

August 14, 2015

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File 23622

VIA PDF EMAIL & PROCESS SERVER

Justice Benjamin Glustein
361 University Avenue, Room 170
Toronto, Ontario M5G 1T3

Your Honour:

**Re: Moyse et al. ats The Catalyst Capital Group Inc.
Court File No. CV-14-507120**

The responding party, Brandon Moyse, adopts and supports West Face's reply costs submissions dated August 11, 2015. In particular, Mr. Moyse adopts West Face's submissions in response to Catalyst's argument that the responding parties' costs of this motion should be made payable in the event of the cause because "[m]ost of the matters at issue ... will ultimately be determined at trial".¹

Mr. Moyse disagrees. The only issue before the court on this motion with respect to Mr. Moyse was whether or not he was in contempt of the order of Justice Firestone. Your Honour held that the Catalyst had not met its burden of proving that Mr. Moyse had breached the order. That issue will not be before the court again. Contrary to Catalyst's submission that "[m]ost if not all of the evidence produced by the parties [on the motion] will form part of the trial record",² none of the evidence led by Mr. Moyse is likely to form part of the trial record. In particular, the extensive forensic evidence will have no relevance at trial.

Mr. Moyse requests an order awarding him his costs against Catalyst on a partial indemnity scale in the amount of \$110,000.00, inclusive of HST, plus disbursements.

Yours very truly,

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP



Robert A. Centa
RAC:d

c: B. Moyse
Matthew Milne-Smith / Andrew Carlson @ Davies Ward Phillips & Vineberg LLP
Rocco DiPucchio / Andrew Winton @ Lax O'Sullivan Scott Lisus LLP

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¹ Catalyst costs submissions, dated August 4, 2015, para. 2.

² Catalyst costs submissions, dated August 4, 2015, para. 8.

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