



September 20, 2011

Sent by Facsimile

Registrar
Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

Our reference
01020500-0001

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Dear Sirs,

**His Highness Prince Karim Aga Khan v. Nagib Tajdin, Alnaz Jiwa, John Doe *et al.*
Federal Court File No. T-514-10 – Reference Proceeding**

We are the solicitors for the Plaintiff, His Highness Prince Karim Aga Khan. We ask that you bring this letter to the attention of Madam Prothonotary Milczynski, who is the designated Referee in this reference proceeding.

We have received a copy of Mr. Tajdin's Motion Record dated September 16, 2011. Leaving aside for the moment any consideration regarding the merits of this motion and the serious unfounded attacks made therein, we are writing to the Court to raise our concern regarding the timing of the motion.

The motion seeks to appeal the direction of September 6, 2011 by which Mr. Tajdin and Mr. Jiwa are required to produce original and unredacted copies of documents relevant to the reference by no later than October 7, 2011 ("the Direction"). The motion is returnable on October 24, 2011, after the deadline for delivery of the documents. Nevertheless, Mr. Tajdin and Mr. Jiwa should be required to comply with the Direction. It should not be acceptable to ignore the Direction simply by the stratagem of requesting a return date for the motion that falls after the deadline for its compliance and on a date that is more than one month away. It will be useful for the court to make this clear to Mr. Tajdin and Mr. Jiwa. It will also be useful to discuss the timing of any cross-examination on Mr. Tajdin's affidavit and the delivery of responding materials and for this we request an urgent case conference.

Further Mr. Tajdin represented to the court that he could not remain in Canada to be examined during his August/September visit and that he would not be available to be examined again until his return for the appeal in November. Yet now he is able to return in October for this motion.

The reference needs to proceed without the distraction of the re-argument of the summary judgment motion or the argument of the appeal which will be a matter for the Court of Appeal. It is this argument on the merits of the appeal that Mr. Tajdin wished to make at the hearing on August 29, 2011 and which the court rightly considered as irrelevant to the reference proceeding.

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As to the substance of Mr. Tajdin's allegations and misrepresentations, we will deal with them at another time and place, but we suggest to the court that in the future, case management conferences on this reference and other matters involving Mr. Tajdin, should be recorded by a court reporter to avoid any misunderstandings.

As the court knows, and as we have represented to the court both at the hearing and in a subsequent letter dated August 29, 2011, we recognize and accept that information received on discovery is to be used only for the purposes of this litigation unless leave of the court has been obtained.

Yours very truly,

A handwritten signature in black ink that reads 'Brian W. Gray'. The signature is written in a cursive style with a large, stylized 'B' and 'G'.

Brian W. Gray

BWG/KEW/jb

cc: Alnaz Jiwa (Defendant)
Nagib Tajdin (Defendant)