

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

NELSON BARBADOS GROUP LTD.

Plaintiff

- and -

RICHARD IVAN COX, GERARD COX, ALAN COX, PHILIP VERNON NICHOLLS, ERIC
ASHBY BENTHAM DEANE, OWEN BASIL KEITH DEANE,
MARJORIE ILMA KNOX, DAVID SIMMONS, ELNETH KENTISH,
GLYNE BANNISTER, GLYNE B. BANNISTER, PHILIP GREAVES
a.k.a. PHILP GREAVES, GITTENS CLYDE TURNEY,
R.G. MANDEVILLE & CO., COTTLE, CATFORD & CO.,
KEBLE WORRELL LTD., ERIC IAIN STEWART DEANE,
ESTATE OF COLIN DEANE, LEE DEANE, ERRIE DEANE, KEITH DEANE, MALCOLM
DEANE, LIONEL NURSE, LEONARD NURSE,
EDWARD BAYLEY, FRANCIS DEHER, DAVID SHOREY,
OWEN SEYMOUR ARTHUR, MARK CUMMINS, GRAHAM BROWN,
BRIAN EDWARD TURNER, G.S. BROWN ASSOCIATES LIMITED,
GOLF BARBADOS INC., KINGSLAND ESTATES LIMITED,
CLASSIC INVESTMENTS LIMITED, THORNBROOK
INTERNATIONAL CONSULTANTS INC., THORNBROOK
INTERNATIONAL INC., S.B.G. DEVELOPMENT CORPORATION,
THE BARBADOS AGRICULTURAL CREDIT TRUST, PHOENIX
ARTISTS MANAGEMENT LIMITED, DAVID C. SHOREY AND
COMPANY, C. SHOREY AND COMPANY LTD., FIRST
CARIBBEAN INTERNATIONAL BANK (BARBADOS) LTD., PRICE
WATERHOUSE COOPERS (BARBADOS), ATTORNEY GENERAL
OF BARBADOS, the COUNTRY OF BARBADOS, and JOHN DOES 1-25
PHILIP GREAVES, ESTATE OF VIVIAN GORDON LEE DEANS,
DAVID THOMPSON, EDMUND BAYLEY, PETER SIMMONS,
G.S. BROWN & ASSOCIATES LTD., GBI GOLF (BARBADOS) INC.,
OWEN GORDON FINLAY DEANE, CLASSIC INVESTMENTS LIMITED and
LIFE OF BARBADOS LIMITED c.o.b. as LIFE OF BARBADOS HOLDINGS,
LIFE OF BARBADOS LIMITED, DAVID CARMICHAEL SHOREY,
PRICEWATERHOUSECOOPERS EAST CARIBBEAN FIRM,
VECO CORPORATION, COMMONWEALTH CONSTRUCTION
CANADA LTD and COMMONWEALTH CONSTRUCTION, INC.

Defendants

AFFIDAVIT OF JIM VAN ALLEN
Sworn October 21, 2009

I, JIM VAN ALLEN, of the City of Orillia, in the Province of Ontario,

MAKE OATH AND SAY:

1. I am the President of Behavioural Science Solutions Group Inc., an Ontario corporation that provides investigative analytical services to a broad range of firms and corporations.

A. Background and Experience

2. I have in excess of thirty years law enforcement experience; as an investigator, and investigative supervisor, and have personally investigated, assisted, supervised or been consulted on a vast number of investigations and crimes.

3. My involvement has been at various phases in the investigations, including the initial police response and analysis, efforts to identify unknown offenders in unsolved crimes, efforts to apprehend offenders, pre-arrest and post arrest interviews, case preparation and trial.

4. I am certified as a criminal investigative analyst by the International Criminal Investigative Analysis Fellowship, and have participated in investigations across Canada, the United States, Australia, the Netherlands, and Belgium. I have assisted to train and mentor 22 Criminal Investigative Analysts from Canada, the United States and Australia.

5. I have also completed numerous advanced criminal investigative and behavioural analysis courses. I am a graduate of the FBI National Academy Program in Quantico, Virginia. I am a regular guest presenter at the University of Toronto, Laurentian University, Trent University and other colleges on various issues, including criminal profiling, offender motivation and applied criminal psychology. I have also lectured at law enforcement training venues, conferences and symposiums.

B. Investigation Regarding Donald Best

6. On October 7th, 2009 I was contacted by Mr. Gerald (Gerry) L.R. Ranking of Fasken Martineau DuMoulin LLP to locate Mr. Donald Robert Best. Mr. Ranking wanted me to locate Mr. Best so that he could be served with a Summons to Witness (for the purpose of having his evidence available) for use at the hearing of a cost motion to be heard in Whitby, Ontario on November 2, 3 and 4, 2009. I was told by Mr. Ranking, and subsequently by his law student, Mr. Sebastien Kwidzinski (collectively "Faskens"), that they had not been able to locate Mr. Best.

7. From the information I received from Faskens concerning Donald Best, I immediately noted a lack of any meaningful information regarding the whereabouts of Mr. Best. In particular, I noted that Mr. Best had taken care not to disclose a residential address that would permit a third party to determine his actual whereabouts. The addresses (or supposed addresses) for Mr. Best shows a history of rental post office boxes, instead of normal residential or corporate addresses. By way of summary, Mr. Best's addresses are as follows:

- (a) [REDACTED] Kingston, Ontario, K7L [REDACTED]
- (b) [REDACTED] Toronto, Ontario;
- (c) [REDACTED], Etobicoke, Ontario;
- (d) [REDACTED] Etobicoke, Ontario; and
- (e) [REDACTED] Barrie, Ontario.

8. Donald Best took steps to avoid disclosing a residential address when obtaining his motor vehicle licence. Motor vehicle licence searches performed on "Donald Robert Best" did not reveal a residential address. Rather, the only address disclosed was 122-250, The East Mall, Apartment 1225. I was informed by Mr. Kwidzinski that this address refers to a mailbox at the UPS Store (store 122) located in Cloverdale Mall, Etobicoke, Ontario.

9. Internet searches of various types were also unhelpful in locating any residential addresses for Mr. Best. Although internet searches such as Canada 411 customarily provide address histories (and address locations), for individuals, none of the searches conducted with respect to "Donald Best" provided a current reliable residential address for him. I also note that some of Mr. Best's addresses used the word "Suite" whereas other records use an apartment number. I cannot explain the different terminology but it would certainly suggest an intention to portray a "mailbox" as an actual residential address.

10. Other searches have also failed to disclose Donald Best's whereabouts. Mr. Best's date of birth is [REDACTED] and his driver's licence number is [REDACTED]. I was not able to use that information to secure a current residential address.

11. Using available search methods, I was also unable to locate a current telephone number for Mr. Best.

12. Inquiries of the Toronto Police Association, of which Mr. Best was a member, only reveal the former address in Hamilton, namely, [REDACTED] Road. No current address was available for him.

13. In my experience in conducting, supervising, and assisting many hundreds of investigations, it is my belief that Donald Best is intentionally and deliberately concealing and obscuring his current residence address.

14. Given my inability to locate Mr. Best (despite extensive efforts), I believe that Mr. Best has deliberately used false addresses to prevent him from being located by conventional methods normally used to locate individuals.

15. Very few people demonstrate the strenuous efforts (over a number of years) to create and convey a false address history, as reflected by the repeated use of false addresses and/or post office box numbers used by Donald Best. In my investigative experience, he is among very few individuals to go to this length to conceal his address.

SWORN BEFORE ME
at the Town of Orwenthorpe
in the Province of Ontario,
on October 21, 2009



A COMMISSIONER FOR TAKING AFFIDAVITS

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JIM VAN ALLEN