

**This is Exhibit "10" attached to the
Affidavit of Nagib Tajdin
Sworn on May 8, 2012
MRC**

From: Nagib Tajdin [nagib@tajdin.com]
Sent: Friday, October 22, 2010 4:48 PM
To: 'Gray, Brian'; 'Jiwa Law Office'; 'Ainaz Jiwa'
Cc: 'nagibtajdin@yahoo.com'; 'WhyteNowak, Allyson'
Subject: T-514-10 Court Reporter

Dear Mr Gray,

It is a matter of concern that you have ignored my email about the contact information of the Court Reporter. I would appreciate to receive this information at the earliest.

Regards,

Nagib Tajdin

From: Nagib Tajdin [nagib@tajdin.com]
Sent: Monday, October 25, 2010 10:06 AM
To: 'Gray, Brian'; 'Jiwa Law Office'; 'Alnaz Jiwa'
Cc: 'nagibtajdin@yahoo.com'; 'WhyteNowak, Allyson'
Subject: RE: T-514-10 Court Reporter

Mr Gray,

This is the last time I am asking you for the court reporter contact information. If you do not email me within a couple of hours, I will consider that you have serious reasons to delay this information.

Nagib Tajdin

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Received: 2010-10-25 11:57 AM
 From: Brian W. Gray <bgray@royalbank.com>
 To: Madam Prothonotary, High Court of Justice
 Subject: Re: Federal Court file #25-1-10 re: High Court of Justice
 Attachments: 25254-1 (revised).pdf (26 KB)

Dear Ms. Dickenson,

We represent the Plaintiff in this action and are responding to the Direction of Madam Prothonotary Tabib dated October 25, 2010. Please bring this response to the attention of Madam Prothonotary Tabib.

The Plaintiff did attend for discovery as ordered, but Mr. Tajdin did not ask any questions, including the five that Mr. Tajdin had advised the court that he would ask, notwithstanding that the Plaintiff had prepared answers to all of them. Both he and Mr. Jiwa confirmed on the record that they did not have any questions and did not want any further information from the Plaintiff. Enclosed is the transcript of the meeting. While both Mr. Tajdin and Mr. Jiwa agreed to consent to judgment on the record in accordance with the relief requested in the Statement of Claim, Mr. Jiwa and Mr. Tajdin have made subsequent attempts to modify that agreement in terms which are not acceptable to the Plaintiff. Rather than debate the matter with these Defendants, or engage in a protracted argument about the Settlement, we have decided that the most expeditious and least expensive course of action is simply to proceed to the summary judgment motion about which you have enquired.

However the defendants did acknowledge on the record that they are withdrawing their allegations of fraud. In addition as the Plaintiff did show up as ordered, I believe that the defendants will no longer assert that this action is not authorized by the Plaintiff. Therefore we believe the time required for the summary judgment motion could be shortened.

However recognizing the defendants are self represented, the argument may take longer than would otherwise be the case and therefore it may be prudent to keep the allocation of two days for the hearing in case the judge hearing the matter wishes to allow for extended argument.

Respectfully submitted,
 Brian W. Gray

Brian W. Gray
 Ogilvy Renault LLP
 Barristers and Solicitors
 Patent and Trade-mark Agents
 Royal Bank Plaza, South Tower
 200 Bay Street, Suite 3800, P.O. Box 84
 Toronto, Ontario M5T 1Z7A

102

From: Nagib Tajdin [mailto:nagib@tajdin.com]
Sent: Wednesday, October 27, 2010 3:56 PM
To: 'CAS-SATJ Documents'
Cc: 'WhyteNowak, Allyson'; 'Ijwa Law Office'; 'Gray, Brian'
Subject: Federal Court file T-514-10

Dear Ms. Dickenson

I am the defendant in this action and I am responding to the Direction of Madam Prothonotary Tabib dated October 25, 2010. Please bring this response to the attention of Madam Prothonotary Tabib.

The un-verified one page transcript that Mr Gray has circulated of the Discovery does not represent the reality and contains transcription errors of importance. It contains nothing of what the Aga Khan said during the half hour he was there. I only received the copy of the transcript from Mr Gray at the same time as you did, because Mr Gray did only give me the contact info of the court reporter few hours before he wrote to you, despite my asking for it repeatedly.

During Discovery, I attempted to start my questions by presenting my 4th January 2010 letter to the Imam which is already on file and which contains all of the 5 questions I intended to ask His Highness. [See line 6 of discovery sent by Mr Gray] The letter was forcefully snatched from His Highness's hands by Mr Gray while His Highness had just started reading it.

There was no way for me to finish asking any questions under the bullying of Mr Gray and his disrespectful attitude towards the Imam. And while I was carefully listening to the Imam's instructions, with the honest intent to say yes to any request that He made, Mr Gray took undue advantage, and has without my consent manipulated the records to say what he wanted the record to say. In the minutes that followed Mr Gray's snatching of my questions from His Highness's hands, His Highness distanced himself completely from the Statement of Claim and even from some of the main content in the alleged forged letters.

I have always committed to do what the Imam will tell me to do. I have prepared, signed and send to Mr Gray a Consent Judgment which to my recollection reflects exactly all of the points ordered by the Imam. Mr Gray is only trying to protect his own personal interest and that of both Mr Sachedina and Manji who were contradicted by the Imam himself each time they tried to influence the proceedings.

During the Discovery, The Imam expanded on and contradicted many of the issues in the Statement of Claim and related pleadings. The Imam was cordially conversing with me, he did not contradict me at any time, he said

he wants to meet again and work with Mr Jiwa and myself. He contradicted Mr Gray, Mr Manji and Mr Sachedina at the discovery but also contradicted most of what Mr Sachedina said during his cross-examination in August. And I was appalled at the breach of protocol when Mr Sachedina and Mr Manji raised their voice and energetically and loudly argued their points against the Aga Khan's instructions. I was also disappointed and disbelieving when some of those clearly-contradicted points appeared in the draft Consent Judgment sent to me by Mr Gray.

The Imam has instructed that the matter should be put to rest with a Consent Judgment; It is a matter of concerns that Mr Gray still persist in pushing for Motions when the orders he has received were very clear and not subject to interpretation.

His Highness wants a Consent Judgment, I also want a Consent Judgment on the term defined by His Highness during Discovery and Mr Jiwa also wants the same Consent Judgment. Mr Gray is the only one not agreeing to it.

I am requesting the Court therefore to make available to the parties and to itself the full audio recording of the discovery and appoint an arbitrator who will draw a Consent according to what the Imam has instructed during half hour to all present at the discovery. I will sign without hesitation any Consent which is made in accordance to what His Highness instructed. I hope this is also what the Court will order Mr Gray to do. There is no reason for this lawsuit to drag on.

Respectfully,

Nagib Tajdin

P.O. Box 38236 - 00623

Nairobi, Kenya

Nagib Tajdin

From: Gray, Brian [bgray@ogilvyrenault.com]
Sent: Wednesday, October 27, 2010 4:14 PM
To: 'Nagib Tajdin'
Cc: WhyteNowak, Allyson; 'Alnaz Jiwa'
Subject: RE: T-514-10 Consent Judgment
Follow Up Flag: Follow up
Flag Status: Red

I do not think I can respond to this in any polite way. There is hardly even one truthful thing in this whole e-mail, except that Mr. Sachedina and Mr. Manji did enter the room immediately behind and after myself and His Highness. In addition, I may have apologized to His Highness for failing to protect him from having to interrupt his busy schedule to meet with you, Every thing else is a complete fabrication.

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From: Nagib Tajdin [mailto:nagib@tajdin.com]
Sent: October 27, 2010 3:28 PM
To: Gray, Brian
Cc: WhyteNowak, Allyson; 'Alnaz Jiwa'
Subject: RE: T-514-10 Consent Judgment

Mr Gray,

I will not respond to your manipulation on the transcripts as truth is self evident - no reasonable person can believe that there was no manipulation when a 30 minutes discovery ended in a out of context one page misleading transcript were you are the only one asking questions and there is nothing from His Highness.

But I want to clarify about your statement concerning the presence of Mr Manji and Mr Sachedina.

I was not aware that Mr Manji and Mr Sachedina would be there. In previous occasions I have already indicated to you that I only wanted to have in the room parties to the lawsuit and the person being discovered and I assumed that as you are an intelligent person, you would not need repetitions about this.

When Mr Sachedina and Mr Manji entered the room [they were last to enter], I was surprised, not knowing that you had brought them. I would not question their presence at that point because I was not sure if they were there in their capacity as real plaintiffs and party to the claim or if they came with the Imam.

It is only after 10 minutes into the discovery when Mr Sachedina had a disagreement with the Imam about the status of the distributed books and Mr Sachedina raised his voice to the Imam that I had the first hint that it was not the Imam who brought Sachedina but you had brought him to the meeting room. The second hint came when Mr Manji shouted about my web site and the Imam twice disagreed with him saying He was not familiar with any issues about my web site and he, Manji, should on the contrary work with me.

This compounded with the fact that when you came out of the meeting room, you profusely apologized to the Imam and you are the first person in history whose apologies the Imam did not accept. I do not have to remind you that the Imam left alone completely disappointed and without even saying to you goodbye or shaking hands and he completely disregarded the presence of Sachedina and Manji when he went alone in the lift and left without these people. This is in contrast to when he had left Mr Jiwa and myself, he smiled at us, put his hand on his heart and said to us twice "*Khuda Hafiz!*" [Meaning "may you remain in God's protection", the Persian way of saying goodbye]

So please spare me lectures about what I could have done or not done to keep Manji and Sachedina out of the discovery. And you still have to explain why they by themselves were talking during discovery without being asked, and why their point of view rather than the Imam's version appeared in your consent draft, was it in their quality of real plaintiffs?

Nagib Tajdin.

From: Gray, Brian [mailto:bgray@ogilvyrenault.com]
Sent: Monday, October 25, 2010 3:31 PM
To: 'Alnaz Jiwa'
Cc: WhyteNowak, Allyson; 'Nagib Tajdin'
Subject: RE: T-514-10 Consent Judgment

Mr. Jiwa:

I am content to let the record speak for itself. Any one can ask that a matter be off the record and any one can ask that the reporter not go off the record. Any reporter of any kind would do that. You were there and are a lawyer. If you did not want to go off the record, you should have said so. If you did not want to consent to a judgment in the terms of the Statement of Claim, you should have said so.

If we had not gone off the record, His Highness would not have spoken to you, except to answer your questions on the discovery. You may remember that one time he turned to the reporter himself and asked "are we on the record".

You both clearly stated on the record that you did not want any further discovery and did not want to ask any further questions.

As to the presence of Mr. Sachedina and Mr. Manji, I do not have to seek your consent to allow them to be present. You have objected on other occasions when you did not want some one to be

there and you did not object on October 15. If you wanted to object, then you should have said so. The truth is rather that you agreed to one thing in the presence of His Highness and formerly on the record and as soon as you are not in his presence you now make up events to suit your purposes.

Brian Gray

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From: Alnaz Jiwa [<mailto:alnazjiwa@hotmail.com>]
Sent: October 25, 2010 2:10 PM
To: Gray, Brian
Cc: WhyteNowak, Allyson; Nagib Tajdin
Subject: RE: T-514-10 Consent Judgment

Mr. Gray:

I refer to your comment made by you as follows:

This is the most unbelievable distortion of what occurred that I have ever heard. Almost nothing of what you said is true but I am not going to respond in detail here. What is on the record is what counts.

This is utter manipulation by you. Firstly you treated the court reporter as your law clerk and directed her to go on and off the record at your whim. The discovery was to be participated by Mr. Tajdin as the examiner and and you as the named plaintiff's counsel. One party cannot dictate to the court reporter to go off the record as you did, and an independent court cannot go off the record at one party's dictates. The reporter never once asked Mr. Tajdin for consent to go off the record.

You abused your relation with the court reporter to gain an unjust advantage and abused the rights of an unrepresented party.

Contrary to your comments, I was just introduced to the reporter, I was not given any contact information (after all I was just an observer). The court ordered you to arrange for a court reporter and you took an undue advantage of Mr. Tajdin and most of what was said by His Highness was kept off the record. This is an unacceptable situation and I will ask Mr. Tajdin to seek that further discovery is held of the Imam to place on the record what he actually said, and to clarify the issues once again on the record.

The Aga Khan confirmed most of what we were saying. Most of the allegations in the Claim (and Reply) were refuted by him, e.g. he does not edit farmans, etc.

The consent drafted by you is not as per the discussions and guidance that was given by the Aga Khan. Why on earth did you keep the discussions off the record at your whim - YOU made the decisions yourself to go off the the record without seeking Mr. Tajdin's consent and it is regrettable that the court reporter retained by you acted as if she was your law clerk, and not an independent court reporter. Not once she sought Mr. Tajdin's consent to go off the record.

Furthermore, you again unilaterally allowed non-parties to be present at the discoveries without seeking Mr. Tajdin's consent. Your actions are truly alarming, and an abuse of the trust imposed on you by the court in arranging the discoveries at your suggestion for security reasons.

Your consent is not drafted in accordance with his instructions. e.g. Not once did he say that we are to give the information you are seeking in the consent drafted by you (par. 6 of your consent), and that all undistributed (NOTE: not unsold) copies to be returned to ITREB (the Aga Khan also confirmed with Mr. Tajdin when he asked if he can return the books he had in Nairobi to ITREB Nairobi (again contrary to the term noted in your consent para. 5)).

The Aga Khan was very clear: he started by saying that it was the honorable thing to resolve the issues and that he would meet us after to deal with the issues (contrary to your assertions all along that he did not want to meet us). You also said at the cross-examinations (slip of tongue) that "they did not want to reward you with a meeting" while the Imam himself said otherwise.

The Aga Khan ONLY asked that we agree that he has copyright in his works (which we never opposed in any event), and that UNDISTRIBUTED copies be returned to ITREB. By allowing distributed books to remain is an acknowledgment by him that no infringement took place.

I will consent to the judgment as follows:

The Aga Khan has copyright to his works; and

that all UNDISTRIBUTED copies to be returned to ITREB.

This is exactly what he said and the record referring to the claim is what the Imam asked us to do.

Both Mr. Manji and Mr. Sachedina tried to pressure the Imam to change his mind. The Imam responded to Mr. Sachedina: "it would be nice if we spoke with the same voice", and said to Manji: "it would be nice if we spoke with one voice", a very polite way of saying do what he says and not to oppose him, and the Imam also chided them, "why can't you work together."

You can bring the motion for judgment at your peril and I will urge Mr. Tajdin to bring a counter motion that that new discoveries be ordered, and I trust that you will this time bring an affidavit from His Highness to refute our version if it is inaccurate so that we can have the Aga Khan's own statements on the record.

Alnaz Jiwa

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Nagib Tajdin

From: Dickenson, Alison [Alison.Dickenson@cas-satj.gc.ca]
Sent: Friday, October 29, 2010 10:55 AM
To: Gray, Brian, CMT_Ottawa
Cc: Jiwa Law Office; Nagib Tajdin; nagibtajdin@yahoo.com; WhyteNowak, Allyson
Subject: RE: Scanned Documents

Received, thank you.

Alison Dickenson
Federal Court
Registry Officer, Case Management
Tel: (613) 947-6027
Fax: (613) 952-3653
E-mail: CMT_Ottawa@cas-satj.gc.ca

—Original Message—

From: Gray, Brian [mailto:bgray@ogilvyrenault.com]
Sent: October 29, 2010 9:44 AM
To: CMT_Ottawa
Cc: 'Jiwa Law Office'; 'Nagib Tajdin'; nagibtajdin@yahoo.com; WhyteNowak, Allyson
Subject: FW: Scanned Documents

Dear Ms. Dickenson.

Please bring this revised letter to the attention of Prothonotary Tabib. It has come to my attention that two words "the record" were inadvertently dropped from the top of page two of the fax letter of yesterday.

Enclosed is a corrected letter. Please disregard the letter sent yesterday and substitute this letter with the correction noted.

Respectfully submitted,
Brian

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