

Court file No. 141-07

**SUPERIOR COURT OF JUSTICE
(Central East Region)**

**IN THE MATTER OF a Contempt Order
issued against Donald Best on January 15, 2010,
by the Honourable Justice Shaughnessy**

Nelson Barbados Group Ltd.

and

Richard Ivan Cox, et al

Affidavit of Donald Best

I, Donald Best, MAKE OATH AND SAY AS FOLLOWS:

1. **The Honourable Court is not prosecuting me for Contempt of Court. The prosecutors are two of the defendants in Nelson Barbados Group Ltd. vs Cox and their respective lawyers and law firms.**
2. On August 9, 2012, Justice Shaughnessy as quoted in the transcript of the hearing on page 7, line 29 (EXHIBIT U to my December 10, 2012 affidavit) confirmed to my lawyer Brian Greenspan that I was charged, convicted and sentenced for Contempt of Court on the initiative of Gerald Ranking and his purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver and his client 'Kingsland Estates Limited':
3. "The Court: Well, my first comment, Mr. Greenspan, is that this contempt hearing was not on my initiative. So it was not one made at the instance of the court. It was brought primarily, I'm going to say, by Mr. Silver and Mr. Ranking..."
4. Therefore the prosecutors against me are the purported entity 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited' and their respective lawyers and law firms.

5. Further, all motions and virtually all evidence and written and oral submissions used to charge, convict and sentence me for Contempt of Court were created and placed before the court by Mr. Ranking and Mr. Silver on behalf of their respective clients.
6. As none of the other defendants have appeared in the current application proceedings, it can fairly be said that the only prosecutors are 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited' and their respective lawyers and law firms.
7. **The prosecutors 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited', the lawyers and law firms are operating under circumstances that are fatal to their continuing in their roles.**
8. As the court observed on December 11, 2012 at transcript page 34, line 30, Civil "contempt is a quasi-criminal proceeding in a civil context" and as such can result in serious penalties including incarceration. Further, my previous criminal lawyer Brian Greenspan said that because of the serious penalties including incarceration, that the Charter of Rights and Freedoms should significantly impact how the prosecutors and the court approach my case. **(Exhibit A December 11, 2012 transcript)**
9. Although currently 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited', their lawyers and law firms are the prosecutors against me, if this case was being heard in a criminal court, a Crown Attorney would be the prosecutor appearing before His Honour.
10. It is an accurate statement to say that no Crown Attorney could continue to prosecute a case where any one of the following circumstances was present:
 - 10.1. The prosecutor was a witness who previously gave evidence in the case, whether such evidence was accurate or not.
 - 10.2. The prosecutor used a false name.
 - 10.3. The prosecutor swore a false affidavit that was placed into evidence in the same case or in a related matter.
 - 10.4. The prosecutor created false written evidence, placed the false written evidence before the court, and then provided false oral submissions to the court in respect of that written evidence.
 - 10.5. The prosecutor directly lied to the accused about the existence of evidence that might aid in the accused's defense.

- 10.6. The prosecutors conspired with each other, and acted, to withhold important evidence from the court, and/or to create and place false evidence before the court.
- 10.7. In response to a report of ongoing criminal activities against witnesses, the accused and family members, the prosecutor informed the accused that he didn't care and that he wouldn't help to discover the perpetrators of the crimes even if he could.
- 10.8. The prosecutor had a potential conflict of interest with a co-prosecutor, based upon alleged wrong-doing (perjury, false affidavits, fraud) wherein the prosecutor could reasonably become a witness against the co-prosecutor.
- 10.9. The prosecutor had an ulterior motive for prosecuting the accused for Contempt of Court: for instance to obtain money, company shares, land or other valuables from the accused, to obtain evidence for or an advantage in another court, to obtain an advantage in a business matter, to obtain evidence unrelated to the charge against the accused, to force the accused to agree to never testify or assist again in other court cases and any other ulterior motives unrelated to the charge against the accused.
11. Each of the above circumstances in paragraphs 9.1 to 9.9 is present amongst 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited' and their respective lawyers and law firms, as detailed herein and in other referenced affidavits and exhibits.
12. Some of the above circumstances are so egregious and the supporting evidence so strong and credible that to maintain my conviction and penalties for Contempt of Court would place the administration of justice into disrepute in the eyes of reasonable Canadians.
13. Further, there are additional circumstances as detailed herein and in other referenced affidavits and exhibits that are also so egregious and the supporting evidence so strong and credible that to maintain my conviction and penalties for Contempt of Court would place the administration of justice into disrepute in the eyes of reasonable Canadians.
14. I do not know, and neither does the court know:
 - 14.1. Whether or not the lawyers and law firms have informed their clients about my December 10, 2012 affidavit.

- 14.2. Whether or not the clients possess and have read my affidavit.
- 14.3. Whether or not the clients have been informed that there are serious and credible allegations against the clients of perjury, false evidence, fraud etc.
- 14.4. Whether or not the clients wish to have their lawyers and law firms continue to prosecute me in all the circumstances.
15. I believe in all the circumstances that the court should make inquiries with the lawyers and law firms as to whether or not their clients have been told about and fully understand the serious criminal allegations against some clients and some lawyers and the strong evidence in my December 10, 2012 affidavit.
16. There has not been one document filed by the other side since Mr. Greenspan made the application to the court on August 9, 2012. As my evidence in this and my previous affidavits show: nothing in the record previously filed by the other side can be relied upon.
17. Further, as described in later sections of this affidavit and referenced materials, those circumstances that resulted in my conviction for Contempt of Court have been purged.
- 18. My Requests of the Court**
19. I respectfully ask the Honourable Court, having read this affidavit and having considered all the evidence to date, to accept that the circumstances that resulted in my conviction for contempt are purged and to set aside the conviction, the associated penalties and costs, and to order the return of my passport and to order the RCMP's CPIC division to remove the warrant for my arrest from CPIC.
20. Attached to this affidavit as **Exhibit B** is a draft order that I believe would be a reasonable outcome of the next court date on January 25, 2013.
21. I was told that under civil law that the Court can choose to hear my new evidence that was not available to the court at the time it convicted me, and set aside any previous judgment, so I respectfully ask the court to accept my new evidence including evidence that was not known to me or to the court until after my conviction. Here I am repeating I think what Mr. Greenspan told me was the basis of the application he made for me, but I wish I had a lawyer now to put this into the proper legal foundation.
22. In the event that the Honourable Court decides on January 25, 2012 to not grant my request to set aside my conviction and penalties and costs contained in the Court's

January 15, 2010 order, I ask the Honourable Court to order that none of 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited' and their respective lawyers and law firms can continue to act as prosecutors in my current application.

23. Also in the event that the Honourable Court decides not to grant my request to set aside my conviction and penalties and costs I ask the Honourable Court to order that neither Gerald Ranking nor Lorne Silver nor their law firms can continue to act for their respective clients in this case.
24. Also in the event that the Honourable Court decides not to grant my request to set aside my conviction and penalties and costs I ask the Honourable Court to order Mr. Ranking, Fasken Martineau DuMoulin LLP and their purported clients 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)', and Mr. Marcus Hatch, to produce to the court and to me within three days, in affidavit form, copies of the legal corporate or other entity registrations as originally filed with the Barbados government for 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)', and within 20 days to produce government-certified copies of said certificates again in affidavit form.
25. Also in the event that the Honourable Court decides not to grant my request to set aside my conviction and penalties and costs I ask the Honourable Court to order Cassels Brock & Blackwell LLP and Lorne Silver and their clients Kingsland Estates Limited and Gittens Clyde Turney, to produce to the court and to me within three days, in affidavit form, copies of the legal corporate or other entity registrations as originally filed with the Barbados government for 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)', and within 20 days to produce government-certified copies of said certificates again in affidavit form.
26. **'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' do not exist and never have.**
27. In my affidavit sworn December 10, 2012 I provided evidence that " 'PricewaterhouseCoopers East Caribbean Firm' is a false, fabricated non-entity" and that Fasken Martineau DuMoulin LLP's and Gerald Ranking's witnesses / clients "might reasonably expect to be under investigation in Canada and in Barbados for perjury, swearing false affidavits, obstruction of justice, fabricating evidence, fraud upon the court and conspiracy."
28. In the same affidavit I also provided evidence that the same persons using 'PricewaterhouseCoopers East Caribbean Firm' have also used other false,

fabricated non-entities in this and other lawsuits, including the name 'PricewaterhouseCoopers (Barbados)'.

29. These are serious allegations contained in a sworn affidavit that is backed by strong and credible evidence and exhibits. On December 11, 2012, the Honourable Court gave Mr. Ranking and 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver and Kingsland Estates Limited 20 days to file responding material. (**EXHIBIT A** Transcript December 11, 2012 page 44, line 13)
30. As of the date of my current affidavit, more than 30 days have passed and Mr. Ranking and 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver and Kingsland Estates Limited have not filed any responding materials.
31. In my December 10, 2012 affidavit I challenged Mr. Ranking and his purported client to produce proof that "PricewaterhouseCoopers East Caribbean Firm" is a real entity. I said, "it is the simplest thing in the world for Mr. Ranking, Fasken Martineau DuMoulin LLP and their purported client "PricewaterhouseCoopers East Caribbean Firm" to produce a government-certified copy of the legal corporate or other entity registration originally filed with the Barbados government."
32. No such evidence has been produced. Therefore my evidence is uncontroverted: 'PricewaterhouseCoopers East Caribbean Firm' does not exist as a genuine legal registered entity, and never has. Mr. Ranking's purported client is a false, fabricated non-entity, as is 'PricewaterhouseCoopers (Barbados)'.
33. Further, I attach to my current affidavit as **EXHIBIT C** an affidavit from Alair Paul Shepherd Q.C., a senior attorney of Barbados, corroborating my evidence. Mr. Shepherd states that both 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' do not now exist as genuine legally registered entities in Barbados, nor have they existed at any time in the past.
34. Further, Mr. Shepherd's searches have been diligent and professional, and therefore should any documents now appear in Barbados government records indicating that 'PricewaterhouseCoopers East Caribbean Firm' or 'PricewaterhouseCoopers (Barbados)' exist, or have existed in the past, I would have to believe that those documents were recently created, backdated and/or recently inserted into the government's business records archives, with the intent of changing the historical record.
35. There is precedent for my belief because in a matter related to the Nelson Barbados Group Ltd. v. Cox case, it was discovered that on August 12, 2008, a person inserted a document into the Barbados government historical records of defendant Keble

Worrell Limited, indicating purported official changes back-dated over six years to March 27, 2002 also involving other named defendants Gittens Clyde Turney and Elneth Kentish. (See **EXHIBIT D**, Change of Directors, Keble Worrell)

36. **Fasken Martineau DuMoulin LLP's and Gerald Ranking's clients / witnesses committed fraud upon the court, and other crimes.**
37. Whether Fasken Martineau DuMoulin LLP and Gerald Ranking were aware of it or not, their clients knew that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.
38. The use of a false, fabricated non-entity in the Nelson Barbados Group Ltd. lawsuit allowed the 'PricewaterhouseCoopers East Caribbean Firm' perpetrators to receive potential benefits in the lawsuit while lessening the risks that would have resulted from using one of their genuine business entities.
39. The 'PricewaterhouseCoopers East Caribbean Firm' perpetrators did receive benefits in the Nelson Barbados Group Ltd. lawsuit, including major costs payments and also extensive evidence and exhibits that have value in other lawsuits in other jurisdictions.
40. The 'PricewaterhouseCoopers East Caribbean Firm' perpetrators are still attempting to obtain further benefits through their objection to my current application, based upon their use of a false, fabricated non-entity.
41. Whether Fasken Martineau DuMoulin LLP and Gerald Ranking were aware of it or not, every motion placed before the court in the name of their purported client 'PricewaterhouseCoopers East Caribbean Firm' was a fraud and based upon the lie that 'PricewaterhouseCoopers East Caribbean Firm' was a genuine entity. Similarly, every piece of evidence placed before the court by 'PricewaterhouseCoopers East Caribbean Firm' and their lawyers furthered the fraud, and perpetuated the lie.
42. Further, the 'PricewaterhouseCoopers East Caribbean Firm' perpetrators committed other crimes including perjury, swearing false affidavits and obstruct justice to name a few. As covered in detail in my December 10, 2012 affidavit, Mr. Marcus Hatch swore an affidavit on May 18, 2007 and was then cross-examined on October 30, 2008 and on both occasions provided false sworn evidence that 'PricewaterhouseCoopers East Caribbean Firm' was a genuine, registered Barbados entity. Mr. Hatch's partner Philip St. Eval Atkinson swore a false affidavit stating that "PricewaterhouseCoopers (Barbados)" was a genuine legal entity when it is not.

43. **Cassels Brock & Blackwell LLP's and Mr. Silver's clients / witnesses committed fraud upon the court, and other crimes.**
44. Further, in a motion before Justice Shaughnessy returnable August 10, 2007, Cassels Brock & Blackwell LLP and Lorne Silver on behalf of their clients including Kingsland Estates Limited, included an affidavit sworn May 21, 2007 by Gittens Clyde Turney again indicating that 'PricewaterhouseCoopers (Barbados)' was a legitimate entity in Barbados when it is not. **(EXHIBIT E, May 24, 2007 Motion Record)**
45. **Costs payments are 'Proceeds of Crime' as defined in the Criminal Code of Canada.**
46. In respect of the costs payments obtained by the 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' perpetrators and the Kingsland Estates Limited perpetrators as a result of their fraud upon the court and other criminal offenses, it is possible that after hearing all evidence and arguments, a court might agree with me that these monies are 'Proceeds of Crime' as defined in the Criminal Code of Canada. Further, any future costs paid would similarly be 'Proceeds of Crime'.
47. **Fasken Martineau DuMoulin LLP and Gerald Ranking knew years ago that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.**
48. As covered in detail in my December 10, 2012 affidavit starting at paragraph 144, the legitimacy of 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' has been an issue and questioned in the Nelson Barbados Group Ltd. litigation since 2007.
49. Further, I believe that over the six years up to today when the legitimacy of Fasken Martineau DuMoulin LLP's and Mr. Ranking's purported client "PricewaterhouseCoopers East Caribbean Firm" remains an issue, that Fasken Martineau DuMoulin LLP and Mr. Ranking must have made inquiries and had communications with their client(s) about this and knew years ago in 2007 that "PricewaterhouseCoopers East Caribbean Firm" is not and never was a genuine legal entity in Barbados.
50. I cannot believe that a reasonable person looking at all this would not conclude that Fasken Martineau DuMoulin LLP and Gerald Ranking knew full well years ago that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.

51. **Cassels Brock & Blackwell LLP and Lorne Silver knew years ago that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.**
52. Cassels Brock & Blackwell LLP and Lorne Silver acted at times for Mr. Ranking's purported clients in the current case, and/or was present both in my current application and since 2007 when the legitimacy of 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' appeared as an issue in various filings, cross-examinations and discussions between counsel.
53. Further, Cassels and Mr. Silver have acted for Kingsland Estates Limited since at least January 3, 2005, during which time Mr. Ranking's purported clients have been the auditors of record for Kingsland Estates Limited. The actions of the auditors (Mr. Ranking's clients) have always been a contentious issue in Kingsland court matters, and were a subject in the courts and therefore before Cassels and Mr. Silver on an ongoing basis. **(EXHIBIT F Cassels 2005 invoice re Kingsland Estates Limited)**
54. Cassels and Mr. Silver's close work with Mr. Ranking and his purported clients during the Nelson Barbados Ltd. v Cox matter since 2007 further illustrates the fact that Cassels and Mr. Silver are keenly aware of Kingsland's auditors and the issues surrounding them.
55. Cassels Brock & Blackwell LLP and Lorne Silver should therefore have known from the start of the Nelson Barbados Ltd. litigation that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.
56. Yet in a motion before Justice Shaughnessy returnable August 10, 2007, Cassels Brock & Blackwell LLP and Lorne Silver included an affidavit sworn May 21, 2007 by Gittens Clyde Turney stating "PricewaterhouseCoopers (Barbados) is a firm of chartered accountants carrying on business as such in Barbados." **(EXHIBIT E, May 24, 2007 Motion Record)**
57. I cannot believe that a reasonable person looking at all this would not conclude that Cassels Brock & Blackwell LLP and Lorne Silver knew full well years ago that 'PricewaterhouseCoopers East Caribbean Firm' and 'PricewaterhouseCoopers (Barbados)' are false, fabricated non-entities.
58. **Cassels Brock & Blackwell LLP's and Mr. Silver's client 'Kingsland Estates Limited' and principals and witnesses have a proven history of submitting false**

and conflicting sworn evidence to courts. Cassels and Mr. Silver are well aware of this.

59. Attached hereto as **EXHIBIT G** is an affidavit of John Knox sworn November 7, 2011 and filed the next day in the Supreme Court of Barbados, wherein Mr. Knox presents detailed, strong evidence and exhibits that:
 - 59.1. "Kingsland Estates Limited's directors, attorneys at law, and others on their behalf have engaged in a pattern and practice of deception, self-dealing, and withholding of documents..."
 - 59.2. "Deliberately and with clear purpose lied to the Court..."
 - 59.3. "Wilfully withheld pertinent documents from the Court and my mother to gain advantage in Court proceedings and to engage in self-dealing."
60. Further, Mr. Knox then lists a series of 15 provable lies under oath by Kingsland Estates Limited's directors, attorneys at law, and others on their behalf, and the related exhibits proving the same. Many of the persons involved in the perjury / conflicting sworn testimony are defendants or witnesses in the Nelson Barbados Group Ltd. case including: Richard Ivan Cox, Eric Ashby Bentham Deane and Gittens Clyde Turney QC.
61. Further, starting at about paragraph 41, Mr. Knox provides evidence and exhibits that Gittens Clyde Turney QC also lied directly to the Barbados court orally and in writing when acting as an attorney.
62. Further, starting at about paragraph 67, Mr. Knox provides evidence and exhibits that Kingsland Estates Limited "has benefitted from misleading this Honourable Court."
63. Attached hereto as **EXHIBIT H** is an affidavit of John Knox sworn August 28, 2012 and filed that day in the Supreme Court of Barbados, wherein Mr. Knox again presents evidence that Kingsland Estates Limited, named witnesses and named lawyers "were telling outright lies and contradicting what they had said before in other cases from as long ago as 1998." (paragraph 8.23.3)
64. Cassels Brock & Blackwell LLP and Lorne Silver acted for Kingsland Estates Limited, Gittens Clyde Turney QC and Richard Ivan Cox among others as far back as January 3, 2005 (long before the Nelson Barbados Group Ltd. case) when Marjorie Knox and Kingsland Estates Limited appeared before the Privy Council in the United Kingdom. (**EXHIBIT F**)

65. Given this fact, and that Cassels and Mr. Silver acted for Kingsland Estates Limited on an ongoing basis for many years before I arrived on the scene, it is difficult for me to believe that Cassels and Mr. Silver are not aware of their clients' record of lying to courts.
66. Further, because the Affidavit of John Knox sworn November 7, 2011 that details perjury and lies by representatives of Kingsland Estates Limited was served upon Kingsland Estates Limited 18 months ago, it seems likely that Mr. Silver would have read this affidavit and would therefore be further aware of his clients' proclivity for lying to the courts, committing perjury etc.
67. The current situation with my Contempt hearing seems to be a continuation Kingsland Estates Limited's pattern of lies to the court that was long established by Kingsland Estates Limited perpetrators prior to my involvement with Kingsland. It seems clear to me that Mr. Silver's current attacks upon me are in part designed to cover up and obfuscate this proclivity of his clients to lie to the courts.
68. For Kingsland Estates Limited and Mr. Silver, attacking me and objecting to my application is not about me or my application to set aside the Contempt of Court conviction: it is about gathering evidence and assets and strategies to impact ongoing cases in other jurisdictions, and concealing wrongdoing by Kingsland Estates Limited from courts in various jurisdictions including Ontario, Barbados and the USA. I cover this more fully in another section of my affidavit.
69. I cannot believe that a reasonable person looking at all this would not conclude that Lorne Silver and Cassels Brock know full well that Kingsland and Cox and Turney, for whom they acted, lied in Barbados courts on multiple occasions about multiple issues over a period of many years.
- 70. Forensic verification of Audio Recordings**
71. Attached to my December 10, 2012 affidavit as Exhibits K and L were two digital voice recordings made by me of my November 17, 2009 call with Mr. Gerald Ranking, Mr. Lorne Silver and others then at Victory Verbatim in Toronto, Canada.
72. In that affidavit starting at about paragraph 104, I explained how these recordings are crucial evidence in my case as they, in conjunction with other exhibits, prove that Mr. Ranking and Mr. Silver presented false evidence to the court, both in writing and orally, which the court used to convict me. The recordings in conjunction with other evidence also prove that Mr. Silver lied to me about the investigator Van Allen, and that Mr. Silver and Mr. Ranking deceived the court about Van Allen and various other events happening during the call.

73. I have now received affidavits and reports from two independent and internationally recognized forensic specialists: Dr. Stevan Pausak (formerly of the Center of Forensic Sciences, Toronto) and Edward J. Primeau, RI, CFC.
74. Both forensic experts have verified the integrity and authenticity of my recordings (ie: they are genuine and unmodified and an actual representation of the events as occurred during the phone call.)
75. Further, Mr. Primeau has produced a forensic transcript of call that corroborates the draft transcript included by me as Exhibit F to my affidavit of April 18, 2012.
76. Attached as **Exhibit I** is the Affidavit of Dr. Stevan Pausak sworn December 19, 2012, complete with CV and case list.
77. Attached as **Exhibit J** is the Affidavit of Edward J. Primeau sworn January 7, 2013.
78. Mr. Primeau's affidavit includes the Forensic Transcript of the November 17, 2009 call as created by Edward J. Primeau, that corroborates the accuracy of my draft transcript originally filed as 'Exhibit F' to my affidavit sworn April 18, 2012.
79. **Court Appearances in August, October, November and December 2012**
80. In this section of my affidavit I would like to very respectfully address some of the information that appears in the court transcripts of the 2012 court dates.
81. My current application came before the Honourable Court in 2012 on August 9, October 12, November 16 and December 11. During some of these proceedings, I said things that I believe were not understood by the court, perhaps due to my lack of a lawyer and lack of experience in speaking in court as other than a witness, and then always in criminal court.
82. Similarly there were statements by the Honourable Court to me and others that I do not fully understand. There were also statements by the Court that I believe were based upon incorrect information.
83. The Nelson Barbados Group Ltd. case in one form or another has been going on since 2007, and in those almost six years well over a hundred thousand pages of evidence were submitted to the court. There was a long series of court dates where lawyers made various submissions to the court, and conversations happened between the court and the lawyers.
84. As covered in this and my previous affidavits, there was also a series of incidents where 'quasi-evidence' was placed before the court either through unsworn oral

statements by lawyers to the court, or through letters to the court from defendants' counsel and two letters to the court from me.

85. Although my two letters to the court (October 30, 2009 and December 1, 2009) were copied to all counsel and appear now in the official court records of the case, it is true that over the years multiple letters from various defendants' counsel to the court were not copied to me or to my counsel at the time. Further, many of these letters do not now appear in the official court records of the case. Where are these missing letters? What did they say? What does Justice Shaughnessy remember or not remember of the 'quasi-evidence' contained in them? How does all the 'quasi-evidence' factor into the Court's previous and current determinations of fact, and in the Court's perceptions of me, my lawyers and my witnesses and our credibility and actions?
86. As explained in my December 10, 2012 affidavit, we know from the court transcripts that the court received the 'quasi-evidence' letters, but some are missing from the official record.
87. This habit of some defendants' counsel to place 'quasi-evidence' before the court in secret letters to the court not copied to me or to my counsel continued to November 16, 2012. I addressed this issue in my December 10, 2012 affidavit starting at paragraph 70 in a section titled "Submission of letters to court as unsworn, uncross-examinable, unserved quasi-evidence".
88. Also documented in this and other affidavits, was that false evidence was placed before the court on various dates and about various issues. At the time the evidence was originally presented, the court believed that the evidence was true. Now that new strong and credible evidence has proven that what the court was told is false, and even deliberately fabricated and fraudulent, all evidence the court previously relied upon should be suspect: especially if the source is now proven to have placed false evidence before the court.
89. As children we are taught by our parents and grandparents: if you are found to be lying only once, everything you say is suspect. Credibility, once lost, takes years to regain if ever. As is evident from this affidavit and my previous affidavits, some defendants, some defendant witnesses and some of the defendants' lawyers have serious credibility problems.
90. It is also true that 'PricewaterhouseCoopers East Caribbean Firm' and 'Kingsland Estates Limited' and their respective lawyers and law firms who are now the prosecutors sometimes did not put evidence before the court, but later assured the court orally that the referenced evidence had been previously placed before the

court. (I will try to include a list of this specific type of incidents in my next affidavit.)

91. Under all these circumstances, the Court's and everyone's memories and understandings of what happened over the past six years can naturally fade or become clouded. For this reason I believe the written court records and properly submitted evidence are crucial and that only the court records and properly recorded evidence that is subject to fair cross-examination provides the necessary level of truth and accuracy when my liberty is at stake.
92. Therefore I am adamant that all the actual evidence that is going to be used in the application final hearing and considered by the court, be put before the court in a proper manner so it can be properly reviewed, cross-examined upon and tested.
93. The vast majority of the evidence and quasi-evidence put before the court by the other side has never been cross-examined upon and tested. For instance, Jim Van Allen and Mr. Kwidzinski swore affidavits that the court relied upon, and nobody ever cross-examined them because Mr. Ranking refused to present his witnesses for cross-examination. This is true for the vast majority of the evidence and quasi-evidence placed before the court by the other side.
94. **With the above as a preamble, I respectfully make the following observations about information appearing in the court transcripts of the 2012 court dates:**
95. In the transcript of August 9, 2012, on page 16 at about line 5, the Court states that the case is complex enough that it would take another judge "days" to understand the history. **(EXHIBIT K)** The transcript says:
 - 95.1. "THE COURT: Great. I must tell you I don't think there is any judge upstairs who is exactly hankering to try to go in and understand this case and its history.
 - 95.2. Mr. GREENSPAN: No.
 - 95.3. THE COURT: So they are relieved, I can tell you. I had a discussions with my colleagues about that event and I said, "I don't know what Mr. Greenspan is going to say and if he does say it," and then all I saw was this aghast look from all of them saying, "Come on, don't push this on to us. It's going to take us days to understand the history." I mean the history, what happened, is very much alive in my head because of the very unusual circumstances of the case."
96. I agree with Justice Shaughnessy that the case is complex enough that it would take a new judge or a new lawyer "days" to understand. "Days" may be a significant

underestimation given that my previous lawyer Brian Greenspan and his staff took some 14 months from May 2011 to August 2012 to understand the case, develop theories and put my application before the court as Mr. Greenspan related on August 9, 2012.

97. However, I would draw the court's attention to the transcript of December 11, 2012 (**Exhibit A**) on page 35, starting at line 7 wherein Justice Shaughnessy seems to take a different view about how long a new lawyer would take to understand the case, saying that it should only take two to three hours:
 - 97.1. "It is not complicated. It really is not complicated. What is complicated is all the facts and history that went on in relation to the Barbados - Nelson Barbados versus Cox action. But that's been decided and I don't think you've got it clearly in your mind or you - what you - I think you've got it clear in your mind that you're going to bring all of those issues back because you keep talking about the very complicated history. You're going to bring all those issues and re-litigate them. I think all counsel really had to do - really have to have to do to understand this entire proceeding, and it appears to me you have it, is read my Reasons for Judgment. I make findings of fact on all, a multiplicity of issues. In fact, not all of the reason are in here, of the issues I had to decide, including threats and all of that material. I gave written reason on all of it. It wouldn't take a lawyer very long to sit down, perhaps in a few - no more than two to three hours to get a history, because I think - I spent a lot of time crafting my Reason and detailing the history..."
98. His Honour seems to say that while a new judge should be familiar with the entire case, my lawyer need not be.
99. I believe that any lawyer I engage should have a full understanding of the history of the case, especially now that new evidence shows that previous evidence the court relied upon is false and therefore all the previous evidence is now suspect and the history of the case is suspect and even provably false in many cases. Respectfully, I must disagree with the Honourable Court that my new lawyer would only need two or three hours to become familiar with the case. Respectfully, I must state that I believe my lawyer should be as familiar with the case as the judge who hears the case.
100. Respectfully, I must point out that the court's opinion on December 11, 2012 that only two or three hours are necessary for my new lawyer to become familiar with the case is at odds with the opinion expressed by the court on August 9, 2012. Although I don't understand this apparent conflict of opinion in the Court's

perspective, it must have influenced the court's decision on November 16th and December 11th to reject my request for an adjournment of sufficient time to hire and brief a new lawyer.

101. Further, I submit that while the Court on August 9, 2012 said "I mean the history, what happened, is very much alive in my head because of the very unusual circumstances of the case." that much of the history that the court remembers was built upon evidence and quasi-evidence that is now shown to have been false or suspect. All of the findings of fact by the Court were determined in a general environment of fraud and false evidence created by some defendants and some counsel, as well as specific instances of false and/or deceptive evidence and submissions placed before the court by some defendants and some counsel, including Mr. Ranking, Mr. Silver and Mr. Roman and their law firms.
102. As to the transcript from the October 12, 2012 appearance, as I mentioned in my December 10, 2012 affidavit at paragraph 161:
 - 102.1. "During my October 12, 2012 court appearance, my lawyer Brian Greenspan indicated to the court that Mr. Ranking had "not yet indicated precisely the name of his client". Justice Shaughnessy then indicated that the Court knew who Mr. Ranking's client was, saying:
 - 102.2. "The Court: No, I got pretty good knowledge of the history and there may be some changes in name, but I'm aware of who Mr. Ranking's client was. Was, yes." (Transcript EXHIBIT N, page 3 starting at line 20)"
103. I covered this issue in my December 10, 2012 affidavit, but want to highlight that to the present time, I have been unable to find the evidence that alerted the court on October 12, 2012 to the fact that Mr. Ranking's client intended to change the name in the future. As I covered in my December 10, 2012 affidavit, neither I nor my lawyer were aware that Mr. Ranking's client intended to change the name, but the court was aware of this coming change a month in advance. I am wondering if there was another instance of Mr. Ranking writing a letter to the court that I am unaware of. I cannot find any evidence anywhere that would account for the court's pre-knowledge of the coming name change.
104. Attached to this affidavit as **Exhibit L** is the court transcript from my November 16, 2012 court appearance. This transcript was not ready in time for me to include it or have reference to it when I was creating and swore my December 10, 2012 affidavit. I made reference to that lack in the December 10, 2012 affidavit itself in paragraphs 32, 69, 78, 85, 89, 129 and 131.

105. Now that we have the November 16, 2012 court transcript, it can be seen that despite not having the transcript as a reference during the creation of my December 10, 2012 affidavit, my affidavit is generally accurate where I relied upon memory without the benefit of the November 16, 2012 court transcript.
106. On page 1, line 15, the Court mentions receiving letters from defendants' counsel:
- 106.1. "MR. SILVER: A couple of years. Mr. Ranking, I think he sent you a letter.
- 106.2. THE COURT: He did.
- 106.3. MR. SILVER: But he expresses his regrets.
- 106.4. THE COURT: I got all of the correspondence and I understood that."
107. Again, I point out as I did in my December 10, 2012 affidavit that I still have no knowledge of exactly what correspondence that Mr. Ranking and the Court are referring to, or what correspondence was made into an exhibit by the court. (See references to this in the November 16, 2012 court transcript, page 11, line 16 and page 19, line 26)
108. In the November 16, 2012 transcript starting at page 1, line 26, through to page 5, line 2, **my lawyer Mr. Greenspan explains to the Court why he is withdrawing from representing me, and clearly states that the reason involves only his lack of experience and that there is no fault of mine.** In fact, Mr. Greenspan calls the situation "unfortunate for Mr. Best". Here are some of the statements by Mr. Greenspan where he clearly defines what happened that has caused him to cease representing me:
- 108.1. "You may recall, Your Honour, on the last occasion perhaps, when I made the appearance before you on October 12th, that Your Honour commented on the apparent foreign territory that I had entered into. And I indicated that in relation to this matter that I had some experience in matters purely relating to civil contempt and I was content to proceed.
- 108.2. Having said that, subsequent to that appearance it became apparent very shortly thereafter that there was a dimension to the matter which would enter into areas that were for me foreign territory."
109. In reply to this statement by Mr. Greenspan, the Court on page 3 at line 7 then makes a very noteworthy comment indicating that the Court had previously

suspected that once Mr. Greenspan saw that Mr. Silver and Mr. Ranking were involved, Mr. Greenspan would re-think representing me and resign:

109.1.“THE COURT: I suspected once you saw Mr. Silver and Mr. Ranking you might have reason to posit.

109.2.MR. GREENSPAN: Right.”

110. In other words, the Court is indicating that right from the start it realized that Mr. Greenspan was out of his element when facing two senior civil counsel in Mr. Silver and Mr. Ranking. The Court predicted to itself all along that Mr. Greenspan would be given second thought about this, and about representing me.

111. Mr. Greenspan then continues on page 3, line 14:

111.1.“MR. GREENSPAN: No, sir, and quite frankly, I want to make clear I attempted to get the assistance and engage civil counsel to become involved with me in the matter to see whether we could work it out in that fashion. And that did not unfortunately work out and become an approach that was a viable approach to dealing with this.

111.2.THE COURT: And there was a Mr. Davis.

111.3.MR. GREENSPAN: Yes, that’s correct.

111.4.THE COURT: Is that not referred to?

111.5.MR. GREENSPAN: That’s correct. Mr. Davis became briefly involved in the matter. Having said that, I now find myself, and it is unfortunate for the matter, unfortunate for Mr. Best, unfortunate in terms of proceeding, where I really feel it would be inappropriate for me to continue in this matter. And that’s been fully explained to Mr. Best during the course of the last several weeks. And there are aspects to this matter, which quite frankly in terms of the civil rules the matter in which one must – the myriad of rules with which I’m totally unfamiliar and the manner in which this matter appears to be proceeding, which are simply outside my area and my scope of experience. And I think that Mr. Best would not be well-served by my continuing in any capacity, so that perhaps the position that I find myself in, that has been explained to Mr. Best, there has subsequently been – we advised Mr. Silver and Mr. Ranking at the – as soon as that decision was made.”

112. Mr. Greenspan then apologizes further to the court for his lack of familiarity with the rules of Civil court regarding how a lawyer removes himself from the record.

113. I also note that during the above exchange on page 3 at line 10, the court says something that causes me concern. The Court said:

113.1. "THE COURT: But that doesn't take away from the feelings I have about this right now. I'm just going to leave it at that. I interrupted you. You continue."

114. I am concerned because I believe the 'feelings' the Court had came from the 'quasi-evidence' letters sent to the court by Mr. Ranking and Mr. Silver. The 'quasi' or 'non-evidence' the court saw gave Justice Shaughnessy these 'feelings'.

115. Later in the hearing, Mr. Greenspan further indicates that he is out of his depth and experience, saying on page 15, line 21 of the November 16, 2012 transcript:

115.1. "MR. GREENSPAN: Your Honour, I think with respect to these issues, these were some of the issues that arose, which I felt were outside my area of both expertise and experience. I want you to know that my entire career, I think, I've spoken to costs once and that was with respect to a Charter motion. I really don't feel comfortable addressing it. And that was one amongst other issues that kept emerging, which was what caused my concern and the difficulty that I thought I faced."

116. In the November 16, 2012 transcript, Mr. Silver objects to a number of issues and lays out his recounting of the situation to the court, but then during a reply the Court states the following starting at page 11, line 17:

116.1. **THE COURT: "But I am dismayed about where we are now and the kind of letters that Mr. Best has sent to the trial co-ordinator and for which I'll file all those letters in for the purposes of the record so any court review can look at exactly what's been exchanged here."**

117. The letters that the court is apparently referring to are my November 13, 2012 letter to Mr. Ranking, Mr. Silver and Mr. Greenspan (**Exhibit M**) and the letters to the court from Mr. Ranking and Mr. Silver. **As explained herein and in my December 10, 2012 affidavit I did not send those letters to the trial co-ordinator or to the court.**

118. **It is significant that that the Honourable Court states it is "dismayed" about the letters (Silver's, Ranking's) it mistakenly believes I sent to the court.**

119. I do not know if the letters Mr. Silver and Mr. Ranking sent to the court were true copies of the letters they sent to me on November 14 and 15. (**Exhibit N Ranking, Exhibit O Silver**)

120. With great respect, I point out that the Court is mistaken when it stated that I sent these letters to the Trial Coordinator. I did not. As I explained in my December 10, 2012 affidavit starting at paragraph 78:

120.1. "I obey Justice Shaughnessy's order to not submit letters to the court, but Mr. Ranking and Mr. Silver do not obey the judge's order about letter writing. I am confused why they continue in 2012 to submit evidence and advance their position to the court through writing letters to the court while I am not allowed to. I am confused why when I mentioned this issue to Justice Shaughnessy on November 16, 2012 that Justice Shaughnessy made Mr. Ranking's and Mr. Silver's letters into exhibits, in effect legitimizing Silver's and Ranking's letters to the court as 'evidence' after prohibiting letters like this. I do not understand this.

121. Then in paragraph 85 of the December 10, 2012 affidavit, I stated:

121.1. "When Justice Shaughnessy addressed me in court and made his order of November 16, 2012, he seemed to rely upon Ranking's and Silver's letters to the court evidence that was kept secret from me and Mr. Greenspan. Justice Shaughnessy seemed to view the Silver and Ranking letters as important enough to make them exhibits. I do not understand this civil court process and I need a lawyer to deal with it. (See the full transcript of my November 16, 2012 appearance before Justice Shaughnessy which is not yet available.)"

122. Mr. Ranking and Mr. Silver obviously intended that their improper letters to the court would be used by His Honour as 'evidence' on November 16, 2012, and as per their strategy the letters were used as 'evidence' by the court. The letters are full of innuendo, unsupported false 'facts' and defamatory accusations against me, and are obviously designed to influence the Court, and put 'quasi-evidence' before the court without exposing the writers to cross-examination. Some excerpts from the letters are:

122.1. "You are responsible for the position in which you now find yourself." (Ranking's letter to Best, presumably as sent to the court by Ranking)

122.2. "And most importantly, you have, as per your past practice, failed to be forthright." (Ranking's letter to Best, presumably as sent to the court by Ranking)

122.3. "Your conduct is unacceptable and my (sic) well amount to a further abuse of the court process. PricewaterhouseCoopers LLP ("PWC") is understandably concerned. PwC objects, in the strongest of terms, to any adjournment, without

the strictest of terms. It expects you to be present in court on November 16th to fully explain your conduct.” (Ranking’s letter to Best, presumably as sent to the court by Ranking)

122.4. “If you fail to attend, or if you fail to fully explain your conduct to the satisfaction of Justice Shaughnessy, I have instructions to make submissions, on reasonable notice, to remove the stay and to seek your incarceration. I would also expect to receive instructions to bring a further motion for contempt based on your most recent conduct.” (Ranking’s letter to Best, presumably as sent to the court by Ranking)

122.5. “I also acknowledge receipt of Mr. Ranking’s letter to you dated November 14, 2012 and support the positions taken therein.” (Silver’s letter to Best, presumably as sent to the court by Silver)

122.6. “Please ensure that you are present as well in order that you may fully explain your conduct...” (Silver’s letter to Best, presumably as sent to the court by Silver)

123. This defamatory ‘quasi-evidence’ was back-doored into the record and I cannot cross-examine Ranking or Silver on it. The Court was very influenced by this ‘quasi-evidence’. Further, I haven’t even been allowed to see exactly what the ‘evidence’ filed in the court is! I don’t know exactly what the court ‘filed’ or made into exhibits. **Once again I face secret, private, quasi-evidence placed before the judge that I’m not allowed to cross-examine upon or even see, yet the Court refers to this ‘evidence’ when making its decisions and is obviously highly influenced by it: including the portions that accuse me of new Contempt of Court for merely proposing in writing, an adjournment.**

124. Further, what could I have done by writing the letter to Mr. Ranking and Mr. Silver that could possibly be called ‘contempt’ as Mr. Ranking and Mr. Silver say? In my letter that Mr. Ranking and Mr. Silver reference (Exhibit M), I simply propose an adjournment to February which in all the circumstances of me still being unable to find a lawyer willing to represent me was a perfectly reasonable proposal. In this context, Mr. Ranking’s and Mr. Silver’s cry of “contempt” response to me in their letters and their strategic improper sending of their letters to the Court is nothing more than defamatory theatre, albeit highly effective.

125. It seems evident by Justice Shaughnessy’s statements on November 16, 2012 that the Court was highly influenced by Mr. Ranking’s and Mr. Silver’s improper letters to the court and was predisposed by those letters to disregard the elements of Mr. Greenspan’s address to the court wherein Mr. Greenspan took 100% of the

responsibility for his leaving my retainer. It is clear from Mr. Greenspan's words that he placed no blame or liability on me for my being placed into an "unfortunate" situation.

126. For the record I want to state again as I have previously stated in court and in my affidavits about Mr. Brian Greenspan, that I have nothing but the greatest professional and personal admiration for him as a criminal lawyer and as a person, as I have had for three decades. Further, I understand how difficult it was for him to stand before the court and admit that he had bitten off more than he could chew in an area of law that was not within his normal practice. I view this very forthright admission by Mr. Greenspan to me and to the court as further indication of his personal and professional integrity: not that any such endorsement is needed for Mr. Brian Greenspan.

127. My explanation and protest to the court about Mr. Ranking's and Mr. Silver's continuing abuse and improper submitting of back-door 'quasi-evidence' via secret, uncross-examinable letters to the court can be found in the November 16, 2012 court transcript starting on page 16 at line 9:

127.1."MR. BEST: Your Honour, I'm frightened to death to speak. I uh, I need a lawyer. I - I'm not qualified. If Mr. Greenspan doesn't know about costs, how could I? I - I would like to point out, Your Honour, that I did not send you a letter this week uh....

127.2.THE COURT: You sent it to the trial co-ordinator, didn't you?

127.3.MR. BEST: No, no, sir.

127.4.THE COURT: Oh, to counsel.

127.5.MR. BEST: No, Your Honour. Your Honour....

127.6.THE COURT: No, you sent it to counsel.

127.7.MR. BEST: Yes, Your Honour, but you specifically ordered all counsel and me not to send you letters. So, I didn't do that.

127.8.THE COURT: No and you're right about that in the past. I wanted it stopped.

127.9.MR. BEST: Yes, you said it was improper. And I - I didn't want to do that, Your Honour. I - I have the letter that I sent to the counsel, but I did not intend that it go to you, Your Honour. And - and I would never disobey your order.

127.10.THE COURT: All right, well, then the fact is I've got it and...."

128. Also on page 19 at about line 25 the Court says:

128.1.THE COURT: Just while I'm doing it so I don't forget to do it, the correspondence then that's been sent to me from Faskens Cassels Brock, which includes correspondence of Mr. Best, for the purposes of the record today will be marked as exhibit A for identification purposes.

128.2.EXHIBIT A: Correspondence to His Honour from Faskens Cassels Brock – Produced and Marked.

129. There are other statements made by the Court as shown in the November 16, 2012 transcript in respect of my personal security and the security and well-being of my family. I cover this issue in a following section of my affidavit.

130. December 11, 2012 court transcript

131. The transcript from my December 11, 2012 court appearance is attached as **EXHIBIT A**.

132. Respectfully, I want to draw the Court's attention to a subject revealed in the transcript of December 11, 2012 where I believe the Court misinterpreted or missed what I said in my December 10, 2012 affidavit about 'malpractice lawyers'. This is probably a result of my acting for myself, but I don't have a lawyer and thus my affidavit and communications to the court are not as clear as I wish they were, but I am doing the best that I can.

133. The Court seems to have seized upon this 'malpractice' phrase as some sort of indication that I was looking for a lawyer for the purpose of suing the defendants' lawyers over their actions. This is incorrect, I am looking for a lawyer to represent me in the Contempt hearing. In fact, as I explained both in my December 10, 2012 affidavit and before the court on December 11, 2012, it was the Law Society of Upper Canada that suggested I call their list of 'malpractice' lawyers to find a lawyer willing to represent me in the Contempt hearing only because those 'malpractice' lawyers have already indicated that they are not reluctant to place evidence before the courts that may injure another lawyer's career.

134. As I explained in my December 10, 2012 affidavit at paragraph 38, some of the lawyers who refused to represent me in the Contempt hearing said that they have "a reluctance to take legal steps that could damage the careers of other lawyers, and fears that taking the case would damage their business and/or social relationships."

135. When I explained this to the advisor at the Law Society of Upper Canada, it was she who informed me that the LSUC has a list of 'malpractice' lawyers, and that it would be a good place for me to look for a lawyer who might be willing to represent me in my Contempt hearing.
136. In the court transcript of December 11, 2012, I informed the Court about this starting on page 9 at about line 19. Again on page 38, I clearly informed the court that the suggestion was from the Law Society itself, because no lawyers want to take my Contempt case. Now this advice from the Law Society of Upper Canada is being used against me:
- 136.1. "MR. BEST : But - but I accept that you've said it; I hear you Your Honour. I just - I know I need a lawyer and I'm trying my best to get one. This issue of malpractice, once again I'd like to say Your Honour, I only, after talking with the person on the help line at the Law Society, I explained that I couldn't get lawyers that wanted to do this. They didn't want to touch it. She said, well maybe a malpractice lawyer and I says, okay, give me the list. It wasn't that I'm setting out to look for one.
- 136.2. THE COURT: Well go...
- 136.3. MR. BEST: It's just that's what they suggested."
- 137. I have not been able to find a lawyer. Over 50 lawyers have rejected my request to represent me.**
138. I want to make it very clear to the court that since Mr. Greenspan informed me of his inability to continue to represent me, that I have refused only one civil lawyer. I believe that if the court knew the details the court would support that decision. At this point in the last three months I have been rejected by over 50 different civil lawyers of all experience levels. Not a single lawyer has accepted my case, although many lawyers have said they 'wish' they could accept my case but cannot for various reasons I have already listed.
139. In the December 11, 2012 transcript at page 19, line 11, the Court says to me "You don't want a junior lawyer; that may be unfortunate.", but in fact junior lawyers are rejecting me as well as senior lawyers. It is not that I am rejecting junior lawyers.
140. It is clear to me that it is because of the voice recordings I have, and the strength of the other evidence that has serious implications for some of the defendants' lawyers, that I have not been able to find a lawyer willing to take my Contempt Hearing case.

141. I wrote to the senior management of the Law Society of Upper Canada, explained my problem and asked for assistance in finding a lawyer willing to take my Contempt case. The senior management of the Law Society effectively brushed me off and provided no more help in finding a lawyer than if I had asked for a lawyer to make a will or sell a home.
142. I wrote to LawPro and asked them for assistance in finding a lawyer to represent me in the Contempt Hearing. I received no assistance and was referred back to the Law Society of Upper Canada.
143. When I asked, the Court refused to appoint a lawyer for me.
144. I accept that I am on my own without a lawyer. I am doing the best that I can, but I think it is to the great shame of the Law Society of Upper Canada and of the legal profession itself that I am forced to act for myself when I don't want to, am not capable of doing so, and have shown that I am willing to pay well for legal representation.
145. I understand why lawyers walk away from my case the minute they hear the recordings and realize the implications of that and some other evidence. I understand their reluctance because it was the same with the police service: very few police officers are willing to voluntarily become involved with the investigation of other police officers, or enter into a situation that could damage a fellow officer's career. The vast majority of police officers will do anything to avoid becoming involved in an investigation or other situation that could have negative consequences for fellow officers.
146. I am aware of this natural reluctance of police to damage other officers' careers because I was one of those few officers called upon to perform internal investigations as a regular posting. I know how difficult it is personally because I have investigated and arrested police officers. I have executed criminal code search warrants at police officers' homes. I did so sadly, but carried out my duty properly because it was my duty and it was necessary and the right thing to do.
147. As a police officer I was not in business for myself and able to choose my work as lawyers choose their clients and cases. I was not able to beg off by saying my schedule was full, or that I preferred not to do that type of work. I understand why over 50 lawyers decided to refuse my case, but it is still a great shame upon the legal profession in Ontario.
- 148. I am not an 'Experienced Litigant' or 'Experienced Litigator'**

149. In paragraph 89 in my December 10, 2012 affidavit I mentioned that the November 16, 2012 court transcript was not yet available, and that I wanted to draw the Court's attention to the November 16, 2012 comments of Justice Shaughnessy relating to the Court's position that I am an 'Experienced Litigant'. That November 16, 2012 transcript is now available and is attached as **Exhibit L**.
150. On November 16, 2012 in denying me the time I had requested to find and properly brief a lawyer to represent me at my cross-examination, the Court and I had the following exchange starting on page 17 at line 8:
- 150.1. "THE COURT: You know, Mr. Best, though I also recall just by memory – there's so many transcripts I can't pull them out right now, but I actually found and made a specific finding that you are a very knowledgeable and experienced litigant having been involved in a number of major pieces of litigation similar to this one. **And you were the plaintiff or nominee plaintiff in those cases** and in some of them you acted with Mr. McKenzie. Am I wrong about that?
- 150.2. MR. BEST: Your Honour, to be a witness or a retired police officer is one thing. To be a lawyer is another. I need a lawyer. I just can't – I'm – I'm qualified. I – I don't know what to do or say. The lawyers sent me papers that I got. I don't know what to do with them except give them to my lawyer."
151. Respectfully I point out that the Court's memory is incorrect: I was not a plaintiff or nominee plaintiff in the list of cases that the court is referring to, which appear in the Court's January 15, 2010 'Reasons on Motion for Contempt' that is Exhibit Z to my December 10, 2012 affidavit.
152. On December 11, 2012 as shown in the court transcript starting on page 20 at line 17, I also respectfully informed the Court that I believe it is operating under misinformation to speak of me as an "experienced litigant". Again on page 21 at line 1, I had the following exchange with the Court:
- 152.1. "Now Your Honour, I have no idea why you would say that I am an experienced litigator because....
- 152.2. THE COURT: I already gave you - I gave you - I directed you to my reasons and I'm...
- 152.3. MR. BEST : I understand Your Honour .
- 152.4. THE COURT: We' re not arguing the issue - that issue today.

152.5.MR. BEST: I understand but I 'm saying that - that you've been misinformed and I can show you that."

153. I then started to explain but on page 22 at line 6, the Court cut me off in the middle and said "I think I've heard enough on that." What I wanted to say to the court and was prevented from doing so, I will now respectfully explain here in my affidavit.
154. This list of cases referred to by the Court was placed before the court by Mr. Kwidzinski, Mr. Ranking and Mr. Silver, and as with other submissions to the court by these gentlemen the case list has been deceptively twisted into something so far from the truth that I hardly know where to begin.
155. There are only six cases listed over a 13 year period and in each case my investigative company and I were hired by large companies to perform very narrowly focused tasks such as undercover purchasing of pirate satellite equipment. I would then report my investigation results to the client and with the assistance of lawyers (that sometimes included Mr. McKenzie and sometimes didn't) I would put my results into sworn affidavits. I was never involved in any sort of a capacity other than as an investigator and a witness.
156. In two of the listed cases I participated in the execution of an Anton Piller order where I was only one of ten or twenty persons assisting the lawyers who were in charge of the event. During the Anton Piller order I would gather, list and photograph exhibits which were then given to the lawyers as per the orders of the courts.
157. Sometimes the satellite pirates would push back and file lawsuits against the large corporations I worked for such as Bell Expressvu Inc or News Datacom, and when this happened a few times my investigation company and I would be caught up in the legal crossfire. The clients and their lawyers would always take care of this for their contractors and employees, and they did so for me. I never had to do anything with the court or worry about this as with any Bell or News Corp. employee, the corporate lawyers looked after it.
158. This is a far different set of circumstances than is deceptively painted for the court by Mr. Ranking, Mr. Kwidzinski and Mr. Silver. It is also a set of circumstances that is easily perceived in the case documents even by non-lawyers. I therefore have to believe that false and deceptive picture of this list as provided to the court by the opposing lawyers is deliberately deceptive.
159. Further, there is another part of these cases that any reasonable person would have seen while studying the paperwork, and that I have to assume Mr. Ranking, Mr.

Kwidzinski and Mr. Silver were aware of but did not inform the Court of. The project against satellite pirates was dangerous by virtue of the large profits to be made and the involvement of organized crime including Hell's Angels and other motorcycle gangs and drug dealers in the pirate industry.

160. As I will detail in another affidavit, with profits of four and five million dollars cash sometimes made in as little as eight or ten weeks, the involvement of various criminal organizations and the drug trafficking that flows in the same criminal circles, my pirate satellite undercover work was dangerous and the fallout is still happening in 2013 for me and others, including lawyers and a US Federal prosecutor.
161. As recently as 2010 one of the satellite pirates I worked against was murdered on the street in British Columbia. (**Exhibit P, Murder of John Borden**) In 2011 a satellite pirate, drug importer and biker gang associate I helped to put in prison for seven years called the home of my former lawyer and threatened his family. This same person recently put up a website where he declared the federal prosecutor, my lawyer and me to be his 'enemies'. In another affidavit I will present evidence that this satellite pirate has been working with some of the defendants and/or their supporters to participate in the campaign of criminal incidents against my witnesses, my family and me.
162. **The Honourable Court is not the Court of Appeal, but the Court can hear new evidence and act if the Court so desires.**
163. During my December 11, 2012 appearance before Justice Shaughnessy, as related on page 24, line 20 of the court transcript (Exhibit A), the Court informed me that I should not look to place new evidence before the court, that I should be approaching the Court of Appeal:
 - 163.1. "I'm dealing with contempt, already found. I've already found you in contempt of the court and in contempt of court orders and you're seeking to change that. It's as simple as that. It's not about malpractice. You want to go into forensic voice analysis; you're saying that the somehow the court has been misled by these counsel.
 - 163.2. MR. BEST: That's exactly what I'm saying Your Honour.
 - 163.3. THE COURT: You're entitled to say that but I'm telling you right now, if you're saying that you're going to prove that the fundamental basis to set aside was the contempt, was maleficence on the part of Mr. Ranking and Mr. Silver, and I'm going to say to you, go back and read again, my reasons which were then

supported in court and you chose not to attend court when you had notice of the application. But I'm saying to you, I'm not expanding this to a brand new hearing. I'm not re-litigating. You must understand this Mr. Best; I am not the Court of Appeal. I made - I gave a judgment. I made a finding. I am not the Court of Appeal. The Court of Appeal deals with anything that they feel I did wrong. The Court of Appeal is where you make applications for new evidence, not me."

164. Once again, had I been in court with a lawyer, the court might have heard a more effective communication from me to the court. I would like to have a lawyer, but unfortunately I don't have one and none will act for me. What I would like to say to the court is that my concern is larger than 'malpractice' or 'maleficence' on the part of some of the opposing lawyers, although their actions amount to that and much more.
165. The concern is that the Honourable Court made its findings based upon evidence submitted to the court under the Criminal offenses of fabricating evidence, perjury, obstructing justice, fraud upon the court and also evidence submitted under other Federal and Provincial offenses. This was the foundation that led the court to convict me. These offenses were committed by some of the lawyers, and also by some of the defendants and their witnesses. Some of the evidence is proven to be false, and therefore all the evidence from the same sources is suspect.
166. I believe that the egregious nature of the offenses, as well as the number of offenses and timeline of offenses over the entire case and the entire circumstances are such that everything presented to the court has been put into doubt, and especially all the evidence that led the Court to convict me of Contempt and then to sentence me as it did instead of simply issuing a warrant for my arrest.
167. I realize that the Court stated that I should go to the Appeal Courts to have new evidence considered, but I ask the court to consider that this is a special case with facts, circumstances and legal issues probably never seen before in Canada.
168. As I stated earlier in this affidavit in my Requests of the Court, I was told that under civil law that the Court can choose to hear my new evidence that was not available to the court at the time it convicted me, and set aside any previous judgment, so I respectfully ask the court to accept my new evidence including evidence that was not known to me or to the court until after my conviction. Here I am repeating I think what Mr. Greenspan told me was the basis of the application he made for me, but I wish I had a lawyer now to put this into the proper legal foundation.

169. Misuse of Costs Hearings and Contempt Prosecution to further other agendas

170. There is extensive evidence already in the court records and court transcripts that shows that many of the defendants, their lawyers and law firms had ulterior motives during the Nelson Barbados Group Ltd. vs Cox et al jurisdiction hearings and then during the costs hearings that ended with settlement agreements on or about June 10, 2010.
171. There is extensive evidence already in the court records and court transcripts that shows that Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' continue to have ulterior motives in prosecuting me for Contempt of Court in the current hearings.
172. Generally, these ulterior motives were and are to obtain money, company shares, land or other valuables from me and/or others, to obtain evidence for use in another court, to obtain an advantage in another court, to obtain an advantage in a business matter, to obtain evidence or information that they could not normally obtain in court, and to obtain evidence and information unrelated to my conviction for Contempt of Court.
173. Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' are also motivated to prosecute me during the current Contempt hearings by a desire to:
 - 173.1. Force me to agree to never testify or provide any evidence or other assistance ever again against Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' or in any Kingsland-related matter in any court and jurisdiction in return for their ceasing their prosecution of me.
 - 173.2. Force me to surrender any interest in the Estate and assets that are at issue in the Kingsland matters in return for their ceasing their prosecution of me.
 - 173.3. Force me to provide them with any evidence and/or information I am aware of relating to Kingsland matters including evidence and/or information that has not yet been put before a court in any jurisdiction.
174. I am aware that the above three items are motivating Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' because these conditions for their ceasing of their prosecution of me in the current Contempt

hearing were relayed from the prosecutors to me. I refused and so they continue their prosecution of me in the current Contempt hearing.

175. Further, in consideration of all the circumstances, events and evidence relating to the Nelson Barbados Group Ltd v Cox litigation, and my witnesses, my previous lawyer, me and our families, a reasonable person would also recognize that Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' are also motivated to prosecute me during the current hearings by a desire to:
 - 175.1. Conceal, obfuscate and cover-up their own wrong-doing, which as a group includes perjury, fabrication of evidence, fraud upon the court, obstruction of justice and other offenses.
 - 175.2. Continue to participate in the ongoing long term campaign of criminal offenses, violence, intimidation and harassment against persons on my side of the Nelson Barbados Group Ltd. litigation, and their families, with the intent of deterring myself and other persons from seeking justice before any court.
176. Attached to my affidavit as **EXHIBIT Q** is a copy of the Minutes of Settlement executed June 7, 2010 involving Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' and K. William McKenzie, Crawford, McLean, Anderson & Duncan LLP and Peter Allard.
177. I note that the '100,000' unredacted, privileged documents are referred to in the Minutes of Settlement as "the discs attached to Jessica Zagar's affidavit" and that there is an intent shown by Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' to have the '100,000' documents made available for use in other lawsuits and in other jurisdictions.
178. This is an incredible abuse of the court process and of the removal of privilege, and further proves that the 'costs hearing' was nothing to do with costs, just like the current Contempt hear is nothing to do with my conviction. For Gerald Ranking, Faskens law firm and their purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver, Cassels and their client 'Kingsland Estates Limited' the costs hearing and the current contempt hearing are about the big agenda, and obtaining evidence and advantage relating to events in Florida and Barbados.

179. As a police officer I had always been taught that the removal of lawyer-client privilege was a minefield, and was highly regulated and jealously guarded by the lawyers and the courts. It was almost an impossibility to have privilege removed and when it was it was for a limited time and a highly specific purpose. Papers would be sealed in envelopes for the judge's eyes only. Only certain police officers were allowed to look at the documents, and then only in the presence of a senior Crown Attorney (not just an ordinary Crown). No notes were allowed to be taken unless further approval came from the Court. The envelope would then be re-sealed. This is my understanding of the sanctity and importance of lawyer-client privilege.
180. The purported reason for the removal of privilege during the costs hearing was to discover other parties associated with Nelson Barbados to ensure that the defendants could receive their costs. A handful of documents from McKenzie's files could have satisfied that purported purpose, after which they should have been re-privileged, sealed etc. The exercise in removal of privilege was a sham. It was a tool to obtain that which could not be legally and properly obtained, and to make it available for any purpose in any jurisdiction.
181. Never before in my life have I ever heard of a 100,000 privileged unredacted documents being placed into the public domain forever and for any use by anyone, especially when those privileged documents contain Identity Information and other confidential and private information for dozens of persons who have nothing to do with the case in question.
182. I do not believe that Mr. Silver, Mr. Ranking or Mr. Roman informed the Court that they were placing 100,000 unredacted privileged documents into the public domain. I believe that Justice Shaughnessy trusted them as senior counsel and that his trust was betrayed.
183. In the November 2, 2009 and December 2, 2009 court transcripts which are filed elsewhere, it is obvious that Mr. Silver's and Mr. Ranking's and their clients' motivation was not about the costs at all. They even said to the judge that now that the judge had declared the case could not be heard in Ontario, they wanted him to declare that it couldn't be heard anywhere else and in any other country. This shows the defendants' and their lawyers' motivations was never about costs or my Contempt, and is an incredible abuse of the court.
184. First they asked the Court to not hear the Nelson Barbados Group Ltd. v Cox case, and then when they had the venue knocked out, they asked the judge to declare that the court had heard the case and Nelson Barbados Group Ltd. had no case. Aside

from the absurdity of their request, it again shows their abuse of the court procedure and their motivations.

185. In the December 2, 2009 transcript, Mr. Ranking entirely shows his motivations by saying that he, his client and all the defendants (including Mr. Silver's clients Kingsland Estates Limited etc) will not settle with Nelson Barbados Group Ltd. or Donald Best unless I and all my witnesses in Florida and Barbados agree that they will never sue any defendant again, anywhere: including Mr. Ranking's defendant the purported client, 'PricewaterhouseCoopers East Caribbean Firm' that we now know is a fraudulent, non-entity anyway.
186. The Court points out that there are already legal actions going on in Barbados (that pre-date Nelson Barbados Group Ltd.) and this comment by the Court emphasizes that Mr. Ranking is engaged in a total abuse of the court. None of the defendants, including Mr. Ranking and his phony client, will settle in Canada unless everything is settled by everyone in every jurisdiction where anyone is involved in a lawsuit against any of the defendants.
187. Although this theme goes on for some time in the December 2, 2009 transcript, I direct the Court's attention at this time to the bottom of page 47, line 30 where Mr. Ranking and the Court talk:
 - 187.1. "MR. RANKING: Sorry. Subject to one other matter, which is a very real issue. The whole issue of this case being started in Ontario through a sham corporation is as much alive today as it will be tomorrow when a different jurisdiction is chosen, another action is commenced, and I can tell you that there have been rumblings about actions being commenced in Florida. **So, I am more than happy to settle this case today if my client were paid the caveat that I would insist upon, is that anybody related to- whether it's John Knox or Marjorie Knox, or whoever is behind all of this, provides a full and final general release that my client, and I'm sure I speak for all the defendant's, will not be sued anywhere else, because that is a legitimate concern.**
 - 187.2. THE COURT: Haven't they - I'm sorry, but I'm trying to go back - I'm trying to recall what I wrote, and didn't I review the Barbadian actions that are already underway?
 - 187.3. MR. RANKING: Yes."
188. This is more proof that it was never about costs for the defendants.

189. I also direct the Court's attention to the fact that while Mr. Ranking refers to 'Nelson Barbados Group Ltd.' as a "sham corporation", that Nelson Barbados Group Ltd. is a properly registered Ontario Corporation that bears my name. It is real and proper legal entity. I am a real person.
190. As we now know, Mr. Ranking should have called his purported client 'PricewaterhouseCoopers East Caribbean Firm' a "sham corporation" because it is a fraudulent, phony non-entity that perpetrated a fraud upon the court and even received about a million dollars in costs payments. Who or what entity received that money? It is a certainty that Mr. Ranking's phony non-entity sham client did not.
191. This abuse of the court and extortion continues in the present Contempt Hearing where Mr. Ranking, Mr. Silver, their law firms and clients are extorting me that they will drop their prosecution only if I give them what they want for use in other jurisdictions, and give their clients a full release.
192. These are motivations of the people, entities and phony non-entities who petitioned the court to have me convicted of contempt and then to ensure my conviction, made sharp legal practice, threatened me and my family by committing criminal offenses against us, threatened me during the November 17, 2009 phone call, fabricated evidence, deceived the court and lied orally to Justice Shaughnessy.
193. Upon this false and fraudulent foundation, Justice Shaughnessy convicted me of contempt of court. Then Mr. Ranking, Mr. Silver and Mr. Roman petitioned on sentence to have me thrown in jail.
194. I find it incredible that as Mr. Andrew Roman stood before the Court on January 15, 2010 and asked for a longer jail term for me, he said about my jail sentence (page 38, line 24 of the January 15, 2010 court transcript): "Had I been bringing the motion Mr. Ranking brought I would have been seeking a considerably longer term of incarceration."
195. At the time that Mr. Roman said this, he knew that he had transferred documents to his client Iain Deane, and instructed Mr. Deane to post them on Barbados Underground blog (so says Iain Deane in publications on that blog), which Mr. Roman knew was the source of threats and intimidation against my witnesses, my lawyer, me and our families.
196. Further Mr. Roman also knew that for years starting at least in 2004 the computer system at his Miller Thomson law firm has been the source of anonymous internet threats, intimidation and harassment against my witnesses, my lawyer, me and our families. Further, Mr. Roman was personally cautioned in writing by a Florida law

firm to cease threatening my witness, Kathleen Davis. (See Exhibit G, John Knox affidavit November 7, 2011)

197. Mr. Roman knew all of that, and was even delivered of written evidence about that, but never informed Justice Shaughnessy. Instead, Mr. Roman argued for a longer jail sentence for me while covering up the fact that one or more people from his law firm were involved in a years-long campaign to threaten my witnesses, me, my lawyer and our families.
198. There are many other instances of the defendants abusing the court process and the current Contempt Hearing, but I would need a lawyer to assist me in properly explaining further about this issue.
- 199. Personal safety, security and well-being**
- 200. Safety issues, statements by the Court on November 16, 2012 and December 11, 2012**
201. At the time I am writing this section, it is 3:49am on Thursday, January 10, 2013 and I am almost out of time because I must soon print this affidavit and get it ready to be sworn and delivered early tomorrow.
202. I recently discovered even more evidence about the ongoing campaign of criminal acts, intimidation and harassment that has been conducted for years against my witnesses, my lawyer, me and our families.
203. Some of this new evidence appears in the attached affidavits of John Knox and other new evidence will have to wait until my next affidavit, to be completed as soon as I can after my January 11, 2013 cross examination.
204. I do want to state that I cannot find in the court records some of the decisions, reasons, evidence and written judgments referenced by the Court in the court transcripts of August 9, 2012, October 12, 2012, November 16, 2012 and December 11, 2012. I will list these more comprehensively in my next affidavit, but some of them concern the safety, security and well-being of my witnesses, my former lawyer, me and our families.
205. For instance, in the court transcript from November 16, 2012, the Court and Mr. Greenspan talk starting on page 14 at line 18:
 - 205.1.THE COURT: I can't. I can't. And I'll tell you why. Mr. Greenspan, just as a reminder, a great deal of time dealt with the whole issue of the safety of Mr. Best. And then Mr. McKenzie, the counsel, apparently was representing Mr.

Best. And an extraordinary amount of money is spent obtaining former FBI individuals, who were then consultants, who rendered opinions, who examined this in great detail. I can think of one. There was probably two. And frankly, I made decisions. There was no substance to any of that. So, why – why am I – why would I get concerned now? And it's not Mr. Best is walking around with private security guards at the present time. But having said that I've been through that issue in detail. And I found no substance to it, whatsoever.

205.2.MR. GREENSPAN: In that case, sir, again, I felt obliged to make that submission. I didn't fully appreciate it, appreciate that that matter had been fully canvassed before you in the past. It is in – you know, again, that material is in the affidavit that we prepared on Mr. Best's behalf.

206. In respect of the above, I make the following observations:

207. Respectfully, I would observe that the Court seems to be going from memory rather than actually looking at written decisions, previously submitted evidence, or new evidence in hand. Further, any evidence or oral submissions previously submitted by the defendants must now be viewed with suspicion in respect of their loss of credibility. Any of the Court's previous decisions regarding this area might be based upon false evidence. Certainly, any submissions by Mr. Ranking and his purported client, and Mr. Silver and his client are suspect.

208. During the November 16, 2012 court hearing, I was sitting in the section of court where the lawyers sit as the Court had invited me there so I could hear everything.

209. The Court commented "And it's not Mr. Best is walking around with private security guards at the present time."

210. In fact, when Justice Shaughnessy said this, I turned around in my seat and looked at my private security detective who was sitting in the body of the court, and who had also accompanied me on the October 12, 2012 court date. I thought that Justice Shaughnessy realized I had a security person with me.

211. Justice Shaughnessy stated "And frankly, I made decisions. There was no substance to any of that. So, why – why am I – why would I get concerned now?"

212. I am unable to find any prior written decisions of Justice Shaughnessy that deal comprehensively with my safety, the safety of my witnesses, my family etc. I do remember the court dealing with some very narrow issues surrounding whether what was said in a phone call about Mr. McKenzie was a 'threat' and that a former

FBI linguist made a very narrowly defined report about whether a specific word or phrase spoken on one day was a 'threat'.

213. Respectfully, I believe that the Court is mistaken when it says that it dealt with the whole matter of security and safety and issued written decisions etc. Even if the court did so it was five or six years ago and since that time there have been many new incidents of attacks, criminal acts, intimidation and harassment that cause everyone on my side of the case to be fearful.
214. I do not understand that the Court says "So, why – why am I – why would I get concerned now?" Just from the evidence placed before the Court in the current contempt hearing the court knows that I was beaten on the street, that my family's auto was shot up, that one of my children was approached and threatened, that my witness John Knox was kidnapped at gunpoint, tied up and severely beaten and that, by coincidence or not, one of the suspects is associated to the defendants.
215. In my December 10, 2012 affidavit I explained how I don't understand the Court's apparent lack of concern with my witnesses', my and our families' security, safety and well-being.
216. I will try to put together a very comprehensive timeline about this issue as I believe that there is new evidence and also evidence that the Court has forgotten about that would change the perspective of the Court, but for now I have run out of time tonight.
- 217. Reasons for conviction**
218. In the court transcripts from the current Contempt appearances in August, October, November and December 2012 the Court has referenced or alluded to the Reasons for my conviction of Contempt of Court.
219. I would like to address this area and the court's reasons, as I believe that much of the evidence and submissions that the court made its decision upon are now known to be false and all of the evidence is suspect. I know from having my court administration expert look at the court file, that much of what the court was told by the defendants about evidence and the procedures that led the court to convict me was false or deceptive or not as presented to the court, or is not in the court file at all. I need a lawyer to assist me.
220. Further, it is true that I was unable to attend the Court because of the provable actions of some of the defendants, their supporters, and some of the defendants' lawyers. I need a lawyer to assist me in presenting this to the Court, because the

evidence to support my position exists, although some of it is still in the possession and control of the defendants and their lawyers.

221. Massive violation of Lawyer-Client Privilege and by Mr. Ranking, Mr. Silver, Mr. Roman and their law firms

222. As explained herein, Mr. Ranking, Mr. Silver, Mr. Roman and their law firms committed a massive violation of lawyer-client privilege by selecting and distributing to the public a collection of over 100,000 unredacted privileged documents from the legal files of my previous lawyer, K. William McKenzie. In all the circumstances there is no conclusion possible other than this was a deliberate and malicious act, designed to intimidate and attack my witnesses, my family members, my previous lawyer (Mr. McKenzie) and me.
223. Further, the deliberate release of privileged information and Identity Information for dozens of Mr. McKenzie's legal clients who had not the remotest connection with me or the Nelson Barbados Group Ltd. lawsuit was designed to ruin Mr. McKenzie's business and reputation. What other reason can there be for Mr. Silver, Mr. Ranking, Mr. Roman and their law firms to release and distribute this privileged information about dozens of Mr. McKenzie's other clients and other non-involved people and companies into the public domain?
224. In context, the massive violation of lawyer-client privilege by Mr. Ranking, Mr. Silver, Mr. Roman and their law firms was part of an overall ongoing campaign of intimidation and criminal acts by certain persons against my witnesses, my family members, my previous lawyers and me.
225. I understand that during my absence from Canada during the costs hearing on about January 15, 2010, that Justice Shaughnessy ordered that the lawyer-client privilege between Nelson Barbados Group Ltd., myself and my lawyer William McKenzie be set aside. I note that the order places this setting aside of privilege only within the confines of the Nelson Barbados Group Ltd. situation, and for no other reason and for no other persons or entities. **(EXHIBIT R)**
226. The order of the court reads:

226.1. "THIS COURT FURTHER ORDERS that notwithstanding any solicitor-client or other privilege between Nelson Barbados Group Ltd. ("Nelson Barbados") and Mr. Best (collectively, the "Clients") and Mr. McKenzie, Crawford, McKeznzie, McLean, Anderson & Duncan LLP ("Crawford McKenzie"), and any member or employee of Crawford McKenzie (collectively, the "Lawyers"), and notwithstanding any duties of confidentiality owed by the Lawyers to the

Clients under the Rules of Professional Conduct or otherwise, the Lawyers shall produce to the moving parties copies of the following documents of Nelson Barbados in the possession, power or control of Mr. McKenzie and Crawford McKenzie on or before January 27, 2010:

- 226.2.(a) the incorporation documents for Nelson Barbados, minute books, directors' register, shareholders' register, banking documents (including bank account opening documents, operating agreements and bank statements), non-privileged correspondence, notes, memoranda and other business documents and emails from the date of incorporation through to the present;
- 226.3.(b) all books of account, ledgers and financial statements of Nelson Barbados from the date of incorporation through to the present;
- 226.4.(c) all documents by which Nelson Barbados allegedly acquired security or an ownership interest in the shares of Kingsland Estates Limited ("Kingsland") from the date of incorporation through to the present;
- 226.5.(d) all trust documents;
- 226.6.(e) the retainer agreement between Nelson Barbados and Mr. McKenzie and/or Crawford McKenzie; and
- 226.7.(f) all professional accounts for service provided by Mr. McKenzie and/or his firm with respect to the action.
- 226.8.7 THIS COURT FURTHER ORDERS that Mr. McKenzie may not object to question on the basis of privilege or confidentiality at his cross-examination with respect to the documents referred to in paragraph 6 above.
- 226.9.8 THIS COURT FURTHER DECLARES that the documents referred to in paragraph 6 above are not the subject of litigation privilege or solicitor-client privilege."
- 227. I believe that Mr. Gerald Ranking, Mr. Lorne Silver and Mr. Andrew Roman, their law firms and others advertently trampled over Justice Shaughnessy's order and maliciously breached the lawyer-client privilege of many persons and entities not associated in any way with the Nelson Barbados Group Ltd. v. Cox et al litigation.
- 228. As I substantiate in greater detail following, I verily believe that by their actions in respect of privileged documents, that Mr. Ranking, Mr. Silver, Mr. Roman and their law firms committed Contempt of Court and also violated other laws, rules and professional standards.

229. As I now examine the transcripts and the documented events relating to the public distribution and publishing of privileged documents Nelson Barbados Group Ltd. v. Cox et al case, I see that Justice Shaughnessy placed an enormous amount of trust in the senior counsel and major law firms acting for the defendants. Justice Shaughnessy trusted them and conferred judicial powers and authority upon Fasken Martineau (Gerald Ranking), Cassels Brock (Lorne Silver) and Miller Thomson (Andrew Roman); giving them the authority to select privileged documents relevant to the facts at issue from the files of my lawyer William McKenzie, and to place these privileged documents into evidence and the public record without the further supervision of the court.
230. From the January 15, 2010 court order that removed the privilege, until June 8, 2010 when the lawyers filed with the court over 100,000 unredacted privileged documents, Mr. Ranking, Mr. Silver, Mr. Roman and their law firms never once reported back to the court about their use of the order or the results. They abused the trust of the court and misused the order as a license to collect evidence for use in other jurisdictions and also as a weapon to maliciously attack my witnesses, my previous lawyer, his law practice, our families and me.
231. This authority conferred upon the lawyers even continued after the June 8, 2010 settlement court date, wherein Justice Shaughnessy authorized the lawyers to continue to place newly discovered formerly-privileged documents into the public record without further supervision of the court, even though the case was ended and millions of dollars of costs had been paid.
232. In conferring such authority upon these senior counsel, it goes without saying that the court expected them to comply with all the laws, case law, rules and professional procedures and standards respecting lawyer-client privilege, the redaction of Identity Information and the protection of privacy.
233. In consideration of the fact that Mr. Ranking, Mr. Silver, Mr. Roman and their law firms knowingly distributed to the public the privileged information and Identity Information of dozens of entities and persons not having the remotest connection to the case, I believe that these lawyers and their law firms egregiously betrayed Justice Shaughnessy's trust and misused his authority. In the transcript of June 8, 2010 it is evident that Justice Shaughnessy trusted these lawyers entirely and even referred to them as 'heroes', but his trust was betrayed. (Exhibit S June 8, 2010 transcript)
234. Now that I read the transcript of June 8, 2010, I see that Justice Shaughnessy would not have known that the '100,000 privileged documents' filed with the court

contained privileged documents and Identity Information for dozens of persons having nothing to do with the case. In fact, Justice Shaughnessy probably had no idea how many documents were filed with the court. The lawyers 'slid it in' on the last day in court with minimal information given to Justice Shaughnessy.

235. Justice Shaughnessy relied upon the senior lawyers of Mr. Ranking, Mr. Silver, Mr. Roman and their law firms, who did not inform the court that they were violating privilege of dozens of unrelated people and entities.
236. Further, after my November 17, 2009 phone call with them and after receiving my December 1, 2009 letters (EXHIBIT W in my December 10, 2012 affidavit) Mr. Ranking, Mr. Silver, Mr. Roman and their law firms cannot claim that they were unaware of my concerns and fears over the public release of my witnesses', my family members' and my Identity Information, and the resultant threats and criminal acts against us.
237. Both in the November 17, 2009 phone call and the December 1, 2009 letters I accused Mr. Ranking and Mr. Silver of releasing my and my family's information maliciously. In that context, the subsequent 2010 release of over 100,000 unredacted privileged documents containing extensive Identity Information and other private and privileged information must be seen as a deliberate and malicious act by Mr. Ranking, Mr. Silver, Mr. Roman and their law firms.
238. Further, the lawyers' 2010 release of over 100,000 unredacted privileged documents contained extensive Identity Information as defined by the Criminal Code Section 402.1, including numbers of passport, bank account, driver's license, username, computer password, address history, name and date of birth.
239. I note that Justice Shaughnessy's January 15, 2010 order only refers to Nelson Barbados Group Ltd. and me in relation to the costs hearing in Nelson Barbados Group Ltd. v. Cox et al, and does not set aside the lawyer-client privilege of any other person or entity with Mr. McKenzie or any other lawyer, or for any events outside of the narrow confines of Nelson Barbados Group Ltd. v. Cox et al litigation costs hearing.
240. I understand that as a result of Justice Shaughnessy's order, personnel from the defendants' law firms attended at the Crawford McKenzie law firm in Orillia, Ontario to examine McKenzie's files and to select the privileged documents that they considered relevant and important to the Nelson Barbados Group Ltd. v. Cox et al costs hearing.

241. I understand that probably Mr. Ranking, Mr. Silver and others personally attended to select these privileged documents from Mr. McKenzie's files and that based upon Mr. Silver's and Mr. Ranking's direct participation and/or supervision approximately 100,000 privileged documents were selected from Mr. McKenzie's legal files for filing with the court and distribution to members of the public by the lawyers. (The '100,000 documents')
242. In all the circumstances, the reason for the setting aside of the lawyer-client privilege in this cost hearing was effectively fulfilled by a handful of documents, numbering five or ten at most. I do not have a lawyer and I wish I did to research the law and explain what I believe is the law: that when privilege is waived by the court it is for a certain legal purpose and for a certain time period only and should be done in a way that achieves the goal but does not go overboard, and protects everyone's rights and privacy.
243. The selection and public distribution of over 100,000 privileged documents is an outrageous abuse of the court process, further signifying the malicious intent of Mr. Ranking, Mr. Silver, Mr. Roman and their law firms.
244. I understand that after selection these 100,000 documents were thereafter left unattended for scanning at the Orillia Staples store, and that at least one of the various Staples staff assigned to the scanning was a local student of a young age. I understand that neither the individual Staples staff members nor the company itself were required to sign any kind of non-disclosure or confidentiality agreement in respect of the 100,000 privileged unredacted documents being turned over to Staples for scanning. I understand that Staples was not required to erase the scanning files from their computer system after the job was complete and that no attempt was made to ensure that they did so.
245. I also understand that Staples was selected for scanning after a local firm that specializes in legal document scanning was rejected on the basis of price. Thus, all the proper procedures relating to privileged documents being handled and scanned outside of law firms were neglected. I verily believe that there was no control of the document scanning process from beginning to end, and no verification to know if all the 100,000 documents were scanned and/or returned to the Crawford McKenzie law firm.
246. After the selected 100,000 privileged documents were scanned into 'PDF' electronic computer files, the law firms of Fasken Martineau (Gerald Ranking), Cassels Brock (Lorne Silver) and Miller Thomson (Andrew Roman) made no effort to redact Identity Information or other confidential, personal, sensitive or non-related

information that was contained in the electronic files. In fact, not one of the 100,000 documents had any information redacted, even if the information met the definition of 'Identity Information' under the Criminal Code of Canada, or was totally unrelated to the case.

247. It should be noted that when these now in the public domain 100,000 documents began to appear on the internet and at Barbados Underground, that the persons putting the documents on the Internet redacted defendants' Identity Information, but published unredacted documents and Identity Information for my witnesses, my lawyer, me and our families.
248. These people also maliciously published the names of two of my children on the internet at Barbados Underground. This is the same internet website where Mr. Andrew Roman's client Iain Deane publishes under his own name and said that Mr. Roman gave him written instructions to post documents that Mr. Roman sent him.
249. The selected 100,000 unredacted privileged electronic documents were distributed to the public through various means, including: by sending the copies of the files to the law firms, by sending copies of the files to the defendants, and by posting copies of the files and/or information on the internet at the Barbados Underground website and at other web venues. Finally, the 100,000 privileged electronic documents were filed with the court on disks on June 8, 2010, but the involved law firms had already distributed these unredacted privileged documents to members of the public long before they were filed with the court.
250. The publicly distributed unredacted 100,000 documents contained privileged information for dozens of Mr. McKenzie's and other lawyers' clients who have nothing to do with the Nelson Barbados Group Ltd. case. Even ordinary persons with no legal training would recognize that these persons and entities have nothing to do with the case before the court, and that they were victimized by the public distribution of privileged, confidential information and Identity Information.
251. Some examples of these innocent victims of this abuse are (with their names removed for privacy):
 - 251.1. Former US State Governor 'A' (Defendant in lawsuit launched by California company.)
 - 251.2. Former Canadian Government Minister 'B' (Private business of 'B' found in Mr. McKenzie's legal files.)
 - 251.3. Client 'C' (Purchased a house.)

- 251.4.Canadian Corporation 'D' (Ontario company, client of Attorney K. William McKenzie.)
- 251.5.US Corporation 'E' (borrowed money in Florida from the Regions Bank.)
- 251.6.Canadian Corporation 'E' (Canadian Communications company. Client of Attorney K. William McKenzie.)
- 251.7.Client 'F' (Member of Board of Directors for a large corporation).
- 251.8.Client 'G' (Public Charity, purchased securities)
- 251.9.Client 'H' (Chairman of the Board of a Florida Bank, Purchased securities)
- 251.10.Client 'I' Vice Chairman of a Florida Bank, (An "adverse party" in an unrelated litigation file.)
- 251.11.Client 'J' (Television company and client of Attorney K. William McKenzie)
- 251.12.Client 'K' (Prospective client concerning a patent joint venture.)
- 251.13.Client 'L' (Health club business)
- 251.14.Client 'M' (Middle East litigation client of Attorney K. William McKenzie)
- 251.15.Client 'N' (Married couple with an established family trust)
- 251.16. Client 'O' (Canadian technology company, client of Attorney K. William McKenzie)
- 252. As well, Mr. Ranking, Mr. Silver, Mr. Roman and their law firms distributed to the public a series of Mr. McKenzie's phone bills containing the private phone numbers for dozens of Attorney K. William McKenzie's legal practice clients, business acquaintances, bankers, brokers, friends, family members, personal physicians and dentists. To my knowledge none of these people have anything to do with this case.
- 253. Further, Mr. Ranking, Mr. Silver, Mr. Roman and their law firms distributed to the public from Mr. McKenzie's privileged legal files, a series of political donation documents for a Minister of the Barbados Government who has nothing to do with the Nelson Barbados Group Ltd. case or the Kingsland matters. The public distribution of this information soon resulted in the information being published on the internet, and threats directed against the Government Minister and others.

254. Further, Mr. Ranking, Mr. Silver, Mr. Roman and their law firms distributed to the public privileged information about a couple ('P') in Barbados who have nothing to do with the Nelson Barbados Group Ltd. case or the Kingsland matters. The lawyers and their law firms already knew that this couple had been subject to criminal attacks including arsons and break-ins at their business, and threats on the internet to murder the couple and to rape the wife. The public distribution of this privileged information from Mr. McKenzie's files caused further threats against couple 'P'.
255. Further, in 2010 Mr. Ranking, Mr. Silver, Mr. Roman and their law firms distributed to the public, Identity Information for two of my children who have nothing to do with the Nelson Barbados Group Ltd. case in any way. This resulted in further online incidents that induced fear and upset throughout my family, but as Mr. Silver and Mr. Ranking told me on November 17, 2009, they didn't care and wouldn't help me even if they could about the public distribution of my family's Identity Information or our safety, security and well-being.
- 256. Massive violation of Federal and Provincial laws, regulations and court procedures by Mr. Ranking, Mr. Silver and their law firms in respect of the public distribution of unredacted Identity Information**
257. As senior and experienced lawyers, when Mr. Ranking, Mr. Silver and their law firms selected and then distributed to the public the '100,000' privileged files from the Crawford McKenzie law firm, they knew full well that the information was subject to various Federal and Provincial laws, regulations and established legal procedures designed to protect innocent persons, innocent family members and even accused persons from the unwarranted and reckless distribution of their Identity Information and other private, personal and confidential information.
258. In June 2010 when Mr. Ranking, Mr. Silver, Mr. Roman and their law firms filed the '100,000' unredacted privileged documents with the court, and had already sent them to their clients and otherwise distributed them to the public, they knew that these documents would appear on the internet. The lawyers were well aware of the extensive history of criminal acts against my witnesses, my lawyer, me and our family members, and the role played by the internet. As shown in other areas of this affidavit, Mr. Andrew Roman had even been presented with strong documentary evidence that his own law firm's computer network was for years being used to deliver threats and harassments to my witnesses via the internet.
259. During the November 17, 2009 phone call I begged Gerald Ranking and Lorne Silver for help in stopping the public distribution of my family's Identity Information. I told them about the death threats, and told them orally and on

December 1, 2009 in writing that the deliberate release of my Identity Information was intended to terrorize my family and me and to create identity theft.

260. As covered elsewhere and in my December 10, 2012 affidavit, Mr. Ranking and his law firm publicly distributed the affidavits of his private investigator Van Allen and his co-lawyer Kwidzinski, knowing that these contained my unredacted Identity Information and other information and this ended up published on the internet on October 30, 2009 even though the affidavits were not filed with the court. Ranking and Silver also lied to me and to the court about this.
261. A few months after I begged the lawyers for help in stopping this attack on my family, Gerald Ranking, Lorne Silver and Andrew Roman deliberately, maliciously and recklessly released into the public domain and onto the internet approximately 100,000 unredacted solicitor-client privileged documents containing Identity Information as defined in the Criminal Code and private legal information, not only for me and members of my family, but also for dozens of other persons and companies, the vast majority of whom are not even remotely connected with the Nelson Barbados case.
262. Gerald Ranking, Lorne Silver and Andrew Roman and their law firms knew that they were violating various laws and rules, and they knew that their action in distributing the 100,000 documents to the public would harm people and also Mr. McKenzie's law practice. They also knew and should have known that their action in distributing the 100,000 documents to the public was part of a larger campaign of criminal offences, intimidation, harassment and threats against my witnesses, my lawyers, me and our families.
263. I believe that part of Gerald Ranking's, Lorne Silver's and Andrew Roman's and their law firms' intent was also to damage Mr. McKenzie's career, business and reputation as much as possible. What better way to do that than to release and place into the public domain, solicitor-client privileged and private information from Mr. McKenzie's legal files concerning dozens of clients and cases that have no connection to me, Barbados or the Nelson Barbados case?
264. What better way to send a warning to lawyers in Florida and everywhere that they should not work against Barbados and the defendants in the Nelson Barbados case than to release solicitor-client privileged, Identity Information and private information from their Florida legal files concerning clients and cases that have no connection to me, Barbados or the Nelson Barbados case?
265. I verily believe that by distributing the 100,000 documents as they did, and in other distributions of documents prior to the 100,000 documents, Gerald Ranking, Lorne

Silver and Andrew Roman and their law firms knew they violated many laws, rules and procedures including:

- 265.1.Criminal Code, Section 402.2 (2), pertaining to the reckless distribution of Identity Information.
 - 265.2.Criminal Code, (Section 423.1) pertaining to the intimidation of, and threats against, persons involved in court proceedings.
 - 265.3.Other Federal laws, including laws respecting the protection of privacy and the security, and the access to, release of and possession of personal information and Identity Information held by various agencies of the Canadian Federal Government.
 - 265.4.Breaches of various Ontario Provincial laws, including laws respecting the protection of privacy and the security, and the access to, release of and possession of personal information and Identity Information held by various agencies of the Province of Ontario.
 - 265.5.Breaches of the laws, protocols and contractual agreements respecting information, personal information and Identity Information held by the Ontario Ministry of Transport (MTO).
 - 265.6.Breaches of the laws, protocols and contractual agreements respecting my Personal Medical Records and Information held by the Ontario Ministry of Transport (MTO).
 - 265.7.Breaches of Ontario Municipal laws, including laws respecting the protection of privacy and the security, and the access to, release of and possession of personal information and Identity Information held by various Municipalities in Ontario.
 - 265.8. Various court protocols and rules respecting the protection of privacy and the security, and the access to, release of and possession of personal information and Identity Information.
266. Attached to my affidavit as **Exhibit T** are various complete publications by the legal profession, the justice system and the news media about laws, rules and procedures dealing with the use and distribution of Identity Information and other sensitive information. Gerald Ranking, Lorne Silver and Andrew Roman and their law firms would be well aware of this and other materials and the associated issues and laws, rules and protocols.

267. Attached to my affidavit as **Exhibit U** are excerpts and first pages of various publications by the legal profession, the justice system, the news media and others about the use and misuse and distribution of Identity Information and other sensitive information. Gerald Ranking, Lorne Silver and Andrew Roman and their law firms would be well aware of this and other materials and the associated issues and laws, rules and protocols.
- 268. Mr. Silver's and Mr. Ranking's deceit to me and the court regarding the Private Investigator Jim Van Allen. Further proof, new exhibits.**
269. In my December 10, 2012 affidavit I explained how during the November 17, 2009 phone call with them, Lorne Silver and Gerald Ranking lied to me about Mr. Ranking's private investigator, Jim Van Allen, and then subsequently lied to the court about my version of events as indicated in my December 1, 2009 letters to all counsel and the court.
270. In paragraph 293 of my December 10, 2012 affidavit I also recounted how other lawyers knew Lorne Silver and Gerald Ranking deceived me and the court about Van Allen (and other issues) yet they kept their silence. Paragraph 293 states:
271. "Upon reading my December 1, 2009 letters these same lawyers present for the November 17, 2009 call and other lawyers in the case who had read my letters, the 'Statement for the Record' and had received a copy of the Van Allen affidavit would have to have been aware that Lorne Silver lied to me about the Private Investigator, and that Silver and Ranking had deceived the court when they rejected the version of events in my December 1, 2009 letters. These lawyers kept their silence."
272. Attached to this affidavit as **Exhibit V** is a copy of a fax dated November 12, 2009 from Miller Thomson LLP, Andrew Roman to Jessica Duncan and copied to all counsel including Gerald Ranking and Lorne Silver. This fax deals with the Notices of Examination for the Affidavits of Kwidzinski and Van Allen returnable November 17, 2009.
273. This is further proof that all counsel had copies of the Kwidzinski and Van Allen affidavits, and were aware of the disputed cross-examination of Kwidzinski and Van Allen scheduled for November 17, 2009. (**Exhibit W Van Allen affidavit**)
274. The Van Allen affidavit states right in paragraph 6 that Mr. Ranking hired the private investigator Jim Van Allen.

275. As I have stated previously in various affidavits, during the call when I asked Lorne Silver "Well well. Who was it then? Sir, who hired the private investigator?" he lied to me when he replied "I have no idea."
276. Lorne Silver also lied to me when he said, "Okay. Well I can tell you that the firm of Cassels doesn't have a report on a, on a, you." (See Exhibit J Forensic Transcript page 16.)
277. Gerald Ranking was right there and he knew Lorne Silver was lying to me too. So did the all other lawyers. Everybody knew that Gerald Ranking and Lorne Silver deceived the court in their 'Statement for the Record' and in the subsequent verbal submissions to the court after I sent my December 1, 2009 letters to all counsel and the court.
278. As a minor correction, it should be noted that in my December 10, 2012 I mistakenly called Mr. Van Allen "Bill" when his real name is "Jim".
- 279. Criminal Complaint made to Durham Regional Police**
280. Attached as Exhibit X to this affidavit is an affidavit sworn by me on December 17, 2012 and submitted that day to the Durham Regional Police in respect of an incident that happened on December 11, 2012 after my court appearance before Justice Shaughnessy.
281. The December 17, 2012 affidavit is part of a complaint lodged by me with the Durham Regional Police alleging that Mr. Gerald Ranking committed a violation of the Criminal Code, (Section 423.1) pertaining to the intimidation of, and threats against, persons involved in court proceedings.
282. As I write this on January 9, 2013 at about 3:45am, I do not know the current status of the Durham Regional Police investigation or if the police have made Mr. Ranking aware of my complaint.
283. I am however including my December 17, 2012 affidavit as an exhibit as it has been a month since the occurrence, and I view what happened in the larger context of the ongoing activities by some defendants and some counsel, and therefore I want the court to be as fully informed as possible.
- 284. No complaint made to the Law Society of Upper Canada**
285. As indicated in my December 10, 2012 affidavit in Exhibits D, E, F and G, I had communications with both the Law Society of Upper Canada and LawPro wherein

the issue of making a complaint to the Law Society of Upper Canada about the conduct of certain lawyers was raised by both LSUC and LawPro.

286. I have not made a complaint to the Law Society of Upper Canada and will not be doing so as I leave that decision and action to the Court.

287. Examinations of Mr. Ranking, Mr. Silver, Mr. Roman and their clients

288. I believe that I am entitled to examine Mr. Ranking, Mr. Silver, Mr. Roman and their clients and to have access to all of the evidence in their possession and control.

289. My right to examine my accusers and have access to all of the evidence in their possession and control also includes purported or claimed 'privileged' communications which should be sealed and given to the Court for the court's examination and determination. I also believe that privilege ends when criminal offenses begin. The perjury, fraud and other criminal offenses go right back to the start of Nelson Barbados Group Ltd. v. Cox et al in 2007 and even pre-date the case when considering the history of criminal offenses against my witnesses and the perjury committed by Mr. Silver's and Mr. Ranking's clients for years before 2007 as shown in the affidavits of Mr. Knox attached as Exhibits G and H.

290. On January 2, 2013 I sent Notices of Examination to Mr. Roman, Mr. Silver and Mr. Pendrith (Mr. Silver's associate).

291. I received back a letter from Mr. Pendrith claiming that he and Mr. Silver will not comply as "The Notices of Examination you served with your letter are improper and invalid." etc. and that their position is that I am not entitled to examine them.

292. If I had a civil lawyer, I suppose my Notices of Examination would have been done correctly, but this is why Mr. Silver and Mr. Ranking removed my first lawyer Mr. McKenzie and why they want to rush ahead now while I have no lawyer. Mr. Silver and Mr. Ranking and their clients want to have an advantage over me, as they do when I am without a lawyer.

293. Mr. Silver and Mr. Ranking and their clients forced Mr. McKenzie to resign as my lawyer in order to gain a tactical advantage, and then they squeezed out Mr. Greenspan. Then they objected vigorously when I asked for more time to find a lawyer and even accused me of further Contempt of Court. This is how they want me: unrepresented and incapable of properly representing myself, ignorant of the rules and procedures. That is exactly what they have.

294. As I recounted in my December 10, 2012 affidavit, Mr. Silver and Mr. Ranking even complained about the civil procedure errors of Mr. Greenspan who is widely acknowledged as one of the top criminal lawyers in Canada.
295. Further as I recounted earlier in this affidavit, on November 16, 2012 when Mr. Greenspan told Justice Shaughnessy that he was leaving my retainer, Justice Shaughnessy replied words to the effect that he knew in advance that Mr. Silver and Mr. Ranking would cause Mr. Greenspan to stop representing me because they were better civil lawyers:
- 295.1. "THE COURT: I suspected once you saw Mr. Silver and Mr. Ranking you might have reason to posit.
- 295.2. MR. GREENSPAN: Right."
296. It is no contest that Mr. Ranking and Mr. Silver are top civil lawyers. Even Brian Greenspan was not up to matching them in civil court procedure, tactics and knowledge, so it is a foregone conclusion that in terms of civil procedure Mr. Ranking and Mr. Silver will wipe the floor with unrepresented me.
297. Nothing I do will be good enough procedurally for Mr. Ranking and Mr. Silver. I will use the wrong colour paper or miss a word or a phrase and they will pounce. No answer to their questions at my cross-examination will be good enough. As I showed earlier in this affidavit, I couldn't even fax them a proposal for an adjournment without them twisting it, falsely accusing me of another count of Contempt of Court and then backdooring their defamatory theatre as 'quasi-evidence' by improperly writing private letters to the Court.
298. Mr. Ranking and Mr. Silver are experts in civil procedure and they will use their expertise to deny me the right to examine my accusers and to deny me the evidence that will aid in my defense.
299. Mr. Ranking, Mr. Silver and their clients want me to go to jail, but they will not provide me with evidence that they have because much of it would aid in my defense and convince the Court to vary the order to cancel the conviction penalties and costs.
300. Attached as **EXHIBIT Y** are copies of the Notices of Appearance served by me, and Mr. Pendrith's reply.

301. My Passport

302. Shortly after I submitted my passport to Mr. Brian Greenspan as ordered by the court, Mr. Silver also acting for Mr. Ranking, contacted Mr. Greenspan and demanded a full copy of my passport. Mr. Greenspan refused informed them that their demand was not authorized by the order of the court, nor consistent with my legitimate privacy interests.
303. It is my belief that Mr. Silver and Mr. Ranking if given my passport will again distribute my Identity Information to the public. This would naturally reveal where I was staying and my travels and my family members' travels. It would endanger members of my family, but as Mr. Silver and Mr. Ranking informed me they don't care about the public distribution of my and my family members' Identity Information and they wouldn't help me to find the perpetrators even if they could.
304. It should be noted that Mr. Silver and Mr. Ranking previously distributed to their clients and the general public a copy of Mr. (name removed)'s passport that they took from Mr. McKenzie's legal files, including the persons Identity Information of name, date of birth, place of birth, passport number etc..
305. As Mr. Ranking and Mr. Silver most certainly were aware, the public distribution of this type of Identity Information placed this person at risk of Identity Theft and other crimes and is actually a Criminal Code offense. Therefore, I have to believe that Mr. Ranking and Mr. Silver did what they did with full knowledge and maliciously. This was only one of the 100,000 similar documents they distributed to the public.
306. In his Notice of Examination to me, Mr. Silver is demanding "A photocopy of your complete passport which you were using in 2009." This would entail turning over to Mr. Silver and the public, records for almost 5 years of travel, plus my Identity Information that he and Mr. Ranking have shown they cannot be trusted with.
307. While I understand that the court will want to see proof that I was outside of Canada for the period I say I was, this can be accomplished by my presenting to the court a redacted version of my passport to show the travel during the period in question, and to remove the passport number and other Identity Information from it, while leaving enough for the court to be sure that it is my passport.
308. I will bring this to the cross-examination, sealed in an envelope. I will present this to the court on January 25, 2013 and trust the court to preserve the privacy, safety, security and well-being of my family and me.

309. Cross-Examination

310. I will attend my cross-examination on January 11, 2013 as ordered by the court. There are very many documents that I have in my possession that touch upon various areas of the Nelson Barbados Group Ltd. litigation, and there are very many of these that contain Identity Information, and/or privileged or sensitive information. There are also very many documents that I have obtained from various sources that have either only a tangential connection to the case and / or contain the Identity Information of persons having nothing to do with this case.
311. I do not want to in any way be responsible for violating any rules, protocols or laws about privilege, Identity Information. I am not equipped as the Court is to know what is privileged, private, Identity Information etc and the rules. For obvious reasons I cannot trust Mr. Ranking, Mr. Silver or Mr. Roman or their law firms to make this determination. I will therefore bring everything to my cross-examination, and seal them. I will deliver these to the Court at my appearance on January 25, 2013.

312. This affidavit is incomplete

313. When Mr. Ranking, Mr. Silver and their clients failed to respond in 20 days to the strong evidence and serious allegations (including criminal allegations) contained in my December 10, 2012 affidavit, I began to compose this affidavit. I wish I had a lawyer. I know that my efforts to place the facts and my case before the court are nowhere near what they should be and would be with a lawyer and a law firm's resources, but I am forced on without a lawyer and I have done the best I can, although this does not seem fair to me.
314. As with my December 10, 2012 affidavit I have run out of time and I know I haven't covered everything I wanted to. I will continue my affidavit submissions as soon as I can after my cross-examination on December 11, 2013, which I must now prepare for alone and unrepresented.

Sworn before me at *Town of
Bradford West Gwillimbury*
in the County
of *Simcoe*



Donald Best

This 10th day of January, 2013



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

Exhibits

- A** December 11, 2012 transcript
- B** Draft Order for January 25, 2013
- C** Affidavit of Alair Paul Shepherd Q.C.
- D** Change of Directors, Keble Worrell
- E** May 24, 2007 Motion Record (Separate binding)
- F** Cassels 2005 invoice re Kingsland Estates Limited
- G** Affidavit of John Knox, sworn November 7, 2011 (Separate bindings 2 parts)
- H** Affidavit of John Knox, sworn August 28, 2012 (Separate binding)
- I** Affidavit of Dr. Stevan Pausak sworn December 19, 2012
- J** Affidavit of Edward J. Primeau sworn January 7, 2013
- K** August 9, 2012 transcript
- L** November 16, 2012 transcript
- M** November 13, 2012 letter from Best to Ranking & Silver
- N** November 14, 2012 letter from Ranking to Best
- O** November 15, 2012 letter from Silver to Best
- P** Canada.com News: Murder of John Charles Borden
- Q** Minutes of Settlement executed June 7, 2010
- R** January 15, 2010 Order of the Court
- S** June 8, 2010 transcript
- T** Various legal publications
- U** Excerpts from various publications (T & U Separate binding)
- V** Fax dated November 12, 2009 from Miller Thomson
- W** Van Allen affidavit
- X** Donald Best December 17, 2012 affidavit
- Y** Notices of appearance and reply to Donald Best