

EXHIBIT B

M: Martina, receptionist

DB: Donald Best

M: Victory Verbatim, Martina speaking.

DB: Hello, Martina, its Donald Best calling. I'm, ah..

M: Hello Donald.

DB: Hi.

(laughter)

DB: I'm supposed to be, um, examined today..

M: Yes.

DB: ..ah, in Nelson Barbados vs. ah, whomever..

M: Ok

DB: Ok, and um..I need to, ah, speak with, ah, whoever is there and ah, also, ah, get everything on the record and get the teleconference going.

M: Do you mind if I just put you on hold for a second, sir? Just one second.

DB: Sure.

(hold music)

M: Sorry, sir, there was just a rush of people coming in for their rooms.

DB: No problem.

M: Um.

DB: I need to speak, I guess with the reporter, whoever is going to set up the telecomferene because it's going to be done initially, anyway.

M: Oh, it is, ok. Because nobody actually made us aware of that, that is was going to be done by telephone.

DB: Oh, well, ah. Well, I..

M: Interesting. Because, ah..

DB: Um, ah, what's happened is I am unable to be there right now. But I would like to appear, but I would like it all on the record. I am unrepresented. So when I speak to everyone, or anyone there, I'd like it to be on the record and recorded with the reporter there

M: Yes.

DB: ..and everything. So..

M: I just, I'm not sure about setting that up, though, see they should have told us, because we have to make arrangements for that, for a telephone to be put in the room. And as far as I knew showing up to be examined.

DB: Oh my goodness, no way, I sent a letter.

M: Yeah. So..

DB: To the court, yesterday, even telling them I would be here. So, no, no, I'm willing, ready, willing and able to be cross-examined, but..

M: Ok.

DB: ..ah, I need it to be on the record. Now, now..

M: Ok, I need to, I need to just put you on hold, sir, to see if we can actually do this for you. As far as we're concerned nobody let us know that were gonna be on the telephone.

DB: You guys are the biggest and the best..

(laughter)

DB: I've testified at your places a lot, especially when I was a police officer.

(hold music)

B = Best

R = Ranking

S = Silver

R This is Gerald Ranking. Am I speaking to Donald Best?

B Uh, yes, yes, but I'd like to go on the record with the reporter there, Mr. Ranking.

R We're in the reception. We're waiting for you to attend. Where are you?

B Well I'd like to go on the record.

R Well you don't have an option of wanting to go on the record. You're, a court order requires you to be here. So, we're waiting here...

B I'm happy to explain on the record and..

R Well we're not on the record, my friend, and that's not the way it works. We're standing in the reception waiting for you to attend...

B Well I don't know that Sir, but in any event I'd like to, ah, testify...

R Well I'm standing in front of with three other lawyers who are listening to this conversation. You can't go on the record.

B I'm perfectly willing and able to be cross-examined here and now, um, but I ...

R We're waiting for you. Where are you Mr. Best?

B Well I'd like to go on the record, Sir.

R Where are you, Mr. Best? I'm asking you a simple question for which there is a simple answer.

B Look, I...

R Where are you?

B Can we talk and go on the record, Sir?

R We can't go on the record because we're in the reception of a reporter's office.

B Well then, I can phone back in five minutes. It's not a problem.

R Well why is it that you need to go on the record?

B Well frankly Sir I...

R No, look. The short answer is this. You know there's a court order requiring you to be here. If you don't show up you're going to be in contempt and we'll deal

with it. So we're not going on the record. What I'm prepared to do is if you tell me where you are, I'm prepared to stand the matter down as a courtesy to you so you can get here. But we're not going on any court record. You don't go on the record until you're here. Okay?

B Well Sir, okay well let me say this. I was told by the court reporter that I, that the order wasn't.

R If you're not prepared to tell me where you are, I'm not prepared to extend any further indulgences.

B Well I want to testify now, Sir. I'm prepared to answer...

R Well you can't testify. We don't do this by conference call. This isn't California, sir.

B Well, I'm frankly worried about my safety Sir.

R Well you don't need to be worried about your safety.

B Well then let's go on the record and talk about that. I'm willing to come but...

R Look, we're not going on the record. It's very nice of you to call.

B Don't hang up...

R I'll be getting a certificate of non-attendance and..

B Don't hang up, Sir.

R and we'll just move forward. I'm not hanging up. I'm just telling you. I'm waiting for you here. There's a court order requiring you to attend. If you don't want to attend, that's fine. We'll go back and we'll deal with your non-attendance.

B Well, I'm...

R But we're not going to go and start having you doing this on some conference call. That's not what the judge ordered.

B but

R The judge ordered you to attend. You have a copy of Justice Shaunassy's order dated November the 2nd?

B I do not Sir.

R Pray tell, how did you...

B I do not. As a matter of fact, the court reporter told me yesterday that there's all sorts of documents I don't have, and..

R Well look

B And the court was told that I've been served...

R Well I'm not your counsel. I'm not your counsel, I can't start giving you advice

B ?

R What I am telling you is that people are here to examine you. We're waiting for you. If you don't show up, we're getting a certificate of non-attendance and we'll take this back to Mr. Justice Shaunessey.

B Well,

R Okay? You need to file an affidavit to explain things and that's what you'll have to do, but at this point in time, we expect you to attend.

B Well sir, can you tell me this?

R (aside to unknown) He won't come here.

B Can you tell me this, Sir? Sir?

R Ahhh, yes Sir?

B Okay

R Can I tell you what?

B Okay, is Mr. Lorne Silver there?

R Yeah, Mr. Silver is here.

B Okay, can

R We're not, we're not going to play one lawyer against the other...

B No. no. No.

R You're dealing with me. That's your problem.

07:48

B Is he listening right now?

R He is in my presence. Everybody's here. We're making a bit of a gong show in Victory Verbatim (laughing in background)

B Sir? Sir? Can he hear my voice?

R I don't know that he can hear your voice cause you're on the phone Sir.

B Alright, well..

R We are in the reception at Victory Verbatim.

B Okay. Then I'd like to speak to him on the phone, Sir.

R (Laughing) Well, I'm happy to have you speak to Mr. Silver.

B Okay.

R (to receptionist) You want to transfer it into another room?

Receptionist: Yeah.

(UK male) Put him on the speaker phone.

(Music plays)

Receptionist: One moment please. Here's Mr. Silver.

B Thank you

S Is there a conference?

R Do we need it hands free?

Receptionist: Do you want it hands free?

R? Yes we do.

S Hello?

B Mr. Silver?

S Mister Best. How are you?

B Well, ah ah, you're Mr. Silver of Cassels Brock?

S I am. Yes. And you're on a conference. You're on a speakerphone.

B Alright.

S Mr. Ranking and Mr.

K Kwidzinski

S Kwidzinski are with me in a, ah, in an office at Victory Verbatim and we're waiting for you.

B Okay, Sir.

S Where are you?

B Well I'm, I'm prepared to be cross-examined and um, and um..

S Well great. So

B But, but well, hang on Sir. First of all, couple of things. One, I found out about this yesterday. I phoned the trial coordinator as I've been doing occasionally and, and, she told me that the order was signed by the judge on Friday and it wasn't sent to me. I don't have a copy of it. She said it wasn't, she said she sent it to, ah, I forget, but, anyway ah Mr. Ranking on Friday when he signed it on Friday but to no one else. But, but, nonetheless I'm, I'm phoning.

S Sir. Sir, the order was made on November 2nd

B Well, I didn't know that.

S And it was sent to you earlier and I'm sure you didn't know but it doesn't matter because a court order was made and you're in contempt of it by not being here today Sir.

B Well, well Sir. Let me say this. She told me there's lots of documents that the court has been told I've been sent but they weren't sent to me. That's what she said. That's, just, miss, ah Jackie ah..

R? Mister, Mister Best!

B But anyway, anyway. Listen, why I wanted to speak to Mr. Silver. Mr. Silver?

S I'm listening to you.

B All, Alright. I, I understand, and I see right on the web right now that you and your firm have published my Ministry of Transport driver's license number, date of birth, on the web. It's gone viral. All my, what purports to be my driver's license, my date of birth, my my, um, address history since I was seventeen years old.

S My, my my firm has posted this?

B Yes Sir. That's what it says. Your email address is here to send information and, and they are calling for ah, rogue police officers and ah bikers to... and criminals to track down my family and this private investigator that you have hired has gone into secret Toronto Police records and published stuff there from my employment record. And it's all, it's all on the web now.

So what I wanted to ask you, Sir. I'm perfectly willing to testify. You know, it would be nice to have the documents, but I wanted to know, I want guarantees from everybody there that not you, not your law firm and none of your defendants, none of your clients have hired surveillance there to take pictures of me cause it will be on the web tomorrow. And I want guarantees from each one of you.

S I, I, well first of all

B My family, my family hasn't slept in weeks, Sir! I've been, I've been on

S They haven't what?

B My family has not slept in weeks. I have been on the phone for days. Not hours, days! I mean, you know, identity theft here. Identity theft. You published, well. Come on. You guys knew what you were doing. You put out my confidential, Ministry of Transport, what purports to be my confidential Ministry of Transport driver's license, address, date of birth, the whole works and you published it in public...

S? Well, well, I just want you to know that two more people have joined the conference call (inaudible) to you. Um, I'm sorry, I've forgotten your name.

H Heidi Ruben (sp?), I'm Bill McKenzie's lawyer

S? And Marc LeMeux's (sp?) just joined us, so that you're aware who's on the call.

B Yeah, well. Oh oh, Marc LeMeux, Marc LeMeux, he's in this article too, okay? They're calling for him, they're calling to do harm to him too.

S That's, that's in my, my firm's website?

B No Sir.

S You said?

B No Sir.

S Huh?

B Barbados Underground blog, but it's also on the motorcycle gang blog and it's all over the place. Because the confidential...

S I thought you said it was on my firm's website.

B No. It says you posted it here, Sir.

S Oh. I posted it on this, I posted on the Barbados Underground website?

B Well..

S Is that what it says?

B Yeah, you've got your email address here. You got the..

S Sir. Sir. Sir. You're making a serious allegation in front of a lot of people and, and, ah, so are you saying that..

B I'm saying what it says. Okay? I mean..

S Well .

B You,you, you, can..

S You know that I didn't post that. I don't know what you're talking about but I can guarantee you that you know that I didn't post that. Right?

B No. I don't know that at all, Sir. But if you say so, okay. Ah..

S Sir, you have my unconditional guarantee that I, that there's no surveillance that I have arranged or know of and you need to be here, Sir, NOW! Otherwise you're going to be in contempt of a court order. We would like to move forward with the cross-examination and deal with the costs of the motion that I suspect you know all about and how long can it take you to get down here?

You can bring whatever documents you have and the other documents that we'll need, you'll either refuse or you'll undertake to provide them. There was a court

order that you're already in breach of that requires you to deliver them a week ago. We'll deal with that. We want to move forward.

B Well, I didn't, uh, sir..

S So where are you? How how far away are you from this office building?

B First of all, sir..

S 222 Bay Street.

B I found out about this yesterday, and I've been told that there's a bunch of documents, by the court reporter, by the court, ah coordinator..

S Mr. Ranking sent you all that doc, all of the documentation that the court thought you required before you were cross-examined

B Well she says, she says that a lot of the stuff the court, ah, wasn't sent to me and the court was told it was

But, but, you know

S Okay, take it all up with Justice Shaunessey, but, but..

B Look..

S You got to do something about that. Right now you're required by court order to be at this office building that we're all waiting for you at.

B Well I can't be there Sir. I can't be there

S Why not? Why?

B Well, I found out about it yesterday and it would take me, ah, too long to get there for one thing. And, and, for another thing, uh..

S Can you be here at two o'clock?

B No Sir. I, well, well, first of all let me ask about my..

S Sir, I'm not your lawyer but I'm trying to help you because I'm telling you, the position that's going to be taken is that you're in contempt of a court order. So it doesn't get, you'll speak to your own lawyer or whoever you take advice from but you're compounding a problem for yourself.

B Sir..

R Could you just let us know where you are, Mr. Best?

B Oh, Oh, yeah, so I'll let you know exactly, That's what they're asking on the blogs so they can..

R I'm asking you because I'd like to know if you can come here by two o'clock. That's the reason for my question.

B I can't.

R You can tell me you're in Barrie. I'm not asking for your residential address.

B I, I..

R Just tell me where you are! Whether you're in the jurisdiction or not. And if you're in the jurisdiction, where?

B I, I, I cannot make it, Sir. I found out about this yesterday and I cannot make it. I don't have any documents. I haven't seen an order. I mean, the order hasn't been sent to me. I've been told stuff hasn't been sent to me. Now, I'm willing to answer questions. I'm willing to answer them right now.

S? Can you be here tomorrow?

B I can't Sir.

S? Oh. So when can you be here? Er, should we... What date would work for you?

(whispering)

B Well, uh..

S? How about Thursday?

B Well, let's talk about my safety Sir.

S Sir, how about Thursday? Can you make it here Thursday? Or tomorrow?

B Well, can everybody who is going to be there, can you all, ah, guarantee me that there is no surveillance? That none of your clients have hired, uh, I mean, the location's unsafe, but oh, you know, can you all guarantee me that? Are you willing to?

18:00

R? I have, I'm happy to have the examination in my office if that's going to make it any better for you.

S? Or mine.

B Well..

S? Whatever you're more comfortable but, ah, Mark Lemuix's here. He's got experience in these things and if he thought that there was surveillance or, he'd ah, he'd alert you to it.

B Gentlemen. Gentlemen, I can tell you that what I see online here, somebody has committed...

S Oh, Mark's not doing anything. Anyways...

B But listen

S You heard from me that there's been no surveillance. The only surveillance that is going to take place is a written transcript. You're going to ah, answer questions under oath and there's going to be a transcript of that record, and that's going to be put before Justice Shaunessey in respect of costs submissions and any other use of it, I mean, I'm not your lawyer but there are rules that deal with this and with the greatest of respect, ah, you're raising a non-issue.

B I'm..

S For the purposes of trying to explain why you..

B A non-issue, Sir!

S ...appear to be in contempt of a court order.

B I'm intimidated, Sir. There's been a criminal offence, Provincial offences, Federal offenses for this thing to appear on..

R Let me interrupt, I just want to, Mr. Ranking, ah Mr. Best. One more person has entered. I'll have her identify herself.

C Hi, Mr. Best. Sarah Clark from (inaudible) Elliot.

B I couldn't..

C I'm with Caribbean

R Alright, we have Mr. Best on the phone. Sorry to interrupt, I just wanted you to know when somebody else came into the room Mr. Best.

S Sir, can you be here tomorrow?

B I cannot be there tomorrow, Sir.

S Can you be here Thursday?

B I doubt I could be there Thursday.

S Can, can you tell us a date when you can first be here? And then we're going to end this conversation and we're going to go on the record

B Well, alright..

S and

B Well, well why don't we do this, Sir. The, the court coordinator told me that somebody could put together a package of everything that they say I've been served with and they could deliver it to me with the affidavits of service and then I could take that to a lawyer or study it and then I could do it, but guys, she has told me and I see from the few things that I have, that that I haven't, I dunno, half the stuff. And, and, the court has been incorrectly told that I have

R Mr. Best, it's Ranking. Let me just answer that. I wrote to you and I spent a lot of money putting together the very package you wanted and it was couriered to your post office box in Kingston on the sixth of November, okay? So, and I know because I looked at the UPS box that as soon as it gets to Kingston, it gets re-directed to your post office box at the Cloverdale mall. So the stuff that you're saying you don't have, I'm going to be able to show that you do have or that it was certainly sent wherever it was supposed to be sent. So if you go to your post office box and you just speak to, ah, the people there I think you're going to find that you'll have all the stuff you need.

B Well..

R Have you gone to your post office box?

B Well, Sir, if this must be..

R Now listen! Just answer the question! Have you gone to your post office box?

B Sir..

S That's not a bad question, Mr. Best. You, you're claiming that you're not prepared and it's, it's really appears to be your own, ah, carelessness or or intentional conduct, so..

B Well, you know, then lets just have all this on the record..

S You can raise all those things with Justice Shaunnessey. You could have done it before. You could do it after. Tell him all your problems. Don't tell us. We are proceeding by way of court orders because of the difficulty that we had to try to locate you previously. Justice Shaunnessey has made orders and we're following them. And the order requires you to be here today Sir.

B Well, I didn't know..

S And the rest of all that you have to say is really no moment to us as lawyers because we have clients that have instructed us to proceed by way of court order to make sure that things take place properly, and that's all we're doing.

B Well..

S And you're in breach of a court order.

B Well, I never got the court order Sir.

R Well, let me ask you the question again. Have you gone to..

B Well, what I'd like to..

R Have you gone to your post office box? I want it noted for everybody's record that Mr. Best has refused to answer the question as to where he is. He's also refused to answer the question that I posed numerous times as to whether he had gone to his post office box to pick up the materials that were sent to him pursuant to Justice Shaunnessey's order and in compliance with Justice Eberhart's order which was the address for service. I must have asked the question three times and I am noting that you're refusing an answer.

B but

R And if you want to change your position, that's fine I'll here from you now.

B Yeah, well, well, my position is ah, you're asking, they've got death threats here. You know? From the..

R I'm just asking whether or not you went to you post office box. I'm not asking about any death threats.

B Well, I, I..

R Cause if I send it to you again, you're going to have the same problem. Unless you want to give me your residential address. Otherwise I can put together another four packages and you're never going to get them..

B A residential address? Well, I don't..

R Look you can give me any, look, I'm not going to get into a debate with you

B What's debate..

R I've asked the question, you've refused to answer

R And I'm in the position I can't even help you any further.

S What do you propose that we do, Mr., ah, Best?

23:35

B Well first of all, I'd like to know who posted what purports to be..

("Kill this" is whispered)

B and how did it come that Ministry of Transport, ah, confidential..

S I have no idea

B (Being talked over by Silver)

S I have no idea and I can't help find that out nor would I if I could.

B Well it says they have a copy of a report from a private investigator from, ah, the firm of Cassels

S Oh. From the firm of Cassels?

B That's what it says.

S Okay. Well I can tell you that the firm of Cassels doesn't have a report on a, on a, you.

B Yes? Does anyone?

S Whoever posted it, posted the wrong information.

B Well how did this come to be?

S I have no idea nor do I care.

B Oh. Well they are only calling for, I see. Yes. Guys, I get it! Whoever put this on, whoever let the Ministry of Transport information into the public, they knew what they were doing. Identity theft. Intimidation. I'm intimidated. I know exactly what you guys have done

S I guarantee you Sir that it wasn't me or Cassels Brock.

B Well well. Who was it then? Sir, who hired the private investigator?

S I have no idea. Anyway, so..

B You have no idea?

S Sir, we're going to end the call and we're..

B Don't hang up!

S going to get a certificate of non-attendance

B I would like to, give me the questions, gentlemen. Give me the questions.

24:59 or so

R We're not doing this over the phone. You're required to bring your documents with you. There's a notice of examination. There's a protocol to be followed, we intend to follow it. If you intend to do something different then you need a court order to vary what Justice Shaunnessy has ordered. It's as simple as that.

B Well I'd like to have a copy of the order

R ?

S Incidentally, do you have all the corporate records of Nelson Barbados?

B I'd like a copy of the order, gentlemen.

S Sir, you said to ask you a question. I'm asking you a question. Do you have all of the records of Nelson Barbados?

B Is that one of your questions, Sir? I'll write that down.

S That's one of them.

B (writing) Do you have..

S Yes

B all the. Okay.

S Are you going to answer it?

B I would like to put all the questions down first, and then I will answer them, Sir. Do you..

S Ok. Mr. Best

(laughing)

S Mr. Best. Thanks for the call. What we're going to take away from it is that you're not attending today. You're not attending tomorrow or Thursday and you won't give us a date when you will attend and we'll take it up with Justice Shaunnessy.

B Well, if you'd send me all the stuff gentlemen, all the, everything that

S Well we're not sending you anything further than what you've already got because what you've got is in compliance of a court order and, ah, we're in compliance but you're not and we're going to move forward. We're not going to continue, ah, this discussion where, um, you're just ah, you're not helping your cause or ours..

B Well, I'm ready..

S Okay?

B Well, I'm ready for the second question..

S We'll ah

S If your position changes on anything, I'm sure you have our fax, our fax or email numbers. Let all counsel know what your position is.

B Well I..

S Otherwise we're going to go back to Justice Shaunnessy and ah, and ah, deal with this breach of his court order.

B I'm ready for the second question, gentlemen.

R Thank you very much

S Okay, thanks Mr. Best. I'm going to hang up, okay? Does everybody agree? Does anybody else have anything to say to Mr. Best? No. So everybody agrees that we should end this call now?

B I'm not agreeing.

S So

B I'm ready to take the questions, gentlemen. What is the next question?

R Thank you, Mr. Best

S Okay. We're going to go now. Speak to you later.

(Sounds of receiver being returned.)

(man coughs)

S Okay

Unknown (inaudible) I was (inaudible) going, whoo. Where the hell is everybody?

S Do we want to put anything on the record?

27:20 or so

R (inaudible)

Unknown (inaudible) he just called here?

R We were doing this for five minutes out there.

Unknown Oh yeah.

R And I finally put it on speaker phone.

Unknown So..

R Ok. (inaudible) certificate of non-attendance..

27:35 or so

R I'm happy to put it on the record. Do you want to put it on the record? There might actually be some utility in that for us. Going on the record.

S Well, at least to ah..

U/K fm ? on the record

R Yeah, just confirm what we've done.

U/K fm We're all here.

R No, but

S No, there (talking over each other.) will be a contemporaneous record

R ? (overtalk)

S and if anybody disagrees they can I think we should put it on

R Yeah

27:55

UK fm Its your party.

R Yeah, I know. It's my record, right?

S And then what's happening once we're all in here about these other cross-examinations? That's why Mark's..

Mark? That's why I'm here. I don't...

S To conduct cross

Mark (Overtalk)

R I wrote to whoever, Jessica. I'm not (presenting?) my guy.

I have no idea, I know she's been in a couple of

R No, Andrew Roman wrote and said he ? wouldn't rely upon it for Justice ??? motion and then I wrote another letter saying, well (inaudible)

S Right. And then Mark sent another one back and disagreed with you and said

R No, he wrote, he responded to ?

S (inaudbi

Mark? But I was supposed to appear, so here I is.

U/k female Hi Mark!

Mark How are you?

U/K fm Good (conversation fades as Mark and f/m walk out?)

(everybody standing up to leave etc. except Ranking and Silver)

28:40

R That was Barrie. And he called to appear.

S Unbelievable. (???)

S I'll even testify... ?

S ... there with him. ?

? Best?

S Sure, yeah. McKenzie's there...

??? And I'm sure they taped that.

??? Have ...be careful (then?)

???? (garbled - moving)

???? Can't say... might... taped...

???? (garbled - moving)

(Conversation fades as Silver and Ranking walk further away. Female's voice reenters phone area maybe in front of door. Not relevant.)