

**This is Exhibit "3" attached to the
Affidavit of Nagib Tajdin
Sworn on May 8, 2012**

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Exhibit 3: Table of Replies to Refusals

His Highness Prince Karim Aga Khan v. Nagib Tajdin and Alnaz Jiwa et al., Reference Proceeding in Court File No. T-514-10 further to the Judgment of Mr. Justice Harrington dated March 4, 2011

**REVISED PLAINTIFF'S SUMMARY OF QUESTIONS REFUSED OR TAKEN UNDER
ADVISEMENT -
EXAMINATION FOR DISCOVERY OF NAGIB TAJDIN HELD NOVEMBER 8, 2011**

Category 1: Conduct E-mail Searches for Relevant Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
10.	pp. 18-19 l. 1-6, 1-7 Q. 67, 72	REFUSAL: Plaintiff requests that Mr. Tajdin search his mailboxes nagib@tajdin.com and nagib@globale.net under the words "Golden Edition" and "Golden Kiz" and produce every e-mail retrieved by this search, unredacted.	A: Nagib@globale.net emails are all redirected to nagib@tajdin.com. There is no email at nagib@globale.net. Such a search is overly intrusive as this mostly brings up emails related to the preparation of this Lawsuit.
11.	pp. 19-20 l. 1-9 Q. 72-74	REFUSAL: Plaintiff requests that Mr. Tajdin search his mailbox nagibtajdin@yahoo.com under the words "Golden Edition" and "Golden Kiz" and produce every e-mail retrieved by this search, unredacted.	A: Such a search is overly intrusive as this mostly brings up emails related to the preparation of this Lawsuit and others unrelated to the reference.
12.	p. 21 l. 2-23 Q. 77-78	REFUSAL: Plaintiff requests that Mr. Tajdin search his mailboxes nagib@globale.net, nagib@tajdin.com, nagibtajdin@yahoo.com, heritage@ismaili.net and any other e-mail address that Mr. Tajdin uses or has used in the past under the words "Golden Edition" and produce any document that is relevant to these proceedings or could even marginally lead to a train of inquiry that would be relevant to these proceedings or would help the Plaintiff to understand how many books were sold and at what price.	A: This is a fishing expedition. In fact heritage@ismaili.net receives mainly questions about registration, passwords, questions on Ismaili theology and history etc... there is nothing on Golden Edition in this email address. Furthermore, His Highness the Aga Khan has explicitly said on 15 October 2010 during the Discovery that he does not have any issues with ismaili.net I have searched these emails, there is nothing new that can even "marginally lead to a train of inquiry" Number of books sold is already known, and can be confirmed from the Printer once the confidentiality issue is agreed. Price of books is already independently known to Counsel, as it is stated in the Statement of Claim that Tajdin promotes the

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Price & Revenue

Category 1: Conduct E-mail Searches for Relevant Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
			<p>book for \$50 on his website. I confirm that I was promoting the book for \$50 and I have given many below this price and many even free. For sake of simplicity, I have accepted that all books are counted at \$50, even those given free.</p> <p>Third-Party emails dated before this lawsuit show that the Golden Edition was sold for \$50.</p> <p>Supplementary Affidavit of Documents of Alnaz Jiwa Schedule 1, Tab 3: Mass e-mail from Goldenkiz@live.com</p> <p>Email from Sandrine Mongin to Sachedina re: price of 8 copies is \$400.</p> <p>Email dated November 21, 2009, Plaintiff's Volume III, page 729 & 768.</p>
13.	p. 29 l. 7-15 Q. 106-107	REFUSAL: Plaintiff requests that Mr. Tajdin search his mailbox goldenkiz@live.com under the words "Golden Edition" and "Golden Kiz".	<p>Fishing Expedition. Selling Price and Total number of books is already known from other sources.</p> <p>Sold books have not been ordered to be returned, so the identity of people who bought the books does not need to be revealed.</p> <p>I have searched and not found any document relevant to the reference. The emails in this account were deleted after they were treated, replied or found to be spam and similarly unwanted. A couple of these emails were even insulting comments and a couple were threats; all these have been discarded when they were received.</p>

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Category 2: Identify Distributors			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
14.	p. 36 l. 10-14 Q.134	REFUSAL: To provide the names of the people to whom Mr. Tajdin sold the book.	<p>Fishing Expedition, names are not relevant. Books have <u>not</u> been ordered to be returned by Justice Harrington.</p> <p>His Highness the Aga Khan also has explicitly said during Discovery in October 2010 that whoever has the book can keep it. He has said this in the presence of Mr Gray while replying to insistence of Sachedina that the books should be recalled. His Highness confirmed several times that the books can remain with whoever they are.</p> <p>Mr Sachedina himself told me in his phone call from Tanzania on or around 2nd January 2010 that he has one book sitting on his desk in London. If he has not received free, Counsel may ask him his affidavit on how much he paid for it and from whom he got it as Sachedina is Counsel's main Affiant (His Highness has refused to give any Affidavit to Mr Gray).</p>
15.	p. 36 l. 15-20 Q.135	REFUSAL: To provide the names of 10 people to whom Mr. Tajdin sold the book.	Fishing Expedition, names are not relevant. See #5 above. If names are disclosed, there may be retaliation against these people for having bought the book.
16.	p. 70 l. 1-11 Q. 264-265	REFUSAL: With respect to Exhibit 2, Tab 8 "Golden Edition Shipping Spreadsheet" – entry for February 22, 2010 - to provide the name of the person who was shipped 400 books.	Fishing Expedition, names are not relevant. The total books received by various people can not be higher than the number of books printed. See #5 above.
17.	pp. 72-73 l. 11-1 Q. 274-275	REFUSAL: Provide the names of all the persons who bought more than 8 books.	Fishing Expedition, names are not relevant. Most of the people who bought the books have pooled resources and bought more than 8 books. For example those ordering through the goldenkiz@live.com account and paying through Paypal knew that I was not charging shipping cost for orders of more than 8 books so they were

Category 2: Identify Distributors			
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			motivated to pull resources and order in bulk for family and friends. See #5 above.
18.	pp. 73-74 l. 2-1 Q. 276-280	REFUSAL: Provide the names of all the persons who bought more than 40 books.	Fishing Expedition, names are not relevant. See #5 above.
19.	p. 75 l. 2-13 Q. 281-282	REFUSAL: Provide the names of all the persons who bought more than 100 books.	Fishing Expedition, names are not relevant. See #5 above.
20.	pp. 141-43 l. 17-8 Q. 552-556	REFUSAL: With respect to the book advertisement contained in Mr. Jiwa's affidavit of documents at Exhibit 1, Tab C-1, and the statement made at the bottom "requests will be routed to the nearest distributor" to provide the names of those distributors.	Fishing Expedition, names are not relevant. See #5 above. Most books were sold in sets of 4 or more, as groups of friends and families purchased them together. In the context of extended families and extended friends circle "(friends of my friends are my friends)", as is the concept in the Ismaili community, this often ends up as a large number of people. Some persons took it upon themselves to purchase larger quantities to either hand-out for free in the community or to resell without profit at \$50 as a service to the community. See detailed answer already given in Q 556-561, p143-145.
21.	pp. 158-159 l. 8-8 Q. 625-629	REFUSAL: To ask the person who bought 400 copies of the book if they have documentation relating to the purchase and/sale of the book.	No documents were kept as this was not a commercial venture by anyone. Those persons or groups or families or Jamats who pooled resources to buy larger quantities either handed books out for free in the community or resold without profit at \$50 as a religious service.
22.	p. 160 l. 9-14 Q.635	REFUSAL: To provide the names of the distributors who received 400, 200 and 100 books.	Fishing Expedition, names are not relevant. Those persons or groups or families or Jamats who pooled resources to buy larger quantities either handed books out for free in the community or resold without profit at \$50 as a religious service. This is already known. There are no distributors for Tajdin, those

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			who purchased whatever quantities have paid them, and they have not bought them at credit or as consignment to be paid later.

Category 3: Bank Information			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
23.	pp. 38-39 I. 17-11 Q. 144-147 <i>Amu</i>	REFUSAL: To provide the name of the person who loaned Mr. Tajdin money to print the book.	Irrelevant. Interest is not claimed as an expense. I have taken finances from families and friends, from my life insurance and from my bank overdraft facilities. This has nothing to do with the calculation of book cost. The printer had to be paid a large amount in advance to start printing the book. This has no bearing on the final cost paid for the 5.500 books. Where the money came from, how much loan I took at what interest rate to pay for the loans or what I did with the money I received (obviously I paid for the printing and other expenses) or any such information requested is not required for the calculation of profit and is therefore unreasonable.
24.	p. 43 I. 10-17 Q. 156 p. 46 I. 13-18 Q. 167-168	REFUSAL: To identify the bank account where Mr. Tajdin placed monies received from the sale of the book, including whether Mr. Tajdin used his personal account and whether the account used is in Canada (Mr. Tajdin refuses to answer questions relating to book revenues).	Not Relevant. Privacy issue. Fishing Expedition. Bank account would have mine and my family's transactions, mostly unrelated to the book and the transactions can not show the book expenses or the revenues. I have explained to Mr. Gray that money received from sales have gone to pay the printing cost and the MP3 cost and the shipping cost etc.. and whatever was missing to be able to complete payment of the expenses, was paid by me as this was clearly a deficit project. As for cash received, whether I deposited the amounts in bank or I used it or I gave it to the Jamatkhanas of the Imam is not relevant to the calculation of profit.
25.	pp. 131-32 I. 24-12 Q. 517-518	REFUSAL: To identify the bank account into which Mr. Tajdin deposited his book funds from PayPal.	Not Relevant to the issue of revenues. Privacy issue. Fishing Expedition. Paypal money was withdrawn from the Paypal account as shown from the screen dump of the account. Which account it went to is not germane to the issue of

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Category 3: Bank Information			
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			reference. Even how much money (after Paypal charges and fees) was received is not really relevant since the total quantity and the price is already known. Paypal was used only for the sale of about 300 books and has no bearing on the total profit.

Category 4: Information on Printer, Including Unredacted Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
26.	pp. 50-51 l. 23-4 Q. 180	REFUSAL: With respect to Exhibit 2, Tab 2, "e-mail dated November 24, 2009", to produce a completely unredacted copy showing the name of the printer.	Irrelevant. This is a shipping document. Shipping cost is not formally claimed therefore shipping invoices are not relevant anymore. That the shipping company took books from the printer is not relevant. I have already offered to Mr Gray to disclose the name of the printer if he commits to keep it confidential but he has refused even after Prothonotary Milczynski specifically directed "Counsel Eyes Only" order on 15 November 2011 (see Docket - Minutes of Hearing entered in Vol. 854 page(s) 248 - 249 Abstract of Hearing placed on file)
27.	pp. 77-78 l. 10-12 Q. 299-302	REFUSAL: With respect to Exhibit 1, Tab B-2 letter from the printing press, to produce the original unredacted copy of this document.	Unredacted copies to be given on 14 th May 2012 at the Hearing. I have already offered to Mr Gray to disclose the name of the printer if he commits to keep it confidential but he has refused: a) After Justice Russell said in his order in his paragraph 45, "If Mr Tajdin has other suggestions as to how the Plaintiff can independently access the relevant information he requires to quantify profits, then he is at liberty to make those suggestions". I did make these suggestions. b) After Prothonotary Milczynski

Category 4: Information on Printer, Including Unredacted Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
			specifically directed "Counsel to discuss possibility of "Counsel Eyes Only" order on 15 November 2011 which Mr Gray refused. (see Docket - Minutes of Hearing entered in Vol. 854 page(s) 248 - 249 Abstract of Hearing placed on file
28.	pp. 79-83 l. 24-5 Q. 312-327	REFUSAL: With respect to Exhibit 1, Tab B-8/A-19 Printer's Statement of Account for account no. 03417, to produce all invoices referenced in this document.	Only final total amount is needed for the purpose of the reference. Invoices amounts are indicated in the statement of account with their respective date and so are the amount paid indicated.

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Category 5: Information on Costs, Including Unredacted Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
29.	pp. 64-65 I. 238-23 Q. 238-244	REFUSAL: With respect to Exhibit 2, Tab 8 "Golden Edition Shipping Spreadsheet", to produce all shipping invoices relied upon to prepare this spreadsheet.	Irrelevant. Shipping expenses are no longer formally claimed. Mr Gray has repeatedly said that he does not need any of the documents for amounts not claimed formally as expenses.
30.	pp. 68-69 I. 23-12 Q. 260-261	REFUSAL: With respect to Exhibit 2, Tab 8 "Golden Edition Shipping Spreadsheet", to provide the name of the shipping company.	Irrelevant. Shipping expenses are no longer formally claimed. When this list was sent to me. Mr Gray already knew that Shipping Expenses were not claimed and therefore this question was irrelevant. He should have removed it in the same way he removed questions about my business dealing many years ago before I moved to Kenya in 2005.
31.	pp. 89-90 I. 21-14 Q. 356-360	UNDER ADVISEMENT: With respect to Exhibit 1, Tab B-8 Bookmark invoices, to produce unredacted copies of these invoices showing the name and address of the company that produced the bookmarks.	Are ready to be produced pending agreement on confidentiality of the document because this invoice contains the address of the printing press. There is no reason to give these invoices to Mr Sachedina and Manji etc after the order of Justice Mainville that said in paragraph 11 of his Reasons: "The appellant Tajdin's fear that these reference proceedings will be used by his opponents as a means of harassing him are ill founded, since the judge or other person designated by the Chief Justice of the Federal Court who will conduct the reference can take appropriate measures to ensure that there is no such abuse of the proceedings."
32.	pp. 90-92 I. 21-15 Q. 362-368	REFUSAL: To confirm whether or not Mr. Tajdin has produced any original documents identifying any costs associated with the printing of the book.	All documents from the printing Press are originals. Unredacted copies to be given on 14 th May 2012 at the hearing to Counsel upon undertaking to keep them confidential.
33.	p. 160 I. 15-24 Q. 636	REFUSAL: To the extent that Mr. Tajdin is claiming any expenses in this Reference Proceeding, to search	Only Printing expenses and MP3 expenses will be formally claimed.

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Category 5: Information on Costs, Including Unredacted Documents			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
		and produce any original documents in proof of such expenses.	Documents are available for claimed expenses

Category 6: Information on Free Books			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
34.	p. 60 l. 8-19 Q. 228-29	REFUSAL: Provide any documentation that shows that Mr. Tajdin gave away books for free.	Irrelevant. Free books other than ITREB are not anymore formally claimed. ITREB receipt of a gift of 193 free books has been given already to Mr Gray
35.	p. 60 l. 8-19 Q. 228-29	REFUSAL: Provide testimonial from a person who received a free book.	Proof from Aga Khan ITREB organization in Kenya receiving 193 free books (shipped at Tajdin's expense) has been given. Counsel knows also that I sent books to His Highness through the Aga Khan Council in Kenya and through Prince Hussain, the son of His Highness. Testimony of a person who received a free book is unlikely to advance Counsel' knowledge on the issues at hand in this reference.
36.	pp. 159-160 l. 6-8 Q. 630-634	REFUSAL: To provide a list of names (with addresses) of all those persons who Mr. Tajdin is claiming received free copies of the book.	Irrelevant. Donations of books are not claimed because retaliation is possible against these people who received free books.

Category 7: Miscellaneous			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
37.	pp. 41-43 I. 10-9 Q. 153-156	REFUSAL: To provide the amount that Mr. Tajdin received in book revenues, and advise on how the Plaintiff can calculate the book revenues.	Plaintiff can multiply (5500 books printed minus 193 books gifted to Itreb) by (\$50 maximum price of book).
38.	pp. 44-46 I. 9-12 Q. 158-166	REFUSAL: To produce documents about the cash and cheques Mr. Tajdin received for the books.	Irrelevant. I have not kept accounts not copies of the cheque. Amount received is total books sold multiplied by selling price.
39.	pp. 126-127 I. 3-7 Q. 488-496	REFUSAL: With respect to Exhibit 1, Tab B-7, to produce unredacted copies of the Paypal account screen captures.	Privacy issue. Only email addresses have been redacted. They are not needed to verify amounts. Paypal is only covering few percent of the total sales and I have received less than \$50 per book for each of these purchases after deduction of Paypal fees, shipping expenses, bank charges for currency exchange etc... This can be verified without the email addresses of those who paid the book through Paypal.
40.	pp. 146-47 I. 135 Q. 568-573	REFUSAL: To identify the location of Mr. Tajdin's laptop.	Privacy issue. Fishing Expedition. My laptop belongs to the company I work for and contains personal, family as well as corporate information on several companies scattered all over the disk drive and completely unrelated to the issues in this reference. I am also a self represented defendant and all of my court preparation documents and information and email exchanges are in the same computer which may explain why Mr Gray is on this fishing expedition. All of the relevant information, files and emails, stored in my computer have been provided to Mr Gray
41.	pp. 154-155	REFUSAL: To deliver an electronic reproduction of Mr. Tajdin's Golden	Fishing Expedition to search names of the people who ordered

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Category 7: Miscellaneous			
No.	Page Ref.	Plaintiff's Question Summary and Defendant Position on Discovery	Defendant's Responding Position
	I. 20-5 Q. 612-613	KIZ mailbox.	the book or asked questions about it. There is nothing relevant left in this account for the reference. All treated orders have been deleted as it was useless to keep them. One should remember that there is no book on sale through this email account since a very long time. (April 2010)
42.	pp. 160-162 I. 25-14 Q. 636-651	REFUSAL: To the extent not already requested, to provide unredacted copies of all redacted documents produced to date, including those documents located at Exhibit 1, Tabs A-16, A-21, A-22.	Already covered in previous 32 questions.

