

Court File No. CV-14-500766

ONTARIO
SUPERIOR COURT OF JUSTICE

KT/sp

B E T W E E N:

UNIVERSITY OF TORONTO GRADUATE STUDENTS' UNION
Plaintiff

- and -

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

This is the Continued Cross-Examination of LUCY
WATSON on her Affidavit sworn the 17th 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.

1 A. Mr. Littley, no.
 2 604. Q. Sorry, was he an employee of CFS
 3 B.C.?
 4 A. No.
 5 605. Q. And then I see shortly after that he
 6 was B.C. treasurer for the 2002 to 2003 term.
 7 A. Yes.
 8 606. Q. And that, again, is a position with
 9 CFS - B.C.?
 10 A. Correct.
 11 607. Q. Okay. At paragraph 69 of your
 12 affidavit you state in the second sentence that:
 13 "...Mr. Evoy in his affidavit neglects to
 14 mention that prior to Mr. Littley's
 15 appointment as CRO, he had not been
 16 involved with the CFS for over a decade..."
 17 Is that fair?
 18 A. Yes.
 19 608. Q. And you say this because, as we just
 20 talked about, Mr. Littley's last job with CFS or CFS
 21 - B.C. I should say was from 2002 to 2003 when he
 22 was the B.C. treasurer. Is that fair?
 23 A. Well, it's a position. It wasn't a
 24 job.
 25 609. Q. I'm sorry, that's correct.

1 you're pointing out in the second sentence that the
 2 significance of what Mr. Evoy neglects to mention,
 3 that Mr. Littley has not been involved with the CFS
 4 for over a decade, that a decade is a long time, and
 5 that Mr. Littley shouldn't be judged based on his
 6 conduct from a decade ago?
 7 A. Well, it's additional context in
 8 terms of Mr. Littley's history.
 9 614. Q. Okay, but is that also a factor that
 10 a decade is...10 years has passed. We're not...you
 11 think that it's not appropriate for Mr. Evoy to be
 12 attributing bias to Mr. Littley's activities 10
 13 years ago?
 14 MR. BURKE: Are you asking...is there
 15 some magic in the 10 years versus Ms.
 16 Bougard who is shorter? Is that the...
 17 615. MR. DEL GOBBO: I would simply like to
 18 understand what she means by paragraph 69,
 19 because she...
 20 MR. BURKE: I'm just having difficulty
 21 with your question. Maybe you could
 22 rephrase your question because I don't know
 23 understand it.
 24 616. MR. DEL GOBBO: Okay, no, I'm not asking
 25 with regard to Ms. Giroux-Bougard. I would

1 A. He held an elective position, and
 2 then I believe he ceased to be a member of the
 3 Canadian Federation of Students around that time as
 4 well.
 5 610. Q. Okay, so to your knowledge, he had
 6 no roles with CFS or any of its provincial
 7 components after that term as B.C. treasurer ended
 8 in 2003?
 9 A. That's correct.
 10 611. Q. Okay. Now, if it assists you, just
 11 to give some context to your statement, you can pull
 12 up paragraph 60 of Mr. Evoy's affidavit which you're
 13 referring to. The reason I'm asking you to come to
 14 it is because I believe...I don't want to paraphrase
 15 Mr. Evoy if I'm not absolutely accurate. Mr. Evoy
 16 expresses concern that Mr. Littley would exercise
 17 his discretion over the referendum in a biased
 18 manner. Do you see that...
 19 A. Yes.
 20 612. Q. ...on account of some of these
 21 experiences that Mr. Littley had with CFS - B.C. Is
 22 that fair?
 23 A. I see that.
 24 613. Q. So as I understand your paragraph 69
 25 of your affidavit then...so is the reason that

1 simply like to know in paragraph 69 where
 2 Ms. Watson states :
 3 "...Again Mr. Littley has not been
 4 involved with the CFS for over a
 5 decade..."
 6 and this is in the context of Mr. Evoy's
 7 paragraph 60, since she recites that.
 8 MR. BURKE: Yes.
 9 THE DEPONENT: M'hm.
 10 BY MR. DEL GOBBO :
 11 617. Q. I would simply like to know if what
 12 she is implying by this statement is that because he
 13 hadn't been involved at CFS or CFS - B.C. for over a
 14 decade that Mr. Evoy should not be implying or
 15 stating in his paragraph 60 that there was any
 16 suggestion Mr. Littley would exercise his position
 17 as CRO with any bias.
 18 A. Well, it says what it says, that
 19 it's additional context about Mr. Littley's history,
 20 that there...in my reading of Mr. Evoy's paragraph
 21 60, there is an emphasis on Mr. Littley's previous
 22 involvement in the federation, and so I'm adding
 23 additional context which is that that involvement
 24 was a decade ago, and that since that time he has
 25

1 been practising law and that is also part of his
2 history, if not more so.

3 618. Q. And you would agree that on account
4 of that additional context, meaning that he has been
5 practising law for over a decade, that your position
6 is that Mr. Littley would not exercise his role as
7 CRO in the a biased manner?

8 A. Well, I think the criteria that I
9 set out yesterday in terms of considerations around
10 the qualifications or criteria for chief returning
11 officer stand.

12 619. Q. I'm sorry. So I believe the
13 criteria that you stated yesterday was that a CRO
14 should not be "impartial" was the word you used.
15 You didn't use the word "bias", and counsel will
16 correct me, but I believe that you said "should be
17 partial"... "should not be partial".

18 A. Should not be partial.

19 620. Q. Yes, I'm sorry. So that's an
20 important correction. So just to be clear, you're
21 stating that on account of Mr. Littley not...this
22 additional context that you stated, not having been
23 involved with CFS or CFS - B.C. for over a decade,
24 and instead, he has been practising law, that the
25 implication should not be made that he would conduct

1 Littley is based on Vancouver and he wanted someone
2 in Toronto that was going to be his eyes and ears on
3 the ground. Is that fair?

4 A. I didn't have a discussion with Mr.
5 Littley about this.

6 626. Q. Okay.

7 A. I can't speak to what was in his
8 mind when he undertook this search.

9 627. Q. Okay, so you have no firsthand
10 knowledge, then, of the hiring process of Ms.
11 Zameni?

12 A. No, I do believe that Mr. Littley
13 circulated a job posting, but I was not in
14 discussions with him.

15 628. Q. Okay, but you don't know what he had
16 intended for Ms. Zameni to do as, in filling that
17 job posting?

18 A. I think the job posting would have
19 to speak for itself. It was to act as the deputy
20 returning officer who was on campus.

21 629. Q. On campus in Toronto?

22 A. Available...

23 630. MR. DEL GOBBO: Could you provide an
24 undertaking to provide that job posting,
25 please?

1 himself as CRO in a partial manner?

2 A. It's one of the criteria. It's one
3 of the factors, yes.

4 621. Q. What other factors did you take into
5 account?

6 A. Well, the...we could maybe have them
7 read back from yesterday, but the various factors
8 that I set out or issues, criteria, that the
9 national executive set out for chief
10 returning...potential chief returning officer.

11 622. Q. And those same criteria apply to Mr.
12 Littley as they would to Ms. Giroux-Bougard?

13 A. Yes.

14 623. Q. Okay, thank you. Just turn to
15 paragraph 72 of your affidavit.

16 A. Am I done with Mr. Evoy's affidavit
17 for now?

18 624. Q. Yes, I believe so. So this
19 paragraph generally concerns Mr. Littley's decision
20 to hire Ms...I believe it's Ms. Nila Zameni, as his
21 deputy returning officer for the referendum. Is
22 that fair?

23 A. Yes.

24 625. Q. And do I take it that the reason
25 that Mr. Littley hired Ms. Zameni is because Mr.

1 MR. BURKE: We'll give our best efforts
2 to see if we can find it. U

3 631. MR. DEL GOBBO: Thank you.

4 BY MR. DEL GOBBO :

5 632. Q. So where did Mr. Littley circulate
6 this job posting?

7 A. My understanding, my recollection is
8 that it was circulated to at least...this isn't
9 exclusive by any means, but to member local unions
10 within Ontario, and it might have been more
11 extensive than that, but I don't know.

12 633. Q. Okay, so member local unions, all
13 CFS members. Was it circulated among the general
14 membership, so all students that were members of all
15 those unions, or was it a more select group?

16 A. Well, there is no mechanism that he
17 would have access to to distribute to every
18 individual member.

19 634. Q. Okay.

20 A. But from what I recall, and it has
21 been some time since I saw the posting and the e-
22 mail that accompanied it, is that people were asked
23 to circulate it, which is generally the standard in
24 terms of circulating material that should go to the
25

1 general membership.

2 It goes to representatives within the
3 students union, and then those representatives are
4 asked to circulate it via their own internal
5 channels of communication.

6 635. Q. Okay, so CFS
7 representatives...members of the CFS national
8 executive or...I'm sorry. I'm trying to understand.

9 A. No. So let's say the Lakehead
10 Students' Union, there are two or three people who
11 are members of the executive...that students' union
12 who are on a list serve. So they would receive an
13 e-mail communication and they would then take that
14 e-mail communication or are expected to or
15 encouraged to take that e-mail communication and
16 then circulate it via their own internal
17 communication channels to the individual member.

18 So some students' unions have very
19 sophisticated e-mail lists. Some might post it on a
20 website. Some might post it on a blog. There are
21 different ways that they achieve that.

22 636. Q. So those students who...or
23 representatives, rather, who circulate that job
24 posting, would they have been affiliated with CFS in
25 any members?

1 MR. BURKE: You have to lay a foundation
2 first before you can do anything else.

3 642. MR. DEL GOBBO: Sure, thank you, Mr.
4 Burke. So these are minutes from the
5 sixty-fifth semi-annual general meeting of
6 the CFS, held on November 27th to 30th,
7 2013.

8 MR. BURKE: Do you have a copy for me as
9 well?

10 643. MR. DEL GOBBO: I have three copies,
11 so...

12 MR. BURKE: What page?

13
14 BY MR. DEL GOBBO :

15 644. Q. Well, do you recognize the document,
16 Ms. Watson?

17 A. I recognize it. I haven't gone
18 through it, but I recognize it.

19 645. Q. Do you have any reason to believe
20 that it is not what I have represented it to be?

21 A. Well, this is a pretty extensive
22 document. I would have to go through it page by
23 page and compare it against the minutes that we have
24 in our office.

25 646. Q. I will ask my targeted questions.

1 A. While they're all member of the
2 Canadian Federation of Students. So they're
3 affiliated in that regard.

4 637. Q. Yes. I mean would they have held
5 any positions with CFS?

6 A. They may or may not include...they
7 may. They may not. I would have to...I don't have
8 access to the list of individual members, but there
9 may be some elected representatives. It would only
10 represent a very, very tiny portion of that number,
11 percentage of that number.

12 638. Q. How many candidates applied for the
13 job?

14 A. I don't know.

15 639. Q. Were you personally involved in the
16 hiring process?

17 A. No, I was not.

18 640. Q. I'm putting a document to you now,
19 Ms. Watson, and I would like to enter this as an
20 exhibit, please.

21 MR. BURKE: Well, let's see...before we
22 go forward and enter it as an exhibit,
23 let's see if she has any familiarity with
24 it.

25 641. MR. DEL GOBBO: Sure.

1 A. Sure, sure.

2 647. Q. I will just get you to turn to the
3 last page. At the bottom "General meeting staff"?

4 A. The last page, yes, I see that.

5 648. Q. Do you see where there is the
6 heading "Anti-Harassment Advisor"?

7 A. I do.

8 649. Q. And below that is the name Nila
9 Zameni?

10 A. I do.

11 650. Q. Are you aware that Nila Zameni was
12 paid a stipend by CFS to act in the capacity of
13 anti-harassment advisor at the CFS semi-annual
14 general meeting held on November 27th to 30th, 2013?

15 A. I'm aware that she was an
16 independent contractor who was hired to undertake
17 this work, yes.

18 651. Q. That wasn't my question. My
19 question was whether you were aware that she was
20 paid a stipend by CFS to fill this position.

21 MR. BURKE: Well, I guess you have to
22 define what a stipend is. What the witness
23 has said is that she was a independent
24 contractor. So the characterization of
25 stipend...it may be an issue with your

1 question versus the answer. So why don't
2 you rephrase it?

3
4 BY MR. DEL GOBBO :

5 652. Q. Are you aware that she was provided
6 some form of remuneration from CFS in conjunction
7 with her fulfilling the role of anti-harassment
8 advisor?

9 A. Yes. She was an independent
10 contractor and she was reimbursed for that work,
11 yes.

12 653. Q. Reimbursed by CFS?

13 A. Yes.

14 654. MR. DEL GOBBO: Thank you. So do you
15 have any objection to my entering this as
16 an exhibit?

17 MR. BURKE: No.

18
19 --- EXHIBIT NO. 5 : Minutes of the sixty-fifth annual
20 general meeting of CFS, held
21 November 27th to 30th, 2013

22
23 BY MR. DEL GOBBO :

24 655. Q. Could I get you to turn to Exhibit W
25 of your affidavit, please?

1 661. MR. DEL GOBBO: Well, I know that for
2 example Mr. Hashemi had sent e-mails on
3 behalf of both CFS and CFSSO to Deloitte,
4 and that Deloitte had sent a proposed
5 methodology to conduct a review of the
6 petitions that was similar for both CFS and
7 CFSSO and that they were generally
8 conducting a review of the CFS and CFSSO
9 petitions on the same timeline. That's all
10 that I mean.

11 MR. BURKE: It's probably just fair to
12 say that they were carrying out a
13 verification process in relation to the CFS
14 and CFSSO petitions.

15 662. MR. DEL GOBBO: That's fair.

16 MR. BURKE: And we accept that.

17
18 BY MR. DEL GOBBO :

19 663. Q. So you'll agree with me that CFS and
20 CFSSO had sole authority to instruct Deloitte in
21 respect of Deloitte's retainer?

22 A. Yes.

23 664. Q. So UTGSU did not have authority to
24 instruct Deloitte?

25 A. Nor any other individual member

1 A. Yes.

2 656. Q. So this appears to be an e-mail from
3 Ms. Hunt to Mr. Youssef, dated February 26th, 2014.

4 A. I see that.

5 657. Q. And it attaches the executed CFS
6 engagement letter. Is that fair?

7 A. Yes.

8 658. Q. If I could just turn your attention
9 to the first e-mail, the cover e-mail from Ms. Hunt.
10 You'll notice that she says:

11 "...I apologize for the delay to Mr.
12 Youssef..."

13 A. I see that.

14 659. Q. So Ms. Hunt was apologizing for some
15 delay by CFS in conjunction with the delivery of
16 this engagement letter to Deloitte?

17 A. Yes, it would appear that is what
18 she is saying. She is very polite.

19 660. Q. Okay, if you could just turn to the
20 engagement letter itself, so I understand that
21 Deloitte was undertaking a parallel process, if I
22 may call it that, in respect of the CFS petition and
23 the CFSSO petition. Is that fair?

24 MR. BURKE: What do you mean by
25 "parallel process"?

1 local unions.

2 665. Q. And the university did not either
3 have any authority to do so?

4 A. Yes.

5 666. Q. Okay, thank you. If you just look
6 at the engagement letter, on the first page of the
7 letter itself, under the heading "Nature and Scope
8 of Services", do you see that?

9 A. I do.

10 667. Q. In the second paragraph it states
11 that:

12 "...Deloitte will assist CFS National with
13 certain procedures designed to assess the
14 validity and integrity of the names on the
15 petitions submitted..."

16 A. I see that.

17 668. Q. I'm not going to take you through
18 all of these, but just the first bullet as an
19 example states:

20 "...Validation that the petition was
21 submitted by a member of the University of
22 Toronto Graduate Students Union in
23 accordance with the CFS national bylaws..."

24 Do you see that?

25 A. I see that.

1 669. Q. Could you just take me to the CFS
2 bylaw that corresponds to this requirement? The CFS
3 bylaws are attached as Exhibit A to the affidavit.

4 A. Sorry, where is the engagement
5 letter? Let me just look at that language again.

6 670. Q. That is at Exhibit W.

7 A. So if you turn to bylaw 1, section
8 3(a)(iii) it sets out:
9 "...The individual members of the
10 federation collectively belonging to a
11 member local association will have sole
12 authority to initiate a vote on
13 decertification as described in section 6
14 of this bylaw by submitting to the national
15 executive of the federation a petition
16 signed by not less than 20 percent of the
17 individual members of the association..."
18 So that sets out that it is an individual member of
19 that association that has the authority to initiate
20 a vote by circulating a petition.

21 671. Q. Where does it state in that bylaw
22 that a petition must be submitted by individual
23 members of CFS?

24 MR. BURKE: She has just given you the
25 answer.

1 authority under the bylaw to Deloitte to determine
2 whether the petition was in order under the bylaws.
3 Is that fair?

4 A. Correct. It was engaging Deloitte
5 to determine whether or not the names...the
6 information that was contained on the
7 petition...what the status was of the names.

8 676. Q. And after it received the results of
9 Deloitte's review, then it was incumbent on the
10 national executive to assess that information and
11 determine whether the petition was in order. Is
12 that fair?

13 A. Yes.

14 677. Q. So in the circumstances, Deloitte's
15 determination did not result in an automatic
16 conclusion as to whether the petition was found to
17 be in order, if I understand you correctly as to
18 what you just said, because obviously the national
19 executive retained some discretion after the
20 Deloitte report was released. Is that fair?

21 A. Well, the national
22 executive...there's a basic threshold that has to be
23 met, and so that threshold was not met, and so, as a
24 result, the national executive, in accordance with
25 the bylaws, determined that the petition was not in

1 672. MR. DEL GOBBO: I just don't see the
2 requirement that it be submitted, unless I
3 didn't...I don't believe she addressed that
4 point.

5 MR. BURKE: Well, doesn't it seem
6 logical that it has got to be submitted?

7 673. MR. DEL GOBBO: If that's the position
8 you're taking, that is fine.

9 THE DEPONENT: What also might...

10
11 BY MR. DEL GOBBO :

12 674. Q. I am just asking the witness if that
13 is her understanding.

14 A. What also might contribute to that
15 is bylaw 1, section 6(a) under "Petition" which says
16 that:

17 "...As per bylaw 1 section 3(a)(iii) a
18 petition calling for a vote on
19 decertification shall be signed by no less
20 than 20 percent of the individual members
21 of the member local association and
22 delivered to the national executive of the
23 federation..."

24 675. Q. Okay. So as I understand it, the
25 CFS national executive was not delegating its

1 order.

2 678. Q. Yes.

3 A. Yes.

4 679. Q. But there is a step after which
5 Deloitte delivers its results, that there is a
6 residual discretion that remains with CFS to
7 determine whether or not the petition was in order,
8 regardless of what Deloitte may or may not have
9 said. Is that fair?

10 A. Yes.

11 680. Q. So if Deloitte's had included that
12 over 20 percent of names in the petition...so this
13 engagement letter you will notice was executed by on
14 February 26th. Do you see that?

15 A. Just let me get to that last page.
16 Yes, I see that.

17 681. Q. You'll see under the heading
18 "Professional Fees and Timing" on the immediately
19 preceding page, in the last paragraph, that Deloitte
20 estimates that:

21 "...They anticipate completion of all key
22 activities within three to four weeks of
23 commencement of the project and delivery of
24 relevant records..."
25 Is that fair?

1 A. Yes, I see that.
 2 682. Q. And as of February 26th when this
 3 was executed, the relevant records hadn't been
 4 delivered yet?
 5 A. My recollection is that work had
 6 been undertaken to secure the records.
 7 683. Q. Okay.
 8 A. I would have to go back and just
 9 double-check some of the e-mail timelines, but...
 10 MR. BURKE: Do you know?
 11 THE DEPONENT: Based on these documents.
 12
 13 BY MR. DEL GOBBO :
 14 684. Q. So I can say that if this was
 15 executed on February 26th...so is it fair to say
 16 that CFS anticipated completion of Deloitte's review
 17 within three to four weeks of February 26th?
 18 A. No, I believe it was our
 19 understanding that initial work had been undertaken
 20 prior to that by Deloitte in anticipation of
 21 receiving the signed engagement letter from CFS.
 22 685. Q. So this paragraph with the estimated
 23 timeline was wrong when the letter was executed?
 24 A. I don't think it had been changed
 25 after Vanessa first received the draft. I don't

1 BY MR. DEL GOBBO :
 2 688. Q. Okay, so if I see in subparagraph
 3 (j) of Mr. Hashemi's affidavit...do you see that?
 4 MR. BURKE: Yes.
 5
 6 BY MR. DEL GOBBO :
 7 689. Q. Where it states that:
 8 "...Mr. Hashemi is informed by Mr. Youssef
 9 that on February 26th the university
 10 provided Deloitte with a copy of the
 11 membership list..."
 12 MR. BURKE: Yes.
 13
 14 BY MR. DEL GOBBO :
 15 690. Q. So is it your understanding, Ms.
 16 Watson, that Deloitte received a copy of the
 17 membership list on February 26th?
 18 A. I would have to go back and check
 19 the correspondence.
 20 691. Q. Do you have reason to believe that
 21 Mr. Hashemi's affidavit is inaccurate?
 22 A. No.
 23 692. Q. Okay. So assuming that we have no
 24 reason to believe it's inaccurate, or rather that is
 25 what you stated, the engagement letter is executed

1 think it had been altered or updated to reflect that
 2 preliminary work had already been undertaken.
 3 686. Q. The letter is dated February 21st,
 4 2014. Is that the date that CFS received the
 5 engagement letter?
 6 A. The engagement letter, I don't know.
 7 I couldn't speak to that.
 8 MR. BURKE: So if you turn to Mr.
 9 Hashemi's affidavit, paragraph 45, there is
 10 an indication of work being done in advance
 11 of these dates.
 12 THE DEPONENT: Right.
 13 687. MR. DEL GOBBO: Sorry, where in
 14 paragraph 45 are you referring?
 15 MR. BURKE: If you look at sub (h) for
 16 example. I haven't gone over it
 17 extensively. So this is not an all-
 18 inclusive list, but I just...in gazing at
 19 it, you know, on February 20th, 2014 I was
 20 copied on an e-mail from Mr. Youssef to Mr.
 21 LeSage, requesting a copy of the membership
 22 list. So there is some indicia that there
 23 is work that is underway prior to the
 24 execution of the signed engagement letter.
 25

1 February 26th?
 2 A. Yes.
 3 693. Q. So is it fair to assume that on the
 4 same date that Ms. Hunt executed the engagement
 5 letter, Deloitte received the membership list?
 6 MR. BURKE: The dates are the same.
 7
 8 BY MR. DEL GOBBO :
 9 694. Q. So that's a yes?
 10 A. They are. Yes.
 11 MR. BURKE: I mean, this witness can't
 12 speak for when Deloitte got it. You had
 13 Mr. Hatherell here yesterday. Mr...you
 14 know. Did you ask him? I can't recall.
 15 695. MR. DEL GOBBO: Mr. Burke, you were
 16 stating that work was done prior to
 17 February 26th when this letter was
 18 executed?
 19 MR. BURKE: Yes.
 20 696. MR. DEL GOBBO: You'll notice the
 21 paragraph that I took Ms. Watson took to
 22 earlier states that:
 23 "...Deloitte anticipates completion
 24 within three to four weeks of
 25 delivery of the relevant records..."

1 MR. BURKE: Yes.
 2 697. MR. DEL GOBBO: So I'm trying to
 3 establish, and I don't think this is
 4 controversial because it's in Mr. Hashemi's
 5 affidavit, that the relevant records were
 6 delivered on February 26th to Deloitte.
 7 MR. BURKE: I don't think there is any
 8 controversy about that.
 9
 10 BY MR. DEL GOBBO :
 11 698. Q. So is it fair to say, then, that
 12 when this letter was executed that you anticipated
 13 completion of Deloitte's work within three to four
 14 weeks of when it was executed on February 26th?
 15 A. Yes, with the understanding that
 16 some initial work had already been undertaken that
 17 would hopefully reduce the amount of time that was
 18 required.
 19 699. Q. I am sorry, what would that initial
 20 work have been without the membership list in hand?
 21 A. Contact with the institution to
 22 secure that membership list, and ensuring that they
 23 also had the bylaws and the petitions in hand.
 24 700. Q. And I could take you to Deloitte's
 25 breakdown of this three to four weeks, but is it

1 A. I would believe that that would fall
 2 under planning coordination and project management,
 3 but I could be wrong.
 4 706. Q. Did you draft this document?
 5 A. I did not, but obviously they need
 6 to secure all of the documents in order to undertake
 7 the work. So that has got to be part and parcel of
 8 the timelines.
 9 707. Q. I'm sorry. Do you have any
 10 firsthand knowledge of the process by which Deloitte
 11 was chosen as a third party supplier in this case?
 12 A. Some, which I spoke to yesterday,
 13 but I was not directly involved in discussions with
 14 them.
 15 708. Q. Okay. So I will assume without
 16 accepting that under this proposal planning
 17 coordination and project management, Deloitte
 18 budgets at most one week for that phase. Is that
 19 fair, if we look at this chart?
 20 MR. BURKE: Well, you can make whatever
 21 assumption you want. You had Mr. Hatherell
 22 here yesterday. You didn't ask him any
 23 questions about this. So this witness
 24 can't speak to what Deloitte specifically
 25 intended. She has given you her

1 your understanding that contact with the university
 2 to secure those lists is included in that amount of
 3 time?
 4 A. Well, let's...can we have a look at
 5 it to refresh my memory?
 6 701. Q. Sure.
 7 MR. BURKE: Would it be in the proposal?
 8 702. MR. DEL GOBBO: Yes. I believe it's
 9 it's in Mr. Hatherell's affidavit at
 10 Exhibit B. Just let me know when that's in
 11 front of you.
 12 MR. BURKE: Exhibit B?
 13
 14 BY MR. DEL GOBBO :
 15 703. Q. Yes, and I believe it begins on the
 16 fourth page, and then on the fifth...rather, the
 17 sixth page there is a breakdown of the four weeks
 18 that Deloitte anticipates.
 19 A. Yes.
 20 704. Q. Yes, a breakdown of the time that
 21 Deloitte anticipates spending to conduct its review?
 22 A. Right.
 23 705. Q. Is that fair? Now, I don't see any
 24 reference here to the time required to procure the
 25 student lists from the university.

1 understanding.
 2
 3 BY MR. DEL GOBBO :
 4 709. Q. So is your understanding that
 5 Deloitte would have spent at most one week
 6 contacting the university to procure the required
 7 student records to conduct their review?
 8 A. I think that that was in the control
 9 of the University of Toronto, that Deloitte was at
 10 their mercy, as it were, in terms of when the
 11 university would provide those lists.
 12 710. Q. So it could have taken longer than a
 13 week?
 14 A. It could have taken longer; it could
 15 have been shorter, but I know there are a series of
 16 e-mail exchanges about this matter.
 17 711. Q. I hope that we're not spinning in
 18 circles. All that I had intended to ask you
 19 about...if we could return to the engagement letter
 20 that is executed February 26?
 21 MR. BURKE: Exhibit W?
 22
 23 BY MR. DEL GOBBO :
 24 712. Q. This is Exhibit W, yes.
 25 A. Yes.

1 713. Q. This is dated February 26th, and
2 there is an estimate of time in it that work would
3 be completed within three to four weeks of delivery
4 of the relevant records. Is it fair to say that CFS
5 understood when this was executed that that work
6 would be completed within four weeks approximately
7 of the date of execution?

8 A. Yes, at the outside with the
9 understanding that work had...preliminary work had
10 already been undertaken prior to the submission of
11 this executed letter of engagement.

12 714. Q. Okay, in light of that, was CFS
13 concerned that they might not receive a result from
14 Deloitte until potentially the third week of March,
15 2014, that being approximately three to four weeks
16 after February 26th?

17 A. Well, the national executive and the
18 three at large who were assigned responsibility for
19 undertaking this work of reviewing the petition were
20 very much alive to the fact that the process needed
21 to move forward efficiently and in as expedient a
22 manner as possible, without sacrificing or in any
23 way undermining the bylaws.

24 715. Q. So in light of that, was it within
25 CFS or national executive's contemplation that the

1 potential referendum amongst the graduate student
2 members at the University of Toronto pending the
3 petition being found in order, the national
4 executive was certainly aware of those dates and was
5 trying to move, you know, efficiently and as quickly
6 as possible to undertake its work.

7 719. Q. Okay. Can I just direct you to
8 paragraph 81 of your affidavit, please? So here you
9 address a number of points that Mr. Evoy makes in
10 his affidavit. You state that he raises questions
11 of the Deloitte's report, and you say those
12 questions are disingenuous. Is that fair?

13 A. That's what it says, yes.

14 720. Q. And you state that:
15 "...These questions had already been asked
16 by CFS and CFSO to Deloitte..."
17 Is that fair?

18 A. Yes.

19 721. Q. So those conversations between CFS
20 and CFSO and Deloitte, was UTGSU a party to them?

21 A. No.

22 722. Q. Okay. So when Deloitte provided its
23 responses as you see answered by Deloitte...

24 MR. BURKE: And the answers communicated
25 to Mr. Evoy.

1 project might run until the third week of March?

2 A. I don't know that that was a
3 discussion specifically.

4 716. Q. You don't know if it was ever raised
5 by the national executive?

6 A. Moving forward in a timely fashion
7 was the consideration.

8 717. Q. And there was no consideration of
9 dates, specific dates or timelines?

10 A. Well, the national executive's
11 primary concern or first concern, I guess, in this
12 is determining, after receiving a petition seeking
13 to trigger a vote on decertification is to determine
14 whether or not that petition is in order. That's
15 the first step.

16 Then what flows after that step is...are
17 setting down dates and facilitating a referendum
18 process. So their focus was ensuring that the
19 petition was reviewed and making a determination in
20 accordance with the bylaws.

21 718. Q. Okay, so there was no special
22 consideration given to the third week of March as
23 part of that process?

24 A. Well, given that those tentative
25 dates based on...you know, that were provided for a

1 THE DEPONENT: And communicated to Mr.
2 Evoy.

3
4 BY MR. DEL GOBBO :

5 723. Q. Yes. Now, you state that these
6 answers were communicated to Mr. Evoy in or around
7 March 11, 2014. Is that fair, if you look at
8 subparagraphs (a) and (b)?

9 A. I see those, yes.

10 724. Q. Do you know what form those
11 communications took?

12 A. I don't.

13 725. Q. Were you party to them?

14 A. No.

15 726. Q. So you have no firsthand knowledge
16 of them?

17 A. No.

18 727. Q. Have you reviewed Mr. Hashemi's
19 affidavit before appearing today?

20 A. Yes, briefly.

21 728. Q. Did you see those communications
22 attached to Mr. Hashemi's affidavit?

23 A. I did not, but I don't think that
24 it's exclusive of...no, I did not.

25 729. Q. Okay, thank you.

1 MR. BURKE: You'll have an opportunity
 2 to speak to Mr. Hashemi this afternoon.
 3 730. MR. DEL GOBBO: Certainly I will.
 4
 5 BY MR. DEL GOBBO :
 6 731. Q. Could you just turn to paragraph 86
 7 of your affidavit, please? In this paragraph you
 8 state that:
 9 "...Contrary to Mr. Evoy's assertions at
 10 paragraph 66 and 109 of his affidavit,
 11 neither Ms. Hunt nor any other member of
 12 the CFS campaigned against decertification
 13 of UTGSU..."
 14 A. Yes.
 15 732. Q. Is that fair? So by "member of CFS"
 16 do you mean sort of member of the CFS national
 17 executive or is it all UTGSU members are CFS
 18 members? Is that right?
 19 A. They are.
 20 733. Q. So do you mean that not UTGSU
 21 members at any time in the academic year campaigned
 22 against decertification?
 23 MR. BURKE: In the academic year or...
 24
 25 BY MR. DEL GOBBO :

1 [REDACTED], as you'll see from her signature
 2 line, is a Ph.D. candidate at the University of
 3 Toronto. Do you see that?
 4 A. I see that.
 5 740. Q. And I'll give you an opportunity if
 6 you would like to read through the entire e-mail
 7 chain. I don't want to take you by surprise by
 8 anything I give to you.
 9 A. Sorry, I can just read through it?
 10 Okay.
 11 741. Q. You can start at the...I believe the
 12 first e-mail chronologically comes at the end.
 13 There is an exchange between [REDACTED] and Mr.
 14 Evoy.
 15 A. Okay, I see that. Just give me
 16 minute.
 17 742. Q. Sure. The first e-mail is March 12,
 18 2014 and the last is March 17, 2014. Now, just for
 19 the record, I'll read certain portions of [REDACTED]
 20 [REDACTED] first e-mail on March 12th, and if I'm
 21 reading it incorrectly, please correct me.
 22 MR. CARSTEN: Can you wait until Mr.
 23 Burke and I are finished reading, please?
 24 743. MR. DEL GOBBO: Sure. Has everyone
 25 finished reading?

1 734. Q. In the academic...2013/2014 academic
 2 year.
 3 A. It should probably say "nor any
 4 representative".
 5 735. Q. Okay.
 6 A. Yes, I think "any other member" is
 7 probably too broad in this circumstance.
 8 736. Q. Okay, thank you for that. Now, were
 9 you...in the months of February, March and April of
 10 2014, sort of when these referendum discussions were
 11 coming to a head, if I can put it that way, were you
 12 based in Toronto?
 13 A. No.
 14 737. Q. Were you present on the University
 15 of Toronto campus?
 16 A. No.
 17 738. Q. Okay. So you have no firsthand
 18 knowledge of what CFS representatives present on the
 19 University of Toronto campus might have been doing
 20 during those months?
 21 A. Correct.
 22 739. Q. Okay. I would like to put a
 23 document to you, Ms. Watson, and there is a copy for
 24 your counsel and for yourself. This is an e-mail
 25 from a [REDACTED] to Mr. Evoy, and

1 MR. BURKE: Yes.
 2
 3 BY MR. DEL GOBBO :
 4 744. Q. So just the first e-mail from [REDACTED]
 5 [REDACTED] to Mr. Evoy on March 12th, 2014?
 6 A. I see that.
 7 745. Q. And this would have been one day
 8 after the Deloitte reports were sent, I believe, on
 9 March 11th, 2014. [REDACTED], I believe, is just
 10 summarizing some interaction with what she states
 11 were women from the CFS who interrupted her work to
 12 promote the CFS in her locked office, she states, at
 13 the University of Toronto. Do you see that?
 14 A. I see that.
 15 746. Q. She states that:
 16 "...The women had a stack of pamphlets..."
 17 Do you see that?
 18 A. I see that.
 19 747. Q. In the next paragraph she states
 20 that:
 21 "...The two women from the CFS presumably
 22 handed her a five-page double-sided
 23 document which contained the provincial and
 24 national petition validation procedures
 25 Deloitte used, along with the results..."

1 Do you see that?

2 A. I do.

3 748. Q. And a letter written by Mr.
4 Evoy...rather, sorry, by Mr. Alastair Woods of CFSO
5 to Mr. Evoy, dated March 11th, 2014. Do you see
6 that?

7 A. I do.

8 749. Q. And she is stating in the last
9 paragraph that she wanted to document this
10 interaction because she believed it was
11 inappropriate. Do you see that?

12 A. Yes, and it looks like she was
13 encouraged to document it as well.

14 750. Q. Yes. So Mr. Evoy responds on March
15 12th, 2014. He states that:

16 "...The union is undertaking its own
17 investigation of the matters presented..."

18 And he states that he is deeply disturbed by this
19 behaviour. Do you see that?

20 A. I do.

21 751. Q. And then the next e-mail is from [REDACTED]
22 [REDACTED] to Mr. Evoy, dated March 17th, 2014, and she
23 is explaining another interaction that she had...

24 A. I see.

25 752. Q. ...as she states with the CFS, and

1 A. The woman is identified as...or [REDACTED]

2 [REDACTED] describes her as the "chair of the CFS at U
3 of T".

4 757. Q. Yes.

5 A. I don't know who that...what that
6 is.

7 758. Q. Okay.

8 A. No, but I...sorry, go ahead.

9 759. Q. No, no, that's fine.

10 A. I'm not sure how this is related,
11 but...

12 760. Q. It's fair to say, though, that you
13 don't have any firsthand knowledge of the events
14 that are being described in these e-mails?

15 A. Well, I know that there were some
16 representatives of the Canadian Federation of
17 Students, Ms. Hunt being one of them, who made
18 herself available to the individual members of the
19 Canadian Federation of Students at the University of
20 Toronto who are graduate students, made herself
21 available during this time to speak to those members
22 of the federation about the Deloitte report and to
23 answer any questions they had about their membership
24 in the Canadian Federation of Students.

25 761. Q. Okay, so Ms. Hunt and others

1 she states that she was in the elevator of
2 University of Toronto building and bumped into one
3 of the...she calls them "CFS women":

4 "...I interacted with last week..."

5 Do you see that?

6 A. Yes.

7 753. Q. "...They were accompanied by a
8 man..."

9 She states?

10 A. Yes, I see that.

11 754. Q. And as the e-mail goes on...sorry,
12 just in the last paragraph on the first page she
13 states that she:

14 "...informed them that she shouldn't be
15 accessing the space because it was lab
16 space, and they shouldn't be in the lab
17 unsupervised..."

18 Do you see that?

19 A. I see that.

20 755. Q. So do you have any knowledge...do
21 you know who the people are that [REDACTED] is
22 talking about in these e-mails?

23 A. I don't.

24 756. Q. So you have no knowledge of the
25 events that are being described in these e-mails?

1 would...okay.

2 A. It is neither deeply disturbing nor
3 concerning that elected representatives of the
4 federation would make themselves available to speak
5 with the individual members they represent about
6 issues that may be of interest to them, and that's
7 pretty common practice within the organization, that
8 the elected representatives make themselves
9 available in that fashion, and interact with the
10 individual members on a one-on-one basis.

11 762. Q. Thank you. Do you have any
12 understanding of standard practice in University of
13 Toronto lab spaces?

14 A. No, no recent knowledge.

15 763. Q. Do you have any reason to doubt [REDACTED]
16 [REDACTED] statement that there should not have been
17 CFS personnel in a lab unsupervised?

18 MR. BURKE: She has no knowledge of the
19 lab process. So how can she answer that
20 question?

21 764. MR. DEL GOBBO: Well, simply because she
22 made a statement that she "found no reason
23 for it to be deeply disturbing" were her
24 words.

25 MR. BURKE: That's two separate issues

1 you're now putting together. She said she
2 had no knowledge about what the lab process
3 was.
4

5 BY MR. DEL GOBBO :

6 765. Q. Okay. So you don't know who might
7 be referred to in these e-mails by [REDACTED]. Is
8 that fair to say?

9 MR. BURKE: She has given you that
10 evidence.

11 766. MR. DEL GOBBO: Okay. Well, I believe I
12 asked the question and she stated that Ms.
13 Hunt might have been on campus, and others.
14 I did not specifically ask in relation...

15 MR. BURKE: Mr. Del Gobbo, you're
16 confusing things, because she said she had
17 no idea as to who was described as the
18 chair of CFS at U of T, and then your own
19 [REDACTED] says, on something along those
20 lines on 12 March, 2014. She said she had
21 no idea who that was.

22 She said, quite and separate and
23 apart, she did know that Ms. Hunt was on
24 campus, carrying out her responsibilities
25 as a duly elected representative of the

1 MR. BURKE: Right.

2 THE DEPONENT: Correct.
3

4 BY MR. DEL GOBBO :

5 771. Q. This e-mail chain is directly
6 relevant to that exchange.

7 A. I don't think so, no.

8 MR. BURKE: It may be. I don't
9 think...yes, there is a question about its
10 relevance, but that's not the issue about
11 whether it's marked as an exhibit. This
12 witness has no knowledge of this. You have
13 asked her some questions about facts
14 surrounding it.

15 It can't be entered as an exhibit
16 to her examination. It may be marked as an
17 exhibit for identification purposes under
18 an A, but it's not an exhibit to her
19 examination. That's the distinction.

20 772. MR. DEL GOBBO: We'll mark it as Exhibit
21 A for identification purposes.

22 MR. BURKE: And identification purposes
23 only.
24

25 --- EXHIBIT A : E-mail exchange between March 12 and

1 CFS, providing information to the
2 individual members.

3 767. MR. DEL GOBBO: Okay.

4 MR. BURKE: So the question was about
5 lab...the last question, as I understand
6 it, was about whether this witness had any
7 knowledge about lab protocol and access to
8 labs. She said no. You said, "Do you have
9 any reason to disagree with [REDACTED]
10 characterization?"

11 Having no knowledge of the
12 protocol, she is in no position to answer
13 the question.

14 768. MR. DEL GOBBO: Okay. I would like to
15 enter this e-mail exchange as an exhibit,
16 please.

17 MR. BURKE: No.

18 769. MR. DEL GOBBO: I'm sorry?

19 MR. BURKE: This witness didn't write
20 it. She didn't receive it. So it can't be
21 entered as an exhibit.

22 770. MR. DEL GOBBO: I'm sorry, she states in
23 paragraph 86 that she has...that, "No
24 members of CFS campaigned against
25 decertification of the UTGSU."

1 March 17, 2014 from [REDACTED]
2

3 BY MR. DEL GOBBO :

4 773. Q. If you could just turn to the
5 affidavit of Mr. Hatherell for a moment, please, and
6 Exhibit Q? So the second page of this exhibit,
7 you'll see that there is an e-mail from Ms. Hunt to
8 Mr. Youssef, dated April 2nd, 2014. Do you see
9 that?

10 MR. BURKE: Page 2?
11

12 BY MR. DEL GOBBO :

13 774. Q. Yes.

14 A. Sorry, April 2nd, yes.

15 MR. BURKE: 2:02 p.m.?
16

17 BY MR. DEL GOBBO :

18 775. Q. Yes, at 2:02 p.m. Thank you. Ms.
19 Hunt explains in the first body paragraph that, "It
20 has been brought to our..." I assume she means CFS:
21 "...national executive's attention that
22 there is a discrepancy between the number
23 of signatures that your office [meaning
24 Deloitte] verified on the national
25 petition, and the number of signatures that

1 was reviewed by the registrar's office..."

2 Do you see that?

3 A. Yes.

4 776. Q. Now, I'm having trouble

5 understanding the sentence. So which copy of the

6 CFS petition was reviewed by the registrar's office?

7 A. I think...let me just read that

8 sentence, because I think maybe she is...I'm not

9 sure actually what she is referring to.

10 777. Q. My understanding is that the

11 University of Toronto did not review the petitions

12 in this case.

13 A. Yes, I think she misspoke or

14 mistyped.

15 778. Q. Okay, but in any event, is it fair

16 to say that there was a discrepancy discovered

17 between the copy of the petition that was submitted

18 to Deloitte and the copy of the petition that was

19 received from Ms. Ingle early in the year?

20 A. That's my understanding, yes.

21 779. Q. And she states that:

22 "...It could possibly be due to human error

23 during the photocopying process..."

24 So by that, was it your understanding that there

25 could have been an error in the process of

1 MR. BURKE: Who brought it to Ms.

2 Watson's attention?

3 785. MR. DEL GOBBO: No, who brought it to

4 Ms. Hunt's attention.

5 MR. BURKE: Ms. Hunt's attention.

6 786. MR. DEL GOBBO: Which motivated this

7 April 2nd e-mail.

8

9 BY MR. DEL GOBBO :

10 787. Q. Ms. Watson, were you party to any of

11 this correspondence regarding the discrepancy, as

12 Ms. Hunt calls it?

13 MR. BURKE: When you say "a party" do

14 you mean...

15

16 BY MR. DEL GOBBO :

17 788. Q. Were you an author or a recipient or

18 were you involved in any other way in communications

19 surrounding this discrepancy and subsequent reviews

20 that Deloitte undertook?

21 A. I had a discussion with Vanessa

22 before she sent the e-mail to Mr. Youssef, and

23 she...I believe she sent me the e-mail exchange.

24 789. Q. And what did Ms. Hunt tell you

25 during that meeting before this e-mail was sent?

1 photocopying? I believe Mr. Hashemi did the

2 photocopying, and that perhaps some pages were

3 missing as part of that process?

4 A. I wasn't part of the photocopying

5 process, so I don't know, but yes, that's what I

6 understand. Maybe two pages got stuck together or

7 something.

8 780. Q. Well, I believe the discrepancy is

9 approximately 200 signatures. Is that fair?

10 A. Yes, I think that's in the

11 neighbourhood of 200, yes.

12 781. Q. So it's a bit more than two pages

13 being stuck together.

14 A. Yes.

15 782. Q. Okay. When was this discrepancy

16 brought to your attention?

17 A. I don't know.

18 783. Q. Could you please provide an

19 undertaking to provide that information?

20 MR. BURKE: We'll speak to Ms. Hunt. U

21 784. MR. DEL GOBBO: Can you also, as part of

22 that undertaking, unless you know, Ms.

23 Watson, explain who brought that to your

24 attention, unless you know?

25 THE DEPONENT: I don't.

1 A. It was a very brief, informal

2 discussion, where she said, "There may have been

3 some names that...or some pages that weren't

4 submitted. I'm going to submit them and have the

5 whole petition reviewed. It will result in

6 increased cost, but it's important to ensure that

7 it's...the review is intact and thorough as

8 possible."

9 790. Q. And when did this discussion occur?

10 A. I don't recall.

11 791. Q. In any event, it would have been

12 before April 2nd, I assume?

13 A. Yes.

14 792. Q. Why was this not brought to UTGSU's

15 attention at the time?

16 A. Well, because the UTGSU is not a

17 party in these...in this matter, necessarily. The

18 national executive is responsible for determining

19 whether or not the petition is in review...is in

20 order and undertaking that review, and so that is

21 what the national executive was doing.

22 So it didn't send out an e-mail to the

23 member local unions of the Canadian Federation of

24 Students advising them that this additional work was

25 being undertaken as part of the same process.

1 793. Q. You'll agree with me that before
2 April 2nd, 2014 CFS national executive had already
3 communicated to the UTGSU that as a result of the
4 Deloitte review, the petitions were found to be out
5 of order, and therefore, the referendum could not
6 occur?

7 A. Yes.

8 794. Q. And as I'm sure you could expect,
9 we're talking about 3,000 students who signed a
10 petition that was an important issue to UTGSU, you
11 would agree?

12 A. To every member local union of the
13 Canadian Federation of Students.

14 795. Q. Okay. So if you just turn to the e-
15 mail from Mr. Youssef dated April 7th, which appears
16 to be in response to Ms. Hunt's e-mail that we were
17 just looking at?

18 A. I see that.

19 MR. BURKE: Again, at Exhibit Q?

20
21 BY MR. DEL GOBBO :

22 796. Q. Yes, thank you. Now, if you just
23 look at the last paragraph, Mr. Youssef states:
24 "...I will return the original CFS national
25 petition to you for your records, as well

1 apologize.

2 A. Okay. Can I close this up?

3 803. Q. Yes, I believe so. Yesterday I
4 believe that I asked you a question about fees that
5 CFS charged to members, and I believe that you
6 stated, and correct me if I am wrong, that CFS
7 charged under five dollars per student for each
8 semester in the academic year 2013/2014. Is that
9 fair?

10 A. I would have to take issue with the
11 language "charged members". It's a democratically
12 determined membership fee. So the member local
13 unions set that fee and agree to...that the
14 individual members will remit that fee as a
15 membership fee.

16 804. Q. I apologize, and I used that word
17 yesterday as well. I'm sorry for that.

18 A. That's okay.

19 805. Q. Do individual members of UTGSU also
20 remit a fee to CFS Services that is separate from
21 the fee that is remitted to CFS National?

22 A. Yes.

23 806. Q. And what is the quantum of that fee
24 for the 2013/2014 year?

25 A. I don't know off the top of my head.

1 as a revised final report..."

2 Do you see that?

3 A. I do.

4 797. Q. Did CFS, in fact, receive a revised
5 final report?

6 A. Is that not what is on page 2? No,
7 I guess not.

8 798. Q. I understand what is on page 2 to be
9 a summary chart of the results.

10 A. We have highlighted the results.

11 799. Q. So is that...does that chart
12 constitute the extent of the reporting that Deloitte
13 provided to CFS in respect of the secondary review?

14 A. I don't know. I don't know.

15 800. Q. Could you provide an undertaking to
16 determine whether there was a revised final report
17 provided to CFS?

18 MR. BURKE: Yes, we will.

19 801. MR. DEL GOBBO: And if so, to produce
20 it, please?

21 MR. BURKE: Yes. U

22
23 BY MR. DEL GOBBO :

24 802. Q. I just have a few other questions,
25 and they're going to be in a more ad hoc fashion. I

1 It is significantly less, but I would have to check.

2 807. Q. Okay, could you also provide an
3 undertaking to provide that amount?

4 MR. BURKE: I don't see how it's
5 relevant.

6 808. MR. DEL GOBBO: Well, Mr. Evoy has
7 stated in his affidavit the amount of money
8 that is potentially at issue in terms of
9 the membership fees to the CFS, and the
10 question of decertification engaged not
11 only membership fees to CFS National but
12 CFS Services, and I think it's relevant to
13 UTGSU and their members to know how much
14 money is really at issue.

15 MR. BURKE: Mr. Evoy could have stated
16 what he believed those fees to be in his
17 affidavit. I just don't think it's
18 relevant to the real issues here. So
19 that's a refusal.

20 809. MR. DEL GOBBO: Okay.

21
22 BY MR. DEL GOBBO :

23 810. Q. In the 2013/2014 academic year, had
24 CFS received a petition from the Laurentian
25 University Graduate Students Association?

- 1 MR. BURKE: How is that relevant?
 2 811. MR. DEL GOBBO: Again, you will recall
 3 yesterday that we were discussing petitions
 4 received in respect of the places in the
 5 queue...
 6 MR. BURKE: Yes.
 7 812. MR. DEL GOBBO: ...and what place they
 8 would be in, and we discussed how petitions
 9 were received from Capilano, Dawson, PGSS
 10 at McGill and University of Toronto...
 11 MR. BURKE: Yes.
 12 813. MR. DEL GOBBO: ...and that these
 13 questions impacted what place UTGSU might
 14 have in the queue.
 15 MR. BURKE: Yes.
 16 814. MR. DEL GOBBO: I would just like to
 17 determine whether this additional school
 18 also submitted a petition.
 19 MR. BURKE: Okay.
 20 THE DEPONENT: I'm sorry, I'm just
 21 trying to think back. I believe so. I
 22 would have to check the records, though.
 23 815. MR. DEL GOBBO: Okay, and I believe
 24 yesterday you gave an undertaking to
 25 provide a list, and I would just like to

- 1 the University of Toronto provided the Canadian
 2 Federation of Students with a membership...with a
 3 list of undergraduate students. I couldn't say
 4 categorically that it included or excluded graduate
 5 students at that time.
 6 820. Q. Okay. Has CFS issued an invoice to
 7 UTGSU in respect of payment of Deloitte's retainer?
 8 A. I don't know.
 9 821. Q. Are you aware that in the end UTGSU
 10 did not actually pay any portion of Deloitte's
 11 retainer in this matter?
 12 MR. BURKE: Well, according to Mr.
 13 Evoy's affidavit, there is an agreement to
 14 pay \$5,000. It may not have been paid yet,
 15 but it is due and owing. So...
 16 822. MR. DEL GOBBO: I don't know that we
 17 have an agreement that it is due and owing.
 18 My question is simply whether Ms. Watson is
 19 aware that UTGSU has not paid any amount in
 20 respect of Deloitte's retainer.
 21 MR. BURKE: So you're asking, in
 22 essence, has UTGSU paid in accordance with
 23 its commitment to pay?
 24 823. MR. DEL GOBBO: No, I'm not accepting
 25 that UTGSU has a commitment to pay. I'm

- 1 confirm. We can build into that
 2 undertaking that Laurentian is part of that
 3 analysis or part of that review that you
 4 conduct to determine what petitions may be
 5 before CFS.
 6 MR. BURKE: Yes. U
 7 816. MR. DEL GOBBO: Thank you. Does CFS
 8 have a list of its individual student
 9 members?
 10 MR. BURKE: Why is that relevant to this
 11 proceeding, what records they have of their
 12 individual members?
 13 817. MR. DEL GOBBO: Well, CFS took the
 14 position they needed to obtain a list from
 15 the University of Toronto.
 16 MR. BURKE: Yes.
 17 818. MR. DEL GOBBO: I am just inquiring as
 18 to whether CFS has a list of their...I'll
 19 refine the question if it assists.
 20 MR. BURKE: Refine the question.
 21
 22 BY MR. DEL GOBBO :
 23 819. Q. Does CFS have a list of its members
 24 that are also members of UTGSU?
 25 A. I don't believe so. In early 2000

- 1 simply asking whether CFS is aware that
 2 UTGSU has not paid anything in respect of
 3 the Deloitte retainer.
 4 MR. BURKE: That's a neutral
 5 characterization, so you can answer that
 6 question.
 7 THE DEPONENT: I have no personal
 8 knowledge.
 9
 10 BY MR. DEL GOBBO :
 11 824. Q. Very nearly finished. If you could
 12 just turn to Mr. Hashemi's affidavit at Exhibit D
 13 for a moment, and the third page, please? On the
 14 third page there is an e-mail from Mr. Youssef dated
 15 March 7th. Do you see that?
 16 A. March 7th from Mr. Youssef? Yes, I
 17 see that.
 18 825. Q. Now, I believe that it was this e-
 19 mail and a teleconference that happened on March 7th
 20 that CFS was provided first notification of the
 21 result of Deloitte's review.
 22 MR. BURKE: Just so we're clear, who is
 23 this to?
 24 826. MR. DEL GOBBO: Ms. Watson can answer
 25 that question, but I...

- 1 MR. BURKE: I don't know if she can,
2 because...
3
4 BY MR. DEL GOBBO :
5 827. Q. My apologies. You can read through
6 the entire chain. I believe that it was to
7 representatives from CFSN, CFSO.
8 MR. BURKE: So if we look at the second
9 page at the bottom, it's March 8th, 2014,
10 2:26.
11 828. MR. DEL GOBBO: M'hm.
12 MR. BURKE: Do you have a timeline for
13 the official report?
14 829. MR. DEL GOBBO: Yes.
15 MR. BURKE: It's on March 8th, and then
16 Yasser wrote, "Hi all." So is it your
17 assumption that he has written back to all
18 of the individuals on this list? I'm just
19 trying to get the allegation.
20 830. MR. DEL GOBBO: Yes, well, the March 8th
21 is after the March 7th e-mail. So it would
22 be the other way around, presumably. I
23 don't think he would be responding.
24 MR. BURKE: I see.
25 831. MR. DEL GOBBO: But I think the

- 1 836. MR. DEL GOBBO: Yes.
2 MR. BURKE: All right. U
3
4 BY MR. DEL GOBBO :
5 837. Q. Perhaps I'll move forward, because I
6 assume that you don't know whether CFS received this
7 at that time, you can't state whether you knew on
8 March 7th...CFS knew, rather, national executive,
9 the results of the Deloitte review? You can't state
10 affirmatively one way or the other?
11 A. Correct.
12 838. Q. Okay. So we'll flip ahead, then, to
13 the March 9th e-mail on the second page of Exhibit
14 D. This is the middle e-mail from Mr. Youssef
15 to...and there are...Ms. Hunt is one of the
16 recipients of this e-mail.
17 A. I see that.
18 839. Q. And do you see that Mr. Youssef is
19 summarizing the results of his review? Do you see
20 that?
21 A. I do.
22 840. Q. And it includes a percentage for the
23 national review is 18.21 percent?
24 A. I see that.
25 841. Q. Okay. So when did the CFS national

- 1 recipients are the same. If you look at
2 the...
3 MR. BURKE: So Ms. Watson isn't part and
4 parcel of this. So what is your question
5 to her?
6
7 BY MR. DEL GOBBO :
8 832. Q. Was this e-mail received by CFS on
9 March 7th?
10 MR. BURKE: I think we would have to
11 speak to Ms...given the ambiguity around
12 that, we would have to speak to Ms. Hunt.
13 833. MR. DEL GOBBO: Okay. If it assists, on
14 the next page there is a teleconference on
15 the same date that Ms. Hunt is on.
16 MR. BURKE: I think we would have to
17 consult with Ms. Hunt about that.
18 834. MR. DEL GOBBO: You can give that
19 undertaking if you would like.
20 MR. BURKE: If you ask for it.
21 835. MR. DEL GOBBO: I will ask for it, thank
22 you.
23 MR. BURKE: All right. So you wish me
24 to inquire as to whether Ms. Hunt received
25 this?

- 1 executive determine that the UTGSU petition was not
2 in order?
3 A. I believe it was upon receipt of the
4 final report from Deloitte, but I'm...so that was
5 March 9th...
6 MR. BURKE: Do you know?
7 THE DEPONENT: ...this e-mail, but I
8 don't know.
9
10 BY MR. DEL GOBBO :
11 842. Q. I believe the reports were received
12 March 11th, 2014.
13 A. But I don't know. I couldn't give
14 you a precise date.
15 843. Q. So if you turn to Exhibit KK of Mr.
16 Evoy's affidavit, please? Do you see that?
17 A. M'hm.
18 844. Q. And the e-mail from Mr. Littley
19 dated March 9th?
20 A. Yes.
21 845. Q. And you'll see that he states that
22 he is in receipt of correspondence from CFS
23 regarding the review conducted by Deloitte?
24 A. Right, yes.
25 846. Q. So you'll agree that by March 9th,

1 when this e-mail was sent, Mr. Littley had received
2 the results of the Deloitte review from CFS?

3 A. Regarding the review. Well, he had
4 received correspondence regarding the review and
5 informed that they had concluded the petition didn't
6 meet the threshold, yes.

7 847. Q. Yes.

8 A. Yes.

9 848. Q. And you'll note that he states that
10 he is informed that a full and final report will be
11 issued by Deloitte on Tuesday, March 12th?

12 A. Yes.

13 849. Q. So will you agree that Mr. Littley
14 at least was informed that the petitions did not
15 meet the threshold set out in the bylaws before the
16 reports were delivered?

17 MR. BURKE: Before the final report?

18 THE DEPONENT: The final full report.

19

20 BY MR. DEL GOBBO :

21 850. Q. Yes. I believe there has only been
22 one report that has been delivered thus far. I
23 believe it's the same report he is referring to.

24 MR. BURKE: Well, we were going to
25 undertake to determine whether there was a

1 A. Yes, based on information received
2 from the individual who was responsible for
3 overseeing...

4 856. Q. Yes.

5 A. ...the review of the names on the
6 petition for Deloitte.

7 857. Q. So you will agree with me, then,
8 that given the timing of...we can go back to the
9 Hashemi affidavit, if you like, Exhibit D. We were
10 looking at that chain of correspondence. There was
11 an e-mail dated March 7th that you weren't able to
12 confirm CFS received. So we moved on to a
13 subsequent e-mail dated March 9th that Ms. Hunt was
14 the recipient of. Do you agree?

15 A. Right, yes.

16 858. Q. So you will agree it was in and
17 around March 7th to 9th that CFS was informed of the
18 results of Deloitte's review?

19 A. Yes.

20 859. Q. And some time between that period
21 and March 9th, when Mr. Littley sent this e-mail to
22 Mr. Evoy...that is found behind Exhibit KK or Mr.
23 Evoy's affidavit that we were just looking at.

24 A. Okay.

25 860. Q. The national executive had made the

1 final report.
2 851. MR. DEL GOBBO: That report was in the
3 context of the secondary review in April,
4 2014?

5 MR. BURKE: Right.

6

7 BY MR. DEL GOBBO :

8 852. Q. This e-mail from Mr. Littley
9 states...the full report that he is referring to in
10 this e-mail, and you're welcome to read through the
11 whole e-mail, was this the same report that was
12 subsequently received by CFS on March 11th?

13 A. Yes, I believe so.

14 853. Q. So you'll agree, then, he
15 communicated to...or rather, he had been informed by
16 CFS of the results of the Deloitte review before
17 receiving the Deloitte report?

18 A. Sorry, can you just repeat your
19 question?

20 854. Q. Sure. He had been informed by
21 CFS...

22 A. Yes.

23 855. Q. ...of the results of the Deloitte
24 review before receiving a copy of the Deloitte
25 report?

1 determination that the petitions were not in order?
2 A. Based on the information it had
3 received from Deloitte, yes.

4 861. Q. And was that determination made at a
5 meeting of the national executive?

6 A. No.

7 862. Q. Was that determination made by...or
8 I should ask you...

9 A. Sorry, I should be precise. It
10 wasn't a meeting of the national executive in that
11 period.

12 863. Q. Okay.

13 A. It wasn't a decision of the national
14 executive at that time.

15 864. Q. So who on the national executive was
16 responsible for making that decision?

17 A. The three members...the three at-
18 large members of the national executive who had been
19 delegated responsibility.

20 865. Q. And they had had a conversation at
21 some point and it was during these few days in which
22 this final decision was made. Is that fair?

23 A. That's my understanding, yes.

24 866. Q. So the other members of the national
25 executive didn't participate in this exercise?

1 A. There were...from what I understand,
2 there were discussions with other members of the
3 national executive, most if not all.
4 867. Q. None of these took place at a
5 national executive meeting?
6 A. Not between March 7th and March 9th.
7 There was no national executive meeting scheduled.
8 868. Q. There was no emergency meeting?
9 A. No.
10 869. Q. Okay. So there would be no minutes
11 from those conversations?
12 A. No minutes, no.
13 870. MR. DEL GOBBO: Could I ask for an
14 undertaking to provide copies of that
15 correspondence, please, between March 7th
16 and March 9th, in which the decision was
17 made by the national executive that the
18 petition was not in order?
19 MR. BURKE: Correspondence?
20 871. MR. DEL GOBBO: Or if there are any
21 written records, I should say, that
22 evidence the content of those discussions,
23 whether in correspondence or otherwise.
24 MR. BURKE: We'll take it under
25 advisement. U

1 A. Can I refer...can I just double-
2 check this?
3 875. Q. Absolutely.
4 MR. CARSTEN: Can I understand your
5 question better? What do you mean, "She
6 wasn't contacted regarding the petition
7 verification"?
8
9 BY MR. MONKHOUSE :
10 876. Q. About the methodology and the way in
11 which the petition would be verified.
12 A. There is a letter that was sent to
13 you from Mr. Burke on November 11th that speaks to
14 the fact that they had...the Canadian Federation of
15 Students was in the...or the national executive was
16 in the process of reviewing the petition.
17 MR. BURKE: You don't have that letter,
18 Mr. Monkhouse?
19 877. MR. MONKHOUSE: I'm familiar with the
20 letter. Would you...
21 THE DEPONENT: So that's at tab C of my
22 affidavit.
23
24 BY MR. MONKHOUSE :
25 878. Q. I thought she was still...are you

1 872. MR. DEL GOBBO: And I believe that's all
2 my questions. I'll just take a few minutes
3 to check.
4 THE DEPONENT: Sure.
5
6 --- A BRIEF RECESS
7
8 LUCY WATSON , resumed
9 CONTINUED EXAMINATION BY MR. DEL GOBBO:
10
11 873. MR. DEL GOBBO: Ms. Watson, thank you
12 again for coming in today, a second day,
13 and I'm finished my questioning.
14 THE DEPONENT: Thank you.
15
16 EXAMINATION BY MR. MONKHOUSE:
17
18 874. Q. Good to meet you, Ms. Watson. I
19 just wanted to ask a couple more questions because
20 my friend, Mr. Del Gobbo, went through thoroughly,
21 they're going to jump around a bit more than his
22 did. So you'll forgive me for that.
23 So my first question is would you agree
24 with me that Ms. Ingle or counsel was never
25 contacted regarding petition verification?

1 still reviewing?
2 A. No.
3 879. Q. And sorry, if you could turn to tab
4 C of the...
5 A. Yes, I can.
6 880. Q. Would you agree with me that it
7 doesn't set out any type of particulars about how
8 that verification would occur?
9 A. It does not.
10 881. Q. And are you aware of any other
11 correspondence that sets out any information about
12 how the verification process would occur?
13 A. To Ms. Ingle, no, but nor, I should
14 note, is there a requirement that the national
15 executive do that.
16 882. Q. What are the requirements on the
17 national executive with regard to reporting about
18 their verification process?
19 A. You're asking in general or...
20 883. Q. About reporting on the
21 verification...you said that there was no
22 requirement to report to Ms. Ingle with regard to
23 the verification process. I was therefore wondering
24 if in your knowledge there is a requirement to
25 report about the verification process to any other

1 person or entity.

2 A. Give me a moment. It might be more
3 than one minute.

4 884. Q. That's fine.

5 A. So just generally speaking, in the
6 bylaws, bylaw 4, national executive, section 2
7 "Powers and Responsibilities of the National
8 Executive", F speaks to a written report to national
9 general meetings that includes review of the
10 activities undertaken on its authority since the
11 previous general meeting.

12 The national executive also reports
13 verbally to supplement the written report at
14 national general meetings.

15 885. Q. So if I understand you correctly,
16 you're saying that the national executive has to
17 report on this matter after it is completed to
18 the...as specified in the section you go to?

19 A. There is a forum in which the
20 national executive reports to the voting member
21 local unions, which is at a national general
22 meeting.

23 886. Q. So it's your position that there is
24 no requirement to check with the individual
25 petitioner during the process, that that information

1 decline to accept the petition.

2 MR. CARSTEN: No, it's not actually.

3 You have specified with the specific
4 questions...you have particularized them,
5 and you haven't said it is without
6 limitation. So you're constrained by your
7 own pleading.

8 891. MR. MONKHOUSE: So I guess I would
9 disagree with that. I would also disagree
10 with it as my pleading, seeing as it has
11 not been consented to be amended to include
12 my name on it.

13 MR. BURKE: Well, if that's the case,
14 Mr. Monkhouse, we can cease this
15 examination right now. We're trying to be
16 cooperative, and this will delay the entire
17 hearing of this matter. So you are
18 constrained by the pleading as it is.

19 MR. CARSTEN: And as proposed to be
20 amended.

21 MR. BURKE: And as it is...exactly, as
22 it is proposed to be amended, which is the
23 basis upon which we're permitting you to
24 ask questions.

25 892. MR. MONKHOUSE: I would just like to

1 will only come out afterwards, and would only be
2 reported to the general meeting?

3 MR. BURKE: Mr. Monkhouse, is there a
4 complaint about this in the Notice of
5 Application?

6 887. MR. MONKHOUSE: It speaks to the
7 reasonableness of their acceptance. So
8 overall...

9 MR. BURKE: It speaks to the
10 reasonableness...

11 888. MR. MONKHOUSE: The reasonableness of
12 their verification of the petition. That's
13 the entire...

14 MR. BURKE: That they have communicated
15 that they have communicated with the
16 individual member? There is no...there is
17 nothing in the Notice of Application that
18 speaks to that. That defines what we're
19 here to talk about.

20 889. MR. MONKHOUSE: That does define what
21 we're to talk about.

22 MR. BURKE: Right.

23 890. MR. MONKHOUSE: Obviously...so the
24 overall question is was it reasonable for
25 the Canadian Federation of Students to

1 reflect that your argument...so you have an
2 argument that we're constrained by the
3 specific points that are brought. We said
4 yesterday, I believe, that we didn't feel
5 that was the intention of the notice, but
6 you're not allowing us to ask questions on
7 the more general category.

8 MR. BURKE: What do you mean "the
9 intention of the notice"? The Notice of
10 Application is the Notice of Application.
11 It defines the matters that are being
12 brought before the court. So we're not
13 looking for the purpose of intent of the
14 Notice of Application. It is a document
15 that Mr. Del Gobbo drafted originally, and
16 I assume was working collaboratively with
17 you in terms of the amendments that have
18 been made.

19 You have defined what is in the
20 Notice of Application. This is not
21 delineated in the Notice of Application in
22 any way.

23 893. MR. MONKHOUSE: Let's take 10 minutes.

24 --- A BRIEF RECESS
25

1 LUCY WATSON, resumed
2 CONTINUED CROSS-EXAMINATION BY MR. MONKHOUSE:

3
4 894. Q. So I'm not really sure where the
5 full confusion comes from this. What we're saying
6 that...the crux of this discussion is about whether
7 or not the decision was exercised in good faith and
8 in a reasonable manner. We say part of that
9 obligation...and so if you look at the notice, BB
10 and CC, it talks about:

11 "...Membership in a voluntary association
12 gives members valuable rights, including
13 the right to expect affairs will be
14 conducted honestly, bona fides and in
15 accordance with established rules..."

16 It is our argument that this includes a right to
17 consultation for the petitioner, who has individual
18 rights as set out in the CFS bylaws.

19 MR. BURKE: That's a legal argument you
20 can make.

21 895. MR. MONKHOUSE: We certainly will, but
22 we need to be able to ask the questions.
23 This argument is in the notice. So we need
24 to be able to ask the questions to be able
25 to determine the individual rights. So

1 part LL you particularize your specific
2 complaint.

3 MR. DEL GOBBO: You'll notice that that
4 states "exercise in a reasonable manner".
5 It doesn't address the point about the
6 exercise of good faith.

7 896. MR. MONKHOUSE: I mean, that's one point
8 of...

9 MR. DEL GOBBO: Sorry, but just to go
10 back, if you look at paragraphs BB and CC,
11 they are describing...CC in particular,
12 "The contractual relationship is subject to
13 implied duty of good faith."

14 MR. CARSTEN: Yes.

15 MR. DEL GOBBO: I don't think it's at
16 issue here that Ms. Ingle has a contractual
17 relationship with CFS...and in BB there are
18 various rights that are enumerated,
19 specifically that it gives members valuable
20 rights, membership in voluntary
21 associations. CFS is a voluntary
22 association. Ms. Ingle is a member. She
23 has rights, and her right to consultation
24 should be included in her right to expect
25 that the corporation's affairs will be

1 what are the individual rights of a
2 petitioner? That is what we are
3 attempting...we have discussed, and that is
4 what my first question was about, and
5 that's what the...that is what the line of
6 questioning is about.

7 MR. CARSTEN: No, I don't agree at all
8 with your interpretation. I don't think
9 that's a valid...I think you have said a
10 bunch of things here. Then you have laid
11 out your complaint. The complaint is
12 particular. Well and good for you. This
13 is not part of your complaint. Had you
14 drafted it differently, which we're not
15 thinking you should have, you could have
16 asked the questions. You haven't. You
17 can't.

18 MR. DEL GOBBO: Mr. Carsten, that's not
19 the case. If you look at the bolded
20 heading on page 8, it states that:

21 "...CFS and CFSO do not exercise
22 their discretion under the bylaws in
23 good faith or in a reasonable
24 manner..."

25 MR. CARSTEN: Absolutely, and then in

1 conducted honestly with bona fides and in
2 accordance with established rules.

3 Ms. Watson was kind enough earlier
4 to describe what she believed to be the
5 rules in respect of consultation. We might
6 have a different view as to what those
7 rules are, but the issue of good faith and
8 consultation and the contents of the good
9 faith is expressly expressed...

10 MR. BURKE: In an effort to move this
11 along, because we'll be here for the rest
12 of our lives if we don't, Mr. Monkhouse,
13 you have asked certain questions in
14 relation to what communication there was.
15 Ms. Watson has given you evidence in terms
16 of the communication with you directly. I
17 don't think there was any other direct
18 communication with Ms. Ingle, and we
19 can...really what you're arguing is a legal
20 argument.

21 If you want to make an argument at
22 the application around that issue under
23 these broad and non-specified categories
24 that you now raise, then you're free to do
25 that, but you know, I don't think...because

1 it hasn't been particularized, I'm not
 2 going to permit Ms. Watson to answer any
 3 further questions.
 4 897. MR. MONKHOUSE: In regard to the implied
 5 duty of good faith?
 6 MR. BURKE: No, in regard to the
 7 specific questions about communication with
 8 Ms. Ingle.
 9 898. MR. MONKHOUSE: So I just want to
 10 clarify that your refusal is for your
 11 representative to answer any questions that
 12 are not about paragraph LL of the
 13 application?
 14 MR. BURKE: You put your questions on
 15 the record, sir, and I'll give you the
 16 refusal on an item by item basis.
 17 899. MR. MONKHOUSE: Okay.
 18 MR. BURKE: I will consider each
 19 question.
 20
 21 BY MR. MONKHOUSE :
 22 900. Q. Ms. Watson, would you be able to
 23 turn to page 10 of the Notice of Application?
 24 MR. BURKE: The amended?
 25

1 A. No, it's in...no.
 2 907. Q. When the Canadian Federation of
 3 Students was deciding to retain Deloitte with regard
 4 to this matter, or other firms as discussed
 5 previously, did they communicate with Ms. Ingle with
 6 regard to that decision?
 7 A. No, nor with any other individual
 8 member.
 9 908. Q. Did the Canadian Federation of
 10 Students discuss timelines for verification of the
 11 petition with Ms. Ingle?
 12 A. No.
 13 909. Q. Did the Canadian Federation of
 14 Students discuss the requirements that they provided
 15 to Deloitte with Ms. Ingle or with any other person
 16 who had signed the petition?
 17 A. Did the national executive?
 18 910. Q. Did the national executive?
 19 A. Not to my knowledge.
 20 911. Q. To your knowledge, did Ms. Ingle
 21 have the ability to direct or instruct Deloitte
 22 regarding this matter?
 23 MR. BURKE: Did she have the ability?
 24 Now what do you mean by that?
 25

1 BY MR. MONKHOUSE :
 2 901. Q. Amended Notice of Application, thank
 3 you. When the Canadian Federation of Students
 4 was...
 5 MR. BURKE: Which item?
 6 902. MR. MONKHOUSE: Sorry.
 7 MR. BURKE: Which item are you speaking
 8 to?
 9 MR. CARSTEN: Which paragraph, sorry?
 10 903. MR. MONKHOUSE: Sorry, paragraph LL.
 11 MR. BURKE: Yes?
 12
 13 BY MR. MONKHOUSE :
 14 904. Q. When the Canadian Federation of
 15 Students was considering the university's offer to
 16 verify the petitions, did they check with Ms. Ingle?
 17 A. I'm sorry, can you repeat your
 18 question?
 19 905. Q. I'll rephrase.
 20 A. Okay.
 21 906. Q. When the Canadian Federation of
 22 Students was deciding whether or not to accept the
 23 university's offer to verify the petition, did they
 24 communicate at all with Ms. Ingle with regard to
 25 that decision?

1 BY MR. MONKHOUSE :
 2 912. Q. To your knowledge, did Ms. Ingle
 3 have the authority to instruct Deloitte? Is that
 4 better?
 5 A. On this matter, no. It's the
 6 national executive who has the sole authority to
 7 determine whether the petition is in order.
 8 913. Q. Now, Ms. Watson, we spoke earlier
 9 that there have been other decertification petitions
 10 received in the past. I want to speak specifically
 11 about the decertification petition of Capilano
 12 University, I believe Local 73 of the Canadian
 13 Federation of Students.
 14 MR. BURKE: Put your question on the
 15 record.
 16
 17 BY MR. MONKHOUSE :
 18 914. Q. Are you familiar with the
 19 decertification petition at Local 73 Capilano?
 20 MR. BURKE: What do you mean by
 21 "familiar"?
 22
 23 BY MR. MONKHOUSE :
 24 915. Q. Did you have any involvement in
 25 that, in...I'll rephrase. I guess did you have, I

1 guess...what I'm looking for is just did she have
2 knowledge of this matter.

3 MR. DEL GOBBO: Can we go off, please?
4

5 --- DISCUSSION OFF THE RECORD
6

7 THE DEPONENT: Sorry, can you repeat?
8

9 BY MR. MONKHOUSE :

10 916. Q. What I'm getting at as a staff
11 member, someone working on the staff of the Canadian
12 Federation of Students, do you have knowledge about
13 the process used in the Capilano...

14 MR. BURKE: We're not going to answer
15 questions about the process in Capilano.
16 Mr. Del Gobbo canvassed the issue in
17 relation to the issue of the queue, which I
18 can see why he had asked those questions,
19 but how is the process in Capilano relevant
20 to these proceedings?

21 917. MR. MONKHOUSE: Well, I think it goes
22 directly...if you look at LL, point 1, it
23 talks about the university's offer to
24 verify petitions being a fair means of
25 verification, for instance. The

1 A. No.
2 921. Q. Was that petition verified by
3 Deloitte?

4 A. No.
5 922. Q. And in that matter, was the Canadian
6 Federation of Students provided with a list of
7 members of the Canadian Federation of Students
8 at...individual members from Capilano University?

9 A. It was not.
10 923. Q. Were you part of the process to
11 decide that that decertification petition was in
12 order?

13 A. I am not a voting member of the
14 national executive.
15 924. Q. Were you present at any meetings of
16 the national executive which discussed that petition
17 being ruled in order?

18 MR. BURKE: This is well beyond the
19 scope of relevance in this proceeding. So
20 refusal.

21 There has to be some proportionality
22 in what we're doing here.
23 925. MR. MONKHOUSE: I mean, if the question
24 is about whether or not it was fair and
25 whether or not they exercised their

1 methodology used by the Canadian Federation
2 of Students at other locals to verify their
3 petitions would seem to be directly related
4 to that.

5 MR. BURKE: So what is your question?
6 Put your question back on the record. What
7 is your question? I am asking you to
8 repeat.
9

10 BY MR. MONKHOUSE :

11 918. Q. Do you have knowledge of the
12 Capilano...of the Canadian Federation of Students
13 processes with regard to the Capilano
14 decertification petition?

15 MR. BURKE: In terms of whether or not
16 the university verified the petition?

17 919. MR. MONKHOUSE: I'm asking generally if
18 she has knowledge of it.

19 THE DEPONENT: I do have knowledge of a
20 petition received by the individual members
21 who are at Capilano University.
22

23 BY MR. MONKHOUSE :

24 920. Q. Was that petition verified by the
25 university?

1 discretion fair and reasonably, it's
2 certainly open to ask about previous
3 instances where that discretion was done
4 and what the qualifications were.

5 MR. BURKE: Mr. Monkhouse, you're free
6 to make that argument before a master or a
7 judge in terms of bringing a motion with
8 respect to any of the refusals that I have
9 given. It's a right you have pursuant to
10 the Rules, and you're free to exercise that
11 right.

12 926. MR. MONKHOUSE: Thank you. Will I be
13 able to just discuss with Mr. Del Gobbo for
14 one second?

15 MR. BURKE: Well, you know, these
16 constant interruptions are causing
17 us...this necessity to have to consult with
18 co-counsel is delaying this process. So
19 yes, go and have another consultation, but
20 we need to get this done.

21 MR. DEL GOBBO: We'll be brief, Mr.
22 Burke.

23 MR. BURKE: Thank you.
24

25 --- DISCUSSION OFF THE RECORD

1 BY MR. MONKHOUSE :

2 927. Q. Ms. Watson, I believe you said
3 earlier that the university didn't provide you with
4 the student records, and the university...you didn't
5 delegate to the university the authority to review
6 the student petition?

7 A. No.

8 MR. BURKE: We're talking about Capilano
9 now?

10 928. MR. MONKHOUSE: Capilano.

11 MR. BURKE: Yes.

12 THE DEPONENT: The question that you
13 asked me what whether or not the university
14 verified the petition. My answer was no.
15 that's the sole authority of the national
16 executive to verify whether or not the
17 petition is in order. The university was
18 not asked to undertake that exercise to
19 make that determination.

20
21 BY MR. MONKHOUSE :

22 929. Q. And notwithstanding the fact that it
23 was neither verified by the university, as you just
24 stated, or Deloitte, it was still accepted as valid
25 by the Canadian Federation of Students. Is that

1 correct?

2 A. Yes.

3 934. Q. Considering that I think it does
4 matter about leaving about how an organization
5 joined, although noting that it's from a while ago,
6 I would ask for an undertaking about any information
7 about how the petition was verified when the
8 individual members of the UTGSU joined.

9 MR. BURKE: Absolutely not, absolutely
10 not. There is no complaint about when they
11 joined. They have been members for
12 decades. We're not going back to the early
13 1980s. That is a non-issue in this
14 litigation. That would defy every
15 principle of proportionality that our
16 courts have articulated. Absolutely not,
17 refusal.

18 935. MR. MONKHOUSE: And so it's specifically
19 argued that a university offer to verify
20 the petitions was refused, and that would
21 have been a fair means of verification. If
22 the university had verified the petitions,
23 that would lend credence to the...when they
24 joined, it would lend credence to the fact
25 that that would be an acceptable method

1 correct?

2 A. My point is that the national
3 executive, in response to your question as to
4 whether or not the university verified the petition,
5 my response was no. The university was asked by the
6 national executive to review names and student
7 numbers on the petition within very specific
8 parameters provided by the national executive.

9 930. Q. Did the university provide a report
10 with regard to that?

11 A. With regard to their review of the
12 names and student numbers?

13 931. Q. That's correct.

14 A. Yes.

15 932. Q. And based partially on that review,
16 that petition was accepted by the Canadian
17 Federation of Students?

18 A. The petition was deemed in order by
19 the national executive, yes.

20 933. Q. Now, Ms. Watson, you would agree
21 with me that at some point in the past, the
22 UTGSU...the individual members of the UTGSU joined
23 the Canadian Federation of Students, and that this
24 was most likely by a vote following the Canadian
25 Federation of Students bylaws at the time. Is that

1 when they were leaving.

2 MR. BURKE: Refusal.

3
4 BY MR. MONKHOUSE :

5 936. Q. Ms. Watson, with regard to the
6 selection of Stephen Littlely as chief returning
7 officer in this matter, I believe you said
8 earlier...I will phrase it this way. Were you aware
9 of any short list of persons who were considered for
10 the position?

11 A. Yes.

12 937. Q. And would you be able to
13 provide...would I be able to ask for an undertaking
14 to provide the short list of persons who were
15 considered for that position?

16 MR. BURKE: You can ask, but it's a
17 refusal. There is no issue in this
18 litigation about Mr. Littlely's conduct, as
19 I see it.

20 MR. DEL GOBBO: It has been discussed in
21 several of the affidavits including...

22 MR. CARSTEN: Inclusion in the affidavit
23 doesn't make it relevant. The Notice of
24 Application makes it relevant.

25 MR. DEL GOBBO: Ms. Watson has already

1 answered a number of questions about Mr.
2 Littley's qualifications and his history
3 and experience.

4 MR. CARSTEN: It doesn't mean that this
5 question is relevant.

6 MR. BURKE: The question now, Mr. Del
7 Gobbo...it's like tag teaming here. I feel
8 like I'm at a world wrestling match,
9 although I would lose in that because I'm
10 the smallest guy in the room, but the
11 reality here is that, yes, we answered some
12 questions about Mr. Littley. Mr. Littley
13 was ultimately the individual who was
14 appointed as the CRO.

15 There is a distinction between that
16 and now going to look at who the candidates
17 are and the short list and what their
18 respective attributes or non-attributes
19 were.

20 The fact of the matter is, is that
21 Mr. Littley was the one who was appointed.
22 The evidence has reflected questions around
23 his appointment. This, you know, who may
24 have been considered, is irrelevant.
25 That's my position.

1
2 BY MR. MONKHOUSE :

3 940. Q. It was discussed earlier by Mr.
4 Hatherell a certain process by which there was an
5 intention at one point to contact a sampling of 100
6 students as part of the petition verification
7 process. Did you have any discussions with other
8 persons about that?

9 MR. BURKE: With other persons when?

10 941. MR. MONKHOUSE: In the 2013/2014
11 academic year.

12 MR. BURKE: Prior to this litigation
13 commencing?
14

15 BY MR. MONKHOUSE :

16 942. Q. Prior to this litigation commencing.

17 A. No.

18 943. Q. To your knowledge, was that
19 something that was requested by the Canadian
20 Federation of Students?

21 MR. BURKE: I believe Mr. Hatherell gave
22 his evidence yesterday that that was
23 something that was initiated solely by
24 Deloitte.

25 THE DEPONENT: Yes.

1 938. MR. MONKHOUSE: So we had spoken earlier
2 about the qualities and factors that a
3 chief returning officer would have
4 required. In terms of cross-examining your
5 witness it would make sense to be able to
6 find out if the short list candidates had
7 those qualities, and be able to examine
8 that in order to verify the comments made.

9 MR. BURKE: This is not a public inquiry
10 around the appointment of Mr. Littley.
11 This is a refusal. I'm trying desperately
12 to focus in on the issues that the court is
13 going to have to deal with. So it's a
14 refusal.

15 939. MR. MONKHOUSE: The overall conduct of
16 the Canadian Federation of Students in
17 terms of fairness, openness, honesty, and
18 you know, bona fide good faith are issues
19 that the court is going to have to deal
20 with, and part of that has to do with the
21 appointment of a chief returning officer.

22 MR. BURKE: With all due respect, Mr.
23 Monkhouse, as I have indicated to you
24 before, you have an ability to bring a
25 motion. It is a refusal. Let's move on.

1 944. MR. MONKHOUSE: I believe he said that
2 it was a process that was part of the
3 Deloitte process, but done in consultation
4 with the Canadian Federation of Students,
5 the Canadian Federation of Students -
6 Ontario.

7 MR. BURKE: Well, the transcript will
8 speak for itself. This witness has given
9 you the evidence that she wasn't involved,
10 so...
11

12 BY MR. MONKHOUSE :

13 945. Q. You had spoken yesterday with regard
14 to the placement in line, and I just wanted to speak
15 about that in order to touch on that issue. I was
16 wondering if there was a particular process in place
17 at the Canadian Federation of Students that you
18 could speak to with regard to if a mass number of
19 student locals attempted to leave, and how the
20 scheduling would be affected.

21 For instance, using the example of 20
22 schools attempting to de-federate at one point, how
23 would...is there a process or a policy by which that
24 scheduling would occur?
25

A. I have to take issue with the

1 language that you're using. The petition process is
2 a petition to request a referendum on the question
3 of decertification. It's not a foregone conclusion,
4 and it's not the local unions who activate or
5 trigger that process. It's the individual members.

6 So the way you phrased the question
7 assumes that the outcome is to decertify. That is
8 not the case. It is putting to the individual
9 members whether or not they wish to continue working
10 with other students within the framework of the
11 Canadian Federation of Students.

12 946. Q. If 20 individual members submitted
13 petitions with over 20 percent...petitions that are
14 found to be valid and in order by the Canadian
15 Federation of Students, how would the scheduling
16 work in that eventuality?

17 MR. BURKE: I thought Mr. Del Gobbo went
18 over this yesterday. You're here jointly,
19 are you not? Is it you're co-counsel for
20 Ms. Ingle and UTGSU?

21 947. MR. MONKHOUSE: No, I believe Mr. Del
22 Gobbo asked some questions. I was merely
23 putting one question further in terms of a
24 large number. There was a discussion about
25 individual and specific numbers. After Mr.

1 factored into that determination, but I can't speak
2 to what the national executive would or would not do
3 in a situation where it received 20 petitions that
4 were in order from 20 individuals at different
5 institutions.

6 949. Q. So to your knowledge, there is no
7 internal policy or procedure dealing with that
8 matter?

9 A. No, the national executive would use
10 their common sense and all the information it had
11 available to it while working to uphold the request
12 of both the individual members and the bylaws as
13 established by the voting members of the unions,
14 democratically at a general meeting.

15 950. Q. I believe we had spoken previously
16 about universities providing student records to the
17 Canadian Federation of Students for verification,
18 and I believe, Ms. Watson, that you mentioned
19 specifically that the University of Toronto had at
20 one point provided records of undergraduate students
21 previously?

22 A. It had, yes.

23 951. Q. I was just hoping we could get an
24 undertaking for all instances when that had happened
25 in the past. A simple list would suffice.

1 Del Gobbo's questions I had a remaining
2 question about a large number of schools.
3 I think it's a fair question based on the
4 previous questions.

5
6 BY MR. MONKHOUSE :

7 948. Q. Is there any sort of policy or
8 methodology for scheduling if a large number of
9 school...if the Canadian Federation of Students
10 found themselves with a large number of schools in
11 which there had been individual petitioners, had
12 submitted petitions which had been found to be in
13 order?

14 A. The national executive has not
15 contemplated that matter. It has not been in
16 receipt of a significant number of petitions
17 delivered at one time in which all of the petitions
18 and criteria, because there is also additional
19 criteria set out in the bylaws, have been met, and
20 maybe just to note a couple of those, one is the
21 advance remittance of all outstanding membership
22 fees. The other issue is determining what other
23 activities or events are happening at a particular
24 institution at any given time.

25 So there are other criteria that are

1 MR. BURKE: At the University of
2 Toronto?

3 952. MR. MONKHOUSE: Actually, for all
4 members.

5 MR. BURKE: No. No, we'll tell you in
6 relation to the University of Toronto where
7 they have provided names, because that's
8 where we're aware that it occurred in 2002.
9 That's the only thing that we're aware of,
10 and if there is anything further that we'll
11 rely on in that regard, we'll let you know,
12 but as far as we know, that's our best
13 information. U/T

14
15 BY MR. MONKHOUSE :

16 953. Q. Now, Ms. Watson, when we were
17 discussing earlier, I believe you had said that the
18 threshold was not met, and that was why it was
19 not...the matter was not found to be in order.

20 Now, since the Canadian Federation of
21 Students has the...it was not delegated to Deloitte.
22 So the Canadian Federation of Students is the one
23 who decides that the petition is in order. Would
24 you agree with me that, in fact, the Canadian
25 Federation of Students came to a decision, but based

- 1 on the Deloitte report, their position was that the
2 threshold was not met?
3 A. Yes, the national executive, yes.
4 954. Q. And would you agree that part of
5 that process was based on the reliability or
6 perceived reliability of the Deloitte report?
7 A. Sorry, I don't think I understand.
8 Part of which process?
9 955. Q. Part of the process of accepting the
10 results of the Deloitte report.
11 A. Was Deloitte's...
12 956. Q. Was due to the...
13 A. Reputation?
14 957. Q. The reliability or perceived
15 reliability of Deloitte in terms of producing a
16 report.
17 A. I'm not sure I understand the
18 question, sorry.
19 958. Q. The Canadian Federation of Students
20 didn't independently conduct any sort of
21 verification. Isn't that correct?
22 A. The national executive, it...sorry,
23 conducted an independent evaluation of the names
24 and...
25 959. Q. Of the names, that's correct.

- 1 but...
2 965. Q. Yes, I understand, but as far as you
3 know, that verification, whatever...that process...I
4 hesitate to use "verification process", wasn't
5 passed to Deloitte, that theirs was conducted
6 independently?
7 A. Yes.
8 966. Q. So is it fair to say that the
9 Canadian Federation of Students relied upon the
10 numbers from the Deloitte report?
11 A. It relied on Deloitte's review of
12 the names...of the information contained on the
13 petition, yes.
14 967. Q. Because you had no other
15 methodology? You didn't conduct your own
16 independent report, right?
17 A. Correct.
18 968. Q. And is it fair to say that part of
19 the rationale behind relying on that report was the
20 reliability or perceived reliability of Deloitte in
21 terms of their review?
22 A. Well, Deloitte had the information
23 required to undertake such a review. So I'm
24 not...you know, one of the criteria that I spoke to
25 yesterday in terms of a selection of a third party

- 1 A. ...student numbers on the petition,
2 separate and distinct from the process that it
3 requested of Deloitte?
4 960. Q. That's correct.
5 A. No, it did not.
6 961. Q. So is it fair to say you relied upon
7 the Deloitte report?
8 A. Now...sorry, having said that, I
9 know that there was...and I think I spoke to this
10 yesterday, that I believe that there was a sort of
11 preliminary, initial review of the petition to
12 identify duplicate names or names that had clearly
13 been fabricated, spaces where there are signatures
14 missing.
15 962. Q. You mentioned fabricated names. Was
16 the information from this preliminary report passed
17 on to Deloitte in any way?
18 A. I don't know. I don't believe so,
19 and by "fabricated names" I mean names that are very
20 clearly made up.
21 963. Q. But as far as you're aware...
22 A. Elvis.
23 964. Q. Mickey Mouse, I understand.
24 A. Right. There are more absurd ones
25 that are...probably shouldn't go on the record,

- 1 firm included whether...you know, the reputation,
2 resources available, experience, of the firms. So
3 that was a factor in terms of the selection.
4 969. Q. So that was a factor in terms of the
5 selection. I'm talking about factors in terms of
6 accepting the report. The report, as you mentioned
7 earlier, you didn't delegate it to Deloitte.
8 Deloitte didn't come back and report, "This is the
9 number," which you then accepted no matter what.
10 That report had to come back. Then it had
11 to be accepted by the national executive. Would you
12 agree with that?
13 A. Well, it's the national executive
14 who has sole authority to determine whether or not
15 the petition is in order.
16 970. Q. Obviously they would use some
17 criteria when using that authority. Is that
18 correct?
19 A. Yes, as set out in the bylaws.
20 971. Q. Would you be able to...would you
21 agree with me that reliability or perceived
22 reliability of the firm conducting the report is one
23 of those criteria?
24 A. I am not trying to be difficult. I
25 just don't understand. It's...you know, it's not as

1 if the national executive sat around and talked
2 about how reputable Deloitte was when they received
3 the report from Deloitte.

4 972. Q. What did they sit around and talk
5 about when they received the report from Deloitte?

6 A. Sorry, I was being a bit loose with
7 my words there, but...

8 973. Q. Well, I understand that, but what
9 we're arguing is that that report that you need to
10 exercise good faith and honesty and go through that
11 report, and that's important for my client, the
12 individual petitioner.

13 So you know, you're saying that you did an
14 analysis of the report. I'm...

15 MR. BURKE: Is it your position that
16 Deloitte's is not a reliable consulting
17 agency?

18 974. MR. MONKHOUSE: That's not...

19 MR. BURKE: Is that your position?

20 975. MR. MONKHOUSE: ...my position, no.

21 MR. BURKE: Okay, so...

22
23 BY MR. MONKHOUSE :

24 976. Q. I'm looking at what...I'm asking
25 specifically was...if reliability or perceived

1 petition did not meet the threshold as set
2 out in the bylaws.

3
4 BY MR. MONKHOUSE :

5 978. Q. And so that...when you said...if I
6 could say the preliminary report, that's...I think
7 we were referencing that earlier. It's in the
8 Hashemi affidavit at tab D. Is that correct?

9 A. I don't know that I would
10 characterize that as the final...as a preliminary
11 report. This information is what is contained
12 essentially in the full and final report. It's laid
13 out nicely with Deloitte letterhead and such, but
14 those...so these numbers that were received on...

15 979. Q. March 9th.

16 A. The information that we received on
17 March 9th was also contained in the written...full
18 written report that was received a couple of days
19 later.

20 980. Q. But this information contained in
21 the March 9th e-mail, that is what you based your
22 decision, your sole authority to accept the petition
23 on. Is that correct?

24 MR. BURKE: "To accept the petition on"?

25

1 reliability of Deloitte was a part of the process in
2 terms of accepting the report.

3 A. I think there was confidence and
4 acceptance in how thorough Deloitte had been in
5 reviewing the names and student numbers, the
6 information that was contained on the petitions,
7 that it had undertaken that process in a
8 comprehensive, logical manner, and that the
9 requirements of the bylaws had been applied and met
10 by Deloitte in reviewing that information on the
11 petitions.

12 977. Q. And that was all decided prior to
13 receiving the final Deloitte report?

14 A. Well, there was a determination that
15 based on the information that Deloitte provided...I
16 think we just went through these dates. I think it
17 was March 7th.

18 MR. BURKE: 7th through 9th.

19 THE DEPONENT: That the information that
20 had been provided by Deloitte was also
21 going to be...was also to be reflected in
22 the full and final report, that there would
23 be no changes to the full and final report
24 in terms of their findings, their ultimate
25 findings, which was ultimately that the

1 BY MR. MONKHOUSE :

2 981. Q. To find the petition is in order.

3 A. This information was used to
4 determine whether or not it was relied upon to
5 determine whether or not the petition was in order,
6 but...

7 982. Q. So this is the sole report from
8 Deloitte that was in consideration at the time the
9 decision was made?

10 A. This is the information the national
11 executive had at the time, yes.

12 983. Q. This e-mail of March 9th?

13 MR. BURKE: From Mr. Yasser?

14 THE DEPONENT: Yes, from Mr. Yasser at
15 Deloitte with the understanding that...

16 MR. CARSTEN: Mr. Youssef.

17 THE DEPONENT: Youssef, sorry, thank
18 you, with the understanding that their full
19 and final report would be delivered within
20 a couple of days, once it was laid out.

21
22 BY MR. MONKHOUSE :

23 984. Q. But just to clarify again, the
24 decision was made prior to the reception of the full
25 and final report?

1 MR. BURKE: The decision to...I'm sorry,
 2 I missed that, the decision to?
 3 985. MR. MONKHOUSE: The decision that the
 4 petition was not in order.
 5 MR. BURKE: Was made prior to the
 6 receipt of the...
 7 986. MR. MONKHOUSE: The full and final
 8 report.
 9 MR. BURKE: ...full and final report.
 10 That's the question.
 11 THE DEPONENT: With...yes, on the
 12 understanding and the assurances from
 13 Deloitte that the full and final report
 14 contained the same information.

15 BY MR. MONKHOUSE :

16 987. Q. Thank you. If I can get you to turn
 17 what is marked at the bottom as page 3. I think
 18 it's the next page here.
 19 A. I see that.
 20 988. Q. Do you see at the end of the first
 21 paragraph it indicates that Deloitte would
 22 provide...could provide assurances of the results...
 23 financial procedure between seven and 10 thousand
 24 dollars. Do you see that there?
 25

1 MR. BURKE: I think I have taken under
 2 advisement...
 3 MR. DEL GOBBO: I didn't specifically
 4 ask about the additional assurances that
 5 Deloitte suggests here. I think those are
 6 assurances that could constitute an audit,
 7 or bring it up to the level of an audit
 8 report. I didn't specifically ask
 9 questions about those assurances.
 10 MR. BURKE: I think you asked that broad
 11 question about communications, so I think
 12 it would be inclusive in that undertaking
 13 or that advisement with relation to
 14 communications.
 15 MR. DEL GOBBO: My only comment would be
 16 I don't recall from the transcript whether
 17 I asked for communications between CFS and
 18 Deloitte, or whether there were
 19 communications between CFS and...I think I
 20 might have asked for communications among
 21 the national executive about their
 22 decision-making process. So to the extent
 23 that the undertaking doesn't include
 24 communications...
 25 MR. BURKE: I'll take it under

1 A. I do, yes.
 2 989. Q. I'm paraphrasing, of course. Was
 3 there discussion about whether or not receive
 4 assurances from Deloitte and to pay that additional
 5 money, that you're aware of?
 6 A. No, from what I understand, the
 7 process that was used by Deloitte was very thorough,
 8 and included, I think it was, three manual reviews
 9 of the information, and I'm not an accountant. So I
 10 can't speak to that, but I think that the assurance
 11 is...I'm not sure what is involved in that, that
 12 hadn't already been undertaken in the original...or
 13 in the triple check that Deloitte had undertaken.
 14 990. Q. If the Canadian Federation of
 15 Students...did the Canadian Federation of
 16 Students...did yourself or anyone else at the
 17 Canadian Federation of Students, to your knowledge,
 18 request information about what an additional
 19 assurance would be?
 20 A. I can't speak to that.
 21 991. Q. I think we have all the information
 22 here, but I would ask for an undertaking to provide
 23 any e-mails between the 7th and the 9th with regard
 24 to assurances, if there were any questions about
 25 that.

1 advisement in relate to Deloitte as well. U
 2
 3 BY MR. MONKHOUSE :
 4 992. Q. I think we were in agreement earlier
 5 that reliability or perceived reliability of
 6 Deloitte was one of the factors that was used by the
 7 national executive in terms of finding...in terms of
 8 their determination that the petition was not in
 9 order.
 10 MR. BURKE: The witness gave you a broad
 11 and expansive answer in relation to that
 12 question, and if it's necessary, we'll go
 13 back and have the transcript read to us.
 14 993. MR. MONKHOUSE: I'm just circling the
 15 witness back to that.
 16 MR. BURKE: Right, and I'm telling you
 17 that the witness has answered the question.
 18 So I'm...
 19
 20 BY MR. MONKHOUSE :
 21 994. Q. And would you agree with me that
 22 reliability is based on every person that works for
 23 Deloitte?
 24 MR. BURKE: Mr. Monkhouse, I know where
 25 you're going in relation to this, I think,

1 on the basis of your questions yesterday.
 2 The witness has answered the question in
 3 terms of reliability and what factors were
 4 taken into account. So if you have a new
 5 question, let's hear that one.
 6

7 BY MR. MONKHOUSE :

8 995. Q. Did the national executive take into
 9 account when determining reliability the fact that
 10 there would be...that some of this work was going to
 11 be outsourced outside of Canada?

12 A. That was not a discussion.

13 996. Q. Were there ever any concerns about
 14 the outsourcing with regard to reliability?

15 A. I think it was understood that
 16 Deloitte had both internal procedures and standards,
 17 and is also held to external standards within the
 18 industry, and that those would be met.

19 997. Q. Do you remember specific discussions
 20 about those standards?

21 MR. BURKE: I think she said that there
 22 was no...they didn't turn their mind to
 23 that.

24 998. MR. MONKHOUSE: She said she believed
 25 that there was an understanding with regard

1 about...your witness had said that it was
 2 understood that they had certain standards.

3 MR. BURKE: Yes.

4 1001. MR. MONKHOUSE: And I was asking what
 5 the basis of that understanding was.

6 MR. BURKE: Yes, and I think that's a
 7 legitimate question after hearing the
 8 transcript.
 9

10 BY MR. MONKHOUSE :

11 1002. Q. Thank you.

12 A. Okay. That was part of the
 13 discussion in terms of third party firms that were
 14 in consideration and the criteria.

15 1003. Q. So if I understand you correctly, as
 16 part of the review of third party firms, you looked
 17 into the standards that they adhered to?

18 A. I did not, no.

19 1004. Q. It was looked into by the Canadian
 20 Federation of Students?

21 A. By the representatives it was
 22 delegated to, I can't speak to that.

23 1005. Q. We spoke earlier about a preliminary
 24 review that the Canadian Federation of Students did
 25 regarding signatures. Would you be able to tell me

1 to standards.

2 MR. BURKE: But she answered a previous
 3 question.
 4

5 BY MR. MONKHOUSE :

6 999. Q. What was the basis of your belief
 7 that there was an understanding?

8 A. Well...

9 MR. BURKE: There is a couple of
 10 questions you have got all gimmered up
 11 here. So you were asking questions
 12 about...let's read the transcript back.
 13 Let's read the transcript back versus me
 14 trying to...

15 --- REPORTER READBACK

16
 17
 18 MR. BURKE: So Madam Reporter has kindly
 19 re-read portions of the transcript, which
 20 is very helpful, and I think from that we
 21 learned that there was no discussion
 22 relating to outsourcing. Then your
 23 question was as to what standards that...is
 24 that correct, Mr. Monkhouse?

25 1000. MR. MONKHOUSE: I was asking

1 during that preliminary review how many names were
 2 struck from the list?

3 A. I cannot.

4 1006. MR. MONKHOUSE: Would I be able to get
 5 an undertaking to investigate what names
 6 were struck from the list and provide
 7 information about that and how many names
 8 were struck from the list?

9 MR. BURKE: We'll use our best efforts. U

10 BY MR. MONKHOUSE :

11 1007. Q. Following up briefly from that, I
 12 used "struck from the list"...you said there was a
 13 review. Was there a physical alteration of the
 14 petition in the review?

15 A. No.

16 1008. Q. So how was that review done then?

17 A. I should be more precise that it's
 18 my understanding that Vanessa, possibly the other
 19 two at large members of the national executive
 20 reviewed the petition, but I don't know that there
 21 was a striking of names as part of that.

22 The petition that was provided to Deloitte
 23 was unaltered and complete to the best of our
 24 knowledge with the proviso that it was realized
 25

1 afterwards that there were a few names that had been
2 omitted from that document that was provided.

3 1009. Q. So what is the purpose of that
4 preliminary review, then, by the Canadian Federation
5 of Students?

6 A. Well, there are some basic...there
7 is some sort of very basic things that can be
8 determined without a membership list, and I think I
9 have cited some of those. That also includes
10 confirming that the petition is original and it's
11 unaltered, that it doesn't contain any words or
12 images with the exception of those...sorry, I'm just
13 referring back to bylaw 1, section 6(a), that sets
14 out the criteria for the petition.

15 Then in terms of the names, reviewing it
16 to see if there are names that don't include a
17 signature or these made-up names that are
18 obviously...

19 1010. Q. But what is the purpose...I mean,
20 other than, I guess, possibly some entertainment
21 value in terms of the made-up values, what would be
22 the purpose of that review if it is going to be sent
23 off anyway?

24 A. Well, I assure you there is no
25 entertainment value. It's actually a lot of work.

1 MR. BURKE: She has given you the
2 evidence that the entirety of the petition
3 in unaltered form was forwarded to
4 Deloitte, with the proviso that there were
5 some pages that were after discovered, and
6 then those were then provided to Deloitte.

7 1014. MR. MONKHOUSE: Her second
8 question...answered what I was getting at.
9 I don't think the first one was quite
10 specific enough, but I appreciate that
11 clarification.

12 Can you give me just one second? I
13 want to check with my client, and
14 then...but then I think we'll be done.

15 THE DEPONENT: Sure.

16 MR. BURKE: With the promise of being
17 done, I will permit that.

18

19 --- DISCUSSION OFF THE RECORD

20

21 1015. MR. MONKHOUSE: So those are all my
22 questions. So thank you so much for
23 appearing, and then serving as a witness
24 and answering all of our questions.

25 MR. BURKE: I have questions in re-

1 Well, Deloitte...the third party wasn't being asked
2 to determine whether or not the petition was
3 unaltered and whether it was original, et cetera.
4 So those were just initial steps that could be taken
5 by the members of the national executive. We did
6 not have a membership list.

7 1011. Q. Would you agree with me that a
8 petition...when you're looking at it about whether
9 or not it's unaltered, that would be on a page-by-
10 page basis?

11 A. Right, yes.

12 1012. Q. Right, so one page could be
13 unaltered and another page could be altered. One
14 could have a logo on it, for instance. Is that
15 correct?

16 A. Yes.

17 1013. Q. So what you're saying is the
18 Canadian Federation of Students goes through the
19 pages and determines which pages meet the criteria
20 that you enumerated earlier, and then would send the
21 pages that they decided met that criteria to
22 Deloitte in this case?

23 A. There were no pages that the three
24 at-large members of the national executive pulled
25 because they didn't meet the criteria set out here.

1 examination.

2

3 RE-EXAMINATION BY MR. BURKE:

4

5 1016. Q. A question related to March 7th, 8th
6 and 9th. I don't think there is any controversy
7 about this, so I will lead. March 7th was a Friday?

8 A. Yes.

9 1017. Q. March 8th was a Saturday; March 9th
10 was a Sunday?

11 A. Correct.

12 1018. Q. All right, and you were asked by Mr.
13 Del Gobbo in relation to Exhibit number 5 as to the
14 role of Nila Zamani as anti-harassment advisor. Can
15 you just explain that role, please?

16 A. Certainly. That's set out. Her
17 responsibilities as anti-harassment advisor are set
18 out in, I believe, the operations policy. It's an
19 independent individual who is contracted to come to
20 a national general meeting and to liaise with
21 delegates and be available in the event there are
22 any concerns or complaints about participation in
23 the meeting, ensuring there are no instances of
24 harassment, et cetera.

25 That's not a great summary, but that

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1 individual works very independently and is part of
2 the federation's commitment to ensuring or providing
3 a safe environment in which delegates to a national
4 general meeting can engage in debate and discussion.

5 1019. MR. BURKE: Those are my questions in
6 re-examination. Thank you.

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Ksenja Thellimi

Verbatim Reporter

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