

This is Exhibit "41" referred to in
the Affidavit of Anthony Griffin
sworn before me this 4th day
of June, 2016

A handwritten signature in black ink, appearing to be 'R. R.', written over a horizontal line.

A Commissioner, etc.

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1 258 Q. Okay. The only opportunity that,
2 in your affidavits, you say West Face has scooped
3 relates to Wind Mobile, correct?
4 A. That is correct. Excuse me. That
5 is what I said in my affidavits at the time. I think
6 there's some issue around Arcan, which was part of the
7 information that was conveyed by Moyses to West Face.
8 259 Q. Okay. Catalyst alleges that
9 Mr. Moyses disclosed confidential information to West
10 Face in the March 27, 2014, e-mail which attached the
11 writing samples?
12 A. Yes.
13 260 Q. And Catalyst has, in fact,
14 consented to unsealing the court record that contained
15 those documents, correct?
16 A. Yes.
17 261 Q. So it no longer treats that
18 information as confidential?
19 A. Yes.
20 262 Q. Meaning I was correct? I'm correct
21 that Catalyst no longer treats them as confidential?
22 A. That is correct.
23 263 Q. Okay. Good. Sometimes a "yes" can
24 mean --
25 A. No, no, sorry, I wasn't trying

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1 to -- I was trying to agree with you.
2 264 Q. I understand.
3 A. Ask simpler questions.
4 265 Q. Yes. Did anyone at Catalyst advise
5 any members of the media that the court file was
6 unsealed and they could find materials there?
7 A. Not to my knowledge.
8 266 Q. Did anyone at Catalyst speak to
9 Theresa Tedesco of the National Post?
10 A. We would have spoken to Theresa
11 from time to time.
12 267 Q. Do you know if anyone spoke to
13 Ms. Tedesco about these proceedings?
14 A. I don't know if it's possible that
15 Newton would have spoken to her or one of our -- I
16 think -- I can't remember when -- when we hired --
17 we've hired a new communications officer, Shawn Lepin.
18 BY MR. MILNE-SMITH:
19 268 Q. I would like to know if your
20 communication officer or Mr. Glassman spoke to
21 Ms. Tedesco at any time after the unsealing of the
22 court record about this case.
23 MR. WINTON: Perhaps you can explain how
24 it's relevant before we respond to that.
25 MR. MILNE-SMITH: Catalyst has made

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1 allegations about West Face making -- entering evidence
2 about Callidus in an effort to publicize its position,
3 effectively. So I would like to test whether Catalyst
4 has, in fact, been doing exactly the same thing.
5 U/A MR. WINTON: Okay. Well, I will take
6 that under advisement.
7 MR. MILNE-SMITH: I would ask the same
8 questions for Tim Kiladze at the Globe and Mail.
9 MR. WINTON: Kiladze.
10 MR. MILNE-SMITH: And just for your
11 reference, those are the authors of two articles about
12 the case that we have included at Volume 2, tab 50 of
13 the responding motion record.
14 THE WITNESS: Sorry, tab 2?
15 BY MR. MILNE-SMITH:
16 269 Q. Sorry, Volume 2, tab 50.
17 A. Do I have that? May I see that for
18 a minute?
19 MR. WINTON: I'm just getting down the
20 question that was asked so I make sure I have it. I
21 just want to make sure I have this right. You want to
22 know if Mr. Lepin or Mr. Glassman spoke at any time
23 after the unsealing of the court order with Ms. Tedesco
24 or Mr. Kiladze about this case?
25 MR. MILNE-SMITH: Yes.

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1 U/A MR. WINTON: And I will take that under
2 advisement.
3 MR. MILNE-SMITH: Okay. And just to be
4 clear, I would like to know if anyone at Catalyst spoke
5 to anyone at the Globe and Mail or National Post, but I
6 have named those four individuals as the most likely
7 participants in such communication.
8 MR. WINTON: So the question is actually
9 broader than the names you gave?
10 MR. MILNE-SMITH: Yes.
11 U/A MR. WINTON: Still under advisement.
12 THE WITNESS: Was this an online piece
13 or was it also in FP?
14 BY MR. MILNE-SMITH:
15 270 Q. I don't know.
16 A. Okay.
17 MR. WINTON: So that's the -- Mr. Riley
18 is looking at the --
19 THE WITNESS: That's Tedesco.
20 MR. WINTON: -- Financial Post article,
21 and slip-sheeted behind that is a Globe and Mail
22 article.
23 MR. MILNE-SMITH: That's correct.
24 BY MR. MILNE-SMITH:
25 271 Q. I'm ready to move on from that

Examination by Mr. Milne-Smith

No.	P.	Q.	Category	Question	Answer
5.	63-65	268-269	Advisement	To advise whether at any time after the unsealing of the court record, Jean Lepine, Mr. Glassman or any other individual at Catalyst spoke about this case with anyone at the Globe and Mail or National Post, specifically with either Ms. Tedesco or Mr. Kladze.	Refused.
6.	71-72	303	Advisement	Further to ADV 5, to advise whether at any time after the unsealing of the court record, Jean Lepine, Mr. Glassman or any other individual at Catalyst had any indirect communications about this case with any external press agent.	Refused.
7.	76-77	326-328	Undertaking	To advise whether the evidence given at Mr. Riley's July 29 th , 2014 cross-examination is correct, that Mr. Moyse was only assigned to work on Wind Mobile the week before he left on vacation two weeks before he resigned.	As stated in Mr. Riley's April 30, 2015 affidavit, Mr. Moyse worked on a PowerPoint presentation in March 2014 that related to Wind Mobile, approximately two months before his resignation.
8.	77-78	328	Advisement	Further to UT 7, to provide any documents that support Mr. Riley's suggestion that Mr. Moyse was involved with Wind Mobile before the two-week period in question.	As previously explained, all copies of the PowerPoint prepared in March 2014 were destroyed.