

This is **Exhibit D**
to the affidavit of Donald Best
sworn December 10, 2012



MARIJANE RUTH FERRY, a Commissioner, etc.,
County of Shasta, for W. ROY GORDON,
Barrister and Solicitor.
Expires October 15, 2014.

2758

Robert G.W. Lapper, Q.C

November 28, 2012

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Thomas G. Conway

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RE: Special circumstances involving LSUC members

Dear Sirs:

My name is Donald Best.

Several lawyers recommended that I contact the two of you at the Law Society of Upper Canada for assistance because the special circumstances of my case are deterring lawyers from representing me.

The difficulty I am experiencing in finding a lawyer stems from the fact that I have a voice recording of my telephone conversation with two Ontario lawyers that, according to several experienced and senior counsel, proves the lawyers advertently misled the Court both in writing and orally.

I was subsequently convicted of civil contempt in absentia upon this (false) evidence created and submitted to the court by the two lawyers. In his reasons for my conviction, the judge specifically mentioned that he was relying upon the evidence of the two lawyers: their version of what was said in a phone call versus my version.

My voice recording proves the evidence upon which I was convicted of civil contempt was a fabrication by the two lawyers.

The case is an application by me, Donald Best, in Oshawa, Ontario to overturn a finding of contempt resulting from my failure to appear for one or more examinations in and out of court in a civil case costs hearing. On January 15, 2010, I was convicted and sentenced to three months in jail in absentia.

The case name is 'Nelson Barbados Group Limited v Cox et al', currently being heard in Oshawa by Justice J. B. Shaughnessy.

I am writing to you at the Law Society of Upper Canada because I have been unable to find an experienced civil lawyer willing to aggressively pursue my interests, who has no conflicts with some of the large law firms involved on the other side.

I want to highlight that this has turned out to be a strongly contested application by opposing lawyers who have in the past shown a propensity to be unduly aggressive towards opposing counsel as part of their tactics.

Please know that there is a good likelihood that a lawyer properly representing my interests will decide to bring a motion to remove existing lawyers from the record on the basis that their own evidence is going to be used in the application to show that they may have advertently misled the court on multiple issues, orally and in written submissions.

I have been advised by senior counsel that my supporting voice recordings and transcripts are probably admissible.

You will, of course, draw your own conclusions however I should advise you that two very senior lawyers (one civil, one criminal) have opined that the evidence shows that the lawyers advertently misled the Court. The voice recordings are very disturbing to those lawyers who have listened to them.

When the judge convicted me of contempt on January 15th he specifically relied upon a written 'Statement for the Record' created by lawyers Mr. Gerald Ranking and Lorne Silver, and specifically mentioned that in his 'Reasons' for my conviction. The judge accepted their (false) version of events, which I am able to show was false through a recording of my conversation with them. In short, I was framed with fabricated evidence and I can prove it.

Besides lying to me during the phone call, and then later lying to the court in writing and orally; when I informed Ranking and Silver that persons had been committing criminal offenses against my family and me and I asked for their assistance to discover the perpetrators, the lawyers said words to the effect that they 'didn't care', that my concerns were a 'non-issue' and that they 'wouldn't

help me even if they could'. They also said words that their clients didn't care either. (exact quotes are in my true transcript and voice recording)

When I wrote the judge and lawyers detailing that Ranking and Silver told me they 'didn't care' and 'wouldn't help me even if they could' the judge asked Ranking and Silver about my version of the telephone conversation.

Mr. Ranking and Mr. Silver told the judge on the court transcript that they categorically rejected my version of the conversation. My voice recording proves that my version is true, and that Ranking and Silver were thus again lying to the judge, this time orally on the record.

Lawyers as Witnesses

It is clear to me even as a layman that Mr. Silver and Mr. Ranking should not continue representing their clients where there is strong evidence that they are witnesses against me. After all, the court has not been told everything, and I wonder how much Mr. Silver's and Mr. Ranking's clients know about the recording and the evidence upon which I was found in contempt. Surely their clients did not instruct or encourage them to do what they did and the clients should find other lawyers?

Anonymous threats to witnesses from Miller Thomson LLP computers

There is also strong forensic evidence that a series of threatening and harassing anonymous emails to my witnesses originated from the computer systems of one of the involved large Toronto law firms (Miller Thomson), starting in at least 2004 and carrying on for many years. There is strong documentary evidence that the Miller Thomson law firm was provided with this evidence in writing in 2009 and 2010, yet the firm's lawyer, Mr. Andrew Roman, withheld the evidence from the judge during my case: all the while arguing that his client and firm were not involved.

As you can imagine this set of circumstances may lead to some push back by the judge who will presumably realize he does not look good having accepted unsworn written and oral statements from lawyers and then relied on those (false) statements to convict me. The same judge now has to decide whether those statements were false, and if false, were they deliberate or inadvertent.

This would be very awkward for any judge however this judge has gone so far as to tell these lawyers on the record and in the court transcripts that they are his 'heroes' so that may add complications.

The materials have already been filed with the Court and any lawyer representing me may decide to file additional documents after conferring with me.

There is a date to set a date scheduled for December 11, 2012. There is a cross examination of me set for January 11, 2013.

Before you recommend a lawyer for me, may I suggest that you search the following conflicts and including that the law firms involved do not refer work to your recommended lawyer. This is often a conflict that has been overlooked in past discussions with lawyers.

I need assurances that once I hire a law firm, they will aggressively 'go the distance' which may include an appeal.

Please reply to this email address: [REDACTED]

or via Fax: [REDACTED]

Yours truly

Donald Best

Conflicts of Interest checks for:

Richard Cox

Kingsland Estates Limited

Price Waterhouse Coopers (Barbados)

Price Waterhouse Coopers East Caribbean Firm

Gerald Ranking, lawyer

Lorne Silver, lawyer

Andrew Roman, lawyer

Cassels Brock Blackwell law firm

Faskin Martineau law firm

Miller Thomson law firm

Overview

The basic story is that in 2007 my Ontario company Nelson Barbados Group Limited sued a number of people in Canada and Barbados and some of the Barbadians challenged jurisdiction and were successful, so it was just a matter of fixing the costs and paying them. The history was that my company had always paid assessed costs so I figured that was how it would end.

However, as a tactical move to separate me from my lawyer, the defendants said my lawyer had to pay costs personally (he never did) which meant he had to quit the case in about August 2009. From then on it was impossible for me to find a lawyer even though I interviewed many of them.

On October 30, 2009 I wrote to the judge and said as soon as the court fixes the costs they will be paid, that I couldn't find a lawyer and would not be appearing for the costs hearing scheduled for November 2, 2009.

The Barbadians play rough and had threatened my lawyer and some witnesses and then in late October 2009 they got to me and threatened my family. Then I was physically assaulted so I left the country with my family on November 11, 2009. I tried to get a lawyer after that and could not find one willing to take my case.

The Barbadians got an order to examine me which the judge signed on November 12, 2009 but backdated the order to November 2, 2009. This order was not sent to me until November 17, 2009 and I received it in New Zealand on November 25, 2009.

I had been keeping in touch with the trial coordinator by phone from time to time to find out how much had to be paid and when I called her November 16, 2009 from the South Pacific she told me I was supposed to be in an examination in Toronto on November 17, 2009, which I was not aware of. On November 17, 2009 I called the Toronto examination office, spoke to Ranking and Silver and informed them that I was willing to be cross-examined by phone even though I had not received a copy of the judge's order.

I recorded the phone call, and it turned out to be a good thing I did because Ranking and Silver lied to the court about what was said, and I was convicted of Civil Contempt of Court based upon their lies to the court.

My voice recording and my true transcript are in the documents I am sending to you. You and anyone can hear that I am telling the truth about what happened to me, and determine that Mr. Ranking and Mr. Silver lied to me and to the court.

During the November 17, 2009 phone call, instead of letting me be examined, the lawyers Silver and Ranking refused, hung up on me over my protestations, and then did up a 'Statement for the Record' which they dictated to a court reporter. This 'Statement for the Record' was then submitted to the court as evidence.

Their 'Statement for the Record' contained outright falsehoods and deceptions about multiple issues. The 'Statement for the Record' was a fabrication that placed false evidence before the court. The court then relied upon this 'Statement for the Record' to convict me of Contempt of Court. This reliance upon the 'Statement for the Record' as evidence used to convict me is clearly indicated in Justice Shaughnessy's January 15, 2010 'Reasons for Conviction'.

Besides lying to me during the phone call, and then later lying to the court in writing and orally; when I informed Ranking and Silver that persons had been committing criminal offenses against my family and me and I asked for their assistance to discover the perpetrators, the lawyers said words to the effect that they 'didn't care', that my concerns were a 'non-issue' and that they 'wouldn't help me even if they could'. They also said words that their clients didn't care either. (exact quotes are in my true transcript and voice recording)

This was frightening to me as this case has been characterized by criminal acts against my witnesses over the last ten years, including firebombing of homes with sleeping children, kidnapping at gunpoint, beatings, witnesses losing employment in retaliation for testifying, anonymous death threats over the internet, etc.

During the November 17, 2009 phone call Ranking and Silver kept saying there was a court order that I had to be there. I said, repeatedly, that I had not received the order, and they cross-examined me on my denials. Ranking and Silver were fully aware and acknowledged during our conversation that I was saying I had NOT received the judge's order. Now it turns out it would have been impossible for me to have received the court order since it had not been sent out to me until the day after the phone call!

The judge's order was first sent to me on November 18, 2009.

Sixteen times during our November 17, 2009 telephone conversation I told Ranking and Silver in no uncertain terms that I had NOT received the judge's

order and would they please send me a copy, etc. Sixteen times: the truth is there in the recording.

Then immediately after the call ended, Ranking and Silver created their 'Statement for the Record' as evidence wherein they said, even over the objection from one other lawyer, that I had said to them during the call that I had received the Judge's Order. That was a lie, and just one of their many lies in their 'Statement for the Record'.

There was a motion on December 2, 2009 to find me in contempt of the Judge's backdated 'November 2/12, 2009' Order and I wrote to Ranking, Silver, the judge and all the involved lawyers a letter dated December 1, 2009 to tell the truth about what happened during the November 17, 2009 call.

You will read in my December 1, 2009 letter that I accused Ranking and Silver of lying to the judge in their 'Statement for the Record'.

In the court transcript from December 2, 2009, the judge asked Ranking and Silver what the truth was. In effect the judge was asking Ranking and Silver; whose version should he believe, theirs or my version as detailed in my letter?

The lawyers not only said their 'Statement for the Record' was true but that my letter was a lie and defamatory. I have marked that statement for you in the court transcript from December 2, 2009. Here again Ranking and Silver are lying to the Court because their version in the 'Statement for the Record' is false. During the December 2, 2009 court appearance, Ranking and Silver doubled down on their lies orally, when offered a chance to correct the court record.

In saying what they did to the court on December 2, 2009, Ranking and Silver took a chance that I didn't make a recording of the November 17, 2009 phone conversation. But I did make a recording and they are proven to have lied to the court; first in writing and then orally when confronted about their written submissions.

When the judge convicted me of civil contempt on January 15th he specifically relied on Ranking and Silver's 'Statement for the Record' and specifically mentioned that in his 'Reasons' for my conviction. The judge accepted their (false) version of events. Apparently my December 1, 2009 letter made the judge feel I was a liar because Ranking and Silver in effect said I was lying to the court in my December 1, 2009 letter.

via fax

Robert G.W. Lapper, Q.C

November 30, 2012

CEO,

Thomas G. Conway

Treasurer,

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Osgoode Hall, 130 Queen Street West
Toronto, Ontario M5H 2N6

CEO Fax: 416-947-5219 email: madamsky@lsuc.on.ca

Treasurer Fax: 416-947-7623

RE: Special circumstances involving LSUC members

1. I am not making a complaint.
2. I am seeking LSUC's assistance in finding a qualified, experienced lawyer to represent me, as dozens of lawyers have turned me down.
3. I am running out of time to find a lawyer, and the Law Society of Upper Canada referral service will only provide me with the names of three malpractice lawyers per day!

Dear Sirs:

Perhaps my November 28 communication was misunderstood. I received a short email from Mr. Lapper's Executive Assistant, Mirka Adamsky-Rackova, that indicated my letter had been forwarded to your Director of Professional Regulation, who is in charge of complaints against lawyers according to your website.

I am not making a complaint (as the case is before the court) so the referral to your Director of Professional Regulation seems out of place.

I am seeking the assistance of the Law Society of Upper Canada to find an experienced civil lawyer who is willing to aggressively pursue my interests, who

has no conflicts with some of the large law firms and Pricewaterhouse Coopers involved on the other side.

So far I have been turned down by several dozen lawyers for various reasons and I am getting quite desperate because the judge has declared that I must have a lawyer or act for myself on December 11, 2012. I don't view that as fair as I really don't know anything about litigation or the rules that govern the civil courts and am in no way qualified to defend myself in any situation, let alone one where I have been sentenced to three months in jail.

After spending 18 months with my previous senior lawyer and paying him over \$60,000 of borrowed money, at the last minute he told the court and me that he lacks the civil law skill set to face off against Mr. Silver and Mr. Ranking. I wish he had said that in June of 2011 when he said he could 'handle' them. It is in no way my fault that I now find myself without a lawyer.

If a primarily criminal lawyer with over 35 years of practice does not feel qualified to act for me in this civil contempt case, how can I possibly act for myself?

Some of the lawyers I approached who expressed an interest in my case have refused because they too lack the experience and skills, even though they expressed sympathy and the opinion that the facts of my case and my voice recordings are "troubling" and "disturbing".

Many of the lawyers indicate they are not interested without further explanation, or they declared a conflict of interest with the large law firms and Pricewaterhouse Coopers accounting firm on the other side.

Some of the junior and senior lawyers I have spoken with were very forthright and told me that they cannot go against the big law firms because they receive work from them. Some have told me they work daily in the same professional or personal circles as the lawyers and firms who oppose me, and they cannot in these circumstances bring evidence or a motion that would harm the careers of the other lawyers.

One very senior civil lawyer told me "All lawyers lie. Live with it. Get over it." Obviously I did not retain this man.

I am getting rather desperate because no experienced civil lawyer appears ready to take my case and I have approached dozens.

LSUC Referral Service

I have been calling your referral service to ask for Civil Lawyers who are experienced in civil matters and also are willing to take matters involving malpractice of other lawyers.

On Friday, November 30, 2012, the LSUC representative took my name and offered me a free consultation with one lawyer and I accepted. Then they provided me with a name that I had been provided with several days before but who had not returned my calls.

When I explained this, the LSUC representative said that a referral lawyer had up to four days to return my call.

I then asked for another three names of civil lawyers in Markham who were willing to do malpractice law against other lawyers and she said there were only three lawyers in Markham/North Toronto on this list, and in any event she was not able to provide me with another three names today because I was only allowed three names a day. Further, she said that the computer was set up so that she could not provide more than three names a day to people calling in for referrals or, in the alternative, only one consultation/referral per case.

I said that I would take the three names and she said I would then have to call back on Monday for those names or cancel the 'free consultation/referral'. I then said to cancel the 'free consultation/referral' so I could have three names as I would pay them for their consultation myself.

She then cancelled the 'free consultation/referral' and provided me with 3 names of civil / malpractice lawyers in Toronto, but would not provide me with any additional names until Monday, even though it was only 9am in the morning.

I am running out of time to find a lawyer, and the Law Society of Upper Canada referral service will only provide me with the names of three lawyers per day! I do not understand this refusal of the Law Society of Upper Canada to simply provide me with the list of experienced civil lawyers who are willing to engage in malpractice lawsuits against other lawyers. This policy slows and hinders my search for a lawyer, and does not benefit me or the public in any way that I can imagine.

I don't understand why the Law Society of Upper Canada does not publish a list of experienced civil lawyers who also are willing to take matters involving malpractice of other lawyers. I have been contacting lawyers from your 'Certified Specialists in Civil Litigation' list on the internet, but it is obvious to me that people are reluctant to involve themselves due to the nature of my evidence.

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The voice recording that I made when compared to Mr. Ranking and Mr. Silver's version of events really speaks for itself. Any jury would understand the voice recordings and how I was convicted upon false evidence.

Surely there is an experienced civil lawyer within a 200 km radius of Toronto who is willing to represent me even if it means presenting evidence and filing motions that might be detrimental to the careers of the opposing lawyers?

Will the Law Society of Upper Canada assist me to find an experienced lawyer who is willing to represent me?

I really am getting desperate.

Thank you,

Donald Best

This is **Exhibit E**
to the affidavit of Donald Best
sworn December 10, 2012



MARIJANE RUTH PERRY, a Commissioner, etc.,
County of Sitka, for W. ROY GORDON,
Barrister and Solicitor
Expires October 15, 2014.

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Your Request for Assistance
From LawRefer <LawRefer@lsuc.on.ca>
To (Donald Best)
Sent Wednesday, December 5, 2012 at 10:45 AM

Dear Mr. Best,

Your correspondence of November 28, 2012 was forwarded to our office.

The Law Society of Upper Canada is the regulatory body for the legal profession in the Province of Ontario and we are not able to offer legal advice to the public.

Residents of Ontario can call the Law Society Lawyer Referral Service (LSRS) at 416-947-3330 or 1-800-268-8326 (toll free within Ontario) to speak with a legal information officer. You may be entitled to a consultation of up to thirty minutes free with a lawyer or paralegal either on the phone or in person. If you decide to retain this lawyer or paralegal after the consultation, the lawyer or paralegal's normal fees and disbursements would apply.

Our office is opened Monday to Friday from 9:00 am to 5:00 pm.

Additional information about the service and our new online service is available on the following web page:

<http://www.lsuc.on.ca/faq.aspx?id=2147486372>

Sincerely,

The Law Society of Upper Canada