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**From:** Nagib Tajdin [mailto:nagib@tajdin.com]  
**Sent:** Wednesday, October 27, 2010 3:56 PM  
**To:** 'CAS-SATJ Documents'  
**Cc:** 'WhyteNowak, Allyson'; 'Jiwa Law Office'; 'Gray, Brian'  
**Subject:** Federal Court file T-514-10

Dear Ms. Dickenson

I am the defendant in this action and I am responding to the Direction of Madam Prothonotary Tabib dated October 25, 2010. Please bring this response to the attention of Madam Prothonotary Tabib.

The un-verified one page transcript that Mr Gray has circulated of the Discovery does not represent the reality and contains transcription errors of importance. It contains nothing of what the Aga Khan said during the half hour he was there. I only received the copy of the transcript from Mr Gray at the same time as you did, because Mr Gray did only give me the contact info of the court reporter few hours before he wrote to you, despite my asking for it repeatedly.

During Discovery, I attempted to start my questions by presenting my 4<sup>th</sup> January 2010 letter to the Imam which is already on file and which contains all of the 5 questions I intended to ask His Highness. [See line 6 of discovery sent by Mr Gray] The letter was forcefully snatched from His Highness's hands by Mr Gray while His Highness had just started reading it.

There was no way for me to finish asking any questions under the bullying of Mr Gray and his disrespectful attitude towards the Imam. And while I was carefully listening to the Imam's instructions, with the honest intent to say yes to any request that He made, Mr Gray took undue advantage, and has without my consent manipulated the records to say what he wanted the record to say. In the minutes that followed Mr Gray's snatching of my questions from His Highness's hands, His Highness distanced himself completely from the Statement of Claim and even from some of the main content in the alleged forged letters.

**I have always committed to do what the Imam will tell me to do. I have prepared, signed and send to Mr Gray a Consent Judgment which to my recollection reflects exactly all of the points ordered by the Imam.** Mr Gray is only trying to protect his own personal interest and that of both Mr Sachedina and Manji who were contradicted by the Imam himself each time they tried to influence the proceedings.

During the Discovery, The Imam expanded on and contradicted many of the issues in the Statement of Claim and related pleadings. The Imam was cordially conversing with me, he did not contradict me at any time, he said

he wants to meet again and work with Mr Jiwa and myself. He contradicted Mr Gray, Mr Manji and Mr Sachedina at the discovery but also contradicted most of what Mr Sachedina said during his cross-examination in August. And I was appalled at the breach of protocol when Mr Sachedina and Mr Manji raised their voice and energetically and loudly argued their points against the Aga Khan's instructions. I was also disappointed and disbelieving when some of those clearly-contradicted points appeared in the draft Consent Judgment sent to me by Mr Gray.

**The Imam has instructed that the matter should be put to rest with a Consent Judgment; It is a matter of concerns that Mr Gray still persist in pushing for Motions when the orders he has received were very clear and not subject to interpretation.**

**His Highness wants a Consent Judgment, I also want a Consent Judgment on the term defined by His Highness during Discovery and Mr Jiwa also wants the same Consent Judgment. Mr Gray is the only one not agreeing to it.**

**I am requesting the Court therefore to make available to the parties and to itself the full audio recording of the discovery and appoint an arbitrator who will draw a Consent according to what the Imam has instructed during half hour to all present at the discovery. I will sign without hesitation any Consent which is made in accordance to what His Highness instructed. I hope this is also what the Court will order Mr Gray to do. There is no reason for this lawsuit to drag on.**

Respectfully,

Nagib Tajdin

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