

Tuesday, May 24, 2011

Federal Court of Appeal  
Registry Officer  
Tel: (613) 947-6027  
Fax: (613) 952-3653  
E-mail: [CMT\\_Ottawa@cas-satj.gc.ca](mailto:CMT_Ottawa@cas-satj.gc.ca)

**Re: A-59-11 Federal Court of Appeal  
Judgment dated May 19, 2011**

Dear Sirs:

Please bring this to the attention of Justice Mainville.

I am the main appellant in this appeal. I am self-represented and residing in Kenya. I am writing in regards of the Judgment with respect to two specific orders.

It was my understanding that the court would not consider matters that are not in evidence, and therefore I did not respond to the claims and false assumptions that were only in counsel's pleadings and not in evidence.

I respectfully ask for reconsideration of the Stay on:

- The order with respect to submitting documents; and
- The order with respect to quantum of damages.

The following court's assumptions are based only on the pleadings and are not backed by any facts:

**a) *That Tajdin lied about travels and would not suffer irreparable harm***

- As I said in my affidavit [at para 64], I moved to Africa in late 2005. I then started my business in 2006. The dates in the Golden Edition Index submitted in the Plaintiff's evidence show that my longer travels to collect Farmans occurred when I resided in Canada, and before I moved to Africa (India 1988, France 1989 and 2002, Tajikistan 2003, Pakistan 1981, 1988, 2000 and 2003, Syria 2001, USA 2002, Afghanistan 2003-2004, Dubai 2004-2005.). Any travels I made to collect Farmans after I moved to Kenya were mostly weekend trips - Madagascar (1 day in 2008), Uganda (1 day in 2007), Tanzania (2 days in 2007), Ivory Coast (3 days 2008) and UK (3 days 2007)

- As I said in my affidavit for this Motion [paras 64-68], the reconstitution of records based on old documents that span decades and that may or may not be found will indeed be time consuming. Any lengthier current travel would require advance preparation and incur tangible loss of business and customers, as well as rampant security risks for my family and theft risks for my business. During three of the four trips

I made to Canada for this lawsuit last year (May, August, October, December 2011), I had to close my bakery. I lost my customer base each time I tried to restart, and because of those trips my business suffered extreme losses.

- As I said in my affidavit for this Motion [at paras 79, 80], avoidable appearances for court procedures in Canada are also an unnecessary security risk. There are, on record, multiple death threats against me on the Internet. All of these threats originate from Canada, as can be seen from the IP number identified for those postings on the Internet. These threats are real; for example, four people traveled from Toronto to Ottawa on a "holy war" to assault me on Spark Street immediately after a hearing on the same subject matter on 13 October 2010. One of these people, known by the name of Mehboob Kamadia, even gave his business card to Counsel for Plaintiff in my presence inside the courtroom at the end of that hearing.

**b) That without his documents Tajdin will be like other Ismailis and would get "Authorized" Farmans**

- There is no evidence that other Ismailis actually get access to "authorized Farmans" from any institutions for study. The record does show that it is the Ismailis' duty to study Farmans and to apply them in their everyday lives. As I said in my affidavit [at para 44 and 85], cross examination of Sachedina on record also shows that over 80% of Ismailis have NO access to Jamatkhans or to Farmans from institutions.

- The record also shows that Institutions have not published any Farmans or provided any Farmans to Ismailis for personal study in around 35 years. The record also shows that Ismailis fulfill their duty by collecting and keeping personal collections of Farmans in various countries and various languages from other sources. This has helped keep Ismailism alive. I am only one of the many Ismailis who are currently compiling, publishing and circulating compilations of Farmans, though I may be the one with the most extensive collection.

- As I said in my affidavit for this Motion [at paras 11,29, 84, 86, 89], the record shows that the Aga Khan's word in a Farman is a final order to Ismailis, and that He has made Farmans that encourage individual Ismailis to study and share His Guidance, and to listen to it at their leisure. There has never been any Farman of the Aga Khan to Ismailis limiting them to obtaining Farmans only from the institutional sources nor any process truly approved by the Aga Khan since 1986 in this regards. So depriving Tajdin of his personal collection does indeed put him at a disadvantage in comparison to other Ismailis.

**c) That The Aga Khan will protect documents**

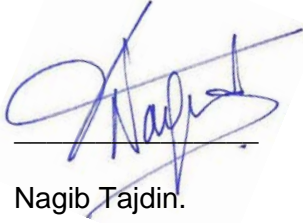
- There is no direct evidence whatsoever from the Aga Khan on this subject, and the record does show that Mr Sachedina is in fact liaising with Mr Gray, counsel for the Plaintiff.

- As I said in my affidavit for this Motion [at paras 10, 44], the record also shows that Sachedina has access to all correspondence to and from the Aga Khan's Secretariat, and that he has vowed to ruin Tajdin in the eyes of the worldwide Ismaili community well before the lawsuit was started.

- There is therefore no assurance that this part of the order will be followed.

I therefore respectfully request the Court to review and re-consider the decision in so far as these two serious issues are concerned: remitting my personal copy of the documents used to print the book and the travels for the alleged damage/profit quantum calculation.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Nagib Tajdin', is written over a horizontal line. The signature is stylized and somewhat cursive.

Nagib Tajdin.

CC: Alnaz Jiwa

CC: Brian Gray