

This is **Exhibit G**
to the affidavit of Donald Best
Notarized 18 April 2012, Singapore





Court File No. 07-0141

ONTARIO
SUPERIOR COURT OF JUSTICE

GL/lms

B E T W E E N:

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. PHILIP
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

- - - - -



This is a Statement for the Record in the above-noted matter, taken at the offices of VICTORY VERBATIM REPORTING SERVICES, Suite 900, Ernst & Young Tower, 222 Bay Street, Toronto, Ontario, on the 17th day of November, 2009.

APPEARANCES:

GERALD L.R. RANKING
SEBASTIEN KWIDZINSKI
(Student-at-Law)

-- for the Defendant,
PricewaterhouseCoopers
East Caribbean firm

SARAH CLARKE

-- for the Defendant,
First Caribbean
International Bank

LORNE S. SILVER

-- for the Defendants, Richard
Ivan Cox, Gerard Cox, Alan
Cox, Gittens Clyde Turney,
R.G. Mandeville & Co., Keble
Worrell Ltd., Lionel Nurse,
Owen Seymour Arthur, Mark
Cummins, Kingsland Estates
Limited, Classic Investments
Limited, The Barbados
Agricultural Credit Trust
(more properly, Barbados
Agricultural Credit Trust
Limited), the Attorney
General of Barbados, the
Country of Barbados, Elneth
Kentish, Malcolm Deane, Eric
Ashby, Bentham Deane, Errie
Deane, Owen Basil Keith
Deane, Keith Deane, Leonard
Nurse, Estate of Vivian
Gordon Lee Deane, David
Thompson, Owen Gordon Finlay
Deane, Life of Barbados
Holdings and Life of
Barbados Limited

HEIDI RUBIN

-- for the Responding Parties,
K. William McKenzie and
Crawford McKenzie McLean &
Wilford LLP

MARC LEMIEUX



VICTORY VERBATIM

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STATEMENT FOR THE RECORD:

1. MR. RANKING: The time is now 10:30. It is Gerald Ranking, and I am making these statements at Victory Verbatim in a boardroom in the presence of Lorne Silver, Marc Lemieux, Heidi Rubin, Sarah Clarke, and my student, Sebastien Kwidzinski. I want to briefly go over the events of this morning before I mark a number of documents as exhibits.

When I arrived at the reception of Victory Verbatim at approximately 9:50 a.m., Mr. Best was on the phone. He was calling in and speaking to the receptionist. I offered to speak with him, and the substance of the discussion was that he was not going to attend, but that he wanted the examination to take place over the telephone.

I indicated to him that that was not in accordance with the order of Justice Shaughnessy, and I asked him if he could tell me where he was so that we could determine if he could, in fact, attend to be examined in person.



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1 Mr. Best refused to answer that
2 question. And after some further
3 discussion, he then asked if he could speak
4 with Lorne Silver. At that point, at
5 approximately 9:55 a.m., we then retired to
6 a small telephone room off the reception at
7 Victory Verbatim, and Mr. Silver then put
8 Mr. Best on the conference call in my
9 presence and the presence of my student,
10 Sebastien Kwidzinski.

11 The call proceeded, and Mr. Best
12 indicated that certain information had been
13 posted on the Barbados underground website
14 and some other blog, which I believe was
15 something to do with a motorcycle website,
16 and he indicated that he was concerned for
17 his safety.

18 He asked in particular whether or
19 not we had been surveilling him, or whether
20 there would be surveillance at the
21 examination. And Mr. Silver made clear
22 that there would be no such surveillance,
23 and also indicated that neither he, nor any
24 member of his firm or his firm itself, had
25 any role in posting whatever it was that



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1 Mr. Best was referring to.

2 And I add that neither Mr. Silver
3 nor myself or, to the best of my knowledge,
4 anyone else in this room today have any
5 knowledge of what Mr. Best was referring
6 to, although it may well be on the website
7 but we haven't accessed it.

8 The discussion with Mr. Best
9 proceeded until 10:12 a.m., and I summarize
10 the salient points as follows: Firstly,
11 Mr. Silver and myself made clear that if
12 Mr. Best did not attend, that he would be
13 in contempt of Mr. Justice Shaughnessy's
14 order, dated November 2nd.

15 In that regard, Mr. Silver offered
16 to put the matter down to 2:00 in the
17 afternoon, to which Mr. Best indicated that
18 he could not attend. I renewed my request
19 for Mr. Best to disclose his whereabouts,
20 and went so far as to say that I did not
21 need to know a specific address, but I
22 needed to know generally whether he was in
23 the jurisdiction, and if so, his general
24 whereabouts. And the example I used was,
25 was he in Barrie or elsewhere? So that we,



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1 as counsel, could organize our schedules to
2 try to accommodate him.

3 Mr. Silver also offered other days,
4 being Wednesday or Thursday, and Mr. Best's
5 response, as best I recall, was that no
6 time was particularly convenient, and he
7 did not commit to any of the offers made by
8 either myself or Mr. Silver to attend to be
9 examined at another time.

10 I should also add that Sarah Clarke
11 joined the call at 10:05, and I believe
12 that was the approximate time that Heidi
13 Rubin joined the call as well. I am just
14 checking my notes to see if there is
15 anything further. Yes, the other point
16 that I should make clear is that Mr. Best
17 really was quite insistent that the
18 examination take place by way of conference
19 call.

20 Mr. Silver asked the first question
21 as to whether or not he..."he" being Mr.
22 Best...had the records of Nelson Barbados.
23 Mr. Best refused to answer, and then asked
24 Mr. Silver to put the second question to
25 him, and Mr. Silver made clear that this



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1 was not to be an examination conducted over
2 the phone, but just simply a general
3 question to determine where the corporate
4 records might be, given the fact that Mr.
5 Best had not complied with Justice
6 Shaughnessy's order to deliver the
7 documents to me a week in advance.

8 Finally, one last point, which I
9 think is salient for the purposes of today,
10 is the fact that Mr. Best indicated that he
11 had not received any of the materials but
12 had spoken to Jackie Travis, although he
13 had not used that name, but he said the
14 trial coordinator, which I assume to be
15 Jackie Travis, and that there was a package
16 of materials that were to have been sent to
17 him.

18 He claimed that he had not received
19 the materials, and I then indicated to him
20 that I had sent the materials to him by
21 letter dated November 6th, in strict
22 compliance with Justice Shaughnessy's
23 order.

24 I followed up and I asked him if he
25 had, in fact, gone to his post office box



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1 to collect the materials, and despite the
2 fact that I asked this question on at least
3 three occasions, Mr. Best refused to answer
4 and to let us know whether or not he had
5 picked up the materials.

6 Subject to the comments of others
7 that I will invite momentarily, I would
8 like to mark as exhibits the signed order
9 of Justice Shaughnessy, dated November 2nd.
10 That will be Exhibit 1.

11
12 --- EXHIBIT NO. 1: Signed order of Justice
13 Shaughnessy, dated November 2, 2009
14

15 2. MR. RANKING: And I would also like to
16 mark the affidavit of Jeannine Ouellette,
17 sworn November 17th, to which is attached
18 the notice of examination, dated November
19 6th, 2009. And for the purposes of
20 brevity, if I could put it that way, I have
21 not attached to Ms. Ouellette's affidavit
22 the rest of the material that was, in fact,
23 served that day because our volumes, being
24 the transcript from the cross-examination
25 of John Knox, dated November 4th, the



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1 affidavit of John Knox sworn November 12th,
2 the affidavit of John Knox sworn January
3 11th, and the transcript of the proceedings
4 before Mr. Justice Shaughnessy on April 7
5 and April 8, 2009.

6 Those items are identified in Ms.
7 Ouellette's affidavit of having been
8 couriered to Mr. Best on November 6th,
9 2009. So if I could mark the affidavit of
10 Jeannine Ouellette as Exhibit 2.

11
12 --- EXHIBIT NO. 2: Affidavit of Jeannine Ouellette,
13 sworn November 17, 2009

14
15 3. MR. RANKING: And I will also mark as
16 Exhibit 3 my letter to Mr. Best, dated
17 November 6th.

18
19 --- EXHIBIT NO. 3: Letter to Donald Best from Gerald
20 Ranking, dated November 6, 2009

21
22 4. MR. RANKING: Let me just check my
23 notes, and then I will invite comments from
24 others. Subject to comments from others,
25 those are my comments today.



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1 MR. SILVER: It is Lorne Silver. The
2 only other two things that I would add is
3 that, in the conversation that Mr. Ranking
4 describes, I made it clear to Mr. Best that
5 we were just following the protocol set out
6 in court orders, and because the difficulty
7 that we had experienced previously in
8 serving him, we were proceeding by way of
9 court order, and that the court order that
10 we were here on today was one that required
11 him to be cross-examined today.

12 And that if he had any problems with
13 the court orders, he would have to deal
14 with that with the court and not with us.
15 The other thing that I think I might have
16 missed but was also indicated was I, in
17 trying to reschedule this cross-examination
18 to tomorrow or this afternoon or tomorrow
19 or Thursday, I also specifically asked Mr.
20 Best when he would be available for the
21 cross-examination, and he would not answer
22 that question. Anybody else want to add
23 anything to the record?

24 MS. RUBIN: Just to be fair to Mr. Best,
25 my notes say that he indicated that he



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1 hadn't received a copy of Justice
2 Shaughnessy's November 2nd order, and that
3 he had asked for a copy to be sent to him.

4 MR. SILVER: I don't think that is
5 right, actually. I think he said that he
6 got it for the first time last night.

7 MS. RUBIN: My notes say that he
8 indicated that he hadn't seen it, but maybe
9 I misheard. That is what I heard him say.

10 MR. LEMIEUX: Marc Lemieux, just to...

11 MR. SILVER: But in response to that, he
12 obviously knew...sorry, Marc.

13 MR. LEMIEUX: No problem.

14 MR. SILVER: He obviously knew about the
15 examination because he knew to call in this
16 morning at 10:00.

17 5. MR. RANKING: Well, I don't want to
18 really get into...my recollection is
19 similar to Mr. Silver's, that he, indeed,
20 indicated that he had obtained the court
21 order, and that he, in fact, called the
22 trial coordinator to find out about the
23 material.

24 MS. RUBIN: Well, that might have
25 happened before I got on the call.



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1 MR. SILVER: And Mr. Ranking asked
2 repeatedly for him to confirm that he had
3 received and seen the materials that were
4 sent to the post office box in accordance
5 with Exhibit 3 that he just marked, and he
6 refused to answer that question.

7 MR. LEMIEUX: Marc Lemieux. I just wish
8 to be clear for the record that I was not
9 here today for the examination of Donald
10 Best. Our firm is no longer on the record,
11 and I have no specific knowledge of any of
12 these things that were being discussed with
13 respect to the particular court order of...
14 what packages were sent to him, or what was
15 in those packages, or anything else.

16 I was not present for the entire
17 phone call, so I don't have any specific
18 knowledge of the entirety of the phone
19 call, or the context of the entire phone
20 call, nor did I take any notes of that
21 which I was present for. So, from my
22 position...and I take no position with
23 respect to any of the things that have
24 transpired or what has taken place this
25 morning. Thank you.



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REPORTER'S NOTE:

Please be advised that any undertakings, objections, under advisements and refusals are provided as a service to all counsel, for their guidance only, and do not purport to be legally binding or necessarily accurate and are not binding upon Victory Verbatim Reporting Services Inc.

I hereby certify the foregoing to be a true and accurate transcription of the above noted proceedings held before me on the **17th DAY OF NOVEMBER, 2009** and taken to the best of my skill, ability and understanding.

Certified Correct:


Gina Lorraine
Verbatim Reporter