

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

UNIVERSITY OF TORONTO GRADUATE STUDENTS' UNION

Applicant

and

**CANADIAN FEDERATION OF STUDENTS and CANADIAN FEDERATION OF
STUDENTS – ONTARIO**

Respondents

**AFFIDAVIT OF JOELLE KABOUCHI
(Sworn August 6, 2014)**

**I, JOELLE KABOUCHI, of the City of Toronto, in the Province of Ontario, MAKE
OATH AND SAY AS FOLLOWS:**

1. I am employed as a summer student at Borden Ladner Gervais LLP (“BLG”), counsel for the Applicant, the University of Toronto Graduate Students’ Union (“UTGSU”) and as such have knowledge of the matters to which I hereinafter depose. Where I do not have personal knowledge, I have disclosed the source of my information and believe it to be true.

Background

2. I am advised by Sally Kwon, a lawyer with BLG, of the information contained in paragraphs 3 to 6 herein.

3. UTGSU and its members are, respectively, voting and individual student members of the Canadian Federation of Students (“CFS”) and the Canadian Federation of Students – Ontario (“CFS-O”). In the fall of 2013, Ashleigh Ingle, a UTGSU member, circulated and submitted to CFS and CFS-O two petitions to hold a referendum on UTGSU’s membership in those organizations (the “Petitions”).

4. Under their bylaws, CFS and CFS-O are responsible for determining whether the Petitions are “in order”. In February 2014, CFS and CFS-O retained Deloitte LLP (“Deloitte”) to conduct an independent third party verification of the Petitions.

5. Terrence James Hatherell, a Partner with Deloitte, swore an affidavit in this proceeding dated May 26, 2014. In his affidavit, Mr. Hatherell states that a Deloitte off-shore team input the information from the Petitions into an Excel spreadsheet, which was then used as the basis of Deloitte’s data analytics techniques. Mr. Hatherell did not attach the Excel spreadsheet to his affidavit.

6. On July 3, 2014, counsel for CFS provided BLG with answers to undertakings and questions taken under advisement at Mr. Hatherall’s cross-examination held June 11, 2014, which included a copy of an Excel spreadsheet containing Deloitte’s annotations and analysis as at March 7, 2014 (the “Spreadsheet”). A copy of the Spreadsheet is attached hereto as **Exhibit “A”**.

Errors in the Spreadsheet

7. The names listed on the Spreadsheet are in the same order as the CFS-O Petition, a copy of which is attached as Exhibit “Q” to the affidavit of Ashleigh Ingle affirmed on May 5, 2014.

8. I have compared the names that were discounted by Deloitte with the names on the CFS-O Petition, in order to determine whether there were any errors in inputting the information from the CFS-O Petition to the Spreadsheet.

9. Based on my review of the CFS-O Petition and the Spreadsheet, I believe that errors were made when inputting the CFS-O Petition information into the Spreadsheet. Specifically, I noted that 96 names and 67 student numbers were incorrectly inputted from the CFS-O Petition into the Spreadsheet. A chart summarizing my analysis is attached hereto as **Exhibit “B”**.

10. Because the names in the CFS Petition are not in the same order as the names in the Spreadsheet, and because I do not have a searchable version of the CFS Petition, I was unable to compare the CFS Petition with the Spreadsheet. However, according to the Spreadsheet, 3103 of the names listed in the chart attached hereto as Exhibit “B” appear on both the CFS and CFS-O

Petitions.

DRAFT