

Court File No. T-514-10

FEDERAL COURT

BETWEEN:

HIS HIGHNESS PRINCE KARIM AGA KHAN

Plaintiff

- and -

NAGIB TAJDIN, ALNAZ JIWA, JOHN DOE and DOE CO.
and all other persons or entities unknown to the Plaintiff who are reproducing,
publishing, promoting and/or authorizing the reproduction and promotion of the
Infringing Materials

Defendants

EXAMINATION FOR DISCOVERY OF
HIS HIGHNESS PRINCE KARIM AGA KHAN
taken at the offices of Ogilvy Renault, Royal Bank Plaza,
South Tower, 200 Bay Street, Suite 3800, Toronto, Ontario,
on Friday, October 15, 2010 at 10:35 a.m.

CONDENSED TRANSCRIPT WITH INDEX

APPEARANCES:

Brian W. Gray	
Allyson Whyte Nowak	For the Plaintiff
Nagib Tajdin	For himself
Alnaz Jiwa	For himself

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[1] Toronto, Ontario
[2] --- Upon commencing on Friday, October 15, 2010
[3] at 10:35 a.m.
[4] **AFFIRMED: HIS HIGHNESS PRINCE KARIM AGA KHAN**
[5] **EXAMINATION-IN-CHIEF BY MR. TAJDIN:**
[6] **1 Q.** I beg forgiveness. We didn't
[7] want to do it this way. May I present you this?
[8] **MR. GRAY:** Sorry, Mr. Nagib. You
[9] indicated to the Court that you were going to ask
[10] five questions and not deal with any documents. So
[11] you're now departing from that undertaking you gave
[12] to the Court.
[13] **MR. TAJDIN:** That is not a
[14] document. It's just that this is the only question
[15] I have. I don't have any question. I'm here just
[16] to take the direction, instruction and orders from
[17] His Highness.
[18] **MR. GRAY:** Let's go off the
[19] record.
[20] --- OFF THE RECORD DISCUSSION.
[21] **MR. GRAY:** Mr. Tajdin, you have
[22] indicated to me now that you don't want to ask the
[23] five questions. You've told the Court yesterday,
[24] you told the Court numerous times you were going to
[25] ask these five questions. I sent them to you

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[1] yesterday as a recording of what you had told the
[2] Court yesterday afternoon.
[3] You told me as recently as this
[4] morning you were going to ask these five questions.
[5] You added the fifth question. Now His Highness has
[6] come prepared to answer the five questions. Are
[7] you telling me now you're not going to ask those
[8] five questions?
[9] **MR. TAJDIN:** I'm not sure what to
[10] do. I beg forgiveness.
[11] **MR. GRAY:** Why don't you ask the
[12] five questions you said you were going to ask. His
[13] Highness has come prepared to answer the five
[14] questions. I believe the answers to those five
[15] questions will, well those are the questions you
[16] wanted answered. And I believe they are full and
[17] complete answers to those questions. So why don't
[18] you ask those five questions.
[19] **THE WITNESS:** Could I make a
[20] suggestion?
[21] **MR. GRAY:** Let's go off the record
[22] for a minute.
[23] --- OFF THE RECORD DISCUSSION.
[24] **MR. GRAY:** So, Mr. Nagib, you've
[25] indicated you do not want to ask questions, but I

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[1] think you indicated to me off the record that you
[2] will consent to the Judgment asked for and the
[3] relief sought in the Statement of Claim in Federal
[4] Court action number T-514-10, is that correct?
[5] **MR. TAJDIN:** That's correct. Mr.
[6] Jiwa, you confirm that, too?
[7] **MR. JIWA:** Yes.
[8] **MR. GRAY:** So both of you have
[9] agreed to consent to Judgment to the relief
[10] requested in the Statement of Claim. I understand
[11] you have no questions and are satisfied with the,
[12] that the Discovery is over. You do not need to ask
[13] any more questions. This satisfies the Court's
[14] Order for the Discovery, and you do not have any
[15] further information that you are seeking from His
[16] Highness.
[17] **MR. TAJDIN:** Nothing.
[18] **MR. GRAY:** Okay. Off the record
[19] for a second.
[20] --- OFF THE RECORD DISCUSSION.
[21] **MR. GRAY:** Mr. Nagib, I think His
[22] Highness off the record has indicated that he would
[23] like you to make a statement about the fraud and
[24] the allegations of fraud. So if you would please
[25] do so.

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[1] **MR. TAJDIN:** Yes, I do not
[2] maintain any allegation of fraud on anyone in the
[3] staff of His Highness.
[4] **MR. GRAY:** And against, and you
[5] withdraw all of your allegations?
[6] **MR. TAJDIN:** I withdraw all of my
[7] allegations. Sorry.
[8] **THE WITNESS:** All right.
[9] **MR. GRAY:** Off the record.
[10] --- OFF THE RECORD DISCUSSION.
[11] **MR. GRAY:** So given this, I will
[12] draw up the consent to Judgment and an Order and
[13] the two of you will agree to that in accordance
[14] with the relief claimed in the Statement of Claim,
[15] is that correct, Mr. Tajdin?
[16] **MR. TAJDIN:** I agree to.
[17] **MR. GRAY:** Mr. Jiwa?
[18] **MR. JIWA:** Yes.
[19] **MR. GRAY:** Thank you. Let's go
[20] off the record.
[21] --- OFF THE RECORD DISCUSSION.
[22] **MR. GRAY:** Okay. We're done.
[23] --- Whereupon proceedings adjourned at 10:58 a.m.

DISCOVERY OF HIS HIGHNESS PRINCE KARIM AGA KHAN
 Court File No. T-514-10

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