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VIA FACSIMILE (613) 952-3653

Toronto, October 27, 2010

Federal Court  
Registry Officer, Case Management  
Federal Court  
90 Sparks Street, 5<sup>th</sup> Floor  
Ottawa, ON K1A 0H9

Attention: Ms. Alison Dickenson

Dear Ms. Dickenson,

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

We represent the Plaintiff in this action and this is an additional response to the Direction of Madam Prothonotary Tabib dated October 25, 2010, and to the recent submissions made to the court by the Defendants. Please bring this response to the attention of Madam Prothonotary Tabib.

I hardly know what to say to the misrepresentations sent to the court by the Defendants about this matter. The court reporter is a respected court reporter well known to the court and I have no control over what she reports and to suggest otherwise is a serious slander on her. Further the Defendant's continue to make serious allegations about me personally and to suggest that I do not take direction from and follow the instructions of the Plaintiff. As an officer of the court, I resent these insinuations. If the court cannot rely on its officers to represent their clients faithfully then the whole process will fall apart. The court should accept the affidavit of the Plaintiff and my repeated representations that the Plaintiff has given me instructions and that I follow his directions. The Defendants will believe nothing except what they think comes from the mouth of the Plaintiff as interpreted through their very warped understanding of events. The Defendants hear what they want to hear. The Plaintiff was sitting next to me during the examination and it was the Plaintiff himself who suggested the agreement that was reached on

**FEDERAL COURT  
COUR FÉDÉRALE**  
  
OCT 29 2010  
**RECEIVED / REÇU**  
**OTTAWA, ON**

SCANNED /  
NUMÉRISÉ  
FROM / DE OTTAWA  
ON/LE October 29, 2010  
TO/A Tabib, P.

OGILVY RENAULT LLP / S.E.N.C.R.L., s.r.l.  
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the record.

I am content to let the record speak for itself. As the court knows, 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. Mr. Jiwa was there and is a lawyer. If Mr. Jiwa and Mr. Tajdin did not want to go off the record, they should have said so. If they did not want to consent to a judgment in the terms of the Statement of Claim, they should have said so. The parties have starkly contrasting versions of what transpired off the record. As a result, any discussion off the record is privileged and does not form the basis for any settlement. The truth is rather that the Defendants agreed to one thing in the presence of the Plaintiff and formerly on the record and as soon as they were not in his presence they now make up events to suit their purposes.

As to the letter of January 4 presented to the Plaintiff, when I examined it, it did not contain any questions. Quite apart from that, the presentation of a document was directly contrary to what Mr. Tajdin had said he would do when I objected that the Plaintiff would not get the documents until the morning of the discovery. He said he would not deal with any documents and that he would ask only five questions which were clearly set out in our summary of the case conference and in my confirming e-mail to Mr. Tajdin.

Mr. Tajdin confirmed to me by telephone the morning before the discovery commenced that he had received the e-mail below and these were the four questions, but he added a fifth one "Are the letters forged". The Plaintiff came prepared to answer those five questions and I also advised the Plaintiff that he may have to answer any follow up questions to explain his answers to those five questions.

Here is the e-mail with the original four questions.

From: Gray, Brian  
 >To: Nagib Tajdin <nagib@tajdin.com>; Jiwa Law Office [jjwalaw@yahoo.ca](mailto:jjwalaw@yahoo.ca)  
 Cc: WhyteNowak, Allyson  
 >Sent: Thu Oct 14 20:38:28 2010  
 >Subject: RE: Federal Court file T-514-10 His Highness Prince Karim Aga Khan v. Nagib Tajdin et al.  
 >Dear Mr. Tajdin,  
 >I am still in the office waiting for the documents, but I am going home now. Please let me know when we can expect to receive the documents.  
 I will let you know before 9:30 am tomorrow when His Highness will be available for the 15 minute discovery.  
 > You represented to the court today that you will only ask the following four questions:  
 >1) Has HH consented to the publication of the books in question in the lawsuit?  
 >2) If HH has not, is Mr. Tajdin still allowed to publish the 1992 books?  
 >3) If HH doesn't want him to print and publish books, from what date?  
 >4) Can he publish previous Imam's Farmans. whether in copyright or not ?  
 >Can you confirm that we have correctly recorded the four questions and that there will be no others? If these questions are not correct, could you advise us immediately.  
 >Finally do I understand correctly that Alnaz Jiwa will not be present but will rely on the answers given to Mr. Tajdin?



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Mr. Jiwa at least understands that discovery is to ask questions, get admissions and get information. The Defendants said that they did not want to ask any questions or get any further information from the Plaintiff. I did not bully them into this. If anything I tried to bully them to ask the questions and get the answers, but when they refused to do so that was the end of the matter. I cannot conduct their discovery for them.

I hope the court can see that whatever else can be said that these Defendants will not accept that they have settled as set out on the record. Rather than squabble constantly with them the Plaintiff has instructed me to obtain what he has been seeking all along, that is, a summary judgment of copyright infringement according to law. By all of their false allegations and feigned desire to do the Plaintiff's bidding, the Defendants have successfully managed to continue to infringe the Plaintiff's copyright for over 8 months, without the Plaintiff being able to have this matter heard on the merits.

Respectfully submitted.  
OGILVY RENAULT LLP

A handwritten signature in black ink that reads "Brian W. Gray".

Brian W. Gray

BWG/pc

cc. Nagib Tajdin (via facsimile)  
Alhaz Jiwa (via facsimile)