. THOMSON: Okay, to be crystal  
10 clear, if you go back and look in the transcript, I  
11 asked to go to page 158 of tab 225. You asked to  
12 go back to the beginning, and the beginning is page  
13 1.

14 MR. MOORE: No, no, no, hold on. When  
15 this line of questioning started, there was a prior  
16 page on the screen. That is what I wanted  
17 to --

18 MR. THOMSON: I just don't know what  
19 you are talking about.

20 MR. MOORE: I am talking about the  
21 prior page that was on the screen before you  
22 started asking these questions and that you put on  
23 the screen, that you brought on the screen --

24 MR. THOMSON: And, David, I don't know  
25 what --

1 MR. MOORE: -- that you brought on the  
2 screen --

3 MR. THOMSON: Okay, what page?

4 MR MOORE: Okay, the date of November  
5 9th, because I don't think the meeting is November  
6 15th, okay.

7 MR. THOMSON: You don't think --

8 MR. MOORE: We were already in Court on  
9 November 15th with you guys, so I don't think you  
10 have got the right date for the meeting is why I  
11 wanted to go back.

12 MR. THOMSON: All right, fine, let's go  
13 back and look, because I can show you 40 texts that  
14 relate to November 15th, but go right ahead. What  
15 do you want to look at? November 9. Tanya, scroll  
16 to November 9, if you can find it. And I don't  
17 know what you are referring to, but go ahead.

18 MR. MOORE: There, the November --

19 MR. THOMSON: There you go.

20 MR. MOORE: It talks about a meeting on  
21 "Monday afternoon or Wednesday morning", and I  
22 don't think that is November 15th because --

23 MR. THOMSON: Sorry --

24 MR. MOORE: -- on November 15th we were  
25 in Court fighting with you guys.

1 MR. THOMSON: David, you have to pull  
2 out a calendar here. This is November 10th of  
3 2017.

4 MR. MOORE: Yes.

5 MR. THOMSON: Okay? And what is  
6 November 10th? It is Friday. It is saying "Monday  
7 afternoon or Wednesday morning in Montreal with the  
8 customer." What do you think Wednesday of the  
9 following week is? It is November 15. It confirms  
10 the date. And then there are --

11 MR. MOORE: I don't think it was that  
12 date. All right, let's keep going. Let's keep  
13 going. I don't think it was that date. Let's keep  
14 going.

15 BY MR. THOMSON:

16 1002 Q. Fine. Go ahead and go to page  
17 158. Now, what I am looking for is the texts that  
18 come immediately after the meeting. So at page 158  
19 at the bottom of the page, this is now the day  
20 after the meeting. So what I am interested in, Mr.  
21 Glassman, is at the bottom of that page, page 158,  
22 the text, and this is now the day after the meeting  
23 where Yanus on November 16, 2017, says:

24 "We came back 'empty handed'

25 this time, but with many tasks for

1                   which, if we do them right and  
2                   correctly next time, we'll be richly  
3                   rewarded."

4                   And then Dan Zorella attaches  
5                   something, and I am not sure what that was, and  
6                   then at the top of the next page the question is:

7                   "Are the materials prepared???"

8                   What do we release first?"

9                   And Fikhte of Black Cube says:

10                  "Almost ready, depends on who  
11                  we decide to start with, and what  
12                  the cover is; I understand that it's  
13                  changed?"

14                  And Ran Shacham says:

15                  "Materials showing there was  
16                  fraud at Wind, bought at 1.5, sold  
17                  at 0.3, and then sold again at 1.6.  
18                  He needs to understand our story and  
19                  why we're telling it to him."

20                  Ran Shacham says "She".

21                  And Dan says:

22                  "The cover story hasn't  
23                  changed."

24                  And then he says:

25                  "We have her and we have

1 Bloomberg."

2 And the question is what does this  
3 relate to? You may or may not be able to shed any  
4 light on this. I took it from this that what they  
5 were dealing with was the combination of several  
6 things, including potentially Christie Blatchford  
7 in Canada but also Bloomberg. And do you know  
8 whether Black Cube was interacting with Bloomberg  
9 around this time?

10 A. Can you go to the previous page,  
11 or however you scroll it beforehand, in the very  
12 bottom.

13 1003 Q. Yes.

14 A. I don't know what "'empty handed'  
15 this time" means. I don't know what they are  
16 talking of. Like I have no idea if they had  
17 another client. It sounds like they may have had  
18 another client that had them investigating West  
19 Face. I don't know. I actually don't know  
20 anything about this conversation, and with the 30  
21 seconds that it has been on the screen, I don't  
22 actually know what it means or understand it. So  
23 maybe you can help me.

24 1004 Q. Yeah, I think that they were  
25 expecting, based on the text messages, that they

1 were expecting to receive a big bonus from you  
2 because they thought they had done such an  
3 excellent job and they thought that there was going  
4 to be "a fireworks show", to use their phrase, when  
5 they put on the presentation for you on November  
6 15th.

7 A. But how is that possible when they  
8 say "We came back 'empty handed' this time"?  
9 People don't generally get excited about being  
10 empty handed.

11 1005 Q. Yeah, I took it from this that you  
12 were less than impressed by the presentation they  
13 did on November 15. Your reaction was not  
14 positive. Do you recall being quite --

15 A. Let's be clear.

16 1006 Q. Do you recall being --

17 A. Let's be clear. From --

18 1007 Q. Sorry, you go ahead.

19 A. I actually really don't mean to  
20 talk over you. It is not appropriate.

21 1008 Q. That is fine.

22 A. I was less than impressed with  
23 them from basically mid-September on. There is  
24 lots of emails that indicate to Yossi and Gadi at  
25 least that I thought this was a complete shit-show

1 and not being done properly at all. I wasn't happy  
2 with anybody, how they were doing it and I didn't  
3 think what they were getting was right. I didn't  
4 like any of it. It didn't exactly enamour me to  
5 them.

6 1009 Q. Yeah, no, I understand that. And  
7 just to help you with this a little bit --

8 A. And also to be fair, they were  
9 fighting amongst themselves too.

10 1010 Q. If you go back, to just add some  
11 flesh to that, and look at the bottom of page 154,  
12 just at the bottom of that page. So am I right  
13 that this meeting was held in a downtown hotel in  
14 Montreal, I think the Hilton Hotel; do you recall?

15 A. I really actually don't recall, as  
16 disgustingly humbling as it is to say that.

17 1011 Q. Okay, that is fine.

18 A. I am trying to remember.

19 1012 Q. You will see that the dates of  
20 these are November 15th, and so it is the date of  
21 the meeting, and Yanus says at the very bottom of  
22 the page:

23 "The rooms are insane!!! We've  
24 all been upgraded. Checkout  
25 tomorrow at 1PM, latest I could get,



1 so do it before the meeting. Our  
2 meeting room at 10AM."

3 And Yanus says:

4 "We're all on the same floor,  
5 so please no unnecessary noise at  
6 night."

7 And then November 15th, at the top of  
8 the next page, page 155, Yanus writes to the others  
9 and he says:

10 "Friends. I've been with the  
11 team since 5AM, and I have to say  
12 we've got a firework show here. No  
13 less. You have this announcement  
14 now. The customer will be  
15 delighted. No less."

16 That is why I said that I think they  
17 were disappointed --

18 MR. MOORE: Yes, and --

19 MR. THOMSON: That is why I said I  
20 think THAT they may have been disappointed with  
21 your reaction to the presentation.

22 MR. MOORE: No, Mr. Thomson, let me  
23 just go back and say that it appears that it was  
24 November 15th. I thought it was an earlier date,  
25 but let's keep going.

1 BY MR. THOMSON:

2 1013 Q. Okay. But I am trying to answer  
3 your question, Mr. Glassman, which is what were  
4 they talking about, and I think that the answer is  
5 that they were, if you go back down to the bottom  
6 of page 158 when Yanus says:

7 "We came back 'empty handed'  
8 this time, but with many tasks for  
9 which, if we do them right and  
10 correctly next time, we'll be richly  
11 rewarded."

12 I think they expected to impress you  
13 and you were less than impressed, and that is what  
14 he is referring to.

15 A. I think what they are -- I think  
16 Yanus, who I think has a Ph.D. in psychology or  
17 something -- I actually don't even know what it is.  
18 But they kept underperforming, for lack of a better  
19 phrase, or thinking what they were doing was right  
20 and being told it was wrong by Brian or me or  
21 whoever. And I think he was motivating them. I  
22 think he was saying, Well, you know, I thought we  
23 were going to have fireworks. Based on what you  
24 just showed me, to use the language that is here,  
25 Yeah, I thought we would have fireworks. We came

1 away empty handed, but we are going to get  
2 another - in the North American vernacular - we are  
3 going to get another at bat, or that he hopes that  
4 they'll get another at bat.

5 This was not a relationship that was  
6 going in the right direction long before this.

7 1014

8 Q. So look at the top of page 160,  
9 which may help your recollection on this, at the  
10 very top post of the page. So this is now November  
11 16 of 2017, so the day after the meeting, where  
12 Dan, and it appears to be Dan Zorella of Black  
13 Cube, says:

14 "Got a call with Bloomberg,  
15 deputy editor in chief!!! Tomorrow  
16 9AM from York. Trying to postpone  
17 the Canadian to tomorrow as well.  
18 Today we won't have enough time to  
19 give her material. No short, Guy  
20 tomorrow at around 1PM Israel time  
21 everything needs to be ready for  
22 sending. And distributed to two  
23 newspapers."

24 So I took it from this that Black Cube  
25 had been instructed during the meeting on November  
15, the day before, to reach out to several

1 publications, including Bloomberg, and here they  
2 are dealing with the Deputy Editor in Chief. Does  
3 that refresh your recollection of the instructions  
4 given at the end of that meeting?

5 A. No, I don't even remember if there  
6 was a story in Bloomberg. I just don't remember.

7 1015 Q. And you will see below that a  
8 draft statement that they proposed to issue to  
9 journalists? You'll see just below that in the  
10 middle of the page:

11 "Dear Journalist,

12 Thank you for your inquiry. We  
13 have been contracted to provide  
14 intelligence regarding a massive  
15 fraud, committed towards a  
16 businessman, the essence of which is  
17 providing false representation  
18 regarding the regulatory future on  
19 Wind Telecom. The fraud took place  
20 during 2013-2014 and was committed  
21 by a consortium led by Greg Boland  
22 of [West Face Capital] and Tony  
23 Lacavera of Globalive."

24 Was this draft statement ever provided  
25 to you for your review?

1                   A.    I don't think so.  I'm reading it  
2                   now.

3                                 "The main elements of the fraud  
4                   were the extraction of information  
5                   regarding the regulatory future  
6                   [...]"

7                                 "The main elements of the fraud  
8                   were the extraction of information  
9                   regarding the regulatory future and  
10                  its derivatives in terms of future  
11                  value of Wind" - that doesn't even  
12                  make sense - "following its almost  
13                  guaranteed purchase [...]" - that  
14                  doesn't make sense either.

15                                Now, I don't believe anybody on our  
16                  side would have reviewed this because that is not  
17                  our view.  Our view is that the exclusivity and  
18                  confidentiality were breached, which we now have  
19                  emails that proves that it was.  So I don't believe  
20                  we approved something that said this.

21    1016                    Q.    So look at the bottom of page 164  
22                               to show you what they were up to.  So at the bottom  
23                               of 164 you'll see about two inches or so from the  
24                               bottom of the page there is one of 16:22:10, so Dan  
25                               says:

1 "The call with Bloomberg's  
2 deputy editor in chief went well.  
3 He was very interested in the story.  
4 He'll assign us a journalist  
5 immediately. Hopefully today. I  
6 asked for a journalist in Israel, he  
7 said he'll try, that way it'll be  
8 easier for me to convince him that  
9 everything's real, without sending  
10 him tapes, etc."

11 And Guy Fikhte says, "Weeeee!"

12 A. Sorry, whoa, whoa, whoa, you are  
13 going too fast. Where does he say "Wei"? I'm  
14 reading it at the same time as you. Where is  
15 "Wei"?

16 1017 Q. Do you see where the cursor is?

17 A. Oh, "we". Oh, you don't mean the  
18 person "Wei". You mean the response "we", sorry,  
19 sorry, sorry.

20 1018 Q. No, I mean the response of someone  
21 in grade 3 "Weeeee!", you know, with an exclamation  
22 point, and then below that Dan, who appears to be  
23 Dan Zorella, says:

24 "The call with Bloomberg's  
25 deputy editor in chief went well.

1 He was very interested in the story.  
2 He'll assign us a journalist  
3 immediately. Hopefully today. I  
4 asked for a journalist in Israel, he  
5 said he'll try, that way it'll be  
6 easier for me to convince him that  
7 everything's real, without sending  
8 him tapes, etc."

9 You get the "Weeee!"

10 And then below that, Dan says:

11 "And if not Ido is already  
12 continuing with the round of Israeli  
13 press representatives. We're only  
14 able to work well with them. A  
15 representative of FT, for example."

16 And then Dan says:

17 "Other ideas? I think we won't  
18 move forward with that Barbara, what  
19 do you say?"

20 And just pausing there, there was a  
21 journalist in Canada named Barb Shecter of the  
22 National Post who had written the first Wolfpack  
23 story; correct?

24 A. I think she still works there.

25 1019 Q. Right. And then --

1                   A.    Or sorry to interrupt you for a  
2                   second, but this is an internal conversation  
3                   between them, right?

4    1020            Q.    It is, that's correct.

5                   A.    Okay.

6    1021            Q.    And then Fikhte asks:

7                                "Why not?  She's positive  
8                               towards the customer."

9                   And Dan says:

10                                "Maybe there's a representative  
11                               of a Canadian newspaper in Israel,  
12                               Ido's looking as well.  Any ideas  
13                               for other papers?"

14                   And then they go.  So it goes on for  
15                   the next about 15 or 20 pages.  But my question for  
16                   you is this.  Were you aware that at this point in  
17                   time, and this is now November of 2017, that  
18                   representatives of Black Cube were in fact  
19                   contacting members of the media with a view to  
20                   trying to persuade them to publish stories about  
21                   the --

22                   A.    But why --

23    1022            Q.    I'm sorry?

24                   A.    But why is Black Cube doing that  
25                   if that is Psy's job?



1 1023 Q. Well, that is a question -- that  
2 was one of my next questions for you, which is do  
3 you know how that was administered as between Psy  
4 Group on one side and Black Cube on the other?

5 A. I probably have enough email and  
6 texts to know that there was significant  
7 disorganization and conflict, similar to between  
8 you and -- well, not quite similar, but similar as  
9 to between you and Mr. Moore between these guys  
10 that made it -- just like I got up and walked away  
11 while you guys were just arguing, it made me want  
12 to, and often did if I had the opportunity, I would  
13 have liked to have done the same thing with these  
14 guys.

15 I have no idea -- one of Gadi's key  
16 jobs and Yossi's at the time was to actually  
17 coordinate and make sure nothing untoward was  
18 happening and to protect us. That is why they were  
19 paying -- being paid 20 percent.

20 So I can't answer either of your  
21 questions because not only am I not apparently in  
22 this conversation and nor do I remember it, so it  
23 makes sense that I am not in it, but it is just  
24 more of appears to be the same at that time.

25 1024 Q. If you flip to page 166, let me

1 show you one more reference in these texts. So at  
2 166, at the second one from the top of the page,  
3 you'll see one at 16:57:02 from Dan, and again, it  
4 appears to be Dan Zorella, who says:

5 "The bottom line, in brief: on  
6 Sunday I'll try with all kinds of  
7 representatives of foreign  
8 newspapers in Israel. If it doesn't  
9 go, we'll get back to that Barbara  
10 on Monday. The customer can wait a  
11 little longer."

12 And I took it from this that people  
13 from Black Cube were now approaching members of the  
14 media in Israel with a view to trying to get  
15 stories published. And again, were you aware of  
16 that effort at the time?

17 A. Look, it is three and a half years  
18 after the fact, so any conjecture I may have about  
19 this is clearly coloured by events that occurred --  
20 or likely coloured by events that occurred after  
21 the fact. I wouldn't have thought that was the way  
22 it was described to me when they were hiring  
23 subcontractors and the roles.

24 My suspicion is, based on what you just  
25 showed me, that people knew we were pretty unhappy

1 generally, and you know, we probably incentivized  
2 them in a manner that had the wrong result or the  
3 wrong motivation.

4 1025 Q. So just to give you a reference  
5 point, and this is not controversial at all, but  
6 the Blatchford article about the sting on Justice  
7 Newbould was published on November 24th, so Friday,  
8 November 24th online and then published in the  
9 newspaper the following morning on the 25th.

10 And just against that reference point,  
11 I just want to show you one more message. So turn  
12 to page 181 of these texts at tab 225, and look at  
13 the very, very bottom of the page where --

14 A. Give me one second.

15 1026 Q. Yes, sure.

16 A. [Witness reviews document.]

17 1027 Q. Well, maybe let me take you back a  
18 little bit. I'll take you forward in this, but in  
19 fairness to you, to set this up, you have to see  
20 what he is referring to.

21 Go back to page 174, and you will see  
22 toward the top of the page, so look at the dates  
23 here. The date is now November 20th of 2017, and  
24 this is before the article by Blatchford is  
25 published, and it is about the fourth or fifth one

1 from the top of the page. It is 17:25:07 where  
2 Yanus says:

3 "By the way. This crushed the  
4 all-time record for the most  
5 screams, curses, degradations and  
6 threats I've ever received from a  
7 customer.

8 Of course, I kept calm for now,  
9 which unfortunately made him lose it  
10 even more."

11 And then scrolling down a little bit,  
12 Yanus says:

13 "First, the partner of the  
14 customer (or Petach Tikva) is the  
15 one that messed up and gave the  
16 reporter all the tapes, and now the  
17 issue is fully under her control."  
18 And so on.

19 Do you recall having a difficult  
20 discussion with Avi Yanus in this time frame, late  
21 November of 2017?

22 A. I don't remember a particular  
23 conversation that was specifically difficult. I  
24 remember being very, very, very unhappy. There was  
25 an extraordinary difference of, at minimum, the

1 perception between them and us, and I remember  
2 there being a call or two with, I suspect, and I  
3 don't remember perfectly, but I think it was with  
4 Gadi and one or two of them on the phone.

5 And it would not be, especially in  
6 those days before I was sick, especially before I  
7 was sick, it would not be all that surprising that  
8 I would have been demonstrative in my displeasure,  
9 shall we say.

10 1028 Q. And just so we have it, what was  
11 your displeasure about? What were you so unhappy  
12 about in late November?

13 A. The list is long. I was unhappy  
14 with them not following the terms of their  
15 engagement letter and performing in accordance with  
16 it. I was unhappy with the result of my finding  
17 out that, after we had relied on them to perform a  
18 particular task in a particular expert manner,  
19 that -- and when we had to rely on them and it  
20 actually says in the engagement letter that we have  
21 to rely on them and their proprietary methods, that  
22 it turns out for litigation support we can't even  
23 use the product of what they made.

24 I was upset with how disorganized it  
25 was. I was upset with the fact that none of the

1 promises and expectations that people had created  
2 for us were being fulfilled.

3 I was upset, probably not entirely  
4 their fault, at the Black campaign against us and  
5 the social media campaign against us which we now  
6 know involved many of these Defendants, including I  
7 suspect - well, we know because it is in some of  
8 the documentation - your client was actually  
9 causing an enormous amount of damage and  
10 persistent.

11 I was exhausted. I was tired of living  
12 with security guards and my wife being stressed by  
13 it. I was -- I had two death threats against my  
14 son at that time and really didn't know what the  
15 hell we were going to do about it other than try  
16 and figure out a way to protect him.

17 I was upset with all of it. It was all  
18 unbelievably bad. The firm was under attack and it  
19 wasn't successful in defending it with people that  
20 were supposed to be helping us, including on a  
21 White campaign. I was upset with people that had  
22 made promises to me. I don't know if it is at that  
23 time, but later there was -- I think it is later  
24 that there was a fight where we found out where we  
25 were being massively, and I mean really massively,

1 over-billed and taken advantage of.

2 There was lots of ruptures in that  
3 relationship.

4 1029 Q. Okay. You'll see if you go to  
5 page 176, toward the bottom of the page, just above  
6 the blacked-out portions of it, the text, just two  
7 above the blackout, so at 22:08:42 Dan says:

8 "Setup a second meeting with  
9 the journalist from the Economist  
10 tomorrow before taking off at 9AM at  
11 ben gurion airport. Guy will call  
12 you soon [...]"

13 And then below that:

14 "Dan: Finished an hour and a  
15 half with Liron, we have an  
16 excellent presentation for the  
17 morning meeting with the  
18 journalist."

19 So throughout this period of late  
20 November and into December, Black Cube appears to  
21 be meeting with and discussing the publication of  
22 stories with journalists in Israel and elsewhere,  
23 and again, what were they doing to keep you  
24 apprised of all these efforts they were making, if  
25 anything?

1                   A.    Well, first of all, they are  
2                   alleging this.  I don't know if an article and I  
3                   don't remember an article ever appearing in The  
4                   Economist, or anywhere else, so who knows, frankly,  
5                   if it is accurate or how much of it is accurate.

6                   And if I was being apprised of it, I  
7                   don't remember it.  And if there are emails keeping  
8                   me up to date, I would like to see them.

9   1030            Q.    Okay, well, let me show you one  
10                   that might help you.  Turn up, please, and go to  
11                   tab 73.  This is the other set of Black Cube texts.  
12                   And look at page 50.

13                   MR. MOORE:  Sorry, what tab is this?  
14                   50, sorry?

15                   MR. THOMSON:  Tab 73.

16                   MR. MOORE:  Thank you.

17                   BY MR. THOMSON:

18   1031            Q.    And, David, page 50 of that tab.  
19                   And it is the same time frame.  It is November 25th  
20                   of 2017.  So I'm looking at the bottom of the page,  
21                   the last several texts, and I am about four from  
22                   the bottom.  I'm looking for one at 7:46 from --

23                   A.    Sorry, can you just give me a  
24                   second?

25   1032            Q.    Yes.



1                   A.    I couldn't help it, but I started  
2                   reading from the top.  So it is pretty clear people  
3                   are fighting.

4    1033            Q.    Yeah.

5                   A.    And blaming each other.

6    1034            Q.    Yeah, for sure.  Black Cube is  
7                   blaming Psy Group, and so on.

8                   A.    Everybody is blaming everybody.

9    1035            Q.    They are also blaming Gadi for not  
10                  being honest with them, and so on.

11                  A.    What a waste.  Okay, yeah.

12   1036            Q.    So what I am interested in is the  
13                  very bottom of the page, about maybe three inches  
14                  from the bottom there is a text from Tanuri at  
15                  7:46:26 where the opening wards are:

16                                "It's a package..."

17                                Can you expand the print a little,  
18                                Tanya, so Newton can read this?

19                                A.    What is "Hollywood"?  What do they  
20                                mean "Hollywood"?

21   1037            Q.    I don't know.  I'm not sure what  
22                   that means.  But he says:

23                                "It's a package... Hollywood,  
24                                Petach Tikva... And now this is the  
25                                result...

1 Right now, the next battle/win is  
2 an article... The customer is  
3 eagerly waiting... Dan gave a strong  
4 feeling that it would be published..  
5 and he's impatient."

6 And then Yanus takes a crack at Psy  
7 Group, and he says:

8 "An aboriginal association  
9 hired a company like Black Cube??  
10 Even my grandmother, a very naive  
11 woman, wouldn't buy that. So a  
12 polished journalist [...]" --

13 A. Sorry, how do you know that is a  
14 shot at Psy Group? Not that it matters. I suspect  
15 it doesn't matter, but I'm just curious.

16 1038 Q. Well, just to answer your  
17 question, because in Christie Blatchford's article,  
18 she talks about meeting with Emmanuel Rosen in  
19 Toronto in mid-October, and when she asked him who  
20 her client was, he said he was acting for an  
21 Aboriginal association and she says in her article  
22 I knew immediately it wasn't true.

23 A. I see.

24 1039 Q. And so Black Cube is now  
25 ridiculing Psy Group for telling that lie to

1 Blatchford.

2 So they go on to say, Avi says:

3 "Let's go... I ask that we move  
4 forward to accomplish the goal.  
5 Important for all of us."

6 And Yanus says:

7 "I agree that it's a package.  
8 I agree about working together. But  
9 they behaved very unfairly to us.  
10 Not fairly at all."

11 He says:

12 "In any case, we're working on  
13 the articles and the legal strategy  
14 full force."

15 On the top of the next page he says:

16 "We're moving forward full  
17 speed, and even sure that the target  
18 will be accomplished, we'll just,  
19 for a change, look backwards once in  
20 awhile."

21 So, again, that may or may not help  
22 you, but it appears that Black Cube was now  
23 basically trying to rescue its relationship with  
24 you by succeeding in publishing articles that would  
25 make you happy in this time frame of late November

1 of 2017. Is that consistent with your --

2 A. That is not how I read that. I  
3 don't have any recollection, but that is not how I  
4 read what you just read to me.

5 1040 Q. Okay.

6 A. I read it differently. I read it  
7 as they are desperate to try and figure out how to  
8 shake us down or get money and getting desperate  
9 about it. That is how I read that, and taking no  
10 responsibility.

11 1041 Q. Okay. Now --

12 A. Which may be coloured by what  
13 happened after, so to be fair to them.

14 1042 Q. If we look at -- and I am now in  
15 the texts at tab 225, and look at page 195. Again,  
16 Mr. Glassman, to answer the question you posed  
17 about ten seconds ago, you will see it is the only  
18 text that is not blacked out on this page where --  
19 scroll down, please.

20 A. Can I read it?

21 1043 Q. Scroll down.

22 A. Sorry, can I read it for a second?

23 1044 Q. Yes, there you go. So this is now  
24 December 7th of 2017 where Dan Zorella seems to  
25 say:

1                    "We're working with lawyers and  
2                    connections to implement in media in  
3                    London on 3 papers: Forbes UK,  
4                    Daily Mail and Buzzfeed in this  
5                    order. If you think buzzfeed is  
6                    irrelevant or not good enough please  
7                    tell us and we'll take off from  
8                    list. We're pressuring as hard as  
9                    possible. Much better if it goes  
10                   out from a decent paper than from  
11                   our own commentary which no one will  
12                   write about except a blog...will  
13                   update more tomorrow regarding these  
14                   papers."

15                   And then below that he says:

16                                      "That's an update I forwarded  
17                   to the customer."

18                   So the question is did you --

19                   A. Who did he send that to?

20                   1045                    Q. That is my question. Did you  
21                   receive an update from Dan Zorella around December  
22                   7th of 2017 as set out at page 195 of my tab 225?

23                   A. Well, I don't even know who he  
24                   sent this email to that is on the screen. Is there  
25                   a counter-party above it or below it or number 1

1 and number 2?

2 1046 Q. No.

3 A. No, I don't remember hearing that.  
4 He may -- I can't speak to whether he told it to  
5 Gadi and Gadi told him that they told me. I can't  
6 speak to any of that. I don't remember this.

7 I also was by then -- and you are  
8 talking December. By December I was discounting  
9 and skeptical. I was discounting most of what I  
10 was hearing, and I was skeptical about most of what  
11 I was hearing as well.

12 1047 Q. Okay. So let me turn to my last  
13 subject, which will take me just a few minutes, and  
14 take you right back to where we started, and I  
15 would ask Tanya, please, to pull up my tab 10.

16 So David, we are now on the 1 yard  
17 line.

18 MR. MOORE: Okay.

19 BY MR. THOMSON:

20 1048 Q. If I fall forward, I'm hitting the  
21 end zone. So here we are.

22 So, Mr. Glassman, I have already shown  
23 you a part of this document before. This was the  
24 presentation made at the Joint Annual Meeting of  
25 investors in Funds III and IV on April 4, 2017, and

1 the part I wanted to show you now is the last page  
2 of the tab, so at page 52.

3 And I'm interested in just a couple of  
4 these things. So am I right that Catalyst did from  
5 time to time provide investors with its guiding  
6 principles?

7 A. Yes.

8 1049 Q. And if it helps you, and I'm happy  
9 to turn it up or not turn it up, but these guiding  
10 principles are also attached to all of the  
11 quarterly letters that were sent to investors on  
12 August 16th of 2017, but there is probably no need  
13 to turn that up.

14 I just wanted to show you a couple of  
15 these. So guiding principle 1 under the heading  
16 "Excellence", it says:

17 "Catalyst is a firm dedicated  
18 to the pursuit of excellence,  
19 adhering to the very highest  
20 standards of integrity. As a  
21 result, Catalyst embraces the fact  
22 that excellence is an ongoing and  
23 evolving process, and defined from  
24 our investors' perspective only. We  
25 at Catalyst are committed to

1                   continually preserving, pursuing and  
2                   building upon this dedication to  
3                   excellence, which by our definition  
4                   includes the pursuit of the highest  
5                   standards of integrity, in all that  
6                   we do. On behalf of our investors,  
7                   Catalyst's culture of excellence is  
8                   both our mandate and our mission."

9                   So that was a statement you made to  
10                  investors from time to time to signify to them the  
11                  way in which Catalyst carried on business; correct?

12                  A.     Yes.

13     1050            Q.     And then if we look at principle 6  
14                  under the heading "Reputation", it says:

15                         "Our reputation is at the heart  
16                         of our business. The quality of our  
17                         people, the work we do, and our  
18                         dedication to excellence and  
19                         integrity are paramount to our  
20                         reputation. We will hold ourselves  
21                         up to the highest levels of  
22                         integrity and ethical standards, and  
23                         instill pride in the Catalyst name.  
24                         We will lead by example, treating  
25                         our team members, our investors and



1 all of our stakeholders with the  
2 utmost respect. Our reputation for  
3 excellence is and will continue to  
4 be our greatest asset."

5 And again, another statement of  
6 principle that Catalyst made from time to time in  
7 its communication with its investors; correct?

8 A. Yes.

9 1051 Q. And I take it you would agree that  
10 Catalyst's reputation, the reputation for proper  
11 and ethical business conduct, was in fact  
12 fundamental to the success of its business; is that  
13 fair to say?

14 A. I believe it was, and I believe it  
15 was damaged by your client and others, including  
16 all of the members of the Wolfpack, unfairly.

17 1052 Q. Would you accept this, that  
18 investors that invested in the funds of Catalyst  
19 were generally sophisticated investors who had any  
20 number of choices available to them as to who to  
21 entrust their funds with; is that fair to say?

22 A. I'm sorry, can you ask the  
23 question again? I didn't follow the question.

24 1053 Q. Sure. All right, let me take it  
25 in smaller bite-sized chunks. Many of the

1 investors that invested in the funds of Catalyst  
2 were sophisticated investors?

3 A. They still are sophisticated.

4 1054 Q. And they were investors that had  
5 any number of choices available to them as to who  
6 to entrust their funds with; correct?

7 A. Sure, true.

8 1055 Q. And fair to say this, that you  
9 were aware that if Catalyst's reputation for  
10 honesty and integrity and proper business conduct  
11 were to become impaired, that could well drive  
12 investors away from entrusting their funds with  
13 Catalyst?

14 A. I'm sorry, I just got an email on  
15 the top of the screen that I don't think was  
16 supposed to be for me and it distracted me. It was  
17 for Maura about a factum. Can you repeat the  
18 question?

19 1056 Q. Okay. You would have been well  
20 aware that if Catalyst's reputation for honesty,  
21 integrity and proper business conduct were to  
22 become impaired, that could well drive investors  
23 away from entrusting their funds to Catalyst;  
24 correct?

25 A. Sure, yes.

1 1057 Q. And rather than invest their funds  
2 with an investment manager that had been targeted  
3 with allegations of wrongdoing and corruption and  
4 unethical conduct, investors might well prefer to  
5 invest their funds with an investment manager that  
6 enjoyed an unblemished reputation for honesty and  
7 integrity and proper business conduct? It's a  
8 pretty straightforward choice; correct?

9 A. Well, that was at the heart of the  
10 Wolfpack strategy of filing false whistleblowing  
11 complaints and then handing them to the press in  
12 which your client now appears to have been involved  
13 with The Wall Street Journal. So you don't need me  
14 to confirm it. Your own client's conduct showed  
15 that it was trying to destroy it.

16 1058 Q. That is helpful, but you would  
17 agree with my proposition, would you not, that  
18 investors have choices --

19 A. I would agree that it's --

20 1059 Q. I'm sorry, you go ahead.

21 A. I would agree that it is not only  
22 true; it is at the heart of what your client and  
23 others tried to do and may have succeeded  
24 permanently in doing.

25 1060 Q. Okay.

1 A. Unfairly and untruthfully.

2 1061 Q. And just as enjoying an  
3 unblemished reputation for honesty and integrity  
4 and proper business conduct was important to  
5 Catalyst, you would accept that enjoying the same  
6 reputation was also important to West Face? Would  
7 you accept that?

8 A. If they had earned it, of course  
9 it would be important.

10 1062 Q. All right.

11 A. Cherry-picking returns to the SEC  
12 is probably not at the top of that list.

13 1063 Q. And again, Mr. Glassman, you are  
14 just here to answer my questions, not to make  
15 speeches. So try to stick to my questions.

16 Do you accept that it was fundamental  
17 to the ability of West Face to succeed in this  
18 business, succeed in attracting and keeping its  
19 investors, to enjoy an unblemished reputation for  
20 honesty and integrity and proper business conduct?  
21 Do you accept that?

22 A. I would accept that anybody that  
23 manages money it would be critical. The fact that  
24 it is more critical in a private equity fund, as we  
25 are structured, than as a hedge fund, as West Face

1 was structured, generally.

2 1064 Q. And would you accept this, that in  
3 the period from roughly June of 2014 onwards,  
4 Catalyst made very serious allegations of  
5 misconduct against West Face and did so repeatedly,  
6 including in highly public lawsuits? Do you accept  
7 that?

8 A. I accept that we made factual  
9 statements in good faith which have turned out to  
10 be correct.

11 1065 Q. Well, to be crystal clear, the  
12 factual statements in good faith were allegations  
13 of very serious misconduct, including, by way of  
14 example, improper and unethical conduct in the  
15 Moyse action for misusing confidential information  
16 that was alleged to have been provided to West Face  
17 by Mr. Moyse? That was one allegation; correct?

18 A. Have you not read Justice  
19 Lederer's decision where he takes issue with the  
20 ethics and the honesty of your client to constantly  
21 be --

22 1066 Q. Do you mean the interlocutory  
23 decision on the interlocutory judgment application  
24 made by Justice Lederer in the absence of a trial?  
25 Is that the one you are referring to?

1                   A.    Is that not a decision by Justice  
2                   Lederer?

3    1067            Q.    And you understand the Moyse  
4                   action actually went to trial in front of Justice  
5                   Newbould over six or seven or eight days about a  
6                   year and a half after the interlocutory decision of  
7                   Justice Lederer?  Were you not aware of that?

8                   A.    I am aware of the fact that  
9                   Mr. Newbould disregarded Mr. Lederer's -- Justice  
10                  Lederer's findings, which is troubling.

11   1068            Q.    And of course, you testified at  
12                  trial in the Moyse action, didn't you?

13                  A.    I did.

14   1069            Q.    And I cross-examined you at that  
15                  trial, did I not?

16                  A.    You did.

17   1070            Q.    And you would be aware that  
18                  Justice Newbould looked into the whites of your  
19                  eyes and made very serious findings of credibility  
20                  against you in that case, didn't he?

21                  A.    He did.  It doesn't mean he is  
22                  right.

23                  MR. THOMSON:  Those, sir, are all of my  
24                  questions, and I thank you for your patience and  
25                  for your time.

1                   And I believe, David, that Mr. Levitt  
2                   may have a few minutes of questions.

3                   MR. MOORE:   And what about Mr. Baumann,  
4                   do we know?

5                   MR. THOMSON:  I don't know.  Is Mr.  
6                   Levitt on the phone?

7                   MR. MOORE:  Yes, let's take a break.

8                   [DISCUSSION OFF THE RECORD.]

9                   -- RECESSED AT 4:00 P.M.

10                  -- RESUMED AT 4:10 P.M.

11                  CROSS-EXAMINATION BY MR. BAUMANN:

12   1071            Q.    Okay.  Mr. Glassman, give me a  
13                    second.  I just want to have a look at you while we  
14                    are talking here.  There we go.  Nice to meet you  
15                    again, sir.

16                   A.    Hi there.

17   1072            Q.    You recall we did meet at your  
18                    office in March of '14; correct?

19                   A.    I do.

20   1073            Q.    Okay.  Good.  Mr. Glassman, the  
21                    first material my assistant has up is an article  
22                    relating to Callidus back in April 28 of 2015.  My  
23                    assistant is going to scroll to the relevant  
24                    section which she has highlighted for your  
25                    convenience.  In the middle of that, Mr. Glassman,

1 right directly in the middle of the second  
2 sentence, it refers to "special sauce". Can you  
3 please explain your special sauce and proprietary  
4 system that you deployed in your business?

5 MR. MOORE: I don't see how that is  
6 relevant to anything, nor do I see how that  
7 questioning can be answered in the way in which it  
8 has been put. So I am going to register my  
9 objection to that.

10 But, Mr. Glassman, if you can answer it  
11 as best you can, go ahead.

12 THE DEPONENT: Well, we believed at the  
13 time that we had a unique approach to evaluating  
14 credit for companies that were in trouble and  
15 protecting for the downside.

16 BY MR. BAUMANN:

17 1074 Q. Okay. Would you agree that that  
18 special sauce --

19 A. Excuse me. Sorry. Assuming our  
20 borrowers were honest with us.

21 1075 Q. Would you agree that that special  
22 sauce would include controlling borrowers'  
23 receivables and funds in order to take over the  
24 businesses?

25 A. I don't believe that is an



1 accurate statement. We didn't control borrowers'  
2 receivables. We created what is known as a  
3 lockbox. There is a difference.

4 1076 Q. But all the borrowers' funds had  
5 to go in the lockbox and then Callidus would  
6 determine the allowance they would give the  
7 borrower; correct?

8 A. No, that is not actually accurate  
9 either.

10 1077 Q. And why so?

11 A. Callidus would determine if it is  
12 in accordance with the loan document and what was  
13 undertaken by the borrower and whether it  
14 qualified.

15 1078 Q. So you could give less if you  
16 wanted to give less?

17 A. It is not about whether we wanted  
18 to give less. It is whether it would qualify under  
19 the loan documentation that you and other borrowers  
20 freely signed and knew going into the agreement.

21 1079 Q. Well --

22 MR. MOORE: I register my objection,  
23 but I want to get through this.

24 MR. BAUMANN: Yeah, we have got time.  
25 I have time yet, so --

1 MR. MOORE: Oh, no, we don't have  
2 unlimited time, okay. I think these questions, I  
3 am going to object, but I'll allow the witness to  
4 briefly answer these questions depending on how far  
5 they go.

6 BY MR. BAUMANN:

7 1080 Q. So, Mr. Glassman, all of the  
8 borrowers within this claim, they had sworn under  
9 oath that Callidus withheld funds improperly in  
10 order to oppress the borrowers and take over their  
11 businesses.

12 MR. MOORE: Is that a statement or a  
13 question?

14 BY MR. BAUMANN:

15 1081 Q. Is it a coincidence that all  
16 borrowers claim the same thing, or are they lying,  
17 Mr. Glassman? Is it a coincidence? Did you  
18 withhold funds from borrowers purposefully so you  
19 could oppress them in order to take a yield  
20 enhancement; yes or no?

21 A. No, that is not accurate.

22 1082 Q. So of all the borrowing bases that  
23 were denied by Callidus from borrowers, they were  
24 just coincidental then? All the borrowers --

25 MR. MOORE: That is -- hold it. That

1 is such a broad question. These are issues you  
2 raised in Alberta. Again, it is an impossible  
3 question in its breadth, and the underlying premise  
4 is not a proper foundation for the question.

5 Having said that, to get through this,  
6 Mr. Glassman, if you think you can answer that  
7 question succinctly, go ahead.

8 THE DEPONENT: My understanding is that  
9 proposition was put before a court in Alberta for  
10 Mr. Baumann, and it had already ruled against him.

11 BY MR. BAUMANN:

12 1083 Q. What do you mean against me? I  
13 beat your summary judgment attempt and its appeal  
14 and received an endorsement, and you won't go  
15 forward to trial.

16 MR. MOORE: Let's not argue. Let's not  
17 argue. The record is what the record is.

18 BY MR. BAUMANN:

19 1084 Q. Let's carry on. Do you consider  
20 it -- would it be advantageous for Callidus to  
21 oppress borrowers in order to obtain yield  
22 enhancements; yes or no?

23 A. Mr. Baumann, did you or did you  
24 not admit to stealing \$1.2 million from Callidus?

25 1085 Q. No, I took my own receivables that

1 I was allowed to draw on, which Callidus would not  
2 give me my own money, and I put them in a bank  
3 account and paid bills, like the company should  
4 have had they had an honest borrower -- or sorry,  
5 lender.

6 MR. MOORE: Gentlemen, we are not going  
7 to go down -- stop, stop.

8 MR. BAUMANN: That is for another  
9 case --

10 MR. MOORE: Stop, stop, stop. We are  
11 not going to go down a road of back and forth  
12 ping-pong of arguing and debating. If you have a  
13 question, Mr. Baumann, put the question. Don't  
14 express these conclusions that are your views of  
15 what happened and which you know have been  
16 contested and are very much in dispute and/or  
17 decided.

18 So let's stick to the questions. I am  
19 objecting generally to this line of questioning,  
20 but it takes me longer to object and debate it than  
21 it does to deal with it succinctly. So my silence  
22 for any given question is not meant to be  
23 acquiescence with the validity of the question.  
24 Let's just get on with it. But stop the statement  
25 of conclusions which you know are all very much in

1 dispute.

2 BY MR. BAUMANN:

3 1086 Q. And you do the same, please. Two  
4 years of attempting to go to trial, you call that a  
5 conclusion? Anyways, the next question.

6 Would you agree, Mr. Glassman, that  
7 upon Callidus going public, the special sauce was  
8 not used, but within all of the literature and  
9 press releases, they touted proprietary procedures  
10 quite a bit? Do you recall that within your  
11 literature and your press releases, talking about  
12 your proprietary procedures?

13 A. I'm sorry, there were three  
14 questions there. I don't know which question you  
15 are asking me.

16 1087 Q. Okay. You used proprietary  
17 procedures within your press releases quite a bit;  
18 correct?

19 A. I have no idea. I assume we did.

20 1088 Q. Okay. We are going to  
21 fast-forward to the yield enhancement, where yield  
22 enhancements first surfaced on August 27th. That  
23 is the date of your yield enhancement here.

24 MR. MOORE: So now, are you-- sorry.  
25 I'm just trying to keep the record -- are we

1 finished with this first document, the one that  
2 had the --

3 MR. BAUMANN: Yes, we're done with  
4 that.

5 MR. MOORE: -- the headline?

6 MR. BAUMANN: Yes.

7 MR. MOORE: So are we going to mark  
8 that as an exhibit, or how do you intend to  
9 proceed?

10 MR. BAUMANN: Yes, that is my first  
11 exhibit, 701 -- or 700, sorry.

12 [Court reporter intervenes for  
13 clarification.]

14 MR. BAUMANN: This is Callidus' --  
15 right now, it is Callidus' Q1 2016 earnings call  
16 dated August --

17 MR. MOORE: Deana, what I was referring  
18 to is the first document that the witness -- or  
19 that Mr. Baumann was referring to, and that is the  
20 document with 700 in the upper, right-hand corner.  
21 It is a Financial Post document "Catalyst Capital  
22 Group Inc may take Callidus Capital Corp private  
23 [...]". That is what I was referring to as the  
24 first document, just so we have it marked on the  
25 record. I guess whether it is marked or for

1 identification, it doesn't really matter. That is  
2 the first exhibit, as I understand it.

3 MR. BAUMANN: Yes.

4 EXHIBIT NO. 2: Document entitled  
5 "Catalyst Capital Group Inc may take  
6 Callidus Capital Corp private as short  
7 sellers sink shares".

8 MR. MOORE: And now we are going to  
9 another document.

10 MR. BAUMANN: Yes. The second one is  
11 the Callidus Q2 2016 earnings call transcript.

12 MR. MOORE: Go ahead.

13 BY MR. BAUMANN:

14 1089 Q. So, Mr. Glassman, would you agree  
15 that the first mention of yield enhancements  
16 surfaced within this document?

17 A. I have no idea.

18 1090 Q. Okay. I'll point you to it. Page  
19 3 and 4 of that document. If you could look at the  
20 highlighted section.

21 A. That doesn't prove it was the  
22 first time it was discussed. It does prove that it  
23 must have been discussed before that if it is  
24 already in the National Bank valuation.

25 1091 Q. Yeah, I cannot find anything

1 public prior to this.

2 So on the first line there, up top  
3 there, sorry, on the end of page 3:

4 "We have stated many times that  
5 we deal in a market segment where  
6 our clients often go through  
7 structural changes. As a result, it  
8 is not uncommon for our clients to  
9 need or desire changes through the  
10 original deal [...]. When such  
11 changes, known as accommodations,  
12 are requested or needed, Callidus  
13 may accommodate to borrow and  
14 exchange for a change in the  
15 economic relationship."

16 Can you please explain that to me,  
17 Mr. Glassman?

18 A. Callidus, like virtually every  
19 lender, certainly every lender I know about,  
20 charges a borrower when there is a requested and/or  
21 granted change to the underlying document. Go look  
22 at all the bank reports. When people get either a  
23 forbearance agreement, a waiver, they get what is  
24 known as a forbearance fee or a waiver fee or an  
25 amendment fee.



1 Pull up -- during the pandemic, go pull  
2 up any publicly traded bond, and you will see, in  
3 accordance with any amendment required, the lender  
4 has charged the borrower a fee for that amendment,  
5 and it ranges in value depending on how serious the  
6 requested change is.

7 1092

8 Q. Banks do not normally own  
9 percentages of businesses. They may make an  
10 accommodation for a fee, but they don't enter into  
11 an agreement to get a percentage of the company.  
12 So being that you have these accommodations to  
13 speak of, yield enhancement agreements and  
14 so-called accommodations, where within Callidus'  
15 disclosure are these so-called agreements? There  
16 is nothing to do with yield enhancements --

17 MR. MOORE: Just a minute. Time out.  
18 Callidus continuous disclosure on SEDAR and  
19 elsewhere runs probably hundreds, if not thousands,  
20 of documents. So to ask a question like that in  
21 respect of a cross-examination or an examination on  
22 a SLAPP motion, A, the question in any context  
23 would be impossible to answer, but especially in  
24 this context.

25 R/F So are you really asking -- if you are  
asking Mr. Glassman to tell you where in all of the

1 continuous disclosure documents filed there is  
2 reference to this subject, that is not a sensible  
3 or reasonable question in my view.

4 MR. BAUMANN: I disagree with that,  
5 David. This is the nuts and bolts of this case, is  
6 the yield enhancements. Had it not been for the  
7 yield enhancement, you wouldn't have squeezed the  
8 borrowers in order to take their businesses. There  
9 never would have been a report. There never would  
10 have been a questioning of the market on Callidus.

11 So, Darla, if you can take me to where  
12 Mr. Glassman discussed this. We now have seven  
13 loans with accommodations and three more in the  
14 pipe.

15 MR. MOORE: Well, hold on. This is  
16 another document you are referring to.

17 MR. BAUMANN: No, it is the same  
18 document there.

19 MR. MOORE: Well, can you just go back  
20 up to the top? 701 you are referring to? Anyway,  
21 what is the question? What is the question?

22 BY MR. BAUMANN:

23 1093 Q. Mr. Glassman, you reference, we  
24 have seven loans with agreements presently and  
25 three more that we are working on.

1 A. I'm sorry, what do you want me to  
2 read, and what is the question?

3 1094 Q. It is the second paragraph:

4 "But at the end of the day, our  
5 shareholders come first."

6 Down from there, second sentence, we  
7 have seven accommodation agreements or yield  
8 enhancement agreements in Q2, and three more in the  
9 process.

10 MR. MOORE: That is what it says.

11 BY MR. BAUMANN:

12 1095 Q. Okay.

13 A. What is the question?

14 1096 Q. Where are the agreements relating  
15 to them? There has been no disclosure relating to  
16 yield enhancement agreements. You state within  
17 your transcripts yield enhancements are  
18 fundamentally and undeniably a major part of  
19 Callidus' business. So if they are the major part  
20 of your business, where are the agreements? Do  
21 they exist?

22 A. The agreements -- maybe you don't  
23 understand, so let me help you.

24 1097 Q. Help me.

25 A. When an agreement -- when a loan

1 is initially made by any lender, it has a document.  
2 That document governs the relationship between the  
3 borrower and the lender. When that document is  
4 requested to be amended or modified, that document  
5 remains in place, and the modification, if accepted  
6 by the lender, becomes part of that loan document,  
7 and that is why it is called, one of the reasons it  
8 is called, an accommodation.

9 The lender is accommodating a change at  
10 the request of the borrower. So it is not a new  
11 agreement. It is a modification to an existing  
12 agreement. That modification is documented by the  
13 lender. It has to be documented for a whole bunch  
14 of reasons, including when the lender,  
15 unfortunately, at times has to go and enforce its  
16 security. It has to have it. It makes sure it has  
17 it. That is what makes it an enforceable  
18 agreement.

19 1098 Q. Okay. Can I --

20 A. Every one of those modifications,  
21 the seven in Q2 that -- I'm assuming by the  
22 sentence I mean seven existed and three more were  
23 in process. When an accommodation or a  
24 modification is completed, then the documentation  
25 around it is part of the original loan document.

1 Sometimes it is a change inside the document.  
2 Sometimes it is added as an appendix to the  
3 agreement, but it becomes and is part of that  
4 original loan agreement typically.

5 1099 Q. Okay.

6 A. I have never seen it otherwise.  
7 Well, never is a long time, but I can't -- I don't  
8 remember ever seeing it otherwise.

9 1100 Q. So in your words, being that yield  
10 enhancements are unequivocally and undeniably a  
11 major part of the business such as Callidus, can I  
12 receive an undertaking to obtain them agreements?

13 R/F MR. MOORE: No. We have produced  
14 something like 170,000 documents in the loan files,  
15 and for the SLAPP motion, we are not going to go  
16 back and start fishing around through all those  
17 materials for yield enhancement agreements or  
18 amendments or whatever.

19 BY MR. BAUMANN:

20 1101 Q. Well, you better dust them off  
21 because me and many other people are going to be  
22 looking for them. That is the nuts of bolts of why  
23 we are all here today, so let's just carry on.

24 They do exist, I hope. You say they  
25 are even vetted by the auditor, so hopefully we'll

1 receive them from you or the auditors.

2 And one second.

3 Mr. Glassman, on page 9, you discuss a  
4 \$32 million yield enhancement.

5 MR. MOORE: There has been a ruling on  
6 this issue by Justice McEwen.

7 MR. BAUMANN: There is something  
8 elsewhere where I'm taking you on it.

9 MR. MOORE: No, just a minute. You  
10 have already brought a motion about this issue, and  
11 Justice McEwen ruled that that line of questioning  
12 was not necessary nor appropriate.

13 MR. BAUMANN: I'm just going to show  
14 you a little bit of deception in my opinion. So if  
15 you could please give me a minute, Darla is going  
16 to --

17 MR. MOORE: No, no. No, no, just a  
18 minute. You are asking -- or starting to try and  
19 ask questions about an area that the judge has  
20 already ruled are not proper areas of questioning.

21 MR. BAUMANN: You don't even know what  
22 I am asking.

23 MR. MOORE: Yeah, you started asking  
24 questions about the \$32 million horizontal yield  
25 enhancement.

1 MR. BAUMANN: Yes.

2 MR. MOORE: And that scenario where --  
3 it came up before Justice McEwen, and he ruled that  
4 that was not a proper area of inquiry on your own  
5 motion.

6 MR. BAUMANN: Did he state it was not a  
7 proper area of inquiry?

8 MR. MOORE: Yes, he did. Whether he  
9 used those exact words or not, he dismissed your  
10 motion insofar as it sought to obtain documents  
11 and/or ask questions about that topic is my  
12 understanding.

13 BY MR. BAUMANN:

14 1102 Q. Okay. So I'm just going to  
15 confirm a little bit of something, then we are  
16 going to jump to the last document and wrap this up  
17 real quick. So on the \$32 million - we'll discuss  
18 that briefly - you were talking right there Jamie  
19 Gloyn at the National Bank is asking you about a  
20 \$32 million gain, and you discuss it below.

21 MR. MOORE: Which document? Is this  
22 another document now? Is it 702?

23 MR. BAUMANN: This is the same  
24 document.

25 MR. MOORE: Okay. It is the same topic

1 that Justice McEwen has ruled questions need not be  
2 answered.

3 MR. BAUMANN: There is another question  
4 relating to this that just happens to be a bit  
5 relevant. That is all.

6 MR. MOORE: That happens to be what?

7 BY MR. BAUMANN:

8 1103 Q. Okay. So Mr. Riley testified that  
9 you obtained a \$32 million yield enhancement, and  
10 he testified it went directly into income. We can  
11 go back to his cross-examinations if you want.

12 So, Darla, can you take us to the PDVSA  
13 article.

14 MR. MOORE: You are stating what he  
15 said or didn't say. The record will indicate what  
16 he said or didn't. I don't know if he did or not.  
17 I don't have it in front of me. But what is your  
18 question? If it is a question about the 32 --

19 MR. BAUMANN: Okay --

20 MR. MOORE: Hold it. Let me finish.  
21 If it is a question about this same topic that  
22 Justice McEwen ruled need not be answered on your  
23 motion, then we are not going to go down that road.

24 BY MR. BAUMANN:

25 1104 Q. Mr. Glassman, was the \$32 million



1 gain that you discussed right here on the top  
2 paragraph, was that comment true or not?

3 MR. MOORE: Well, I am going to object  
4 to that question. You can answer that one  
5 question, and then we are going to move on to  
6 something else. What page are you on?

7 MR. BAUMANN: That is page 9.

8 MR. MOORE: Okay. And you are saying  
9 at the top of page 9, you want to know whether a  
10 certain statement was true?

11 MR. BAUMANN: Yeah. Mr. Glassman's  
12 comment, sorry, the middle paragraph. He is --

13 MR. MOORE: Let me know which one you  
14 are asking about so he can know what you are asking  
15 whether it is true or not.

16 MR. BAUMANN: I'm asking him if  
17 Mr. Glassman's comments relating to the \$32 million  
18 on the second and third paragraph, whether his  
19 comments are correct or not.

20 MR. MOORE: Well, when you say  
21 second -- I'm not trying to be difficult, second,  
22 what do you mean? The one that starts "One of the  
23 reasons [...]"; is that one of the paragraphs?

24 MR. BAUMANN: Yes.

25 MR. MOORE: And then the next paragraph

1 starts with "As a result [...]?"

2 MR. BAUMANN: Uhm-hmm.

3 MR. MOORE: So, Mr. Glassman, take a  
4 moment and read those two paragraphs, and despite  
5 the fact that I think that Justice McEwen has ruled  
6 against this area being appropriate to be asked  
7 about, Mr. Glassman, take a moment. Subject to  
8 that objection, read those two paragraphs and --

9 THE DEPONENT: No, the --

10 MR. MOORE: Let me finish.

11 THE DEPONENT: Somebody just moved it  
12 while I was trying to finish reading my answer.

13 MR. MOORE: Okay. So let's stick with  
14 those two paragraphs, and as I understand the  
15 question that is going to be forthcoming, is  
16 whether or not those two paragraphs are true or  
17 accurate.

18 So take a moment, and the paragraphs we  
19 are talking about are on page 9, and the  
20 paragraph --

21 THE DEPONENT: I have read the three  
22 paragraphs. At the time, I believe that statement  
23 was true, and I believe the answer was truthful at  
24 the time it was granted based on the --

25 MR. MOORE: We have got something on --

1 we have got something on the screen that is  
2 different than the paragraphs. This has to be done  
3 in an organized way so we know what we are talking  
4 about. I understood, Mr. Baumann, that your  
5 question related to the paragraphs on page 9 of the  
6 document that is number 701 that starts with -- the  
7 one paragraph starts with "One of the reasons  
8 [...]", which I don't see on the screen. Let's go  
9 back to what you are asking about -- or intending  
10 to ask about. It is not on the screen in front of  
11 us.

12 MR. BAUMANN: Darla?

13 DARLA: I need to know which document,  
14 Kevin.

15 MR. BAUMANN: The one you are on there.  
16 Just move it.

17 MR. MOORE: It is 701 in the upper,  
18 right-hand corner, and page 9 at the bottom, but  
19 this is not the same document, I don't think.

20 BY MR. BAUMANN:

21 1105 Q. Okay. Let's leave that there. So  
22 basically, Mr. Glassman --

23 MR. MOORE: No, no, hold it. Hold it.  
24 I don't want -- you are going to complain you  
25 weren't treated fairly. The document I was looking

1 at was the document dated August 27th, 2016, which  
2 has the number 701 in the upper, right-hand corner  
3 on the first page, and I was looking -- I  
4 understood that your question pertained to page 9  
5 in that document.

6 So let's just go slowly so we are not  
7 all looking at different documents.

8 MR. BAUMANN: And, sorry, what  
9 happened, Mr. Moore, is we jumped over to 702, the  
10 Q2 earnings call transcript.

11 MR. MOORE: Well, you jumped over to  
12 702. All right. So that is why I was reading the  
13 paragraphs out to make sure we understood and the  
14 witness could understand what paragraphs you are  
15 asking about.

16 So you are saying it is document 702  
17 now?

18 MR. BAUMANN: This is 702, right,  
19 Darla? 702 right now, page 9?

20 MR. MOORE: So you wanted to ask the  
21 witness were two paragraphs true. Which two are we  
22 talking about?

23 MR. BAUMANN: Relating to the \$32  
24 million, his reply relating to the \$32 million.

25 MR. MOORE: So which two paragraphs?

1 No, don't give me -- which specific two paragraphs?  
2 Are they the two that you have highlighted there  
3 now at the bottom of page 9?

4 MR. BAUMANN: Mr. Glassman's two  
5 comments right on the screen. Watch the screen,  
6 not your paper.

7 MR. MOORE: All right. So the one that  
8 starts "Some of that [...]"; and the second  
9 paragraph that says, "We are very supportive of  
10 them."

11 MR. BAUMANN: Yes.

12 MR. MOORE: Those are the two  
13 paragraphs we are talking about?

14 MR. BAUMANN: Yes.

15 MR. MOORE: All right. Now,  
16 Mr. Glassman, take a moment, read those two  
17 paragraphs, and I understand the question that is  
18 about to be forthcoming is are those paragraphs  
19 accurate, and subject to my objection about this  
20 whole line of questioning, take a read and then  
21 he'll answer.

22 THE DEPONENT: David, the question  
23 asked and answered already.

24 MR. MOORE: Well, we'll answer it  
25 again. It will be quicker.

1 THE DEPONENT: I believe the answer was  
2 truthful at the time, and I believe with the facts  
3 that we had at that time, yes, it was an honest  
4 answer.

5 MR. MOORE: All right. Thank you.

6 BY MR. BAUMANN:

7 1106 Q. Mr. Glassman, do you consider that  
8 knowing what you know now, that that comment would  
9 have been deceptive to the market or not?

10 A. I don't believe it was --

11 MR. MOORE: He has answered the  
12 question.

13 BY MR. BAUMANN:

14 1107 Q. Okay. No, David, please don't cut  
15 in. You don't think it would be deceptive at all?

16 MR. MOORE: No, no. No, no, no. He  
17 has answered the question about whether it was  
18 truthful at the time to the best of his knowledge,  
19 and he has answered yes. Let's move on.

20 MR. BAUMANN: No, I asked him another  
21 question.

22 R/F MR. MOORE: Well, I object to that  
23 question. What is your next question?

24 BY MR. BAUMANN:

25 1108 Q. He actually answered it. Darla,

1 please go to the PDVSA article, and we are going to  
2 wrap up here pretty quick, give David a few minutes  
3 with his client.

4 Mr. Glassman, you have seen the date of  
5 your earnings call transcript, which was August  
6 28th -- or sorry, August 12th, I think. This is  
7 the PDVSA article, right from PDVSA. It is dated  
8 September 22nd, '16, dated after your transcript of  
9 August 12th.

10 Let's go to the first paragraph, Darla,  
11 of page 3. Mr. Glassman, at the top -- at the top  
12 it is blanked out a little bit, but those words  
13 are:

14 "This integrated drilling  
15 services project is one of the most  
16 significant [...]"

17 And then it carries on from there. So  
18 where I am taking you is the details for the  
19 commercial terms, including the collection  
20 assurances mechanism, are still under negotiation.  
21 So do you read the highlighted section,  
22 Mr. Glassman?

23 A. I have read it.

24 1109 Q. So considering your earnings call  
25 transcript the prior month, you had no reason to be

1           boasting of a contract because you really didn't  
2           have a contract?

3                   A.    No, I don't think that is correct.

4    1110           Q.    Well, you had no assurance you  
5           would even be paid for the contract if you wanted  
6           to even participate in the contract; correct?

7                   A.    Well, I don't think you are  
8           reading that correctly either.

9    1111           Q.    So I guess it says:

10                           "Although the details for the  
11                           commercial terms including the  
12                           collections assurance mechanism are  
13                           still under negotiation [...]"

14                           So you wouldn't know whether you would  
15           be paid for the job or not?

16                   A.    No, I don't think that that's the  
17           correct factual basis either. I think you are  
18           making a mistake.

19    1112           Q.    You didn't in the previous month  
20           to be bold enough to throw that out on there on a  
21           multibillion dollar deal where you booked \$32  
22           million directly into revenue and smoked the  
23           market, you don't think this would -- you don't  
24           think that --

25                   MR. MOORE: We are not --



1 BY MR. BAUMANN:

2 1113 Q. Does this not read for what it  
3 says, or is PDVSA's article incorrect?

4 A. No, I don't think you understand  
5 or have all the facts, and I don't think -- I think  
6 you're mixing apples and oranges. And in  
7 particular, all you have to do is use the National  
8 Bank valuation, which obviously was around the same  
9 time, which valued the aggregate of the yield  
10 enhancement and came up with a value I think at  
11 that time of 50 cents to a dollar per share.

12 In addition, you are also confusing  
13 IFRS and non-IFRS measures. A yield enhancement is  
14 a non-IFRS measure.

15 1114 Q. It is still --

16 A. It is not --

17 1115 Q. It is still --

18 [Court Reporter intervenes for  
19 clarification.]

20 BY MR. BAUMANN:

21 1116 Q. So you don't think that was  
22 dangerous considering -- now seeing the PDVSA  
23 article to be boasting about a contract the prior  
24 month?

25 A. No, I do not agree with your

1 premise. I do not agree with what you are  
2 inferring, and I believe that you don't understand  
3 either the accounting, the mechanics, or the deal.

4 1117 Q. Well, you didn't even have the  
5 contract. You didn't even know you were going to  
6 get paid. So please fill me in.

7 A. I suggest that you go find out and  
8 get yourself on the difference between IFRS and  
9 non-IFRS measures, what is actually included in  
10 accounting, what is not, and that yield enhancement  
11 is a non-IFRS measure. And there is nothing more  
12 that I can add to this answer.

13 1118 Q. But yet it was taken directly into  
14 income as Mr. Riley stated?

15 A. Well, I think that whatever  
16 testimony Mr. Riley made, Mr. Riley will have to  
17 stand on that testimony.

18 1119 Q. Okay.

19 MR. MOORE: What is the next question?

20 BY MR. BAUMANN:

21 1120 Q. We'll carry on. Mr. Glassman, in  
22 total, your company booked \$300 million of yield  
23 enhancements that were later disallowed by the OSC?

24 MR. MOORE: That is such a preposterous  
25 question.

1 MR. BAUMANN: That --

2 MR. MOORE: Whoa, whoa.

3 MR. BAUMANN: We are on the anti-SLAPP  
4 here. I don't think --

5 MR. MOORE: If you -- just stating  
6 these conclusions which have no grounding  
7 whatsoever anywhere, so far as I'm aware. So if  
8 you have got a document that substantiates what you  
9 just said, bring it out and put it to the witness.  
10 But to say they booked \$300 million of yield  
11 enhancements that were disallowed by the Securities  
12 Commission, that is just patently completely  
13 inaccurate.

14 MR. BAUMANN: Well, I guess you haven't  
15 added all the press releases up, have you? That is  
16 what they total. They total \$300 million. The OSC  
17 made a ruling that you could not use yield  
18 enhancements.

19 MR. MOORE: The OSC made no such  
20 ruling.

21 THE DEPONENT: That is actually a  
22 factually misstatement as well.

23 BY MR. BAUMANN:

24 1121 Q. Really?

25 A. Yes.

1 1122 Q. So yield enhancements not being  
2 allowed going forward and forcing you to adjust  
3 your financials in the past, that wasn't relating  
4 to yield enhancements?

5 MR. MOORE: There was no adjustment to  
6 any financial statements in the past. Look it, you  
7 know, there is a limit to which I can sit back and  
8 tolerate questions that are completely contradicted  
9 by the record.

10 BY MR. BAUMANN:

11 1123 Q. I guess you'll have to read all  
12 your own press releases of all of the yield  
13 enhancements --

14 A. You will have to actually read  
15 properly. Nothing that you just said was  
16 actually --

17 MR. MOORE: Let's not argue.

18 BY MR. BAUMANN:

19 1124 Q. Mr. Glassman, this morning you  
20 mentioned that you have -- your company has a  
21 policy and has a ban on personal trading accounts;  
22 is that correct? I just want to reconfirm that.

23 MR. MOORE: I don't believe there was  
24 any discussion about that this morning, but anyway,  
25 what has that got to do with anything?

1 BY MR. BAUMANN:

2 1125 Q. Have you seen my whistleblower  
3 report that I filed, Mr. Glassman?

4 MR. MOORE: If you have it handy, put  
5 it in front of him and ask him a question about it  
6 if you want.

7 BY MR. BAUMANN:

8 1126 Q. Do you believe that any insiders  
9 of Callidus breached insider trading regulations  
10 relating to trading of Callidus shares coming up to  
11 the substantial issuer bid?

12 A. What?

13 MR. MOORE: You know, it is easier to  
14 let the witness -- do you believe insiders breached  
15 insider trading rules, Mr. Glassman, is the  
16 question. I object to it, but you can answer.

17 MR. BAUMANN: I don't have the  
18 whistleblower report with me, but perhaps you  
19 should read the insider trading reports. But it  
20 is --

21 [Court Reporter intervenes for  
22 clarification.]

23 BY MR. BAUMANN:

24 1127 Q. Mr. Glassman, I --

25 MR. MOORE: Just a minute, we are not

1 going to just skip from bouncing ball to bouncing  
2 ball to bouncing ball. I think that the question  
3 is so rooted in a false premise, but  
4 notwithstanding all that, the question that you  
5 just put to Mr. Glassman is whether he thought that  
6 insiders breached the insider rules or trading  
7 rules in connection with one of the issuer bids.

8 So it will take longer to debate it.  
9 Mr. Glassman, do you believe that anyone breached  
10 any of those rules?

11 THE DEPONENT: I do not believe at any  
12 time in the existence of Callidus did any insider  
13 ever violate any insider trading rules.

14 MR. MOORE: Okay. What is the next  
15 question.

16 BY MR. BAUMANN:

17 1128 Q. That is great. Thank you.

18 We are just about wrapped up here.  
19 Mr. Glassman, when parties are -- for example,  
20 myself as a borrower, when your company laid it on  
21 me as far as withholding funds, where you were  
22 contracted to provide to me in order to take over  
23 my business, and I communicated with parties to  
24 find other parties that the same thing had happened  
25 to, why do you consider that a conspiracy, sir?

1                   A.    Mr. Baumann, the record is  
2                   abundantly clear that you conspired with others for  
3                   an improper purpose.  It is not as simple as what  
4                   you just said.  It is not with the intent that you  
5                   just described.  And in your own emails and in your  
6                   own words, it is very clear that you had an  
7                   improper purpose and that you were acting in  
8                   concert with others.  That is -- that constitutes  
9                   the definition, as it is explained to me, of a  
10                  conspiracy for an improper purpose, including  
11                  market manipulation or malice.  And your emails are  
12                  very clear that you have both.

13                 MR. MOORE:  Gentlemen, we are not going  
14                 to get into a debate about what the conspiracy was  
15                 or wasn't.  The Court can decide that in due  
16                 course.  So --

17                 MR. BAUMANN:  Thanks for the speech,  
18                 Mr. Glassman.  Communicating in order to confirm is  
19                 not conspiring, so I'm going to leave it at that.

20                 MR. MOORE:  All right.

21                 MR. BAUMANN:  And I wish everyone the  
22                 best, and thank you for your time, and it is going  
23                 to be interesting.  Have a great day.

24                 [Discussion off the record re  
25                 marking exhibits.]

1 EXHIBIT NO. 3: Document entitled  
2 "Callidus Capital Corp. Q1 2016  
3 Earnings Call - 5/12/2016".

4 EXHIBIT NO. 4: Document entitled  
5 "Callidus Capital Corp. Q2 2016  
6 Earnings Call"

7 EXHIBIT NO. 5: Document entitled  
8 "PDVSA readies one of 'world's largest'  
9 oil drilling projects".

10 MR. MOORE: So I am going to take -- I  
11 have some questions of Mr. Glassman. We have some  
12 documents to send. I am going to take ten minutes  
13 just to review my notes and shorten this up,  
14 because I know Mr. Glassman has to be somewhere by  
15 5:30. So let's take a ten-minute break, and then  
16 we'll resume, and we'll go through the rest of the  
17 it very quickly.

18 MR. THOMSON: That is fine. Thank you.

19 MR. MOORE: Thank you.

20 -- RECESSED AT 4:51 P.M.

21 -- RESUMED AT 5:10 P.M.

22 RE-EXAMINATION BY MR. MOORE:

23 1129 Q. So Mr. Glassman, we have  
24 circulated it - and Deana, you are probably the  
25 most important, although other people should have



1           it at the same time - a list of documents. There  
2           are only 19 tabs. I am not going to refer to them  
3           all. And what I will do is, to the extent they are  
4           referred to -- as was arranged or agreed  
5           procedurally with Mr. Thomson, if documents are  
6           referred to, we'll take them out of this brief, and  
7           they will be part of a separate brief for the  
8           purposes of this examination record.

9                         And let me just remind everybody, at  
10           least from my perspective, this examination this is  
11           not a public document, nor are any of the exhibits  
12           public documents. They only become public, both  
13           the examination and any particular exhibits, if and  
14           when they are filed with the Court and as part of  
15           the record for the motion.

16                         So that is not where we are at at this  
17           juncture, at least from my perspective.

18                         So I am going to refer to some  
19           documents, Mr. Glassman. Just are you dialled back  
20           in all right?

21                         A. I am.

22   1130                         Q. All right. And can you see me and  
23           hear me properly?

24                         A. I can see you, and I can hear you  
25           properly.

1           1131                   Q.    All right.  Fine.  So I am going  
2                                   to refer to several documents here, largely to make  
3                                   sure that they are available if need be for the  
4                                   purposes of the upcoming motions.  I'm not going to  
5                                   go through the documents at any length.  These are  
6                                   documents that may or may not be necessary for the  
7                                   motions.  I just want them as part of the record in  
8                                   case they are necessary.  As I say, they are not  
9                                   being filed at this juncture.

10   And there may be a bit of overlap in  
11                                   terms of some of the documents that Mr. Thomson was  
12                                   referring to, and I will just start with the first  
13                                   document.  Could I ask Mr. Jones to bring up on the  
14                                   screen the first page of the first document that is  
15                                   under tab 1.  It is Newton Glassman affidavit,  
16                                   November 24, 2020.  And this may be an overlap.  I  
17                                   am not sure.  But I just wanted to make sure that  
18                                   this affidavit is available if necessary for the  
19                                   motion.

20   MR. THOMSON:  It will be, David.  It  
21                                   will be part of my cross-examination brief.

22   BY MR. MOORE:

23           1132                   Q.    All right.  So, Mr. Glassman, I'll  
24                                   move through this very quickly.

25   Can you just scroll down so we can see

1           what it is? And then could you go to the end where  
2           Mr. Glassman's signature appears, Mr. Jones.

3                       And, Mr. Glassman, you'll see that is  
4           page 22. Do you recognize -- is that your  
5           signature?

6                       A.    I do.

7    1133               Q.    And do you remember swearing -- or  
8           having an affidavit affirmed on November 24th,  
9           2020?

10                      A.    I don't remember the exact date,  
11           but I remember having it affirmed.

12   1134               Q.    All right. And was that affidavit  
13           accurate and truthful to the best of your  
14           knowledge?

15                      A.    Assuming nothing has been modified  
16           in it or slip-paged, yes, it is accurate to the  
17           best of my knowledge.

18   1135               Q.    All right. So let's move on to  
19           the second tab in the materials that I circulated,  
20           and, Mr. Jones, if you could just scroll down.  
21           This is an affidavit of Brian Greenspan. And I am  
22           not going to take you there because I'm trying to  
23           get through this quickly. This was alluded to in  
24           your November 24th affidavit. Do you remember  
25           previously seeing Mr. Greenspan's affidavit?

1 A. I do.

2 1136 Q. All right. And was this one of  
3 the documents you referred to in your November 24  
4 affidavit?

5 A. I believe it is.

6 1137 Q. All right. Then let's -- again, I  
7 just want to make sure this is available for the  
8 purposes of the record if need be, but it is not  
9 part of the record, at least the public record  
10 right now.

11 The next document at tab 3 is a letter  
12 from Brian Greenspan dated November 29, 2017. Do  
13 you have that document in front of you,  
14 Mr. Glassman?

15 A. I do, sir.

16 1138 Q. And who is it addressed to?

17 A. Matthew Milne-Smith at Davies Ward  
18 Phillips & Vineberg.

19 1139 Q. And that appear to be in response  
20 to a letter that is alluded to there?

21 A. It is. I have read this letter  
22 before.

23 1140 Q. All right. So you recognize this  
24 letter?

25 A. I do.

1 1141 Q. All right. And that was one of  
2 the letters that was being exchanged back at the  
3 time when the decision was made not to seek to  
4 adduce fresh evidence in the Court of Appeal?

5 A. That is my understanding.

6 1142 Q. All right. Let's move to the next  
7 document. Scroll down, and we'll show you what  
8 this is. Can you just indicate -- or read what  
9 that is, Mr. Glassman? I am not sure if you have  
10 seen this or, if you have, not lately.

11 A. I have not seen it, certainly not  
12 lately. It appears to be a factum for a motion to  
13 strike in an action between Catalyst and what we  
14 colloquially refer to as the Wolfpack.

15 1143 Q. All right.

16 A. And in the counterclaim between  
17 West Face and Catalyst and the Catalyst Group.

18 1144 Q. And can you just --

19 A. As well as others.

20 1145 Q. -- slow down, sorry, Mr. Jones, to  
21 page 24 of this document. And could you identify  
22 what the date of the document is?

23 A. June 14th, 2018.

24 1146 Q. All right. And that was submitted  
25 on behalf of the Catalyst Defendants back at that

1 time?

2 A. The Plaintiffs or Defendants. It  
3 is a joint action.

4 1147 Q. Yes. That is fine. And could I  
5 just take you back to a previous section of this  
6 document. Sorry, just give me a minute.

7 At page 3 of the document, paragraph 7,  
8 can I draw your attention to that, subparagraph  
9 (2).

10 A. I think you scrolled past it.

11 1148 Q. No, paragraph 7. Right there.  
12 Leave it there.

13 A. Oh, yeah, sorry.

14 1149 Q. Do you see paragraph 7 --

15 A. What do you want me to do?

16 1150 Q. It refers to Appendix B as "an  
17 annotated colour coded copy of the ACC". That is  
18 the amended counterclaim.

19 A. Yes.

20 1151 Q. And then it says what Appendix B  
21 identifies; do you see that?

22 A. Yes.

23 1152 Q. And subsection (2) of this  
24 paragraph refers to references where there is  
25 Justice Newbould identified in the counterclaim; do

1           you see that?

2                   A.    I do.

3    1153           Q.    All right.

4                   A.    Apparently there is 104 references  
5           numbered in the margin of Appendix B.

6                            "53 of these numbered  
7           references relate to allegations  
8           involving the 'Black Cube Campaign,'  
9           and are underscored in the margin of  
10          Appendix B.  They include numerous  
11          allegations regarding causes or  
12          potential causes of action-if they  
13          exist-that would belong to Justice  
14          Newbould."

15   1154           Q.    All right.  And if I could take  
16          you to tab 5.  I'll move on from this document now.

17                   A.    Okay.

18   1155           Q.    Actually, tab 5 starts with  
19          Appendix A.  You can forget about the first two  
20          pages of this.  I won't be including those in what  
21          I am going to extract, but you'll there's a tab B.  
22          This is appendix B.

23                   A.    Yes.

24   1156           Q.    And I am not going to go through  
25          it all, but this is the colour-coded version

1 referred to in the factum?

2 A. Okay.

3 1157 Q. I don't think there is any dispute  
4 about that. I just want to make sure the documents  
5 are available in case they are needed.

6 A. Yes.

7 1158 Q. All right. And the next, tab 6,  
8 can you identify -- turn to that, tab 6, in the --  
9 Mr. Jones, if you could put that up on the screen.

10 MR. JONES: Tab 6 is now on the screen.

11 BY MR. MOORE:

12 1159 Q. All right. Thank you. And can  
13 you just scroll down a bit so the witness can see  
14 what that is. Can you read what that document is,  
15 Mr. Glassman?

16 A. It is a Fourth Fresh as Amended  
17 Statement of Defence and Counterclaim of West Face  
18 and Gregory Boland.

19 1160 Q. And can you go back to the top.  
20 Sorry. What is the date there?

21 A. The date? The date is October --

22 1161 Q. In the left-hand corner?

23 A. -- October 1st, 2019.

24 1162 Q. All right. I don't think there is  
25 any dispute about this, but this is, to my



1 understanding, the most up-to-date version of the  
2 Statement of Defence and Counterclaim that West  
3 Face has delivered in these proceedings.

4 MR. THOMSON: Yes, if there is an issue  
5 with that, David, we'll let you know. I have lost  
6 track of this.

7 MR. MOORE: Clearly if I have got some  
8 of these document references wrong -- I'm not  
9 intending to create any controversy here, but if I  
10 have got something wrong, Kent, you can let me  
11 know.

12 MR. THOMSON: Yeah. Well somebody on  
13 my team surely can.

14 MR. MOORE: Yeah, somebody. Fair  
15 enough, fair enough.

16 MR. THOMSON: Okay. Yes, no worries.  
17 That is fine.

18 BY MR. MOORE:

19 1163 Q. And --

20 A. Hello?

21 1164 Q. I am going to skip a couple of  
22 documents now, and I am going to ask you to go to  
23 item -- Mr. Jones, go to item 10 on this list of  
24 documents.

25 All right. Now, Mr. Glassman, you know

1 that certain motions were argued over the course of  
2 three days in December before Justice Boswell  
3 relating to some privilege issues?

4 A. I understand that.

5 1165 Q. All right. And can you just  
6 describe what this document is, as it appears from  
7 the heading?

8 A. This appears to be a Brief of  
9 Privileged Materials Submitted By The Catalyst  
10 Defendants By Counterclaim, Volume 1 of 2.

11 1166 Q. All right. And if you could just  
12 scroll down -- there is no dispute about this.  
13 This was one of the -- or the brief that was filed  
14 on a confidential basis for the purposes of review  
15 by the Court during the course of the argument of  
16 those motions. And can I ask you to identify items  
17 12 and 13, which were then -- we were arguing were  
18 privileged and were subject to privilege?

19 A. Item 12 is the "Transcript of an  
20 audio recording - F. Newbould #1", and number 13 is  
21 "Transcript of an audio recording - F. Newbould  
22 #2".

23 1167 Q. And short form, is that -- to your  
24 knowledge, is that referring to the tape or tapes  
25 that was referred to during your examination

1 earlier today?

2 A. I presume they are. If they are  
3 not, they should be.

4 1168 Q. All right. Well, that is what  
5 they are, that Mr. Thomson was asking you about and  
6 asking you questions of what they showed or didn't  
7 show in connection, for example, with Mr. Lisus.  
8 I'm not asking you to get into any details  
9 whatsoever or offer any commentary about those  
10 documents. They are attached under this number 10  
11 item, and they are not on the public record now,  
12 but they'll be available, if necessary, for use, if  
13 any more arguments are made during the motions.

14 So that is number 10.

15 Let me ask you this. Let's go to the  
16 next page. I am not going to go through the  
17 transcripts at all. And that is meeting number 1,  
18 and I am not going to go through them all. Let me  
19 ask you this. Did you make a decision or did  
20 Catalyst make a decision in late November or early  
21 December of 2017 whether or not to seek to file  
22 these materials with the Court of Appeal?

23 A. Yes, we did.

24 1169 Q. And when was that decision?

25 A. The decision was to not submit

1           them to the Court of Appeal at that time.

2           1170                   Q.    And since that time, has Catalyst  
3           published these transcripts in any way so far as  
4           you are aware?

5                           A.    Not only has Catalyst not  
6           published them, I have given direct orders not to  
7           publish them.

8           1171                   Q.    All right.  And do you know  
9           whether any quotes or parts of the tapes have been  
10          placed on the public court record by any other  
11          means?  Do you know whether that has happened, not  
12          by Catalyst but by anyone else?

13                          A.    I am led to believe by counsel  
14          that in fact none has, and on our side, it has been  
15          intentional that none have been in the public  
16          domain yet.

17          1172                   Q.    All right.  Well, whether they are  
18          in the public domain yet or not at Catalyst, since  
19          you have answered that question, can I take you  
20          back to number 8.  And scroll down.  What is that?

21                          A.    That is an affidavit of Phil Panet  
22          affirmed on October 28, 2020.

23          1173                   Q.    And --

24                          A.    I'm assuming I'm pronouncing his  
25          name correctly.  If not, I apologize.

1 1174 Q. And the contents of this segment  
2 of the documents has the first two pages and then  
3 pages - if you could just scroll down, Mr. Jones -  
4 82, I believe it is to 91, just to make sure that  
5 we have that segment there. And can you just --  
6 I'm not going to take you through it all. It  
7 refers to a case conference that occurred in  
8 January 2020.

9 But just go back to page 90. Just slow  
10 down. I want to just make sure that Exhibit 98 is  
11 referred to in this segment. I believe it is.  
12 Okay, just bear with me for a second.

13 Yes. Could you go to page 89 of this  
14 document at the top, and you will see paragraph 245  
15 refers to the case conference.

16 A. Yes.

17 1175 Q. And immediately before paragraph  
18 245, it refers to Exhibit 98; do you see that that?

19 A. Sorry, what paragraph? I think  
20 your numbering of the --

21 1176 Q. Do you see above that paragraph,  
22 there is reference to Exhibit 98?

23 A. Yes, I see that.

24 1177 Q. And what is that described as  
25 being?

1                   A.    The individual:  
2                   " [...] requested that  
3                   Donaldsons return to the Toronto  
4                   Court Office to retrieve a complete  
5                   copy of that Compendium as it  
6                   existed in the public Court File at  
7                   that time, and they did so.  A  
8                   complete copy of the Case Conference  
9                   Compendium..."

10                  [Court Reporter intervenes for  
11                  clarification.]

12   1178            Q.    So I just want to make sure the  
13                   right documents are in the book.  Whether they end  
14                   up being filed on this motion or not is an open  
15                   question at the moment, but just to be sure that  
16                   document 98 is part of this tab.  Do you see that?  
17                   I'm not going to go through it all.  I just want to  
18                   identify what it is.  Do you see that,  
19                   Mr. Glassman?

20                   A.    "This is Exhibit '98' referred to  
21                   in the Affidavit of Philip Panet  
22                   affirmed October 28, 2020, Commissioner  
23                   for Taking Affidavits, Maura  
24                   O'Sullivan, LSO #77098R."

25   1179            Q.    All right.  Now, you are aware of

1 the fact that Catalyst sought -- I am not going to  
2 mark the decision of Justice Boswell. It is in  
3 this -- well, it is going to be part of the record.  
4 Kent, I'm sure that decision is going to be  
5 referred to during the motion.

6 MR. THOMSON: Oh, I am sure, yeah.  
7 Don't worry about it. It is an authority.

8 BY MR. MOORE:

9 1180 Q. I don't need to put that in. So I  
10 want to go to number 11 in this book of documents,  
11 and before I do, Mr. Glassman, I take it you are  
12 familiar with the fact that Catalyst sought  
13 permission to appeal the decision of Justice  
14 Boswell to the Ontario Divisional Court, but that  
15 application for permission was denied; are you  
16 familiar with that?

17 A. I am.

18 1181 Q. All right. And this is the letter  
19 by which the documents ordered disclosed by Justice  
20 Boswell were circulated. Do you see -- what is the  
21 date of the letter?

22 A. March 29th, 2021.

23 1182 Q. All right. Just a moment. And if  
24 you go to the third page of that letter, and you  
25 will see it is referring to the documents required

1 to be produced pursuant to Justice Boswell's order;  
2 do you see that?

3 A. I do.

4 1183 Q. And just to speed this up, I will  
5 go a little further along, it says:

6 "All of these documents are  
7 productions in this proceeding and  
8 will be listed in a Supplemental  
9 Affidavit of Documents, as required.  
10 As such these documents are subject  
11 to the deemed undertaking rule, and  
12 we are producing them on that  
13 basis."

14 Do you see that?

15 A. I do.

16 1184 Q. All right. And I can tell you  
17 what had been confidentially marked transcripts  
18 were part of the productions that were required by  
19 Justice Boswell in that order. I can tell you  
20 that. There is no dispute about it.

21 Do you know what the deemed undertaking  
22 rule is?

23 A. I have a general idea of what a  
24 deemed undertaking rule is.

25 1185 Q. Let me put it this way. Is it



1 your understanding that the deemed undertaking rule  
2 imposes certain restrictions on the public use of  
3 documents in a Court proceeding?

4 A. I believe the restriction is that  
5 they are not allowed to be found in the public  
6 domain.

7 1186 Q. All right. And so --

8 A. Not allowed to be used.

9 1187 Q. So what, again, with reference to  
10 this letter, is your understanding of Catalyst's  
11 position at that time when it circulated these  
12 documents as ordered, whether any other documents,  
13 including the transcripts, should be or should not  
14 be in the public domain?

15 A. I thought it is all the documents  
16 listed in the supplemental affidavit of documents  
17 are subject to the deemed undertaking rule.

18 1188 Q. All right.

19 A. And that is the basis upon which  
20 we were willing to produce them.

21 1189 Q. Well, we were ordered to produce  
22 them.

23 A. Right. Well, on that condition,  
24 though.

25 1190 Q. Well, there is some correspondence

1 with respect to the issue of whether the deemed  
2 undertaking rule does or does not apply to  
3 documents produced pursuant to the orders of  
4 Justice McEwen and Justice Boswell. For the  
5 purpose of expedition, I am not going to mark  
6 those, except that it appears there is some  
7 continuing potential dispute about that.

8 I want to take you to document 17 in  
9 this material -- or in the list, and if you start  
10 at the bottom, this is an email from Mr. Greenspan  
11 to Yossi.

12 A. Correct.

13 1191 Q. And I'm not going to ask you to  
14 read it into the record, just to identify it. Were  
15 you aware that Mr. Greenspan had written to Yossi  
16 about compliance with the instructions?

17 A. I do. I am aware of that.

18 1192 Q. And what did Mr. Tanuri say  
19 halfway through the page, if you scroll up a little  
20 bit more?

21 A. "I would like to assure you  
22 that to the best of my knowledge and  
23 further to my discussion with the  
24 project manager whom you met and  
25 instructed directly all activities

1 were in compliance with your  
2 instructions and of course the law.  
3 Regardless of the above and further  
4 to the below i asked all operations  
5 to stop until further notice and  
6 discussion with you.

7 I will call you in sunday to discuss  
8 and get your going forward marching  
9 orders.

10 Shabat shalom.

11 Yossi".

12 1193 Q. All right. And can I ask you to  
13 go to the next document, tab 18. Again, these are  
14 documents that were part of the confidential brief  
15 before Justice Boswell, which His Honour ruled were  
16 not subject to any privilege or continuing  
17 privilege.

18 And under tab 18, there is a series of  
19 communications. I am not going to go through them  
20 all with you. Do you see the email about three  
21 pages in or four pages in --

22 A. I see it.

23 1194 Q. -- of Mr. Greenspan. It appears  
24 to be addressed to himself by mistake. Do you see  
25 that?

1                   A.    No, it appears to be addressed to  
2                   Mr. Tanuri from Brian.

3    1195            Q.    No, I'm looking at the third page.  
4                   There is a letter.  What happened was there is an  
5                   email of November 29th at 5:30 p.m.  It is about  
6                   four pages in, and it is to cease and desist any  
7                   contact with the media.  And then he writes a  
8                   letter on November 29th indicating that it has come  
9                   to his attention it didn't go through properly and  
10                  encloses it again and reiterates the position.  I  
11                  am not going to read them all into the record --

12                  A.    Okay.

13    1196            Q.    -- but were you aware of that?

14                  A.    I am.

15    1197            Q.    All right.

16                  A.    I am now.

17    1198            Q.    And then you wrote yourself on  
18                  November 30 to Yossi Tanuri?  And that is the last  
19                  document in this package -- or in this set of  
20                  materials.

21                  A.    Yes.

22    1199            Q.    In the middle of the page.  You  
23                  are in effect saying the same thing that  
24                  Mr. Greenspan had been saying?  I'm not going to  
25                  read it all into the record.

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A. Well:  
"At the request of our lawyers I am writing to confirm that which I said to gadi previously on the phone. I am sure I was clear in that conversation, but in the event I was not, I reiterate the same herein. Plse ensure tamara global and any/all contractors, sub-contractor etc thereof that may have been engaged directly or indirectly on our behalf or any party related to us etc, respect the fact that tapes (or anything derived therefrom) or any other material that may be in their possession regarding anything directly or indirectly related to catalyst, wind, frank newbould or any parties related to any thereof (including current and former employees etc) is not given to, in any way, shape or form, the press or others until/unless approved or otherwise allowed by a Canadian Court.

1 Thank u."

2 1200 Q. And we have Mr. Tanuri's response,  
3 and I am not going to ask you to read that into the  
4 record.

5 Those are the questions I have for you,  
6 Mr. Glassman. There are certain matters that arose  
7 yesterday, and I think a couple today as well, that  
8 Mr. Thomson has asked for further inquiries and/or  
9 confirmations to be made about and related matters,  
10 and I am not going to try to deal with those now.  
11 We'll deal with those in writing succinctly and as  
12 quickly as we possibly can. So those are my  
13 questions. Thank you, Mr. Glassman.

14 [Court Reporter intervenes for  
15 clarification.]

16 MR. MOORE: Well, I guess I can mark it  
17 as an exhibit. It maybe should be marked for  
18 identification because I didn't refer to all of the  
19 documents. So we will follow the practice used  
20 previously, and that is segregate the ones that  
21 were referred to or identified by the witness and  
22 leave out the others. You can mark it as Exhibit  
23 A, if you will, for identification, with the index,  
24 so we can see what the documents were, and then  
25 we'll in effect substitute a condensed version of

1           this with the documents actually referred to.

2                       MR. THOMSON: That is fine with me.

3                       EXHIBIT A: Compendium of documents  
4                       referred to during the course of the  
5                       re-examination of Newton Glassman.

6                       MR. MOORE: Okay. Those are my  
7           questions.

8                       Now, I do have Mr. Riley standing by.  
9           I have about two questions I want to ask him. It  
10          will take less than five minutes.

11

12          -- Adjourned at 5:38 p.m.

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 4th day of May, 2021.



---

NEESONS, A VERITEXT COMPANY

PER: DEANA SANTEDICOLA, RPR, CRR, CSR



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THE CATALYST CAPITAL GROUP INC. et al. -and- WEST FACE CAPITAL INC. et al. -and- CANACCORD GENUITY CORP.  
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

**THIRD SUPPLEMENTARY MOTION RECORD  
OF WEST FACE CAPITAL INC. AND GREGORY BOLAND  
VOLUME 2 OF 4**

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