

Andrew Winton

From: Jeff C. Hopkins <jhopkins@grosman.com>
Sent: July-18-14 11:46 AM
To: Andrew Winton; Rocco DiPucchio; 'Pushalik, Andy (andy.pushalik@dentons.com)'
Cc: 'Harold Burt-Gerrans'
Subject: RE: Conflict Check
Attachments: H&A eDiscovery (07.18.14).pdf

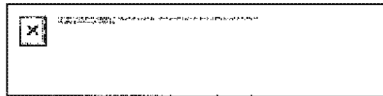
Counsel:

Attached is a copy of the signed engagement letter with H&A, which incorporates the changes below.

I'm advised that H&A and Mr. Musters have spoken, and Mr. Musters is satisfied with their imaging methodology for each device.

We are therefore confirmed for Monday and expect to deliver Mr. Moyse's sworn AOD and copies of documents by end of day Tuesday.

Jeff C. Hopkins
 Partner



390 Bay Street, Suite 1100, Toronto, Ontario, M5H 2Y2
 Tel: 416-364-9599 Fax: 416-364-2490
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From: Jeff C. Hopkins
Sent: Friday, July 18, 2014 8:54 AM
To: 'Harold Burt-Gerrans'
Cc: Andrew Winton (awinton@counsel-toronto.com); rdipucchio@counsel-toronto.com; Pushalik, Andy (andy.pushalik@dentons.com)
Subject: RE: Conflict Check

Morning Harold:

The engagement letter has been reviewed by each party. Catalyst's legal counsel has the following comments / requested additions to the letter. (Mr. Andrew Winton who is cc'd on this email along with counsel to West Face).

1. The image must be taken of the entire drive (physical) and done in an E01 format. It is their understanding that "Encase" and "FTK imager" are capable of creating E01 images.
2. The scope of services, paragraph 1(a), "created using industry standard tools and methodologies", needs to be more specific (i.e., reference the three devices – a laptop, an iPad and an android phone. For each device, H&A needs to specify what tools and methodologies they will use to take the forensic image before it starts working so it can be verified that the tools and methodologies meet our requirements.
3. H&A needs to clarify what they mean by a "working copy" in the context of an iPad and smartphone.
4. Finally, the confidentiality clause should be removed (this is agreeable given the nature of the legal proceeding for which this activity is being conducted). All communications between Grosman, Grosman and Gale and H&A

and any work-product of H&A relating to this retainer should be made available to Catalyst and / or West Face upon request.

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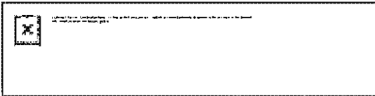
Lastly, with respect to Mr. Moyse's iPad, they ask that H&A consult with their technical consultant, Mr. Martin Musters (Director of Forensics at CFI -647 302 0067) about the software and steps H&A intend to use to image the device, as there are (apparently) some detailed technical issues surrounding iPad imaging. Please note that Mr. Musters is away next week, so hopefully you can reach out to him today.

If the above modifications to the letter are agreeable to H&A, please forward me a revised letter and I will sign and return immediately. For efficiency, if you have any questions regarding the above requests, please feel free to communicate directly with Mr. Winton via reply email, with all others cc'd of course.

Mr. Moyse has confirmed he will be at our office by 10:00 am Monday with his three computer devices.

Jeff.

Jeff C. Hopkins
Partner



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From: Harold Burt-Gerrans [<mailto:HBurt-Gerrans@haediscovery.com>]
Sent: Thursday, July 17, 2014 2:55 PM
To: Jeff C. Hopkins
Subject: RE: Conflict Check

Good Afternoon Jeff

Please find attached the Letter of Engagement for the B. Moyse matter. Please return the executed copy via fax or email at your earliest convenience.

Thank-you for retaining us on this matter. I look forward to working with you and your team.

Regards,
Harold

Harold Burt-Gerrans

Director of Litigation Services | H&A eDiscovery | 2680 Matheson Blvd. E., Suite 204, Mississauga ON, L4W 0A5
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From: Jeff C. Hopkins [<mailto:jhopkins@grosman.com>]
Sent: Thursday, July 17, 2014 8:29 AM
To: Harold Burt-Gerrans
Subject: RE: Conflict Check

Hi Harold:

Look forward to receiving the engagement letter for review.

We're looking at 3 computer devices on Monday morning, at our office at 393 Bay St., Suite 2011 (Bay & Richmond).

Jeff C. Hopkins
Partner



390 Bay Street, Suite 1100, Toronto, Ontario, M5H 2Y2
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From: Harold Burt-Gerrans [<mailto:HBurt-Gerrans@haediscovery.com>]
Sent: Wednesday, July 16, 2014 5:14 PM
To: Jeff C. Hopkins
Subject: Conflict Check

Good afternoon Mr. Hopkins

As per our discussion, we have completed the conflict check for the Moyses matter. I will put together a letter of engagement for the project, which should be ready for tomorrow. Imaging can be done onsite or in our office on Friday or Monday.

Regards,
Harold

Harold Burt-Gerrans

Director of Litigation Services | H&A eDiscovery | 2680 Matheson Blvd. E., Suite 204, Mississauga ON, L4W 0A5
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HAEDISCOVERY.COM

July 18, 2014

PRIVILEGED & CONFIDENTIAL

VIA ELECTRONIC MAIL

Grosman Grosman & Gale LLP
390 Bay Street, Suite 1100,
Toronto, Ontario, M5H 2Y2

Attn: Mr. Jeff C. Hopkins, Partner

Dear Mr. Hopkins:

Re: Letter of Engagement to Provide Computer Forensic Services
B. Moyse matter

This letter of engagement will confirm that Grosman Grosman & Gale LLP ("Grosman") have retained H&A eDiscovery Inc. ("H&A") on behalf of its client, Mr. B. Moyse, as computer forensic experts, to assist with the forensic preservation of a laptop, iPad and a smart phone device.

This letter of engagement is based on the information provided in our telephone conversation on July 16, 2014.

SCOPE OF PROFESSIONAL SERVICES

Based on instructions received from you, the scope of our professional services will include, amongst others, the following:

- (1) Forensically Acquire Digital Evidence:
 - a. Capture a forensic E01 formatted full disk image of a laptop computer hard drive. The forensic images will be created using industry standard tools (typically FTK Imager 3 or Encase 6, but other tools may be used as required), and methodologies. The image will be authenticated to be true

H&A eDiscovery Inc.

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and accurate copy of the original medium. All steps will be fully documented and supplemented by digital photographs, where appropriate.

- b. Capture forensic images of an iPad and a smart phone device. The forensic images will be created using the latest release of Cellebrite and standard methodologies. The images will be authenticated to be true and accurate copies of the original media. All steps will be fully documented and supplemented by digital photographs, where appropriate.
- c. Create an additional copy of each forensic image referred to in paragraphs a) and b) above and verify that each copy image is a true and accurate copy of the original forensic image.

(2) Formal Report:

If required, prepare a formal report which documents, in detail, the work performed in paragraph 1 above.

If additional professional services are required, we will prepare an addendum to this proposal detailing the scope and the associated estimated fees. No additional professional services will be rendered until verbal instructions and/or written approval is received from Grosman.

PROFESSIONAL FEE ESTIMATE

All billings for this project will be addressed to Grosman unless instructed otherwise. Our fees are not contingent upon the outcome of the proceedings or the quantum involved. They are charged strictly on a professional basis, e.g. for actual professional time expended on the engagement multiplied by the hourly rate of the professional involved.

Based on the work as detailed in the "Scope of Professional Services" section above, we estimate the professional fees, excluding applicable taxes and out-of-pocket disbursements, will be:

- a) Forensically image a laptop computer hard drive, an iPad and a smart phone device at the office of Grosman's and create additional copies of the respective forensic images in our Mississauga office.(\$310 per hour)..... \$2,000 to \$2,500
- b) Preparation of a Formal Report, if required.....To Be Determined

.....All billings are payable upon receipt.



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CONFLICT OF INTEREST

We have been provided the names of the parties involved in this matter and have conducted a firm wide conflict of interest check. We confirm that we do not have either a direct or perceived conflict of interest with the parties involved with this matter. Should a conflict arise, we will notify you immediately.

CONCLUSION

If the terms and conditions of this contract are acceptable to you, please sign this letter of engagement and return it to us. Upon receipt of the signed letter of engagement, we will commence the assignment.

We would like to take this opportunity to thank you for retaining our firm and we look forward to working with you. If you have any questions regarding the above, please do not hesitate to contact me directly.


Yours truly,




H&A eDISCOVERY INC.

Harold-Burt-Gerrans, B.Sc
Director, Litigation Services

The above professional services and terms to be provided by H&A eDiscovery Inc. are hereby agreed to and accepted by:



Jeff C. Hopkins, Partner
Grosman Grosman & Gale LLP

 18/14
Date

