

**TAB 4**

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 DANIEL J. GLEASON, ESQ.**

(sworn June 1, 2010)

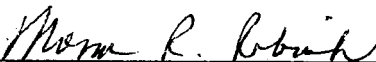
I, DANIEL J. GLEASON, ESQ., of the City of Boston, in the State of Massachusetts, MAKE OATH AND SAY:

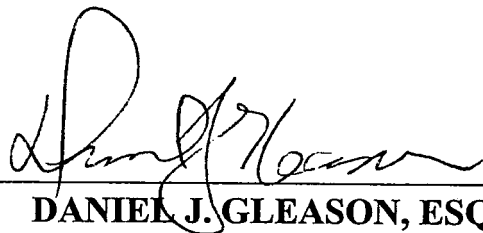
1. I am a Partner at the Law Firm of Nutter McClennen & Fish LLP (“Nutter”) at its home office in Boston, Massachusetts, where I have practiced litigation since 1971. I am a member of the Massachusetts State Bar, admitted to practice in the Federal District Court and Circuit court, as well as before the United States Supreme Court.
2. On May 12, 2010, at the request of Brian W. Gray, a partner at the law firm of Ogilvy Renault LLP, I met with His Highness The Aga Khan at the Mandarin Oriental Hotel for approximately 20 minutes. My purpose was to present the attached Affirmation to The Aga Khan, to assure myself that he understood its contents, and to obtain his signature thereon. Accompanying me was a Certified Notary Public for the Commonwealth of Massachusetts, Jennifer Colman.
3. Ms. Colman and I were greeted at the Mandarin Oriental by The Aga Khan’s personal assistant, Sherbanoo Moledina, who took us to His Highness’ suite, where we were introduced and engaged in a brief social conversation with His Highness. His Highness

then presented his French Diplomatic passport for examination by both myself and Ms. Colman.

- 4. We next presented the three copies of the Affirmation to His Highness who assured us, after he had read it, that he understood its contents and was prepared to sign.
- 5. At that point, Ms. Colman and I watched His Highness sign each of the three copies of the Affirmation. Ms. Colman then affixed her notary seal on each signed document, thereby confirming his signature to be genuine. A copy of the executed Affirmation dated May 12, 2010, is attached as **Exhibit "A"** to my affidavit.
- 6. Other than His Highness' personal assistant, who did not participate in the meeting itself, no one else was present.
- 7. Throughout this brief and very cordial visit, I had no sense that The Aga Khan had any difficulty understanding the purpose of the Affirmation or any hesitation in freely affixing his signature to it.
- 8. 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 Boston, on June 1, 2010.

  
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 A Commissioner for taking affidavits

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 \_\_\_\_\_  
**DANIEL J. GLEASON, ESQ.**

**TAB A**

This is Exhibit "A" to the Affidavit of  
Daniel J. Gleason, Esq. sworn to before me this 1<sup>th</sup> day  
of June, 2010.



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Commissioner for Oaths

Court File No. T-514-10

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Plaintiff

- and -

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Defendants

AFFIRMATION

I, Prince Karim Aga Khan, do solemnly affirm pursuant to sections 14 and 15 of the Canada Evidence Act as follows:

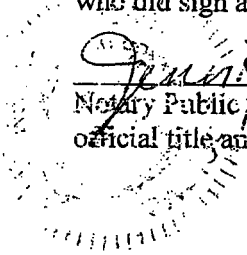
- 1. I am the Plaintiff in Court File No T-514-10 filed in the Federal Court of Canada. I have personally reviewed and approved the contents of the Statement of Claim filed with the Court in this case.
- 2. I have retained the firm of Ogilvy Renault LLP to act as my solicitors on my behalf and have authorized the action for copyright infringement against the named defendants.
- 3. I do not consent and have never consented to the publication and copying of the works in dispute and that are set out in the Statement of Claim.
- 4. I have informed one of the defendants Nagib Tajdin in two letters which I have written to him of my instructions to stop the unauthorized publication and to deliver up the undistributed books. In the second letter I purposively added a handwritten note in order to show that the letter came from me personally.
- 5. I authorized the Ismaili Leaders International Forum (LIF) to inform my Community about this matter and I know that this communication reached both Mr. Jiwa and Mr. Tajdin.

Agakhan.

Now appeared before me on this 12<sup>th</sup> day of May, 2010, Prince Karim Aga Khan, a person who did identify himself to me by means of a passport (Republique Francaise) and who did sign and solemnly affirm the above.

Jennifer A. Colman

Notary Public in and for the Commonwealth of Massachusetts [Please put name and official title and seal]



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Defendants

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**AFFIDAVIT OF  
DANIEL J. GLEASON, ESQ**

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**OGILVY RENAULT LLP**  
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Toronto, Ontario M5J 2Z4**Brian W. Gray**  
**Kristin E. Wall**Tel: (416) 216-4000  
Fax: (416) 216-3930**Solicitors for the Plaintiff**