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File No. 13094

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February 26, 2015

Via Email

Mr. Jeff Mitchell
Dentons Canada LLP
Barristers and Solicitors
77 King Street West, Suite 400
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Toronto ON M5K 0A1

EXHIBIT No. 3
ON THE EXAMINATION OF
James A. Riley IN
The Catalyst Capital Group v. Moyses et al.
HELD ON May 13, 2015
NEESON & ASSOCIATES COURT REPORTING
& CAPTIONING INC. TORONTO, ONT.

Dear Mr. Mitchell:

**Re: The Catalyst Capital Group Inc. v Brandon Moyses et al
Court File No. CV-14-507120**

Thank you for your letter dated February 20 and your email dated February 24, 2015. I have been ill the past two days, which has prevented me from responding sooner.

Enclosed please find copies of the parties' correspondence with the ISS, redacted in a manner consistent with the redaction in Catalyst's motion record.

We disagree with your suggestion that documents relating to Catalyst's negotiations with VimpelCom are relevant and/or should be produced to West Face.

As you can appreciate, this action concerns, among other things, Catalyst's claim that West Face improperly used Catalyst's confidential information to acquire Wind Mobile from VimpelCom. West Face has denied this allegation and the matter will be determined in due course by the Court after a trial.

The purpose of Catalyst's pending motion is to determine whether interlocutory relief is warranted. We do not intend to argue the pending motion via correspondence, but it is noteworthy that:

- Mr. Moyses initially denied breaching the confidentiality obligations he owed Catalyst, only to have that denial refuted by the evidence in the first interlocutory motion;
- West Face initially claimed to take Catalyst's confidentiality concerns seriously, only to have that claim refuted by the evidence disclosed in the first interlocutory motion;

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- Mr. Moyse breached the Order of Justice Firestone by using military-grade software to delete files from his computer before the forensic image of his hard drive was made;
- Mr. Moyse's computer contained an inordinate number of hits for search terms related to Wind Mobile and has refused to cooperate with Catalyst's attempts to understand how documents related to those hits were excluded from the ISS's report;
- West Face initially refused to acknowledge the existence of a research report concerning Callidus Capital, even though that report clearly exists and was circulated to third parties; and
- After finally acknowledging that the Callidus report exists and that it targeted Callidus, West Face refused to produce its report.

In light of these facts, surely you can appreciate why Catalyst is unwilling to give West Face access to its confidential information concerning Wind Mobile.

Finally, the "late" service of our motion record was directly related to the late delivery of the ISS's final report, which in turn was caused by the last-minute delivery by Mr. Moyse's former counsel of their objections to the draft report. It apparently took Mr. Moyse's former counsel ten business days to object to the inclusion of approximately 90 documents in the draft report. Had Mr. Moyse's counsel acted with greater diligence, our motion record would have been delivered on time.

If necessary, Mr. Di Pucchio will attend Civil Practice Court on March 2, but our position is that such an attendance is unnecessary.

Yours truly,



Andrew Winton.

Enclosures

copy to: Rocco Di Pucchio
Andy Pushalik
Rob Centa
Kris Borg-Olivier

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