Court File No. CV-14-507120

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE CATALYST CAPITAL GROUP INC.

Plaintiff

and

BRANDON MOYSE and WEST FACE CAPITAL INC.

Defendants

SUPPLEMENTARY AFFIDAVIT OF MARTIN MUSTERS
(sworn May 13, 2015)

I, MARTIN MUSTERS, of the City of Oakville, in the Regional Municipality of Halton, MAKE OATH AND SAY:

1.   I am the Director of Forensics at Computer Forensics Inc. ("CFI"), a computer security consulting firm based in Oakville, Ontario. In this capacity, I am responsible for all aspects of CFI's computer forensic services.

2.   I previously swore affidavits in this proceeding on June 26, 2014, and on February 15 and April 30, 2015. Since the swearing of my April 30, 2015 affidavit, I have reviewed the affidavit of Kevin Lo ("Lo") affirmed on May 12, 2015. This affidavit is sworn in reply to that affidavit.

Windows does not Update the Metadata for the Registry Editor

3.   In his affidavit, Lo concludes that there is no evidence that Brandon Moyse ("Moyse") took any steps with respect to his computer's registry using the Registry Editor in the way described in my affidavit of April 30, 2015.

4.   Lo's suggestion that there is "no evidence" that Moyse took steps with respect to his computer's registry using the Registry Editor is based on the faulty assumption that if Moyse
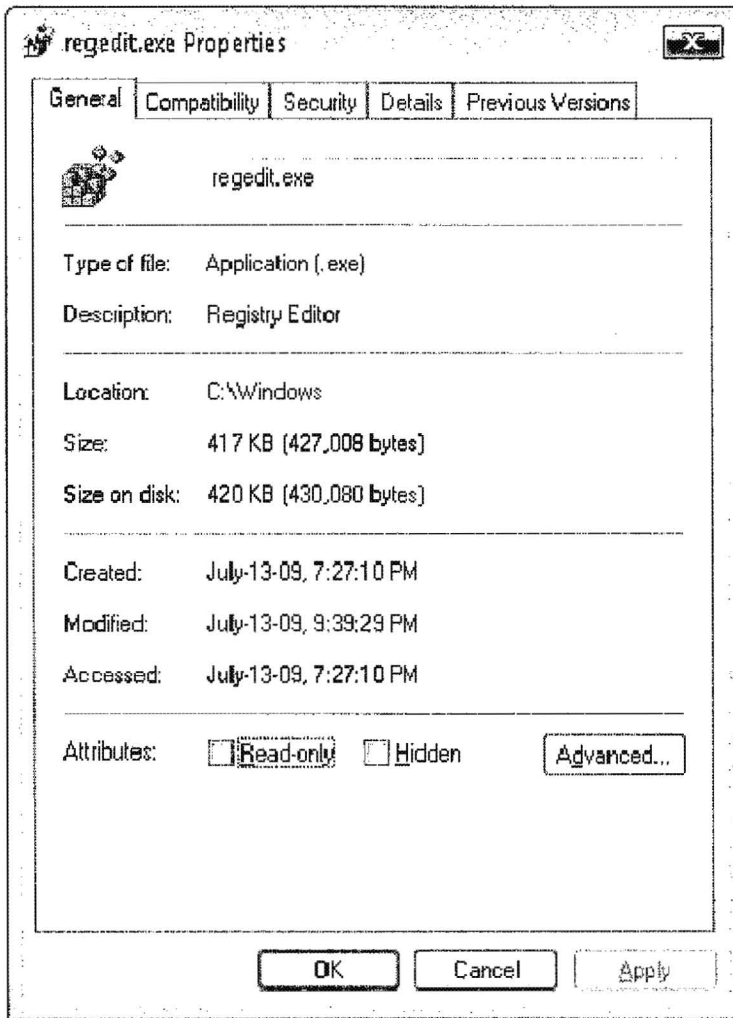
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had used the Registry Editor, there would be some evidence in the form suggested by Lo. That is incorrect.

5.   As every forensic expert knows, by default, every Windows operating system since the release of Windows Vista in January 2007, including Windows 7 and Windows 8, does not update the "last accessed" date (i.e., the metadata) for the Registry Editor program when it is launched and used.

6.   Instead, by default, any computer running the Windows 7 operating system will have the same factory default date for the Registry Editor – July 13, 2009 – for the created, modified and accessed data, whether the user runs the Registry Editor subsequently or not.

7.   For example, as explained in my April 30, 2015 affidavit, I reset the Secure Delete log by opening the Registry Editor to edit the registry data for the Secure Delete application.

8.   Even though I used the Registry Editor on one of my computers prior to swearing my April 30, 2015 affidavit, as shown in the screenshot on the next page, the "last accessed" date for the Registry Editor on my computer still shows the factory default date – July 13, 2009:

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regedit.exe Properties                                    ⬛

 General | Compatibility | Security | Details | Previous Versions |

     ▦        regedit.exe
  _____

 Type of file:   Application (.exe)

 Description:    Registry Editor
  _____

 Location:       C:\Windows

 Size:           417 KB (427,008 bytes)

 Size on disk:   420 KB (430,080 bytes)
  _____

 Created:        July-13-09, 7:27:10 PM

 Modified:       July-13-09, 9:39:29 PM

 Accessed:       July-13-09, 7:27:10 PM
  _____

 Attributes:     ☐ Read-only    ☐ Hidden      [ Advanced... ]




              [   OK   ]   [  Cancel  ]   [  Apply  ]
```
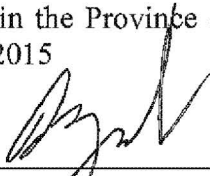
9.   I am surprised that Lo would suggest that the presence of the factory default metadata for the Registry Editor on Moyse's computer is demonstrative of Moyse's failure to use the Registry Editor. That suggestion is plainly wrong.

10.   Moreover, the fact that by default Windows no longer updates the last access date (metadata) for the Registry Editor when it is launched and used is well known within the forensic IT industry – it has been the topic of much debate and discussion by forensic investigators since 2007.

11.   I am familiar with Lo's work and experience in the forensic IT industry. Based on my experience and knowledge of Lo, I believe that Lo knows, or at least ought to know, that the Registry Editor metadata does not change when the Registry Editor is used to manually alter a computer's registry and that to suggest otherwise is potentially misleading.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario on
May 13, 2015

_____
Commissioner for Taking
Affidavits, etc.

Daniel Naymark

_____
MARTIN MUSTERS