

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THE CATALYST CAPITAL GROUP INC.

Plaintiff/Moving Party

- and -

BRANDON MOYSE and WEST FACE CAPITAL INC.

Defendants/Responding Parties

ANSWERS TO UNDERTAKINGS, UNDER ADVISEMENTS, AND REFUSALS

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West Face Capital Inc.

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(Cross-examination of Harold Burt-Gerrans held May 19, 2015)**

No.	Category	Page No.	Question / Undertaking	Answer or precise basis for refusal
1	U/A	18	To produce the standard imaging form for each of the West Face servers (which form records the dates the imaging took place).	Redacted copies of these documents are attached as Exhibit "1".
2	U/A	23	To create a list of all of the PST files that were created.	As stated by Mr. Burt-Gerrans in his Affidavit (at paragraphs 12-13) and during his cross-examination (at qq. 84-102), Mr. Burt-Gerrans created forensic images of the PST files of each and every active user of West Face's email system for the period from March 27, 2014

UTS000170/2

No.	Category	Page No.	Question / Undertaking	Answer or precise basis for refusal
				<p>to January 13, 2015.</p> <p>The imaged PSTs corresponded to West Face's over 90 source mailboxes, including the mailboxes of each West Face Partner (Greg Boland, Peter Fraser, Thomas Dea, and Anthony Griffin) and employee (e.g. Brandon Moyse, Supriya Kapoor, Philip Panet, Aland Wang, and Chap Chau), as well as mailboxes of distribution groups (e.g. human resources) and resources (e.g. boardrooms and food/drink requests).</p>
3	U/A	28	To produce the cover letter from H&A eDiscovery Inc. to Jeff Hopkins of Grosman, Grosman & Gale LLP enclosing the second copy of the forensic image of Mr. Moyse's personal electronic devices.	A copy of this letter is attached as Exhibit "2". The original copy was printed on H&A's letterhead and signed by Mr. Burt-Gerrans.
4	U/A	28	To produce any email correspondence between Mr. Burt-Gerrans and Mr. Hopkins in December 2014 regarding the destination of the forensic images of Mr. Moyse's personal electronic devices.	Copies of these emails are attached as Exhibit "3". Catalyst's counsel was a recipient and/or sender of each of these emails.
5	U/A	40	To determine whether the event log of Mr. Moyse's West Face computer records when the system locks (i.e. the precise time that the screen-saver is activated, such that the user has to log back in by unlocking the screen-saver).	West Face's computers do not record when the screen-saver is activated. While it is possible to configure the event log so that it records this information, this setting is not turned on by default, and West Face never changed this default setting.

UTS000170/3

May 29, 2015

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Court File No: CV-14-507120

Plaintiff

Defendants

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Proceeding commenced at Toronto

**ANSWERS TO UNDERTAKINGS, UNDER
ADVISEMENTS, AND REFUSALS**

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