

**Andrew Winton**

**From:** Brendan Van Niejenhuis <BrendanVN@stockwoods.ca>  
**Sent:** December-23-14 4:18 PM  
**To:** Andrew Winton  
**Cc:** 'Justin Tetreault (jtetreault@grosman.com)'; Rocco DiPucchio; 'Jeff C. Hopkins'; Ben Kates  
**Subject:** RE: The Catalyst Capital Group Inc. v. Moyses et al.: ISS search terms [IWOV-CLIENT.FID45653]  
**Attachments:** SearchHits.png; SearchHits2.png

Andrew, and all,

I have had an initial report back from Digital Evidence as to the results of the search process. Attached are two image files which show the hit counts for the various search terms. These hit counts are solely from the computer hard drive, not the Apple or Samsung devices.

As you will see, the hit counts are very large, particularly for terms such as Pipeline (456,088 hits); Advantage (161,958 hits); Network (355,704); Equity (239,366); and Box (243,128) among others.

Given the timelines involved, it is very clear that we need to modify the approach to limit the scope of the review function. There are several options we need to consider in order to focus the review:

1. First, I recommend that we filter the results to restrict them to document types that are most likely to be relevant. For example, email messages, PDF documents, Word documents, Excel spreadsheets. Can you advise if you concur with applying this filter and, if so, whether there are other document formats that should be included in the filter.
2. Second, I recommend that we do the same on the Apple and Samsung devices, in these cases filtering only for email, text/iMessage, and documents.
3. Third, I would ask that you review the hit counts and advise me if there are search terms you would rather remove from the exercise than proceed to have us review.
4. Fourth, if there is a time-frame filter that we could apply, this could prove extremely helpful. The time-frame could either be used to filter what is sent to us, or as a limiter on what we review at first instance, leaving open the option of reviewing items outside the time-frame filter later if deemed desirable. This would be particularly useful in dealing with email files.

Please let me know your views on these areas. As will be fairly obvious, the volume of material that is generated by the current list of search terms is such that it is very unlikely we could provide a meaningful and complete report by the deadline of January 30 (and I recognize you have said you would prefer even sooner than that), if we had to perform a manual review of the search results generated to date.

Many thanks,

**Brendan van Niejenhuis**  
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**From:** Andrew Winton [mailto:awinton@counsel-toronto.com]  
**Sent:** Wednesday, December 10, 2014 11:54 AM  
**To:** Brendan Van Niejenhuis  
**Cc:** 'Justin Tetreault (jtetreault@grosman.com)'; Rocco DiPucchio; 'Jeff C. Hopkins'

**Subject:** The Catalyst Capital Group Inc. v. Moyse et al.: ISS search terms [IWOV-CLIENT.FID45653]  
**Importance:** High

Brendan,

The parties to the above-noted action have agreed to retain Stockwoods to act as the independent supervising solicitor ("ISS") for a review of forensic images ("Images") of electronic devices belonging to the defendant Brandon Moyse ("Devices"). The Devices are a hard drive from a personal computer, an iPad and a smartphone. Please forward us your proposed engagement letter at your earliest convenience. The costs of this engagement will be borne at first instance by The Catalyst Capital Group Inc.

The parties have not finalized all of the terms of the document review protocol that will apply to this retainer, but we have agreed to certain terms which will allow you to get started soon. One of the agreed-to terms is that the parties will not communicate unilaterally with you. I have copied Jeff Hopkins and Justin Tetrault of Grosman, Grosman and Gale LLP to this email – please be sure to include at least one of them on all correspondence with our office and/or we will set up conference calls or meetings for any oral discussions.

The parties have agreed that the ISS may retain any forensic IT expert it wants, save and except for you cannot retain Martin Musters of CFI. I ask that you please move forward with the retainer of your chosen expert so that your review of the Devices can proceed expeditiously, subject to the process described below.

Another agreed-to term grants Moyse and his counsel an opportunity to participate in the suggestion of search terms the ISS and its forensic expert should use during its review of the Images. Specifically, Moyse and his counsel have five business days to object to the use of any of the search terms proposed by Catalyst. The ISS may decide at its sole discretion whether to use a term to which Moyse objected.

Due to the need to move expeditiously, as directed by Justice Lederer at a recent case conference, we are sending you Catalyst's proposed search terms today so as to start the clock on Moyse's objection period so as to allow you to "hit the ground running" next week.

Catalyst proposes use of the following 67 search terms. Please note that pending further order of the Court, these terms cannot be shared with the other defendant, West Face Capital Inc., or its counsel:

1. West Face
2. Westface
3. Catalyst
4. Callidus
5. Wind
6. Globealive
7. Mobilicity
8. DAVE
9. Data & Audio-Visual
10. Opco
11. Holdco
12. Turbine
13. NMFG
14. NMRC
15. Natural Markets
16. Mrs. Green's
17. Therapure
18. HII
19. Homburg

20. Geneba
21. Advantage
22. CFLP
23. Fund
24. Initial
25. Stelco
26. Operating
27. Quarterly
28. Pipeline
29. Diligence
30. Boland
31. Singh
32. Dea
33. Fraser
34. Griffin
35. Zhu
36. Newton
37. Glassman
38. Jim
39. Riley
40. Gabriel
41. Alba
42. De Alba
43. Zach
44. Michaud
45. Bond
46. Equity
47. Morgan
48. Stanley
49. Spectrum
50. Network
51. Auction
52. 700
53. MHZ
54. AWS
55. Lacavera
56. Bryce
57. Minister of Industry
58. Industry Canada
59. Drysdale
60. Telephone
61. Wireless
62. Telephony
63. Cellular
64. Quebecor
65. Videotron
66. Dropbox
67. Box

Moyse and his counsel have until 5 p.m. Wednesday, December 17, to object to the use of one of these proposed search terms.

Regards,

Andrew

**Andrew Winton**

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Search Terms

Total Hits

West Face	5360
Westface	48
Catalyst	26789
Callidus	132
Wind	26118
Globealive	0
Mobility	765
DAVE	2216
Data & Audio-Visual	36
Opco	371
Holdco	1074
Turbine	756
NMFG	32932
NMRC	60483
Natural Markets	3368
Mrs Greens	322
Mrs Green	6104
Therapure	1128
HIT	12605
Homburg	6988
Geneba	3151
Advantage	161958
ORP	122
Fund	22754
Initial	36314
Stelco	208
Operating	119699
Quarterly	8349
Pipeline	456088
Diligence	2274
Boland	554
Singh	778
Dea	4013
Fraser	223

Search Terms	Total Hits
Fraser	223
Griffin	376
Zhu	3059
Newton	1000
Glassman	1107
Jim	5821
Riley	1376
Gabriel	1314
Alba	1030
De Alba	612
Zach	3707
Michaud	247
Bond	14716
Equity	239366
Morgan	9675
Stanley	4441
Spectrum	3852
Network	355704
Auction	6489
ZOO	171419
MHZ	5885
AWS	13966
Lagavera	7
Bryce	114
Minister of Industry	105
Industry Canada	80
Drysdale	0
Telephone	4603
Wireless	157395
Telephony	2137
Cellular	4057
Quebecor	111
Wideotron	1109
Dropbox	82757
Box	243128