Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Respondent (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

RESPONDENT'S RECORD
(Affidavit of the Respondent (Plaintiff), Donald Best)
(Motions to Strike/Jurisdiction)

Volume One of Nine

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Court File No. 14-0815

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Court File No. 14-0815

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

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Volume Eight

Volume Nine

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

Introduction of Plaintiff and Background

1. 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.

2. In my 60 years I have never been charged with or convicted of any criminal offense. I have had a few parking tickets, and two speeding tickets perhaps 15 or 20 years ago. Until defendants first published my Identity Information and threats to my family and me in October, 2009, I had always been employed since age 12, self-supporting since age 17, and married and looking after family, children and relatives since age 22.

3. At 21 years old I joined the Toronto Police as a Constable 4th class and served for 15 years. I was well respected in the police service, promoted early and often given increased responsibility well beyond that typical for my service and rank. I received numerous official recognitions and awards including the 'Merit Mark', second only to the Medal of Honour.

4. Throughout my life I have been active in various community projects and organizations. I am mindful of my civic responsibility. In 1987 I was a candidate for the Provincial Legislature with the support of a political party.

5. When I resigned honourably from the police service in 1990 for family reasons, I was a Sergeant (Detective) performing internal investigations and

working directly for one of the Deputy Chiefs. I was also the sole staff investigator for the Ontario Association of Chiefs of Police ('OACP'). I travelled all over North America representing the OACP, and also was the project director working with the Attorney General, Law Society of Upper Canada and other agencies on the pilot project of the first court video remanding system in about 1988.

6. In 1990, I chose to leave the police service and to go into business as it became necessary in order to look after my children. As a single father living with and raising my children on my own it became impossible for me to work shifts and nights in the police service. In the 1990's I ran two businesses, including a private investigation company, and employed about 20 people. I have over 30 years total service in public and private law enforcement and investigations.

7. In October 2009, the defendants and their co-conspirators were well aware of my background as a former deep undercover police officer and private investigator of organized crime. They knew that I was a member of a 'at risk' profession who would therefore have real and understandable concerns for personal and family safety. As detailed herein and in other affidavits as mentioned, defendants and their co-conspirators tailored their actions against my family and me to do the maximum harm and long-term damage having regard for my profession and my family's legitimate concerns about safety and privacy. Rather than repeat and reproduce it, I incorporate as part of this affidavit, my March 31, 2015 affidavit filed in support of a motion for an interim injunction, returnable on the same date.

8. As described more fully in my March 31, 2015 affidavit in support of an injunction, my family and I were forced to leave Canada on an emergency basis in early November 2009 to ensure our safety. This was as a direct result

of the intentional and criminal acts of certain defendants as described and named in my March 31, 2015 affidavit and elsewhere. Starting in October, 2009, certain defendants and their co-conspirators recklessly and criminally distributed to the public via the internet and other means, my Identity Information including my full names, driver's license number, date of birth, medical information held by the Ontario Ministry of Transport, my parents' address and my address history since I was seventeen years old. This and much more remains published on the internet to this day.

9. Defendants also published on the internet calls for criminals I had previously arrested or investigated to hunt me and my family down, and to stalk us and my company's witnesses. Defendants and their co-conspirators also made public threats to shoot me, my lawyer and others, and other threats to murder and rape some of my company's witnesses and to burn down their business. Defendants and their co-conspirators published on the internet my photo and what they said were the names of my children, ex-wife and other family members. This is all in the context of a history of actual violent criminal acts against witnesses in Barbados; including arson, home invasion, abduction at gunpoint, beatings, sabotage of vehicles, killing of family dogs, threats to lose employment unless witnesses stop testifying and the loss of employment at the University of the West Indies when the witness bravely testified notwithstanding the threats.

10. Further, there is strong evidence (astonishingly including invoices for illegal services rendered: Exhibit 'Y' to my March 31, 2015 affidavit) that starting in October 2009 the defendants Ranking, Kwidzinski, Faskens and their clients illegally paid money to then-OPP Detective Sergeant Jim Van Allen. Van Allen illegally received money '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.

11. As a direct result of the aforementioned acts, in November 2009 I was targeted, ambushed and beaten on the street. A man with a Caribbean accent approached and threatened one of my children, showing a printout of an article about me as posted on the internet. My child had to deny that I was their father. There were attempts at Identity Theft and threatening phone calls to family members and to me. I also knew from the October 30, 2009 threatening article on the internet that the defendants had illegal access to police databases, although at the time I didn't know the details that they had illegally hired a corrupt police officer 'on the side'.

12. That is why my family and I left Canada on an urgent and emergency basis in early November of 2009. Then when some of the defendants subsequently learned through a court order to my mailbox supplier that I was in New Zealand, thugs were hired in Auckland to hunt my family and me down. These thugs made enquiries in the neighbourhood and with my mailbox supplier. Later, the family automobile was shot up with 9mm bullets while parked beside the family home. To be safe, my family and I were forced to leave New Zealand, again on an urgent and emergency basis, and travelled to other countries including to Singapore.

13. Then while this horrendous situation was happening, and having created this criminal attack against my family and me, in a matter of a few weeks over the 2009 Christmas season, some of the defendants rushed through a private prosecution of me for Contempt of Court in the civil case costs hearing, that I was unaware of until after the conviction. The lawyers, law offices and their clients knew that I was half way around the world to protect my family, was unrepresented by counsel, not served of many crucial legal documents, not

notified of the hearing and that their Campaign was the reason that I had left Canada and was seeking safety for my family. The defendants also knew that they had fabricated false evidence against me and placed this before the court.

14. There is strong evidence, including certified voice recordings as detailed later and in other affidavits, that, to convict me, the defendants provably fabricated evidence, and lied to the court in writing and orally about what I said to them in a telephone conversation. They told the court that I had told them that I had received a copy of a certain judge's order, when in fact I told them clearly and many times that I had not received the order. Then they lied to the judge, telling him in writing and confirming orally that I said to them that I had received the order. The certified voice recording proves that Ranking, Silver and Kwidzinski lied to the court. No court has ever listened to the certified voice recording or made a decision or finding about whether Ranking, Silver and Kwidzinski lied to the court.

15. The lawyer and law firm defendants and the client defendants (Barbados Defendants and Deane) also lied to the court about serving me with various papers, including a judge's order, saying that they sent it via Purolator courier. I did not receive such a package and evidence from Purolator confirms that the defendants Ranking, Kwidzinski and Faskens did not send the package to me as they (and Silver) told the court they did. Neither does their sworn affidavit of service include proof that the package was sent or received. Notwithstanding requests made this year (Jan. 14, 2015), these defendants and their client defendants have not produced the courier invoice or proof of receipt because those documents do not exist. They never sent the court order to me as they told the court. They lied to the court and based upon their lies I was convicted of Contempt of Court *in abstentia* during a hearing I did not know about and of which I was not notified.

16. Later, when I did learn of the contempt order, I retained counsel to apply to have it set aside. When I was later unrepresented, I continued this application and presented affidavit material to prove these lies and to prove other misdeeds (the use of a fraudulent entity: 'PricewaterhouseCoopers East Caribbean Firm' ("PWCECF") and the improper release of private information). Copies of these affidavits, and my December 15, 2014 affidavit from the Best vs. Ranking lawsuit are attached hereto under separate cover, and are marked as Exhibits:

    A Best Affidavit: April 18, 2012
    B Best Affidavit: September 13, 2012
    C Best Affidavit: December 10, 2012
    D Best Affidavit: December 17, 2012
    E Best Affidavit: January 10, 2013
    F Best Answers to Undertakings: March 14, 2013
    G Best Affidavit: April 29, 2013
    H Best Affidavit: March 24, 2014
    I Best Affidavit: December 15, 2014

17. However, the because of the findings already made, based on a fraud perpetrated on the Court, the Court refused to consider this evidence. The Court made it clear in December 2012, in the hearing of the application and its reasons on the application that none of this evidence of misconduct would be considered. A copy of the transcripts of proceedings that make it clear that Justice Shaughnessy refused to consider evidence of wrongdoing by counsel, are attached under separate covers as Exhibits J through V:

    J November 2, 2009
    K December 2, 2009
    L January 15, 2010 (Contempt Hearing)

M	June 8, 2010
N	August 9, 2012
O	October 12, 2012
P	November 16, 2012
Q	December 11, 2012
R	January 11, 2013 (Best cross-examination)
S	January 23, 2013 (Best cross-examination)
T	January 25, 2013
U	April 30, 2013
V	May 3, 2013

18. The evidence was left for the Court of Appeal to consider as fresh evidence on an appeal (see December 11, 2012 transcript Exhibit 'Q'). The Appeal was never heard in the Court of Appeal. The appeal was administratively dismissed due to my inability to pay costs orders totalling over $200,000 from motions on the appeal (see March 4, 2014 Panel Endorsement of Court of Appeal for Ontario attached hereto as EXHIBIT 'Y'). In addition to an affidavit to this effect filed on a stay motion, my inability to pay is clear from the resulting incarceration due to my inability to pay. A copy of my affidavit sworn on March 24, 2014 filed on the stay application is attached hereto and is marked as Exhibit 'H' to this affidavit.

19. Defendants also lied to, and committed a fraud upon, the courts in the matter of 'PricewaterhouseCoopers East Caribbean Firm' ('PWCECF'), when they told the courts in writing and orally, under oath and as officers of the court, that PWCECF was a genuine registered business entity in Barbados. In fact, PWCECF does not exist now and never has. Mr. Hatch swore a perjured affidavit, and Mr. Ranking falsely stated on the court record orally and in writing that PWCECF was a bona fide entity when it was not and is not. Evidence establishing that PWCECF did not and does not exist is set out in my affidavits: December 10, 2012 (Exhibit 'C', paragraphs 144 to 264) and January 10, 2013 (Exhibit 'E', paragraphs 26 to 57) plus the associated exhibits in each affidavit.

20. Mr. Ranking twice attempted to place misleading documents before the Court during cross-examinations on affidavits (January 23, 2013 cross-examination on Best affidavit – transcript Exhibit 'S') and on October 22, 2013 (Exhibit 'X' – transcript of October 22, 2013 cross-examination of Colin Pendrith page 23-24, and Exhibit 'Z' – June 23, 2011 Change of Name from 'PricewaterhouseCoopers' to 'PricewaterhouseCoopers East Caribbean') showing that 'PricewaterhouseCoopers' has changed the name of its partnership on June 23, 2011 to 'PricewaterhouseCoopers East Caribbean' (PWCEC), NOT PWCECF. He asserted that this was his client. However, previously and consistently from 2008-2010, he identified his client as PWCECF, not PWCEC. A copy of the relevant portion of the Transcript of the Examination of Best, on Jan. 23, 2013 is marked as Exhibit 'AA' of this affidavit. A copy of the relevant portion of the Transcript of the Examination of Pendrith on October 22, 2013 (pages 19-24) is marked as Exhibit 'BB' of this affidavit.

21. Defendants fraudulently fabricated this 'PWCECF' non-entity for the purpose of avoiding liability in the Nelson Barbados Group Ltd v Cox lawsuit, and to commit a fraud upon the court in those proceedings and in the civil contempt proceedings against me. I was convicted of Contempt of Court and thrown into jail upon the request, in part, of lawyers Ranking and Kwidzinski and the Faskens law office purportedly representing a non-entity. These lawyers and other defendants knew this and participated in this fraud on the Court. I am unable to sue their client because their client does not exist. Based on the representation of Mr. Ranking in 2013 and 2015 that his client was now PWCEC, that entity has been sued. No court has ever made a decision or finding on the evidence about this PWCECF issue.

22. Further, defendants Ranking, Kwidzinski, Silver, Van Allen and others concealed from the court (and from me) that their witness Van Allen was actually a serving police officer, a Detective Sergeant with the Ontario Provincial Police, illegally taking money 'on the side' to perform illegal acts in violation of various laws, including *inter alia* the *Police Services Act*, the *Private Security and Investigative Services Act* and the *Criminal Code*. They also did not reveal to the courts or to me that Van Allen's affidavit was the product of offenses against these various laws, including the *Criminal Code*. As detailed in the affidavit of Che Claire, filed in the Court of Appeal on a review of Justice Feldman's decision refusing to remove counsel, I accidentally discovered this in late December, 2013. An attempt was made to present this as fresh evidence on a review (appeal) to a panel of a motion to remove counsel. The evidence was not received on the motion, but its admissibility was never considered on the appeal because the appeal was administratively dismissed. I am personally aware of all of the facts detailed in Mr. Claire's affidavit and in the accompanying Notice of Motion and adopt these facts, under oath as a part of this affidavit. A copy of the February 14, 2014 Motion Record with the February 11, 2014 affidavit of Che Claire is attached hereto (under separate cover) and is marked as Exhibit W of this affidavit.

23. I am filing this affidavit in response to the various Motions filed by the defendants in my civil lawsuit, Donald Best v. Gerald Ranking et al, Ontario Superior Court File No. 14-0815 returnable on June 15, 2015. As indicated above, I also intend to rely upon my March 31, 2015 and December 15, 2014 affidavits and other affidavits and supporting documentation as a part of my response to the abuse of process and jurisdiction motions brought by various defendants. I also incorporate my December 15, 2014 affidavit in support of a motion for default judgement against Iain Deane as a part of this affidavit. A

copy of this December 15, 2014 affidavit is attached hereto and is marked as Exhibit 'I' of this affidavit.

24. **Private Prosecution**

25. The Honourable Court did not prosecute me for Contempt of Court. This was a private prosecution during a costs hearing after my company's civil suit had been dismissed for jurisdiction. The original prosecutors in 2010 were the defendants in the Nelson Barbados Group Ltd. vs. Cox lawsuit and their respective lawyers and law offices; each of whom participated in the prosecution, and each of whom benefited financially and otherwise from my prosecution. Justice Shaughnessy acknowledged that this was a private prosecution.

26. On August 9, 2012, Justice Shaughnessy as quoted in the transcript of the hearing on page 7, line 29 (The August 9, 2012 hearing transcript is attached as EXHIBIT 'N' to this affidavit) confirmed to my lawyer at the time Brian Greenspan that I was charged, convicted and sentenced on January 15, 2010 for Contempt of Court on the initiative of Gerald Ranking and his purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver and his client 'Kingsland Estates Limited'. A copy of this transcript was also attached as EXHIBIT 'U' to my December 10, 2012 affidavit filed before Justice Shaughnessy. A copy of my December 10, 2012 affidavit is attached hereto and is marked as EXHIBIT 'C' of this affidavit. The transcript reads, in part:

> "The Court: Well, my first comment, Mr. Greenspan, is that this contempt hearing was not on my initiative. So it was not one made at the instance of the court. It was brought primarily, I'm going to say, by Mr. Silver and Mr. Ranking..."

27. The orders in respect of which I was found in contempt November 2, 2009 and December 2, 2009, purportedly required that I produce documents and be examined in respect of an application for costs against me personally. There was no judicial determination ever made that costs were payable by me personally in respect of litigation brought by Nelson Barbados Group Limited. The Notice of Motion for costs against me personally was brought by the "Barbados Defendants" now challenging jurisdiction (Kingsland Estates Limited, their principal, Richard Cox; PWCECF (or PWCEC); their principals Marcus Hatch and Philip Atkinson) and other defendants in the NBGL lawsuit. The lawyers and law offices (the "Lawyer Defendants") involved in this proceeding were:

    - Ranking/Kwydzinski/Faskens (for PWCECF);
    - Silver/Pendrith/Cassels (for Kingsland Estates Limited, Richard Ivan Cox and others);
    - Roman/Zemel/Miller Thompson (for Eric Ian Stewart Deane, Estate of Colin Ian Estwick Deane);and
    - Schabas/Blakes (for Davids Simmons and others).

    The Notice allegedly sent to me makes it clear that the purpose of the documents and examination was to obtain costs of the action against me personally and others personally (i.e. NBGL counsel, Mr. McKenzie). A copy of the 'Further Amended Notice of Motion' dated October 29, 2009 is attached hereto and is marked as EXHIBIT 'CC' of this affidavit. The examination and documents were not sought in respect of contempt proceedings since no such proceedings existed in October 2009.

28. In addition to invoking the assistance of the Ontario Courts by bringing a motion for costs against me and others personally and seeking the assistance of the Ontario Courts to compel me to produce documents and be examined, the Barbados Defendants and the Lawyer Defendants brought a contempt motion against me in December 2009, returnable on January 15, 2010. The

Barbados Defendants and the Lawyer Defendants acted in concert as part of a conspiracy to knowingly mislead the Court in securing my conviction for civil contempt and my incarceration.

29. When I returned alone from overseas in 2012, it was Gerald Ranking and his purported client 'PricewaterhouseCoopers East Caribbean Firm' and Mr. Silver and his client 'Kingsland Estates Limited' who insisted that Justice Shaughnessy not set aside my conviction and insisted that documents be produced and my examination proceed in respect of costs of the action against me, even though the costs of the action had been settled in June 2010 with the payment of millions of dollars to their clients and purported client. There was no legitimate need for such evidence, as the documents and examination was for purposes of obtaining costs of the action and the costs of action had been settled in full and paid. A copy of the Minutes of Settlement in dated June 7, 2010 in respect of costs is attached hereto and is marked as EXHIBIT 'DD' of this affidavit. The reservation in the Minutes of Settlement for costs of contempt proceedings had nothing to do with the examination and documents since no such proceedings existed in October 2009 when the documents and examinations were sought.

30. Mr. Ranking indicated on the record in 2013 and 2014 and to Justice Feldman of the Court of Appeal that the real purpose in proceeding with the production of documents and my examination was to obtain for their clients (the "Barbados Defendants") evidence or discovery for purposes of litigation and potential litigation in other jurisdictions. A copy of the October 22, 2014 examination of Mr. Pendrith, in which Mr. Ranking again made such a statement is attached hereto and is marked as EXHIBIT 'X' of this affidavit. A copy of the Reasons of Justice Feldman which reflects the fact that this was again said by Mr. Ranking in oral submissions to the Court is attached hereto and is marked as EXHIBIT 'EE' of this affidavit. Justice Feldman also found

that my appeal had merit for this reason, and in effect confirming that Mr. Ranking, Mr. Silver and their clients were improperly using the Ontario Courts to obtain discovery or evidence for use in other litigation in other jurisdictions.

31. It was Mr. Silver, Mr. Ranking and their clients and purported clients who in 2012, 2013 and 2014 insisted that I be jailed, unless other persons involved in litigation with their clients in other jurisdictions would stop their litigation and pay money to keep me from jail.

32. Once I was initially jailed in May 2013, it was Mr. Silver, Mr. Ranking and their purported clients who then offered to have me released from jail only if other persons involved in litigation with their clients in other jurisdictions would stop their litigation and pay money to release me from jail.

33. When I was released on bail to appeal my conviction, it was Mr. Silver, Mr. Ranking and their purported clients who in 2013 and 2014 insisted that I be sent back to jail. It was Mr. Silver, Mr. Ranking and their purported clients who argued successfully that I should not be allowed to appeal my conviction unless I paid over two hundred thousand dollars in costs (even though Justice Feldman found my appeal grounds had merit).

34. I could not pay the two hundred thousand dollars in costs, so I had to abandon my appeal and return to jail, notwithstanding that Justice Feldman said my appeal had merit.

35. When I returned to jail in 2014, Mr. Silver and Mr. Ranking again offered to release me only if other persons involved in litigation with their clients in other jurisdictions would stop their litigation and pay money to release me from jail.

36. The other Lawyer Defendants who had originally participated in my conviction (Schabas/Blakes; Roman/Zemel/Miller Thompson; hereinafter referred to as the "non-participating lawyer defendants") and sentencing in 2010 refused to participate with Ranking, Silver and their client (Kingsland Estates Limited) and purported client (PWCECF) when I returned to Canada in 2012. These non-participating defendants knew in 2012 that the costs hearing had settled with the payment of millions of dollars two years earlier on June 7, 2010, of which they and/or their clients had they benefited.

37. These non-participating defendants also knew that I had certified voice recordings and other evidence proving that Ranking, Silver and Kwidzinski fabricated evidence and lied to the court to achieve my conviction on January 15, 2010. They knew this because all had received on December 1, 2009, faxed copies of my letters to the court and to Mr. Ranking. A copy of these letters (without attachments) is attached hereto and is marked as EXHIBIT 'FF' of this affidavit. Further, all had been served with my April 18, 2012 affidavit that revealed the voice recording of the November 17, 2009 telephone call with defendants Ranking, Silver and Kwidzinski. A copy of my April 18, 2012 affidavit is attached hereto and is marked as EXHIBIT 'A' of this affidavit.

38. Further, in 2012 some of these non-participating lawyer and law office defendants also knew that I now possessed solid evidence that they and/or their clients were directly involved in 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 and the direct involvement of certain defendants is described more fully in a later

section of this affidavit, in my March 31, 2015 affidavit, which is incorporated by reference and in other affidavits as mentioned.

39. I can only infer that the defendants, lawyers and law offices who chose to not participate with Mr. Ranking and Mr. Silver and their clients in putting me in jail in 2013 and 2014, did not participate because:

    a. They knew the costs hearing and case settled on June 7, 2010.
    b. They had received settlements.
    c. They knew that Mr. Ranking, Mr. Silver and their clients were attempting to jail me for improper purposes.
    d. They knew that I had been convicted on provably fabricated and false evidence: and/or
    e. They knew that they and/or their clients were directly participating in the ongoing Campaign and that I had evidence of their participation.

40. While these non-participating lawyer defendants and their clients did not directly injure me by continuing to uphold my conviction for civil contempt, they were responsible for original conviction and its perpetuation by failing to report any of this misconduct, which they were obligated to do.

History and Specific Issues

41. In 2007 my Ontario corporation Nelson Barbados Group Ltd. ("NBGL") commenced an action as Plaintiff in the Superior Court by Statement of Claim against Ontario and Barbados Defendants. I was not personally a party in that action. Some of the defendants brought a successful motion to contest jurisdiction which was granted and the action was stayed in February of 2009. The merits of the action were never adjudicated, and all that remained was a hearing to determine costs.

42. In about August of 2009, my company's lawyer at the time, Bill McKenzie, notified me that he had to remove himself from representing NBGL because the defendants were seeking costs against him personally. I believe that this was designed as a tactic to separate him from his client NBGL. It is my understanding that no costs were ever awarded by any court against Mr. McKenzie, nor did he personally pay any during the eventual settlement, which further strengthens my belief that the lawsuit against my company's lawyer was tactical. However, I understand that his insurer negotiated a settlement and paid some of the costs of the action. Further, the same defendants for no good reason recently threatened to seek costs against my lawyer, Paul Slansky, personally, which again strengthens my belief that doing so against McKenzie was a tactic.

43. Attached hereto as EXHIBIT 'GG' is the September 15, 2009 Order of Justice Eberhard removing the Crawford McKenzie law office as the solicitor of record for the Plaintiff, NBGL. I became an unrepresented litigant.

44. Justice Eberhard also ordered that service on the Plaintiff NBGL (ie: not upon me personally) would be deemed to have been effected ten (10) days following mailing the documents to my company's mailing address in Kingston, Ontario.

45. On October 27, 2009, the defendants in the NBGL v Cox lawsuit created an 'Amended Notice of Motion' and motion record dated October 27, 2009 and returnable on November 2, 3 and 4, 2009 when the costs hearing had been earlier scheduled on a peremptory basis. (A copy of the Amended Notice of Motion dated October 27, 2009 is attached hereto as EXHIBIT 'HH'.)

46. On October 29, 2009, the defendants in the NBGL v Cox lawsuit created a 'Further Amended Notice of Motion' and motion record dated October 29, 2009 and returnable on November 2, 3 and 4, 2009. (A copy of Further Amended Notice of Motion dated Oct. 29, 2009 is attached as EXHIBIT 'CC').

47. There was no order in place for substituted service to me personally, and I was unaware that the defendants had created and presumably mailed these motion records, or that their new motions sought costs from me personally. The 'Further Amended' motion also sought an order to retroactively validate service to me personally, and to declare that future service to me would be effective ten (10) days after mailing to the Kingston address. In the end, Justice Shaughnessy signed an order on November 12, 2009, backdated to November 2, 2009, declaring that simply mailing documents without receipt or proof of service to my post box would be effective after four (4) days.

48. Because my company's lawyer had been removed, my company 'threw in the towel'. I faxed a letter dated October 30, 2009 to Justice Shaughnessy leaving the costs to his discretion. A copy of this letter is attached as EXHIBIT 'II'. Again, at the time I wrote this letter I had no knowledge that the defendants were seeking costs against me personally on the November 2, 2009 court date and there is no mention of such a motion in the letter.

49. At the November 2, 2009 court date, Justice Shaughnessy wrote no endorsement and signed no order. With the former Registrar, Jim Edwards, in 2013 I have personally examined the motion records in question as filed with the court and we saw that there is no endorsement. The transcript shows that Justice Shaughnessy wrote no endorsement and made no specific order, as the defendants' lawyers were not in agreement as to the wording of the requested order. The transcript also shows that no order was signed at that time. Justice Shaughnessy promised that he would make an order when

the lawyers jointly faxed to him the order that they wanted. A copy of the November 2, 2009 Transcript is attached hereto as EXHIBIT 'J' of this affidavit.

50. In fact, the lawyers never sent their order to Justice Shaughnessy until November 12, 2009, and Justice Shaughnessy signed it on that day, November 12, 2009. The order was backdated to November 2, 2009 by Gerald Ranking. I know all of this is true because Mr. Edwards and I found an email in the court communications file, dated November 12, 2012, from Mr. Ranking's assistant to Jackie Travis and Justice Shaughnessy which explains all the above and attaches that order. (Attached hereto as EXHIBIT 'JJ' is the email dated November 12, 2009 2:54pm and attaches an order dated November 2, 2009.) The order attached to the email was missing a page. Attached hereto as EXHIBIT 'KK' is a copy of the order signed November 12, 2009 and backdated to November 2, 2009, as filed with the court on December 8, 2009.)

51. The order signed on November 12, 2009 and backdated to November 2, 2009 required me to attend on November 17, 2009 at Victory Verbatim for cross-examination, and to deliver business records to Gerald Ranking at least one (1) week prior to November 17, 2009 (that being by November 10, 2009). In other words, the order sent by Ranking to Justice Shaughnessy on November 12, 2009, and signed by Justice Shaughnessy on November 12, 2009 required that I deliver documents two (2) days before the order was created and signed.

52. On November 16, 2009, I called the Trial Coordinator from overseas to inquire as to the determination of costs in my matter, as it had be set as peremptory for the previous hearing date, November 2, 2009. As stated previously, I had written to the court on October 30, 2009 to indicate that my

company would not attend the November 2, 2009 hearing or provide input in respect of the issue of costs against NBGL. My company was prepared to pay whatever was ordered. I first explained this in my affidavit sworn April 18, 2012, which I attach hereto as EXHIBIT 'A'.

53. When I telephoned the Trial Coordinator, Jackie Travis, on November 16, 2009, I learned for the first time that there was an order requiring my attendance for examination at Victory Verbatim court reporting service the next morning on November 17, 2009. Ms. Travis also informed me that Justice Shaughnessy had not received the order from the lawyers or signed it until November 12 or 13, 2009. After our call I immediately wrote a letter to the Trial Coordinator summarizing the substance of our telephone call and confirming that I would offer myself for cross-examination the next morning, November 17, 2009. Attached and marked as EXHIBIT 'LL' to my affidavit is a copy of this letter to Ms. Travis.

54. During my November 16, 2009 call with Ms. Travis, she informed me that that she knew that materials had been recently served on Bill McKenzie, and not upon me. Mr. McKenzie was no longer my company's lawyer at this time.

55. On November 17, 2009 at about 10am Toronto time I called Victory Verbatim and spoke to Gerald Ranking, Lorne Silver, Sebastien Kwidzinski and other lawyers as detailed in most of my previous affidavits.

56. I secretly recorded the November 17, 2009 telephone call with the lawyers. 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 certified transcript. The certified transcript was provided to the Court in my affidavit dated January 10, 2013 (The affidavit of Audio Expert & Call Transcript Nov 17, 2009 is Exhibit J to Jan 10, 2013 Best affidavit.) (The

Digital Recording of Call, Nov 17, 2009, is Exhibit K to Best Affidavit sworn December 10, 2012).

57. No court has ever listened to the recording, or made a determination as to whether the lawyers lied during the call to me or lied to the court in writing or orally about the call. No court has ever made a determination as to the conduct of the lawyers during the call to an unrepresented litigant.

58. During the call, the lawyers refused to allow me to be examined via telephone. 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. As detailed in other affidavits and also in my March 31, 2015 interim injunction affidavit, the lawyer and law firm defendants and their clients subsequently distributed to the public tens of thousands of private documents containing Identity Information for witnesses, my company's lawyers, business associates, myself and our family members, as well as dozens of other persons who had nothing to do with the NBGL case or me.

59. The Lawyer Defendants also lied to me during the call about knowing who hired the 'private investigator'. They said they had no idea. After they ended the call, they immediately created a false 'Statement for the Record' by purportedly summarizing the call to the Victory Verbatim reporter. In this Statement for the Record they said that I told them that I had received the court order dated November 2, 2009, when I clearly told them exactly the opposite a number of times. Even when another lawyer, Ms. Rubin, pointed

out that I had said the opposite, they overbore her objection by pointing out that she had not been present for the entire call. This suggested that I had said otherwise earlier in the call. This was also false. The Statement for the Record also reflects a statement by Mr. Ranking that that I had indicated in the call that I called and wrote to the Court on November 16 because I knew of the November 17 examination date. They also said that I refused to be examined by telephone, when the opposite was true. They then sent this Statement for the Record to me, other counsel and to the Court. In presenting it to the Court they were explicitly or implicitly suggesting that this was an accurate summary of the call.

60. I recorded this telephone call and provided and provide affidavits from two experts to establish the authenticity and accuracy of the recording, 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. They fabricated false evidence and placed it before the court, and then lied to the court orally on the record.

61. Upon this provably false evidence, the court convicted me of Contempt of Court on January 15, 2010. It is evident from both the January 15, 2010 hearing transcript EXHIBIT 'L' and Justice Shaughnessy's Reasons for Conviction dated January 25, 2010 EXHIBIT 'MM' that false evidence, including the Statement for the Record, oral submissions by lawyers as Officers of the Court, and the false, deceptive and criminal affidavit of Van Allen were used to convict me. The Court expressly relied upon this Statement for the Record. Further, the other 'evidence' relied upon by the Court was clearly inadequate to justify a finding of contempt on a proof beyond a reasonable doubt standard. The Court also relied upon my November 16, 2009 letter which made it clear that I had found out about the November 17, 2009 examination on December 16. This could not legitimately

be a basis to find adequate notice. The Court also relied upon the Van Allen affidavit that falsely suggested that I was trying to not be found in respect of civil litigation proceedings. The Court also relied upon compliance with orders for substituted service and validation of service based on Van Allen's affidavit and contrary to the law, as I understand it, requiring actual personal service for contempt. Accordingly, in light of the inadequacy of the other evidence, the Statement for the Record was the only 'evidence' indicating that I had knowledge prior to December 16. In that regard, it was clearly false and the Lawyer Defendants and Barbados Defendants knew that it was false.

62. Attached hereto as EXHIBIT 'NN' is the false 'Statement for the Record' fabricated by the lawyers. As well as reflected in a transcript of the December 2, 2009 hearing (EXHIBIT 'K'), lawyer defendants Ranking and Silver lied orally to Justice Shaughnessy about the November 17, 2009 call, as detailed in my affidavits dated December 10, 2012, January 10, 2013 and other affidavits.

63. During my November 17, 2009 telephone call with the lawyers at Victory Verbatim, Mr. Ranking stated that he had sent me a package of documents on November 6, 2009 via courier. The affidavit of service sworn by Mr. Ranking's assistant Jeannine Ouellette on November 17, 2009, was I presume sworn after my 10am call with the lawyers. Ms. Ouellette's affidavit states that she sent the documents, including a draft order of Justice Shaughnessy dated November 2, 2009, to my company's Kingston, Ontario address via Purolator courier on November 6, 2009. No shipping documents, receipt, tracking numbers or any proof of shipping or receipt was attached. (Ouellette November 17, 2009 affidavit Attached hereto as EXHIBIT 'OO')

64. I never received the draft order and other papers purportedly sent by Mr. Ranking and Ms. Ouellette via Purolator on November 6, 2009. Later I made

enquiries with Purolator and learned that no such package was sent by Faskens, Ranking or anybody to me on or around November 6, 2009. Notwithstanding new requests made this year in 2015, these defendants and their client defendants have not produced the courier invoice or proof of receipt. They cannot produce them because those documents do not exist, and the affidavit of service sworn by Ouellette is false.

65. Ouellette's false affidavit sworn November 17, 2009 was evidence that formed part of the motion record and was an exhibit to the November 27, 2009 affidavit of Richard D. Butler, that the court also considered in finding me guilty of contempt of court.

66. On November 24, 2009, I did receive in New Zealand a letter dated November 18, 2009 from Mr. Ranking, and containing, inter alia, a copy of the order signed on November 12, 2009 and backdated to November 2, 2009, but this was not the package with the draft order purportedly sent on November 6, 2009.

67. This November 24, 2009 package from Mr. Ranking also contained a copy of the false 'Statement for the Record'. The moment I read it, I knew that Messrs. Ranking and Silver had deliberately fabricated false evidence, and intended to lie to the court.

68. Mr. Ranking's November 18, 2009 letter informed me that there was a possible court date on December 2, 2009, but did not contain any notice or other court documents returnable on December 2, 2009. Therefore I wrote two letters dated December 1, 2009; one addressed to Mr. Ranking (and other counsel (the Lawyer Defendants)) and the other addressed to Justice Shaughnessy. I sent them both to Justice Shaughnessy, and both to Mr.

Ranking, Mr. Silver and every defending lawyer. Attached hereto as EXHIBIT 'FF' are both letters (without attachments).

69. My letters explained that I did not know about Justice Shaughnessy's order dated November 2, 2009 until I called the Trial Coordinator on November 16, 2009 and that the first time the order was sent to me was in Ranking's November 18, 2009 letter that I received on November 24, 2009. My letters also advised that the Ranking's and Silver's 'Statement for the Record' was false, and accused them and others of being part of the Campaign (a conspiracy to damage me by obtaining and releasing my personal information in an effort to harm and deter me). I also provided proof that Cassels Brock & Blackwell LLP personnel were part of the Campaign, and had even put aside computer space on Cassels' network server to distribute documents to the public via the internet as part of the Campaign. The Campaign and the involvement of Cassels' personnel are detailed in my March 31, 2015 affidavit.

70. Further, during the December 2, 2009 hearing, Mr. Ranking expressly relied upon the Statement for the Record as an accurate summary of the November 17, 2009 call and as an Officer of the Court assured Justice Shaughnessy that he, Mr. Silver and Ms. Clarke categorically rejected my account of the November 17, 2009 telephone call, and that my letters were defamatory, in effect that I was lying to the court and that Ranking, Silver and Clarke were telling the truth to the court. At this point, no one knew that I had a recording of the call, and that my version in my December 1, 2009 letters was true and accurate.

71. Lawyers Rubin, Silver, Roman, Ranking, Morse and Clarke were present in Court on December 2, 2009, but all counsel had received my December 1, 2009 letters. Aside from the statement of Ms. Rubin, that was overcome by

pointing out that she had not been present for the entire call, no other counsel pointed out that the Statement for the Record was false. Not only were they ethically obligated to do so but the Statement for the Record was later accepted by the Court expressly because no counsel objected to its accuracy (see January 25, 2010 reasons for Contempt). My dispute reflected in my December 1, 2009 letters was rejected because of this fact and because Officers of the Court disputed my December 1 letter version. No trial of the issue was contemplated, discussed, scheduled or held.

72. In addition to the lies in the Statement for the Record, Mr. Ranking lied and misled the Court about the nature of the disagreement between Counsel and myself reflected in my December 1 letters. I wrote two December 1, 2009 letters which describe a telephone conversation at Victory Verbatim on November 17, 2009 which disputed the version of the conversation dictated and transcribed by Messrs. Ranking and Silver. While in those letters, I mentioned receipt of a signed order, the issue was not whether I received a signed vs. draft order. I made it clear that I was disputing having received any order, draft or signed, until November 24, 2009. Mr. Ranking told the Court, in my absence that the disagreement was about what form of order I received and assured the Court that I had received a draft order in a timely fashion, but that the signed order was not sent until later. He knew that this was false. He knowingly lied to the Court on the main issue before the Court.

73. This false explanation was used by Ranking and Silver on behalf of their clients (and not clarified or corrected by others) to attempt to render the dispute about whether I had received a copy of the November 2 order (signed or draft) nugatory. The Court was clearly and effectively misled. In fact, as the transcript of December 2, 2009 reveals, this false explanation succeeded in misleading Justice Shaugnnessy on this issue. This issue was discussed by Justice Shaughnessy in his May 3, 2013 Reasons refusing to set

aside the contempt order. He cited this explanation in explaining how he had not been misled. In so doing he demonstrated how thoroughly and effectively he had in fact been misled. A copy of his May 3, 2013 Reasons are attached hereto as Exhibit 'PP'.

74. As indicated earlier in this affidavit, and in previous affidavits, as a result of hired thugs, my family and I were forced to leave New Zealand on an emergency basis and travel to another country. During these weeks over the Christmas season, some of the defendants rushed through a private prosecution of me for Contempt of Court. I did not receive any motion materials in respect of contempt proceedings and did not know that they had an appearance on December 2, 2009 (I was merely told that this was possible) or scheduled a hearing for January 15, 2010.

75. In the December 1, 2009 letters I made it clear that I was on the other side of the world protecting my family from their Campaign of harassment, violence and other criminal acts. They had obtained a court order that allowed them to 'serve' me with legal documents in four days by the simple act of using ordinary mail. As described in my affidavits filed in 2012 and 2013, when my mail eventually caught up with me many months later, many of the items that they swore to the court they sent to me never arrived or arrived much later. In respect of the November 25, 2009 proposed examination in Toronto, not based on any Court order, I received the materials the day before the examination. In respect of proceedings on December 2, 2009 and January 15, 2010, I did not receive any materials until June 2010. Because of the other lies they told the court, and proven instances of them saying they served documents when they did not (such as Mr. Ranking's purported November 6, 2009 letter), I verily believe that some of the defendants didn't even bother to place some of documents in the mail for service or did not do so when they claimed to do so. They just told the court that they had done so.

76. As explained in my previous affidavits, and especially my September 13, 2012 and December 10, 2012 affidavits, I diligently attempted to find a lawyer willing to represent me, but over one hundred lawyers refused the case for reasons of conflicts of interest and primarily because they knew I had voice recordings that proved senior lawyers lied to the court in writing and orally to obtain my conviction. As detailed in my affidavits, these lawyers for the most part wished me well, expressed the opinion that some of the Lawyer Defendants did lie to the court, but were unwilling to take on a case when they believed they would damage their own careers or the careers of other lawyers in order to defend me, and/or that they were unwilling to go up against the involved major law offices. Many of the lawyers told me this straight out, in a forthright manner.

77. On June 7, 2010, the Nelson Barbados vs. Cox case settled, with the signing of agreements and the payment of millions of dollars to the lawyer defendants for their clients and purported clients. In the case of the phony non-entity PWCECF, it is a certainty that the million-dollar settlement to PWCECF was never transferred from the Faskens' and/or Mr. Ranking's trust account to any entity or bank account in the name 'PricewaterhouseCoopers East Caribbean Firm'.

78. I am aware that Barbados has strict currency regulations concerning funds leaving Barbados as presumably would have been relevant when paying Faskens' invoices for legal services. The fact that a fraudulent non-entity was entangled in the transfer of about a million dollars from Faskens law office raises in my mind legitimate concerns about the potential for money laundering which may relate to the motivations of Faskens and/or Mr. Ranking and the principals of their purported client, Mr. Hatch and Mr. Atkinson. The communications and financial records of the Faskens law

office could possibly answer such questions and concerns. As referred to above, EXHIBIT 'DD' is the public settlement agreement signed June 7, 2010 See para 26)

79. As indicated in detail in my March 31, 2015 affidavit, on June 8, 2010, one day after the June 7, 2010 settlement that ended the Nelson Barbados case, the defendant lawyers filed 8 disks with the court as exhibits to the Zagar affidavit. These unredacted DVDs were filed after the settlement, with specific purpose of putting them into the public domain. Since the litigation was over there was no legitimate reason related to the litigation to file these documents. There was also no legitimate reason to recklessly distribute them to the world. I was not aware of or involved in this process and therefore could not have objected at the time. Had I been involved, I would have strenuously objected to this filing. The Lawyer Defendants and the Barbados Defendants recklessly distributed these tens of thousands of scanned documents to the public, and did so outside of the court. As indicated in my March 31, 2015 affidavit, the court exhibits were still sealed and untouched two years later, so the reckless distribution to the public did not occur through access to the court file. In light of the huge quantity of material and its prejudicial nature, the actual documents will not be served and filed. As indicated in my March 31, 2015 affidavit and Motion Record for an Interim Injunction, my lawyer will be seeking directions from the court concerning the filing of this material.

80. A reading of the June 8, 2010 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 for no reason, let alone recklessly distributed to the public.

81. As indicated elsewhere in this affidavit and in other affidavits, in 2010 I was trying to find a lawyer willing to take on my case. Since I was outside of Canada and for similar reasons as detailed, I had great difficulty finding someone to take on the case. I had retained a lawyer in summer of 2010, however he did not ultimately act for me on the application.

82. In May 2011, I finally found a lawyer willing to represent me, although he was a criminal lawyer and not a civil lawyer. Mr. Brian Greenspan took my case and began to make enquires about my return to Canada to appear before the court. It took Mr. Greenspan a considerable period of time to make enquires, research civil law about contempt of court, supervise the creation of my April 18, 2012 affidavit, and to bring a motion to set aside the warrant for my arrest issued by Justice Shaughnessy on January 15, 2010 so that I could return to Canada to place my evidence before the court. Overall, it took Mr. Greenspan almost a year and a half to get me back to Canada to challenge the contempt order.

83. I returned alone to Canada during the first week of September, 2012 and was met at the airport by Mr. Greenspan's junior associate, who had the judge's order setting aside the warrant for my arrest. In the next few months, Mr. Greenspan represented me, but according to him and as he indicated to me and to the court, he had little civil experience and found that he was being overwhelmed procedurally by Mr. Ranking and Mr. Silver, who along with Mr. Silver's client, Kingsland (and principal, Cox) and Mr. Ranking's purported client PWCECF (and principals Hatch and Atkinson) were actively

opposing the setting aside of my conviction. As detailed herein and as adverted to by Justice Feldman, their opposition was for improper and abusive reasons.

84. Having asserted facts before Justice Shaughnessy, Mr. Ranking, Mr. Silver and their clients and purported client advanced disputed factual propositions. I sought to examine them. They refused to be cross-examined, and have never placed any real evidence before the courts, but have merely relied upon rulings and pleadings involving or based on false and misleading factual assertions.

85. In November of 2012, Mr. Greenspan sought to be removed as counsel on my case because, as stated on the record, of his unfamiliarity with civil litigation. I became an unrepresented litigant, and as I detailed in my December 10, 2012 affidavit, no lawyer would take my case. I wrote letters to the Law Society of Upper Canada ('LSUC') and LawPro and asked for assistance in finding a lawyer willing to deal with the fact that I had voice recordings showing senior lawyers fabricated evidence and lied to the court. Both LSUC and LawPro failed to assist me, other than directing me to the LSUC website.

86. In November and December, 2012, in court appearances as an unrepresented litigant, I asked the court for more time to find a lawyer, and I asked the court for assistance in finding a lawyer, but Messrs. Ranking and Silver and their clients and purported clients objected and insisted that my cross-examination proceed in January, 2013. As detailed in my January 10, 2013 affidavit, and in my March 14, 2013 'Answers to Undertakings' (EXHBIT XX) there was no good reason for this haste and the time was inadequate for me to find a lawyer over the Christmas/Hanukkah season in light of the difficulties described above and the good faith efforts made in that time period.

87. Ranking and Silver even falsely accused me of committing contempt of court for the simple act of proposing in writing an adjournment to allow me time to find a lawyer after Mr. Greenspan got off of the record. Their abuse of me as a person and as a self-represented litigant was both strategic and malicious.

88. I was an unrepresented litigant during my cross-examinations on January 11, 2013 and January 23, 2013 when Mr. Ranking and Mr. Silver continually yelled at me, and used angry words and tones. They used foul, abusive and intimidating language including yelling "BULLSHIT!" at the top of the voice when I asked about privilege.

89. Both threw objects at me in anger and/or contemptuously during the cross-examination as borne out in the transcripts. (EXHIBITS 'R' (Jan 11/13) and 'S' (Jan 23/13)) They later apologized to another judge about their behaviour, but they never apologized to me or modified their abusive behaviours in the future when they found themselves alone with me.

90. I answered all questions to the best of my ability during the cross-examinations and filed a comprehensive 127 page Answers to Undertakings dated March 14, 2013 (EXHIBIT 'F'), which also answered the questions ordered by Justice Shaughnessy in his order dated November 2, 2009. I also provided to Ranking and Silver a memory stick with the scanned NBGL business records as required by the court order. Mr. Silver admitted on the record on April 30, 2013 that the documents on the memory stick fulfilled the court order. (EXHIBIT 'U' April 30, 2013 transcript)

91. Despite my fulfilling the requirements of the November 2, 2009 order and answering all their questions during two days of cross-examinations, Mr. Ranking and Mr. Silver wrote in their facta that I had not fulfilled their

requirements. I wrote to Ranking and Silver and asked them to identify any questions yet to be answered, but they wrote back and refused to say what those questions were (EXHIBITS 'QQ'). I offered to be questioned again but it was obvious that their intent was to put me in jail as a method of extorting evidence and settlement in other jurisdictions with other litigants.

92. Various defendants have falsely asserted in their materials that all the issues and causes of action in my lawsuit have been dealt with by previous courts. The record shows that this assertion is not true.

93. In the matter of the November 17, 2009 recorded telephone call, no court has ever listened to the recording. No court has ever considered the evidence and made a decision as to whether or not the Defendant Lawyers lied to me, fabricated evidence or lied to the court. Justice Shaughnessy refused to consider the new evidence, or to make any decision about wrongdoing by the lawyer defendants. On December 11, 2012, Justice Shaughnessy said that he would not deal with the evidence or allegations and he advised me to go to the Court of Appeal:

> "But from your affidavit materials, clearly, you know, you've turned your sights on them and I just want to say to you Mr. Best, that's not what I'm dealing with. I'm dealing with contempt, already found. I've already found you in contempt of the court and in contempt of court orders and you're seeking to change that.... if you're saying that you're going prove that the fundamental basis to set aside was the contempt, was maleficence on the part of Mr. Ranking and Mr. Silver, and I'm going to say to you, go back and read again, my reasons which were then supported in court and you chose not to attend court when you had notice of the application. But I'm saying to you, I'm not expanding this to a brand new hearing. I'm not re-litigating. You must understand this Mr. Best; I am not the Court of Appeal. I made - I gave a judgment. I made a finding. I am not the Court of Appeal . The Court of Appeal deals with anything that they feel I did wrong. The Court of Appeal is where you make applications for new evidence, not me." (EXHIBIT 'Q', December 11, 2012 court transcript)

94. Again on April 30, 2013 and in his May 3, 2013 reasons, Justice Shaughnessy made it clear that he would not, and did not, consider the new evidence concerning wrong-doing by the Lawyer Defendants and their clients and purported clients. (Transcripts April 30, 2013 EXHIBIT 'U', May 3, 2013 EXHIBIT 'V' and May 3, 2013 Reasons EXHIBIT 'PP')

95. After I was jailed on May 3, 2013, I was eventually able to find and retain Paul Slansky to act as counsel on the appeal. I was not able to properly retain him and he has been working for me on much reduced rates and I have been able to pay him from time to time, with borrowed funds. He got me bail pending appeal. An appeal was brought on several grounds. The misconduct of counsel was only one of several grounds of appeal. A copy of the factum filed on the appeal is attached hereto and is marked as EXHIBIT 'YY' of this affidavit. The Appeal was scheduled for mid 2014. However for reasons of my inability to pay costs, the appeal was dismissed without a hearing on the merits.

96. In the fall of 2013, a motion was brought by me to remove Messrs. Ranking and Silver and their firms as counsel on the appeal. The Respondents brought a motion for security for costs. Both motions were dismissed by Justice Feldman. Costs were ordered against the Respondents and against me. On the motion for security for costs, Justice Feldman found the ground of appeal alleging abuse of process for opposing my application to set aside the contempt order to have merit. This ground was based on the fact that the contempt was in respect of documents and examination to obtain costs of the action against NBGL, which had already been settled and paid in full. The explanation as to why Mr. Ranking and Silver and their clients/purported client still wanted the documents and examination was in respect of litigation and/or prospective litigation in other jurisdictions.

97. Justice Feldman in the Court of Appeal was asked to determine whether Mr. Ranking or Mr. Silver engaged in misconduct or were in a conflict of interests as a part of a motion to remove them as counsel on the appeal. She was faced with comments of Justice Shaughnessy to the effect that there was no misconduct. Justice Feldman indicated that it was up to the panel hearing the appeal on its merits to determine whether this was reasonable in fact or in law. On an interim motion, she concluded that she had to defer to the conclusions of Justice Shaughnessy, even though these conclusions may have been made without consideration of sworn evidence. She did not listen to the recording or make any finding herself but merely deferred to Justice Shaughnessy's conclusions. Since Justice Shaughnessy himself refused to consider the evidence before him, feeling that this was a matter for the Court of Appeal, there was no finding by him or by Justice Feldman. (Attached hereto as EXHIBIT 'EE': November 14, 2013 Justice Feldman Reasons). On the review before a panel, the Court again did not make a finding on any evidence but merely agreed with Justice Feldman's approach to the issue (Court of Appeal Endorsement). Further costs were ordered on the review before the panel. Even though it was clear that I did not have the financial ability to pay approximately $150,000 in costs, the panel ordered that if the costs were not paid in a month my appeal would be dismissed without a hearing on the merits. Ultimately, I was unable to pay the costs my appeal dismissed and I was forced to go back to jail to complete my 90 days sentence. As a former police officer, I did so in solitary confinement to my great physical and mental suffering.

98. Leave to Appeal was sought to the Supreme Court of Canada. However, the application for leave did not involve the correctness of the determination of the motion to remove counsel. The issue was whether the remedy of dismissing an appeal on civil contempt, a proceeding that is criminal or

quasi-criminal, involving the liberty of the subject, due to the inability to pay costs was constitutional or appropriate. Ultimately, the Supreme Court of Canada refused leave to appeal.

99. A stay pending application for leave to appeal was heard by Justice MacPherson. The issues were whether the grounds discussed in the previous paragraph were arguable, whether there was irreparable prejudice and whether the balance of convenience favoured a stay pending appeal. An affidavit detailing my impecuniosity was filed in support of the motion for a stay. A copy of Best's March 24, 2014 affidavit is attached hereto and marked as Exhibit 'H' of this affidavit. While Justice MacPerson made comments about evidence of misconduct, that issue was not before him and, in any case, was not based on a full record or argued by counsel familiar with those issues. Accordingly, there was still no determination by any court of the merit of the allegations of misconduct on the evidence.

100. Similarly, on April 30, 2013 I presented sworn evidence (Attached hereto as EXHIBIT 'G' Best April 29, 2013 affidavit) and petitioned the court orally concerning a secret, improper, undocumented 'on the side' police investigation of me during the Fall and Winter of 2009. Justice Shaughnessy refused to consider the evidence, and advised me to go to the police. Accordingly, these issues, which are part of the statement of claim in respect of the actions of Van Allen, the actions of police and the actions of the Lawyer Defendants and their clients, have never been determined.

Lack of determination of issues in Statement of Claim in Previous Proceedings

101. The Statement of Claim is divided into four (4) sets of causes of action, as described in the Statement of Claim and in particular in Section II.

The liability of the Defendants (B. Causes of Action), starting on page 13 and going to page 16. Each of these sets of causes of action relates to facts described in other sections of the Statement of Claim (II. The liability of the Defendants (A. Terminology and Nature of Liability; C. Grouping of Defendants regarding Liability); III. Particulars of the Claim (A. Chronology and Liability; B. Further Particulars Regarding Each Cause of Action). As a Short form for each of the four sets of causes of action, the following short form headings are used:

(1) Contempt;

(2) Privacy;

(3) Private Investigation;

(4) Fraud on Court re PWCECF.

<u>Contempt</u>

102. Based on the details set out in the rest of this affidavit, the following paragraphs of the Statement of Claim, which relate to the first set of causes of action (Contempt), have not been determined in any previous litigation or have not been determined based on any evidence:

- Paragraph 2:

    A. None of the conduct of any lawyers, other than, arguably, Messrs. Ranking and Silver, has been determined in any previous litigation. With respect to Messrs. Ranking and Silver, there was no determination of lack of misconduct but a refusal to consider evidence of misconduct. Any determinations that were made in respect of Messrs. Ranking and Silver were not based on evidence;

    B. None of the conduct of any law firms, other than, arguably, Faskens and Cassels, has been determined in any previous litigation. With respect to Faskens and Cassels, there was no

determination of lack of misconduct but a refusal to consider evidence of misconduct. Any determinations that were made in respect of Faskens and Cassels were not based on evidence;

C. None of the conduct of any client has been determined in any previous litigation. With respect to PWCECF, as discussed further in a later section, there was no determination in any previous litigation of whether PWCECF was a legal entity. At most there was an offhand comment asking why PWCECF would have been sued if they were not a legal entity. This ignored the fact that it was Mr. Ranking and Mr. Hatch who precipitated an amendment based on their assertions regarding PWCECF. There was no determinations in respect of PWCECF based on evidence;

D. None of the conduct of any police officer or Police service has been determined in any previous litigation;

E. None of the conduct of Van Allen, Williamson, BSSG or ISN has been determined in any previous litigation.

F. None of the conduct of the TPA has been determined in any previous litigation.

- paragraph 3: The intent (including wilful blindness, recklessness or negligence of the Defendants has not been determined in any previous litigation;
- paragraph 4: The intent (including wilful blindness, recklessness or foresight) that harm or damage would result from the actions of the Defendants has not been determined in any previous litigation;
- paragraph 5: The nature of the Defendants intent being flagrant, outrageous, in bad faith, fraudulent, contrary to fiduciary duty and/or dishonest has not been determined in any previous litigation;
- Paragraph 6: The targeting of the Plaintiff by the Defendants, knowing that their actions would directly and indirectly cause him substantial

harm in breach of their well-known and generally recognized legal, fiduciary and/or ethical duties and the legal, fiduciary and/or ethical duties of others has not been determined in any previous litigation. Whether the Defendants acted negligently and whether they failed to act in accordance with their legal and ethical duties and standards of care have not been determined in any previous litigation. Whether the Defendants acted in such a way as to create an unreasonable risk of substantial harm has not been determined in any previous litigation;

- Paragraph 7: Whether Defendants were acting in a private or public capacity has not been determined in any previous litigation;

- Paragraph 8: Whether the Defendants conspired with the predominant purpose of harming the Plaintiff and/or knowing that their acts were aimed at the Plaintiff and knowing or constructively knowing that their acts would injure the Plaintiff, using lawful and unlawful means which damaged the Plaintiff has not been determined in any previous litigation;
- Paragraph 11: The role of the Faskens Defendants (Faskens, Ranking Kwidzinsnski, PWCEC, Hatch and Atkinson) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation;
- Paragraph 12: The role of the Cassels Defendants (Cassels, Silver, Pendrith, KEL and Cox) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation;
- Paragraph 13: The role of the Blakes Defendants (Blakes and Schabas) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation;

- Paragraph 14: The role of the Miller Defendants (Miller, Roman, Zemel and Deane) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation;
- Paragraph 15: The role of the Regional Police Defendants (DRPS; PRPS, Dmytruk and Rushbrook) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation. Whether these police were engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 16: The role of the Provincial Police Defendants (Kearns, Vibert, Van Allen) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation. Whether these police were engaged or assisted in in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 17: The role of the Van Allen Defendants (Van Allen, Williamson, BSSGI and ISN) in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation. Whether these persons were engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;

- Paragraph 18: The role of the TPA in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation. Whether the TPA was engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraphs 2-19: the involvement of other persons unknown in respect of the tortious pursuit of contempt proceedings against the Plaintiff has not been determined in any previous litigation;
- Paragraphs 20-22; 23, 26, 28, 36, 37, 39, 40, 43, 44, 47, 48, 51, 53, 54, 56, 59-66, 70, 73-75, 79 : These paragraphs reflect a description of previous litigation but do not reflect a determination of liability or lack of liability for torts in respect of the Contempt causes of action;
- Paragraphs 23, 27, 49: The legitimacy of assessing costs against the Plaintiff personally in respect of the NBGL litigation was never determined in previous litigation. The ulterior motive in respect of document and examination discovery was admitted in previous litigation and issue estoppel or abuse of process will preclude the Faskens Defendants and the Cassels Defendants from disputing this in the present litigation. There has been no determination that there was not such an ulterior motive in previous litigation;
- Paragraphs 24 and 26: The false and/or misleading nature of Van Allen's affidavit was never determined in previous litigation. Van Allen was not cross-examined. The knowledge by Van Allen Defendants and the Lawyer Defendants and the Barbados Defendants of the false and misleading nature of Van Allen's affidavit has not been determined in any previous litigation. Whether the Van Allen investigation was part of conduct intended to damage the Plaintiff or was a part of a conspiracy to damage the Plaintiff has not been

determined in any previous litigation. The impact of this investigation and false and/or misleading affidavit on the fairness of contempt proceedings has not been determined by previous litigation. Evidence of such impact has been presented in previous litigation but was not considered or evaluated;

- Paragraph 25: Whether Van Allen was a serving police officer when he acted as a private investigator in the previous litigation was not determined in that litigation. The knowledge of this fact by Van Allen Defendants, the Lawyer Defendants, the Barbados Defendants, Deane, the police defendants and/or the TPA has not been determined by previous litigation. Whether these defendants or a group of them were involved in a conspiracy to cover this up to facilitate contempt proceedings has not been determined by previous litigation.
- Paragraphs 28, 41, 42, 46, 48, 49, 53, 57, 58, 69, 72, 75-77: While Justice Shaughnessy determined in contempt proceedings that the November 2, 2009 draft order was sent to the Plaintiff based on an affidavit of service, whether that affidavit of service was a fraud perpetrated on the Court was never considered in any previous litigation. While Justice Shaughnessy determined in contempt proceedings against the Plaintiff that the Plaintiff had "notice" of the November 17 examination, he did not determine how much notice there was. It is unclear whether Justice Shaughnessy was assessing "notice" based on knowledge on November 16 or earlier. If the extent that notice was based on knowledge on November 16 or based on a validation of service this was inadequate to found contempt. Further, the validation of service was obtained by fraud (Van Allen affidavit). If Justice Shaughnessy meant that notice reflected knowledge prior to November 16, 2009, this was based on fraud through the presentation of a false "Statement for the Record" and lies to the Court regarding its authenticity and regarding the earlier receipt of a draft copy of the

order (on December 2, 2009). Further, there was an indication of this fraud in December 1 letters and later in evidence before Justice Shaughnessy establishing this fraud which Justice Shaughnessy refused to consider because he accepted the word of counsel as Officers of the Court. Accordingly, if "notice" meant knowledge prior to December 16, 2009, this was not a determination based on evidence required in the face of a dispute and was a determination based on fraud.

- Paragraphs 29, 36, 38, 75: The true version of the events of November 17, 2009 were never considered or determined by Justice Shaughnessy. There was not a determination of this issue based on evidence required in the face of a dispute and was a determination based on fraud. If the comment of Justice Shaughnessy on May 3, 2013, regarding perjury related to this issue, which is unclear, this determination was not based on evidence since Justice Shaughnessy had refused to consider the evidence. Even if the evidence had been considered, a determination of credibility, let alone perjury, could not be legitimately or effectively done without *viva voce* evidence, which was not done. This could not have been legitimately or effectively done without consideration of the expert evidence that proved the authenticity of the recording and the falsity of the "Statement for the Record".
- Paragraphs 30, 31, 34, 35, 38, 39, 75: The inability to be cross-examined in person on November 17 or shortly thereafter or on November 25 was established by the December 1, 2009 letters and later by affidavit evidence indicating that the Plaintiff was in Asia and had concerns regarding his safety. There were no determinations that these facts were untrue in previous litigation.
- Paragraph 32: The ulterior motive in deliberately placing the Plaintiff's life, liberty and/or security of person at risk to further the

Lawyer Defendants', Barbados Defendants', Deane's and Van Allen Defendants' litigation strategy has not been determined in previous litigation;

- Paragraph 33: The involvement of the TPA in assisting Van Allen, included in his affidavit used to support validation of service and substituted service orders and used to support contempt has not been determined in previous litigation;
- Paragraphs 44, 75: There was no evidence that the Plaintiff was personally served or received the December 2, 2009 materials or order prior to January 10, 2010. There was no determination that the Plaintiff was personally served or knew of this order. There was evidence before the Court on the 2012-2013 application to set aside the contempt order that these materials were not received until June 2010. This evidence was not considered and no determination of the issue was made in prior litigation.
- Paragraphs 50, 76: The causal connection between the various torts in respect of contempt, alone or in combination, and the incarceration of the Plaintiff has never been determined in previous litigation;
- Paragraphs 51, 75, 78: The abuse of process in opposing the application to set aside the contempt order in light of the settlement and payment of costs has never been determined in previous litigation except to the extent that Justice Feldman found it to be a meritorious ground of appeal;
- Paragraph 67: There has not been a determination in previous litigation what was the purpose of the investigation by DRPS, the results of the investigation or the potential impact on the reasonable apprehension of bias (investigation of the Plaintiff pre-finding of contempt) or the involvement of the Faskens Defendants, the Cassels Defendants, the Regional Police Defendants or the Van Allen Defendants;

- Paragraphs 68, 75: There was no determination of whether risks to the Plaintiff's safety and security existed in previous litigation. This could have provided an excuse to compliance. It is clear that the Court mistakenly believed that the issue had already been determined. While it is true that a similar allegation in respect to safety and security risks of previous counsel, Mr. McKenzie, in Barbados had been determined, the evidence proffered related to new events never considered by the Court. There has been no determination in prior litigation that the Faskens and/or Cassels Defendants misled the Court on this issue;
- Paragraph 71: The denials by Officers of the Court led to a refusal to require that recordings of January 2013 cross-examinations be produced. Accordingly, it has never been determined in prior litigation whether Messrs. Ranking and/or Silver acted abusively in examining the Plaintiff;
- Paragraph 82: It has been determined by Justice Malloy on a habeas corpus application that the "no remission" aspect of the warrant of committal was unlawful. It would be an abuse of process for the Defendants to relitigate this issue. However, the allegations of malicious inclusion of this term by the Faskens and Cassles Defendants has not been determined in any prior litigation;
- Paragraphs 83-85: There has been no determination in prior litigation whether the manner in which the investigation and prosecution of me caused the harm alleged;
- Paragraphs 86, 87, 88: Sub-paragraphs of paragraph 86 (i)-(iii)deal with different motivations in seeking a contempt order against me ((i) costs as pressure; (ii) discovery to gain advantage; (iii) ulterior motive to punish) amounting to an abuse of process. These have never been determined in any prior litigation. Sub-paragraph (iv) relates more to Secrecy causes of action, but also relates to Contempt. Violation of

implied undertaking rule by Defendants Subparagraph (v) is addressed above;

- Paragraphs 89-100: Allegations of Negligent investigation have not been determined in previous litigation. Specifically, the determination of whether there was a duty of care owed in respect of the investigation requested by the Lawyer Defendants, or at least the Faskens Defendants and the Barbados Defendants and performed by the Van Allen Defendants, with the assistance of the Police Defendants and the TPA has not been determined by prior litigation. The determination of the standard of care based on ethical, common law and statutory provisions has not been determined in prior litigation. The determination of whether that standard of care was violated by the manner of investigation and the use of the fruits of that investigation and by who has not been determined in prior litigation;
- Paragraphs 101-106: As set out in respect of the Chronology, whether I was falsely arrested as a result of improper, abusive or otherwise tortious contempt proceedings has not been determined by previous litigation. There has been no prior determination of whether there were reasonable grounds to arrest him. There has been no determination of whether, as a matter of fact (or law) the Lawyer Defendants, in prosecuting for contempt were performing a state function or exercising a legislative power in respect of a public function. There has been no determination of whether the retention of a private investigator to gather evidence, who was a serving police officer, was a state actor regardless of whether he used police resources or in the use of such resources. There has been no prior determination of whether other Defendants in retaining a serving police officer or in helping him or covering up his activities are parties to this conduct;

- Paragraph 107: As described in the Chronology portion of the Statement of Claim, there has been no prior determination whether the conduct of contempt proceedings was an intentional infliction of Harm or Mental Suffering in that the actions were flagrant and outrageous, were calculated or reckless in causing harm and caused provable injury. To the extent there were comments of Justice Shaughnessy regarding the conduct of the Defendants in respect of contempt proceedings, this involved a refusal to consider evidence proving these elements because of reliance on the assurances of Officers of the Court. Accordingly, even if there was a determination, it was not based on evidence;
- Paragraphs 108-120: There has been no determination in prior litigation that there was a negligent infliction of harm and/or mental suffering in respect of the manner in which the contempt proceedings were investigated and pursued (re duty of care, standard of care; breach of the standard and harm from actions of the Defendants;
- Paragraphs 121-122: There has been no determination of whether, as a matter of fact (or law) the Lawyer Defendants, in prosecuting for contempt were performing a state function or exercising a legislative power in respect of a public function. If so, they could be said to be acting in a public office or abusing their authority. There has been no determination of whether the retention of a private investigator to gather evidence, who was a serving police officer, was a state actor regardless of whether he used police resources or in the use of such resources. There has been no prior determination of whether other Defendants in retaining a serving police officer or in helping him or covering up his activities are parties to this conduct. If one of more Defendants are found to hold public office or acting pursuant to public authority, there has been no prior determination of whether such authority was abused;

- Paragraphs 123-127: There has been no prior determination of whether the conduct of the contempt proceedings constituted malicious prosecution. To the extent there were comments of Justice Shaughnessy regarding the conduct of the Defendants in respect of contempt proceedings, this involved a refusal to consider evidence proving these elements because of reliance on the assurances of Officers of the Court. Accordingly, even if there was a determination, it was not based on evidence;
- Paragraph 128: There was no consideration, let alone a prior determination that Defendants conspired to harm me or whether there were acts in furtherance of such a conspiracy that caused actual harm.

Privacy

103. Based on the details set out in the rest of this affidavit, the following paragraphs of the Statement of Claim, which relate to the second set of causes of action (Privacy), have not been determined in any previous litigation or have not been determined based on any evidence:

- Paragraph 2:

    A. None of the conduct of any lawyers in respect of violations of privacy. The only way in which Justice Shaughnessy dealt with the violations to privacy was to fail to consider evidence presented by me and the filing of the Zagar affidavit at the time the costs were settled and paid. In the former situation this was not a determination based on evidence but was a decision in the face of evidence not considered. In the latter situation, there was no litigation of the issue but merely an acceding to the request to file the Zagar affidavit without my involvement;

B. The same applies in respect of the conduct of the law firms in respect of privacy;

C. None of the conduct of any client has been determined in respect of Privacy in any previous litigation.

D. None of the conduct of any police officer or Police service has been determined in respect of Privacy in any previous litigation;

E. None of the conduct of Van Allen, Williamson, BSSG or ISN has been determined in respect of Privacy in any previous litigation.

F. None of the conduct of the TPA has been determined in respect of Privacy in any previous litigation.

- paragraph 3: The intent (including wilful blindness, recklessness or negligence of the Defendants has not been determined in respect of Privacy in any previous litigation;
- paragraph 4: The intent (including wilful blindness, recklessness or foresight) that harm or damage would result from the actions of the Defendants in respect of Privacy has not been determined in any previous litigation;
- paragraph 5: The nature of the Defendants intent being flagrant, outrageous, in bad faith, fraudulent, contrary to fiduciary duty and/or dishonest has not been determined in respect of Privacy in any previous litigation;
- Paragraph 6: The targeting of me in respect of Privacy by the Defendants, knowing that their actions would directly and indirectly cause him substantial harm in breach of their well-known and generally recognized legal, fiduciary and/or ethical duties and the legal, fiduciary and/or ethical duties of others has not been determined in any previous litigation. Whether the Defendants acted negligently and whether they failed to act in accordance with their

legal and ethical duties and standards of care in respect of Privacy have not been determined in any previous litigation. Whether the Defendants acted in such a way as to create an unreasonable risk of substantial harm in respect of Privacy has not been determined in any previous litigation;

- Paragraph 7: Whether Defendants were acting in a private or public capacity has not been determined in any previous litigation;

- Paragraph 8: Whether the Defendants conspired with the predominant purpose of harming by invading my privacy and/or knowing that their acts were aimed at me and knowing or constructively knowing that their acts would injure me, using lawful and unlawful means which damaged me has not been determined in any previous litigation;
- paragraph 11: The role of the Faskens Defendants (Faskens, Ranking Kwidzinsnski, PWCEC, Hatch and Atkinson) in respect of violations of my privacy interests have not been determined in any previous litigation;
- Paragraph 12: The role of the Cassels Defendants (Cassels, Silver, Pendrith, KEL and Cox) in respect of violations of my privacy interests have not been determined in any previous litigation;
- Paragraph 13: The role of the Blakes Defendants (Blakes and Schabas) in respect of violations of my privacy interests have not been determined in any previous litigation;
- Paragraph 14: The role of the Miller Defendants (Miller, Roman, Zemel and Deane) in respect of violations of my privacy interests have not been determined in any previous litigation;
- Paragraph 15: The role of the Regional Police Defendants (DRPS; PRPS, Dmytruk and Rushbrook) in respect of violations of my privacy interests have not been determined in any previous litigation.

Whether these police were engaged in or assisted in improper investigations that violated my privacy interests or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;

- Paragraph 16: The role of the Provincial Police Defendants (Kearns, Vibert, Van Allen) in respect of violations of my privacy interests have not been determined in any previous litigation. Whether these police were engaged or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 17: The role of the Van Allen Defendants (Van Allen, Williamson, BSSGI and ISN) in respect of violations of my privacy interests have not been determined in any previous litigation. Whether these persons were engaged in or assisted in improper investigations in respect of violations of my privacy interests or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 18: The role of the TPA in respect of violations of my privacy interests have not been determined in any previous litigation. Whether the TPA was engaged in or assisted in improper investigations in respect of violations of my privacy interests or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants

in the improper police investigations or cover-up has not been determined in any previous litigation;

- Paragraphs 2-19: the involvement of other persons in respect of violations of my privacy interests have not been determined in any previous litigation;
- Paragraph 24 and 26: The false and/or misleading nature of Van Allen's affidavit was never determined in previous litigation. Van Allen was not cross-examined. The knowledge by Van Allen Defendants and the Lawyer Defendants and the Barbados Defendants of improper invasion of my privacy interests by Van Allen has not been determined in any previous litigation. Whether the Van Allen investigation was part of conduct intended to damage me or was a part of a conspiracy to damage me has not been determined in any previous litigation;
- Paragraph 25: Whether Van Allen was a serving police officer when he acted as a private investigator and violated my privacy interests in the previous litigation was not determined in that litigation. The knowledge of this fact by Van Allen Defendants, the Lawyer Defendants, the Barbados Defendants, Deane, the police defendants and/or the TPA has not been determined by previous litigation. Whether these defendants or a group of them were involved in a conspiracy to cover this up to facilitate contempt proceedings has not been determined by previous litigation.
- Paragraphs 30, 31 : Whether my departure in 2009 and the risks and harm to my safety and security was due to real safety risks flowing from violations of my privacy interests has not been determined in prior litigation;
- Paragraph 32: Whether the Lawyer Defendants, the Barbados Defendants and/or Deane knew about the dissemination and publishing of my private information has not been determined in

prior litigation. Whether this was done intentionally has not been determined in prior litigation. Whether this was part of a conspiracy has not been determined in prior litigation. Whether the Van Allen Defendants participated in this violation of privacy has not been determined in prior litigation. Whether the police defendants and/or the TPA assisted in violating my privacy rights has not been determined in prior litigation;

- Paragraph 33: The involvement of the TPA committed a breach of trust in assisting Van Allen by providing him confidential information has not been determined in prior litigation. Whether Faskens Defendants were knowingly involved in this has not been determined in prior litigation;
- Paragraph 34: Whether it was known by some or all of the Defendants that these violations of my privacy would likely cause me harm has not been determined in prior litigation;
- Paragraph 35: Whether the Van Allen Defendants, the Lawyer Defendants who used Van Allen, the police and TPA who assisted him were negligent in respect of the dissemination of this private information has not been determined in prior litigation;
- Paragraph 52: Having received confidential information through discovery before and after the settlement of the action on June 7, 2010, whether some of the defendants violated the implied undertaking rule was never determined in previous litigation. Whether it was contrary to my privacy rights to file the Zagar affidavit containing private information as an Exhibit after the case was over was never determined in prior litigation. It was merely requested, without disclosing the nature of the materials, and permitted. Whether the failure to remedy the situation on request was a violation of my privacy rights has not been determined in prior litigation;

- Paragraph 68, 75: There was no determination in previous litigation of whether risks to my safety and security, flowing from disclosure of my private information, existed. It is clear that the Court mistakenly believed that the issue had already been determined. While it is true that a similar allegation in respect to safety and security risks of previous counsel, Mr. McKenzie, in Barbados had been determined, the evidence proffered related to new events never considered by the Court. There has been no determination in prior litigation as to whether the Faskens and/or Cassels Defendants misled the Court on this issue;
- paragraph 129: There was no determination in prior litigation that the defendants invaded my privacy and intruded on my secrecy by accessing, disseminating and publishing my private and confidential information by:
  - (i) discovering my private information and then distributing it, including by publishing it and/or by other means, without its filing in Court contrary to the implied undertaking rule;
  - (ii) filing such material in an affidavit sworn by Zagar after the settlement of the case for the improper purpose of damaging me and for no legitimate purpose;
  - (iii) accessing my private information in the possession of Government for limited regulatory purposes and including the information to prepare affidavits and filing the information;
  - (iv) disseminating the information referred to in (i)-(iii) and other private information on the internet and by other means;
- paragraphs 130: There was no determination in prior litigation as to whether these acts were done directly and/or indirectly by the defendants or whether they were done intentionally, maliciously and/or recklessly. was no determination in prior litigation as to

whether the accessing, filing and dissemination/publishing of this private information intruded upon my informational seclusion and/or my private affairs and/or concerns;

- paragraphs 131: There was no determination in prior litigation as to whether the invasions of my privacy would be highly offensive to a reasonable person because, *inter alia*, the accessing and publishing served no useful and/or proper purpose or whether the dissemination and publishing took place in such a way as to encourage harm to me;
- Paragraphs 133-136: There was no determination in prior litigation as to whether, to the extent state actors were involved, these persons violated my reasonable expectations of privacy or whether they did so in a way that was lawful and reasonable;
- Paragraphs 137-138, 140: There was no determination in prior litigation as to whether, to the extent state actors were involved, these persons abused their authority in releasing my private information;
- Paragraph 139: There was no determination in prior litigation as to whether defendants violated the implied undertaking rule;
- Paragraph 141: There was no determination in prior litigation as to whether defendants intentionally released confidential information to harm me;
- Paragraphs 142-152: There was no determination in prior litigation as to whether defendants had a duty of care towards me in respect of my confidential information, what was the standard of care, whether that standard was breached or that the breach caused me harm;
- Paragraphs 153-162: There was no determination in prior litigation as to whether defendants involved in an investigation of me had a duty of care towards me in respect of my confidential information, what was the standard of care, whether that standard was breached or that the breach caused me harm;

- Paragraphs 163-177: There was no determination in prior litigation as to whether defendants were negligent in regulation or performance of a statutory duty. In particular, there was no prior determination of the duty of care owed to me in respect of the hiring of private investigators and the limits in respect of serving police officers due to a risk of misuse of powers. This could not have been litigated because it was unknown until the appeal stage. There was no prior determination of the standard of care, its breach or harm to me flowing from the breach;
- Paragraphs 177-180: There was no determination in prior litigation of whether TPA owed me a fiduciary duty or whether they breached that duty by disclosing my confidential information to Van Allen;
- Paragraphs 181-183: There was no determination in prior litigation of whether a conspiracy to violate my privacy rights existed, whether acts in furtherance were committed and whether this caused me harm.

Private Investigation

104. Based on the details set out in the rest of this affidavit, the following paragraphs of the Statement of Claim, which relate to the third set of causes of action (Private Investigation), have not been determined in any previous litigation or have not been determined based on any evidence:

- Paragraph 2:
    A. None of the conduct of any lawyers in respect of the use of a private investigator, Van Allen, who was a serving police officer has been determined in any previous litigation;
    B. None of the conduct of any law firms in respect of the use of a private investigator, Van Allen, who was a serving police officer has been determined in any previous litigation;

C. None of the conduct of any client in respect of the use of a private investigator, Van Allen, who was a serving police officer has been determined in any previous litigation;

D. None of the conduct of any police officer or Police service in respect of assistance and/or cover-up for Van Allen, who was a serving police officer, has been determined in any previous litigation;

E. None of the conduct of Van Allen, Williamson, BSSG or ISN in respect of the actions of Van Allen, who was a serving police officer, or the assistance and/or cover-up for Van Allen, has been determined in any previous litigation.

F. None of the conduct of the TPA in respect of assistance and/or cover-up for Van Allen, who was a serving police officer has been determined in any previous litigation.

- paragraph 3: The intent (including wilful blindness, recklessness or negligence of the Defendants in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- paragraph 4: The intent (including wilful blindness, recklessness or foresight) that harm or damage would result from the actions of the Defendants in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- paragraph 5: The nature of the Defendants intent being flagrant, outrageous, in bad faith, fraudulent, contrary to fiduciary duty and/or dishonest in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- Paragraph 6: The targeting of me by the Defendants, using Van Allen as a private investigator when he was a serving police officer,

knowing that their actions would directly and indirectly cause me substantial harm in breach of their well-known and generally recognized legal, fiduciary and/or ethical duties and the legal, fiduciary and/or ethical duties of others has not been determined in any previous litigation. Whether the Defendants acted negligently and whether they failed to act in accordance with their legal and ethical duties and standards of care have not been determined in any previous litigation. Whether the Defendants acted in such a way as to create an unreasonable risk of substantial harm has not been determined in any previous litigation;

- Paragraph 7: Whether Defendants in respect of Van Allen acting as a private investigator when he was a serving police officer were acting in a private or public capacity has not been determined in any previous litigation;

- Paragraph 8: Whether the Defendants, in respect of Van Allen acting as a private investigator when he was a serving police officer, conspired with the predominant purpose of harming me and/or knowing that their acts were aimed at me and knowing or constructively knowing that their acts would injure me, using lawful and unlawful means which damaged me has not been determined in any previous litigation;
- paragraph 11: The role of the Faskens Defendants (Faskens, Ranking Kwidzinsnski, PWCEC, Hatch and Atkinson) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- Paragraph 12: The role of the Cassels Defendants (Cassels, Silver, Pendrith, KEL and Cox) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;

- Paragraph 13: The role of the Blakes Defendants (Blakes and Schabas) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- Paragraph 14: The role of the Miller Defendants (Miller, Roman, Zemel and Deane) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- Paragraph 15: The role of the Regional Police Defendants (DRPS; PRPS, Dmytruk and Rushbrook) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation. Whether these police were engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 16: The role of the Provincial Police Defendants (Kearns, Vibert, Van Allen) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation. Whether these police were engaged or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraph 17: The role of the Van Allen Defendants (Van Allen, Williamson, BSSGI and ISN) in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation. Whether these persons were

engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;

- Paragraph 18: The role of the TPA in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation. Whether the TPA was engaged in or assisted in improper investigations or cover-ups has not been determined in any previous litigation. The involvement of the Lawyer Defendants and the Van Allen Defendants in the improper police investigations or cover-up has not been determined in any previous litigation;
- Paragraphs 2-19: the involvement of other persons unknown in respect of Van Allen acting as a private investigator when he was a serving police officer has not been determined in any previous litigation;
- Paragraph 24 and 26: The unlawful nature of the use of Van Allen, as serving police officer, as a private investigator was never determined in previous litigation. Van Allen was not cross-examined. The knowledge by Van Allen Defendants and the Lawyer Defendants and the Barbados Defendants of improper use of Van Allen, who had the means to more effectively invade my privacy interests has not been determined in any previous litigation. Whether the Van Allen investigation was part of conduct intended to damage me or was a part of a conspiracy to damage me has not been determined in any previous litigation;
- Paragraph 25: Whether Van Allen was a serving police officer when he acted as a private investigator and violated my privacy interests in the previous litigation was not determined in that litigation. The

knowledge of this fact by Van Allen Defendants, the Lawyer Defendants, the Barbados Defendants, Deane, the police defendants and/or the TPA has not been determined by previous litigation. Whether these defendants or a group of them were involved in a conspiracy to cover this up to facilitate contempt proceedings has not been determined by previous litigation.

- Paragraph 32: Whether the Lawyer Defendants, the Barbados Defendants and/or Deane knew about the dissemination and publishing of my private information has not been determined in prior litigation. Whether this was done intentionally has not been determined in prior litigation. Whether this was part of a conspiracy has not been determined in prior litigation. Whether the Van Allen Defendants more effectively participated in this violation of privacy because of Van Allen's access to police resources has not been determined in prior litigation. Whether the police defendants and/or the TPA assisted Van Allen in violating my privacy rights because he was a serving police officer has not been determined in prior litigation;
- Paragraph 33: Whether the involvement of the TPA in breaching its fiduciary duties to me was facilitated by the fact that Van Allen was a serving police officer, in providing him confidential information has not been determined in prior litigation. Whether Faskens Defendants were knowingly involved in this has not been determined in prior litigation;
- Paragraph 35: Whether the Van Allen Defendants, the Lawyer Defendants who used Van Allen, the police and TPA who assisted him were negligent in the use of Van Allen as a private investigator when he was a serving police officer has not been determined in prior litigation;

- Paragraphs 83-85: There has been no determination in prior litigation whether the manner in which the investigation of me in respect of the use of Van Allen caused the harm alleged;
- Paragraphs 184-185: There has been no determination in prior litigation whether Van Allen was a serving police officer. If he was, it was might be misfeasance of public office and/or abuse of authority to act as a private investigator, regardless of whether he used his increased access to information and especially if he used such access. This was not determined in previous litigation;
- Paragraphs 186-187: There has been no determination in prior litigation whether Van Allen was a serving police officer. If he was, it could be abusive and a violation of s. 7 of the Charter to use him as a means of gathering information that could otherwise not be lawfully obtained. Such unlawful gathering of information by a state agent might also violate s. 8 of the Charter even if it was being obtained for use in private litigation, and in any case for use in criminal or quasi-criminal contempt proceedings. There was no prior determinations of these issues in previous litigation;
- Paragraphs 188-197: There has been no determination in prior litigation whether Van Allen was a serving police officer. If he was, the failure by The Lawyer Defendants, the Barbados Defendants and Deane to ensure that he was not a police officer might have been negligent. Similarly, the failure of police forces and the TPA to determine why a police officer was gathering information in respect of a civil contempt proceeding might have been negligent. There was no determination of whether is was not determined in prior litigation
- Paragraphs 198-210: There has been no determination in prior litigation whether Van Allen was a serving police officer. The investigation by a police officer acting as a private investigator was unlawful and reflected a risk of misuse of police resources. It no prior

no determination of whether there was a duty of care owed by Van Allen or other defendants to me, as a person being investigated. There was no determination in prior litigation that the standard of care had to be guided by the applicable legislation, whether that was breached or whether that caused me damage. It was also not determined in prior litigation whether this also breached section 7 of the Charter because by investigating in a way that breaks the law;

- Paragraphs 211-214: There has been no determination in prior litigation whether Van Allen was a serving police officer. If in investigating he used his status as a police officer or the resources of the police to invade my privacy, there might have been a violation of my common law privacy rights. This was not determined in previous litigation;
- Paragraphs 215-216: There had been no determination in prior litigation that Van Allen had knowingly conspired with Mr. Ranking or other Lawyer Defendants to commit an unlawful act to retain him because he was a serving police officer and could more effectively and unlawfully access my private information. There had been no determination in prior litigation that Van Allen had knowingly conspired with police to unlawfully obtain my private information. There has been no determination in prior litigation that police conspired with Van Allen to cover up his criminal or quasi criminal action in acting as a private investigator while serving as a police officer.

Fraud on Court re PWCECF

105. Based on the details set out in the rest of this affidavit, the following paragraphs of the Statement of Claim, which relate to the fourth set of causes of action (Fraud on Court re PWCECF), have not been determined in any previous litigation or have not been determined based on any evidence:

- Paragraph 2:
    A. None of the conduct of any lawyers in respect of the existence of PWCECF has been determined in any previous litigation. With respect to this issue, only Ranking, Kwidzinski, Silver and Pendrith are alleged to be involved;
    B. None of the conduct of any law firms has been determined in any previous litigation. With respect to this issue, only Faskens and Cassels are alleged to be involved;
    C. None of the conduct of any client has been determined in any previous litigation. The only clients alleged to be involved on this issue are Hatch, Atkinson, PWCEC, KEL and Cox (the Barbados Defendants. With respect to PWCECF, as discussed further in a later section, there was no determination in any previous litigation of whether PWCECF was a legal entity. At most there was an offhand comment asking why PWCECF would have been sued if they were not a legal entity. This ignored the fact that it was Mr. Ranking and Mr. Hatch who precipitated an amendment based on their assertions regarding PWCECF. There was no determinations in respect of PWCECF based on evidence;
- paragraph 3: The intent (including wilful blindness, recklessness or negligence of the Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue has not been determined in any previous litigation;
- paragraph 4: The intent (including wilful blindness, recklessness or foresight) that harm or damage would result from the actions of the Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue has not been determined in any previous litigation;
- paragraph 5: The nature of the intent of the Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue being flagrant,

outrageous, in bad faith, fraudulent, contrary to fiduciary duty and/or dishonest has not been determined in any previous litigation;

- Paragraph 6: The targeting of me by the Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue, knowing that their actions would directly and indirectly cause me substantial harm in breach of their well-known and generally recognized legal, fiduciary and/or ethical duties and the legal, fiduciary and/or ethical duties of others has not been determined in any previous litigation. Whether the Defendants acted negligently and whether they failed to act in accordance with their legal and ethical duties and standards of care have not been determined in any previous litigation. Whether the Defendants acted in such a way as to create an unreasonable risk of substantial harm has not been determined in any previous litigation;

- Paragraph 7: Whether Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue were acting in a private or public capacity has not been determined in any previous litigation;

- Paragraph 8: Whether the Faskens Defendants and the Cassels Defendants in respect of this PWCECF issue conspired with the predominant purpose of harming me and/or knowing that their acts were aimed at me and knowing or constructively knowing that their acts would injure me, using lawful and unlawful means which damaged me has not been determined in any previous litigation;
- paragraph 11: The role of the Faskens Defendants (Faskens, Ranking Kwidzinsnski, PWCEC, Hatch and Atkinson) in respect of this PWCECF issue has not been determined in any previous litigation;
- Paragraph 12: The role of the Cassels Defendants (Cassels, Silver, Pendrith, KEL and Cox)) in respect of this PWCECF issue has not been determined in any previous litigation;

- paragraph 80: It was not determined in any prior litigation whether PWCECF was a lawful entity. The dismissive comments of Shaughnessy on this issue did constitute a determination of the issue on the evidence. Rather this was merely a summary rejection of the allegation based on the assertion that NBGL was to blame if it sued a non-entity. This missed the point that originally PWC (Barbados) was sued until Mr. Hatch and Mr. Ranking indicated that this was not the true identity of the auditor. They asserted that it was PWCECF. The Statement of Claim was based on this assertion and evidence. This was a misleading of the Court and perjury. However, it was not a basis to summarily dismiss the issue without consideration of the evidence. The evidence presented in my affidavits in 2012 and 2103 provide documentary evidence that was not rebutted that prove that PWCECF does not and did not exist;
- Paragraphs 217-219: There has been no determination in prior litigation whether fraudulent assertion by Faskens Defendants was a contempt of court and therefore an abuse of process. There was no determination that the Cassels Defendants had knowledge of this fraud and failed to correct the situation;
- Paragraphs 220-221: There has been no determination in prior litigation that, as Officers of the Court and prosecutors in a criminal or quasi criminal proceeding, the Faskens Defendants and the Cassels Defendants breached their fiduciary duty to the Court;
- paragraphs 222-224: There has been no determination in prior litigation that, as Officers of the Court and prosecutors in a criminal or quasi criminal proceeding, the Faskens Defendants and the Cassels Defendants were acting in a public office. There has been no determination in prior litigation that they committed misfeasance of Public office or abuse of authority.

Investigative Solutions Network Inc.

106. Investigative Solutions Network Inc. ('ISNI') submitted a Statement of Defence that contains the provably false statement that OPP Detective Sergeant Jim Van Allen was not a consultant to ISNI in October 2009 when he approached Ron Wretham for investigative assistance in locating me.

107. According to Jim Van Allen's online LinkedIn CV, and archived copies of the ISNI website from 2008, 2009, 2010, ISNI brochures and other exhibits, Jim Van Allen has been working with ISNI since 2008 and continued without interruption to 2012. Van Allen returned to work with ISNI in May of 2014, and continues to work there in 2015 (Attached hereto: EXHIBIT 'RR', Current ISNI website).

108. Attached hereto as EXHIBIT 'SS' is a copy of Jim Van Allen's current LinkedIn profile, captured online on April 20, 2015. On page two, Van Allen indicates that he worked as an Executive Trainer for Investigative Solutions Network Inc. "2008 – 2012 (4 years)", and again as a Threat Risk Assessment Consultant & Private Investigator for Investigative Solutions Network Inc. from "May 2014 – Present (1 year)".

109. Attached hereto as EXHIBIT 'TT' is an online flyer advertising a March 25-27, 2009 ISNI Investigative Interviewing System seminar to be held at the Toronto Police Association, and featuring Dave Perry, Jim Van Allen and Dr. Peter Colins: all ISNI personnel also appearing at the time on the ISNI website.

110. Attached hereto as EXHIBIT 'UU' is a printout of the 'ISN Investigative Interviewing System' page from the ISNI website 'investigativesolutions.ca' as it appeared on February 11, 2009. This snapshot of the website was saved on February 11, 2009 by Archive.org, which is an organization devoted to historically archiving and preserving website pages as they appear at moments in time. Other ISNI website snapshots showing Jim Van Allen working at ISNI in 2009 and 2010 are attached as EXHIBITS 'VV', 'WW', 'XX', 'ZZ' and 'AAA'.

111. It is obvious from this series of website printouts and schedules that Jim Van Allen was working at and with ISNI and Ron Wretham in 2009 and 2010, and therefore ISNI's Statement of Defence is deliberately false.

112. The ISNI Statement of Defence admits that in 2009, ISNI and Ron Wretham knew that Jim Van Allen was a serving OPP police officer. This means that ISNI and Ron Wretham also knew that Van Allen was violating the *Police Services Act*, the *Private Security and Investigative Services Act* and the *Criminal Code* by taking money to privately investigating me 'on the side'.

113. ISNI's and Ron Wretham's assistance to Van Allen when he knew that Van Allen was breaking various laws means that ISNI and Wretham at the very least were complicit, and may have broken laws themselves.

114. Another indication of Wretham's and ISNI's complicity is that ISNI's promotional and other materials from 2008 through 2010, as well as Van Allen's own online 2009 C.V. conceal the fact that Van Allen was a serving Detective Sergeant with the Ontario Provincial Police during this period.

115. The fact that ISNI and Wretham in 2008, 2009 and 2010 concealed from the public that Van Allen was a serving police officer, and was engaged in illegal secondary employment and other violations of the law, was part of the reason that I could not possibly have known that Van Allen was a police officer. Van Allen also concealed this from the public in his secondary employment. In February of 2013, the Ontario Provincial Police Professional Standards officers directly lied to me and concealed the fact that Van Allen had been a serving police officer when he illegally investigated me in 2009 and 2010.

116. With all of this deliberate concealment, I could not possibly have known that Van Allen was a police officer. It was only by chance and luck that I learned the truth at the end of 2013 and early 2014.

Sworn before me at the City of Orillia)
In the County of Simcoe)
This 23rd day of April, 2015)

[redacted]
Donald Best

[redacted]

A Commissioner, etc.

Angela Dee Lewis, a Commissioner, etc., Province of Ontario, for the Government of Ontario, Ministry of the Attorney General. Expires April 29, 2016.

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

BETWEEN:

DONALD BEST

Respondent (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

RESPONDENT'S RECORD
(Affidavit of the Respondent (Plaintiff), Donald Best)
(Motions to Strike/Jurisdiction)

Volume One of Nine

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SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

BETWEEN:

DONALD BEST

Respondent (Plaintiff)

- and-

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