Court File No. CV-14-500766

ONTARIO SUPERIOR COURT OF JUSTICE

KT/sp

BETWEEN:

UNIVERSITY OF TORONTO GRADUATE STUDENTS' UNION Plaintiff

- and -

CANADIAN FEDERATION OF STUDENTS and CANADIAN FEDERATION OF STUDENTS - ONTARIO Defendants

This is the Cross-Examination of ASHKAN HASHEMI on his Affidavit affirmed the 21st day of May, 2014, held at the Offices of VICTORY VERBATIM REPORTING SERVICES, Suite 900, 222 Bay Street, Ernst & Young Tower, Toronto-Dominion Centre, Toronto, Ontario, on the 12th day of June, 2014.

	╏┌──		A. Hashemi - 4
	1	ASH	KAN HASHEMI , affirmed
APPEARANCES:	2		DSS-EXAMINATION BY MR. DEL GOBBO:
DANIEL DEL GOBBO for the Plaintiff	3		
TODD J. BURKE for the Defendant,	2 3 4 5	1.	Q. Mr. Hashemi, thank you so much for
Canadian Federation	5		coming in today. You understand that you're making
of Students	6 7		yourself available for cross-examination in this
TUDOR CARSTEN for the Defendant,			matter?
Canadian Federation	8 9	•	A. Yes.
of Students - Ontario		2.	Q. You're here on behalf of the
ANDREW MONKHOUSE for Ashleigh Ingle	10		Canadian Federation of Students - Ontario?
jer i zenege i nege	11 12	3.	A. Yes. Q. I'll refer to them as CFS-O. If I
ALSO PRESENT:	13	J.	refer to anything and you don't understand me or you
Bradley Evoy	14		would like clarification, please let me know.
Drundy Lvoy	15		You understand that your answers in this
	16		examination are binding on CFS-O?
	17		A. Yes.
	18	4.	Q. Okay. In your current position as
	19		internal coordinator, are you a permanent employee
	20		of CFS-O?
	21	~	A. Yes.
	22	5.	Q. Are you paid a salary by CFS-O?
	23	6.	A. Yes. Q. You're not a current member of the
	20 21 22 23 24 25	0.	CFS-O executive committee?
A. Hashemi - 3	┣		A. Hashemi - 5
	1	_	A. I'm not.
	2 3	7.	Q. When did you begin in that role as
	3		internal coordinator?
INDEX OF PROCEEDINGS	4		A. As an internal coordinator, I
INDEX OF TROCEEDINGS			believe it was around 2000, 2001. I don't have a full date.
	0 7	8.	Q. Thank you. Now, I'll just have you
		0.	turn quickly to CFS-O bylaw 9. I don't believe this
PAGE NUMBER	9		is attached to your affidavit, but you refer to Mr.
	10		Evoy's affidavit. So I'll take you there for
	10 11		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C.
	11 12		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this
	11 12 13		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the
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	11 12 13 14 15 16	9.	Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the CFS-O executive committee? A. Give me one moment, please. Q. Sure. Section 2 specifically.
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Cross-Examination by: Mr. Del Gobbo 4 - 87	11 12 13 14 15 16 17 18	9. 10.	Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the CFS-O executive committee? A. Give me one moment, please. Q. Sure. Section 2 specifically. A. Yes. Q. Okay. So as a voting member of CFS-
Cross-Examination by: Mr. Del Gobbo 4 - 87 Cross-Examination by:	11 12 13 14 15 16 17 18 19		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the CFS-O executive committee? A. Give me one moment, please. Q. Sure. Section 2 specifically. A. Yes. Q. Okay. So as a voting member of CFS- O, is it fair to say that UTGSU is bound by CFS-O's
Cross-Examination by: Mr. Del Gobbo 4 - 87 Cross-Examination by: Mr. Monkhouse 87 - 94	11 12 13 14 15 16 17 18 19 20		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the CFS-O executive committee? A. Give me one moment, please. Q. Sure. Section 2 specifically. A. Yes. Q. Okay. So as a voting member of CFS- O, is it fair to say that UTGSU is bound by CFS-O's bylaws?
Cross-Examination by: Mr. Del Gobbo 4 - 87 Cross-Examination by: Mr. Monkhouse 87 - 94 INDEX OF UNDERTAKINGS 95	11 12 13 14 15 16 17 18 19 20 21		Evoy's affidavit. So I'll take you there for expedience. I believe it's at tab C. Bylaw 9, you will agree with me that this bylaw accurately represents the composition of the CFS-O executive committee? A. Give me one moment, please. Q. Sure. Section 2 specifically. A. Yes. Q. Okay. So as a voting member of CFS- O, is it fair to say that UTGSU is bound by CFS-O's bylaws? A. I believe so.
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		A. Hashemi - 6			A. Hashemi - 8
11		contractual requirements in the bylaws apply equally	1	24.	
		to CFS-O as they do to UTGSU?		27,	the last sentence you state that:
3		A. Sorry, can you restate that?	2 3		"Mr. Woods makes no reference in his
4	13.	Q. Sorry. I would just like to confirm	4		letter to the petitions being in order"
5	10.	that the bylaws as represented in the contract	5		A. Yes.
6		between UTGSU and the CFS-O are equally binding on	5 6 7	25.	Q. Do you see that?
7		UTGSU and CFS-O?		ZJ.	A. Yes.
8		A. That's my understanding.		26.	
9	14.	Q. Are there any current member local	8 9	20.	position is that Mr. Woods asked for the assistance
10	14.	associations of CFS in the province of Ontario which	10		
11		are not also local association members of CFS-O?			of UTGSU in procuring membership lists, but that
12		A. No.	12		those lists were not needed in determining whether the petition was in order?
13	15.		12		
14	IJ.	Q. And similarly, are there any local member associations of CFS-O that are not also local	14		A. No, my statement about being in
14		member associations of CFS-O that are not also local member associations of CFS National?	14		order is just a response to Mr. Evoy's affidavit,
			16		and just in terms of the use of the phrase "in
16	14				order". It's not something that I'm familiar with
17 18	16.	Q. Are there individual student members of CFS-O who are not members of CFS?	17 18		in our deliberations. I think we use other words,
			10		like "valid" "invalid", those kind of words, but I
19	17				have never come across the phrase "in order", and
20	17.		20		that is what I am referring to, not what you stated
21		own members in the province of Ontario?	21 22 23	07	earlier.
22	10	A. Individual members?		27.	
23	18.				the CFS-O bylaw?
24		clarify. Does CFS-O have a list of its own	24	00	A. Mihm.
25		individual members that attend the University of	25	28.	Q. It's at
11		A. Hashemi - 7			A. Hashemi - 9
1		Toronto?	1		MR. CARSTEN: Just tell me the page
123	10	Toronto? A. No.	1 2 3	20	MR. CARSTEN: Just tell me the page number. It's easier.
3	19.	Toronto? A. No. Q. So I take it	1 2 3	29.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117,
3 4		Toronto? A. No. Q. So I take it A. Not a current list, no.	1 2 3 4 5	29.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit.
3 4 5	19. 20.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have	4 5	29.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117,
3 4 5 6		Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are	4 5 6		MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there.
3 4 5 6 7		Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members?	4 5 6 7	BY N	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO :
3 4 5 6 7 8	20.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No.	4 5 6 7 8		MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally
3 4 5 6 7 8 9		Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of	4 5 6 7 8 9	BY N	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally use the term "in order" in your deliberations. I
3 4 5 6 7 8 9 10	20.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit?	4 5 6 7 8 9 10	BY N	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of
3 4 5 6 7 8 9 10 11	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this?	4 5 6 7 8 9 10 11	BY N	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2.
3 4 5 6 7 8 9 10 11 12	20.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to	4 5 6 7 8 9 10 11 12	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes.
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3 4 5 6 7 8 9 10 11 12 13 14	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would	4 5 6 7 8 9 10 11 12 13 14	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that:
3 4 5 6 7 8 9 10 11 12 13 14 15	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's	4 5 6 7 8 9 10 11 12 13 14 15	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the
3 4 5 6 7 8 9 10 11 12 13 14 15 16	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit.	4 5 6 7 8 9 10 11 12 13 14 15 16	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit. This is an e-mailor rather, it's a	4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the petition described in bylaw 2, section
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit. This is an e-mailor rather, it's a letter from Mr. Woods, the chairperson of the CFS-O	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the petition described in bylaw 2, section 5(a)"
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit. This is an e-mailor rather, it's a letter from Mr. Woods, the chairperson of the CFS-O dated October 3rd, 2013, addressed to Mr. Evoy. Is	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY M 30. 31.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the petition described in bylaw 2, section 5(a)" A. Right.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	20. 21.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit. This is an e-mailor rather, it's a letter from Mr. Woods, the chairperson of the CFS-O dated October 3rd, 2013, addressed to Mr. Evoy. Is that correct?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY N 30.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO: Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the petition described in bylaw 2, section 5(a)" A. Right. Q. And for clarification, that's a
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	20. 21. 22.	Toronto? A. No. Q. So I take it A. Not a current list, no. Q. So I take it that CFS-O doesn't have a current list of its individual members who are also UTGSU members? A. No. Q. Could you turn to paragraph 12 of your affidavit? A. Are we done with this? Q. For now. I may ask you to return to it. So in paragraph 12 you are describing a letter from Mr. Woods, and you can bring it up if you would like to refer to it. It's Exhibit G to Mr. Evoy's affidavit. This is an e-mailor rather, it's a letter from Mr. Woods, the chairperson of the CFS-O dated October 3rd, 2013, addressed to Mr. Evoy. Is that correct? A. Do you mind if I just review it for a second?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY M 30. 31.	MR. CARSTEN: Just tell me the page number. It's easier. MR. DEL GOBBO: Sure, it's at page 117, Exhibit 6 to Mr. Evoy's affidavit. MR. CARSTEN: One second. We're there. MR. DEL GOBBO : Q. You stated that you didn't generally use the term "in order" in your deliberations. I would just like to clarify my understanding of section 5 of CFS bylaw 2. A. Yes. Q. Section A and then subsection 7. It states that: "The executive committee will have the sole authority to determine whether the petition described in bylaw 2, section 5(a)" A. Right. Q. And for clarification, that's a petition on a question if continued membership in CFS-O is in order.
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	A. Hashemi - 10	I I,		A. Hashemi - 12
	sole discretion, to determine whether a petition to			months after receiving it, that petition, as you
2	decertify is in order?	2		know, in compliance with the bylaw, will have
3	A. Yes, I think that is what that bylaw	3		specific dates on it.
4	consists, yes.	4		A. M'hm.
5	34. Q. Okay, thank you, but Mr. Woods	5	44.	
6	doesn't make any reference to that in his letter?			make a determination in those six months, and those
7	A. Sure.	7		dates pass, is it possible that that petition could
8	35. Q. But by doing so, he wasn't	8		be used as the basis for a vote that is scheduled
9	suggesting that that bylaw somehow wasn't binding on	9		later?
10	CFS-O?	10		MR. CARSTEN: How is this relevant to
11	A. No, sure.	11		what happened in this case?
12	36. Q. Okay, if you could return to the	12	45.	· · ·
13	bylaw, bylaw 2, section 5?	13		important because we're asking for, you
14	MR. CARSTEN: Give us a page.	14		knowwe're seeking certain remedies as to
15	37. MR. DEL GOBBO: Sure, one moment, page	15		a vote. One of the petitions at issue has
16	117, subsection 1.	16		the specific dates on it in compliance with
17		17		CFS-O bylaws.
18	BY MR. DEL GOBBO :	18		I think it's an open question as to
19	38. Q. You can read that. As I understand	19		whether CFS-O would consider that petition
20	it, it states that:	20		to be in compliance with the bylaw since
21	"A petition must be delivered by	21		those dates have now passed.
22	registered mail to the head office of CFS-O	22		MR. CARSTEN: So this has to do with if
23	not less than six months prior to the	23		the judge reinstates the petition, whether
24	vote"	24	.,	it can go ahead to a future date?
25	A. Yes.	25	46.	MR. DEL GOBBO: Yes, among other things.
	A. Hashemi - 11			A. Hashemi - 13
1	39. Q. Do you see that?	1		MR. CARSTEN: If the judge restates the
1 2 2	39. Q. Do you see that? A. Yes.	1	47	MR. CARSTEN: If the judge restates the petition, does it matter what CFS-O thinks?
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	A. Hashemi - 14	A. Hashemi - 16
11	49. Q. If the CFS-O petition in this	1 January 15. Then it underlines what the wording for
12	caseas you know, it's March 24th to March 28th on	
2 3	its face. Would that petition becould that	 the petition shall be: "We, the undersigned, petition the
4	petition be used to substantiate a vote taking place	4 executive committee of the Canadian
5	on any other days?	5 Federation of Students - Ontario to conduct
6	MR. CARSTEN: What does it matter?	6 a vote on decertification from the Canadian 7 Federation of Students - Ontario"
7	Sorry, help me with the relevance. Again,	7 Federation of Students - Ontario"
8	if the judge reinstates the petition and	8 And then the bylaw stipulates that:
9	finds that we did something improper, his	 8 And then the bylaw stipulates that: 9 "The original unaltered petition must be
10	answer is irrelevant.	10 delivered in its entirety"
11		
12	as to what a judge will say. At the end of	12 "Petitions received that are not
13	the day, we have a petition. That	13 original copies, have been altered in any
14	petitionyou know, I believe that the	14 manner, or have been received by any means
15	relief that we are seeking in the Notice of	15 other than registered mail are not
16	Application is that after the judge's order	16 valid"
17	is made, that the referendum process will	17 54. Q. I don't want to interrupt you, but
18	continue in compliance with CFS and CFS-O	18 just in the interests of time
19		
	bylaws.	
20	That would include bylaw 5(a)(ii),	2055.Qis your answer going to be that21it's all of the items enumerated under 5(a)?22A.Yes, like I said earlier, there may23be other things that I'm notthat I may have
21	and it's not clear, given in light of that,	21 it's all of the items enumerated under 5(a)?
22	what position CFS-O would take or how they	22 A. Yes, like I said earlier, there may
23	interpret their own bylaw in respect of the	23 be other things that I'm notthat I may have
24	fact the petition needs to provide dates on	24 forgotten. They're not coming to me immediately.
25	it.	24forgotten. They're not coming to me immediately.2556.Q.Q.Okay. Can you name any of those
	A 11 A - 16	
.	A. Hashemi - 15	A. Hashemi - 17
1	A. Hashemi - 15 MR. CARSTEN: That's a refusal.	1 others now or
1	MR. CARSTEN: That's a refusal.	1 others now or 2 A. I mean, I think, generally if they
1 2 3		1 others now or 2 A. I mean, I think, generally if they
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		A. Hashemi - 18			A. Hashemi - 20
1		undertaking to identify any provisions in	1		that there is but
2		the bylaws, apart from 5(a), that stipulate	12		A. Because I am certain that's what the
3		what factors or what may be relevant to a	2 3		motion said.
Ĭ,		consideration of the discretion the	1	70.	Q. Okay, thank you. Just turn to
5		executive committee has to determine	4 5	70.	paragraph 13 of your affidavit, please. So here you
6					include text from a motion, which you state was
7		whether a petition is in order? MR. CARSTEN: Yes, we'll give that	6 7		passed at a CFS-O executive committee meeting?
8			8		A. Yes.
9	40		9	71	
	60.			71.	Q. And this is, I think, where you're
10		MR. CARSTEN: Anything other than what	10		stating that Mr. Woods and Ms. Goldfinch are
	/1	Mr. Hashemi has already said.			authorized to review the petitions submitted by the
12	61.	MR. DEL GOBBO: Yes, that's fine. Thank	12		two local student unions?
13		you.	13	70	A. Yes.
14	D V 1 4		14	72.	
15		R. DEL GOBBO :	15		Ontario chairperson?
16	62.	Q. If you could just look at bylaw 2,	16		A. That's right.
17	:	section 5, section 8?	17	73.	
18	<i>.</i>	A. "An individual member"?	18		national executive representative?
19	63.	Q. Yes:	19	_ ·	A. That is correct.
20 21 22		"may request that her name be removed	20	74.	
21		from a petition"	21		responsibilities is acting as the liaison between
22		A. Yes.	22 23		CFS-O and CFS. Is that fair?
23	64.	Q. Did the CFS-O executive committee	23		A. It's one of her responsibilities,
24		receive any requests from students to have their	24		yes.
25		names removed from the petition in this case?	25	75.	Q. What are her other responsibilities?
.		A. Hashemi - 19	I,		A. Hashemi - 21
1	/5	A. No.	1		A. SheI mean, I can reference the
1 2	65.	A. No. Q. Were there any other names struck on	12		A. SheI mean, I can reference the bylaw where she talks about her duties, if you like.
3	t	A. No. Q. Were there any other names struck on he UTGSU petition in respect of CFS-O for any other	1 2 3		A. SheI mean, I can reference the bylaw where she talks about her duties, if you like. I don't know them off the top of my head.
3 4	t	A. No. Q. Were there any other names struck on he UTGSU petition in respect of CFS-O for any other reason before the petition was sent to Deloitte?	1 2 3 4		A. SheI mean, I can reference the bylaw where she talks about her duties, if you like.
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Ι.	A. Hashemi - 22	A. Hashemi - 24
	79. Q. Okay. My understanding, and you can	1 affidavit you state that:
2	correct me if you're not clear, is that she would	 "Mr. Woods wrote to Mr. Evoy on November 1st, 2013 to advise that the CFS-O does not
3	have made regular reports to the national executive	3 1st, 2013 to advise that the CFS-O does not
4	regarding this issue, and that is provided in the	4 believe it was appropriate for the 5 university to check the veracity of the 6 petitioners' status"
5	national executive minutes. Do you have any	5 university to check the veracity of the
6	knowledge of that?	6 petitioners' status"
7	A. I don't have any knowledge of that,	7 Is that fair?
8	no.	
9	80. Q. Are there any other people at CFS-O	8 A. Yes. 9 87. Q. Was CFS-O aware at this time that
10	communicating with CFS about these petition issues	10 the university had expressed concerns surrounding
liĭ	throughout the year?	11 privacy law?
12	A. I mean, I had veryI had some	12 A. I can't recall. I can't recall if
13		
	communication with Vanessa Hunt, as is referenced in	
14	the variouswhat are they called? Tabs at the	14 I don't know if it was before or after November 1st.
15	back of thewhat are those called?	15 I can't recall that.
16	MR. CARSTEN: Just tabs or exhibits.	16 88. Q. Okay.
17	THE DEPONENT: Yes, those tabs. We were	17 A. Sorry.
18	often c.c.'d on the same e-mails, because	18 89. Q. I'll just direct you, because l
19	there wasyou know, we were, I thinkI	19 think it will probably refresh your memory, to
20	am not sure about her, but we were	20 Exhibit I to Mr. Evoy's affidavit. If you look at
21	delegated as the point people on some of	21 the e-mail from Mr. Woods to Mr. Evoy, dated
22	the communications, so yes.	22 November 1st, 2013it's at the bottom of the first
23	, ,	23 page. If you scroll to the second paragraph, you
24	BY MR. DEL GOBBO :	24 see that
25	81. Q. Okay. At paragraph 15 of your	25 A. Yes.
20		20 7.1, 100.
<u>,</u>	A. Hashemi - 23	A. Hashemi - 25
1	affidavit you state that:	1 90. QMr. Woods is commenting that he
1 2	affidavit you state that: "Mr. Woods of CFS-O received no response	1 90. QMr. Woods is commenting that he
1 2 3	affidavit you state that: "Mr. Woods of CFS-O received no response to his letter of October 3rd, for which	190.QMr. Woods is commenting that he2doesn't share the opinion3A.Yes, I see that.
4	affidavit you state that: "Mr. Woods of CFS-O received no response to his letter of October 3rd, for which reason he wrote again on October 21st to	190.QMr. Woods is commenting that he2doesn't share the opinion3A.Yes, I see that.491.Qthat privacy legislation is
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		A. Hashemi - 26	╏	A. Hashemi - 28
11		Do you see that?	11	societies. Do you see that?
		A. Yes.		A. Yes.
3	96.		2 3	
1.4	90.	Q. So I believe I understand your		
4		position in this litigation to be that CFS-O has	4	understood from this e-mail that Mr. LeSage did not
5		never delegated its authority under the bylaws to	5	wish his office to be dealing directly with CFS in
6		another university to determine whether a petition	6 7	respect to thewith CFS-O in respect of these
7		is in order. Is that fair?	17	issues?
8		A. Yes, that is certainlythat is the		A. We were a little, I guess, baffled
9		case, yes.	8 9	by this e-mail. We didn't quite understand what it
10	97.		10	meant. It takesI think you'll agree it takes
liĭ	//.	past, permitted universities to engage in a	11	
12				some decoding, but we were surprised because Mr.
		preliminary review of a petition?	12	Woods has previouslywhen he was reporting back on
13		A. We have not. We havenot in my	13	his conversations with Mr. LeSage, had indicated
14		time have we permitted that preliminary.	14	that he had a very frank and pleasant conversation
15	98.		15	with Mr. LeSage, and so we were a little taken aback
16		preliminary review was conducted in the University	16	by this sudden sort ofwhat we thought was a bit
17		of Guelph Central Students' Association case?	17	of a change in the tone, but otherwise, yes, it
18		A. In the University of Guelph case,	18	does. I mean, once you read through it, it does say
19		the administration took it on theirof their own	19	that they will directlythey only want to deal
20		volition and accord to conduct that review. We	20	directly with the studentI think it's called
21		opposed them doing that. We never consented to it,	21	studentwhat do they call them? Student
22		and it was, in fact, one of the reasons why that	22	societies.
21 22 23		and if was, in fact, one of the reasons why man	23	
23		case went to trial, and then we won on appeal.		- /
		So it was notit would be unfair to	24	case?
25		characterize that as us consenting in any way. We	25	A. Yes.
			LI	
1.		A. Hashemi - 27		A. Hashemi - 29
1		actually did not consent to that.	1	105. Q. Do you understand that the reason
12	99.		12	105. Q. Do you understand that the reason that the university was taking this position was
1 2 3	99.	actually did not consent to that. Q. And I believe that the primary	1 2 3	105. Q. Do you understand that the reason that the university was taking this position was
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	100.	actually did not consent to that. Q. And I believe that the primary reason you won on appeal was that no reasons were issued by the trial judge. Is that fair? A. I believe that's the case, yes. Q. Can you turn to Exhibit L of Mr. Evoy's affidavit, please? So do you see here in the second paragraph thatrather, is an e-mail from Mr. LeSage of the university to Mr. Woods of CFS-O. Is that fair? A. Yes. Q. Do you see that Mr. LeSage is informing Mr. Woods that, in the second sentence of the second paragraph, that he wants to reiterate that the university officethe office of the vice- provost of students should deal directly with the university's student societies on issues that pertain to their membership? A. Yes. MR. CARSTEN: It doesn't say "should". It just says "does". MR. DEL GOBBO :	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 105. Q. Do you understand that the reason that the university was taking this position was because of the privacy concerns relating to the confidential membership information? MR. CARSTEN: Your question assumes. You can ask him what he understood the reason to be. You can't ask him whether he understood that it was that. The question presupposes that you're right, and that was the reason. BY MR. DEL GOBBO : 106. Q. I didn't mean to trickI'm not trying to trick Mr. Hashemi. I expected if he understands it differently that he would clarify. A. Do you mind restating your question, please? 107. Q. So was your understanding that the reason that the university took this position as expressed in this e-mail was because of privacy concerns with respect to membership information? A. No, I don'tI mean, perhaps, but I

11	A. Hashemi - 30	A. Hashemi - 32
	so they only like dealing with the student societies	1 executive meetings. I'm not certain if there was a
	and not with what they would call external	
3	organizations.	2 national executive meeting during that time. 3 113. Q. So it's possible that Ms. Goldfinch
1	The reason why we didn'twhy we	4 didn't actually communicate with CFS at all in
5		
I .	contacted Mr. LeSage directly, et cetera, was in the	
	past that we had assumed that that didn't apply to	6 A. Well, it's possible. I know that
/	us, and they would contact us. They did contact us	7 there was a national general meeting during that
8	directly. I think in the past we have had many	8 period. So that would be one time where I would be
9	conversations with them, so which is why, as I	9 surprised if there wasn't communication, but
10	indicated earlier, we were a little baffled by this	10 otherwise, it wouldn't be surprising if it didn't
11	sudden sort of enforcement of the letter of the rule	11 happen, especially through December, which is a kind
12	when it comes to U of T.	12 of a
13	108. Q. In light of this e-mail, given that	13 114. Q. Difficult month?
14	CFS-O had not yet received the confidential	14 A. Yes, mercifully a dead time.
15	membership list from the university, did you	15 115. Q. Sure. If we turn to that mercifully
16	understand then that it was a practical necessity	16 dead time, paragraph 30 of your affidavit?
17	that UTGSU would have to be involved in those	17 A. Yes.
18	communications in order to help facilitate the	18 116. Q. So you are describing in this
19	process by which the membership list would be	19 paragraph a meeting that took place on December
	provided?	
20 21 22	A. I think once this e-mail was sent,	20 20th, 2013 between representatives from the 21 university, the GSU and CFS-O. Is that right?
22	that that was madethat became clear. It wasn't	22 A. Yes.
23	clear prior, because we had asked Mr. Evoy for Mr.	23 117. Q. And in subparagraph B on the next
23	LeSage's contact info so we could contact him	23 PT7. Q. And in subparagraph b on the next
25	directly, and it had been provided. So we just	25 "Mr. Evoy proposed that the university
ZJ	directly, and it had been provided. So we just	
	A. Hashemi - 31	A. Hashemi - 33
1,	-	
11	assumed that it was you know, that was a way	1 carry out the verification "
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	assumed that it wasyou know, that was a way around it	1 carry out the verification" 2 Is that right?
23	around it.	2 Is that right?
1 2 3 4	around it. 109. Q. Thank you. So if you could turn to	2 Is that right? 3 A. That's my recollection, yes.
4	around it. 109. Q. Thank you. So if you could turn to paragraph 30 of your affidavit, please? I'm	 2 Is that right? 3 A. That's my recollection, yes. 4 118. Q. Now, you will agree with me this
4 5	around it. 109. Q. Thank you. So if you could turn to paragraph 30 of your affidavit, please? I'm actually not going to ask you about paragraph 30	 2 Is that right? 3 A. That's my recollection, yes. 4 118. Q. Now, you will agree with me this 5 wasn't the first time that this option was put to
4 5 6	around it. 109. Q. Thank you. So if you could turn to paragraph 30 of your affidavit, please? I'm actually not going to ask you about paragraph 30 right now, but just in general, we discussed earlier	 2 Is that right? 3 A. That's my recollection, yes. 4 118. Q. Now, you will agree with me this 5 wasn't the first time that this option was put to 6 CFS-O?
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4 5 6 7 8 9	around it. 109. Q. Thank you. So if you could turn to paragraph 30 of your affidavit, please? I'm actually not going to ask you about paragraph 30 right now, but just in general, we discussed earlier Ms. Goldfinch's responsibilities as a member of the CFS-O executive committee. A. M'hm.	 2 Is that right? 3 A. That's my recollection, yes. 4 118. Q. Now, you will agree with me this 5 wasn't the first time that this option was put to 6 CFS-O? 7 A. Yes. 8 119. Q. Okay. So you were aware by this 9 time that the university had already suggested that
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 around it. 109. Q. Thank you. So if you could turn to paragraph 30 of your affidavit, please? I'm actually not going to ask you about paragraph 30 right now, but just in general, we discussed earlier Ms. Goldfinch's responsibilities as a member of the CFS-O executive committee. A. M'hm. 110. Q. And how one of those responsibilities was acting as a liaison with CFS. Is that fair? A. I believe that's one of her responsibilities, yes. 111. Q. And so throughout this period, November, December, 2013, as these discussions were ongoing with UTGSU and the university, Ms. Goldfinch would have been regularly updating CFS as respect to any updates? A. I'm actually not sure. 112. Q. Okay, but you would be surprised if she wasn't, given her responsibilities? 	 ls that right? A. That's my recollection, yes. 118. Q. Now, you will agree with me this wasn't the first time that this option was put to CFS-O? A. Yes. 119. Q. Okay. So you were aware by this time that the university had already suggested that it could review the names on the petitions? A. I would have to review the e-mail chain to be 100 percent. I think so, but a lot happened at that time. 120. Q. Just to be clear, I think that you discussed it, for example, in paragraph 16 of your affidavit. A. Give me one moment. 121. Q. You state that: "Mr. Evoy wrote to Mr. Woods and stated that the university may be in a position"

1			
1	A. Hashemi - 34		A. Hashemi - 36
	30(b). Did Mr. Eskenaziwho I understand to be a		MR. CARSTEN: Out loud or to himself?
2	university representative, right?		
		2 3	
3	A. Yes.		BY MR. DEL GOBBO :
4	124. Q. Did he state at this December 20th	4	131. Q. To yourself is fine, just so you get
5	meeting why having the university carry out the	5	familiar with it.
6	verification was not being considered?		A. M'hm.
	A. I'm trying to think. I mean,	6 7	132. Q. Particularly the last sentence. Why
6			
8	hemy recollection is that when Mr. Evoy brought	8	was it indicated that if the university was to
9	up this issue, Mr. Eskenazi almost jumped in and	9	contribute financially, it would be on the basis
10	interrupted and said, "No, no, let's talk about	10	that CFS-O pay the auditing firm and then invoice
11	that. That's not on the table. Let's move on," and	11	the university for the cost?
12	I don't think there was anyI can't recall an	12	A. Yes, it'sI think it'sI mean we
13		13	
	actual explanation. If was more of an abrupt sort		say "optics". I say "optics" in my affidavit. It's
14	of interruption, and, "We're here to talk about	14	a perception issue that we want to make sure
15	other things. Let's not bring that up again," kind	15	thatwe were already feeling that, you know, that
16	of intervention.	16	this is onyou know, the grounds around the
17	125. Q. So you can't remember, then, whether	17	executive committee having sole authority to verify
18	Mr. Eskenazi specifically stated that the option was	18	the petition, and we wanted to make sure that if
19		19	
	not being considered because CFS had already	17	thatif a part of that role was delegated
20	rejected the option?	20	elsewhere, that we still retain that kind of
21	MR. CARSTEN: Didn't he just give you	20 21	control.
22	his answer about his full recollection of	22	For better or for worse in this society
23	what was said?	23	there is a perception that she or he who pays the
24	126. MR. DEL GOBBO: Maybe the more specific	$\frac{1}{24}$	piper calls the tune, and we wanted to make sure
25	question will refresh his memory.	22 23 24 25	
ZJ	quesiion win tenesi his memory.	<u> </u> 25	that that wasn'tthere was no confusion as to who
	A. Hashemi - 35		A. Hashemi - 37
11			
	MK (AK) FIN: Is your memory retreshed		
	MR. CARSTEN: Is your memory refreshed	1	the sole authority rested with.
2	by that more specific question?	12	the sole authority rested with. It was a perception issue. I don't think
3	by that more specific question? THE DEPONENT: Could you re-ask it,	1 2 3	the sole authority rested with. It was a perception issue. I don't think it would actually make much of a difference, but
3 4	by that more specific question?	4	the sole authority rested with. It was a perception issue. I don't think it would actually make much of a difference, but perception-wise, we felt it was important that it be
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14 actually clear. I should have stated communications 14 on behalf of the Canadian Federation of Students -	ł
	i.
15 specifically with regard to the petition 15 Ontario. You'll note that we agreed inI think	
15 specifically with regard to the petition 15 Ontario. You'll note that we agreed inI think 16 verification issues that are the subject matter of 16 it's in principle or what is the phrasing I used?	
19139.Q.And your answer is the same?19Now, it was felt that the individuals who20A.Yes.20had been empowered by the executive committee to	
21 140. Q. Okay. So you stated that you 21 conduct the verification process, namely Ms.	
20A.Yes.20had been empowered by the executive committee to conduct the verification process, namely Ms.21140.Q.Okay. So you stated that you21conduct the verification process, namely Ms.22provided a two-week notice?22Goldfinch and Mr. Woods, had the authority to go a head and agree to the auditing firm conducting sc	
23 A. Correct. 23 ahead and agree to the auditing firm conducting so	ma
24 141. Q. Can you give me an undertaking to 24 of the verification procedures, but we wanted to be	
25 provide that notice if it was in written form? 25 dead certain, and so we felt it wasjust to make	
A. Hashemi - 39 A. Hashemi - 41	
1 A. Yes. 1 certain, we would run it by the executive.	
2 MR. CARSTEN: Yes, I'll give it to you. 2 148. Q. Okay, and it was given, really, the	
3 Yes, we'll give that undertaking. U 3 gravity of the decision?	
4 142. MR. DEL GOBBO: Okay, thank you. 4 A. I am not sure "gravity" is the	
5 correct term. I think more that it's just where	
6 BY MR. DEL GOBBO : 6 possible, let's overview the process, I guess, to	
7 143. Q. So is the reason thatthis 7 just make certain.	
8 decision to retain a third party firm, this needed 8 149. Q. Okay. It's where possibleagain,	
9 to be decided at an executive committee meeting 9 that's in the case of decisions which are important	
 9 to be decided at an executive committee meeting 10 because it was an important decision in respect to 9 that's in the case of decisions which are important 10 to the CFS-O? 	
9to be decided at an executive committee meeting because it was an important decision in respect to 119that's in the case of decisions which are important to the CFS-O?11the petitions?11A.Important is certainly one aspect, but also, you know"if possible" means, for	
9to be decided at an executive committee meeting because it was an important decision in respect to the petitions?9that's in the case of decisions which are important to the CFS-O?11the petitions?11A.Important is certainly one aspect, 	
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9to be decided at an executive committee meeting because it was an important decision in respect to the petitions?9that's in the case of decisions which are important to the CFS-O?11the petitions?10A. I think the individuals who had been designated as the people who wereyou know, 1411A. Important is certainly one aspect, but also, you know"if possible" means, for example, if the time allows or if you actually canif there is a window of opportunity, that it isn't an emergency you need to resolve right away. 1616the meeting, was that, "It may be within your purview because of the motion that was passed earlier at the executive committee meeting to go150.Q. Okay, if you could like to ask you about this notion. So you state that the two-week notice	
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A Hashemi - 42 A Hashemi - 42 11 152. Q. Sort IJ and taylow to you. Iff you turn to bylow order, which can mean sectiol meeting, the same as a meeting that is scheduled 3 9? MR. CARSTEN: And where are you kooking, 162. Q. Okay, 5 MR. DEI GOBBO: Can you turn to the neat page under 4(d? 162. Q. Okay, 10 MR. DEI GOBBO: Can you turn to the neat page under 4(d? Thords where we're booking. 10 BY MR. DEI GOBBO: Can you turn to the neat meeting sholl be corrun sched in medifichwich but hat I believe you 11 BY MR. DEI GOBBO: Can you turn to the neat meeting sholl be corrun sched in section were page should be corrun sched in section were 10 The schedule meeting sholl be corrun schedule meeting, should be avere is that there is also an inimum number of istakens have, an minimum number of istakens have, an inimum number of istakens have, and istakens have, an inimum number of istakens have, and istakens have, an ininimum number of istakens				
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4 MR. CASTEN: And where are you looking, 4 162. Q. Color, 5 Mr. Del Gobbo 7 A. Certainly reading that bylow, I 6 153. Mr. Del GOBBO: Can you turn to the next A. Certainly reading that bylow, I 7 age under 4(c)? A. Certainly reading that bylow, I 8 MR. CASTEN: That's where we're 6 9 looking. A. Certainly reading that bylow, I 10 BY MR. DEL GOBBO : Iminuum number of allow bold be over is that that I believe you should be aver is that that I believe you should be aver is that there is discuss. 12 154. Q. Do you see it says: Iminuum number of the board have to be present for that is to bla place 13 14 days prior to the meeting taking place 15 14 meeting shall be communicated no less than is blace 15 15 14 days prior to the meeting taking place 16 16 place 18 156. Q. No, im sony, I might be missing it, buit inter a release that insk bylow to to double-check that: 18 21 A. Cetaing reading was that that that have take that in this says a mage spreading vone to that that that that the seconter continte meeting on the interests of time, con you grante that in sams a waste of that that that that that that that tha	12		lż	
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8 MR CASTEN: That's where we're 9 8 contempladed in my offidority that Ib Elieve you should be oware is that there is also an issue with marking sure the meeting makes quorum, which is a minimum number of students hore, a minimum number of the board have to be present for that to take place. 11 BY MR, DEL GOBBO : 12 1.5 1.4 days prior to the meeting taking place* 13 "Formal notice of executive committee meeting shall be communicated no less than 15 1.4 days prior to the meeting taking place* 1.6 14 meeting shall be communicated no less than 15 1.6 1.6 15 Q. Noy, Im sory, I might be missing it, but is there a reference in this bylow to 20 1.6 1.7 21 A. I don't believe so, but I would have 21 A. I don't believe so, but I would have 23 20 meeting strate on that date, the 16th from Thursday to 24 21 22 Sunday, and that was a wey to be a commuter and was the form munice and that date for the 24 25 Sunday, and that was a was of 25 25 23 MR. CARSTEN: Okay. 4 A. Hashemi - 43 1 would have quorum, so that it was a was of 25 25 25 25 26 26 26 26 26 26 27 26 27 26 27 26 27<	7	page under 4(c)?	17	have been provided. The other issue that is not
10 moding sure the meeting makes quorum, which is a 11 BY MR, DEL GOBBO : 13 Formal notice of executive committee 14 meeting shall be communicated no less than 15 14 days prior to the meeting taking 16 place* 17 A. Yes. 18 155. Q. Now, I'm sorry, I might be missing 19 rit, but is there a reference in this bytwa to 10 emergency meeting.* 11 A. Yes. 12 A. I don't believe so, but I would have 12 a. I don't believe so, but I would have 12 b. observice* 13 156. Q. So in the interests of time, can you 14 give an undertaking to contirm whetherperhaps 15 M. CARSTEN: Okay. 14 thask for my undertaking and you 15 Q. So in the interests of time, can you 15 M. R. CARSTEN: Okay. 16 hereservite committee meeting on the simplest thing in a large 17 question. Then till ask for my undertaking and you 18 G. So bin, I believe, is referring to 19	8		8	
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17 Å. Yes. January 16th was picked as the date for the executive committee meeting, the special meetings, impectation meeting, the special meeting, is special meeting, in a special meeting, in a special meeting, is special meeting, in a special meeting, in a special meeting, is special meeting, in a special meeting, it is that our Ontario general 10 emergency meetings? Impecting visco meeting, was that our Ontario general 21 A. I don't believe so, but I would have Impecting visco meeting, was a way to guarantee that 22 to double-check that. Impecting visco members generally come to the general meeting was a way to guarantee that that meeting could take place, and 24 give an undentoking to confirm whetherperhaps Impecting visco members generally come to the general meeting was well. So it was a way to guarantee that that meeting could take place, and 24 guestion. Then I'll ask for my undentaking and you A. Hashemi - 43 3 MR. CARSTEN: Okay. M. Hashemi - 45 4 that sylaw 3(1)[c]. Ympecting was that was the or probably 9 A. Yes, I state that. So you state in your affidavit this 10 158. Was A that right? A. Yes, I state that. 11 A. Yes, I state that. A. Yes, I state that.			16	very difficult early in January. The reason that
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			A 11 1 · · 40
1	A. Hashemi - 46	,	A. Hashemi - 48
	BY MR. DEL GOBBO :		of Toronto around theand the GSU around the
2	165. Q. I didn't want to attribute a mistake	2 3 4 5	hiring of a third party auditor.
3	to you, but I think that it's clear on the record	3	174. Q. Okay.
4	that the 72 hours' notice was required.	4	A. Yes.
5	Just for the sake of the record, just to		175. Q. And what was the conclusion coming
6	correct one other thing, which is a small error,	6 7	out of that meeting?
7	turn to Exhibit A of your affidavit.		A. The conclusion was the motion that
8	A. Yes.	8 9	you see, 003 there.
9	166. Q. These are the minutes from that	9	176. Q. Okay. Was it discussed at the
10	executive committee meeting we were just referring	10	meeting that there was anyI'll take those words
11	to.	11	back. I notice that there were a number of
12	A. That is correct, yes.	12	executive committee members present at this meeting.
13	167. Q. On the second page, if you look at	13	A. Yes.
14	the header, I think that the dates are wrong. I	14	177. Q. I won't count them, but you'll see
15	think that you mean January 16th.	15	that they're all listed on the first page. Did any
16	A. Yes, I get made fun of in the office	16	of them take any notes of the in camera portion of
17	for doing that a lot. So yes.	17	this meeting?
18		18	A. No, they're not allowed to.
10		10	
	clarify that. Now, you notice how under 2(a)	17	
	"Membership Development"	20 21	A. Not during in camera.
20 21 22	A. Yes.		179. Q. Can you confirm with these
22	169. Qit states that:	22 23	individuals that there are no notes that provide any
23	"The discussion went in camera"	23	more details as to what discussed during the in
24	A. Correct.	24	camera portion of this meeting?
25	170. Q. Now, during that discussion was the	25	MR. CARSTEN: I'm not sure we're going
	A Hasham: 17		A Hasham: 10
12	A. Hashemi - 47 issue of UTGSU's petition verification process raised?	1	A. Hashemi - 49 to go to that effort. I'll take that under advisement. U
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	A. Hashemi - 52
	an you just confirm what the total
2 teleconference call that took place on January 22nd, 2 amount of the fer	e was that was paid to Deloitte in
	ition verification, separate and
	condary review that CFS conducted
5 186. Q. Do you see that in the last sentence 5 that we know wa	
	TEN: Does it matter?
8 Deloitte said that they would carry out 8 to be an is 9 'firm protocols'" 9 for that fee	sue in respect to responsibility
10 A. Yes.	
	LGOBBO: Well, I
	TEN: How is it an issue in the
13 A. Yes, part of the reason it's in 13 application	
	LGOBBO: Well, there are
	uestions that have been asked of
16 in a conflict situation and it's a standard 16 Mr. Evoy of	about UTGSU's responsibility for
	, and it has never been made
	s in respect of actually how much
	as, how much was ultimately paid
	e. I don't intend this to be
21 anything else, apart from conflict searches, given 21 controvers	
22 that you don't recall what 22 MR. CARS	
23 MR. CARSTEN: Were they involved? 23 ahead, an	iswer the question, if you know.
24 189. MR. DEL GOBBO:the firm protocols 24 THE DEPC	DNENT: I don't believe we have
25 are? 25 actually re	eceived the final invoice yet.
A. Hashemi - 51	A. Hashemi - 53
A. Hashemi - 51 1 MR. CARSTEN: He just told youhe 1 BY MR. DEL GOBBO	A. Hashemi - 53 :
1 MR. CARSTEN: He just told youhe 1 BY MR. DEL GOBBO	
1MR. CARSTEN:He just told youhe1BY MR. DEL GOBBO2answered that these were Deloitte's2197.Q.So	: Deloitte hasn't actually been
1MR. CARSTEN:He just told youhe1BY MR. DEL GOBBO2answered that these were Deloitte's2197.Q. So3protocols, that they weren't anything of3paid for its work	: Deloitte hasn't actually been
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	A. Hashemi - 54		A. Hashemi - 56
11	"The CFS-O expected that the university	11	of the university's responsibility, or rather, the
			university's agreement to pay a portion of the cost.
	would make good on its promise to reimburse	2 3	
3	the CFS-O for the cost of retaining a third		Is that fair?
4	party auditor"	4	A. This is paragraph 48?
5	I think the context is that the university had	5	207. Q. Yes. I don't mean it to be a trick
6	informed the CFS-O that they wouldn't be paying full	6	question. I simply
7	the amount. Is that fair?	7	A. Sorry, I zoned out for a moment.
8	A. Yes, I think that's fair.	8 9	What was the question again?
9	201. Q. So you state that when the		208. Q. Simply that this paragraph discusses
10	university agreed to pay only a portion of those	10	generally the issue of the university's agreement to
11	costs, the CFS-O agreed to nonetheless proceed with	11	pay a portion of Deloitte's costs?
12	the process?	12	A. Yes, it's one of the paragraphs that
13	A. Yes.	13	deals with that, yes.
		14	
14			
15	had the discretion not to proceed with the process,	15	CFS-O engagement letter there is no reference to any
16	in light of the university's decision on payment?	16	party, other than the CFS or CFS-O, being
17	MR. CARSTEN: It doesn't matter.	17	responsible for paying Deloitte's costs?
18	203. MR. DEL GOBBO: I'm trying to understand	18	A. In the engagement letter with
19	what he saidwhat he means by the word	19	Deloitte?
20	"nonetheless". It's in Mr. Hashemi's		210. Q. Yes.
		20 21 22 23	
21	affidavit. "Nonetheless", what does that		A. I believe that's the case, yes.
22	refer to?	22	211. Q. So at the end of the day,
23	MR. CARSTEN: Even though they reneged,	23	notwithstanding the university's position on whether
24	even though they said, "We're not going to	24	it would pay costs, CFS-O understood that the
25	pay for the whole thing. We're only going	24 25	ultimate responsibility to cover Deloitte's costs
			4 11 1 · · · · ·
	A. Hashemi - 55		A. Hashemi - 57
1	A. Hashemi - 55 to pay a part." We still went forward.	1	A. Hashemi - 57 would be CFS and CFS-O's?
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	A 11 · · 60		
	A. Hashemi - 58	II,	A. Hashemi - 60
	Mr. Evoy's assertion thatthis is Mr. Evoy's		that.
2	quote:	2	225. Q. Okay, I only say that because your
3	"UTGSU's preparations for the referendum	3	statementMr. Evoy's statement wasn't that UTGSU's
4	were delayed by CFS and CFS-O's decisions	4	preparations under the CFS and CFS-O's bylaws. His
5	in respect of the appointment of Mr.	5	statement is that the preparations were delayed.
6	Littley and the retainer of Deloitte"	6	A. Yes, I understand that, but Mr. Évoy
7	Do you see that?	7	goes on to elucidate, and much of what he talks
8	A. I see that, yes.	8	about is referring to things that I don'tif
9	216. Q. Are you member of UTGSU's executive	9	memory serves me correctly, aren't necessarilyyou
			linemoty serves the conecity, dient necessarilyyou
10	committee?	10	know, I think he expands beyond the UTGSU role to
11	A. I am not.		ascribe that delays in the various processes that we
12	217. Q. Are you currently a member of UTGSU?	12	were engaged in were attributable to the issue
13	A. No.	13	around the CRO that the UTGSU had taken.
14	218. Q. Do you have any firsthand knowledge	14	226. Q. So I understand your position, then,
15	of UTGSU organizational structure?	15	that the appointment of the CRO should not have
16	A. Can you define "firsthand"?	16	caused any delay in respect of UTGSU under the CFS
17	219. Q. Do you have any firsthand knowledge,	17	and CFS-Ó bylaws. I understand that
18	do you have any experience engaging with UTGSU's	18	unlesscorrect me if I am wrong. I am not trying
19	organizational structure?	19	to misconstrue your words. I'm just trying to
20	A. I have limited knowledge of it, but	20	A. Yes, and if you could just restate,
21	I wouldn't describe it as firsthand.	21	just so I can be certain.
		22	
		22	
23	knowledge of UTGSU's internal procedures?	23	position is that the appointment of the CRO and the
24	A. Not any more than I have gleaned	24	circumstances surrounding that should not have
25	from reviewing their bylaws and other operational	25	caused any delay in respect of UTGSU's obligations
	A. Hashemi - 59		A. Hashemi - 61
1	documents.	1	under the CFS and CFS-O bylaws?
12	documents. 221. Q. Do you have any firsthand knowledge	1 2	under the CFS and CFS-O bylaws? A. Yes, it did not cause any delays.
1 2 3	documents. 221. Q. Do you have any firsthand knowledge of the internal organizational processes that	1 2 3	under the CFS and CFS-O bylaws? A. Yes, it did not cause any delays.
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١,	A. Hashemi - 62	I ,	A. Hashemi - 64
	A. Okay, yes.		prepared for my questions.
2	233. Q. So I believe that you state here	2 3	A. Yes, okay.
3	that Deloitte triple-checked the information,		241. Q. So as I understand it, throughout
	meaning that Mr. Youssef himself manually checked	4 5	the course of Deloitte's retainer, you were one of
5	three times each of the signatures that did not	5	the people delegated by CFS and CFS-O to convey
6	match the membership list provided by the	6	instructions to Deloitte?
7	university.	7	A. I was delegated by CFS-O.
8	A. Yes.	8	242. Q. By CFS-O?
9	234. Q. Is that fair?	9	A. Yes.
10	A. Yes, that is what Mr. Youssef	10	243. Q. I don't need to pull them all up
11	conveyed to us.	11	now, but there are documents attached to the
12	235. Q. So he conveyed to you that he only	12	affidavit that Mr. Hatherellso for example, if
13	triple-checked the signatures that did not match the	13	you turn to Exhibit E to Mr. Hatherell's
14	membership list provided by the university?	14	affidavit
15	A. No, I think that's too specific. I	15	A. Yes.
16	believe he actually indicated that he triple-checked	16	244. Qthis is an e-mail from you dated
17	the entire petition.	17	February 14th, 2014 to Mr. Youssef?
18	236. Q. Sorry, I don't understand this		A. That is right.
19	subparagraph (b), if that's the case, because it	10	245. Q. So I see here that you prepared the
20	states here that:	20	CFS and CFS-O bylaws? Just look at the second
20	"He, himself, manually checked three	18 19 20 21 22 23 24	sentence.
21			
22 23	times each of the signatures that did not	22	A. Yes, that's what it says.
23	match the membership list provided by the	23	246. Q. You will be couriering them to
	university"	24	Deloitte that morning?
25	A. Yes, I think that paragraph is	23	A. Yes. Theit's a convenience
	A Hashami 62	ЪГ—	A Hashami 65
,	A. Hashemi - 63) [,	A. Hashemi - 65
1	unnecessarily	1	issue, but it was easier just to do it one time. We
1 2 2	unnecessarily MR. CARSTEN: Specific?	122	issue, but it was easier just to do it one time. We were very conscious of trying to move along the
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	A. Hashemi - 66	A. Hashemi - 68
11	A. Yes.	1 knowledge than mine, but I believe that he
	253. Q. You'll see that Mr. Youssef	2 said that Ms. Anna Goldfinch was delegated
3	describes what he calls a "strict or loose	3 the responsibility on the executive
4	interpretation of the bylaws". Do you see that?	4 committee to deal with petition issues, and
5	A. Yes.	5 anyone else who might have had contact with
6	254. Q. Did CFS or CFS-O advise Mr. Youssef	6 Deloitte in respect of these petitions.
7	as to what a strict or loose interpretation of the	7 MR. CARSTEN: How many people are there
8	bylaws should be?	8 that fit in that category?
9	A. No.	9 THE DEPONENT: From CFS-O, there is one
10	255. Q. So you didn't provide that	10 other person.
11	instruction?	11 MR. CARSTEN: Can you reach this person?
12	A. No, those were his words.	12 THE DEPONENT: It's Jeremy.
13	256. Q. And so, as I understand it, Deloitte	13 MR. CARSTEN: We'll make that inquiry. U
14	thenthe genesis of the strict and liberal	
15	interpretation was entirelyit was Deloitte's	15 BY MR. DEL GOBBO :
16	interpretation. It wasn't an interpretation that	16 261. Q. So you stated earlier that out of
17	was informed by CFS or CFS-O's advice?	17 convenience, you were also taking steps, and you
18 19	A. I certainly didn't give them any	18 were authoring communications, you were summarizing19 bylaws on behalf of CFS as well?
20	instructions around loose or not loose, whatever the word is he uses, "strict".	19 bylaws on behalf of CFS as well? 20 A. Yes.
20 21	257. Q. So you're here to bind CFS-O. So to	20 A. Tes. 21 262. Q. So can you also make inquiries as to
	your knowledge, no one at CFS-O gave him any	22 whether anyone at CFS gave that sort of instruction?
23	instruction in that regard?	23 MR. CARSTEN: No.
24	A. I don't believe so. I can only	24 263. MR. DEL GOBBO: I didn't think you
25	speak for myself in that regard, but I didn't.	25 would.
	A. Hashemi - 67	A. Hashemi - 69
1	A. Hashemi - 67 MR. CARSTEN: You can speak of what	1 MR. CARSTEN: You said it in a nice
12	MR. CARSTEN: You can speak of what you're aware of.	1 MR. CARSTEN: You said it in a nice 2 neutral tone. That's pretty good.
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,	A. Hashemi - 70	A. Hashemi - 72
	correspondence or record of communication dated	1 274. Q. If you could just pull up that e-
2	March 6th in which this is communicated. Was there	2 mail at Exhibit D?
3	a communication on March 6th?	3 MR. CARSTEN: To your affidavit?
	A. Ithink	2 mail at Exhibit D? 3 MR. CARSTEN: To your affidavit? 4 275. MR. DEL GOBBO: Yes. 5 6 BY MR. DEL GOBBO : 7 276. Q. And I believe that the e-mail is the
5	MR. CARSTEN: Keep in mind this isn't	
6	his letter. This is Ms. Hunt's letter.	6 BY MR. DEL GOBBO :
7	It's not his letter.	
8	269. MR. DEL GOBBO: I know, but he excerpts	8 one on the second page in the middle.
9	this section in his affidavit.	9 A. Yes.
10	MR. CARSTEN: No, I'm just saying, to	10 277. Q. You'll notice that the time of the
11	provide context, it's not his letter.	11 e-mail is 10:42 a.m.
12	THE DEPONENT: I think this is in Mr.	12 A. Sorry, I'mthis is what I cite in
13	Evoy's affidavit, the text of that letter,	13 my
14	which is what I'm referencing.	14 278. Q. I believe it's the same e-mail.
15		15 A. Yes, okay.
16	BY MR. DEL GOBBO :	16 279. Q. So I understand that in paragraph 59
17	270. Q. Yes.	17 of your affidavit, after receiving this e-mail we
18	A. Sorry, I don't know what the	18 were just looking at, you wrote to Mr. Littley, the
19	question is then.	19 CRO, to provide an update with regard to the
20	MR. CARSTEN: He is asking if you're	20 petitions.
21 22	aware of any correspondence dated March	21 A. Yes. 22 280. Q. Do you see that?
22	6th, because there is a reference in that	22 280. Q. Do you see that?
23	letter to March 6th advice. Are you aware	23 A. M'hm.
24	of any correspondence on March 6th? You	24 281. Q. You can turn to that e-mail.
25	either are or you aren't.	25 MR. CARSTEN: Tab E?
	A. Hashemi - 71	A. Hashemi - 73
1	A. Hashemi - 71 THE DEPONENT: I'm not certain right	1 282. MR. DEL GOBBO: Tab E.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 THE DEPONENT: I'm not certain right now. 271. MR. DEL GOBBO: You can also answer this by undertaking, if it's easier, if there was a March oth communication to provide a copy. THE DEPONENT: I'm not certain. I believe it maybe actually should say March 7th, but I'm not BY MR. DEL GOBBO : 272. Q. I think that may be the case as well, and I'm not tryingI just want to make sure that we have the full record, since these are very important. MR. CARSTEN: If there is a March oth communication which we believe this refers to, we will produce it. U BY MR. DEL GOBBO : 273. Q. So paragraph 58 of your affidavit, this is an e-mail from Mr. Youssef sent on March 9th, and then you excerpt the full text of the e- 	1 282. MR. DEL GOBBO: Tab E. 2 MR. CARSTEN: Okay. 3 4 BY MR. DEL GOBBO : 5 283. Q. I won't ask you to read the entire 6 thing. I don't think it's relevant, but I'll just 7 note the time is 10:05 p.m. This is, again, on 8 March 9th. 9 A. 9 A. 10 284. Q. 11 paragraph? 12 MR. CARSTEN: 13 MR. DEL GOBBO : 14 BY MR. DEL GOBBO : 15 285. 16 "As noted earlier, the federation's 17 executive committee had authorized Deloitte 18 to conduct the petition verification on its 19 behalf, and it will be respecting the 0 outcome of third party verification" 10 you see that? 286. Q. 286. Q.
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	A. Hashemi - 74	A. Hashemi - 76
11	verification. So is it fair to say that on	1 BY MR. DEL GOBBO :
2	Deloitte's recommendation, then, the executive	2 298. Q. So if you could turn to Exhibit D of
3	committee had made a determination that the petition	3 your affidavit, and at the bottom of the first page
4	was not in order?	4 of Exhibit D there is an e-mail from Mr. Youssef
5	A. Yes, I think the individuals tasked	
6 7	with that, who had been delegated that	6 that?
	responsibility, had indicated that they would be	7 A. Yes, I see that.
8	going by what Deloitte's findings were.	8 299. Q. Now, I canvassed this e-mail with
9	287. Q. So that would be Mr. Woods and Ms.	9 Ms. Watson, and there was some uncertainty over who
10	Goldfinch?	10 this e-mail was sent to. Could you confirm that
11	A. That's right, yes.	11 this e-mail was receivedor rather, was sent to a
12	288. Q. And no one else was involved in that	12 representative of CFS-O?
13	determination?	13 A. Was sent?
14	A. I was consulted.	14 300. Q. Was sent.
15	289. Q. You were consulted?	15 MR. CARSTEN: Would you like him to
16	A. Yes.	16 confirm that he received it, for example?
17	290. Q. And just to get a sense of the	17 THE DEPONENT: I'm fairly certain that I
18	timing, the last e-mail that we were looking at, as	18 received it.
19	part of Exhibit D, was at approximately 10 a.m.,	19 301. MR. DEL GOBBO: Yes, I'm fairly certain
20	that same day, you recall?	20 that it was received by him, as well. It's
20 21	A. Yes.	21 just that Ithis is an important e-mail,
22	291. Q. This decision about whether the	22 and I just think it should be clear on the
23	petition was in order was made presumably at some	23 record who has received it on behalf of
24	point during the day on March 9th?	24 CFS-O.
25	A. Yes, I believe it waswas it a	25 MR. CARSTEN: It is our position that he
	A. Hashemi - 75	A. Hashemi - 77
1		A. Hashemi - 77 1 received it. If for some reason we're
12	Sunday? I have some vague recollection of this, but	1 received it. If for some reason we're
1 2 3	Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting	1received it. If for some reason we're2mistaken in that regard, we'll advise.
3	Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting totight timelines and wanting toyes.	1received it. If for some reason we're2mistaken in that regard, we'll advise.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting totight timelines and wanting toyes. 292. Q. So this decision wasn't made at a meeting, for example? A. No, it was not. 293. Q. Okay. MR. CARSTEN: March 9th, by the way, was a Sunday. 294. MR. DEL GOBBO: It was a Sunday, okay. BY MR. DEL GOBBO : 295. Q. Were other members of the executive committee consulted? A. I don't believe so. 296. Q. Okay, so there was no issues ofwere they given any notice of the decision before the decision was communicated to Mr. Littley? 	1 received it. If for some reason we're 2 mistaken in that regard, we'll advise. U 3 302. MR. DEL GOBBO: Okay, thank you. 4 5 BY MR. DEL GOBBO : 6 5 303. Q. So you'll see that this e-mail at 7 2:08 p.m. from Mr. Youssef states that he is 8 8 attaching a draft report for CFS-O - Ontario "for 9 your review and comment". Do you see that? 10 A. Yes, I see that. 11 304. Q. So if you just flip a few pages into 12 your exhibit, I think the seventh page you'll see what appears to be that draft report. It says 13 what appears to be that draft report. It says "Draft" on the bottom right corner. 15 A. Yes. 16 MR. CARSTEN: Bottom left corner, right? 17 305. MR. DEL GOBBO: Bottom left corner, yes, the first page.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting totight timelines and wanting toyes. 292. Q. So this decision wasn't made at a meeting, for example? A. No, it was not. 293. Q. Okay. MR. CARSTEN: March 9th, by the way, was a Sunday. 294. MR. DEL GOBBO: It was a Sunday, okay. BY MR. DEL GOBBO : 295. Q. Were other members of the executive committee consulted? A. I don't believe so. 296. Q. Okay, so there was no issues ofwere they given any notice of the decision before the decision was communicated to Mr. Littley? A. No, I don't believe so. 297. Q. I should be finished in five minutes, I hope, leaving some time for MrI really tried to move quickly. 	1 received it. If for some reason we're 2 mistaken in that regard, we'll advise. U 3 302. MR. DEL GOBBO: Okay, thank you. 4 5 BY MR. DEL GOBBO : 6 6 303. Q. So you'll see that this e-mail at 7 2:08 p.m. from Mr. Youssef states that he is attaching a draft report for CFS-O - Ontario "for 9 your review and comment". Do you see that? N. 10 A. Yes, I see that. 11 304. Q. So if you just flip a few pages into 12 your exhibit, I think the seventh page you'll see what appears to be that draft report. It says 13 what appears to be that draft report. It says "Draft" on the bottom right corner. 15 A. Yes. 16 MR. CARSTEN: Bottom left corner, right? 17 305. MR. DEL GOBBO: Bottom left corner, yes, 18 the first page. MR. CARSTEN: Okay. 20 21 BY MR. DEL GOBBO : 306. Q. Is this the draft report that was
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting totight timelines and wanting toyes. 292. Q. So this decision wasn't made at a meeting, for example? A. No, it was not. 293. Q. Okay. MR. CARSTEN: March 9th, by the way, was a Sunday. 294. MR. DEL GOBBO: It was a Sunday, okay. BY MR. DEL GOBBO : 295. Q. Were other members of the executive committee consulted? A. I don't believe so. 296. Q. Okay, so there was no issues ofwere they given any notice of the decision before the decision was communicated to Mr. Littley? A. No, I don't believe so. 297. Q. I should be finished in five minutes, I hope, leaving some time for MrI really tried to move quickly. MR. CARSTEN: I applaud your efforts. 	1 received it. If for some reason we're 2 mistaken in that regard, we'll advise. U 3 302. MR. DEL GOBBO: Okay, thank you. 4 5 BY MR. DEL GOBBO: Okay, thank you. 5 BY MR. DEL GOBBO: 303. Q. So you'll see that this e-mail at 7 2:08 p.m. from Mr. Youssef states that he is attaching a draft report for CFS-O - Ontario "for 9 your review and comment". Do you see that? O 10 A. Yes, I see that. 10 11 304. Q. So if you just flip a few pages into 12 your exhibit, I think the seventh page you'll see 13 what appears to be that draft report. It says 14 "Draft" on the bottom right corner. 15 A. Yes. 16 MR. CARSTEN: Bottom left corner, right? 17 305. MR. DEL GOBBO: Bottom left corner, yes, 18 mth first page. MR. CARSTEN: Okay. 20 It first page. MR. CARSTEN: Okay. 21 BY MR. DEL GOBBO : 306. Q. Is this the draft report that was 23 attached to the e-mail we were just looking at?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Sunday? I have some vague recollection of this, but yes, yes. We were just cognizant of wanting totight timelines and wanting toyes. 292. Q. So this decision wasn't made at a meeting, for example? A. No, it was not. 293. Q. Okay. MR. CARSTEN: March 9th, by the way, was a Sunday. 294. MR. DEL GOBBO: It was a Sunday, okay. BY MR. DEL GOBBO : 295. Q. Were other members of the executive committee consulted? A. I don't believe so. 296. Q. Okay, so there was no issues ofwere they given any notice of the decision before the decision was communicated to Mr. Littley? A. No, I don't believe so. 297. Q. I should be finished in five minutes, I hope, leaving some time for MrI really tried to move quickly. 	1 received it. If for some reason we're 2 mistaken in that regard, we'll advise. U 3 302. MR. DEL GOBBO: Okay, thank you. 4 5 BY MR. DEL GOBBO : 6 6 303. Q. So you'll see that this e-mail at 7 2:08 p.m. from Mr. Youssef states that he is attaching a draft report for CFS-O - Ontario "for 9 your review and comment". Do you see that? N. 10 A. Yes, I see that. 11 304. Q. So if you just flip a few pages into 12 your exhibit, I think the seventh page you'll see what appears to be that draft report. It says 13 what appears to be that draft report. It says "Draft" on the bottom right corner. 15 A. Yes. 16 MR. CARSTEN: Bottom left corner, right? 17 305. MR. DEL GOBBO: Bottom left corner, yes, 18 the first page. MR. CARSTEN: Okay. 20 21 BY MR. DEL GOBBO : 306. Q. Is this the draft report that was

	A. Hashemi - 78		A. Hashemi - 80
1	MR. CARSTEN: Let's put it this way:	1	paragraph 68 of your affidavit, please? Now, in
2	We'll say that it was. If for some reason	2 3	this paragraph, I believe that you were commenting
3	Mr. Hashemi consults his e-mail and finds		on a statement in Mr. Evoy's affidavit regarding a
4 5	that there was something else that was the	4 5	disclaimer on the Deloitte reports that they do not
	report, we'll so advise. U		constitute an audit. Do you see that?
6		6 7	A. Yes.
7	BY MR. DEL GOBBO :		316. Q. You state in the second sentence, if
8	307. Q. If you look at the e-mail, your	8	I could read it:
9	response on March 11th at 3:21 p.mthis is also in	9	"An audit level report, however, was
10	Exhibit D.	10	neither requested nor required in the
11	A. M'hm.	11	circumstances"
12	308. Q. You state that I presume the draft	12	A. Yes.
13	report, "Looks pretty good to us."	13	317. Q. So what circumstances are you
14	A. M'hm.	14	referring to?
15	309. Q. And what did you mean by, "It looks	15	A. The verification of the GSU
16	pretty good"?	16	petitions.
17	A. I think it's a colloquialism, that	17	318. Q. What specifically about these
18	the way it's laid out looks fine.	18	circumstances suggested to you that an audit level
19	310. Q. Okay, and if it hadn't looked fine	19	report was not required?
20	you could have made suggestions to Deloitte on that	20	A. My understanding of an audit level
21	point?	21	report is it involves like an actual audit, which is
21 22 23 24	A. I don'twe didn't have that	20 21 22 23	based on financial documents and things like that,
23	relationship with them, so probably not. Actually,	23	and this isn't that. It's not that process. It's a
24	I'm fairly certain no, but yes.	24	different process.
25	311. Q. So you couldn'tfor example, if	25	I know Deloitte does audits and doesas
<u>,</u>	A. Hashemi - 79		A. Hashemi - 81
1	you had found errors in the report, you couldn't	1	part of their mandate. We hadn't retained them for
1 2 2	you had found errors in the report, you couldn't have brought them to Deloitte's attention?	1 2 2	part of their mandate. We hadn't retained them for that purpose. We retained them for a purpose to do
1 2 3	you had found errors in the report, you couldn't have brought them to Deloitte's attention? A. Certainly errors, but in terms of	1 2 3	part of their mandate. We hadn't retained them for that purpose. We retained them for a purpose to do with verification of petitions.
4	you had found errors in the report, you couldn't have brought them to Deloitte's attention? A. Certainly errors, but in terms of actually having them change the report, no, we	4	part of their mandate. We hadn't retained them for that purpose. We retained them for a purpose to do with verification of petitions. 319. Q. Okay. Are you aware that in this
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4 5 6	 you had found errors in the report, you couldn't have brought them to Deloitte's attention? A. Certainly errors, but in terms of actually having them change the report, no, we couldn't do that. 312. Q. As to the findings, for example, you 	4 5 6	 part of their mandate. We hadn't retained them for that purpose. We retained them for a purpose to do with verification of petitions. 319. Q. Okay. Are you aware that in this contextor rather, in these circumstances, Deloitte had actually offered to conduct an audit
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1	A. Hashemi - 82		A. Hashemi - 84
11	could put it that way, accepted that suggestion and	1	BY MR. DEL GOBBO :
2	requested that action be taken?		328. Q. So what I take it you mean by that,
3		2 3	
	A. Yes, at quite a big cost.	J	for example, in the example of the saver card, that
4	322. Q. Mr. Hashemi, are you a practising	4	specific service is not offered by anyone else,
5	accountant?	5 6 7	apart from CFS?
6	A. I'm not.	6	A. That is correct, othernot
7	323. Q. Do you have any formal education in	7	organizations, but other companies provide similar
8	accounting?	8 9	cards. They havethere are similar cards out
9	A. I do not.	Q	there that are discountsort of discount cards.
10		10	
			Some are specifically for students. A Student Price
11	you to turn to paragraph 70?	11	Card, I think it's called. We don't preventthe
12	MR. CARSTEN: We're there.	12	UTGSU is more than welcome to alsoor you know, in
13		13	replacement of the StudentSaver, issue that card to
14	BY MR. DEL GOBBO :	14	them.
15	325. Q. I see that you're stating here in	15	329. Q. Are you familiar with the
16	the first sentence that:	16	International Student Identification Card, or ISIC
17	"As to seeking alternative providers of	17	card program?
18	services, the services offered by CFS are	18	A. Yes, I am.
19	not mandatory"	19	330. Q. So my understanding is that this is
20	Do you see that?	20 21 22 23	a program which is, I'll use the word, distributed
21	A. I see that, yes.	21	by CFS-Services. Is that right?
22	326. Q. Now, are there any services that CFS	22	A. There is a technical phrase that I'm
23	or CFS-O offers which are only offered through those	23	not remembering.
24	organizations and cannot be obtained by other	24	331. Q. "Distributed" might not be the right
25	organizations or in other ways?	25	word.
20			iloid.
	A. Hashemi - 83		A. Hashemi - 85
11	A. Sorry, I'm just trying to think.		A. Yes.
	I'm not overly familiar with the services of the		332. Q. Correct me if I am wrong. My
3	CES. So the just traine to the services of the		
		• • •	
14	CFS. So I'm just trying toI mean, there is, for	2 3	understanding is that CFS-Services this administers
4	example, a StudentSaver Card that the federation		this program. Is that fair?
5	example, a StudentSaver Card that the federation offers, the CFS offers, student service offers, that	4 5	this program. Is that fair? A. I believe that we're the sole
5 6	example, a StudentSaver Card that the federation	4 5	this program. Is that fair? A. I believe that we're the sole something agent in Canada for ISIC.
5	example, a StudentSaver Card that the federation offers, the CFS offers, student service offers, that	4 5 6 7	this program. Is that fair? A. I believe that we're the sole
5 6	example, a StudentSaver Card that the federation offers, the CFS offers, student service offers, that is exclusive to the Canadian Federation of Students, but I think the point is that if a member local	4 5 6 7 8	this program. Is that fair? A. I believe that we're the sole something agent in Canada for ISIC. 333. Q. My understanding is that it's
5 6 7 8	example, a StudentSaver Card that the federation offers, the CFS offers, student service offers, that is exclusive to the Canadian Federation of Students, but I think the point is that if a member local wishes not to distribute that card, there is nothing	4 5 6 7 8	this program. Is that fair? A. I believe that we're the sole something agent in Canada for ISIC. 333. Q. My understanding is that it's regulated internally?
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1 2 3 4 5 6 7 8 9 10 11 23 4 5 6 7 8 9 10 11 23 14 15 16 17 8 9 20 21 22 23 24 25	 A. Hashemi - 86 A. If that's the case, you know more about it than I do. So yes, I don't know that, yes. 338. Q. You don't know that. I'm sorry, just because that the services offered by the CFS are not mandatory. A. Yes, what I mean by "mandatory" is that there is no compunction on the GSU, asfor example, GSU office to have to issue the ISIC to its members if it doesn't want to, nor does it have to promote the ISIC. There is no imperative that they have to avail themselves of the ISIC or any of those things. If a student wants an ISIC, then they are welcome to it. It'sthe deal with the ISIC is that it's free. Well, it's included in the cost of membership for members of the federation, and it'sI believe there is a charge for non-members to access the card. 339. Q. Okay, but if a UTGSU member wanted to access the benefits of the ISIC card program, they could only do that by engaging with CFS-services and Merit Travel? MR. CARSTEN: He said he doesn't know about the Merit Travel. 	A. Hashemi - 88 CROSS-EXAMINATION BY MR. MONKHOUSE: 3 345. Q. Hello, Mr. Hashemi. I know we're 4 running short on time. So I'll try and make my 5 questions fairly quick. Mr. Del Gobbo asked most of 6 the questions, but a couple of questions with regard 7 to Ms. Ingle's role in the verification. 8 So would you agree with me that the CFS-O 9 didn't check with Ms. Ingle with regard to the means 10 of verification of the petition? 11 A. Can you just clarify what "means of 12 verification" means? 13 346. Q. The process of verification. 14 A. Yes, we did not check with Ms. 15 Ingle. 16 347. Q. That's right. 17 A. We did not. 18 348. Q. And you also didn't check with Ms. 19 Ingle with regard to retaining Deloitte. Is that 20 correct? 21 A. That is correct. 23 49. Q. And similarly, you didn't check with 23 Ms. Ingle with regard to the requirements under the 24 bylaws that were provided to Deloitte. Is that 25 correct?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A. Hashemi - 87 BY MR. DEL GOBBO : 340. Q. Sorry, so CFS-Services, to your knowledge? A. Engage with? I mean, that's 341. Q. They could only work throughthey would be the source for getting the card, yes. A. Well, or if they're not membersthe thing is if they are not members, they can still get the card. It is just that there is a differentthere is a different price structure for it. 342. Q. Yes, but the card is only offered through CFS-Services and no other A. In Canada, that's my understanding, yes. 343. MR. DEL GOBBO: I'm going to chat my client for 20 seconds. DISCUSSION OFF THE RECORD 344. MR. DEL GOBBO: So Mr. Hashemi, subject to undertakings, those are all my questions. So thank you. THE DEPONENT: Thank you.	A. Hashemi - 89 1 A. You mean the summary that was 2 provided to Deloitte? 3 350. Q. That's right. 4 A. Yes, no. 5 351. Q. Or in any other way, you never 6 checked with Ms. Ingle with regard to those 7 A. Yes, there was no other way, so 8 352. Q. And I did have a questionin your 9 affidavit, page 16, point (I)? 10 A. Yes, okay. 11 353. Q. This is just a list that you had? 12 A. Mthm. 13 354. Q. It discusses a meeting, but it 14 doesn't sayI guess it doesn't have a meeting. 15 Point (I) says: 16 "After receiving Deloitte's preliminary 17 proposal, Ms. Hunt, Mr. Salter and I 18 discussed two cost options, and ultimately 19 decided to proceed with the second 20 option" 21 A. Yes. 22 355. Q. I guess I was wondering as to the 23 differentokay. So with regard to that, were

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6 362. Q. In the end, it seemed that there was 6 MR. CARSTEN: I'm not sure I understand			6		
7 a problem with some missing petitions. Was that, in 7 the question. What does that mean "a fair	7		7		the question. What does that mean "a fair
8 any way, attributed to the work being done by 8 means of verification"?	8	any way, attributed to the work being done by	8		means of verification"?
	9		9	369.	MR. MONKHOUSE: Whether or not that was
10 A. I don'tI had no involvement in 10 fair, considering the obligations to	10	A. I don'tI had no involvement in	10		fair, considering the obligations to
11 that process. I believe that that was an issue with 11 constituents, to use offshore resources.		that process. I believe that that was an issue with	1 11		
12 the CFS petitions and I hadthe only thing I did 12 MR. CARSTEN: Can you identify an					
	13				
	13 14			370	
	13 14 15			570.	
	13 14 15 16	into another package, and couriered them to			
	13 14 15 16 17	into another package, and couriered them to Deloitte. That's the only dealing I had with those			
	13 14 15 16 17 18	into another package, and couriered them to Deloitte. That's the only dealing I had with those petitions.	18		a discussion topic.
19 363. Q. Now, did you discuss in terms of [19 MR. CARSTEN: Well, since you haven't	13 14 15 16 17 18 19	into another package, and couriered them to Deloitte. That's the only dealing I had with those petitions. 363. Q. Now, did you discuss in terms of	18 19		MR. CARSTEN: Well, since you haven't
19363.Q.Now, did you discuss in terms of19MR. CARSTEN:Well, since you haven't20reliability any sorts of issues in terms of20set a foundation for the question, we're	13 14 15 16 17 18 19 20	 into another package, and couriered them to Deloitte. That's the only dealing I had with those petitions. 363. Q. Now, did you discuss in terms of reliability any sorts of issues in terms of 	18 19 20		MR. CARSTEN: Well, since you haven't set a foundation for the question, we're
19363.Q.Now, did you discuss in terms of19MR. CARSTEN:Well, since you haven't20reliability any sorts of issues in terms of20set a foundation for the question, we're21whatabout the working conditions or pay of the21just going to refuse it as irrelevant then.	13 14 15 16 17 18 19 20 21	 into another package, and couriered them to Deloitte. That's the only dealing I had with those petitions. 363. Q. Now, did you discuss in terms of reliability any sorts of issues in terms of whatabout the working conditions or pay of the 	18 19 20 21		MR. CARSTEN: Well, since you haven't set a foundation for the question, we're just going to refuse it as irrelevant then.
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A. Hashemi - 94 1 foundation by pointing to some kind of 2 obligation, for example, to have this work 3 done in Canada. Had you set that 4 obligation and established it, you could 5 absolutely questions about it, especially 6 if you had included reference to it in your 7 Notice of Application. You have done none 8 of those things, so the question is 9 refused. 10 372. 11 mentioned it in our Notice of Application 12 about being fair and reasonable. 13 MR. CARSTEN: We have had this 14 discussion. The question is refused. We 15 can argue it later before a judge if you 16 like, or a master. 17 373. 9 9 9 18 second. 19 20 21 374. 23 MR. MONKHOUSE: So those are all my 24 already given, that's it. <t< th=""><th>A. Hoshemi - 96 INDEX OF UNDER ADVISEMENTS REFERENCE PAGE QUESTION NUMBER NUMBER NUMBER 1 49 179</th></t<>	A. Hoshemi - 96 INDEX OF UNDER ADVISEMENTS REFERENCE PAGE QUESTION NUMBER NUMBER NUMBER 1 49 179
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Please be advised that any undertakings, objections, under advise and refusals are provided as a service to all counsel, for their guida and do not purport to be legally binding or necessarily accurate and a binding upon Victory Verbatim Reporting Services Inc.

I hereby certify the foregoing to be a true and accurate transcri the above noted proceedings held before me on the 12th DAY OF JUNE, 2014 and taken to the best of my skill, ability and understanding.

