

## **Nagib Tajdin**

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July 27, 2011

Registrar  
Federal Court of Canada  
180 Queen Street West, Suite 200  
Toronto, Ontario  
M5V 3L6

Ref: Federal Court File T-514-10

Dear Sir/Madam,

Please bring this to the attention of Madam Prothonotary Milczynski.

This is in response to Mr Gray's letter dated July 21<sup>st</sup> 2011 which I have just received.

Mr Gray has titled his letter as Reference for Damages while previously he has said he was rather looking for profit. He has written that my Affidavit of Document is incomplete, has sought further discoveries and said that I may not be available for many months after our scheduled meeting on August 26th 2011 which he has restricted somehow to only one subject, that of the document production.

I would like to reply to Mr Gray's attempt to confuse the issues as follow:

- 1) The Case Management Conference held on June 16<sup>th</sup> 2011 was the first time since October 2010 that Mr Gray has indicated that he was not satisfied with the completeness of the Affidavit of Documents. In fact his acceptance of my Affidavit of Documents sworn on October 2nd, 2010 as satisfactory for the October 15, 2010 Discovery itself contradicts his new stance.
- 2) I have agreed on June 16, 2011, to provide a more complete affidavit of documents, and to search for more documents for the expenses incurred for the publication of the book in the last 15 years. Whatever supplementary documents I can find in Montreal in my forthcoming travel will be added to my affidavit of documents which will be served on Mr Gray by August 22, 2011. There are also few more documents which I have found on printing cost and selling price that will be included in the new Affidavit of document.

- 3) The title in Mr Gray's letter says Damages Reference. We would definitely like Mr Gray to be clear on whether he has now changed his mind or is he really seeking Damages instead of Profit, now that he has realised that there has not been any profit?
- 4) My scheduled trip to Canada has been designed around the dates set during the Case Management Conference and the remaining days have been assigned for other family and business work.
- 5) A requisition for Hearing of the Appeal has been filed and I will be coming back to Canada after August as soon as a date will be assigned.
- 6) There are no issues which can not be discussed on 26<sup>th</sup> August during the scheduled meeting.
- 7) There is no information which I seek to hide from the Referee. The name of the printing press and all available information necessary for "Accounting" will be made available freely and in trust to the Referee. There are reasons why the same information should be restricted to the Referee because any such disclosed information will be impossible to reverse bearing in mind the pattern for Counsel to misuse any information provided up to now. The name of the Printing Press in the statement remitted to Mr Gray has been covered in this spirit, but the original is available for the referee. I will also explain in the 26<sup>th</sup> August meeting all of the individual items mentioned in my summary spreadsheet of the revenue and expenses already submitted.
- 8) The extent of the expenses in view of the size of the book and the length of time necessary to prepare the book is such that any reasonable person could see that there was neither possibility nor aim for profit and therefore the whole aim of asking for information covering 15 years or so of expenses is not "accounting" but only harassment. A simple request can be made to an independent publisher and it would convincingly prove that the project has been heavy deficit project.
- 9) Justice Harrington did not order examination for discovery and did not include, in His Judgment, the following passage that Mr Gray had included in his draft judgment at paragraph 7: *"... and the Defendants are ordered to attend for discovery to answer all relevant questions relating thereto. The Plaintiff may in his sole discretion choose not to proceed with the reference for damages or profits at any time, in which case all further steps in the reference shall cease and the reference shall be discontinued with no costs of the reference to either party.."* The above passage again shows that counsel is more interested in extracting information than in any actual accounting or restitution of funds. The Reference should not now be used for such a purpose.

- 10) Mr Gray has been trying to get a private Discovery since the Judgement and it was evident that he would try to circumvent proper process through the Referee. A Stay of the Order of Justice Harrington was therefore requested and though not granted, Justice Mainville said "*The Appellant Tajdin's fear that these reference proceedings will be used by his opponents as a means of harassing him are ill founded, since the judge or other person designated by the Chief Justice of the Federal Court who will conduct the reference can take appropriate measures that there is no such abuse of the proceedings.*"
- 11) The Aga Khan has not cashed the \$30,000 paid on May 27, 2011 as cost. Mr Gray has even confirmed to me, at various occasions, in particular in writing in May 2010 and again verbally on 15 October 2010, that The Aga Khan does not want either damages or profit or cost. Apart from this, I have many reasons to mistrust opposing counsel as it has been obvious at many occasions that persons other than the Aga Khan are directing the proceeding of this case, and contradicting the Aga Khan, and that they have their own agenda in pursuing forcefully such a futile exercise.
- 12) I want to reiterate that my allegiance and obedience to the Aga Khan is unconditional and unlimited. All of my Farman book publication projects were done out of my love and affection for the Imam, and all were deficit projects. My relation with the Aga Khan is the same as would be that of a most devoted Christian with the Christ. I also continue to donate, as always, to The Aga Khan's Institutions. In fact, as recently as this morning in Nairobi, I attended a small private function where I was invited by the Aga Khan, as a major donor to the Aga Khan Institutions, and where He was Himself present with the Prime Minister of Kenya.

Respectfully Yours,



**Nagib Tajdin**