

SUPERIOR COURT OF JUSTICE  
(CENTRAL EAST REGION: BARRIE)

**DONALD BEST**

Plaintiff

- and-

**GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI;  
LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS;  
ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL;  
FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP;  
BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP;  
KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE;  
MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS  
EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS');  
ONTARIO PROVINCIAL POLICE;  
PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE;  
DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS: JEFFERY R. VIBERT;  
GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN;  
BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON;  
INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION;  
JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5  
JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

**MOTION RECORD**

(PLAINTIFF INTERIM INJUNCTION MOTION)



SUPERIOR COURT OF JUSTICE  
(CENTRAL EAST REGION: BARRIE)

**DONALD BEST**

Plaintiff

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JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

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S1	Barbados Underground October 30, 2009 post with comments, unredacted.
S2	Barbados Underground January 28, 2009, Iain Deane post with comments, unredacted.
S3	'Update – The other side of the Kingsland Estate Court Matter Part XIII' attributed to 'BWWR' on December 4, 2008, unredacted.
S4	October 21, 2009 Jim Van Allen affidavit. Unredacted.
S5	Van Allen invoices to Ranking, Faskens. Unredacted by Best. Redacted by Ranking.
S6	Faskens MTO records search for Donald Best, unredacted.
S7	list of known internet locations and files, that are the subject of specific removal and recovery requests
S8	unredacted excerpts of documents first published on Barbados Underground in 2010, purported to contain the names of Best family members.
S9	Allarco report on Cassels server.
S10	Zagar Affidavit sworn June 7, 2010, with exhibits: 8 computer disks, unredacted.
S11	Examples where the legal / medical files of clients unrelated to the Nelson Barbados litigation were recklessly distributed.
S12	Allard family birthdays, unredacted.
S13	Information about Euclid Herbert / Selman, publisher of Barbados Underground.

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SUPERIOR COURT OF JUSTICE  
(CENTRAL EAST REGION: BARRIE)

**DONALD BEST**

Plaintiff

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JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

**NOTICE OF MOTION  
(PLAINTIFF INTERIM INJUNCTION MOTION)**

**TAKE NOTICE THAT** the Moving Party (Plaintiff) will apply to a judge of the Court at the Courthouse, 75 Mulcaster Street, Barrie, Ontario, on June 15, 2015 at 9:30 a.m. or so soon thereafter as the matter can be heard for an Interim Injunction ordering:

- a. For an order, that it be heard in priority to all other motions, except the motion for leave to amend and the jurisdiction motion, returnable on June 15, 2015, considering the urgency of this motion;
- b. a stop to the current and future reckless distribution, including publishing, of Identity Information and other private and confidential information;

- c. the taking down / removing from the internet of past and current published Identity Information, and other private and confidential information;
- d. the recovery of the past and current recklessly distributed Identity Information, where possible, including from members of the public, search engines, search engine caches and archival websites and caches;
- e. An accounting for past distribution of the Identity Information, and other private and confidential information to the extent possible;
- f. the prohibition of exhortations to others to commit criminal and quasi-criminal offenses in support of the defendants;
- g. the preservation of all evidence by defendants and other persons and entities as counsel may advise and this Honourable Court may permit;
- h. the examination of police records to determine to what extent those records are changed/corrupted/inaccurate due to the defendants' illegal access and influence to police personnel, resources, systems and organizations;
- i. the preservation of the confidentiality of certain documents which will be referred to in argument; or as otherwise advised or as this Honourable Court deems just.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE GROUNDS FOR THIS MOTION ARE:**

- 1. Confidential and private information, and other documents and communications including:
  - a. 'Identity Information' as defined in the Criminal Code section 402.1, and the distribution of which is contrary to the Criminal Code 402.2(2) for the Plaintiff, his family members and others; and,
  - b. Other inappropriate, private, confidential and/or privileged information about the Plaintiff, his family members and others; and,

- c. Public and private threats and harassment, and exhortations to the public to commit offenses against the Plaintiff and others in support of the defendants;  
have been, and continue to be, circulated, publicized, recklessly distributed to the public and perpetrated by the Defendants and their John Doe co-conspirators. This includes a campaign and pattern of threats, harassment and defamation that is posted to websites on the internet. The attacks on the Plaintiff continue and are causing damage and fear to the Plaintiff. The Plaintiff needs these postings and publications to be stopped and for all offending materials to be traced and removed from places where it resides in order to prevent any further damage to him and others who are the target of this campaign.
2. Certain defendants illegally employed and illegally paid a serving Ontario Provincial Police Detective Sergeant ‘on the side’ for illegal private investigations of the Plaintiff and for illegal access to police personnel, records and resources, and for the exercise of police powers and authorities outside of normal systems, procedures and jurisdictions, to benefit defendants in a civil lawsuit involving the Plaintiff’s corporation and to benefit them in proceedings in furtherance of costs against the Plaintiff, examination of the Plaintiff and a contempt order against the Plaintiff.
3. The Defendants’ ‘unofficial, on the side’ police agents placed information into police computer and records systems, including CPIC, in non-standard procedures outside of their normal jurisdictions.
4. Such further grounds as counsel may advise and this Honourable Court permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of this Motion:

1. Affidavit of Donald Best, sworn March 31, 2015;
2. Sealed exhibits to be filed only with the court after instructions have been received from the Honourable Court;
3. Such further material as counsel may advise and this Honourable Court may permit.

DATED AT TORONTO, this 31<sup>th</sup> day of March, 2015



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SUPERIOR COURT OF JUSTICE  
(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

**NOTICE OF MOTION**

**(PLAINTIFF INTERIM INJUNCTION MOTION)**

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**DONALD BEST**

Plaintiff

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JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

**AFFIDAVIT OF DONALD BEST  
(SWORN MARCH 31, 2015)**

I, Donald Best, of the County of Simcoe, Ontario, MAKE OATH AND SAY AS FOLLOWS:

**1. Introduction and Overview**

2. I am the Plaintiff in this case. I am 60 years of age, a Canadian born in Ontario where I have always been resident. Although I was forced starting in late 2009 to spend over two years travelling outside of Canada as a direct result of the actions of many of the defendants and their co-conspirators, I have never applied for or been granted residency or citizenship in any other country.
3. I make this affidavit in support of a Motion for an Interim Injunction Order because the defendants or one or more of them and their co-conspirators both identified and yet to be identified ('John and/or Jane Does'), have in the past and continue to recklessly distribute to the public via the internet and other means;
  - a. Identity Information contrary to the Criminal Code section 402.2(2), for myself, my family members and others; and,
  - b. Other inappropriate, private, confidential and/or privileged information about myself, my family members and others; and,
  - c. Public and private threats and harassment, and exhortations to the public to commit offenses against me and others in support of the defendants.
4. The defendants and their Joe Doe co-conspirators continue to recklessly distribute Identity Information to the public in 2015, contrary to the Criminal Code section 402.2(2), and refuse to stop. The harm to me and others is significant, ongoing and increasing every day.

**A. Protection of Identity Information and other private, confidential information, including in the courts.**

5. There are very strict rules and laws applying generally in Ontario, and in the courts of Ontario, that relate to the protection of Identity Information and other personal, confidential and/or privileged information. The nondisclosure, non-distribution and non-publication of such information, as reflected in the standards and definitions in these various rules and laws have been breached in respect of my information and others' in this case, including those standards set by the Supreme Court of Canada<sup>1</sup>, the Criminal Code<sup>2</sup>, the Canadian Judicial Council<sup>3</sup>, the Police Services Act<sup>4</sup> and the Law Society of Upper Canada and others.<sup>5</sup>
  
6. While the defendants might say that Justice Shaughnessy overrode or ignored these rules, procedures and laws in the Nelson Barbados vs Cox costs hearing, the evidence is clear that defendants deliberately deceived Justice

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<sup>1</sup> The Supreme Court of Canada requires that the following be removed or redacted in SCC Documents (quoted): "personal data identifiers\* or personal information that, if combined with the individual's name and made widely accessible to the public, could pose a serious threat to the individual's personal security. \* The following are some examples of personal data identifiers or personal information that could pose a threat to an individual's personal security (as a result, for example, of identity theft, stalking or harassment): • names of individuals together with their addresses, • social insurance numbers, • account numbers for bank accounts, lines of credit, credit cards or other assets and corresponding PINs, and • medical records." (EXHIBIT 'A' SCC Appeal Documents Requirements Related to Factums pg4)(EXHIBIT 'B' SCC Policy for Access to SCC Court Records Sec 5.2 Court may restrict public access to personal data identifiers in court documents)

<sup>2</sup> Criminal Code Section 402.2(2) Transmit, Make Available, Distribute Identity Information being Reckless as to whether it will be used to commit fraud, identity theft etc. (EXHIBIT 'C': Extracts – Identity Information)

<sup>3</sup> A Canadian Judicial Council Protocol states, "This type of information is susceptible to misuse and, when connected with a person's name, could be used to perpetrate identity theft especially if such information is easily accessible over the internet. Individuals have the right to the privacy of this information and to be protected against identity theft." (EXHIBIT 'D', CJC Protocol: Use of Personal Information... paragraphs 22, 23)

<sup>4</sup> Defendant Van Allen violated Police Services Act, Sec 41(1.2) by including Best's Identity Information in his Oct 21, 2009 affidavit. Unauthorized release. (EXHIBIT 'E': PSA Sec41)

<sup>5</sup> LSUC (EXHIBIT 'F' Practice Direction: Protection of Identifying Information see pg 5)

Shaughnessy. They deceived him when it came to the hearing to find me in contempt, and then later as to the actions being taken by the defendants in and out of court to recklessly distribute to the public vast quantities of Identity Information, confidential, private and/or privileged information. If Justice Shaughnessy had known or been truthfully advised by the lawyer defendants, it is inconceivable that he would have allowed tens of thousands of pages of this information to have been made public, and recklessly distributed Contrary to the Criminal Code and other laws.

7. The defendants well knew the laws, rules and procedures they violated, just as they knew and intended the likely and long-term, continuing harm and consequences to the victims of their actions, including me. They carefully concealed their true intentions from the Court when they had a duty to be certain that the Laws and Rules were complied with, and especially since I was an unrepresented litigant.
8. One very important piece of evidence came to light during an inspection of the Nelson Barbados vs. Cox court file on October 30, 2012 with former Barrie Court Registrar Jim Edwards: the reckless distribution to the public of tens of thousands of digitally scanned privileged documents containing Identity Information in June of 2010 did not happen from the court. The computer DVDs containing the digital documents were still sealed, initialled and secure in the court file just as they were over two years before on June 8, 2010 when the defendants filed the DVDs as exhibits. The court staff confirmed that no one had previously asked for copies of the DVD disks.
9. The defendants are responsible for all of the reckless distribution to the public of tens of thousands of privileged documents; not the Court, not Justice Shaughnessy and not the court staff.

**B. Identity Information and documents in question originated in Canada**

10. The Identity Information that continues to be recklessly distributed to the public in contravention of the Criminal Code section 402.2(2) includes, but is not limited to: full names, addresses, computer accounts, user names and passwords, passport numbers and full passport copies, driver's licence numbers, photos, dates of birth, personal medical records, detailed bank account information, copies of written signatures, privileged legal files and other personal and confidential information. Some examples are contained within attached exhibits, and I will, at a later date, introduce more such evidence once I have had the opportunity to redact or otherwise ensure that Identity Information and other confidential information is not further recklessly distributed to the public, or otherwise handled in a manner that puts persons at risk. My lawyer intends to ask the Court for directions regarding this.
  
11. The defendants previously placed into the public domain, and recklessly distributed, tens of thousands of documents containing Identity Information and other private, confidential information for me, my family members and my company's witnesses; and also for dozens and dozens of persons and entities who have nothing to do with me or my case.
  
12. As just one egregious example of thousands, defendants unlawfully took from the Orillia, Ontario law office of my company's lawyers, the medical file of my lawyer's dying mother, including end-of-life 'do not resuscitate' instructions to medical staff. The defendants and their 'John Doe' co-conspirators recklessly distributed this to members of the public, published it on the internet, and then filed it as 'evidence' with the court without notifying the judge. The defendants and their co-conspirators are still recklessly distributing this medical file in 2015. The defendants refuse to stop.

13. I will be asking the judge to establish a protocol in my case to protect innocent people from being harmed and to prevent the defendants from repeating their reckless distribution of Identity Information Contrary to the Criminal Code.
14. The vast majority of the Identity Information and other private, confidential information referred to above;
- a. Originally resided in Ontario and was first taken or obtained by the defendants from one or more of these Ontario locations: a law office in Orillia, Ontario; a law office in Toronto, Ontario; the records of various ministries of the Government of Ontario; the records of various police forces in Ontario (including at RCMP / CPIC in Ottawa, Ontario); the records of the Toronto Police Association in Toronto, Ontario. Some of it was obtained illegally by the defendants;
  - b. Was first obtained by defendants who are residents of Ontario (the 'Ontario defendants');
  - c. Was obtained by the Ontario defendants by acts contrary to various Ontario and Canadian laws, including the Criminal Code;
  - d. Was first recklessly distributed by the Ontario defendants, to others in Ontario. Only after first being recklessly distributed in Ontario was the Identity Information then recklessly distributed to other defendants in Barbados and to the public around the world;
  - e. Was illegally obtained and recklessly distributed by the Ontario defendants and thereafter by other defendants and co-conspirators with the intent of harming me, Donald Best, whom the defendants knew was a lifetime Ontario resident;

**C. Harm to me is significant and ongoing**

15. I live in fear every day, as do some of my loved ones and some of my witnesses. As a direct result of the defendants and their co-conspirators recklessly distributing my Identity Information to the public, and continuing to do so via the internet and other means today in 2015, I am currently denied employment, denied rental accommodations, and suffer identity theft and repeated attempted identity theft. As related in other sections of this and other affidavits, I was beaten on the street, the family car was shot up, and one of my children was directly threatened. In November 2009 my family and I had to leave Canada on an emergency basis to be safe and deal with this. All of this and more is a direct result of the actions of the defendants and their co-conspirators. It was and still is their intent to do me harm, and the harm is continuing every day.
16. In October 2009, the defendants knew that I was a former undercover Toronto Police Sergeant, and undercover investigator working for 30 years against organized crime and other serious, violent criminals. They naturally and correctly knew that some criminals I had arrested and charged in the past would threaten me, and my loved ones, and do us violence and other harm if they could learn our addresses and other Identity Information. Some of the defendants and their 'John Doe' co-conspirators actually published this intent on the internet in plain language, starting in October 2009 and continuing to this day in 2015.
17. With this intent on October 30, 2009, the defendants and their co-conspirators first recklessly published on the internet at 'Barbados Underground' website; my Identity Information including my full name, driver's licence number, date of birth, and address history since I was 17 years old.

18. Attached hereto as EXHIBIT 'G' is a redacted version of the October 30, 2009 Barbados Underground ('BU') article, "The Shady, Secretive World Of Peter Andrew Allard And The Graeme Hall Nature Sanctuary: Does Barbados Need Any Of It". I made the redactions to prevent the defendants from again distributing my Identity Information.
19. SEALED EXHIBIT 'S1' is an unredacted version of this October 30, 2009 BU article, which is still published on the internet and available to the public.
20. Some of this Identity Information had been illegally obtained from Toronto Police / Toronto Police Association records by an Ontario Provincial Police detective sergeant, defendant Van Allen, who had been illegally hired for that very purpose and illegally paid money 'on the side' by lawyer defendants Faskens, Ranking and Kwidzinski.
21. The October 30, 2009 BU article and many subsequent internet postings informed the public of my police background and called upon criminals I had arrested in the past to hunt me, and my family, down and to relay information to defendant Lorne Silver and Cassels Brock & Blackwell LLP.
22. Some postings reflect threats to shoot me, my lawyer, my witnesses and my business associate. The defendants published my photo and exhorted their supporters, members of the public and persons I had arrested to stalk me, my loved ones and others. Defendants published the names of some of my family members and children. They attempted to cause division in my family by publicly calling on the internet for any disaffected family members to report my movements and private information to Lorne Silver.
23. Most of this material is still published on the internet, along with vast amounts of my and other persons' Identity Information and confidential,

private and privileged documents that the defendants recklessly distributed to the public. In 2015, the defendants, or one or more of them, and their co-conspirators still link, point and refer online to these documents and still encourage persons to harm me. Tens of thousands of these documents are still made available to the public in online forums and some other temporary internet venues frequented by criminals, hackers and gang members.

24. I receive pretext phone calls from persons claiming to be financial institutions, and sometimes claiming to be my bank. Recently, I received calls from persons claiming to be from retail stores such as Canadian Tire and Sears. These persons know my date of birth, driver's licence number and other Identity Information and attempt to gain more information by repeating my Identity Information to me as if they are genuine employees seeking to confirm credit information or purchases. This never happened before October, 2009 when the defendants started to distribute my Identity Information. No 'phisher' or 'fraudster' ever read me my driver's license number before then.

25. I live in constant fear every day, as do certain members of my family and some of my witnesses. It is worrisome and impacts my life on a daily basis. The ongoing reckless distribution of my Identity Information has made for many negative changes in my life. It is very stressful. I have gained a terrible amount of weight over this stress and am under a doctor's care as I attempt to deal with it.

26. I have to be wary of surveillance. I never answer the door unless I know someone is coming to my residence. I have strong locks and keep my window coverings closed. I am reluctant to enjoy myself outside and seldom do. This is a big change from my life prior to October 2009. Also I am reluctant to

make the acquaintance of neighbours or to have deliveries made at my residence.

27. These days many people regularly look for new and old friends using 'Google', 'Facebook', Twitter, Pinterest and other internet tools. It would only take a neighbour or new acquaintance to innocently say on their Facebook page that I am living at a certain address, and it would be available via a Google internet search around the world within minutes. Aside from physical risk from persons wishing to harm me, this would be the last missing piece of Identity Information that would undoubtedly lead to further identity theft and fraud attempts.

28. Prospective landlords and new and old employers regularly search for people on the internet. I know this because I have been denied both rental accommodations and employment and been told it was because of my internet profile. As recently as last month, I was denied a small bachelor apartment in Barrie, Ontario on the basis of internet postings by the defendants, still published online at the 'Barbados Underground' website. I was denied employment in a fast-food restaurant and told that unfortunately my presence would create an "atmosphere of fear" in the workplace due to the online exhortations for criminals to hunt me down.

29. I know that some of the defendants, including Canadian lawyer defendants, and some of their co-conspirators still search the internet for me in 2015, because when they do they sometimes leave digital fingerprints as described in another section of my affidavit. Strangers still call some of my extended family and attempt to discover information about me. This makes family, friends and me more fearful, and this activity has never stopped since my company launched the Nelson Barbados vs Cox lawsuit in 2007.

30. The ongoing reckless distribution of Identity Information and other private information continues to cause stress, division and other harm amongst my family and friends, and is directly responsible for estrangement in some cases.

**Defendants illegally paid Police to Acquire Identity Information & gain advantage in Civil Lawsuit**

31. Further, there is strong evidence (astonishingly including invoices for illegal services rendered: Exhibit 'Y') that the defendants or one or more of them, paid money illegally, and police defendants received money illegally 'on the side', to subvert and use police personnel, resources, powers and authority in Ontario for the defendants' private benefit to gain advantage in the Nelson Barbados v. Cox civil lawsuit and other court proceedings for costs against me personally, to examine me and to secure my conviction for civil contempt of court.

32. The defendants' illegal and corrupt use of police generally involved three primary abuses:

- a. Investigations: Illegal 'on the side' private investigations by police personnel to gain advantage in a civil suit.
- b. False Evidence: Illegally paying corrupt police personnel 'on the side' to place false, deceptive and misleading evidence before Justice Shaughnessy and other courts in the matter of costs proceedings, examination proceedings and contempt proceedings against me.
- c. Influence and access to police systems: Illegal payments made to cause police systems and police organizations to act outside of normal jurisdictions and procedures to give advantage to one side of a civil lawsuit, and cause harm to opponents.

33. This totally illegal and corrupt use of police personnel, resources, systems and organizations to influence the courts and gain advantage in a civil lawsuit is still impacting my daily life. The fact that the defendants successfully paid 'on the side' for private and illegal access to police personnel, records and resources and for the exercise of 'extrajudicial' police power outside of normal systems, procedures and jurisdictions has made me fear and distrust all police, and reasonably so.
34. I do not know if the defendants are still illegally buying access to police personnel, systems and organizations. Further, as detailed below, the defendants' corrupt police agents placed information about me into police computer systems, including CPIC, in non-standard procedures outside of their normal jurisdictions, that resulted in my harassment and false arrest by police on the streets of Ontario.
35. All of this raises the question, "What else did the defendants and their corrupt police agents do that they should not have been doing, and will any of it still harm me or my loved ones in the future?"
36. I do not know the full extent of the defendants' illegal access and influence upon police organizations and data. From the evidence I have, I know that the defendants' 'unofficial, on the side' police agents placed information into police computer and records systems, including CPIC, in non-standard procedures outside of their normal jurisdictions.
37. Based upon my previous police experience and knowledge, and the current evidence, I strongly believe that the defendants' illegal police agents made improper changes to police data and information that will cause me harm in the future. For this reason I am asking the court to order an examination of

- police records to determine to what extent those records are changed/corrupted/inaccurate due to the defendants' illegal access and influence to police personnel, resources, systems and organizations.
38. As an example of how the defendants' illegal police agents disregarded normal police procedures and records keeping, I was informed by Sergeant Laurie Rushbrook of the Durham Regional Police Professional Standards Unit, in a series of recorded telephone calls, that both Peel Regional Police and Durham Regional Police officers involved themselves in my civil case for no justifiable reason. The Peel and Durham police personnel used undocumented and non-standard procedures for which there was no explanation.
39. Both Peel and Durham police officers acted outside of their normal procedures, jurisdictions and duties, and without creating normal records or documentation. They have yet to account or explain.
40. In the case of Peel Regional Police personnel, their undocumented, non-standard procedures, and improper entry of my data into the national CPIC (Canadian Police Information Centre) computer system, directly led to my false arrest and jailing by Barrie OPP officers on September 16, 2013. The arresting OPP officer advised me that the strange involvement of Peel Police had caused a fault that resulted in CPIC and the RCMP not knowing that I was out on bail for my Contempt of Court charge. The strange, undocumented involvement of Peel Regional Police personnel in a civil case that had nothing to do with their policing jurisdiction has never been explained, and puzzled Sergeant Rushbrook as well.
41. Sergeant Rushbrook informed me in a recorded telephone conversation that the involved Durham special constable said he had no recollection of why he

- performed an undocumented investigation of me in the middle of a civil case costs hearing, who asked him to investigate me, who gave him my Identity Information, or what he did with the product of his investigation. The Durham officer made no official reports, and made no entry into his memo book about the investigation. Sergeant Rushbrook informed me that the officer retired from the police service only a day or two after she first spoke with him, and before a formal interview could be scheduled.
42. As described in more detail later, in October 2009 the defendants Faskens, Ranking, Kwidzinski and others illegally hired an Ontario Provincial Police detective sergeant, defendant Jim Van Allen, 'on the side' to conduct an illegal investigation of me using his police resources in support of all the defendants in Nelson Barbados vs Cox and to seek costs against me personally, to examine me and to have me found in contempt. The defendants deceived Justice Shaughnessy and concealed from the court and from me, Van Allen's status as a serving police officer, and his illegal activities.
43. Further, in 2013 when tasked by the Commissioner of the RCMP to investigate the improper activities of Van Allen, officers from the Ontario Provincial Police Professional Standards Unit engaged in a cover-up of their colleague Van Allen's criminal activities, lied to me and withheld evidence from Justice Shaughnessy (and presumably from the RCMP Commissioner) that probably would have caused the court to find me innocent of Contempt of Court. I have voice recordings of the police and other evidence that backs this up.
44. Further, as indicated in my affidavit filed April 29, 2013 attached hereto as EXHIBIT 'I', an internal investigation by the Durham Regional Police Professional Standards Unit found that in December 2009, a Durham Police

special constable performed an unauthorized, undocumented, unofficial investigation of me using police resources including RCMP/CPIC resources.

45. That same Durham Regional Police Professional Standards Unit investigation discovered that unknown personnel from the Peel Regional Police became involved in the process for no apparent reason, totally outside of their normal jurisdiction, and like the Durham Police special constable, kept none of the usual police records of their activities.

### **Injunction**

46. It would greatly assist to stop or reduce current and future crimes against me and many others if an Injunction ordering:
- a. For an order, that it be heard in priority to all other motions, except the motion for leave to amend and the jurisdiction motion, returnable on June 15, 2015, considering the urgency of this motion;
  - b. A stop to the current and future reckless distribution, including publishing, of Identity Information and other private and confidential information;
  - c. Taking down / removing from the internet of past and current published Identity Information, and other private and confidential information;
  - d. The recovery of the past and current recklessly distributed Identity Information, where possible, including from members of the public, search engines, search engine caches and archival websites and caches;
  - e. An accounting for past distribution of the Identity Information, and other private and confidential information to the extent possible;
  - f. The prohibition of exhortations to others to commit criminal and quasi-criminal offenses in support of the defendants;
  - g. The preservation of all evidence by defendants and other persons and entities as counsel may advise and this Honourable Court may permit;

- h. Examination of police records to determine to what extent those records are changed/corrupted/inaccurate due to the defendants' illegal access and influence to police personnel, resources, systems and organizations;
- i. The preservation of the confidentiality of certain documents which will be referred to in argument or as otherwise advised or as this Honourable Court deems just.

47. As related in more detail later, I attempted to have the Identity Information and other personal and confidential information removed from the internet, and recovered where possible, but the perpetrators refuse to do so.

48. In a recorded conversation with me on November 17, 2009 some of the known perpetrators who are Ontario lawyer defendants in my civil lawsuit (Ranking, Silver, Kwidzinski) chuckled at my pleas to them to stop recklessly distributing Identity Information and to stop putting me and my family at risk of identity theft and other criminal acts. They said they didn't care. They said it was a non-issue and they wouldn't help to prevent crimes (including Identity Theft) against my family and me even if they could.

49. As detailed later, during the call the lawyer defendants also lied to me about knowing who hired the 'private investigator'. They also made and filed as evidence with the court a false 'Statement for the Record' claiming I told them that I had received a certain court order, when I told them exactly the opposite a number of times. They then lied to Justice Shaughnessy orally and in writing. I recorded this telephone call, so the court can have no doubt about what they said to me, what I said to them and what evidence they put before Justice Shaughnessy in writing and orally on the record.

50. The court can listen to a certified voice recording of the above November 17, 2009 telephone conversation with Ranking, Silver and Kwidzinski and read the transcript, both of which are attached hereto as EXHIBIT 'J' (Affidavit of

Audio Expert & Call Transcript Nov 17, 2009, without Primeau C.V.) and EXHIBIT 'K' (Digital Recording of Call, Nov 17, 2009).

51. After chuckling at me as I begged them to stop harming my family and me, and telling me that they wouldn't help me even if they could, the defendants in the next year recklessly distributed to the public tens of thousands more documents containing vast amounts of additional Identity Information and other confidential and private information: all of which was also published on the internet by the defendants and their co-conspirators.
52. Further, I communicated with several websites that had posted my Identity Information and other private information online. Some such as Wikipedia.org and Viviti.com removed the information upon my request. However one website published by certain Barbados and Ontario defendants and co-conspirators, called 'Barbados Underground', refuses to remove the Identity Information and personal and confidential information that was recklessly distributed by the Ontario defendants.
53. This Identity Information and personal confidential information remains published on the internet and is available to anyone, not only at Barbados Underground but at Google, Archive.org, Yahoo and dozens of other major and minor archival websites that have copied the Barbados Underground articles and/or copied the tens of thousands of documents that defendants originally recklessly distributed.
54. That is one of the reasons why I need an injunction: the perpetrators refuse to stop, and they will not remove, unpublish, recover or account for the Identity Information they have already recklessly distributed to the public in contravention of the Criminal Code and other laws. There is no downside or inconvenience to them in making them stop.

**D. Tracing and Recovery starts at the Source: Canadian Lawyer Defendants**

**Need for preservation of evidence and records of distribution in order to account for and recover Identity Information and other confidential, private and privileged documents. Prevent further reckless distribution.**

55. As will be evident after reading my entire affidavit, the Ontario defendant lawyers and law offices are the primary sources of my and dozens of other persons' Identity Information and confidential, privileged information still being recklessly distributed to the public on the internet and by other means.

56. The Ontario lawyers and law offices are at the top of the distribution network. They are the launch points from which tens of thousands of digitally scanned privileged documents containing Identity Information, were sent into the world to be used by anyone, for any purpose whatsoever, with no controls, monitoring or accountability.

57. At best, the Ontario lawyers and their law offices acted with recklessness as to whether the Identity Information would be used to commit fraud, identity theft or other similar crimes. They, above anyone, know the law.

58. At worst, this was done maliciously with full intent to harm; and there is lots of solid evidence in this affidavit and elsewhere indicating intent by some Ontario lawyers and others.

59. The harm continues for me, for my family, my witnesses, friends, and associates. There are also dozens of other people I don't even know, whose privileged legal files containing Identity Information were for some reason

selected by Mr. Silver and other Ontario lawyers for distribution to the public. These victims had nothing to do with me or the Nelson Barbados v. Cox lawsuit.

60. Mr. Silver admitted to me on the court record on January 11, 2013 that he sent the computer disks containing tens of thousands of unredacted documents to his clients. Mr. Silver and the other lawyers and law offices should have records of their distribution of those disks, and the correspondence and instructions that they sent with the disks. The people who received them should be made to return the disks to the court and account for any additional distribution. The case was over, and settled with millions paid in costs before the disks were filed with the court.

61. My ability to repair my own situation without the cooperation of the defendants and other perpetrators is limited by the fact that data is in the hands of people who gave it to other people we don't know, and they could spread it again.

62. I am seeking the assistance of the Court to obtain this distribution information so the disks and the information can be recovered as best as is possible. The defendants, especially the Canadian lawyer defendants, should know to whom they first distributed the Identity Information, and should have records that they can easily access. We need full disclosure so we can recover this information and prevent additional reckless distribution as best as we are able.

63. Further, once the court has ordered an injunction, it is a simple matter to order websites, Google, Yahoo and other search engines and archives to comply, and for me and other victims to monitor for compliance and to apply the injunction if new websites re-publish the documents. Most internet

hosting companies, regardless of location and country, respect a court order according to hosting policies I have read online. This would not inconvenience the defendants.

64. At this point, no solution will be perfect, but if the court grants the injunction at least I will have a hope of getting my life back. Without the injunction, my Identity Information will remain forever in the public domain, where the Canadian lawyer defendants and the others placed it. That is true for many other people as well.

65. Notwithstanding the international reality of the internet, just as I continue to live in Ontario, the defendants' and their co-conspirators' past and continued reckless distribution of Identity Information and other acts intended to harm me and my loved ones are directed to me in Ontario, are intended to be received by me in Ontario, are intended to harm me in Ontario, and are harming me in Ontario.

**E. Context: Why is this happening?**

66. As further explained in later paragraphs, many of the defendants, their co-conspirators and supporters waged and continue to wage a well-documented long-term and unrelenting Campaign of harassment, intimidation, violence and other criminal acts against myself, other plaintiffs, witnesses, lawyers and our family members who oppose these defendants and their co-conspirators in various past and current legal actions ('The Campaign'). The Campaign is designed to deter others and myself from seeking justice through the courts, or from being a witness or lawyer in opposition to the defendants and their co-conspirators in high-stakes litigation involving assets worth hundreds of millions of US dollars; much of it land holdings on the small island nation of Barbados.

67. The Campaign consists of acts delivered by various means including, but not limited to, the Internet, physical mischief, intimidation, violence and abuse of court procedures. The evidence shows that some of the acts against others and me occurred in Canada, while other acts happened in Barbados, the United Kingdom, Florida and Oceania and on the Internet.
68. The Campaign started in about 1999, and escalated in steps with recent years from 2009 to the present seeing greatly increased activity specifically targeting my family and me in Ontario.
69. As shown later herein, there is an obvious directed coordination and link between Campaign acts committed on the internet, and committed elsewhere. Every one of the wrongful actions perpetrated by various defendants was, and is, in support of the overall joint campaign. The evidence in this affidavit proves co-ordination, communications, joint and individual actions all in support of the larger campaign.
70. Further, the proven acts of wrongdoing by some of the lawyer defendants within the Court environment (fabricating evidence, directly lying to the person being cross-examined, illegally employing police officers 'on the side' to commit illegal acts, are as much a part of the Campaign as are acts of violence committed on the street. There is also proven crossover where personnel from some Ontario law offices have actually been caught directly participating in The Campaign: for instance, sending anonymous threats to my company's witnesses (Incident #1), providing privileged documents to clients, advising that the documents be posted on anonymous websites that are known for publishing threats against me, and my witnesses (Incidents #2 & #3) and legal personnel anonymously placing documents onto the internet themselves (Incident #7).

71. The Campaign continues to this day with new events, as does the ongoing harm to me and to others. No court has ever dealt with the Campaign.
72. Although Justice Shaughnessy once stated that he had in 2008 dealt with such issues, the record shows the Honourable Justice misspoke, and that he had only dealt with a single oral threat to my company's lawyer as delivered by a defendant through a third party, and tape-recorded at the time. Even in that case, the Honourable Justice validated that a threat had been made, but ruled it was not serious enough to prevent my company's lawyer from traveling to Barbados.
73. In any event, since Justice Shaughnessy dealt with the single oral threat in 2008, the Campaign has continued and escalated with many new incidents since then; including acts against witnesses, lawyers, others, me and our families: including assaults, abduction at gunpoint, home invasion, arson, direct approach and threats to my children and to the family of my company's lawyer, sabotage of vehicles, identity theft and many other crimes. I was ambushed and beaten on the street in an obvious warning. In 2012 my witness John Knox sustained dangerous head injuries during a gunpoint abduction and beating at the family home in Barbados; this after the location of the home was published on the internet with exhortations to stalk the family (See Exhibit 'S', comment BWWR Dec 6, 2008 7:07am). I am advised by Mr. Knox and verily believe that the Barbados Police told him that one of the persons involved in the planning of the crime was associated to the defendant Richard Ivan Cox and lives on land held by the defendant Kingsland Estates Limited.
74. The defendants' reckless distribution to the public of Identity Information contrary to the Criminal Code that is at the core of my request for an Interim

Injunction is a part of the overall Campaign. However, the reckless distribution of Identity Information and other personal, private information also stands on its own.

**F. Identified Defendants and Co-Conspirators**

75. Although some of the perpetrators have yet to be identified ('John Does'), my affidavit contains strong evidence of direct participation by some defendants, including some Canadian lawyers and law offices, in acts that include posting anonymous internet threats against witnesses, directing their clients / co-conspirators to post materials against witnesses on anonymous websites, and recklessly distributing Identity Information to the public; knowing and maliciously intending that the reckless distribution of Identity Information should put me and others at risk and do us harm.

76. A few of the events related in my affidavit pre-date my 2007 involvement with the defendants, but are used to show the long-term involvement of some of the defendants and their co-conspirators in serious activities designed to harass, threaten and cause harm to persons and witnesses involved in litigation against the defendants. This is also 'similar fact evidence' relating to similar types of activities still happening against others and me.

77. These are only a few examples of hundreds of documented incidents:

**Incident #1: Miller Thomson LLP personnel sent anonymous Threats & Harassment to witnesses.**

78. In 2003 my company's witness Kathleen Davis established a website called 'Keltruth.com', and then later 'Keltruthblog.com'. Her elderly mother (now 92

years old), Marjorie Knox, and other members of their family were involved in a lawsuit in Barbados against some of the current defendants in my case, including Kingsland Estates Limited, Richard Ivan Cox, Eric Iain Stewart Deane, Marcus Hatch and Philip St. Eval Atkinson. I am familiar with this because I have spoken with Mrs. Davis, her brother John Knox and their computer expert, and was provided with various information and data.

79. Over the eight years from 2003 through 2011, Mrs. Davis' two websites received approximately 175,000 visitors, some of whom communicated several hundred vile harassing or threatening comments and emails. Some of these anonymous communications threatened murder, rape, arson, stalking and other criminal acts against Mrs. Davis, her mother Marjorie Knox, members of her family and other persons. Sometimes these threats were followed up with actual crimes including stalking, arson, property damage, gunpoint home invasion, abduction and violence. These acts are described in more detail later in my affidavit.

80. Other vile communications detailed Knox family members' purported sexual histories, offered hopes or advice that various Knox/Davis family members should die or kill themselves, provided negative analysis of legal events, called the family's lawyers "incompetent", and told Mrs. Knox that she was a "drunken whore, slut, cunt, bitch, embittered, vengeful, liar, stupid" and other similar terms.

81. These vile and reprehensible internet communications were sent 'anonymously', but some of the perpetrators, including personnel from the Miller Thomson LLP law office in Toronto, were obviously unaware that their 'anonymous' communications contained a digital record of a permanently assigned 'IP' (Internet Protocol) number that revealed their organization's identity and physical address. Unlike home internet installations where IP

numbers can change on a daily basis, many larger businesses and organizations are assigned 'permanent' IP numbers that are registered to the business name and address. Miller Thomson LLP has several permanently assigned IP numbers.

82. Following are a few sample excerpts of the several hundred harassing and threatening communications sent to the Davis / Knox family from unknown persons 'John Doe':

- a. (Threat to murder Marjorie Knox with a rock: Nov 14, 2007 5:43pm)  
 Fuck Marjorie Knox..  
 She would gotta be a rasshole idiot, oddawise she would still got land and property today.  
 A f\*\*king idiot like she should keep she rasshole quiet.  
 Rasshole whore like she.  
 Wait, you remember dah time when she had syphilis?  
 And one uh she children din dead from AIDS?  
 Stinking ole bitch. Tell she tuh keep she rasshole quiet!!!  
 If we evah fine she anyway bout Barbados we gine bus open she fucking head wid a big rock.
  
- b. (Threat to murder Kathy Davis while asleep: Dec 30, 2007 8:51pm)  
 (Spacing changed for readability in affidavit)  
 B I T C H.  
 We will kill you while you are asleep.  
 Lock your doors and windows real good.
  
- c. (Threat to murder Kathy Davis: Dec 31, 2007 3:19pm)  
 I'd be glad to slice open your little white neck, you foolish goose.

- d. (Threat to murder Adrian Loveridge, rape his wife, firebomb their Barbados business: Dec 31, 2007 8:24pm. Note: Mr. Loveridge's business and home were subsequently targets of arsons and other physical attacks.)

KILL rasshole Adrian Loveridge.

BURN DOWN rasshole Peach and Quiet.

RAPE rasshole Margaret Loveridge.

- e. (Threat to murder: July 19, 2008 4:24pm)

Please understand when i write the following that i'm sane, 100% in control of myself.

Pay some from a neighbor island to come here and kill them all.

Enough with the talk, make these people pay.

AngryBajan

83. From April 1 to December 15, 2004, person(s) from the Toronto law office of Miller Thomson LLP anonymously posted at least six harassing and/or threatening communications at the Keltruth.com website. Although each communication was sent anonymously without a name, the IP number was recorded as 206.47.255.108, which the attached records show has been permanently assigned since July 13, 2002 to 'Miltom Management, Miller Thompson LLP', at their 40 King Street West, Toronto, Ontario address.

84. Attached hereto as EXHIBIT 'L' is a WhoIs search on IP number 206.47.255.108 showing assignment to Miltom Management, Miller Thomson LLP since July 13, 2002.

85. Attached hereto as EXHIBIT 'M' is an April 22, 2010 letter from Florida lawyer Mark Raymond to defendant Andrew Roman and managing partner Nora Osbaldeston of Miller Thomson LLP, along with defendants Gerald

Ranking and Lorne Silver, detailing the anonymous communications from Miller Thomson LLP, and demanding that the defendants stop breaking Florida laws and cease harassing and threatening Mr. Raymond's clients.

86. Attached hereto as EXHIBIT 'N' is a March 29, 2010 letter from lawyer Kenneth William McKenzie to Andrew Roman of Miller Thomson LLP, about the same issue.

87. Attached hereto as EXHIBIT 'O' is a list of 74 known visits from Miller Thompson LLP personnel to KeltruthBlog.com website that occurred between November 16, 2007 and September 21, 2011.

88. Attached hereto as EXHIBIT 'P' is a list of 20 known visits from Faskens personnel to KeltruthBlog.com website that occurred between November 16, 2007 and September 21, 2011.

89. Attached hereto as EXHIBIT 'Q' is a list of 26 known visits from Cassels Brock personnel to KeltruthBlog.com website that occurred between November 16, 2007 and September 21, 2011.

90. Each of the vile and reprehensible anonymous communications from Miller Thomson LLP to witnesses espouse both legal opinions and knowledge about specifics of litigation and court events involving Marjorie Knox. Here are some excerpts from the 'anonymous' communications sent by Miller Thomson LLP personnel to Marjorie Knox, a witness in the Nelson Barbados litigation:

- f. "You see, Mrs. Knox, unlike the Bajan press and the less well-informed Bajan public which sees you as a chicken-raising, egg-gathering, octogenarian Boudicea, fighting for her "paternal" rights

and in order to promote family unity (a claim on your part which is so patently false and motivated solely, I believe, by the principal, “having fucked up, let me see if they will let me off the hook”), I see you as an embittered, vengeful, 82 year-old liar, stupid enough to espouse the desires of a venal Canadian backer, the pawn of totally incompetent counsel and of stupid and revenge-driven children. And very soon, I honestly believe, that that is precisely the same image of you and yours which the entire world will have - and the blame will be yours and yours alone.”

- g. “There is no nobility in your actions or the conduct of them - on the contrary, they are completely lacking in integrity and totally self-serving. What a wonderful legacy you leave when you shuffle off this mortal coil.”
- h. “Have you finally come to realize the inadequacy and sharp practices of your legal counsel and how it impacts on you and your family?”
- i. “... you have promoted at the risk to yourself and your children of forfeiting all that you own...”
- j. “... exactly as shall likely happen to you, the action was thrown out on the plea of res judicata and at substantial financial prejudice to the Plaintiff. Surely these are things which your counsel will be held by the reasonable man-in-the-street or, indeed, the courts, to be deemed to have the professional competence to know.”
- k. “I, of course, cannot and will not predict the outcome of the Judicial Committee’s deliberations in your appeal, except, having examined the matter from all sides, I do not know how your expected to win in the first instance, I do not know why you did not cut a deal when you might have been able to do so - as, if the Respondents were MY clients, I certainly would not allow them to entertain any deal with you now.”
- l. “...with legal misconduct so enormous, that it constitutes gross abuse of judicial process, that without doubt, Their Lordships will have

much to say on these subjects and you and your counsel will be the recipients of their outrage.”

- m. “Thus, in addition to the potential and probable financial ruin brought to yourself and your children, you (and they) will be branded, at worst, as vindictive liars and cheats and, at best, as credulous cretins. As for your counsel, well, the intimation of abuse of process from the Judicial Committee will almost certainly cause the local law society to launch an investigation into the conduct and professional competence of your counsel and to take disciplinary action.”
- n. “Now, what happens if you die before the matter is resolved (as, at your age, you may) and before any of these actions commenced by you have been adjudicated? The decision as to whether to continue them or not will lie with your heirs (presumably your children), against whom personally orders as to costs and damages may be given, should the actions fail - and it will be immaterial in what country they reside (unless it is somewhere like Cambodia) as these orders will be enforceable in places like the United Kingdom and the USA and Canada and Australia and New Zealand and South Africa, so your heirs and their assets and future earnings will not be able to escape them.” (April 21, 2004)
- o. (Threat to Sue for Libel) “When you are sued, however, it is more difficult to find a lawyer to represent you, unless you have an airtight defence or a lot of cash or assets as, if you lose, you may not be able to pay his/her bill, since the opposing counsel, should he/she win, has first crack.” (August 27, 2004)
- p. “Obviously the failure to portray the Martyred Madge as a reincarnation of every saint did not strike a chord with you and accordingly you deemed it unworthy of any publicity from you. Your site really is compulsive reading, but not, I fear, for the reasons you would wish. It affords me great amusement and I look forward to

every fallacious, one sided, desperate little update with keen anticipation.” (October 30, 2004 Note: The phrases ‘Martyred Madge’ and ‘Mental Madge’ to describe Marjory Knox were anonymously used in 2003 and 2004 by Miller Thomson LLP personnel, and again on Barbados Underground website.)

- q. (Knowledge of court proceedings) ““I have a story for you. The Privy Council has made available the dates of April 6th and 7th for the hearing of your appeal. Previously, responding counsel had written to your counsel saying that they were all available April 5,6,7 and 8. Everyone in knows this and is a little surprised that you, apparently, do not.” (November 25, 2004)

**Incident #2: Miller Thomson LLP lawyer Andrew Roman provides privileged documents and instructs client Eric Iain Stewart Deane to post them on anonymous website Barbados Underground.**

91. The defaulted defendant Eric Iain Stewart Deane (‘Deane’) is one of the known publishers of Barbados Underground website, found on the internet at [www.bajan.wordpress.com](http://www.bajan.wordpress.com). Deane publishes articles and comments in his own name at Barbados Underground. As shown later in my affidavit there is evidence that he also publishes anonymous articles and comments including harassing and threatening communications, at Barbados Underground and elsewhere on the internet.
92. Attached hereto as EXHIBIT ‘R’ is a redacted copy of an article ‘Iain Deane Responds to Accusations in the Blogosphere’ published by Deane in his own name at Barbados Underground on January 28, 2009. An unredacted copy is SEALED EXHIBIT S2.

93. At the time that Deane published this Barbados Underground article, he was a defendant in the Nelson Barbados lawsuit in Ontario, Canada, and was represented by current defendants Miller Thompson LLP and lawyers Andrew John Roman and Ma'anit Tzipora Zemel.
94. In January 2009, Deane and his lawyers Roman and Zemel were aware, and had been 'officially' made aware for at least a year, of the role of Barbados Underground in publishing anonymous internet threats and harassment against my company's witnesses, my company's lawyer and our families. This was a live issue and subject of allegations in the Nelson Barbados court case. It is background, similar fact evidence and ongoing and continuous wrongdoing in relation to the continued activities that are a basis of the present lawsuit.
95. On January 29, 2009 at 8:01am, Deane published in his own name a comment to his article, detailing how his lawyer 'Andrew J. Roman' had provided him with a legal document and told him that he should publish the document at the anonymous website Barbados Underground. Deane explains that he has contacted lawyer Roman to confirm Roman's permission to publish the document, and that he will publish the document when he receives Roman's permission.
96. The comment starts on page 9 of EXHIBIT 'R' and states in part:

Iain Deane | January 29, 2009 at 8:01 AM |

Dear Barbados Underground,

I received last night a courtesy copy of a letter from senior litigation counsel at Miller Thomson LLP, Mr. Andrew J. Roman. Mr. Roman is

the head of the department that that excellent (and very beautiful) and truthful lawyer, Miss Maanit Zemel works for.

Along with it was a personal note that seems to me to suggest that he would not be averse to me forwarding his letter on to Barbados Underground and I have written to him for confirmation of this. If he gives permission, I shall send a copy to Barbados Underground immediately. This letter sets out unequivocally the falsehoods (proven) in the scandals emanating directly from the offices of one K. William McKenzie (whom I met briefly, along with my cousin John Knox, in Toronto on November 3rd last year at my cross-examination). Mr Roman's letter suggests the remedies that may now be sought.

97. Iain Deane's January 29, 2009 public statement was not the first indication that the defendants' malicious publication on the internet of privileged documents (including documents containing Identity Information) was and is planned, coordinated and controlled by a hierarchy. These acts on the internet are part of an overall campaign of harassment, threats, violence and other criminal acts against me and witnesses involved in litigation against the defendants.

98. Further, as detailed more fully in a later section of my affidavit, person(s) writing anonymously under the names 'BWWR' and 'Black Woman Who Reads' published harassing and threatening communications at KeltruthBlog.com, Barbados Underground and other internet venues. My affidavit contains evidence that the defendant Deane is one of the co-conspirators using the 'BWWR' anonymous name. As with Miller Thomson LLP personnel, Deane made the mistake of using a certain IP number to send

communications to witnesses in his own name, and also sending anonymous harassing and threatening communications from the same IP number.

99. On December 8, 2008, 'BWWR' explained on Barbados Underground website that the writer possessed the recently created Factum of the defendants in the Nelson Barbados case, that the Factum could not be published without permission, and that permission had not yet been received but was expected to be approved in a matter of days.

100. Attached hereto as EXHIBIT 'S' is a Redacted version of the Barbados Underground article 'Update - The other side of the Kingsland Estate Court Matter Part XIII' attributed to 'BWWR' on December 4, 2008. The unredacted version of this article is SEALED EXHIBIT S3.

101. I have redacted the exhibit because 'BWWR' calls on the public to stalk witnesses, and provides their addresses to facilitate this. That comment is published December 6, 2008 at 7:70am. There are other redactions for the same purpose of protecting the home addresses of witnesses.

102. 'BWWR' published a comment on the above article on December 8, 2008 at 1:02pm (starting on page 16 of Exhibit 'S'):

BWWR | December 8, 2008 at 1:02 PM |

It is not panic you sense, but OUTRAGE! I have just been able to read the Factum of the defendants and believe me if I had permission to post it to BU now, I would. However, I must defer to the condition that it not be posted yet, otherwise I will not be able to get any other documents from my source.

However, trust me for this, in the days to come I will get the go ahead and then I will immediately post the Factum. And if you think the odium and contempt with which Mental Madge, Insane Jane and especially that jackass John Knox and Almighty Allard are held at the moment are anything, just wait till you all read this document.

Stand by, David. I am going to be giving you the ultimate story on this series. As soon as I get permission.

103. BWWR's manager(s) subsequently granted permission for Barbados Underground to post the Defendants' Factum from the Nelson Barbados civil case; because only two days later on December 10, 2008, 'BWWR' published another post containing the Factum. This permission and publication was exactly as 'BWWR' had promised on December 8, 2008. Attached hereto as EXHIBIT "T" are the first 5 pages of the December 10, 2008 Barbados Underground article containing the promised factum, and attributed to 'BWWR'. The full article runs almost 100 pages, and the first 5 pages serve my point that BWWR obtained permission to publish the defendants' Factum.

104. Once again, this 'permission to publish' is evidence that the 'anonymous' internet harassment, threats, reckless distribution of Identity Information and other criminal acts against me, my company's lawyer and witnesses, our families and others is planned, coordinated and controlled by a hierarchy that includes some Canadian law offices and lawyers; now defendants in my civil suit.

**Incident #3: Miller Thomson LLP & lawyers Andrew John Roman and Ma'anit Tzipora Zemel provide legal correspondence containing Identity Information to defendant Iain Deane, for anonymous posting on website Barbados Underground.**

105. On August 19, 2008 my company's lawyer F. Marc Lemieux faxed a letter to each of the counsel representing defendants in the Nelson Barbados litigation, including to current defendants Zemel and Miller Thomson LLP.
106. This faxed letter contained copies of eight cheques issued by my company's lawyers, in payment of a costs award ordered by Justice Shaughnessy on April 16, 2008. These cheque copies contained Identity Information, including written signatures and full bank institution and account information.
107. Each of the letters and cheque copies were faxed out individually at different times to the various recipients, including to Zemel / Miller Thomson LLP on August 19, 2008 at 16:53hours.
108. On August 20, 2008 at a little before 7:20am, Barbados Underground published an article by 'BWWR', titled 'The Other Side Of The Kingsland Estate Court Matter Part IX'. (Attached hereto as EXHIBIT 'U' are the first 10 pages only.)
109. On August 20, 2008 at 12:52pm, author 'BWWR' advised that their "source" had provided them with the letter from my company's lawyer and copies of the cheques used for payments. BWWR wrote (in part):

*BWWR | August 20, 2008 at 12:52 PM |*

*I have sent David an e-mail advising that my source has contacted me to say that Nelson Barbados paid the costs in Canada in the security motion.*

*When I asked how much those costs were, my source was most obliging and sent me a copy of the correspondence and cheques from the Goat Pen. I have*

*now sent these on to BU for it to post. The amount was just slightly under Canadian\$225,000 or Barbados\$425,000.*

110. Later that same day on August 20, 2008 at 6:45pm, the anonymous BU editor using the name 'David' (Real name of 'Euclid Herbert' also known as 'Euclid Selman') announced: *"We have posted the link which details the cost paid by Nelson."*
111. Barbados Underground had posted online and made available to the public, a .pdf copy of the letter and cheques faxed to Zemel / Miller Thomson LLP dated August 19, 2008 at 16:53hours. This .pdf file contained Identity Information in the form of banking account numbers and written signatures.
112. There is no doubt that the letter and cheques posted online at Barbados Underground originated at Miller Thomson LLP in Toronto, Ontario. My company commissioned Brian Lindblom, one of the leading forensic document examiners in North America, to examine the evidence. Mr. Lindblom confirmed that the document posted on Barbados Underground came from Miller Thomson LLP. His redacted report is attached hereto as EXHIBIT 'V'.
113. Further, attached hereto as EXHIBIT 'W' is a January 19, 2009 letter from Nelson Barbados lawyer William McKenzie to Iain Deane's lawyer Ms. Zemel, documenting the fact that Miller Thomson LLP staff did transmit the August 19, 2008 F. Marc Lemieux faxed letter and cheque copies to Zemel's client, Iain Deane.

**Incident #4: Ontario defendants in October 2009 illegally obtain Donald Best's Identity Information, and illegally and recklessly distribute Best's Identity Information to other defendants and the public.**

114. On October 7, 2009 defendants Ranking, Kwidzinski and Fasken Martineau Dumoulin LLP illegally hired 'on the side' an Ontario Provincial Police Detective Sergeant named Jim Van Allen, to work illegally as an unlicensed private investigator to investigate me, and members of my family, and to place affidavit evidence before the Superior Court in the Nelson Barbados v Cox civil case.
115. Detective Sergeant Van Allen's secondary employment as an unlicensed private investigator and his employment and direction by Faskens, Ranking and Kwidzinski was in violation of Provincial and Federal laws including *inter alia*: the *Ontario Police Services Act*, the *Private Security and Investigative Services Act* and the *Criminal Code*, including sections prohibiting paying or employing a peace officer to violate the law.
116. Further, once illegally hired, Detective Sergeant Van Allen under the direction of, and in conjunction with defendants Faskens, Ranking and Kwidzinski, and all of them together committed other violations of additional sections of the *Ontario Police Services Act*, the *Private Security and Investigative Services Act* and the *Criminal Code*, having to do with the illegal release and reckless distribution of Identity Information and other confidential information.
117. On October 21, 2009, Van Allen signed an affidavit that had been crafted for him by, and in association with, Ranking and Kwidzinski. Attached hereto as EXHIBIT 'H' is a redacted copy of the Van Allen affidavit. SEALED EXHIBIT S4 is an unredacted copy of that affidavit.
118. According to Van Allen's affidavit, it was defendant Gerald Ranking who personally contacted Van Allan and hired him to investigate my

whereabouts. Ranking told Van Allen that Faskens personnel had been unable to locate me. This begs the question as to why Ranking chose to contact 'on the side' a serving OPP Detective Sergeant instead of hiring a licensed private investigator or process server. How did Ranking know that this serving OPP officer would agree to work illegally, and how did Ranking obtain Van Allen's phone number? Had Van Allen done other 'on the side' work for Ranking, Kwidzinski, Faskens or any of the other defendants? It is reasonable to infer that Ranking illegally hired a serving police officer 'on the side' to gain access to confidential police information about me, and influence over police systems; which is exactly what Van Allen eventually did for Ranking as proven by the content of Van Allen's affidavit and invoices to Ranking.

119. Van Allen's affidavit and the integrated abridged CV it contains was specifically crafted to conceal from the court and everyone, that Van Allen was in fact a serving Ontario Provincial Police Detective Sergeant, illegally employed 'on the side' by Faskens, Ranking and Kwidzinski, and that his affidavit was the product of criminal and/or quasi-criminal offences.
120. From October of 2009, the defendants concealed Van Allen's true status and the criminal origins of his evidence until I accidentally discovered the truth in early 2014. This evidence was so carefully concealed from Justice Shaughnessy and me that neither the Court nor I could have known about it. Even OPP Professional Standards Unit lied to me about his retirement date, telling me in February, 2013 that Van Allen had retired from the OPP in 2008, instead of the truth that he retired in October 2010.
121. Van Allen's online CV and other promotional materials from that era hide the fact that he was a serving police officer. Attached as EXHIBIT 'X' are promotional materials and Van Allen's CV all dated from 2009, as recovered

on the internet. They confirm that both Van Allen and his business associates – employer, Investigative Solutions Network, concealed that he was a serving Ontario Provincial Police Detective Sergeant.

122. Further, Faskens, Ranking and Kwidzinski redacted two of Van Allen's invoices to further conceal the illegal nature of his activities from the court. The invoices are attached hereto as EXHIBIT 'Y' (signature redacted). The invoices with Van Allen's signature are SEALED EXHIBIT S5
123. Van Allen's affidavit contains my unredacted Identity Information as defined in the Criminal Code, Section 402.1, including my full names, driver's license number, date of birth, and my Ministry of Transport address history since I was 17 years old.
124. Further, Van Allen states in paragraph 12 that my past address in Hamilton was obtained from the Toronto Police Association ('TPA'), where I was a police officer for 15 years. This took an illegal act, a fact that was confirmed by Rick Perry, the Legal Director of the Toronto Police Association, during a recorded phone conversation I had with him on November 24, 2009.
125. I know that the Hamilton address illegally provided by the Toronto Police Association to Van Allen was originally obtained by the TPA not from me, but directly from the Toronto Police Service under an Identity Information transfer procedure then in place. Thus, both the Van Allen and the TPA personnel who provided him with my information, illegally dealt with Identity Information originating at the Toronto Police Service.
126. Further, the Police Services Act and other laws and regulations prohibited Van Allen from creating his affidavit and from placing my Identity Information into it.

127. The Faskens defendants filed with the court Van Allen's affidavit containing my unredacted Identity Information. They also recklessly distributed both the affidavit and my Identity Information to the other lawyers, and to the public, including to their clients. As well as recklessly distributing Van Allen's affidavit, defendants also recklessly distributed to the public, Van Allen's unsworn investigation reports containing my Identity Information.
128. The Faskens defendants knew the long history of threats, harassment and other criminal acts (including on the Internet) against my witnesses in the Nelson Barbados case. The Faskens defendants knew that their clients and other members of the public were likely to misuse my Identity Information and that it was likely to be published on the internet. As described in the following section of my affidavit, the defendants and their co-conspirators posted my Identity Information on the internet on October 30, 2009, and subsequently also posted the actual Van Allen affidavit where it remains published and available to the public to this day.
129. Attached hereto as EXHIBIT 'Z' is a REDACTED Ministry of Transport for Ontario ('MTO') printout of my Identity Information including my full names, driver's license number, date of birth, address and my medical information as held by the MTO. A non-redacted version is SEALED EXHIBIT XX.
130. This MTO printout was an exhibit ('S') to the October 27, 2009 affidavit of Sebastien Kwidzinski, and as stated in his affidavit was made by a Faskens search department employee. The printout is dated October 1, 2009 and states as a reference "fasken" and "Order #: 4823705".

131. This MTO printout of my Identity Information was also recklessly distributed to the public by the Faskens defendants, and as with the Van Allen affidavit ended up published on the Internet at Barbados Underground and other places.
132. I am aware of the MTO procedures and rules that govern access to MTO data by authorized requestors like Faskens. At one point I owned a licensed Private Investigation company in Ontario, and I was approved as a Ministry of Transport 'Authorized Requestor', able to access MTO data via computer and telephone for highly restricted authorized purposes only. Only certain employees of authorized companies, individually trained, licensed and monitored by the MTO are allowed to access MTO data. This would be true of Faskens also.
133. I am also aware that the defendants Faskens, Ranking and Kwidzinski broke the MTO procedures and regulations when they included my MTO information in two affidavits without previously obtaining a judge's order to do so, and further broke MTO rules when they recklessly distributed my MTO information to the public.
134. Social Insurance Numbers
135. On January 15, 2010, Mr. Ranking told the court that part of the Faskens - Van Allen investigation of me had to do with Social Insurance Numbers. (Attached as EXHIBIT 'AA' are pages 57, 58 and 59 of the January 15, 2010 court transcript.)
136. Social Insurance Numbers are again Identity Information as defined by the Criminal Code. Further, investigations using Social Insurance Numbers are highly restricted by, for instance, credit bureaus and banks, and under

most circumstances are illegal without the permission of the owner, or for very narrowly restricted uses. I never gave Faskens, Ranking, Kwidzinski, Van Allen or any of the defendants permission to make inquiries based upon my Social Insurance Number. Further, Mr. Ranking's comments indicate that Van Allen's investigations involved multiple Social Insurance Numbers and Driver's license numbers.

137. It is significant that nowhere in the materials filed with the court, or in the court record, is there any mention of Social Insurance Numbers with the exception of Mr. Ranking's statement. Based upon Mr. Ranking's words to the judge and the defendants' reckless distribution of my Identity Information, I believe that the defendants did obtain and investigate my Social Insurance Number, and perhaps the Social Insurance Numbers of my family members, and also would have recklessly distributed these as they did all my Identity Information.

**Incident #5: Reckless and illegal distribution of Donald Best's Identity Information by defendants and co-conspirators Euclid Herbert (also known as Euclid Selman), Automattic Inc., PricewaterhouseCoopers LLP (Tampa, Florida)**

138. On October 30, 2009, the 'anonymously' published website 'Barbados Underground' located on the Internet at 'bajan.wordpress.com' published an article containing my Identity Information as defined by Section 402.1 of the Criminal Code; specifically my full name, Ontario driver's licence number, date of birth, and Ministry of Transport address history since I was 17 years old, including my parents' address. This article and Identity Information remains published on the internet, despite my demands that it be removed.

139. Attached hereto as EXHIBIT 'G' is a redacted version of the October 30, 2009 Barbados Underground article, "The Shady, Secretive World Of Peter Andrew Allard And The Graeme Hall Nature Sanctuary: Does Barbados Need Any Of It". I made the redactions to prevent the defendants from again distributing my Identity Information.
140. SEALED EXHIBIT S1 is an unredacted version of this October 30, 2009 article, which is still published on the internet and available to the public.
141. The article explains that Barbados Underground has a copy of reports (not a sworn affidavit) from the defendants' private investigator hired to investigate me, Donald Best.
142. The article repeats all of the Identity Information contained in the October 21, 2009 affidavit of Jim Van Allen, but also includes other information about me not included in the Van Allen affidavit. From this I deduce that Barbados Underground does have Investigation Reports from Van Allen, as well as his affidavit. I have never seen Van Allen's investigation reports to Faskens, Ranking and Kwidzinski, but it is obvious that defendants recklessly distributed to the public Van Allen's reports as well as his affidavit containing my Identity Information.
143. Attached hereto as EXHIBIT 'H' is a redacted version of the October 21, 2009 affidavit of Jim Van Allen, as posted on and retrieved from the Barbados Underground website. The Van Allen affidavit contains my Identity Information, including my full name, Ontario driver's licence number, date of birth, and Ministry of Transport address history since I was 17 years old, including my parents' address. I made the redactions to prevent the defendants from again distributing my Identity Information.

144. SEALED EXHIBIT S4 is an unredacted version of the October 21, 2009 affidavit of Jim Van Allen, as posted on the Barbados Underground website, which is still published on the internet and available to the public.
145. The Barbados Underground website published and continues to publish a series of articles containing my and other persons' Identity Information and / or linking to Identity Information at Barbados Underground and other websites, and / or containing private, confidential information about me, my family members and others, and / or containing exhortations to the public to commit offenses in support of the defendants.
146. SEALED EXHIBIT S7 is a list of known internet locations and files, that are the subject of specific removal and recovery requests in my Motion for an Injunction. I have not distributed this list to the defendants as the list could be used by the public to find and download Identity Information for additional reckless distribution.

**Incident #6: Reckless distribution and publication of the names of two of my children and other family members by defendants and co-conspirators**

147. In the week following the criminally reckless distribution and publication of my Identity Information in the October 30, 2009 Barbados Underground article (Exhibit 'G'), a person with a Caribbean accent approached one of my children in Canada, showed them a printout of the article and angrily demanded to know if I, Donald Best, was their father.
148. My child was forced to deny that they knew or were related to me. When they denied being related to me, the man threatened that they had

“better not be.” This incident has been detailed in some of my previous affidavits.

149. This incident upset my children and my entire family, but worse was to come. Starting in early 2010, Barbados Underground published the names of many of my family members, including persons whom they said were my sons, my wife, my sister, my father and my brother.

150. SEALED EXHIBIT S8 are unredacted excerpts of documents first published on Barbados Underground in 2010, that remain published and available to the public on that website, and contain the names of persons purported by BU to be my family members.

**Incident #7: Anonymous harassment by Cassels Brock & Blackwell LLP insider. Reckless distribution of Identity Information to the public from the computer server of Cassels Brock & Blackwell LLP in Toronto, Ontario.**

151. Starting on November 8, 2009 at 2:27pm a person or persons calling themselves “Finally some attention in Canada” left a series of eleven anonymous comments on the October 30, 2009 Barbados Underground article that illegally and recklessly published my Identity Information, and contained harassment and threats (Exhibit G).

152. For convenience, I have extracted these anonymous “Finally some attention in Canada” comments from the article, and attach them as EXHIBIT ‘BB’.

153. As detailed herein, there is evidence that this “Finally some attention in Canada” commenter was an insider from defendant Cassels Brock &

Blackwell LLP, who knew of the existence and specific location of certain digital files on the Cassels' internal computer server. This Cassels insider also engaged in anonymous internet activity designed to harass, threaten, slander, defame and embarrass my witnesses, my company's lawyers, my business associates, myself and members of our families.

154. The Cassels insider's anonymous comments on Barbados Underground referred to the Plaintiff's witnesses in the Nelson Barbados litigation, my company's lawyers, my business associate, myself and some family members in reprehensible and defamatory terms, such as "cancers, frauds" and said we were involved in criminal activities. This anonymous "Finally some attention in Canada" Cassels insider also published comments implying that I had stolen a dead child's name and that one of my company's lawyers, Marc Lemieux, had committed murder and conspired to murder a member of the Saudi royal family when he was employed in that country.

155. The insider's comments were part of a series of harassing and threatening anonymous postings that referred to my company's witnesses, my company's lawyer, myself and our family members in derogatory terms, and exhorted criminals I had charged as a police officer and fraud investigator to hunt my family and me down, and to send my home address information to defendant Lorne Silver at Cassels Brock & Blackwell LLP.

156. In conjunction with this anonymous internet activity by a Cassels insider, and to facilitate this activity, Cassels Brock & Blackwell LLP set aside a portion of its computer network connected to the internet, to host electronic documents that were intended to be used to embarrass, harass or otherwise harm my witnesses, associates and family members and/or their business interests.

157. One of the harassment tactics employed by “Finally some attention in Canada” Cassels insider was to write on Barbados Underground about the financial troubles of a business (‘Allarco’) owned by the family of one of my associates. This family business had nothing to do with the Nelson Barbados case, nor did the CEO, Charles ‘Chuck’ Allard, yet the anonymous commenter included the names of family members, including Charles ‘Chuck’ Allard, calling them “cancers” to be purged in a just society. (Barbados Underground also published photos of Charles Allard and his brother Peter Allard along with threats to shoot Peter Allard, me and others with a shotgun, should we ever return to Barbados.)
158. These documents were located at specific internet addresses on the Cassels’ computer network, such as:
- `'http://www.casselsbrock.com/docs%5CAllarco%20CCAA%20Initial%20Order.pdf'`
159. On November 10, 2009 at 6:31pm, the Cassels insider anonymously published on Barbados Underground, the internet address of the above document on the Cassels Brock & Blackwell LLP computer network and invited members of the public to download it. This was a copy of a June 16, 2009 Alberta court order concerning the Companies’ Creditors Arrangement Act for two of the Allard family businesses. Their comments make it clear that the Cassels insider’s intent was to threaten, embarrass and harass. The document as distributed to the public also contained Identity Information in the form of unredacted written signatures. An unredacted version of the document is SEALED EXHIBIT S9
160. On December 1, 2009, I sent a letter to defendant Lorne Silver and other lawyers, and to the Court, ATTACHED HERETO AS EXHIBIT ‘CC’,

wherein I explained the evidence of a Cassels' insider, and the hosting of the file on Cassels' internal server:

*"Further, I see proof that some of the postings on the October 30, 2009 Barbados Underground article were placed there by an insider from Cassels Brock & Blackwell LLP. On November 10, 2009 at 6:31pm, a person calling themselves "Finally some attention in Canada" posted a comment and referred readers to a document located on the Cassels internal server at the following address: 'http://www.casselsbrock.com/docs%5CAllarco%20CCAA%20Initial%20Order.pdf'*

*When accessed, visitors download a PDF document called: "docs\Allarco CCAA Initial Order"*

*I am informed by a computer expert that the internet address as listed in the comment for the document location at Cassels Brock law firm's website is not published in public. The computer expert also informs me that a search at the Cassels Brock website using their public search engine does NOT reveal this document. I am informed by the computer expert and believe that this address had to have come from an insider at Cassels as the address is so unusual and unique that it would be impossible for a person to know of its existence without having insider information.*

*This "Finally some attention in Canada" person posted other comments as can be seen in the article, and the content further proves the writer is an insider at Cassels law firm."*

161. During my cross-examination on January 11, 2013 I asked Lorne Silver what he did after receiving my December 1, 2009 letter to secure server evidence and investigate which Cassels insider had posted these comments and made the document available on the Cassels server. Mr. Silver confirmed on the record that he had done nothing to investigate or preserve evidence. Attached hereto as EXHIBIT 'DD' is an extract of pages 86 through 89 of the January 11, 2013 cross-examination transcript. Mr. Silver confirms on page 88, line 9 that he did nothing to investigate or preserve evidence.

162. I verily believe that a large law office like Cassels Brock & Blackwell LLP would of necessity have IT professionals to manage their network, and would have archived logs showing which Cassels personnel made the 'Allarco' documents available to the public, and when.

163. I also verily believe that Cassels' IT professionals would have user logs showing which employees logged in and used the Cassels' network to post anonymous comments at Barbados Underground. These user logs would also show the activities of Cassels employees who visited the KeltruthBlog.com website as indicated in EXHIBIT Q.

**Incident #8: Anonymous harassment by insider from PricewaterhouseCoopers. Reckless distribution of Identity Information to the public from the Canadian section of the computer server of PricewaterhouseCoopers LLP (Tampa, Florida)**

164. On November 19, 2009, a person or persons calling themselves "thymeforhemp" left two anonymous comments on the October 30, 2009 Barbados Underground article that illegally and recklessly published my Identity Information, and contained harassment and threats (Exhibit G). 'PricewaterhouseCoopers East Caribbean Firm' is a non-entity that was the

purported client of Faskins and Ranking, using a phoney version of the 'PWC' / 'PricewaterhouseCoopers' brand.

165. For convenience, I have extracted these anonymous "thymeforhemp" comments from the article, and attach them as EXHIBIT 'EE'.

166. As detailed herein, there is evidence that this "thymeforhemp" commenter was an insider from PricewaterhouseCoopers LLP, who knew of the existence and specific location of certain digital files on the PricewaterhouseCoopers LLP internal computer server that would not have been ordinarily known to the public. This insider also engaged in anonymous internet activity designed to harass, threaten, slander, defame and embarrass witnesses in the Nelson Barbados litigation, my company's lawyers, my business associates, myself and members of our families.

167. In conjunction with this anonymous internet activity by a PricewaterhouseCoopers LLP insider, and to facilitate this activity, PricewaterhouseCoopers LLP set aside a portion of its computer network connected to the internet, to host electronic documents that were intended to be used to embarrass, harass or otherwise harm my witnesses, associates and family members and/or their business interests. I note that the top directory was named 'en\_CA', which is reasonable to infer designates an area for English Canadian documents. The PricewaterhouseCoopers LLP staff in charge of their computer network would, of course, know the details and have the user logs.

168. In the first comment (November 19, 2009 at 4:28pm) "thymeforhemp" posts the location on the PWC.com server of the file, effectively an invitation to the public to download the document:

[http://www.pwc.com/en\\_CA/ca/car/allarco/assets/allarco-005\\_071709.pdf](http://www.pwc.com/en_CA/ca/car/allarco/assets/allarco-005_071709.pdf)

169. This document concerned the assets of 'Allarco', an Allard family company that was at the time undergoing procedures under the Alberta Companies' Creditors Arrangement Act. The insider's comments were part of a series of harassing and threatening anonymous comments that referred to witnesses in the Nelson Barbados litigation, my company's lawyer, myself and our family members in derogatory terms, and exhorted criminals I had charged as a police officer and fraud investigator to hunt my family and I down, and to send my home address information to defendant Lorne Silver of Cassels Brock & Blackwell.
170. Attached hereto as EXHIBIT 'FF' is a domain name search showing the ownership of 'PWC.com', registered to  
PricewaterhouseCoopers LLP  
3109 W. Dr. M. L. King Jr. Blvd  
Tampa Florida, 33607-6215
171. Attached hereto as EXHIBIT 'HH' is an archived record showing that as of November 3, 2011, this file was still offered to the public on the PWC.com website.
172. After I included the pwc.com insider information in my April 18, 2012 affidavit, PWC.com removed all of their Alarco / Allard documents from the publically accessible areas of their computer network. I verily believe that a large organization like PricewaterhouseCoopers LLP would of necessity have IT professionals to manage their network, and would have archived logs showing which PricewaterhouseCoopers personnel made the 'Allarco' documents available to the public, and when, why and by whom they were removed.

**Incident #9: Illegal obtaining and mass reckless distribution to the public of tens of thousands of privileged legal documents containing Identity Information for me, associates, family members and also for persons and entities unrelated in any way to Nelson Barbados litigation.**

173. In May of 2010, during the Nelson Barbados v. Cox costs hearing, the defendants were allowed by the Court to inspect the corporate and legal files of Nelson Barbados Group Ltd. held by my company's former law office, Crawford, McLean, Anderson, Duncan LLP (CMAD). My company's former lawyer was no longer with the law office, and had resigned from representing my company in August of 2009.
174. Lorne Silver of Cassels Brock & Blackwell LLP, Emmeline Morse of Fasken Du-Moulin Martineau LLP and Adria Leung of Miller Thomson LLP inspected and selected the documents. I understand that in Orillia, Ontario they were in a room stacked with boxes of my company's previous lawyer's legal files, and that a CMAD clerk was sometimes not present in the room.
175. The defendants' purported purpose in inspecting the Nelson Barbados files was to determine the financial backers and shareholders of my company so costs could be collected. A handful of documents, fewer than a dozen, would have satisfied this purported purpose.
176. Notwithstanding their purported purpose, the inspecting lawyers personally selected and had digitally scanned, tens of thousands of pages of privileged legal documents, not only from Nelson Barbados files, but also from dozens of my company's previous lawyer's client files that had nothing

whatsoever to do with Nelson Barbados or me. Most of these tens of thousands of documents were placed onto 8 computer DVD/CD disks.

177. Some original documents were removed from the CMAD files and retained by the defendant lawyers without filing them with the court or returning them to the CMAD law office. Mr. Silver inadvertently confirmed this during my January 2013 cross-examination.

178. As with any law office, the legal files at CMAD contain vast quantities of private and confidential information, including Identity Information for persons, organizations and businesses. In these tens of thousands of scanned pages is Identity Information for many people and entities, including information such as; full names, addresses, computer accounts, user names and passwords, passport numbers and full passport copies, driver's licence numbers, photos, dates of birth, personal medical records, detailed bank account information, copies of written signatures, privileged legal files and other personal and confidential information.

179. The defendant Ontario lawyers then recklessly distributed digital scans of these tens of thousands of unredacted privileged documents to members of the public, and to other lawyers who in turn distributed them to their clients and members of the public. These privileged documents containing Identity Information immediately began showing up on the internet at various venues, including on Barbados Underground, where many are still published and available to the public. The entire disk set was made available for public download from links on the internet, including at the website 'Cantruth.viviti.com'.

180. It is noteworthy that the first reference to the 'Cantruth.viviti.com' website on Barbados Underground, is by the Cassels insider 'Finally Some

Attention in Canada'. This can be seen in Exhibit 'BB' at the bottom of the comment left by the Cassels insider on November 8, 2009 at 2:27pm, and again on November 9, 2009 at 4:58pm.

181. This outrageous action was totally outside the Court's January 15, 2010 order that allowed inspection of my company's files, and came seven months after my November 17, 2009 phone call with the lawyers where I begged them to stop releasing my Identity Information.

182. I verily believe that the involved defendants deliberately, maliciously, punitively and recklessly released these tens of thousands of privileged legal documents containing Identity Information into the public domain to cause harm to me, my company's witnesses, my company's previous lawyer and our family members.

183. The deliberate release of privileged information and Identity Information for dozens of legal clients who had not the remotest connection with me or the Nelson Barbados Group Ltd. lawsuit was designed to ruin my previous lawyer'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 other clients and other non-involved people and companies into the public domain?

184. I verily believe that the defendants also intended to deliver a warning to others, including other lawyers, who might think of litigating against these large law offices and their major clients. Their actions are so outrageous and illegal, that I cannot infer anything else.

185. On June 8, 2010, one day after the June 7, 2010 settlement that ended the Nelson Barbados case, the defendant lawyers filed the 8 disks with the

court as exhibits. These unredacted DVDs were filed after the settlement, with specific purpose of putting them into the public domain. The case was settled, so there was no legitimate need to file them with the court, and of course there would never have been a legitimate reason to recklessly distribute them to the world.

186. A reading of the court transcript confirms that the lawyers deceived Justice Shaughnessy as to their actions and intents, and never told the Court the truth about what they were really filing as evidence. It is inconceivable that Justice Shaughnessy would have allowed tens of thousands of pages of this privileged information, and Identity Information, to be made public and recklessly distributed Contrary to the Criminal Code and other laws. It is inconceivable that Justice Shaughnessy would have allowed the privileged legal files of dozens of persons and entities having nothing to do with the Nelson Barbados case, to have been filed with the court as evidence, let alone recklessly distributed to the public.

187. Attached hereto as EXHIBIT 'GG' is the affidavit of Cassels Brock & Blackwell LLP lawyer Jessica Zagar, sworn June 7, 2010, but without the 8 computer disks attached as exhibits to Zagar's affidavit. Copies of those 8 computer disks with unredacted Zagar affidavit are SEALED EXHIBIT S10.

188. As indicated in the Zagar affidavit, on May 13, 2010, Lorne Silver of Cassels Brock & Blackwell LLP, Emmeline Morse of Fasken Du-Moulin Martineau LLP and Adria Leung of Miller Thomson LLP attended at the Orillia, Ontario law office of Crawford, McLean, Anderson, Duncan LLP (CMAD). On May 25, 2010, Lorne Silver and Emmeline Morse attended at a Toronto law office and selected additional documents.

189. On January 11, 2013 during my cross-examination by Lorne Silver, I asked and Mr. Silver confirmed that he sent the 8 disks to his clients. (EXHIBIT 'II': January 11, 2013 cross-examination of Donald Best, excerpts pg 211-213)

*Silver: Who published them on line?*

*Best: I don't know but you guys distributed them.*

*Silver: I didn't distribute them, I filed them with the court.*

*Best: Send them to your clients? Send the disc to your clients, sir?*

*Silver: Of course I sent the disc to my clients.*

*Best: Oh, well, there you go. Because everything else that was, so you sent unredacted passports of people who have nothing to do with this case to your clients?*

190. At the same time, Mr. Silver also denied attending at the law offices in Orillia and Toronto, and denied selecting the documents. Mr. Silver's statement is contrary to the sworn evidence of Ms. Zagar that Silver did attend and select the documents. Mr. Silver's denial is on the record starting on page 212 of the January 11, 2013 transcript:

*Best: You chose the documents from his file.*

*Silver: take it up with (Best's lawyer) or his lawyers. They consented.*

*Best: Who chose the files?*

*Silver: The files were all of (Best's lawyer's) files that were produced in consequence of the review of his files being conducted for the costs thing.*

*Best: You were there for the review. Did you go to his place and do that?*

*Silver: No, of course not.*

*Best: Did Mr. Ranking*

*Silver: I doubt it. I think it was*

*Ranking: I'm not answering any questions. This is so wholly inappropriate and a continued waste of time.*

*Best: Sir.*

*Silver: Sir*

*Best: It's not a waste of time for people whose lives have been ruined.*

*Ranking: I don't accept that anyone's lives have been ruined.*

191. On October 30, 2012, I personally attended at the Barrie Courthouse with the former Registrar Jim Edwards, as he inspected and copied the Nelson Barbados file and made enquiries with the staff. At this time I learned that since the DVDs were filed by Ranking, Silver and other defendants in Court on June 8, 2010, no one had requested a copy of the DVDs from the court until I did. Further, Mr. Edwards and I saw with our own eyes that the

DVD exhibits were still sealed, initialled and secured just as when they were first submitted as attached exhibits to the Zagar affidavit on June 8, 2010. This means that all of the reckless distribution of tens of thousands of privileged documents containing Identity Information did not happen from the court. The defendants are responsible for all of the reckless distribution; not the court.

192. The materials selected and recklessly distributed by the defendants with the Zagar disks included private documents and privileged legal files obviously having nothing to do with Nelson Barbados case. The following list is but a representative sampling:

- a. Medical records for a dying family member, including the family's end of life instructions to medical staff caring for patient.
- b. Former US State Governor 'A' (Defendant in lawsuit launched by California company.)
- c. Former Canadian Government Minister 'B' (Private business of 'B' found taken from Mr. McKenzie's legal files.)
- d. Client 'C' (Purchased a house.)
- e. Canadian Corporation 'D' (Ontario company, client of Attorney K. William McKenzie.)
- f. US Corporation 'E' (borrowed money in Florida from the Regions Bank.)
- g. Canadian Corporation 'E' (Canadian Communications company. Client of Attorney K. William McKenzie.)
- h. Client 'F' (Member of Board of Directors for a large corporation).
- i. Client 'G' (Public Charity, purchased securities)
- j. Client 'H' (Chairman of the Board of a Florida Bank, Purchased securities)

- k. Client 'I' Vice Chairman of a Florida Bank, (An "adverse party" in an unrelated litigation file.)
  - l. Client 'J' (Television company and client of Attorney K. William McKenzie)
  - m. Client 'K' (Prospective client concerning a patent joint venture.)
  - n. Client 'L' (Health club business)
  - o. Client 'M' (Middle East litigation client of Attorney K. William McKenzie)
  - p. Client 'N' (Married couple with an established family trust)
  - q. Client 'O' (Canadian technology company, client of Attorney K. William McKenzie)
193. SEALED EXHIBIT S11 contains representative samples of the above files for clients 'A' through 'Q'

**Incident #10: Reckless distribution and publication of the Identity Information of 58 Allard family members, friends and employees by defendants and co-conspirators.**

194. As related earlier in this affidavit, on and about June 8, 2010 the defendants Gerald Lancaster Rex Ranking, Sebastien Jean Kwidzinski, Lorne Stephen Silver, Paul Barker Schabas, Andrew John Roman, Ma'anit Tzpora Zemel, Fasken Martineau Dumoulin LLP, Cassels Brock & Blackwell LLP, Blake Cassels & Graydon LLP, Miller Thomson LLP, Kingsland Estates Limited, Richard Ivan Cox, Erick Iain Stewart Deane, Marcus Andrew Hatch, Philip St. Eval Atkinson and PricewaterhouseCoopers East Caribbean (formerly 'PricewaterhouseCoopers'), recklessly distributed tens of thousands of unredacted privileged legal documents containing Identity Information as defined by the Criminal Code.

195. Amongst these documents as selected and distributed by the defendants, was a document listing the Identity Information of 58 Allard family members, friends and employees; their full names and dates of birth. As related elsewhere in my affidavit, defendant Lorne Silver admitted to further distributing this unredacted document to his clients, along with all the 'Zagar Documents'.
196. Further, this document was published on the Internet at various websites and is still available to the public on the internet.
197. Attached hereto as EXHIBIT 'JJ' is a redacted copy of this document. SEALED EXHIBIT S12 is an unredacted copy of this document.
198. **Incident #11: Attack on DonaldBest.CA website, March 28, 2015**
199. On Saturday, March 28, 2015 between 6:34am and 11:43am, my website DonaldBest.CA was the target of a concerted 'brute force login attack' designed to allow the hacker to take over the website by logging in as the administrator.
200. There is some evidence that a website visitor from Barbados and a website visitor from the Toronto office of Cassels Brock & Blackwell LLP knew of the attack beforehand, and checked on the results during the attack.
201. I verily believe that this was a targeted attack (ie: not random), professionally conducted by a person or persons who were probably hired to do the job.
202. I verily believe that the 'blackhat' hacker(s) are professionals because the attack consisted of about 1000 pre-programmed attempts made

- primarily over a two-hour period from 206 different IP numbers and computers from every part of the globe. This shows the attacker(s) maintains an asset base of compromised machines worldwide to effect strategic vulnerability scans and brute force login attempts.
203. This attack took preparation, and indeed the website administration logs show 10 test attacks on March 17, 2013 using one of the same user names tried during the major March 28, 2015 attack.
204. Further, I believe that the attack was not random because the selection of user names included words specifically related to me, that I might personally choose if I wanted something easy to remember. This shows that the attacker probably had access to investigative reports about me, including my Identity Information and similar information upon which to create a list of likely words, rather than basing the attack on a standard attack vocabulary dictionary.
205. Two visitors from Cassels, Brock & Blackwell LLP (IP Number 72.0.220.68) and Barbados (IP Number 204.212.241.212) respectively, visited my website shortly before the attack, and the same Barbados visitor returned to my website during the height of the attack. Further, the same Barbados IP number visited my website during the March 17, 2015 test attack. Further, the same Cassels IP number visited my website on the day before and the day after the March 17, 2015 test attack. (EXHIBIT 'MM' WhoIs for Cassels IP 72.0.220.68) (EXHIBIT 'NN' for Barbados IP 204.212.241.212)
206. Considering the overall circumstances of the attack, and the past actions of some defendants, including Cassels personnel and insiders, I verily

believe that these visits were no coincidence and that these visitors were monitoring the attack, checking to discover if the attack had been successful.

207. I verily believe that Cassels, Brock & Blackwell LLP's computer networking professionals would have activity logs showing which logged-in Cassels personnel visited my website, and also any communications with Barbados during the attacks on my website.

**G. Defendants and co-conspirators refuse to remove / unpublish / account for distribution of Identity Information. Continue to recklessly distribute Identity Information and other private information.**

**Automattic, Inc. (Wordpress), Barbados Underground, Euclid Herbert (also called Euclid Selman)**

208. When I first learned on November 1, 2009 that Barbados Underground ('BU') had published my Identity Information on October 30, 2009, I emailed both the BU website and the hosting company Automattic Inc. (WordPress.com) and demanded that the website and the hosting company remove my Identity Information, and also remove the harassing and threatening posts.

209. Automattic Inc. (WordPress) replied with a one sentence response in effect telling me they didn't care about the threats, stalking and criminal offences against my family and me, and that they would not unpublish my Identity Information:

*"The blog owner will be required to remove from the blog all information about you that is not in the public domain."*

210. Barbados Underground's publishers did not return my 2009 email or my subsequent emails to them in 2012 and 2014, however as explained by person(s) on that website, the Barbados Underground publishers take the position that my and others' Identity Information published on Barbados Underground website is in court documents filed by the defendants, and thus is "in the public domain". Both Automattic Inc. (WordPress) and the publishers of Barbados Underground refuse to unpublish my Identity Information, which remains published on Barbados Underground website to this day.

211. Subsequent to my removal demand in November, 2009, Automattic Inc. (WordPress) and the Barbados Underground website published in the next year, hundreds more pages of privileged documents containing Identity Information and other private information for myself, my family members and others, as well as threatening and harassing posts; all as indicated in the list of offending Barbados Underground items that is Sealed Exhibit S7. These documents remain published and available to the public on Barbados Underground.

212. Some other websites, including Wikipedia.org and Viviti.com, unpublished my and others' Identity Information and other confidential information when I demanded that they do so.

**Gerald Ranking, Lorne Silver, Sebastien Kwidzinski refusal to stop recklessly distributing my Identity Information**

213. On November 17, 2009, I spoke via telephone with the defendants Lorne Silver, Gerald Ranking and Sebastien Kwidzinski. They were in Toronto, while I was in Oceania / Asia having been forced to leave Canada on an emergency basis as related in another section of my affidavit.

214. I recorded the call electronically. Attached hereto are the certified digital voice recording (Exhibit K) and a certified transcript (Exhibit J)
215. During the call I told defendants Lorne Silver, Gerald Ranking and Sebastien Kwidzinski about how crimes including Identity Theft were being committed against my family and me as a direct result of my Identity Information being published on the internet at Barbados Underground. I was desperate, as was my family. Mr. Silver said that he didn't care and wouldn't help me even if he could to stop the perpetrators. The lawyers chuckled and taunted me. They were unaware that I was recording the call.
216. As is evident in the certified transcript and voice recording, at this point in time, November 17, 2009, I had not received a copy of Jim Van Allen's October 21, 2009 affidavit or the Kwidzinski affidavits containing my Identity Information. I did not know the name of the private investigator or who hired him or her. I only knew that the October 30, 2009 Barbados Underground article recklessly published my Identity Information, and stated the website's publisher possessed reports about me obtained from a Cassels law office private investigator.
217. When I asked Mr. Silver who had hired the private investigator if not Cassels, he lied to me and said he had no idea. Ranking and Kwidzinski, who had actually hired Van Allen, remained silent at Silver's lie. In fact, although I did not know it, Jim Van Allen was scheduled for cross-examination on that same day, November 17, 2009. This was known to all in the room and was the subject of later conversation between the lawyers, overheard by me after they failed to hang up the telephone properly.

218. After the telephone conversation, I wrote letters to the court and copied to all the lawyers, including defendants Ranking, Kwidzinski, Silver, Schabas and Roman, detailing my November 17, 2009 telephone conversation and how Ranking and Silver had fabricated false evidence in their 'Statement for the Record' and intentionally lied to the court about the conversation. (Best December 1, 2009 Letters are EXHIBIT 'CC')
219. Even the lawyers not in the room during the November 17, 2009 conversation (Paul Schabas, Andrew Roman, Ma'anit Tzipora Zemel) would have known from my December 1, 2009 letter copied to them that Ranking and Silver directly lied to me during the telephone call, and thereafter to the court in writing and orally on December 2, 2009.
220. At the time of that recorded conversation, I didn't know that Mr. Silver, Mr. Ranking and Mr. Kwidzinski along with Van Allen and other defendants were directly responsible for recklessly distributing my Identity Information to the public. After I desperately begged them for help to stop the public distribution of my Identity Information, in the next year they recklessly distributed to the public additional tens of thousands of pages containing Identity Information, as related in another section of my affidavit.
221. Then, as detailed in another section of my affidavit, during my cross-examination on January 11, 2013, Mr. Silver again lied to me right on the court record; falsely stating that he did not attend and assist to select privileged documents from the McKenzie legal files. Silver did, however, admit to sending the 'Zagar Disks' containing tens of thousands of scanned document files containing Identity Information, to members of the public. This, after I begged him on November 17, 2009 not to do so.

222. In all the circumstances, the defendants have shown a willingness to recklessly distribute Identity Information, a refusal to cease, and a refusal to account for their actions and recover the data where possible.

**H. Barbados Underground website (bajan.wordpress.com)**

**Co-conspirators Mr. Euclid Herbert (also called Euclid Selman, also called 'David King') and Sandra Herbert**

223. Barbados Underground website is not actually in Barbados. It is hosted in the United States by Automattic, Inc. (WordPress) at the URL 'bajan.wordpress.com'. WordPress.com provides free hosting for basic websites, but users can also pay for various upgrades.

224. As detailed herein, the 'Barbados Underground' website for many years recklessly distributed and published my, and other persons', Identity Information as well as harassing, threatening communications directed to me, my witnesses, lawyers, business associates, friends and our family members. It continues to do so.

225. 'Barbados Underground', Euclid Herbert and Sandra Herbert refuse to unpublish Identity Information, and other confidential and private information about me, my family members, lawyers, witnesses, business associates and friends. 'Barbados Underground', Euclid Herbert and Sandra Herbert refuse to remove threats and harassing communications directed at me and my family members, lawyers, witnesses, business associates and friends in and out of Canada.

226. According to information received from Automattic Inc. (WordPress.com) executive Toni Schneider, and further researched and

- confirmed by myself, Barbados Underground website was started at Wordpress.com on April 6, 2007 by Mr. Euclid Herbert using his email address bendedknees@yahoo.com. Subsequently Mr. Herbert used the email euclidherbert@gmail.com. According to Mr. Schneider, Mr. Herbert uses his PayPal account to pay Automattic Inc. (WordPress.com) for upgraded hosting for Barbados Underground website. My research shows that these email addresses have also been used in conjunction with several Herbert / Selman family businesses.
227. According to information posted on the Internet by Euclid Herbert, he is also known as 'Euclid Selman' (his birth name) and operates a number of businesses and websites in greater New York City and in Barbados. Mr. Herbert appears to be a citizen of the United States, with family and business ties on the island nation of Barbados. Sandra Herbert is Chief Financial Officer of Euclid's Internet Solutions Group.
228. Automattic Inc. executive Toni Schneider also provided some Internet Protocol (IP) Numbers showing that Mr. Herbert sometimes communicates/posts on Barbados Underground from a Barbados internet supplier, and other times through a United States based internet supplier. The available address and phone number information also appears to indicate that Mr. Herbert / Selman spends part of his time in the USA, and part in Barbados.
229. My research has also shown that Herbert / Selman also goes by the online identity of 'David King' or just 'David' at Barbados Underground.
230. SEALED EXHIBIT S13 is a series of pages showing information about Mr. Herbert / Selman, his businesses and Identity Information including his date of birth, photo, family members names and addresses.

231. As the publisher, editor and administrator of Barbados Underground website, Euclid Herbert is responsible for management of all information posted on the website. He has relevant information not possibly known to Automattic Inc. (WordPress.com).
232. Euclid Herbert has emails and electronic communications from other conspirators wherein they have sent him articles and my and other persons' Identity Information that was then published on Barbados Underground. For instance, regarding the Incident #3 where Miller Thomson – Zemel provided the fax and cheques to Iain Deane, the BWWR's August 20, 2008 12:52pm comment indicates that he or she will email the documents to 'David' at Barbados Underground.
233. Herbert knows who provided him with the Identity Information that is published on Barbados Underground. He knows whom he further distributed the Identity Information to. He knows who else has permission to publish on the website, and the true names, email addresses, IP numbers and other information of the authors of various harassing and threatening articles and comments.
234. Euclid Herbert has had meetings, emails and communications we don't know about, received computer disks of Identity Information and interacted with defendants from Canada, the United Kingdom and Barbados. He and his website are one of the conduits for the defendants to recklessly distribute Identity Information, Contrary to the Criminal Code. Herbert may have records showing direct interaction with the Ontario lawyer defendants and other defendants who recklessly distributed my Identity Information.

235. Euclid Herbert would know if he was paid for recklessly publishing my Identity Information. As my research shows that Mr. Herbert has in the past done work for one of the two major political parties in Barbados, he would know if there is a political aspect or political guiding mind behind the threats and malicious publication of Identity Information and other politically sensitive information selected and published from the tens of thousands of pages of McKenzie legal files that the defendants recklessly distributed to the public.

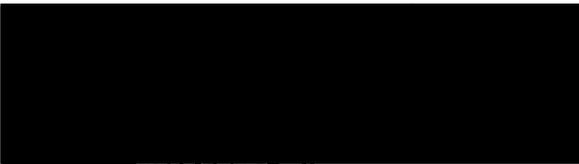
236. I swear this affidavit in support of a motion for an interim injunction order.

**Supplementary Affidavit to be submitted.**

237. As indicated earlier in this affidavit, defendants placed into the public domain, and recklessly distributed to the public, tens of thousands of pages containing Identity Information and other personal, confidential and/or privileged information: not only for me, but for other persons and entities that having nothing to do with me in the least.

238. Due to the massive quantity and sensitive nature of these exhibits that require redaction, sealing or other careful handling, I find it necessary to file a supplementary affidavit at a later date, and will do so as soon as I can. My lawyer intends to ask the court for instructions.

Sworn before me at the City of Orillia )  
In the County of Simcoe )  
This 31<sup>st</sup> day of March, 2015 )



Donald Best



A Commissioner, etc.

Jo Anne Louise Grews, a Commissioner,  
i.s., Province of Ontario, for the  
Government of Ontario, Ministry of the  
Attorney General.