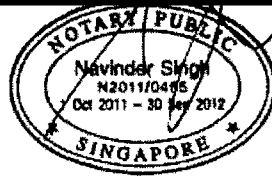
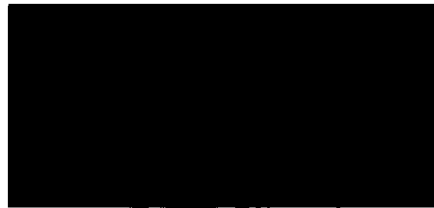


This is **Exhibit A**
to the affidavit of Donald Best
Notarized 18 April 2012, Singapore



1 Court File No. 07-0141

2 ONTARIO

3 SUPERIOR COURT OF JUSTICE

4 B E T W E E N:

5 NELSON BARBADOS GROUP LTD,

6 Plaintiff,

7 -and-

8 RICHARD IVAN COX, GERARD COX, ALAN COX,
9 PHILIP VERNON NICHOLLS, ERIC ASHBY BENTHAM
10 DEANE, OWEN BASIL KEITH DEANE, MARJORIE ILMA KNOX,
11 DAVID SIMMONS, ELNETH KENTISH, GLYNE BANNISTER,
12 GLYNE B. BANNISTER, PHILIP GREAVES, a.k.a.
13 PHILP GREAVES, GITTENS CLYDE TURNEY, R.G.
14 MANDEVILLE & CO., COTTLE, CATFORD & CO.,
15 KEBLE WORRELL LTD., ERIC IAIN STEWART DEANE,
16 ESTATE OF COLIN DEANE, LEE DEANE, ERRIE DEANE,
17 KEITH DEANE, MALCOLM DEANE, LIONEL NURSE,
18 LEONARD NURSE, EDWARD BAYLEY, FRANCIS DEHER,
19 DAVID SHOREY, OWEN SEYMOUR ARTHUR, MARK CUMMINS,
20 GRAHAM BROWN, BRIAN EDWARD TURNER, G.S. BROWN
21 ASSOCIATES LIMITED, GOLF BARBADOS INC., KINGSLAND
22 ESTATES LIMITED, CLASSIC INVESTMENTS LIMITED,
23 THORNBROOK INTERNATIONAL CONSULTANTS INC.,
24 THORNBROOK INTERNATIONAL INC., S.B.G. DEVELOPMENT
25 CORPORATION, THE BARBADOS AGRICULTURAL CREDIT
TRUST, PHOENIX ARTISTS MANAGEMENT LIMITED,
DAVID C. SHOREY AND COMPANY, C. SHOREY AND
COMPANY LTD., FIRST CARIBBEAN INTERNATIONAL BANK
(BARBADOS) LTD., PRICE WATERHOUSE COOPERS (BARBADOS),
ATTORNEY GENERAL OF BARBADOS, THE COUNTRY OF
BARBADOS, and JOHN DOES 1-25, PHILIP GREAVES,
ESTATE OF VIVIAN GORDON LEE DEANE, DAVID THOMPSON,
EDMUND BAYLEY, PETER SIMMONS, G.S. BROWN & ASSOCIATES
LTD., GBI GOLF (BARBADOS) INC., OWEN GORDON FINLAY
DEANE, CLASSIC INVESTMENTS LIMITED and LIFE OF
BARBADOS LIMITED c.o.b. as LIFE OF BARBADOS HOLDINGS,
LIFE OF BARBADOS LIMITED, DAVID CARMICHAEL SHOREY,
PRICE WATERHOUSE COOPERS EAST CARIBBEAN FIRM, VECO
CORPORATION, COMMONWEALTH CONSTRUCTION CANADA LTD.
and COMMONWEALTH CONSTRUCTION, INC.,

Defendants.

25 _____/

1 THE STATEMENT UNDER OATH OF NITIN AMERSEY, was
2 taken before Quentina Rochelle Snowden, Certified
3 Shorthand Reporter-5519, Notary Public for the County of
4 Genesee, Acting in the County of Bay, State of Michigan,
5 taken at 300 Center Avenue, Suite 202, Bay City, Michigan,
6 on Thursday, January 10, 2008, commencing at or about the
7 hour of 12:30 p.m.

8 APPEARANCES:

9 Crawford, McKenzie, McLean, Anderson & Duncan, LLP
10 40 Coldwater Street East
11 Orillia, Ontario L3V 6K4
12 Phone: 705.325.2753
13 E-mail: sball@mclaw.ca
14 E-mail: lawyerbill@rogers.com

15 BY: K. WILLIAM McKenzie

16

17 ALSO PRESENT:

18 Kara-Lynne E. BigCanoe
19 Student-At-Law

20 Crawford, McKenzie, McLean, Anderson & Duncan, LLP

21

22

23

24

25

1 EXAMINATION INDEX
2 FOR
3 NITIN AMERSEY

4 -----
5 ATTORNEY'S NAME EXAMINATION RE-EXAMINATION
6 -----
7 BY McKENZIE: 06
8 -----

9 EXHIBITS
10 -----

11 EXHIBIT	DESCRIPTION	MARKED
NUMBER		PAGE

12 (None presented for marking.)
13
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24
25

1 Thursday, January 10, 2008

2 Bay City, Michigan

3 12:30 p.m.

4 -oOo-

5 MR. McKENZIE: Your name, Madam Reporter,
6 is?

7 THE COURT REPORTER: Quentina Rochelle
8 Snowden.

9 MR. McKENZIE: And your credentials are?

10 THE COURT REPORTER: I am a Certified
11 Shorthand Reporter.

12 MR. McKENZIE: Are you licensed?

13 THE COURT REPORTER: I am licensed with the
14 State of Michigan and a Notary Public.

15 MR. McKENZIE: And you have a license from
16 the state of Michigan. And you have recorded Court
17 proceedings in the Federal Court of the United
18 States of America, and the Genesee County Circuit
19 Court, and Davison District Court. And you also do
20 real-time reporting for depositions within these
21 courts as well?

22 THE COURT REPORTER: Yes, that's correct.

23 MR. McKENZIE: And now I understand that
24 because you're a Notary Public, you are qualified to
25 swear or affirm Mr. Amersey under the state law of

1 the State of Michigan?

2 THE COURT REPORTER: Yes.

3 MR. McKENZIE: Do you understand this lady
4 is a Notary Public?

5 MR. AMERSEY: Yes.

6 MR. McKENZIE: And therefore, Mr. Amersey,
7 what you're going to do is you're promising under
8 the State laws and the Province of Ontario laws to
9 tell the truth, sir. Is that correct?

10 MR. AMERSEY: Yes, I do.

11 MR. McKENZIE: Would you swear the witness
12 in.

13 -oOo-

14 NITIN AMERSEY

15 after having been first duly sworn to tell the
16 truth, was examined and testified upon his oath as
17 follows:

18 MR. McKENZIE: I have just indicated, and
19 I'm putting this right on the record, which is
20 evidence that's given in a proceeding and in Ontario
21 is subject to absolute privilege, which means you
22 can almost say anything you want without fear of
23 being sued for libel and slander. In other words,
24 it's a privilege that goes with Parliament and
25 Courts in Canada. So I'm saying, although even

1 after that I know you are concerned as a gentleman
2 that you don't want to be appeared to be defaming
3 anybody unfairly, if you have any concerns about
4 that, we can stop and we can talk about that off the
5 record, just so you know, those are the laws as I
6 understand them, and they make life easier in courts
7 because evidence is not fact. Evidence is yet to be
8 proved in Court and that's why we're here, is to get
9 your evidence, okay?

10 THE WITNESS: Okay.

11 -oOo-

12 EXAMINATION

13 BY MR. MCKENZIE:

14 Q Now, Mr. Amersey, just to clear up why we're here
15 today on a sort of professional level, and I can't
16 thank you enough, is I have to go to Court on
17 Monday, and I need your evidence. I think you and I
18 are clear on that. And I've asked you how we would
19 do that, and you indicated that you were not
20 providing an affidavit, but that you had evidence
21 that you wished to give. So I served you with a
22 summons, and here you are, correct?

23 A Right. I said I could not give you evidence under
24 the agreement that I had unless you subpoenaed me.

25 Q Right. And that's specifically because your lawyer

1 has advised you that there is a term of the
2 agreement, the settlement agreement, that sort of
3 forms a basis of what we're talking about, that says
4 -- and I'm going to read it into the record: The
5 undersigned agree that the terms of this settlement
6 agreement, including the fact that there was any
7 consideration paid or the amount thereof, but not
8 the fact of the existence of the settlement, shall
9 remain confidential and not be disclosed to any
10 other person other than the party's respective
11 professional advisers or as otherwise may be
12 required by law, or is necessary to give the terms
13 of the settlement agreement.

14 Now, that's the clause that your lawyer
15 sent you when you expressed concern, correct?

16 A That's right.

17 Q Okay. And just so you know, I have no intention of
18 asking you if the consideration was paid or any
19 amount of money, because that's not what I'm after
20 today. Okay?

21 A Okay.

22 Q And even though I noticed that there's a newspaper
23 article where somebody did put the amount in and
24 also an affidavit of Peter Simmons mentions the
25 amounts, so if anybody brings that up I'll point

1 that out to the Judge too, but I won't be asking you
2 those details. What I'm here to ask you about is
3 the interactions you had with people in Barbados and
4 when you were negotiating and litigating, because
5 that's the subject of the thing.

6 Now, just to understand why we're here,
7 I've told you that I'm in a bit of a rush, and
8 needed to see you by evidence. And I see that
9 you are in a very painful situation today because
10 you had a knee operation recently; is that correct?

11 A That's right.

12 Q As a matter of fact, today is the first day since
13 that knee operation that you've been able to leave
14 your house?

15 A To come to the office, yes.

16 Q To come to the office.

17 A I only left the house for physiotherapy before.

18 Q Okay. It's not good right now for traveling,
19 correct?

20 A No.

21 Q And once it heals up, you're going to get the other
22 knee done?

23 A That's correct.

24 Q So you could be incapacitate for several more
25 months?

1 A Until the end of June.

2 Q Right. Right. And even then, just for the record,
3 where we are in Bay City Michigan is a two-hour
4 drive from Sarnia, correct?

5 A Right.

6 Q Which is the closest place in Ontario that you would
7 go if we had to go through all the hard work of
8 forcing you to do something?

9 A Right.

10 Q Which we don't need to do because you're
11 volunteering to be here, right?

12 A Right.

13 Q The other thing I just want to go over with you,
14 we'll talk about this a little bit more, but I want
15 to show you what I had already talked about, but,
16 just that I have made you aware -- I just want to
17 confirm this -- that there have been -- well,
18 evidence of threats against myself, the lawyer in
19 this lawsuit, I made you aware of that?

20 A Right.

21 Q Evidence of threats against one or more witnesses in
22 this lawsuit?

23 A Right.

24 Q I've made you aware of that. And as recently as a
25 month ago, a threat was communicated on the Internet

1 against a party to this lawsuit, Mrs. Knox, who's an
2 85-year-old lady. And I have showed you the letter
3 that I wrote on December 10th, which is Exhibit --
4 part of Exhibit C to the affidavit of Stacey Ball,
5 talking about awful things that they were going to
6 do to Mrs. Knox?

7 A Right.

8 Q And I showed you that and I told you I reported this
9 to the police as well, right?

10 A Yes.

11 Q So that forms the second part of why we're here
12 today, and not making it known to the whole world
13 that this examination is going on.

14 A Right.

15 Q And I've explained to you that I did tell the
16 lawyers in Toronto that if they wished to come, that
17 we would tell them where it was once they told us
18 they were coming.

19 A Right.

20 Q So we would have no misunderstanding or information
21 leaking out to people that shouldn't have the
22 information, and that's for your own security.

23 A I understand that.

24 Q And you agree with that?

25 A Yes, I do.

1 Q That wasn't a bad idea I had?

2 A Very good idea.

3 Q As part of the preparation for this examination, I
4 gave you newspaper articles and I mean I know you
5 already have them, but I just want to identify them
6 in the record as being Exhibit R and S to the
7 affidavit of John Knox sworn November 12th, 2007.

8 Now, they apparently were in the Globe and
9 Mail, National Post, maybe some other -- and then
10 there was some publications in a newspaper, perhaps,
11 or a publication in Barbados, Broad Street
12 Journal.

13 A Broad Street Journal.

14 Q I don't really want to go over them in detail, but
15 we tried to go over them this morning. Was there
16 anything that jumped out to you as patently
17 incorrect in those articles?

18 A No.

19 Q You would adopt their accuracy then?

20 A Yes.

21 Q You would say they are accurate?

22 A Yes.

23 Q I mean, I know we discussed before we came, before
24 this started, the difference between what you know
25 and hearsay and that. We'll get to that, but I just

1 wanted to say that after reading them this morning,
2 you are prepared to say they're accurate?

3 A Yes, I am.

4 Q Now, just going to talk about -- because we --
5 because they're accurate, we can jump to some items
6 rather than have you recount the whole story.

7 A Okay.

8 Q Some items that I was interested in. And the legal
9 dispute here -- I'm trying to read upside down --
10 but the legal dispute had to do with an interaction
11 between you and business people in Barbados, as well
12 as government people; is that correct?

13 A Principally with the government of Barbados.

14 Q All right. And when you were dealing with the
15 government of Barbados, did you have any interaction
16 with people who were business people and not
17 government officials, or were they all government
18 officials at the time?

19 A Essentially all government officials.

20 Q All right. All right. And some of them had
21 attorneys eventually?

22 A Yes.

23 Q And you had an attorney, Vernon Smith, right?

24 A That's correct.

25 Q And did you ever run across a gentleman named Clyde

1 Turney?

2 A Yes, I did.

3 Q Was he acting for you?

4 A At one time he acted for me. And at a later date he

5 acted for the West Indian Sea Island Cotton

6 Association, and we filed in Court to have him

7 dismissed for conflict of interest.

8 Q Right. How did that work out?

9 A The -- I believe eventually the Court --

10 Q Well, okay, you're having trouble. This is a matter

11 of record some place. Don't guess. I would

12 prefer --

13 A I cannot --

14 Q Okay.

15 A Initially, the -- it was always delayed when it came

16 up for hearing.

17 Q Right.

18 A And eventually, I believe, I'm not positive about

19 this, but I believe the Court prevented him from

20 acting because of conflict of interest.

21 Q So the West Indies --

22 A Sea Island Cotton Association.

23 Q -- ended up being in conflict with you when he was

24 acting for both of you?

25 A Both of us.

1 Q That was what you were telling me, the generic
2 issue?

3 A Right.

4 Q Guessing about what happened ten years ago, we can
5 always get the records. And your lawyer, Vernon
6 Smith, may still have files?

7 A That's right.

8 Q And if you wanted to get them, you could get them or
9 I could get them?

10 A Right.

11 Q With your permission; is that correct?

12 A Yes.

13 Q If it comes up.

14 Now, the -- the print is too small for me
15 to read upside-down.

16 You were -- at the time you were doing
17 this, you were involved in Montreal and your company
18 was called Scothalls.

19 A Right.

20 Q And then there's another company called Carsicot?

21 A Carsicot.

22 Q Carsiocot. C-A-R-S-I-O-C-O-T. That's the one that
23 you incorporated in Barbados?

24 A That's right.

25 Q And --

1 A The full name of the company is Caribbean Sea Island
2 Cotton Company Limited.

3 Q Okay. Then according to this newspaper article,
4 allegations began that there was widespread fraud at
5 Carsiocot, and there were then some burglaries?

6 A Right.

7 Q Okay. So maybe you can just tell me a bit about
8 when the trouble started and how the burglaries fit
9 into that?

10 A The government had -- give me one second to read the
11 article again. (Reviewing.) I owned a house in
12 Barbados, and as the article says, some -- I was in
13 the house when this dispute -- during the period of
14 the dispute with the government of Barbados I was in
15 the house with my family and somebody tried to burn
16 the house down at night.

17 Q Okay.

18 A Who it was, I still don't know.

19 Q Did that get reported to the police? Did you report
20 it to --

21 A I believe so, yes.

22 Q Okay. But they never --

23 A There was no --

24 Q -- found the perpetrator?

25 A Perpetrator.

1 Q Okay.

2 A There was a burglary at Carsiocot's offices. All of
3 the accounting records was stolen. I was in England
4 at the time visiting my attorneys in England, and I
5 was questioned by the police about the burglary, and
6 the minister of agriculture at the time conducted
7 his own investigation, or was there with the police,
8 and there was a question as to who had the
9 accounting files, whether it was the minister or the
10 police or the burglar, and that was never resolved.

11 Q Just --

12 A The allegations of fraud were totally unfounded and
13 a forensic audit did show that there was no
14 wrongdoing whatsoever.

15 Q Well, okay, I'm a bit confused. There were
16 accounting records at the time the forensic audit
17 was done or they did it another way?

18 A Forensic audit was done later on.

19 Q Okay. Okay. Through other records?

20 A Through other records.

21 Q Because the accounting records were missing?

22 A Were missing.

23 Q Okay. You said that there was another burglary
24 involving a person who worked for you. I'm trying
25 to --

1 A There was a burglary -- there was an entomologist
2 that we had working at Carsiocot.

3 Q What's an entomologist?

4 A Inspect specialist.

5 Q Okay. Why would he be working for Carsicot?

6 A Insect control is important for farming of cotton.
7 So we had an American entomologist working in
8 Barbados for us as a consultant.

9 Q Right.

10 A And his records were stolen.

11 Q During the burglary?

12 A During the burglary.

13 Q And did they ever find them or solve the crime?

14 A No. No.

15 Q Okay.

16 A And he was -- he had trouble, and he immediately
17 went to the American Embassy and obtained a
18 duplicate passport, and left the country.

19 Q What do you mean he had trouble?

20 A Trouble with the government of Barbados.

21 Q Okay. Had his passport been stolen, was that part
22 of the problem?

23 A Yeah, that was part of the problem. In the
24 burglary.

25 Q The entomologist, what was the report that he was

1 giving?

2 A That the cotton crop was not -- there was improper
3 insect control in Barbados.

4 Q Okay. And that was --

5 A A problem for the Ministry of Agriculture. That
6 would have been a problem.

7 Q The insect control -- I just want to make sure I
8 understand. This insect control, if it wasn't done
9 properly, would have harmed the cotton crop?

10 A That's right.

11 Q And the Ministry of Agriculture were in charge of
12 insect control?

13 A Right.

14 Q And the entomologist was criticizing their handling
15 of insect control?

16 A That's right.

17 Q That was, therefore, something that could have been
18 harmful to the crop and to your business?

19 A That's right.

20 Q All right. Okay. Now, just back to -- we're really
21 just talking about the interaction of the -- of the
22 -- how you were treated and how things went in
23 Barbados when you had a lawyer. You went to Court,
24 you said, and I'm just looking at paragraph in the
25 article that talks about a Court order that you won

1 equipment, but just as you were getting it, the
2 government sent in the Army. So can you tell me
3 about that?

4 A Right. We had a Court order from the -- from the
5 Barbados courts which resulted in a marshal's
6 seizure of all the equipment which the government
7 had taken away from us. The equipment was seized
8 back under the order of the Court by the Court
9 marshals.

10 Q Let me just make sure I understand what you just
11 said. Originally, the equipment owned by Carsiocot
12 was seized by the government?

13 A Right.

14 Q Okay. Just not by Court order --

15 A No. Expropriated.

16 Q Grabbed, basically?

17 A Grabbed.

18 Q So you no longer had it under your control, right?

19 A Right.

20 Q Then you went to Court and you got a Court order
21 from a Judge in Barbados that said you can have it?

22 A That's right.

23 Q Okay. And then you just said the government sent it
24 through?

25 A We got the marshals who had taken control of the

1 equipment.

2 Q For you?

3 A For us.

4 Q Right?

5 A And then the government sent in troops to take -- to

6 take the equipment back and take back control of the

7 equipment and the property.

8 Q The troops didn't have a Court order?

9 A No, they did not.

10 Q So they were just, what overriding?

11 A It was by force of -- by military force.

12 Q Right.

13 A By force of the gun that they would control it.

14 Q Do you know who ordered them to do that?

15 A The order would have had to have come from the

16 government of Barbados.

17 Q I guess you wouldn't know --

18 A Who -- yeah, who specifically within the government,

19 I don't know.

20 Q I just thought you might have found out later.

21 A No.

22 Q All right.

23 A The coronel in charge of the Army or the officer in

24 charge of the Army did go to Court, and did

25 eventually agree to submit to the authority of the

1 Court. But, this was all done subsequent to the
2 intimidation and grabbing of the equipment.

3 Q When you say he went to Court, he was forced to go
4 to Court?

5 A We -- we -- we requested the Judge to order the
6 officer to come to Court.

7 Q Okay. And how long did that process take between
8 the time they seized everything and you going to
9 Court?

10 A I can't remember.

11 Q Okay. You've talked about burglaries and the Army.
12 During the time you were having a dispute and you
13 were in Barbados, were there any personal matters
14 directed towards you or your family in terms of -- I
15 don't want to put words in your mouth, so
16 unpleasant --

17 A There were anonymous threats to my life, and threats
18 to my family's life.

19 Q And when you say anonymous, how did they reach you?

20 A By phone.

21 Q Yeah.

22 A And just warning that I should look after -- be
23 careful what I say, what I do, and I should go back
24 home to Montreal. Otherwise, --

25 Q Okay. Was there any public, newspapers, radio

1 stations?

2 A I believe there were several talk shows on the radio
3 on which I was maligned and threatened as well.

4 Q What effect did these have on you? I mean, were you
5 amused or not happy?

6 A I -- I was not happy. I was certainly not going to
7 bring my family back to Barbados, and I took
8 precautions to protect my safety while I was there.

9 Q And you never did bring your family back to
10 Barbados?

11 A No, I did not.

12 Q Just because of your concerns?

13 A Concerns.

14 Q Now, there was also mention in this article by Paul
15 Waldie about two Barbados detectives coming to
16 Montreal?

17 A Right.

18 Q Can you talk about that?

19 A While this was going on, two Barbados detectives
20 were sent to Montreal. They contacted Montreal
21 police and indicated that there was a Montreal
22 resident who had committed a multi-million dollar
23 fraud in Barbados, and they wished to come and
24 investigate him. They came to Montreal. Their
25 visit to Canada was illegal. They never contacted

1 the RCMP and never obtained the RCMP's permission to
2 come to Canada.

3 My lawyer and I immediately contacted
4 External Affairs and External Affairs took the
5 appropriate action, informed the authorities in
6 Barbados, or the Embassy in -- well, the Barbados
7 High Commission in Canada that the presence of the
8 detectives was unacceptable and that they could not
9 investigate in Canada without the permission of the
10 government of Canada. And in essence they were
11 acting illegally. And this was just a -- in my
12 opinion, another way to intimidate and threaten
13 me.

14 Q And that's how you took it?

15 A Yes.

16 Q Because you lived in Montreal with your family
17 then?

18 A I lived in Montreal with my family.

19 Q Now, there's a mention in this article here about
20 you were threatened by anonymous callers. I got
21 that. And then there's something about the
22 country's police force attempting to search your
23 bank records, your Canadian bank records, without
24 government approval?

25 A The two Barbados policemen went to my bank in

1 Montreal, and asked the bank manager to produce my
2 banking records. The bank manager refused to do
3 that without a Court subpoena or a Court order, and
4 immediately called me, and I again, immediately
5 called External Affairs to report this.

6 Q Okay. And your lawyer at the time was Mr. Pearl?

7 A That's right.

8 Q Revin, R-E-V-I-N, Pearl?

9 A Right.

10 Q The police eventually came to his office?

11 A Yes, they did.

12 Q So may still have files perhaps or there may be a
13 police report somewhere?

14 A Yes.

15 Q May I have your permission to get them if I have to
16 get them?

17 A You may.

18 Q Thank you. You changed lawyers after that to
19 another gentleman, Pierre Brook (ph)?

20 A In Montreal, yes. But Blake Cassels represented me
21 generally in the dispute with Barbados.

22 Q So Blake Cassels would be the lawyer, and we'll talk
23 about that in a minute.

24 One of the clippings I have showed you the
25 Broad Street Journal I think it's called, it says

1 your position at the time was that you were -- still
2 considered yourself a friend of Barbados and not
3 afraid to return. Is that still -- explain that
4 and --

5 A Well, I -- I've always had good individual friends
6 in Barbados, and I certainly still like some of the
7 Barbados people I have met. And in that sense, I'm
8 a friend of the people of Barbados. However, I
9 would not today return to the island, because I fear
10 for my own safety if I do. And I -- others may
11 think it silly, however, I do not see the point in
12 taking unnecessary risk by going back there.

13 Q And you feel that way because of the treatment you
14 received; is that correct?

15 A That's right.

16 Q We were talking about in other dealings with -- you
17 met David Simmons once?

18 A Mr. Simmons represented the government of Barbados
19 in negotiations with -- with my lawyers and myself.

20 Q Okay. Now, I know that -- or I expect that the
21 subject matter of what you discussed isn't as maybe
22 confidential and really don't want to know because
23 you eventually got a settlement, as a matter of fact
24 Mr. Simmons said so in one of the newspaper
25 articles, but I just wondered what the demeanor was

1 or how you were treated during the negotiations, how
2 did you feel about that?

3 A Attitude immediately coming into the negotiations
4 was one of threat and intimidation.

5 Q By who?

6 A By Mr. Simmons.

7 Q Mr. David Simmons?

8 A Yes.

9 Q He was the attorney general at the time?

10 A He was the attorney general at the time.

11 Q Yes.

12 A And he indicated that he was going to ask or he had
13 asked, I cannot remember now, the government to
14 arrest me, governments of Canada to arrest me for a
15 crime.

16 Q Yes.

17 A And my lawyers and I felt that it was unnecessary
18 intimidation, and the general attitude was not very
19 friendly.

20 Q Right. Okay. Your lawyers at the time included
21 this lady Nancy Brooks?

22 A That's right.

23 Q At Blakes in Ottawa, she was at the meeting?

24 A Yes, she was.

25 Q Anyone else there?

1 A Vernon Smith, my lawyer from Barbados, another
2 couple of lawyers from Blakes, and David Simmons was
3 accompanied by a couple of gentleman from Barbados
4 and/or the High Commission.
5 Q High Commission in Canada?
6 A In Canada.
7 Q All right. And again, I hope we don't have to go
8 here, but if we have to get the -- get into the
9 Blakes' files, how would you see us dealing with
10 that, with your permission of course, keep it -- I
11 mean, do you have any problem if I ask Nancy Brooks
12 to find a file and go over it with her?
13 A If there are matters of client/attorney privilege, I
14 would like to keep those confidential, but other
15 than that I have no issue for matters of public
16 record.
17 Q I'm certainly not ever going to tread on your
18 solicitor/client privilege and I'm sure Ms. Brooks
19 wouldn't, and I could get along there. Or if there
20 was something she felt that might be of use, I would
21 certainly encourage don't tell me, talk about it
22 with you. But other than the solicitor/client
23 stuff, which of course is yours, everything else in
24 there is fair game; is that right?
25 A Yes.

1 Q And you'll cooperate signing documents or whatever
2 and telling Ms. Brooks that if I need you to?

3 A Right.

4 Q I hope we don't have to go there, but -- because I
5 understand you may have some records in storage
6 someplace that you would be able to dig out if we
7 needed your help; is that right?

8 A Yes.

9 Q I emphasize at my expense. I understand these are
10 not easy jobs sometimes to find all records.

11 Now, you asked me about -- I'm sorry, you
12 were telling me -- I was naming your lawyers and I
13 made a note to ask you. Mr. Pearl was the one where
14 the police ended up at his office?

15 A That's right.

16 Q Right. And they were in the custody of Montreal
17 police that time or --

18 A They were accompanied by Montreal police at the
19 time.

20 Q There was debriefing or they were asked questions,
21 do you know? Were you there, by the way?

22 A Yes, I was.

23 Q Vaguely, I mean --

24 A For some -- at least one of the meetings.

25 Q As best you can, what happened?

- 1 A We asked -- Mr. Pearl asked them who had sent them
2 here.
- 3 Q Yes.
- 4 A And they could not directly indicate it, but
5 essentially it was at the request of the Ministry of
6 -- Minister of Agriculture and/or the Prime
7 Minister.
- 8 Q Okay. And did Mr. Pearl follow up any of that with
9 the Minister of Agriculture or the Prime Minister or
10 anybody else?
- 11 A No. Only with External Affairs.
- 12 Q Did Mr. Pearl have any interaction with the Prime
13 Minister of Barbados?
- 14 A There was a -- Mr. Pearl wrote a letter to various
15 senior people, including the Prime Minister of
16 Canada, the head of the United Nations, the head of
17 The World Bank and others where he indicated that
18 the -- and I would have to very frankly refresh my
19 memory by looking at the letter -- he indicated that
20 the Barbados government and/or the system of justice
21 was -- the Court system was not fair.
- 22 Q Okay. This was Mr. Pearl on your behalf writing
23 letters and taking a stance or a position?
- 24 A Taking a stance.
- 25 Q Okay.

1 A Because of the fact that every time my case came up
2 for hearing, the Governor General was not on the
3 island, and the Chief Justice became the acting
4 Governor General, and the case was postponed. As a
5 matter of fact, it was over ten years and when I
6 finally filed for arbitration at UNCITRAL, the case
7 had still not been heard.

8 Mr. Pearl had written a letter to these
9 various people and various bodies complaining about
10 the Barbados' situation. And the Prime Minister of
11 Barbados subsequently sued Mr. Pearl for criminal
12 libel, and Mr. Pearl was not able to go down to
13 Barbados to defend me on any matter because he was
14 afraid of being arrested --

15 Q Okay.

16 A -- for -- in this matter.

17 Q Okay. Now, you said that the Governor General would
18 be off the island and the Chief Justice would become
19 the Governor General. Does that mean the Chief
20 Justice was a Judge hearing your case?

21 A Chief Justice was one of the Judges on the appeal
22 panel --

23 Q I see.

24 A -- when matters went up for appeal.

25 Q Now I understand. In other words, because the Chief

1 Justice suddenly became the Governor --
2 A Acting Governor General.
3 Q -- acting Governor General, he could not sit that
4 day for your case?
5 A That's right.
6 Q And that happened more than once?
7 A Many times.
8 Q Many times. All right. So the appeal just got
9 postponed and postponed and delayed?
10 A Postponed.
11 Q You had interactions with the police in Barbados, it
12 was unpleasant for you?
13 A Yes.
14 Q What was that?
15 A I was called at 2 a.m. or somewhere around that time
16 in the middle of the night by the Barbados police
17 saying that they wanted to come -- that they wanted
18 me to immediately come down to the police station
19 for questioning on this burglary that had taken
20 place. I was threatened. I immediately called
21 Vernon Smith, my lawyer in Barbados who called the
22 police and said he would produce me at the police
23 station at a suitable time during the day, and that
24 it was improper to call me in the middle of the
25 night for routine questioning.

1 We then proceeded the following day to go
2 down to the police station, where it was obvious
3 that they were using intimidation to threaten me and
4 to scare me.

5 Q What types of things might they have done?

6 A Basically if I had not gotten my lawyer immediately
7 involved, they wanted to come in the middle of the
8 night to take me down to the police station.

9 Q Oh, so they called you at 2 a.m.?

10 A That's right.

11 Q Oh, I see. Okay.

12 A And wanted me to come down to the police station in
13 the middle of the night.

14 Q When you got there, eventually --

15 A I did not go that night, but I did go the following
16 day.

17 Q When you got there with your lawyer, how did they
18 treat you?

19 A They treated me very politely, but it was obvious
20 that they were -- they were underneath instructions
21 from somebody higher up to be rough with me, if at
22 all possible.

23 Q Right. Right. Right. And you think having your
24 lawyer there was --

25 A Prevented that from happening.

1 Q Prevented it. Okay. As part of the duties we have,
2 we did send you a summons and I just wanted to
3 confirm that you received the -- I don't know what
4 they call it, money, attendance money from me of \$65
5 because I think the law says I have to give it to
6 you. So you received it?

7 A I have, yes.

8 Q And in terms of future, the summons itself, I just
9 want to tell you, because I mentioned this earlier,
10 the summons itself, of course to you had the place
11 of the examination, but I'm telling you when I
12 produce it to the Court I'm going to black it out in
13 order --

14 A Okay.

15 Q -- in order to maintain as much as it can security
16 here, because I appreciate what --

17 A Thank you.

18 Q -- your issues may be. I'm going through them
19 myself actually. So that's fine.

20 Just to make sure we have crossed all the
21 T's and dotted the I's, I'm going to notarize the
22 transcript as well. In other words, I'm an Ontario
23 Notary, and you're a Michigan Notary, Madam
24 Reporter, so I'm telling you Mr. Amersey, that it
25 will get notarized at both ends. You attended in

1 front of me and this lady who's a notary, in both
2 places, so you're telling me as well you swear it's
3 true, what you just told me?

4 A Right.

5 Q Then that's fine. Okay.

6 (The statement under oath of Nitin Amersey
7 concluded at or about the hour of 1:28 p.m.)

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1 STATE OF MICHIGAN)
) SS
2 COUNTY OF GENESEE)

3

4 I certify that this transcript is a complete,
5 true and correct record of the testimony held in
6 this cause.

7

8 I further certify that prior to the taking of
9 these proceedings, all witnesses were duly sworn
10 to tell the truth.

11

12 I further certify that I am not a relative or
13 employee of or an attorney for a party; or a
14 relative or employee of an attorney for a party;
15 or financially interested in the action.

16

17

18

19 _____
20 Quentina R. Snowden, CSR-5519
21 Notary Public, Genesee County, Michigan
22 My commission expires: 1/4/2012

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