

Court File No. CV-14-507120

**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

**AFFIDAVIT OF CHAP CHAU
(Sworn, May 14, 2015)**I, CHAP CHAU, of the City of Toronto, in the Province of Ontario, **MAKE****OATH AND SAY:**

1. I am the Head of Technology for West Face Capital Inc., and as such have personal knowledge of the information set out in this affidavit. I have been given an excerpt from a transcript of the cross-examination of Anthony Griffin on May 8, 2015 in these proceedings. I understand from that excerpt that counsel for Catalyst Capital Group Inc. stated his intention to ask the Court to draw an inference that "someone who has IT experience might well have run scrubbing software" on Brandon Moyses West Face computer. This statement was made in the context of my having logged onto Mr. Moyses West Face computer on January 14 and 26, 2015. I interpret this as an

allegation that I may have run "scrubbing software" on, or otherwise tampered with, Mr. Moyses's computer. This allegation is incorrect, as described below.

2. Mr. Moyses stopped working at West Face on July 16, 2014. On the instruction of Alex Singh, West Face's general counsel at the time, I did not assign his computer to any other user.

3. I have reviewed the affidavit of Harold Burt-Gerrans sworn March 9, 2015. Paragraph 17 of Mr. Burt-Gerrans' affidavit describes how the log-in data for Mr. Moyses's computer indicates that I accessed Mr. Moyses's computer on December 15, 2014, January 14, 2015 and January 26, 2015. This log-in data is correct.

4. I first logged into Mr. Moyses's computer on December 15, 2014 at the request of West Face's new general counsel, Philip Panet, in order to back up Mr. Moyses's profile as stored on the desk top computer. As explained by Mr. Burt-Gerrans, a user profile consists of documents located in default file locations, system settings, and Internet browser bookmarks and history. Other than backing up Mr. Moyses's profile as requested, I did not do anything else to the computer.

5. I next logged into Mr. Moyses's computer on January 14, 2015. Catalyst had brought a motion the previous day asking for an Independent Supervising Solicitor to attend West Face's premises and create forensic images of all West Face electronic devices. Mr. Panet asked me to log onto Mr. Moyses's computer to ensure that the computer was still working, that no one else had logged in, and that there were no additional user files outside of the profile that needed to be preserved. I conducted a basic system check to ensure that the computer had access to the Internet and our

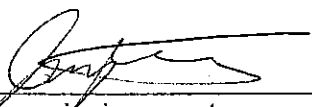
West Face network, and reviewed the system update logs. I initially had difficulty connecting to the network, so I checked cable connections and rebooted. This fixed the issue. I then searched the hard drive for other user-created content beyond what I had already copied from his profile, but found none.

6. The third time I logged into Mr. Moyses's computer was on January 26, 2015. This was again at the request of Mr. Panet. I did so in anticipation of meeting Mr. Burt-Gerrans on January 29, 2015 so that he could forensically image Mr. Moyses's computer. In addition to re-confirming that the computer was working and all data had been preserved as I had done before, I changed the Administrator password used to access the computer, as I would be giving full access to the computer to Mr. Burt-Gerrans, a third party. I also disconnected Mr. Moyses's computer from his former workstation and moved it to West Face's secure server room in order to restrict physical access to the workstation to West Face IT personnel.

7. At no time did I run any "scrubbing software" on, tamper with, or otherwise alter Mr. Moyses's computer in any manner whatsoever, except insofar as my log-ins created an entry in the computer's log-in data, and our automatic software upgrades updated the system software. I certainly did not delete any information from Mr. Moyses's computer. I understood at each of the three days I had log-ins that there was an ongoing court proceeding, that it would be highly improper for me to delete or alter any data on Mr. Moyses's computer, and I was therefore very careful not to do so.

8. I swear this affidavit in response to the allegations made against me personally by counsel to Catalyst at the cross-examination of Mr. Griffin on May 8, 2015, and for no other purpose.

SWORN BEFORE ME at)
the City of Toronto, in the)
Province of Ontario, this)
14th day of May, 2015.)



A Commissioner, etc.

Jerry Ouyang



CHAR CHAU

THE CATALYST CAPITAL GROUP INC.
(Plaintiff)

and

BRANDON MOYSE and WEST FACE
CAPITAL INC. (Defendants)

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Proceeding commenced at Toronto

**AFFIDAVIT OF CHAP CHAU
(Sworn May 14, 2015)**

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