

Minutes of Conference Call 12 February 2015 3:00 p.m.

For Catalyst Capital: Andrew Winton
For Brandon Moyse: Jeff Hopkins and Justin Tetreault
For ISS: Brendan van Niejenhuis

- At the outset, Moyse’s counsel expressed the view that ISS has jurisdiction to make any necessary determination, and Catalyst cannot bypass the protocol and seek further information without a motion. Moyse’s counsel also expressed the need for West Face to agree to any variation of the protocol, but indicated that subject to this being clear, they were content to hear Catalyst’s comments and concerns.
- Catalyst’s counsel indicated that Catalyst does not want to hold up finalization of draft report and indicated that if further work is needed, it take the form of a short supplementary report. He emphasized that the purpose of the discussion is to raise some areas of inquiry and make an effort to obtain answers without the necessity of a formal motion.
- Moyse’s counsel agreed that he should proceed to outline the issues.
- Catalyst’s counsel raised the following four issues:
 1. The additional search terms that were supplied on January 8, 2015 apparently yielded only five independent documents for review by the ISS. He proposed to ask the ISS to indicate which specific terms yielded those results. Depending on which terms generated those “hits”, Catalyst may or may not continue to have a concern that an error occurred in the evaluation having regard to the uniqueness of the terms, particularly with regard to “Callidus” and associated terms.
 2. Catalyst proposed that the ISS also advise about the total number of hits which would have resulted, had the second set of terms been run without regard to deduplicating previously-produced items (i.e., items produced as a result of raising a ‘hit’ under the original set of search terms supplied in December).
 3. Catalyst expressed the concern that the number of hits associated with WIND Mobile and directly related search terms such as “Turbine” exceeded the actual number of documents identified in the search process by a very wide margin. He proposed that ISS should provide an explanation, if possible, for the divergence between the number of “hits” and the ultimate number of documents found and identified in the report.
 4. Finally, Catalyst expressed the same concern with respect to hits associated to Mobilicity and directly-related search terms, asking again for an explanation as to the large difference between the raw hit-count identified in the initial results and the ultimate number of documents identified.

- In each case, Moyse's counsel expressed an understanding of the purpose of the request, while also expressing concern that the process remain contained within the parameters of the Protocol. Moyse's counsel committed to consider the issue in good faith and to respond promptly with their position, possibly by the end of the day.
- During the articulation of Catalyst's concerns and in response to a specific question, ISS explained that deduplication had been directed and performed by the Expert at the stage the second set of search terms was run, for the purpose of not requiring re-production of items previously produced in the first set of search terms. Therefore, it is possible that the second set of search terms would have generated items that were also in place on the first list.
- At the conclusion of the call, Moyse's counsel confirmed that they were working on their objections which would be circulated by Friday, February 13. ISS advised that, subject to the nature and quantity of objections, it was likely that the Report could be finalized very shortly thereafter but noted his absence from Canada the week of February 16.
- The call concluded at 3:32 p.m.