

Nagib Tajdin

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July 31, 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.

I am the defendant in T-514-10, I reside in Kenya and I am self represented.

This is in response to Mr Gray's letter dated July 29th 2011. Mr Gray is attempting to derail the orderly progression of the Reference and to influence the Court by an avalanche of letters full of unwarranted speculations and insinuations bordering defamation.

I would like to show however, by giving a few specific facts how Mr Gray has tried to mislead the Referee by his letter:

- 1) Mr Gray is saying that we are wrong in having paid the cost of \$30,000 to the named Plaintiff. But in his Judgment dated March 4th 2011, Justice Harrington says: "The cost of the proceedings to date, including the cost of the motion under Rule 394 of the *Federal Courts Rules* are fixed at C\$30,000.00, all inclusive, payable to the plaintiff forthwith." And Justice Mainville in paragraph 2 of his judgement dated 19th May 2011 only stayed this order for 15 days in which the Appellant had the choice to pay this amount to the Registry else following the expiry of the 15 days Stay, that amount had anyway to be paid to the plaintiff "forthwith".

On May 25, 2011, a cheque in the amount of 19,000GBP (~\$30,300CDN) was paid to the attention of His Highness The Aga Khan as per the original Order. The cheque was accompanied by a letter stating that the funds do not need to be returned in the event that the appeal succeeds and may be used by the Imam for any activities Imam so wishes. On June 3rd, 2011, the stay of the original order was lifted, the amount was due to be paid to the Aga Khan "forthwith", and the Aga Khan had a valid cheque as per the original order for the correct amount plus incidentals for currency conversion. But the Aga Khan did not cash this cheque.

- 2) Mr Gray is suggesting in his letter at paragraph 7, that he does not believe that at times I have been traveling accompanied by 2 other people for the purpose of collecting the Farmans. But he knows since at least a year that the collection of Farmans has some times necessitated travels of up to 3 people at a time. This was admitted by his own affiant. All that he doesn't know is who these individuals are, and for the purpose of this reference, their identity is irrelevant. For example, in his Cross Examination, Mr Gray's Affiant said as follows, referring to one instance when The Aga Khan went to make Farmans in Syria:

Cross-Examination of Sachedina pp.78-79: #328:

Q. In fact, in the plane ride you were going to and coming back from Syria in 2001, you know there were two other individuals with Mr. Tajdin?

A. I'll tell you now I have no recollection of who these individuals are or what they do. I have to tell you that. Because I did not look at them from that view. Because my relationship with Nagib has always been maintained on a real cooperative and in a manner of not adversarial at all.

MR. GRAY: Until now.

- 3) If Mr Gray cannot believe my sworn statements in my Affidavit of Document, there is no reason why he would believe me when I say the same things verbally in a Discovery. In any case, I will be providing the revised Affidavit of Document on 22nd August and a meeting is already scheduled 4 days later (in less than 4 weeks

I do not oppose neutral oversight by the courts, but I do seek the court's cooperation in keeping the unredacted documents confidential, as they are not required to be revealed to opposing counsel for the purpose of the reference.

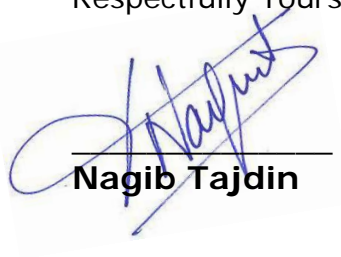
A current letter from the printing press, which I will bring to the Referee without hiding the name of the Printing Press, and which certifies that only 5,500 copies have been printed and that there has never been any other orders, will prove Mr Gray decisively wrong in his unsubstantiated speculations.

- 4) It has been a feature of this case that, although I have made my mistrust of Mr Gray amply evident, Mr Gray keeps bringing additional purported "facts" as an "officer of the courts" without backing it up with any factual evidence. In fact, there is even no direct evidence or Affidavit from the Aga Khan on the record.

For example, in the matter of costs, in June 2010 and in October 2010, Mr Gray said to me that the Aga Khan did not want any costs or damages. In the Plaintiff's motion for judgment in February 2011, it was again indicated that costs or damages would be waived. So according to Paragraph 11 of Mr Gray's letter, some time after that motion, once the Order and the Injunction were in place, The Aga Khan indicated to him that he now wants to pursue all costs and remedies because we did not "stop"? But all purported "infringing" activities had stopped well before the injunction. The only thing we did

not stop is to defend ourselves. This indicates that the remedies are being pursued as a punishment for defending ourselves, and we believe this is a misuse of justice. And this is not consistent with the Aga Khan's character, both public and as our spiritual leader.

Respectfully Yours,



Nagib Tajdin