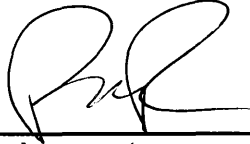


This is Exhibit "44" referred to in  
the Affidavit of Anthony Griffin  
sworn before me this 4 day  
of June, 2016

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

---

A Commissioner, etc.



155 Wellington Street West  
Toronto ON M5V 3J7  
dwpv.com

March 13, 2015

Matthew Milne-Smith  
T 416.863.5595  
F 416.863.0871  
mmilne-smith@dwpv.com

File No. 250486

**DELIVERED**

Mr. Rocco DiPucchio  
Lax O'Sullivan Scott Lisus LLP  
Suite 2750,  
145 King Street West  
Toronto, ON M5H 1J8

EXHIBIT No. 1  
ON THE EXAMINATION OF  
James A. Riley IN  
The Catalyst Capital v. Moyses et al  
Group Inc.  
HELD ON May 13, 2015  
NEESON & ASSOCIATES COURT REPORTING  
& CAPTIONING INC. TORONTO, ONT.

Dear Mr. DiPucchio:

**West Face Capital Inc.**

Enclosed please find a Notice of Change of Solicitors and the Responding Motion Record of West Face Capital Inc., both served upon you pursuant to the *Rules of Civil Procedure*. The former reflects that Davies Ward Phillips & Vineberg LLP is now co-counsel with Dentons Canada LLP.

The Affidavit of Anthony Griffin included in West Face's Responding Motion Record refers to negotiations with VimpelCom in 2013 and 2014. Those negotiations are subject to a non-disclosure agreement (NDA) entered into in December 2013. Should Catalyst seek further disclosure in respect of those negotiations, it will need to obtain either the consent of VimpelCom or a Court order, on notice to VimpelCom, relieving West Face of its obligations in that regard. West Face undertakes not to oppose a motion to relieve it of its non-disclosure obligations to VimpelCom under the 2013 NDA.

In addition to the foregoing, I enclose a pair of USB drives that contain a copy of non-privileged, non-confidential emails sent to or from Mr. Moyses's West Face email account or known personal email accounts, and which were found on West Face's servers. The manner in which these emails were collected is described in the affidavit of Harold Burt-Gerrans, which forms part of the Responding Motion Record. For the sake of completeness, we have also included various emails from Mr. Moyses's personal email address that predated the date range of Mr.

Burt-Gerrans' search. These emails were preserved pursuant to West Face's document preservation efforts as a result of the "litigation hold" in this matter.

The emails on the USB drive have been redacted for reasons of privilege. They have also been redacted for reasons of confidentiality, but only to the extent the redacted content is not relevant to the matters in issue.

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West Face is also willing to produce to the ISS those documents on West Face's file servers that can reasonably be identified as having been created, modified or accessed by Brandon Moyse that could be retrieved from Mr. Moyse's desktop computer or West Face's computer servers. West Face will do so provided the parties can agree on a protocol whereby the ISS will review and produce to the other parties only those documents, if any, relating to WIND, the AWS-3 spectrum auction or Callidus. I look forward to hearing from you in that regard. Any such protocol will need to provide appropriate protections for confidential West Face information, and confidential third-party information in West Face's possession.

Yours very truly,



Matthew Milne-Smith

MMS/nt

Enclosures

cc: Andrew Winton  
Jeff Mitchell, Andy Pushalik, *Dentons Canada LLP*

**TAB** 