

Federal Court



Cour fédérale

Date: 20100924

Docket: T-514-10

Ottawa, Ontario, Friday, this 24<sup>th</sup> day of September 2010

PRESENT: MADAM PROTHONOTARY MIREILLE TABIB

BETWEEN:

HIS HIGHNESS PRINCE KARIM AGA KHAN

Plaintiff

- and -

NAGIB TAJDIN, ALNAZ JIWA,  
JOHN DOE AND DOE CO. AND  
ALL OTHER PERSONS OR ENTITIES UNKNOWN  
TO THE PLAINTIFF WHO ARE REPRODUCING,  
PUBLISHING, PROMOTING AND/OR  
AUTHORIZING THE REPRODUCTION  
AND PROMOTION OF THE INFRINGING MATERIALS

Defendants

**ORDER**

UPON a case management telephone conference held September 23, 2010.

**IT IS ORDERED THAT:**

1. To the extent the Plaintiff wishes to move for leave to file a responding expert affidavit in opposition to the Defendants' motion for summary judgment, a motion record on motion for leave to do so shall be served and filed no later than September 27, 2010, and shall be made returnable at General Sittings in Ottawa, beginning at 9:30 a.m. on September 30, 2010, by telephone conference.

2. Responding motion records to the Plaintiff's motion for leave to file an additional affidavit shall be served and filed no later than September 29, 2010, at 2:00 p.m. Eastern Time.
3. If leave is granted to the Plaintiff to file a further affidavit in opposition to the Defendants' motion for summary judgment, cross-examination on that affidavit shall take place during the week of October 4, 2010.
4. The transcript of all cross-examinations conducted on all affidavits filed in the context of the parties' respective motions for summary judgment shall be filed no later than October 13, 2010.
5. The Judicial Administrator shall advise the parties of the earliest dates of availability for a hearing of the parties' respective motions for summary judgment, in English, preferably in Toronto but possibly in Ottawa if an earlier date is available, for a duration of 2 days, after October 15, 2010, bearing in mind that the parties are not available on October 19, 20, 22, 25, 27, 28 and 29, 2010 and on November 4, 6, 10 and 12, 2010 and from November 15 to December 3, 2010.
6. The Defendants shall serve on the Plaintiff their respective affidavit of documents no later than October 8, 2010.
7. Notwithstanding that the Plaintiff has yet to serve an affidavit of documents, the Defendants have leave to serve a direction for the Plaintiff to attend to be examined on discovery at a mutually convenient date, on the following conditions:

- (a) Both Defendants must have served their affidavit of documents prior to serving a direction to attend.
  - (b) The direction to attend must be served at least 10 days prior to the date set out for the examination on discovery.
  - (c) The examination on discovery must be scheduled on a date where the Plaintiff is scheduled to be in Canada on other matters, failing which the direction to attend must be accompanied by travel and attendance costs and must be served at least 30 days prior to the attendance.
  - (d) The examination on discovery must not last more than 15 minutes.
  - (e) The Defendants will be deemed to have waived their right to receive an affidavit of documents from the Plaintiff and to request further attendance on discovery of the Plaintiff.
8. If the Defendants do not abide by the conditions set out in the previous paragraph, the examination on discovery of the Plaintiff shall await the time at which the Plaintiff serves its affidavit of documents and shall be scheduled in the course of a case management telephone conference to be convened for the purpose.
9. Should the Defendants comply with the conditions set out above and serve a direction to attend on the Plaintiff, and the Plaintiff wishes to be relieved from his obligation to comply with the direction to attend, a full motion record seeking such relief shall be served and filed without delay and may be made returnable at a Special Sitting to be set by the Case Management Judge, in which case the Plaintiff shall provide all parties' joint dates of availability to participate in such a case management telephone conference, or at General Sittings in Ottawa on

September 30, at General Sittings in Montreal on October 4, or at General Sittings  
in Ottawa on October 7, 2010.

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"Mireille Tabib"  
Prothonotary

Federal Court



Cour fédérale

**Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur**

**TO / DESTINATAIRE(S):**

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**FROM / DE :** Julie Dulac  
 Registry Officer

**DATE :** September 24, 2010

**TIME / HEURE :** 1:32 PM

**Telephone / Téléphone :** 613-995-7660

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**Facsimile / Télécopieur :** 613-952-3653

**SUBJECT / OBJET :** Court file no.: T-514-10  
 HIS HIGHNESS PRINCE KARIM AGA KHAN v. NAGIB TAJDIN, ET AL.

**COMMENTS / REMARQUES:** Please find enclosed an Order of Madam Prothonotary Tabib dated September 24, 2010. A certified copy will follow by registered mail.

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