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Madam Prothonotary Tabib
Federal Court of Canada
90 Sparks Street
Ottawa, Ontario
K1A 0H9

**Re: Jiwa et al. ats His Highness Prince Karim Aga Khan
Court File No.: T514-10**

I respond to the letters sent to you by Mr. Gray. I deny his allegations that we are saying one thing on the record and another off the record. Mr. Gray is suggesting that we proceed with the motions for summary judgment already scheduled for December 7 and 8. I agree with his suggestion. However, I wish to respond to some of the things said by Mr. Gray. His Highness the Aga Khan appeared for his discoveries after Mr. Gray, Mr. Sachedina and Mr. Manji spent about 30 minutes with His Highness before our meeting took place, and then His Highness spent about 30 minutes with us.

Mr. Tajdin made it clear to His Highness that all he wished was to “take the direction, instructions and orders” from his Imam, and referred His Highness to the letter that he (Mr. Tajdin) had previously sent to His Highness on January 4, 2010. Mr. Gray took away the letter from His Highness, preventing Him to review and respond to it.

Mr. Gray acted inappropriately at the discoveries. Firstly, without seeking any consent from Mr. Tajdin, he brought Mr. Sachedina and Mr. Manji to attend the discoveries, and secondly, Mr. Gray retained a court reporter who was very well known to him (he called her repeatedly on her cell phone while she was at an art gallery to ask her to attend for discoveries). The court reporter acted solely on Mr. Gray’s instructions to go on and off the record, and she complied with Mr. Gray’s requests without seeking any input or consent from Mr. Tajdin, and as a result, all of the directions given by His Highness on October 15, 2010, are off the record. If you read the transcript, you will note that His Highness starts by saying if he could make a suggestion, and Mr. Gray immediately asked the reporter to go off the record. I cannot understand why Mr. Gray went off the record at that point as we would have had His Highness’s exact word directing us what he wanted. Now everything is off the record.

Mr. Gray is suggesting that since I am lawyer, I could have objected to the issues now raised by me. However, he knows perfectly well that I was present simply as a party and that I did not and do not represent Mr. Tajdin. Mr. Gray’s comments that I did not ask any questions is also surprising. He is

misrepresenting the matter by saying that as he knew that I was *not* to ask any questions.

Mr. Gray's statement that on the record we said that we would agree to the consent judgement as per the claim, what was actually meant was that we would agree to the *directions* given by His Highness to resolve the issues at that point. His Highness had said then that it would be the honourable thing to do, and also said that he would meet us outside of the litigation to deal with the issues.

A few hours after the meeting, Mr. Gray sent us a draft consent for signing which was not in accordance with the directions given by His Highness. After I objected, he did amend the consent which reversed (not surprisingly) some of the original terms Mr. Gray initially wanted us to sign. However, the second draft is also not in accordance with the directions given by His Highness on October 15, 2010. I am not surprised that Mr. Gray chose on his own to keep most of what was said by His Highness off the record.

Mr. Gray statement that "the defendants agreed to one thing in the presence of the Plaintiff and formally on the record and as soon as they were not in his presence they now make up events to suit their purpose" is simply a self serving comment and not true. The two consents drafted by Mr. Gray readily show the discrepancy between them, and both consents are not in accordance with the directions given by His Highness.

I note that His Highness was present for about 30 minutes and suggested:

- ▶ He wanted us to acknowledge His copyright over His farmans, and that He wanted us to return all undistributed books to ITREB;
- ▶ His Highness said to settle the matter as per his suggestion saying that it was the honourable thing to do, and that He would meet us outside of the legal process to deal with the issues;
- ▶ His Highness said that He annotates His Farmans but does not change the Farmans and that the annotated Farmans could be produced to us if we wanted;
- ▶ His Highness said that when His Farmans are changed, it has hurt the *dais* (those who work to disseminate religious knowledge on behalf of the Imam);
- ▶ His Highness said that He wished to protect His Farmans from being changed, and to protect the *Ginans*;
- ▶ His Highness confirmed that a *murid* [referring to Karim Alibhay] had presented him the first book [published by Mr. Tajdin] during a *mehmani* ceremony in Montreal in 1992, and that he responded by encouraging him to continue the work;
- ▶ (Earlier His Highness had suggested that all undistributed copies to be returned to ITREB). Knowing that Mr. Sachedina has been seeking to have all of the books returned, I sought

further clarification of this matter, and His Highness confirmed *again* that the distributed copies can remain with whomever they have been distributed to, and that only the undistributed books to be returned. At which point, Mr. Tajdin informed His Highness that he had 200 books remaining in Kenya and that he would return them to ITREB in Kenya, and His Highness replied in the affirmative;

- ▶ Despite His Highness confirming again that only undistributed books to be returned, Mr. Sachedina objected and said that he could send an announcement to be read in all Jamatkhanas (places of worship) that all copies to be returned. His Highness refused his suggestion and responded, “it would be nice if we spoke with the same voice”;
- ▶ His Highness requested that we *withdraw* the allegations of fraud made against His staff and His officers, but did not confirm that He had signed the documents alleged by us as forged;
- ▶ His Highness confirmed that the Farmans of the previous Imams are His and belong to Him;
- ▶ Mr. Manji asked His Highness to direct us to cease the web site activities. His Highness refused to do so, and when Mr. Manji insisted that the web sites cause a lot of problems and confusion in the Jamats, His Highness responded to him saying, “it would be nice if we spoke with one voice, why cannot you work together?”;
- ▶ Mr. Tajdin informed His Highness that he took full responsibility for the publication of the books and that I had nothing to do with publishing of the books, to which His Highness responded that he knew that “Mr. Jiwa” was not involved in the publication of the books;

Mr. Gray is seeking that the motions for summary judgment proceed as scheduled. Although His Highness said the honorable thing would be to settle the case, I am not opposed to arguing the motions for judgment already scheduled.

Yours very truly,

Alnaz Jiwa

cc: Nagib Tajdin, co-defendant, via email

cc. Mr. Gray, via email