

TAB 3

Court File No. T-514-10

FEDERAL COURT

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

AFFIDAVIT OF AZIZ M. BHALOO

I, AZIZ M. BHALOO, of the town of Thornhill, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Resident Representative of the Aga Khan Development Network in Kenya. I have held this position since April of 2007. I was a founding member of Focus Humanitarian Assistance Canada and the Chairman of the Focus International Coordinating Committee, a committee of Focus Humanitarian. Focus Humanitarian provides humanitarian assistance and disaster relief, and is an affiliate of the Aga Khan Development Network. I have been the Chair of this Committee since 2005.
2. I was the President of the Ismaili Council for Canada between the years of 1993 to 1999. Prior to that time, I held the position of Council Vice-President from 1987 to 1993.
3. In October of 1998 I organised and attended a meeting with the Defendant, Nagib Tajdin and Shafik Sachedina, senior aide to His Highness Prince Karim Aga Khan in my capacity as President of the Ismaili Council for Canada.
4. The meeting took place at a hotel in Montreal. The purpose of meeting with Mr. Tajdin was to discuss Mr. Tajdin's unauthorized publication and distribution of two Farman books.

- 2 -

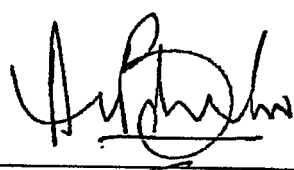
5. Mr. Tajdin brought copies of the Farman books with him to the meeting. During our meeting, which lasted a little over an hour, Mr. Sachedina told Mr. Tajdin that His Highness did not approve or authorize the publication or dissemination of the Farman books. Mr. Sachedina further explained that His Highness did not wish for any of his Farmans to be published until after he had the opportunity to review them and provide any required annotations.
6. Mr. Sachedina told Mr. Tajdin that His Highness desired that Mr. Tajdin cease all publication and distribution of the Farman books. Mr. Tajdin was initially resistant to this proposal as he claimed that all Ismailis should have access to His Highness' Farmans because the Ismaili institutions were not making them available. Mr. Tajdin also described his belief that His Highness had consented to the publication and distribution of the Farman books when Mr. Tajdin had a brief audience with His Highness on August 15, 1992.
7. Mr. Sachedina impressed upon Mr. Tajdin that no Farmans should be published without His Highness' approval. Before the end of our meeting, I had and still have a clear and unequivocal recollection of Mr. Tajdin stating that he would no longer publish and distribute the Farman books. Mr. Tajdin also said that he would work with the Ismaili Institutions to help develop an official web site.

August 15, 1992

8. Though I was not present at the August 15, 1992 *Mehmani* in Montreal described by Mr. Tajdin at paragraph 11 of his Statement of Defence, I was a principal party involved in organizing His Highness' 1992 visit to Canada due to my position as Vice President of the Ismaili Council for Canada. As a result, I have personal knowledge that there were approximately 500 to 700 Ismailis from various congregations awaiting an audience with His Highness during *Mehmani* that same day. To afford each Ismaili the opportunity to meet His Highness, individual audiences with the Imam were for a duration of only a few seconds.
9. I make this affidavit in support of the Plaintiff's motion for summary judgment and for no other purpose.

SWORN before me at the City of
Toronto, on June 23rd, 2010.
Madhani

Madhani
MOHAMEDALI KASSAMALI MADHANI
NOTARY PUBLIC
P.O. Box 48539 - 80100
NAIROBI - KENYA



A Commissioner for taking affidavits

AZIZ M. BHALOO



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**AFFIDAVIT OF
AZIZ M. BHALOO**

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