

1358

In the Matter Of:

The Catalyst Capital Group Inc. v.
Brandon Moyse et al

BRANDON MOYSE

July 31, 2014

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The Catalyst Capital Group Inc. v. Brandon Moyse et al
MOYSE, BRANDON on July 31, 2014

Confidential
Pages 170-173

Page 170

1 EXHIBIT NO. 9: Email chain May 20,
2 2014 at 9:01 p.m. from David Colla to
3 Mr. Moyse.
4 BY MR. DIPUCCHIO:
5 790 Q. And finally the last one is an
6 email chain beginning with an email dated May 20,
7 2014 at 5:13 p.m. from Ms. Sharon Beers at
8 Mackenzie to you, Mr. Moyse. And that's just you
9 telling her essentially that you've been offered
10 another position and were withdrawing from your
11 candidacy at Mackenzie?
12 A. Yeah, I think so.
13 791 Q. I'll let you see it in a second.
14 We'll mark that as Exhibit 10. And just confirm
15 for me that that's what that is?
16 A. Yes. Confirmed.
17 EXHIBIT NO. 10: Email chain May 20,
18 2014 at 5:13 p.m. from Sharon Beers to
19 Mr. Moyse.
20 BY MR. DIPUCCHIO:
21 792 Q. And just so we have it for the
22 record, I know we've seen it in some correspondence
23 between counsel, but your first official day at
24 West Face was June 23rd, 2014?
25 A. Yes.

Page 171

1 793 Q. And, in fact, you worked at West
2 Face until the interim injunction order was made in
3 this case on July 16, 2014; is that correct?
4 A. That's correct.
5 794 Q. And what exactly did you work on
6 while you were at West Face?
7 A. Not much. For the first -- I want
8 to say for the first two weeks I didn't have
9 anything to work on.
10 795 Q. Nothing at all?
11 A. I did a lot of research on my own,
12 and just read some news, but I wasn't assigned
13 anything. And then in my third week I was assigned
14 to look -- and I don't know if I should name the
15 names.
16 796 Q. You tell me.
17 MR. MITCHELL: We're getting into
18 territory -- maybe it would be preferable if you
19 could identify or ask Mr. Moyse whether he worked
20 on any specific engagements of concern.
21 MR. DIPUCCHIO: I was actually asking
22 him to give me generally what he was working on.
23 MR. MITCHELL: Okay.
24 THE DEPONENT: I was looking at one
25 potential public equity investment, a short

Page 172

1 investment. And I was looking at two potential
2 pre-IPO investments in private companies, but in a
3 minority, non-influence stake.
4 BY MR. DIPUCCHIO:
5 797 Q. Okay. And I don't want you to
6 answer this without giving Mr. Mitchell an
7 opportunity to jump in here, but are you prepared
8 to tell me what those opportunities are?
9 A. I don't think I should.
10 MR. MITCHELL: Perhaps what we can do
11 is go off the record. I can confer with my client
12 about whether there's any sensitivity around it.
13 There may not be if they're relatively publicly
14 knows. Is that fair?
15 MR. DIPUCCHIO: That's fair. And would
16 you let me know whether in your view you consider
17 those to be sensitive? Or your client.
18 U/T MR. MITCHELL: Yes.
19 BY MR. DIPUCCHIO:
20 798 Q. Did you produce any analyses in
21 relation to those potential transactions?
22 A. I produced some email thoughts on
23 whether we should continue to do more work.
24 799 Q. Okay. So what I'm going to ask
25 you to produce for me, and I'll tell you why, is

Page 173

1 I'm going to ask you to produce all of the work
2 product that you did perform for West Face in the
3 three-week period that you were there.
4 A. Okay.
5 MR. MITCHELL: No. Hold on.
6 MR. DIPUCCHIO: Don't worry. I don't
7 accept that as an undertaking, okay? I won't bind
8 you to that answer, counsel.
9 THE DEPONENT: I was simply saying
10 "okay" as I'm listening.
11 BY MR. DIPUCCHIO:
12 800 Q. So I'm going to ask you to produce
13 that to me. And the reason frankly that I would
14 want it is because I need to test what it is he
15 says he did versus obviously what we're concerned
16 about in terms of the allegations that have been
17 made in this claim. So would you give me -- I
18 don't expect you to answer that question now.
19 U/A MR. HOPKINS: We'll take it under
20 advisement.
21 MR. DIPUCCHIO: You folks will give me
22 your position on it?
23 MR. HOPKINS: We will. We will.
24 BY MR. DIPUCCHIO:
25 801 Q. Now, sort of the on-the-fly kind

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THE CATALYST CAPITAL GROUP INC.
Plaintiff

-and- BRANDON MOYSE et al
Defendants

Court File No. CV-14-507120

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**AFFIDAVIT OF BRANDON MOYSE
AFFIRMED APRIL 2, 2015**

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