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Court File No. CV-20-00653410-00CL

ONTARIO

SUPERIOR COURT OF JUSTICE

(COMMERCIAL LIST)

B E T W E E N:

ANSON ADVISORS INC., ANSON FUNDS MANAGEMENT LP,

ANSON INVESTMENTS MASTER FUND LP AND MOEZ KASSAM

Plaintiffs/Defendants to Counterclaim

- and -

JAMES STAFFORD, ANDREW RUDENSKY, ROBERT LEE

DOXTATOR, JACOB DOXTATOR, AND JOHN DOE 1,

JOHN DOE 2, JOHN DOE 3, JOHN DOE 4,

AND OTHER PERSONS UNKNOWN

Defendants/Plaintiffs to the Counterclaim

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--- This is the Continued Examination for  
Discovery of MOEZ KASSAM, taken by Neesons - a  
Veritext Company, via Zoom virtual platform, with  
all participants attending remotely, on the 21st  
day of April, 2023.

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1 -- Upon commencing at 10:00 a.m.  
2  
3 MOEZ KASSAM; UNDER PRIOR AFFIRMATION.  
4 EXAMINATION BY MR. KIM (CONT'D):  
5 914 Q. Good morning, Mr. Kassam.  
6 Have you or Anson ever submitted  
7 a whistleblower complaint to the OSC?  
8 MR. STALEY: Sorry, about what?  
9 MR. KIM: About any companies. It is a  
10 general question.  
11 MR. STALEY: Well, I am not sure that  
12 question is relevant based on the pleadings.  
13 MR. KIM: Well, we'll get to that. Are  
14 you refusing to answer that question?  
15 R/F MR. STALEY: We are. I don't believe  
16 the question as framed is relevant.  
17 BY MR. KIM:  
18 915 Q. Okay. Have you ever submitted a  
19 whistleblower complaint to either the OSC, SEC or  
20 any other securities regulator or DOJ about Aphria?  
21 A. I don't believe we have.  
22 916 Q. Okay, you don't believe. Do you  
23 know?  
24 A. I don't believe we have, as far as  
25 I can recall.

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1 917 Q. Okay. Could you check your  
2 records to see if you have?  
3 U/A MR. STALEY: We'll take it under  
4 advisement, Won. It isn't apparent to me from the  
5 pleadings why any complaints that may or may not  
6 have been filed by Anson with the regulator about  
7 any issue are relevant. I'll let the witness  
8 answer that question, but you may have to educate  
9 me going forward as to why that is relevant based  
10 on the pleadings.  
11 BY MR. KIM:  
12 918 Q. We can come back to these  
13 questions, okay. So why don't we go through the  
14 individual tickers, and then we'll come back to  
15 these questions.  
16 Mr. Kassam, you advised us yesterday  
17 that Anson shares research with a variety of  
18 sources and firms. You specifically advised us  
19 yesterday that Anson shares research with several  
20 specific individuals, including Nate Anderson and  
21 Andrew Left; is that correct, sir?  
22 A. I believe so.  
23 919 Q. And would you have shared research  
24 or information with Nate Anderson about Aphria?  
25 A. As I mentioned yesterday, I

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1 believe historically we had chatted about Aphria.  
2 920 Q. Okay, could we go to document 550,  
3 AAI550.  
4 Madam Reporter, could you enable  
5 screensharing, please.  
6 BY MR. KIM:  
7 921 Q. So if you go to the -- you are  
8 familiar with this document?  
9 A. The Manifesto?  
10 922 Q. Yes.  
11 A. Yes, I am familiar with it.  
12 923 Q. Okay, you see this paragraph  
13 starting with:  
14 "According to sources close to  
15 Kassam's dealings, the morning the  
16 Hindenburg report came out Moez was  
17 calling all the banks, brokerages,  
18 and everyone with a serious position  
19 to tell them the stock would never  
20 open again as it was under  
21 investigation by the fraud squad and  
22 a host of other lies that he knew  
23 could cause serious damage."  
24 Is that true, sir?  
25 MR. STALEY: Sorry, is what true?

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1 BY MR. KIM:  
2 924 Q. Did you call banks and brokerages  
3 on the morning that the -- the morning when the  
4 Hindenburg report came out?  
5 A. I did not.  
6 925 Q. So you didn't call anybody else to  
7 tell them that the stock would never open again,  
8 Aphria stock?  
9 A. I did not.  
10 926 Q. Could we go to -- you are aware,  
11 sir, that Nate Anderson through Hindenburg  
12 published a short report on Aphria on or about  
13 December 3rd, 2018?  
14 A. I believe so.  
15 927 Q. And would you have shared any  
16 information with Mr. Anderson about Aphria?  
17 A. I believe, as I stated previously  
18 and in our pleadings, we were long Aphria at the  
19 time of the report, so it is not logical that we  
20 would work together on a report and I would be long  
21 the security at the time of the report.  
22 928 Q. Right, and there is no -- maybe we  
23 could put up the report. It is document 14703.  
24 Sir, you are familiar with this document?  
25 A. I am.

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1 929 Q. Right, and would you have shared  
2 any of the information in this report with  
3 Mr. Anderson or anyone at Hindenburg?  
4 A. Again, I would have to go through  
5 line by line to see what is included and what isn't  
6 included, but as I mentioned to you, we did not  
7 work together on this report. We were long the  
8 security at the time of publication.  
9 930 Q. Counsel, I would like an  
10 undertaking to ask Mr. Kassam or anyone at Anson if  
11 they knew of any information about the Hindenburg  
12 Aphria report prior to the report's publication, if  
13 they knew of any of the information in this report  
14 prior to the report's publication?  
15 R/F MR. STALEY: We won't do that, because  
16 if you look at the report, it is 69 pages that  
17 says, for example, that it is listed on the NYSE,  
18 which they would have known about. So I think you  
19 are going to have to be a bit more specific in your  
20 question, because we are not going to fact-check  
21 everything and say whether they knew it or didn't  
22 know it.  
23 BY MR. KIM:  
24 931 Q. I would like an undertaking for  
25 Mr. Kassam and anyone at Anson to produce any

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1 communication with Mr. Anderson which includes any  
2 information that made it to this report?  
3 MR. STALEY: So I think -- I believe  
4 the witness has indicated he doesn't believe there  
5 was any information shared that went into the  
6 report.  
7 MR. KIM: I accept that that is his  
8 belief. I just want you to check so that the  
9 belief becomes fact.  
10 U/A MR. STALEY: Okay, well, we'll take  
11 that under advisement.  
12 BY MR. KIM:  
13 932 Q. Thank you. Now, Mr. Kassam, the  
14 Defamatory Manifesto that we were at claims that  
15 you received inside information from management and  
16 then fed it to Nate Anderson. Are you aware of  
17 that allegation in the Defamatory Manifesto?  
18 A. You would have to show me the --  
19 933 Q. It is Part 3, sir. It is Part 3.  
20 We'll put it up.  
21 Sir, are you familiar with this  
22 document? It is Part 3 of the Manifesto?  
23 A. Yes, somewhat.  
24 934 Q. Yes, and this report says:  
25 "Anson worked alongside with

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1 Gabriel Grego and Quintessential  
2 Capital to put out the December 3rd,  
3 2018, Hindenburg short report on  
4 Aphria." [As read.]  
5 A. I see that.  
6 935 Q. Okay. Who is Mr. Grego?  
7 A. I believe he is an individual in  
8 the U.S. who does work on the short side and  
9 produces short reports.  
10 936 Q. And he is -- is he at  
11 Quintessential Capital?  
12 A. I am not sure.  
13 937 Q. Okay. Did you communicate with  
14 anyone at Quintessential Capital or Hindenburg on  
15 the December 3rd, 2018 report on Aphria?  
16 A. As previously stated, we were long  
17 Aphria. And to this report, we did not work  
18 together at all.  
19 938 Q. What was Anson's position on  
20 Aphria prior to the publication of the Hindenburg  
21 December 2018 report?  
22 A. We were long the -- we were long  
23 Aphria.  
24 939 Q. Did you have any --  
25 A. So we suffered damages. We

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1 suffered as a result of the report.  
2 940 Q. Did you have any short positions  
3 in any of your sub funds on Aphria?  
4 A. No, we have -- you know, we always  
5 have -- you know, during the cannabis craze, we  
6 were always worried about borrows on names, so we  
7 had borrows on all the securities, but we were net  
8 long Aphria at the time of publication.  
9 941 Q. Oh, I understand that, sir. You  
10 have been clear. But I am interested in what were  
11 your short positions, your hedge positions on  
12 Aphria?  
13 A. I don't know the numbers off the  
14 top of my head, but as stated, there is no sub fund  
15 that was short Aphria at all. It was all -- we  
16 were long in every fund, net long.  
17 942 Q. Net long, but what about could you  
18 give us an accounting of your short positions prior  
19 to the publication of the December 3rd, 2018  
20 report?  
21 U/A MR. STALEY: We'll take it under  
22 advisement. You understand by saying "net long"  
23 meant that they were not helped by having their  
24 overall position if the stock price went down,  
25 right?

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1 BY MR. KIM:  
 2 943 Q. Yes, I understand that,  
 3 Mr. Staley.  
 4 Now, did Anson profit off the Aphria  
 5 report -- sorry, the Hindenburg report?  
 6 A. I just stated that we lost money  
 7 off that report because we were long the security.  
 8 944 Q. I understand, but did you make any  
 9 money on your short positions?  
 10 A. No, we were long the security  
 11 overall, so if the stock goes down, we lose money.  
 12 945 Q. Okay. Mr. Staley, we would like  
 13 production of all of the records related to Anson's  
 14 positions, holdings, profits, and/or losses on  
 15 Aphria for the years 2018 and 2019?  
 16 U/A MR. STALEY: We'll take it under  
 17 advisement.  
 18 BY MR. KIM:  
 19 946 Q. Sir, are you aware that Nate  
 20 Anderson published an earlier report on Aphria on  
 21 March 21st, 2018?  
 22 A. I am aware that, now that you  
 23 mention it, there were multiple reports.  
 24 947 Q. Right. And Mr. Anderson published  
 25 a report critical of Aphria on SeekingAlpha.com

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1 called "Could Rampant Red Flags Drown Aphria's  
 2 Proposed Nuuvera Acquisition?" Are you familiar  
 3 with that?  
 4 A. You would have to show it to me.  
 5 948 Q. Okay, we'll call it up.  
 6 MR. STALEY: What production number is  
 7 this? Oh, it is 14703?  
 8 BY MR. KIM:  
 9 949 Q. Yes. Are you familiar with this  
 10 document, sir?  
 11 A. I am.  
 12 950 Q. All right. So did Anson provide  
 13 Mr. Anderson or anyone at Hindenburg with research  
 14 about Aphria prior to the publication of this  
 15 report?  
 16 A. I don't believe we had anything to  
 17 do with the issues around Nuuvera and Aphria, but I  
 18 can't be sure of what specifically was said or not.  
 19 951 Q. Can you check, please, and produce  
 20 anything you have?  
 21 U/A MR. STALEY: We'll take it under  
 22 advisement.  
 23 BY MR. KIM:  
 24 952 Q. Now, Mr. Kassam, this may be a  
 25 question for Mr. Staley. Your Schedule B shows

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1 that between March 16th and March 27th, 2018, Sunny  
 2 Puri emailed Nate Anderson about Aphria six times,  
 3 on the 16th, 19th, 22nd, 26th and 27th. Can you  
 4 tell me, Mr. Staley, what is the basis for this  
 5 privilege?  
 6 U/A MR. STALEY: We'll take it under  
 7 advisement.  
 8 BY MR. KIM:  
 9 953 Q. Okay. I want an undertaking to  
 10 produce the original emails on the basis that the  
 11 originals are not privileged.  
 12 U/A MR. STALEY: We are clearly not going  
 13 to give you that undertaking, but we will take it  
 14 under advisement.  
 15 BY MR. KIM:  
 16 954 Q. I want a further undertaking for  
 17 production of all of the invoices and records of  
 18 payment from Anderson, Anson or Mr. Kassam  
 19 personally to Nate Anderson, Hindenburg Research or  
 20 ClaritySprings Inc.?  
 21 U/A MR. STALEY: The same answer, under  
 22 advisement.  
 23 BY MR. KIM:  
 24 955 Q. Okay. I want an undertaking for  
 25 you to produce all of the communications passing

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1 between Mr. Kassam and/or Anson with Mr. Nate  
 2 Anderson and Hindenburg during the material time?  
 3 U/A MR. STALEY: We are clearly not going  
 4 to give -- we will take it under advisement, but we  
 5 are clearly not going to give you any  
 6 communications that don't relate to names that are  
 7 relevant in the proceeding.  
 8 BY MR. KIM:  
 9 956 Q. Okay. Now, we can go back to my  
 10 earlier questions then, Mr. Kassam. Have you or  
 11 Anson ever submitted a whistleblower complaint to  
 12 the OSC, SEC or any other regulator about Aphria?  
 13 MR. STALEY: He has already provided  
 14 you with an answer to that question.  
 15 BY MR. KIM:  
 16 957 Q. You did not --  
 17 A. I don't believe we have.  
 18 958 Q. You refused --  
 19 A. Correct.  
 20 959 Q. Okay.  
 21 A. We did not.  
 22 960 Q. Okay. But you have also  
 23 undertaken to check your records because, Mr.  
 24 Kassam, for purposes of today, I would like  
 25 something more concrete than your belief. I would

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1 like for you to check your records, okay.  
 2 U/A MR. STALEY: We have taken that under  
 3 advisement.  
 4 BY MR. KIM:  
 5 961 Q. Now, Mr. Kassam, does Anson have a  
 6 relationship with any of Aphria's management from  
 7 2017 to present?  
 8 A. It depends on your definition of  
 9 "relationship".  
 10 962 Q. Well, business.  
 11 A. Yeah, we would speak with  
 12 management from time to time.  
 13 963 Q. And who would that be, which  
 14 individuals?  
 15 A. Vic Neufeld who was the CEO or  
 16 President and CEO. We would speak with him. And  
 17 we would speak with Cole Cavallini, I believe his  
 18 name is, who was the head of the grow op or  
 19 operations.  
 20 964 Q. And given your long position on  
 21 Aphria and your relationships with management, did  
 22 you ever receive material non-public information?  
 23 A. As previously stated, we go out of  
 24 our way to make sure that we never trade or act on  
 25 anything material non-public, so you know --

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1 965 Q. Sir, I am not --  
 2 A. -- we were specific when talking  
 3 with management that they not give us any  
 4 information that was material non-public.  
 5 966 Q. Okay, there is two parts to that  
 6 answer. I understand that you have already -- that  
 7 you have maintained that you have never traded on  
 8 material non-public information, but due to your  
 9 relationship with the management of Aphria from  
 10 2017 to present, did you in fact -- were you ever  
 11 made aware of material non-public information?  
 12 A. I don't believe so.  
 13 967 Q. Would that not be in the normal  
 14 course, given the fact that you were a large holder  
 15 of Aphria during this period; correct?  
 16 A. We weren't a filer on Aphria. As  
 17 such, we weren't considered to be, you know,  
 18 affiliated or an insider, et cetera. We were  
 19 always -- you know, Aphria was a big company, you  
 20 know, fairly early on, and at that point we were  
 21 sort of an immaterial investor on a percentage  
 22 basis.  
 23 968 Q. What kind of volume did you have  
 24 in Aphria's stock from 2017 on?  
 25 MR. STALEY: Are you talking volume as

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1 in the amount of trading --  
 2 MR. KIM: Number of stocks.  
 3 MR. STALEY: -- or in the position?  
 4 THE WITNESS: Sorry, number of stocks?  
 5 BY MR. KIM:  
 6 969 Q. Yes, what was your position in  
 7 Aphria from 2017 on?  
 8 A. We traded in and out of it a whole  
 9 bunch of times. I wouldn't be able to tell you off  
 10 the top of my head.  
 11 [Court Reporter intervenes for  
 12 clarification.]  
 13 BY MR. KIM:  
 14 970 Q. Mr. Kassam, you are aware that the  
 15 Defamatory Manifesto claims that Anson was friendly  
 16 with Aphria management and used your relationship  
 17 to get inside information? Are you aware of that?  
 18 MR. STALEY: Do you want to show him  
 19 where it says that?  
 20 BY MR. KIM:  
 21 971 Q. Sure. It is Part 1. I believe it  
 22 is document 164.  
 23 A. I see it, yes.  
 24 972 Q. Okay, is that true? First of all,  
 25 are you a large -- were you a large holder of

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1 Aphria stock?  
 2 A. No, as I just mentioned, we  
 3 were -- you know, Aphria was a multi-billion dollar  
 4 company. We were a very small percentage of that.  
 5 973 Q. Were you friends with management?  
 6 A. I believe we were friendly, but I  
 7 wouldn't say that we were like we would go on  
 8 vacation together, but friendly for sure.  
 9 974 Q. And you had shared meals with  
 10 them?  
 11 A. On occasion, we went out for  
 12 dinner, I believe twice maybe.  
 13 975 Q. But you had access to management,  
 14 right? You could call them and they would take  
 15 your calls?  
 16 A. I believe so.  
 17 976 Q. And you could ask them questions  
 18 about the operation?  
 19 A. I would ask questions about how  
 20 business was going, yes.  
 21 977 Q. Right, and what would be -- when  
 22 you were asking about how the business was going,  
 23 would you be asking about revenues?  
 24 A. No, just about, you know, growth  
 25 and potential plans and, you know, how they were

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1 viewing things and thoughts on competitors, et  
 2 cetera, just normal course questions.  
 3 978 Q. And would that kind of information  
 4 be available to a regular shareholder, a retail  
 5 shareholder?  
 6 A. I believe so.  
 7 979 Q. So why would you need to call the  
 8 management then? Why couldn't your analysts review  
 9 company disclosures?  
 10 A. Again, it is divide and conquer  
 11 when you do work, right. Sometimes I have  
 12 access -- I am sitting with someone and I can ask  
 13 the questions, as opposed to having an analyst go  
 14 and call and call up on his own or look at a  
 15 disclosure. When you are looking at a disclosure,  
 16 it is usually past-looking. I am understanding  
 17 forward-looking, or as I mentioned, I am asking  
 18 about competitors or landscape, et cetera, and that  
 19 doesn't show up in disclosures.  
 20 980 Q. So when you talk about forward  
 21 prospects, are you talking about upcoming  
 22 contracts, sales, that kind of information?  
 23 A. No. No, it is more about how they  
 24 are viewing the industry, you know, perceptions,  
 25 what are people saying and hearing out there, you

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1 know, just general industry talk.  
 2 981 Q. So tell me what is -- did you ever  
 3 ask them about any of financial information about  
 4 the company?  
 5 A. It is a pretty broad statement.  
 6 982 Q. Did you ever --  
 7 A. I don't know what financial  
 8 information.  
 9 983 Q. Would you have asked management  
 10 about sales?  
 11 A. I can't recall.  
 12 984 Q. Did Anson ever buy put options,  
 13 puts?  
 14 MR. STALEY: On what?  
 15 BY MR. KIM:  
 16 985 Q. Pre and post the Hindenburg  
 17 report.  
 18 MR. STALEY: Sorry, I didn't -- I  
 19 missed that.  
 20 BY MR. KIM:  
 21 986 Q. Did Anson buy put options in  
 22 Aphria pre the publication of the Hindenburg  
 23 report?  
 24 A. As I previously stated, we were  
 25 not involved in that publication. We were long the

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1 stock, so it is highly unlikely that I would have  
 2 put options. It would be against the trade we had.  
 3 We were long the stock. We lost money as a result  
 4 of the publication.  
 5 987 Q. What about post publication of the  
 6 report?  
 7 A. Like post publication until today?  
 8 I don't know.  
 9 988 Q. Can you check?  
 10 MR. STALEY: It is not clear to me  
 11 based on the pleadings how that is relevant, Won.  
 12 I mean, the premise of the argument I think you are  
 13 making is that somehow Anson benefitted from the  
 14 Hindenburg report. You have been told that is not  
 15 true, so I am not sure where this is --  
 16 MR. KIM: Well, we are --  
 17 MR. STALEY: I am not sure where this  
 18 is all going given the answer you have got, but you  
 19 seem to be pressing on it pretty hard.  
 20 MR. KIM: Well, we have pleaded truth  
 21 as a defence.  
 22 R/F MR. STALEY: Yeah, but when you have  
 23 been told that he is long the stock, then the whole  
 24 premise of this line of questions falls away.  
 25 BY MR. KIM:

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1 989 Q. I have your position, Mr.  
 2 Stafford, so the answer is no, and so I am content  
 3 to move on.  
 4 Now, I would like for you to produce  
 5 all of the records of any communication you may  
 6 have had with Aphria management, and when I say  
 7 "you", it is you and other members of Anson Funds?  
 8 U/A MR. STALEY: We'll take that under  
 9 advisement.  
 10 BY MR. KIM:  
 11 990 Q. Sir, you are aware that the  
 12 Defamatory Manifesto claims that Anson leaked  
 13 inside information about Aphria management to Nate  
 14 Anderson to use in the short report?  
 15 MR. STALEY: Do you want to show us  
 16 where that is?  
 17 BY MR. KIM:  
 18 991 Q. Sure.  
 19 A. I see it.  
 20 992 Q. Sir, did you provide any  
 21 information -- first of all, before we get to  
 22 sensitive insider information, did you provide  
 23 information to Mr. Anderson or anyone at Hindenburg  
 24 about Aphria?  
 25 A. I don't know the specifics.

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1 Again, around the time of the report, you know, we  
 2 had nothing to do with or knowing about the report.  
 3 We were long the stock at the time, so it wouldn't  
 4 be us who would have been providing the  
 5 information.  
 6 993 Q. Sir, I would like an undertaking  
 7 for you to provide any financing deals or share  
 8 purchase agreements that either you or Anson  
 9 entered into with Aphria management.  
 10 MR. STALEY: Sorry? What are you  
 11 talking about, Won, share purchase agreements?  
 12 BY MR. KIM:  
 13 994 Q. Yes. Did you, for example -- Mr.  
 14 Kassam, let me take a step back. Mr. Kassam, did  
 15 you have founder stock in Aphria?  
 16 A. I don't believe we did, no. We  
 17 had -- we were -- the initial -- we did the initial  
 18 financing round for Aphria, and I believe as part  
 19 of the arrangement, the sponsor who brought the  
 20 company public shared some of his founder shares  
 21 with all the participants. So we received some of  
 22 the initial shares from the onset, but we never had  
 23 any direct founder shares from the company.  
 24 995 Q. But would that be Mr. DeFrancesco?  
 25 A. I believe so, yes.

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1 996 Q. And the founder stock, did you buy  
 2 it personally or was that Anson?  
 3 A. That was at Anson.  
 4 997 Q. And I understand it was for 15  
 5 cents?  
 6 A. I don't know the price.  
 7 998 Q. Can you check, please?  
 8 U/A MR. STALEY: We'll take it under  
 9 advisement.  
 10 BY MR. KIM:  
 11 999 Q. I understand that the founder  
 12 stock was priced at 15 cents when the stock had a  
 13 trading volume at -- that the value assigned to it,  
 14 the face value was \$2.50. Could you check?  
 15 MR. STALEY: As of when? The value as  
 16 of when?  
 17 MR. KIM: When he bought the founder  
 18 stock -- when Anson bought the founder stock priced  
 19 at 15 cents.  
 20 MR. STALEY: I am just not clear where  
 21 you are going with this, Won, as to how it is  
 22 relevant to anything. Can you help me?  
 23 MR. KIM: Well, you have my question.  
 24 R/F MR. STALEY: And you have my response.  
 25 BY MR. KIM:

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1 1000 Q. Okay. So I would like to know,  
 2 are you going to produce the -- I would like  
 3 records of Mr. Kassam and/or Anson's purchase of  
 4 founder stock from Mr. DeFrancesco. I want to know  
 5 exactly how many stocks he bought at 15 cents and  
 6 the date?  
 7 R/F MR. STALEY: It is not at all clear any  
 8 element of this is relevant given the witness's  
 9 evidence that he was long, which undermines the  
 10 entire foundation of all of these questions.  
 11 MR. KIM: I'll take that as a no.  
 12 MR. STALEY: That is fair. It is a no.  
 13 BY MR. KIM:  
 14 1001 Q. Now, Mr. Kassam, did you ever  
 15 discuss Aphria with Mr. Left at Citron Research?  
 16 A. I believe so.  
 17 1002 Q. Around this time, 2018?  
 18 A. I believe it was after the  
 19 Hindenburg publication.  
 20 1003 Q. Right. And I understand that you  
 21 paid, that Anson paid Citron for a positive Aphria  
 22 piece; is that correct, sir?  
 23 A. That is incorrect.  
 24 1004 Q. Can we look at the document 10559.  
 25 Sir, are you familiar with this document?

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1 A. I believe so.  
 2 1005 Q. Okay, this is your communication  
 3 with Mr. Robert Doxtator?  
 4 A. Correct.  
 5 1006 Q. And did you ever provide  
 6 information to Citron encouraging them to publish a  
 7 positive piece about Aphria?  
 8 A. I don't believe we encouraged him  
 9 to do anything. Andrew Left is -- he is probably  
 10 the most independent research guy out there. He  
 11 sort of does, you know, anything he wants and  
 12 doesn't really take anyone else's advice.  
 13 So I believe he saw the Hindenburg  
 14 report, saw the stock down a whole bunch, and you  
 15 know, his thesis or theory was that, you know, it  
 16 had been oversold and, you know, probably was gone  
 17 down more than it should have. And I believe he  
 18 reached out to us asking for our thoughts  
 19 associated.  
 20 1007 Q. Okay, and that is because you were  
 21 long on Aphria at this time?  
 22 A. I believe so, yes.  
 23 1008 Q. To be clear, net long?  
 24 A. Long.  
 25 1009 Q. Long, okay. So you are aware that



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1 on or about December 7th, 2018, Citron Research  
 2 published a tweet about Aphria stock?  
 3 A. Can you show the tweet?  
 4 1010 Q. Sorry, it has been -- sorry, we  
 5 are advised that it has been deleted.  
 6 Sir, you are aware that Citron Research  
 7 published a report on Aphria on December 18 called  
 8 "Everything Has Changed: The Big 5 Canadian  
 9 Cannabis Companies Have Achieved 'Platform  
 10 Status"; are you aware of that?  
 11 A. Can you pull it up?  
 12 MR. STALEY: Yes, can you show it to  
 13 us, please.  
 14 MR. KIM: Sure.  
 15 MR. STALEY: Is this a production?  
 16 MR. KIM: We are going to have to mark  
 17 it for identification because we found this using  
 18 the Wayback Machine. It has been deleted by  
 19 Citron.  
 20 MR. STALEY: So you aren't producing a  
 21 document for the first time on an examination, are  
 22 you, after all of the whining we heard about --  
 23 MR. KIM: Oh, no, we produce documents  
 24 that are not a "gotcha" document, Mr. Staley. This  
 25 is a background document. I don't think it is --

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1 even your witness would admit that there is nothing  
 2 "gotcha" about it.  
 3 MR. STALEY: Could you please provide  
 4 us with a complete copy of the document.  
 5 MR. KIM: We will.  
 6 MR. STALEY: I would like to have it in  
 7 front of me before the witness is asked any  
 8 questions about it.  
 9 MR. KIM: Sure. Now, the only  
 10 reason -- first of all, we would like to mark this  
 11 as Exhibit A.  
 12 EXHIBIT A (FOR IDENTIFICATION):  
 13 Citron Research report dated December  
 14 18, 2018, titled "Everything Has  
 15 Changed: The Big 5 Canadian Cannabis  
 16 Companies Have Achieved 'Platform  
 17 Status".  
 18 MR. STALEY: Could you send us a copy  
 19 of the document, please. Send us a copy of the  
 20 full document.  
 21 MR. KIM: Okay, what we are going to do  
 22 is we are going to -- this is my team saying this.  
 23 We are going to put it in the chat and apparently  
 24 you can check the URL. I don't even know what that  
 25 means.

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1 MR. STALEY: I don't know either,  
 2 although I think Mr. Doxtator understood that when  
 3 we examined him.  
 4 MR. KIM: Yeah, well, this is above my  
 5 pay grade here.  
 6 MR. STALEY: I won't touch that with a  
 7 10-foot pole, Won.  
 8 Okay, we have it.  
 9 BY MR. KIM:  
 10 1011 Q. Okay, I am going to ask general  
 11 questions, Mr. Kassam, and your counsel can  
 12 consider them.  
 13 Sir, did Anson provide any research or  
 14 input which ended up in this report?  
 15 A. As previously stated, I believe  
 16 Andrew had called us regarding our thoughts on  
 17 Aphria, so I believe we would have provided him  
 18 some diligence that could have ended up in the  
 19 report. But again, Andrew does and writes and  
 20 publishes all his own material.  
 21 1012 Q. And, sir, you agree with me that  
 22 as you were long on Aphria and Mr. Anderson's  
 23 report had caused a drop in price, it is in your  
 24 interests to work with other people to release  
 25 positive information on the market; would you agree

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1 with that?  
 2 A. You know, as I mentioned  
 3 previously, we work with a wide variety of sources,  
 4 and you know, we are not out there to try and  
 5 affect stock price movement. You know, our job is  
 6 if we believe a security is undervalued or  
 7 overvalued, you know, we will share our relevant  
 8 thesis or theories with anyone, you know, multiple  
 9 people within the marketplace, brokers --  
 10 1013 Q. Agreed, so I --  
 11 A. -- other research, hedge funds, et  
 12 cetera, et cetera.  
 13 1014 Q. I understand that as a general  
 14 principle, sir, but if you -- talking about Aphria,  
 15 for example, given the fact that you were long and  
 16 Mr. Anderson's report had caused a quick fall in  
 17 price, wouldn't it be in your interests to work  
 18 with people to release some known positive news out  
 19 there?  
 20 A. Again, we don't work with him in  
 21 regards to him publishing his report. You know, we  
 22 had shared diligence with him that, you know, he  
 23 eventually put out a report.  
 24 But you know, to answer or simplify  
 25 your question, is it good that a long report comes

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1 out and the stock goes up? Yes.  
 2 1015 Q. Now, I understand what you have  
 3 said about Mr. Left. He is independent?  
 4 A. I believe so.  
 5 1016 Q. So even if you called him and  
 6 said, Hey, we need something positive out there, he  
 7 would make up his own mind, right? He would do his  
 8 own analysis?  
 9 A. That's correct.  
 10 1017 Q. Did Anson ever pay Mr. Left to  
 11 write any report or publish any tweets about  
 12 Aphria?  
 13 A. We have never paid Andrew for  
 14 anything associated with Aphria.  
 15 1018 Q. Have you paid Mr. Left on any  
 16 matters, any tickers other than -- excluding  
 17 Aphria?  
 18 A. We have never paid Andrew on any  
 19 matter.  
 20 1019 Q. Is it a peer cooperation,  
 21 peer-to-peer cooperation?  
 22 A. As I mentioned, we work with a  
 23 wide variety of guys, including Andrew, sharing  
 24 research and diligence, yes.  
 25 1020 Q. Okay, so has Mr. Left or Citron

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1 ever paid Anson or you for any information that you  
 2 provided?  
 3 A. No.  
 4 1021 Q. So when you say --  
 5 A. I -- go on.  
 6 1022 Q. Sorry, I didn't want to interrupt  
 7 you.  
 8 A. No, Andrew has never paid us for  
 9 anything associated with diligence or research.  
 10 1023 Q. Okay. So when you say you worked  
 11 with Andrew Left and Citron, given the fact that  
 12 there is no money going or funds flowing either  
 13 way, what do you mean by "worked together"?  
 14 A. I said worked together as in we  
 15 work with a wide variety of sources as in we share  
 16 research and diligence.  
 17 1024 Q. Now, has Mr. Left ever tipped you  
 18 off to any of his publications or tweets before it  
 19 is public?  
 20 A. I don't understand what you mean  
 21 by "tipped off".  
 22 1025 Q. Has he ever told you, Hey, I am  
 23 going to come out with a positive or a negative  
 24 piece about a stock?  
 25 A. You know, Andrew, we work with

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1 Andrew from time to time and, you know, sharing  
 2 diligence and notes, but he doesn't call  
 3 specifically to say, Hey, I am coming out with  
 4 this. But you know, you can sort of understand,  
 5 you know, from reading the tea leaves, you know,  
 6 when someone is working on something, how far along  
 7 they are in their diligence and what they are going  
 8 to do. But generally speaking, we don't know, you  
 9 know, what he is doing and when.  
 10 1026 Q. Right. You sort of, though, do  
 11 get a flavour? You know which way the wind is  
 12 blowing, right? You know if it is going to be a  
 13 positive or a negative report on something?  
 14 A. Well, again, the contention is  
 15 that I know when it is coming. You know, so I  
 16 believe he is working -- you know, using your  
 17 example on Aphria, if he is talking about Aphria  
 18 being oversold and aka undervalued, generally  
 19 speaking, you would think, yeah, it is a positive  
 20 report, but in regards to when he actually does it  
 21 or what he writes in it or when it is coming, you  
 22 know, that is anyone's guess.  
 23 1027 Q. Now, Counsel, I would like you to  
 24 produce all of the communications that Anson or Mr.  
 25 Kassam has had with Andrew Left and Citron about

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1 Aphria?  
 2 MR. STALEY: Why is that relevant, Won?  
 3 MR. KIM: Well, there is a clear -- we  
 4 plead a defence, Rob, and there is an allegation  
 5 that the Defamatory Manifesto clearly sets out the  
 6 premise that they worked together.  
 7 MR. STALEY: So I don't know that I  
 8 agree with that, but that doesn't mean you get  
 9 every single piece of paper that passed between  
 10 them. He has already acknowledged --  
 11 BY MR. KIM:  
 12 1028 Q. About Aphria. I am not interested  
 13 in social chats. I am interested in any  
 14 communication that Anson and/or Mr. Kassam had with  
 15 Mr. Left and Citron Research about Aphria.  
 16 U/A MR. STALEY: We'll take it under  
 17 advisement.  
 18 BY MR. KIM:  
 19 1029 Q. Now, Mr. Kassam, we talked about,  
 20 just a little bit, we touched briefly yesterday on  
 21 Anson's trading strategies?  
 22 A. Yes.  
 23 1030 Q. But you are both long and short;  
 24 is that fair, sir?  
 25 A. We have strategies both on the

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1 long side and short side, yes.  
 2 1031 Q. And sometimes both at the same  
 3 time?  
 4 A. Well, you can't really have that,  
 5 right. You either are net long or -- you are net  
 6 long or you are net short.  
 7 1032 Q. I know, but that means -- when you  
 8 say you are net long or you are net short, that  
 9 means you have both short and long positions on  
 10 some stocks at the same time?  
 11 A. Yes.  
 12 1033 Q. Okay. Now, you advised us  
 13 yesterday that Anson never nakedly shorts a stock;  
 14 correct, sir?  
 15 MR. STALEY: I think, Won, there was a  
 16 lot of time spent going through that issue. You  
 17 are trying to paraphrase back as a premise to a  
 18 question something the witness didn't say, and I  
 19 think it would be much -- it would be in everyone's  
 20 interest to save a lot of time if you asked your  
 21 question and don't try to paraphrase incorrectly  
 22 something that was a discussion that took place  
 23 over about 10 or 15 minutes.  
 24 MR. KIM: No, no, it is your position  
 25 in the pleading that Anson has never nakedly

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1 shorted a stock, and Mr. Kassam has sworn an  
 2 affidavit in the Rudensky default judgment saying  
 3 he has never nakedly shorted a stock. Fair?  
 4 MR. STALEY: Again, I invite you to ask  
 5 your question in a way that doesn't make us cover  
 6 the ground from yesterday.  
 7 BY MR. KIM:  
 8 1034 Q. But you would agree with me, sir,  
 9 Anson shorts stocks all the time?  
 10 A. As previously mentioned, we have a  
 11 bunch of short strategies, so you know, we are  
 12 shorting, buying long, covering, et cetera.  
 13 1035 Q. Does Anson's decision to short a  
 14 company change depending on the cap size of that  
 15 company?  
 16 A. Sorry, the what size?  
 17 1036 Q. The cap size.  
 18 A. The market cap?  
 19 1037 Q. Yes.  
 20 A. Does it change like as in like  
 21 dynamic, like once we are in a name, if the market  
 22 cap increases or decreases?  
 23 1038 Q. Yeah, for example, do you have a  
 24 different strategy for a large cap versus a small  
 25 cap?

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1 A. I don't understand the question.  
 2 1039 Q. Okay. Do you have different  
 3 strategies for companies that are large cap  
 4 companies? Like you said, for example, this  
 5 morning that Aphria, by the time you started buying  
 6 Aphria, it was a large cap company?  
 7 A. Well, I was saying that in regards  
 8 to us not being a large percent owner of the  
 9 company, that it was a big company.  
 10 1040 Q. Okay. My question today is do you  
 11 have a different strategy for large cap companies  
 12 versus small cap companies?  
 13 A. If you are going to pin that  
 14 thing, no. I don't know where you are going with  
 15 that. I don't -- like we have strategies for  
 16 securities.  
 17 1041 Q. No, okay, so let me ask you. Do  
 18 you have different strategies for companies with  
 19 illiquid stock versus liquid stock?  
 20 A. Well, if we are in a name that is  
 21 illiquid, you know, the trading or size, you know,  
 22 we are obviously cognizant of, you know, not being  
 23 too big of that position. But you know, I wouldn't  
 24 say that is a strategy. It is just sort of a rule  
 25 of thumb.

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1 1042 Q. Okay, so maybe I am asking for  
 2 some trade craft information but, Mr. Kassam, how  
 3 do you decide on the size of an investment and your  
 4 timing of a short position? How do you decide  
 5 that?  
 6 MR. STALEY: Won, I am happy to have  
 7 you get an education in trading, but it is not at  
 8 all clear to me how these questions --  
 9 MR. KIM: Well, I am trying to learn.  
 10 MR. STALEY: Well, and you know what,  
 11 there may well be an opportunity for that, but it  
 12 is not at all apparent to me how these questions  
 13 relate to any matter at issue in the proceeding,  
 14 and I think you need to help me out there.  
 15 MR. KIM: Well, you know, Rob, the law  
 16 thing is not working out for me. I am thinking  
 17 maybe I should follow in the footsteps of some of  
 18 the short sellers. They seem to be doing a lot  
 19 better than you and me, so I am just asking and I  
 20 am just trying to educate myself.  
 21 MR. STALEY: You could probably arrange  
 22 for a private tutorial on --  
 23 MR. KIM: I can't afford it.  
 24 R/F MR. STALEY: Well, I am not sure you  
 25 can afford this because, Won, I just don't think

302	<p>1 the question is relevant to anything as it has been</p> <p>2 framed.</p> <p>3 BY MR. KIM:</p> <p>4 1043 Q. So can you tell me under what</p> <p>5 circumstances would you buy a put option instead of</p> <p>6 taking a short position?</p> <p>7 A. Why would I buy a put option</p> <p>8 instead of taking a short position?</p> <p>9 1044 Q. Yeah.</p> <p>10 A. Just in general, like why --</p> <p>11 1045 Q. Yes.</p> <p>12 A. -- if I was like taking a class,</p> <p>13 what would be the reason to do so?</p> <p>14 1046 Q. Yes.</p> <p>15 A. You know, if you wanted to</p> <p>16 minimize your risk to a particular name, if you buy</p> <p>17 a put, you are limited to the amount of money put</p> <p>18 into that put option. And if you are short a</p> <p>19 security, in theory, there is infinite risk as that</p> <p>20 stock continues to rise. So from a safety</p> <p>21 perspective, someone would, you know, argue that</p> <p>22 buying a put is better than shorting a stock.</p> <p>23 1047 Q. Okay. So if we can go to the</p> <p>24 second Defamatory Manifesto.</p> <p>25 MR. STALEY: And you are going to pull</p>	304
303	<p>1 it up for the witness?</p> <p>2 MR. KIM: Yes.</p> <p>3 MR. STALEY: Okay.</p> <p>4 BY MR. KIM:</p> <p>5 1048 Q. Sir, you are familiar with this</p> <p>6 passage?</p> <p>7 A. I am familiar with the passage in</p> <p>8 this report.</p> <p>9 1049 Q. Right. Do you know, like, is that</p> <p>10 you? Did you make that statement?</p> <p>11 A. I don't believe I did.</p> <p>12 1050 Q. So is that recording a fake?</p> <p>13 A. I believe so.</p> <p>14 1051 Q. But even putting that aside, do</p> <p>15 you agree with that statement? Do you buy, if you</p> <p>16 know stuff is going to go down, you'll buy puts; is</p> <p>17 that right?</p> <p>18 A. Generally, our strategy is to</p> <p>19 avoid puts when we are in a short.</p> <p>20 1052 Q. Okay. But what if you know like</p> <p>21 the stock is going to go down, do you buy puts?</p> <p>22 A. As previously mentioned, our</p> <p>23 strategy is the actual opposite, is to avoid put</p> <p>24 buying if we are shorting a position because,</p> <p>25 again, I told you, academically speaking, it is</p>	305
	<p>1 better to buy puts, but you know, that is an</p> <p>2 academic theory. But in the world of, you know,</p> <p>3 practice and industry focus, for us we think it is</p> <p>4 better risk/reward to be short a security than to</p> <p>5 buy puts.</p> <p>6 1053 Q. When you short a security, Mr.</p> <p>7 Kassam, is it just simply -- do you buy any other</p> <p>8 types of derivatives instruments?</p> <p>9 A. I don't understand the question.</p> <p>10 1054 Q. How do you -- tell me, how do you</p> <p>11 short stock? Is there like one way, or do you do</p> <p>12 it in multiple ways?</p> <p>13 A. Generally speaking, you are just</p> <p>14 shorting a security when you are in -- when you are</p> <p>15 dealing with North American markets, you know, you</p> <p>16 are going to a brokerage and you are placing an</p> <p>17 order, and it goes through and you are short the</p> <p>18 underlying equity or stock.</p> <p>19 1055 Q. But do you do it using</p> <p>20 derivatives?</p> <p>21 A. Derivatives meaning, you know, I</p> <p>22 told you there is options. In theory there could</p> <p>23 be swap arrangements. In theory there is sometimes</p> <p>24 CFDs, single stock futures. There is a whole wide</p> <p>25 variety of ways to trade or short securities.</p>	

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1 Well, I guess we'll have to pick the education for  
2 another day.  
3 But, Mr. Kassam, what about Europe? Do  
4 you use derivatives and exotic instruments in  
5 Europe to short stocks?  
6 A. I believe we have shorted on swap  
7 in Europe, but we don't really -- or we have used  
8 puts, but there is no other -- I don't believe we  
9 have done any other type of exotic instrument in  
10 Europe.  
11 1060 Q. Did you ever use Europe to short  
12 any of the North American stocks?  
13 A. I don't believe we have ever done  
14 that.  
15 1061 Q. Okay, so in Europe, do you operate  
16 on European stocks or Asian stocks?  
17 MR. STALEY: So, Won, I have let you go  
18 very far afield, but this seems very far afield to  
19 anything that is pleaded and relevant. So can you  
20 help me understand where you are going with this,  
21 or we are going to shut this down.  
22 MR. KIM: Sure. Rob, Mr. Kassam has  
23 advised that they use other exotic techniques in  
24 non-North American settings.  
25 MR. STALEY: Well, that is fine, but

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1 the entire line of inquiry is probably not relevant  
2 to anything, and the fact that I let him answer an  
3 irrelevant question doesn't mean that you are going  
4 to ask another ten minutes of irrelevant questions.  
5 So I think you still have to tell me  
6 what this relates to as a matter at issue in the  
7 proceeding.  
8 MR. KIM: Well, you will see. So I am  
9 going to screenshare Part 5, just to -- of the  
10 Manifesto.  
11 MR. STALEY: Sorry, Won.  
12 MR. KIM: Yes?  
13 MR. STALEY: Is this in the  
14 productions?  
15 MR. KIM: This is Part 5 of the  
16 Manifesto?  
17 MR. STALEY: Yeah, is this in the  
18 productions?  
19 MR. KIM: No.  
20 R/F MR. STALEY: Okay, so there is no way,  
21 Won, that you are going to pull up a document and  
22 ask the witness about it for the first time in his  
23 examination for discovery in this matter. That is  
24 not going to happen.  
25 So if you want to produce that document

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1 to us, we will consider what we do with it, but  
2 this is exactly the thing that people were  
3 complaining about, and it has happened now for the  
4 second time.  
5 MR. KIM: I was --  
6 MR. STALEY: You were whining -- you  
7 were the one who whined about it when it happened  
8 on Jacob Doxtator's examination. You objected  
9 first, so this is not on.  
10 MR. KIM: Rob --  
11 MR. STALEY: If you want to produce  
12 that --  
13 MR. KIM: Rob --  
14 MR. STALEY: Yes.  
15 MR. KIM: -- in your pleading, you take  
16 issue with all market fraud articles. That is  
17 in your pleadings, so I guess are you saying  
18 that --  
19 MR. STALEY: Sorry, I can't hear you.  
20 What did you just say?  
21 MR. KIM: You plead in your pleading,  
22 you take issue with all market fraud articles.  
23 MR. STALEY: Yes, but you have to  
24 produce it, Won.  
25 MR. KIM: Okay.

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1 MR. STALEY: You don't get to just pull  
2 it up at the examination --  
3 MR. KIM: I presumed you would have  
4 produced it, so I guess this Part 5 is off the  
5 table then, right?  
6 MR. STALEY: I don't believe that Part  
7 5 is pleaded specifically in --  
8 MR. KIM: I understand.  
9 MR. STALEY: -- the Statement of Claim.  
10 MR. KIM: I understand when it came. I  
11 understand when it came out.  
12 MR. STALEY: I think this is March of  
13 2023. Yeah, it is March of 2023.  
14 MR. KIM: Yes.  
15 MR. STALEY: So this is a matter that  
16 is not covered in the pleadings.  
17 MR. KIM: I understand.  
18 [Court Reporter intervenes for  
19 clarification.]  
20 [Discussion Off The Record.]  
21 -- RECESSED AT 10:55 A.M.  
22 -- RESUMED AT 11:02 A.M.  
23 BY MR. KIM:  
24 1062 Q. If we could go back to Part 5 of  
25 the Manifesto, Mr. Staley, I have been advised that

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1 your office has graciously put the document into  
 2 production, Part 5. The reference number is 14726.  
 3 MR. STALEY: Hold on.  
 4 Okay, we are good.  
 5 BY MR. KIM:  
 6 1063 Q. Okay. So I would like production  
 7 of all of the derivatives Anson has bought for any  
 8 of the companies mentioned in the Manifestos or  
 9 market fraud articles?  
 10 R/F MR. STALEY: Well, the problem, Won, is  
 11 we have not pleaded -- there is no pleading  
 12 surrounding the last Manifesto. If it has been  
 13 produced, it has been produced. And I think you  
 14 are going to have to go through names that are  
 15 relevant based on the pleadings and ask your  
 16 questions as opposed to asking one in the air like  
 17 that.  
 18 BY MR. KIM:  
 19 1064 Q. Well, you have my question then.  
 20 I am going to move on.  
 21 Mr. Staley, if we go to paragraph 55 of  
 22 the Fresh as Amended Statement of Claim.  
 23 MR. STALEY: Yes.  
 24 MR. KIM: You refer to all further  
 25 unlawful statements at paragraph 112 and you refer

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1 to further posts on MarketFrauds.to; do you see  
 2 that, sir?  
 3 MR. STALEY: I have the pleading in  
 4 front of me.  
 5 BY MR. KIM:  
 6 1065 Q. Can I get an undertaking for you  
 7 to identify all of the unlawful statements you  
 8 intend to pursue at trial?  
 9 U/T MR. STALEY: I think that is a fair  
 10 question, and we will give you that.  
 11 BY MR. KIM:  
 12 1066 Q. Thank you. Now, Mr. Kassam, can  
 13 you advise us of all of the related Anson sub  
 14 funds?  
 15 MR. STALEY: Sorry, what do you mean  
 16 related Anson funds?  
 17 BY MR. KIM:  
 18 1067 Q. Do you have any funds that you  
 19 work closely with that are -- other than the Master  
 20 Fund?  
 21 A. Does Anson have other funds, hedge  
 22 funds in its portfolio other than the Master Fund?  
 23 1068 Q. Yes.  
 24 A. Yes, we do.  
 25 1069 Q. And what are they?

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1 A. There is -- you obviously know  
 2 about Anson Investments Master Fund. There is  
 3 Anson Opportunities Master Fund. There is Anson  
 4 East Master Fund. There is Anson North Star.  
 5 There is Anson Arch Tactical REIT Fund. I believe  
 6 that is it.  
 7 1070 Q. Now, Mr. Kassam, what purposes  
 8 does sub funds play in your overall investment  
 9 strategy?  
 10 A. They are -- you know, the main  
 11 fund is the flagship fund that has the bulk of the  
 12 assets that does a lot of the trading. The others  
 13 are more specialized or nuanced depending on the  
 14 strategies that they pursue.  
 15 1071 Q. Does the Master Fund ever trade or  
 16 borrow from the sub funds?  
 17 A. Does the Master Fund ever trade or  
 18 borrow from the funds?  
 19 1072 Q. Yeah, does it trade stocks or does  
 20 it borrow stocks?  
 21 A. No.  
 22 1073 Q. Does it borrow funds from sub  
 23 funds?  
 24 A. No, no.  
 25 1074 Q. Do you ever split short positions

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1 across your funds?  
 2 MR. STALEY: Sorry, just, Won, how is  
 3 this relevant based on the pleading? I have been  
 4 sort of letting you go again a little bit, but you  
 5 have to show me how this is relevant to anything.  
 6 MR. KIM: Well, I think if you look at  
 7 the Defamatory Manifesto, there is an allegation  
 8 that Anson takes long positions in one fund and  
 9 larger short positions in another, for example,  
 10 Zenabis.  
 11 MR. STALEY: Well, you need to show me  
 12 where that is.  
 13 MR. KIM: Okay, let's take Mr. Staley  
 14 to that.  
 15 MR. STALEY: Again, I mean, I think we  
 16 have had this discussion, but I think what Mr.  
 17 Kassam has told you is they are either net long or  
 18 net short in a particular name, and whether they do  
 19 well or poorly depends on whether they are net long  
 20 or net short and then how the stock compares in  
 21 relation to their net position.  
 22 BY MR. KIM:  
 23 1075 Q. I understand. I am going to be  
 24 asking my questions, Mr. Staley.  
 25 Do you see this paragraph, sir?

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1 A. Yes.  
 2 1076 Q. It says:  
 3 "Anson Funds came to the rescue  
 4 here, dangling cash in front of  
 5 Zenabis, with some dangerous  
 6 invisible strings attached."  
 7 Do you see that?  
 8 A. I see it.  
 9 1077 Q. Was it true? Did Anson offer cash  
 10 to Zenabis?  
 11 A. We did provide the company money.  
 12 I don't know if I would call it dangling cash with  
 13 invisible strings.  
 14 1078 Q. Okay, well, it provided money to  
 15 Zenabis?  
 16 A. As mentioned previously, we  
 17 were the initial investor in the financial  
 18 instrument that, you know, was -- became Zenabis,  
 19 and we did also participate in a follow-on  
 20 financing.  
 21 1079 Q. And did Anson or any of the sub  
 22 funds short Zenabis?  
 23 A. As also mentioned, we were always  
 24 long Zenabis.  
 25 1080 Q. So was it net -- it may have been

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1 net long, but did you ever short Zenabis?  
 2 A. I don't believe we were ever  
 3 short, again, by my definition of "short". We may  
 4 have had positions underlying trading around the  
 5 convertible security which we discussed yesterday.  
 6 1081 Q. Okay. Sir, I am talking about my  
 7 definition of "short". I understand your  
 8 definition, sir. My question is much more simple  
 9 and not complex. Did Anson ever short Zenabis?  
 10 A. I don't know.  
 11 1082 Q. Can you undertake to find out?  
 12 U/A MR. STALEY: We'll take it under  
 13 advisement.  
 14 BY MR. KIM:  
 15 1083 Q. My next question is --  
 16 MR. STALEY: You appreciate, Won, that  
 17 the paragraph you have highlighted talks about  
 18 Anson having a much larger short position, and he  
 19 has clearly told you that is not true.  
 20 So I am just not sure where all this is  
 21 going, which is why I haven't agreed to answer the  
 22 question.  
 23 BY MR. KIM:  
 24 1084 Q. No, no, you have taken that under  
 25 advisement. My question is simple, Rob. Did Anson

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1 ever short Zenabis? It is a simple question. The  
 2 follow-up -- and you have taken that under  
 3 advisement.  
 4 My next question is did Anson short  
 5 Zenabis while they were long on Zenabis?  
 6 A. Are you asking me, or that is an  
 7 advisement?  
 8 1085 Q. No, I am asking you, Mr. Kassam.  
 9 A. I don't know.  
 10 1086 Q. Can you find out?  
 11 U/A MR. STALEY: We'll take it under  
 12 advisement.  
 13 BY MR. KIM:  
 14 1087 Q. My next question is can you  
 15 produce your trading records and your positions,  
 16 all of your trades involving Zenabis, whether it be  
 17 long or short?  
 18 R/F MR. STALEY: No.  
 19 MR. KIM: I didn't hear you.  
 20 MR. STALEY: I said no.  
 21 BY MR. KIM:  
 22 1088 Q. Now, do you ever split short  
 23 positions across your funds, your sub funds?  
 24 A. Again, I don't understand the  
 25 definition of "split short positions".

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1 1089 Q. Okay. Now, your sub funds, are  
 2 they all run independently of each other?  
 3 A. Again, you are calling them sub  
 4 funds but they are all independent funds.  
 5 1090 Q. But you are the Chief Investment  
 6 Officer for all of the funds?  
 7 A. I am the Chief Investment Officer  
 8 for the advisory firm that advises the funds, but  
 9 the funds have their own Portfolio Managers and  
 10 strategies.  
 11 1091 Q. Okay. But you are the overarching  
 12 Chief Investment Officer for the Advisory Firm?  
 13 A. That's correct.  
 14 1092 Q. And the Advisory Firm, is it fair  
 15 to say, coordinates strategy for all of the  
 16 Anson-branded sub funds?  
 17 MR. STALEY: Well, he has already said  
 18 they are not sub funds, so I think you need to use  
 19 a different word going forward.  
 20 BY MR. KIM:  
 21 1093 Q. Is it fair to say, sir, that as  
 22 Chief Investment Officer for the Advisory Firm, all  
 23 of the independent sub funds you would coordinate  
 24 strategies?  
 25 MR. STALEY: Sub funds again, Won. He

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1 said they are not sub funds.  
 2 BY MR. KIM:  
 3 1094 Q. Related Anson Funds.  
 4 A. I am technically the Chief  
 5 Investment Officer of the Advisory Firm, and as  
 6 such, I am, you know, privy or involved in the  
 7 strategy for each of the funds.  
 8 1095 Q. Have you ever used multiple  
 9 Anson-related funds to take opposite positions?  
 10 A. No, I don't believe we have.  
 11 1096 Q. So you always -- so, for example,  
 12 when Anson is net long or net short on a stock,  
 13 obviously do you spread the different positions  
 14 amongst different Anson-related entities?  
 15 A. When I say "net short" or "net  
 16 long", that is within the same fund. I am not  
 17 using trickery that one fund is short and one fund  
 18 that is long. That means within the same fund we  
 19 have a long position and a short position. We as a  
 20 rule don't allow for one fund to have a conflicting  
 21 direction with another fund.  
 22 1097 Q. Mr. Kassam, I am not trying  
 23 to -- like I know you are not trying to trick me,  
 24 and I am not trying to trick you. I am just  
 25 asking. Maybe it reflects my wanting to find out

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1 how everything works here.  
 2 Mr. Kassam, has Anson ever traded on  
 3 alternative trading systems?  
 4 A. I don't know what an alternative  
 5 trading system is.  
 6 1098 Q. So-called the dark pool exchanges?  
 7 A. The dark -- there is no such thing  
 8 as a dark pool exchange.  
 9 1099 Q. Okay, what about -- then am I  
 10 wrong when we talk about dark pool exchanges in  
 11 Europe? Are you aware --  
 12 MR. STALEY: How is this relevant to  
 13 anything, Won? Again, I have given you a fair bit  
 14 of latitude to allow the witness to educate you --  
 15 MR. KIM: Well, I --  
 16 MR. STALEY: -- on how trading works,  
 17 but I believe we need to have --  
 18 MR. KIM: Well, we'll get the reference  
 19 here.  
 20 MR. STALEY: Okay, that would be good.  
 21 BY MR. KIM:  
 22 1100 Q. Talking about dark pools, these  
 23 are Bruiser tweets about the -- let's look at the  
 24 document, 442. This is a tweet about Twitter  
 25 stock. Have you seen this, sir?

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1 A. I haven't seen it.  
 2 1101 Q. So do you know what Mr. Doxtator  
 3 here is talking about, "huge dark pool"?  
 4 A. I think he is talking  
 5 about -- again, the "dark pool" is a term, but it  
 6 is not an exchange, right. Now, liquidity in the  
 7 markets happens in like algorithmic trading which  
 8 includes what is called dark pools, but there is no  
 9 separate exchange for dark pools.  
 10 1102 Q. So you understand what he is  
 11 talking about then --  
 12 A. The problem is --  
 13 1103 Q. -- when he refers to it?  
 14 A. -- his tweet doesn't match -- his  
 15 tweet doesn't match the ledger because he is  
 16 talking about loading up puts. So I am saying he  
 17 is buying puts, but then his sheet here is talking  
 18 about equities. So I am a little confused.  
 19 1104 Q. So, sir, I am talking about  
 20 theoretical. Like I am just trying to educate  
 21 myself. These dark pools, they could theoretically  
 22 be used to conceal a short position because they  
 23 allow investors to trade anonymously without  
 24 reporting holdings, right, theoretically?  
 25 A. No, no, no, that is not -- dark

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1 pools is just a function of liquidity. It is not  
 2 about masking identities at all. It is just if you  
 3 wanted to buy 100,000 shares and I wanted to sell  
 4 100,000 shares, you don't want to go out in the  
 5 market and show that you want 100,000 and I don't  
 6 want to go out in the market saying I want to sell  
 7 100,000, and so the dark pool puts, you know,  
 8 people -- it matches buyers and sellers together.  
 9 There is nothing untoward about it or  
 10 anything that happens on a different exchange. It  
 11 is the same exchange, same trading, you know,  
 12 whether it be through TD Bank or anywhere else.  
 13 1105 Q. But, okay, so then the point about  
 14 dark pools is you can conceal your identity?  
 15 A. No, I just said that. It is not  
 16 about concealing identity. It is about matching  
 17 liquidity.  
 18 1106 Q. Okay, but does dark pools  
 19 potentially -- can you potentially trade  
 20 anonymously, like without identifying yourself?  
 21 A. But every trade you make doesn't  
 22 identify yourself. That is why a dark pool has  
 23 nothing to do with anonymity. It is just  
 24 liquidity.  
 25 1107 Q. But theoretically speaking, could



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1 trading houses use dark pools to hide their  
2 position, whether they are holders or not?  
3 A. No. Again, dark pools is just a  
4 function of liquidity. You can hide -- there is no  
5 mechanism, depending on what exchange you are on.  
6 This is the U.S. exchange. When you trade a U.S.  
7 security, there is no identification of who buys  
8 and who sells, unless you want to purposely put it  
9 out there.  
10 1108 Q. So then why is there a dark pool  
11 versus the open exchange?  
12 A. Again, because on a dark pool it  
13 matches -- if I want to buy 100,000 Twitter, I  
14 don't want to scare the market by posting a 100,000  
15 buy order. It will just naturally go up. And you  
16 don't want to post your 100,000 Twitter sell  
17 position because it will naturally go down. So in  
18 this dark pool, the magic happens and it matches  
19 the buyer and seller and then, boom, the trade goes  
20 out.  
21 1109 Q. Okay. Against that explanation  
22 then, has Anson ever traded in the dark pools?  
23 A. Our trades go through the dark  
24 pool every day.  
25 1110 Q. Okay, why is that, sir?

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1 A. Everybody's does. 50 percent of  
2 the trades in the world now in the U.S. exchanges  
3 are in dark pool.  
4 1111 Q. So it is a daily fact of life for  
5 Anson?  
6 A. For everybody.  
7 1112 Q. Okay. Now, can you confirm which  
8 exchanges Anson -- sorry, Madam Reporter, I'll slow  
9 down. Can you confirm which exchanges Anson has  
10 traded the various tickers mentioned in the -- I'm  
11 sorry, I am hearing a noise here.  
12 THE COURT REPORTER: Yes, there is  
13 audio interference from somewhere.  
14 MR. STALEY: We are not hearing it  
15 here.  
16 [Discussion Off The Record.]  
17 BY MR. KIM:  
18 1113 Q. So could we pull up document 562.  
19 Sir, are you familiar with this  
20 document?  
21 A. I have to see the whole document,  
22 but it looks like our marketing deck.  
23 1114 Q. Okay, and who would this document  
24 be sent to?  
25 A. Sorry?

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1 1115 Q. Who would this -- it is a  
2 marketing document. You would send it to your  
3 unitholders and potential unitholders?  
4 A. As previously mentioned, we  
5 generally wouldn't send the marketing document to  
6 an existing holder. It would go to our partners,  
7 and it would go to potential investors.  
8 1116 Q. So --  
9 MR. STALEY: Sorry, is this 562 or 652?  
10 MR. KIM: 562. Do you have it?  
11 MR. STALEY: Somehow I have got it  
12 saying 652.  
13 BY MR. KIM:  
14 1117 Q. Okay. Now, Mr. Kassam, does this  
15 document set out accurately your various trading  
16 strategies?  
17 A. I believe it gives an overview of  
18 some strategies we have, yes.  
19 1118 Q. Okay. And can you tell me --  
20 first of all, before we got to this document, I  
21 would ask, Mr. Staley, can you confirm which  
22 exchanges Anson has traded for the tickers  
23 mentioned in the unlawful statements -- sorry, in  
24 the Manifesto?  
25 MR. STALEY: No.

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1 BY MR. KIM:  
2 1119 Q. Which exchanges that Anson has  
3 traded in --  
4 MR. STALEY: No.  
5 MR. KIM: -- for Aphria, Facedrive,  
6 HEXO, ReconAfrica?  
7 MR. STALEY: How is that relevant?  
8 MR. KIM: Talking about, like Mr.  
9 Kassam says, he gave evidence that Anson trades in  
10 the dark pools every day. I just want to know  
11 which exchanges Anson conducted business on for the  
12 five tickers I just mentioned.  
13 R/F MR. STALEY: Yeah, it is not at all  
14 apparent to me how any of that is relevant to  
15 anything, so I am going to refuse the question.  
16 BY MR. KIM:  
17 1120 Q. Mr. Kassam, does Anson trade via  
18 arbitrage accounts?  
19 A. Sorry, what?  
20 1121 Q. Does Anson ever trade via  
21 arbitrage?  
22 A. We do take arbitrage positions,  
23 yes.  
24 1122 Q. Okay. Now, so when we go to the  
25 Defamatory Manifesto where it that says Anson

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1 appears long in stocks while actually shorting  
 2 it -- can we pull that up?  
 3 A. I see it.  
 4 1123 Q. So it says:  
 5 "Again, the game was to take a  
 6 visible long position in Zenabis and  
 7 a much larger [...] secret short  
 8 position."  
 9 Do you agree with that?  
 10 MR. STALEY: Hold on. He has already  
 11 told you that that is not true.  
 12 BY MR. KIM:  
 13 1124 Q. No, no, I said the allegation; do  
 14 you see that, sir?  
 15 A. I see the line.  
 16 MR. STALEY: Well, you are asking if it  
 17 is true. He has already told you that is false.  
 18 BY MR. KIM:  
 19 1125 Q. No, no, we already have the -- I  
 20 already have your position, Mr. Staley, on  
 21 production of Zenabis trading records which you  
 22 have taken under advisement.  
 23 Now, I want to know, Mr. Kassam, the  
 24 Defamatory Manifesto says you will appear long on  
 25 stock while you are actually shorting it. Is it

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1 theoretically possible to achieve that by using --  
 2 MR. STALEY: Sorry, where does it say  
 3 that?  
 4 MR. KIM: It says:  
 5 "Again, the game was to take a  
 6 visible long position in Zenabis and  
 7 a much larger [...] secret short  
 8 position."  
 9 MR. STALEY: That is about one stock,  
 10 and he has already told you that is not true.  
 11 MR. KIM: I said that is what the  
 12 Manifesto says.  
 13 MR. STALEY: That's right, and I have  
 14 said to you -- you have tried to generalize the  
 15 statement in the Manifesto. The statement in the  
 16 Manifesto refers to a specific security, and he has  
 17 already told you that is not true.  
 18 BY MR. KIM:  
 19 1126 Q. Now, Mr. Kassam, I am talking in  
 20 general. When you make a trade -- when you  
 21 arbitrage a stock, theoretically is it possible to  
 22 hide a short position theoretically?  
 23 MR. STALEY: What do you mean "hide a  
 24 short position"?  
 25 BY MR. KIM:

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1 1127 Q. When you arbitrage an account, it  
 2 means the trader does not have to mark the trade as  
 3 a short; correct?  
 4 MR. STALEY: What do you mean  
 5 "arbitrage an account"?  
 6 BY MR. KIM:  
 7 1128 Q. Mr. Kassam, what do you mean when  
 8 you say you engage in arbitrage?  
 9 A. Arbitrage is not this. But I can  
 10 give you a lesson on arbitrage now if you want.  
 11 1129 Q. Sure. Sure.  
 12 A. Okay, so arbitrage means you are  
 13 taking advantage of a discrepancy in pricing  
 14 between, you know, one company buying another  
 15 company. That is called, you know, the traditional  
 16 arbitrage, so you know, Company A is buying Company  
 17 B and you can short one and long the other, and  
 18 eventually they pair out together. That is one  
 19 form of arbitrage. That is what we are referring  
 20 to in the marketing presentation.  
 21 The second form of arbitrage is capital  
 22 structure arbitrage which is you take a long  
 23 position if you have a convertible position, so you  
 24 have a bond that converts into stock, like that was  
 25 in Zenabis, and you have a short position against

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1 it.  
 2 But if your short position was ever  
 3 bigger than your long position, that is not  
 4 arbitrage.  
 5 1130 Q. Okay, but when you say -- would it  
 6 be fair to say when you say you are net long, that  
 7 is a form of an arbitrage?  
 8 A. That would be capital structure  
 9 arbitrage, assuming you have a convertible long  
 10 position and an underlying short position.  
 11 1131 Q. So --  
 12 A. But again, a little more on the  
 13 lesson front, you said about marking -- every time  
 14 you short a security, you have to mark it as a  
 15 short, even if you are long or -- any time you  
 16 short, it is marked as a short. There is no way of  
 17 hiding the short.  
 18 1132 Q. But when you comment, for example,  
 19 do you always claim you are net long or do you say  
 20 you are long?  
 21 A. When are you referring to?  
 22 1133 Q. So for example, let's go to  
 23 Zenabis. You were net long?  
 24 A. To me net long and long is the  
 25 same thing.

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1 1134 Q. Okay, to you, but technically when  
2 you are net long, that means you can hide a short  
3 position, right?  
4 A. Hide from whom?  
5 1135 Q. No, I mean, like when you are net  
6 long, implicitly you are short on some of the  
7 stock; you have a short position?  
8 A. If I say I'm net long, generally  
9 that means there is multiple derivatives or  
10 securities or, you know, strategies within that one  
11 position. But overall, you know, if you are net  
12 long something, you make more money as it goes up,  
13 and if you are net short something, you lose money  
14 if it goes up.  
15 1136 Q. Okay.  
16 A. But there is no hiding. I don't  
17 know what you infer by hiding.  
18 1137 Q. No, I am not trying to infer  
19 anything. I am just asking like a theoretical  
20 question here. Now, can you tell me, were  
21 you -- did you have -- on Aphria, you were net long  
22 on Aphria?  
23 A. I believe so, yes.  
24 1138 Q. What about Facedrive?  
25 A. We were never long Facedrive.

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1 1139 Q. You were always short?  
2 A. Are you asking about net  
3 positions? Because we never had a convertible  
4 security in Facedrive.  
5 1140 Q. So you were just short on  
6 Facedrive?  
7 A. At what period are you referring  
8 to?  
9 1141 Q. Okay, we'll get to Facedrive.  
10 What about HEXO?  
11 A. What is the question?  
12 1142 Q. Were you net long or were you net  
13 short?  
14 MR. STALEY: Won, I want to be careful  
15 for the witness's sake here that if their position  
16 changed over time, the answer has to fairly reflect  
17 that.  
18 So for all of these, he needs -- the  
19 witness needs to at least understand what period  
20 you are talking about, and if it is the entire  
21 time, that is a separate question.  
22 BY MR. KIM:  
23 1143 Q. Well, from 2018 then, Mr. Staley,  
24 I would like for the five tickers production of  
25 Anson's positions on Aphria, Zenabis, ReconAfrica,

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1 HEXO and Facedrive?  
2 R/F MR. STALEY: You'll have to show me how  
3 that is relevant. I don't believe it is based on  
4 the pleadings, to produce all of that.  
5 BY MR. KIM:  
6 1144 Q. Now, Mr. Kassam, who is the prime  
7 broker for Anson Master Fund?  
8 A. We have several prime brokers.  
9 1145 Q. Who are they?  
10 A. Are you asking current, right now?  
11 1146 Q. From 2018.  
12 A. Like at 2018 until today, or  
13 who --  
14 1147 Q. Yes.  
15 A. -- was our prime broker in 2018  
16 only?  
17 1148 Q. 2018 to today.  
18 A. Again, we dynamically shift prime  
19 brokers, so I don't know if you want to know every  
20 prime broker we have had, or are you saying who  
21 were our prime brokers then and who are our prime  
22 brokers now?  
23 1149 Q. Sure, let's go from 2018. Who was  
24 your prime broker in --  
25 MR. STALEY: What is the relevance of

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1 the question, Won? Because I am concerned if it is  
2 going right up until today, you are going farther  
3 afield than you should. Why is this relevant to  
4 anything?  
5 MR. KIM: Well, because there is an  
6 allegation in the Manifesto that Anson has nakedly  
7 shorted stock such as Facedrive.  
8 R/F MR. STALEY: Okay, but he answered  
9 questions about that yesterday, so that establishes  
10 to me that this question isn't relevant.  
11 BY MR. KIM:  
12 1150 Q. Rob, my question is relevant.  
13 I'll take that as a refusal.  
14 Can you tell me, Mr. Kassam, who was  
15 your -- do you deal with one prime broker relating  
16 to a particular stock, or do you have multiple  
17 prime brokers?  
18 A. We have multiple prime brokers.  
19 1151 Q. For each stock that -- and what is  
20 the role of a prime broker?  
21 A. A role of a prime broker is where  
22 you custody your assets within a fund. They are  
23 also responsible for, you know, delivery and  
24 settlement of your trades. They are, you know,  
25 responsible for issuing you your NAV statements

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1 that go to your administrator. They are also  
 2 sometimes involved with sourcing borrow. They are  
 3 also involved with capital market introduction, so  
 4 introducing you around. They are also involved in  
 5 facilitating research with their underlying bank or  
 6 brokerage division. I believe that is pretty much  
 7 it of the role of the prime broker.  
 8 1152 Q. So you would agree with me a prime  
 9 broker is very important to your business?  
 10 A. I believe so, yes.  
 11 1153 Q. They are a partner?  
 12 A. They are a partner.  
 13 1154 Q. And do prime brokers lend you  
 14 stock? Do they let you borrow?  
 15 A. Prime brokers, you know, have, you  
 16 know, affiliates. Like usually the prime broker  
 17 has a division that does, you know, there is a  
 18 derivatives group; there is a securities lending  
 19 group; there is, you know, a futures group, a  
 20 commodity group, et cetera.  
 21 1155 Q. And the prime broker can also tap  
 22 its own network to provide you with stock if you  
 23 require it; correct?  
 24 A. Stock if you are required to  
 25 short, you mean?

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1 1156 Q. Yes.  
 2 A. They can help facilitate borrow,  
 3 yes.  
 4 1157 Q. Okay. Has Anson ever entered into  
 5 a trade without reasonable certainty that it could  
 6 settle the trade?  
 7 A. As previously mentioned, we are  
 8 bound by the SEC rules and OSC rules and we have  
 9 always made our best attempts to adhere to those  
 10 rules, and I don't believe we have stepped out of  
 11 bounds in regards to our short positions.  
 12 R/F MR. STALEY: And, Won, this was covered  
 13 yesterday. I didn't object, although I guess I  
 14 should have, but we are not going to cover the same  
 15 ground that we covered ad nauseam yesterday.  
 16 MR. KIM: We didn't talk about prime  
 17 brokers yesterday.  
 18 MR. STALEY: No, but that wasn't the  
 19 question that he just answered. It had nothing to  
 20 do with prime brokers.  
 21 MR. KIM: I know, the fact that your  
 22 client does not answer my question of today does  
 23 not change my position. I am asking questions  
 24 about prime brokers now. It is Mr. Kassam --  
 25 MR. STALEY: But the question you just

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1 asked was not about prime brokers which is why it  
 2 was more problematic, but it is not clear how any  
 3 of these prime broker questions are relevant to  
 4 anything.  
 5 BY MR. KIM:  
 6 1158 Q. Well, we can go back to the  
 7 Manifesto and the Fresh as Amended Statement of  
 8 Claim.  
 9 Mr. Kassam, has Anson ever made a sale  
 10 or a trade knowing that the security cannot or  
 11 there is not enough float out there?  
 12 A. I don't understand the question.  
 13 1159 Q. Has Anson ever made a trade  
 14 without having certainty that there was liquidity  
 15 to cover the position?  
 16 A. You are not making technical sense  
 17 for like trading-wise, strategy-wise. I don't  
 18 understand the question.  
 19 1160 Q. The question is exactly that. Has  
 20 Anson ever made a trade without having adequate  
 21 backups with the --  
 22 MR. STALEY: What do you mean "adequate  
 23 backups"?  
 24 BY MR. KIM:  
 25 1161 Q. Without having your prime broker,

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1 or without assurances that they could be covered,  
 2 the short position could be covered?  
 3 A. I don't know what you mean by  
 4 "covered". Like I am going to cover the security?  
 5 1162 Q. Yes. My question stands as  
 6 drafted, as asked.  
 7 R/F MR. STALEY: Well, it is  
 8 unintelligible, so we are not going to answer it.  
 9 BY MR. KIM:  
 10 1163 Q. Okay. So from 2018, have you ever  
 11 lost or has a prime broker of yours ever terminated  
 12 a relationship with you?  
 13 A. Like have we ever -- have we -- do  
 14 we have any relationships today that don't exist  
 15 from 2018?  
 16 1164 Q. Yes.  
 17 A. From a prime broker perspective?  
 18 1165 Q. Yes.  
 19 A. I am sure we have turned over  
 20 numerous prime brokers. We always, you know, high  
 21 grade because we don't want to have too many, so  
 22 every year or two we sort of go through our list  
 23 and either add and drop a few a year, or every  
 24 couple of years. So I am sure there has been some  
 25 turnover from 2018 to today.

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1 1166 Q. Was Canaccord a prime broker that  
2 Anson used?  
3 A. Canaccord was not a prime broker,  
4 no.  
5 1167 Q. They were never a prime broker?  
6 A. I don't believe so, no.  
7 1168 Q. From 2018, has any prime broker  
8 terminated a relationship with Anson claiming any  
9 controversy as a result of either the publication  
10 of the Manifesto or the publication of the news  
11 that Anson was under investigation by the SEC?  
12 Have you lost any relationship because of either  
13 event?  
14 A. Specifically have we lost a  
15 relationship as a result of the Manifesto and/or  
16 the SEC inquiry?  
17 1169 Q. Yes.  
18 A. Is that what your question is?  
19 1170 Q. Yes.  
20 A. Have we lost a prime broker?  
21 Again, you are talking about prime broker, or you  
22 are talking about relationships?  
23 1171 Q. Both.  
24 A. I don't believe as a direct, that  
25 someone said directly as a result of, you know, an

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1 investigation or the Manifesto have we lost a prime  
2 broker relationship, no.  
3 1172 Q. What about the SEC investigation?  
4 A. I don't believe we have lost a  
5 prime broker as a result of the SEC inquiry.  
6 1173 Q. Have you lost any relationship  
7 with other investment houses or banks that do  
8 clearing because of either the publication of the  
9 various parts of the Manifesto or the news of the  
10 SEC investigation?  
11 A. As I previously mentioned, we had  
12 a few relationships go on pause as a result of the  
13 Manifesto, and those relationships were turned back  
14 on, but none of them were permanently impaired as a  
15 result of the Manifesto.  
16 The same in regards to the SEC inquiry.  
17 We had conversations with numerous counterparties,  
18 but none of them have left as a result of the SEC  
19 inquiry.  
20 1174 Q. So when you say relationships were  
21 interrupted, who were they?  
22 A. I believe after the Manifesto, we  
23 had pauses in relationships with Canaccord. As we  
24 mentioned yesterday, we also had a relationship  
25 pause with Eight Capital, and we also had a

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1 relationship pause with Echelon Capital.  
2 1175 Q. Is it your information today that  
3 those relationships have been restored?  
4 A. I believe so, yes.  
5 1176 Q. Do you have any correspondence?  
6 Did any of the three entities write letters to you  
7 or emails or any written form of communication  
8 announcing the pause in the relationship?  
9 U/A MR. STALEY: We are going to take that  
10 under advisement.  
11 BY MR. KIM:  
12 1177 Q. Can we go to the IIROC Notice  
13 22-0130.  
14 We need to mark this as an exhibit.  
15 MR. STALEY: Has it been produced?  
16 MR. KIM: No, it is a public document,  
17 Rob.  
18 MR. STALEY: It doesn't matter, Won.  
19 We are not doing this.  
20 MR. KIM: Are you --  
21 R/F MR. STALEY: We are not doing this. We  
22 made a point of producing, including public  
23 documents that we intended to refer to or may refer  
24 to in examination. There is no chance that you are  
25 going to be pulling up a document now for the first

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1 time that the witness has not reviewed and ask him  
2 questions about it if it is not part of your  
3 production or part of a production. This is not  
4 going to happen.  
5 BY MR. KIM:  
6 1178 Q. Okay, let me ask you a general  
7 question, Mr. Kassam. Have the regulators in  
8 Ontario provided new guidance on short selling in  
9 the past 12 months?  
10 A. I believe so.  
11 1179 Q. And what are they, generally?  
12 A. I believe they are specific -- you  
13 are talking about the OSC rules, like IIROC OSC  
14 rule?  
15 1180 Q. Yes.  
16 A. I believe they have now determined  
17 that as of I believe late summer of last year that  
18 you need now to affirmatively have a borrow in your  
19 hands prior to taking a short position.  
20 1181 Q. Now, prior to that, what was the  
21 practice in the industry?  
22 A. It is my understanding the  
23 practice was the onus or responsibility was on the  
24 underlying brokerage or lending brokerage or  
25 trading house to facilitate and determine that

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1 enough borrow was available for any trades that  
 2 took place there.  
 3 1182 Q. Okay, so prior to August of 2022  
 4 then, was the obligation on Anson or your prime  
 5 broker to make sure that there was reasonable  
 6 borrow to settle all of the trades?  
 7 A. I believe the responsibility prior  
 8 to this publication was on the underlying brokerage  
 9 to determine if they were willing to take and  
 10 facilitate the trade.  
 11 1183 Q. So that would be you or your prime  
 12 broker?  
 13 A. That would be the broker.  
 14 1184 Q. And who is that?  
 15 A. Whoever you are using to put on  
 16 the trade.  
 17 1185 Q. Okay, but it wouldn't be Anson?  
 18 It wouldn't be an obligation on Anson?  
 19 A. I don't believe so.  
 20 1186 Q. So technically, the person, the  
 21 entity that would facilitate the technical naked  
 22 shorting would be the brokerage, not Anson?  
 23 MR. STALEY: Hold on. I mean, what do  
 24 you mean by "facilitate the technical naked  
 25 shorting"? That is --

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1 MR. KIM: The obligation --  
 2 MR. STALEY: Well, that is a loaded  
 3 question, because the premise of the question  
 4 is not --  
 5 MR. KIM: Well, according to --  
 6 MR. STALEY: Hold on. Stop, stop,  
 7 stop. The premise of the question is not one that  
 8 anyone is going to agree to. You are going to have  
 9 to ask a question that doesn't talk about a naked  
 10 short in answering the question -- in asking the  
 11 question. He has already told you they don't do  
 12 naked shorts.  
 13 MR. KIM: Well, I understand that is  
 14 his -- Mr. Kassam has been consistent in his  
 15 evidence. I am just asking --  
 16 R/F MR. STALEY: So I am not going to let  
 17 him answer a question that has that as a premise.  
 18 BY MR. KIM:  
 19 1187 Q. Mr. Kassam, prior to August '22,  
 20 where was the onus to make sure that there  
 21 were -- where was the onus placed on whether, with  
 22 an entity, a broker could settle a trade when  
 23 shorting? Would it be --  
 24 MR. STALEY: Sorry, he has already told  
 25 you. He has already told you that. He said it was

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1 on --  
 2 MR. KIM: It would be on the brokers.  
 3 MR. STALEY: He has already told you  
 4 that.  
 5 BY MR. KIM:  
 6 1188 Q. So prior to August 2022, Mr.  
 7 Kassam, it was within the broker's -- it was the  
 8 broker's obligation. Would individual brokers use  
 9 discretion to allow a firm such as Anson to short a  
 10 stock when it didn't possess the -- like you  
 11 would -- technically speaking, you would borrow  
 12 stock from your brokers when you short it, right,  
 13 if you didn't have it within your possession?  
 14 MR. STALEY: That is a compound  
 15 question where the premise is not one that we would  
 16 agree with, so you'll need to rephrase it in a way  
 17 that is intelligible.  
 18 BY MR. KIM:  
 19 1189 Q. Prior to the change in the IIROC  
 20 guidance, Mr. Kassam, did Anson borrow stock from  
 21 the various brokers when it shorted?  
 22 A. Sorry, I am not understanding the  
 23 question.  
 24 1190 Q. Prior to August 2022, did Anson  
 25 only short stocks that it had -- did you ever have

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1 to borrow stocks from your brokers to conduct a  
 2 short position, to obtain a short position?  
 3 A. I am not -- again, it is not  
 4 really clear what you are asking. Do I  
 5 have -- have I ever borrowed a security before?  
 6 1191 Q. Yes.  
 7 A. Yes, I have borrowed a security  
 8 before.  
 9 1192 Q. And you would borrow securities  
 10 from your brokers to engage in shorting?  
 11 A. That is generally what you are  
 12 borrowing for, yes.  
 13 1193 Q. And it would be on the -- it would  
 14 be -- the onus would be on your brokers to make  
 15 sure that they had reasonable certainty that they  
 16 could settle a trade when there was a short  
 17 transaction?  
 18 A. The onus would be on the  
 19 underlying brokerage to settle that transaction,  
 20 correct.  
 21 1194 Q. Okay. Now, does that mean there  
 22 is -- so you would borrow stock from various  
 23 brokerages when you conducted a trade if you did  
 24 not have adequate stock within your holdings;  
 25 correct?

346	<p>1 A. Sorry, what?</p> <p>2 1195 Q. You would have to borrow stock</p> <p>3 from -- you would have to obtain the cooperation of</p> <p>4 various brokerages; for example, if you shorted a</p> <p>5 stock and you did not have enough positions to</p> <p>6 cover, you would have to borrow from a broker?</p> <p>7 A. Generally speaking, when you are</p> <p>8 trading a name, when you are borrowing a security,</p> <p>9 you ask the broker for, you know, shares to borrow,</p> <p>10 correct.</p> <p>11 1196 Q. Okay, and how does -- tell me, can</p> <p>12 you walk me through the mechanics? What is</p> <p>13 required? Is it based on relationship trust, or</p> <p>14 are there documents?</p> <p>15 A. I don't understand. What do you</p> <p>16 mean "relationship trust" or "documents"?</p> <p>17 1197 Q. How do you borrow a stock from</p> <p>18 your broker?</p> <p>19 A. You ask the broker for the</p> <p>20 relevant security and the amount of shares you</p> <p>21 want.</p> <p>22 1198 Q. Okay. And what is the</p> <p>23 corresponding document? Is it done through -- is</p> <p>24 it done orally? Is it done through a written</p> <p>25 request? How do you --</p>	348
347	<p>1 A. It really depends on the broker.</p> <p>2 Some of them have, you know, automated systems</p> <p>3 where you input the symbol and the amount you want</p> <p>4 and it auto-populates "approved". Sometimes you</p> <p>5 are asking the broker over the phone. Sometimes</p> <p>6 you are asking the broker over Bloomberg chat.</p> <p>7 Sometimes you are asking over email. It really</p> <p>8 depends on the situation and what firm you are</p> <p>9 using.</p> <p>10 1199 Q. Okay. You have used Canaccord?</p> <p>11 A. Sorry?</p> <p>12 1200 Q. Since 2018, you have used</p> <p>13 Canaccord?</p> <p>14 A. I used Canaccord to do what?</p> <p>15 1201 Q. To facilitate a short position, a</p> <p>16 borrow?</p> <p>17 A. I believe at times we have used</p> <p>18 Canaccord to trade and facilitate borrow, yes.</p> <p>19 1202 Q. What about CIBC?</p> <p>20 A. No.</p> <p>21 1203 Q. What about TD?</p> <p>22 A. Yes.</p> <p>23 1204 Q. What about RBC?</p> <p>24 A. No.</p> <p>25 1205 Q. What about Bank of Nova Scotia?</p>	349

350	<p>1 Canaccord -- they had no restrictions on you being                  2 long?                  3 A. I don't believe so, no.                  4 1218 Q. Now, have you ever shorted a                  5 company whose stock would be considered hard to                  6 borrow or illiquid?                  7 A. And/or, or are they two separate                  8 questions?                  9 1219 Q. Or. Separate questions.                  10 A. Yes.                  11 1220 Q. Okay, would Facedrive be one of                  12 them?                  13 A. I believe at times when we                  14 were -- at times when we were trading Facedrive, at                  15 times it was a hard-to-borrow security, yes.                  16 1221 Q. Okay, and did you in fact borrow                  17 securities on Facedrive?                  18 A. I believe so.                  19 1222 Q. Who did you borrow from?                  20 A. I can't recall.                  21 1223 Q. Can you find out?                  22 U/A MR. STALEY: We'll take it under                  23 advisement. It is not clear why who they borrowed                  24 from is relevant.                  25 BY MR. KIM:</p>	352
351	<p>1 1224 Q. Well, let me put it this way.                  2 Sir, what does it mean when a stock is illiquid?                  3 A. When a stock is illiquid means                  4 there generally is not a lot of volume underlying                  5 on a day-to-day basis.                  6 1225 Q. So is it risky for you to short a                  7 stock that is illiquid?                  8 A. Generally speaking, when liquidity                  9 is less, it is -- it generally means that the stock                  10 will be more volatile both up and down.                  11 1226 Q. And when it comes time to settle,                  12 whose obligation is it to find adequate stock, you                  13 or your broker?                  14 A. Sorry, you were talking about                  15 liquidity, and then now you jumped back to                  16 securities lending.                  17 1227 Q. Yeah, I am just talking about                  18 when -- talking about an illiquid stock, when it                  19 comes to settle the trade, whose obligation is it                  20 to come up with the stock, you or your broker?                  21 A. Again, this is -- my problem with                  22 the question is liquidity and settling the trades                  23 have nothing to do with one another.                  24 1228 Q. Okay, I am just talking about                  25 settling of the trade.</p>	353



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1 settle your accounts?  
 2 A. No, I don't believe we, you know,  
 3 were short on money to cover our funds.  
 4 1239 Q. Okay. So did you ever meet with  
 5 any of your prime brokers to discuss raising  
 6 capital to hold on to your short positions as at  
 7 the fall of 2018?  
 8 A. Asking the brokers to lend me  
 9 capital? No.  
 10 1240 Q. To hold off a capital call?  
 11 A. To hold off -- no, there is no  
 12 time where I have asked the broker to hold off a  
 13 capital call. If they have a capital call, they  
 14 have a capital call.  
 15 1241 Q. Was TD a prime broker you were  
 16 working with in the fall of 2018?  
 17 A. TD was a prime broker of ours and  
 18 continues to be a prime broker of ours.  
 19 1242 Q. Okay. As at the fall of 2018, did  
 20 you receive any correspondence from TD advising  
 21 that they would be pulling your lines?  
 22 A. No.  
 23 1243 Q. Did you receive any correspondence  
 24 from TD during the fall of 2018 to say you have to  
 25 inject fresh capital into your -- to backstop your

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1 positions?  
 2 A. I don't believe so.  
 3 1244 Q. You don't believe so. Do you  
 4 know?  
 5 A. It is ambiguous what you are  
 6 saying. So we have correspondence with all our  
 7 prime brokers all the time, but them asking me to  
 8 deposit money to cover, to backfill, whatever you  
 9 said, that is a no.  
 10 1245 Q. Let me ask a more general  
 11 question. Did you receive any -- were you -- did  
 12 TD express any concerns as at the fall of 2018  
 13 about your position with the bank, about you - and  
 14 when I say "you", you and/or the Anson entities -  
 15 with the bank?  
 16 A. As mentioned, we have  
 17 correspondence all the time regarding the  
 18 strategies and positions we have and how much  
 19 positions and concentration continuously with our  
 20 banks. So I am sure in 2018 and I am sure, you  
 21 know, in the last month we have had discussions  
 22 like that.  
 23 1246 Q. Okay. I would like you to produce  
 24 any correspondence you received from TD from 2018  
 25 to today.

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1 R/F MR. STALEY: No.  
 2 MR. KIM: I can't hear you.  
 3 MR. STALEY: No. It is not relevant.  
 4 MR. KIM: It is not relevant? Isn't it  
 5 part of the Defamatory Manifesto which you say is  
 6 wrong?  
 7 MR. STALEY: The Defamatory Manifesto  
 8 refers to a particular period of time and very  
 9 particular allegations the witness has said are not  
 10 true. You have just asked for everything over a  
 11 period of time that covers five years, which I  
 12 would --  
 13 MR. KIM: Well, let me ask you --  
 14 MR. STALEY: I would get fired if I  
 15 agreed to do that, which I don't want to do.  
 16 BY MR. KIM:  
 17 1247 Q. I am trying my best to get you  
 18 fired. But let me ask you, Mr. Kassam, could you  
 19 produce any correspondence you received from the  
 20 summer to the end 2018 from TD, please? I will  
 21 reduce my request.  
 22 R/F MR. STALEY: No. He has already told  
 23 you that there is nothing out there that  
 24 corresponds to the request that you are making.  
 25 BY MR. KIM:

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1 1248 Q. So when you say you talk to your  
 2 brokers all the time, has your broker ever brought  
 3 you in to talk about any particular short position  
 4 in the past since 2018?  
 5 A. I don't believe any broker has  
 6 brought me in to discuss short positions since  
 7 2018.  
 8 1249 Q. What about have they brought you  
 9 in to talk about liquidity concerns since 2018?  
 10 A. I don't believe so, no.  
 11 1250 Q. Now, would you agree with -- the  
 12 Defamatory Manifesto claims that you get favours  
 13 from banks and brokerages to avoid getting margin  
 14 calls. Do you agree with that?  
 15 A. I don't.  
 16 1251 Q. Okay. You don't get favours  
 17 from -- you have a relationship, though, with banks  
 18 and brokerage houses?  
 19 A. I have a working relationship with  
 20 banks and brokerages, yes.  
 21 1252 Q. Okay. Now, Anson took a position  
 22 on Tilray?  
 23 A. I believe so.  
 24 1253 Q. You were short on Tilray?  
 25 A. We have been short Tilray on and

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1 off since awhile, yes.  
 2 1254 Q. Did you ever get a margin call on  
 3 Tilray?  
 4 A. I believe at one point we had -- I  
 5 don't know if you would say by definition a margin  
 6 call, but we were made aware that, from a liquidity  
 7 perspective, we had a certain concentration that  
 8 made the underlying bank, you know, have pause and  
 9 they said we should take steps to, you know, reduce  
 10 that concentration.  
 11 1255 Q. Which bank was that?  
 12 A. I believe it was TD.  
 13 1256 Q. Can you produce the documents that  
 14 you received from TD with regard to your position  
 15 on Tilray?  
 16 U/A MR. STALEY: We'll take that under  
 17 advisement.  
 18 BY MR. KIM:  
 19 1257 Q. Now, could we look at document  
 20 10179. So you are familiar with this portion of  
 21 the Manifesto, Mr. Kassam?  
 22 A. I am.  
 23 1258 Q. It says that the allegation is  
 24 that Anson got RECO shares through a bought-deal  
 25 financing to get more borrow through brokers. Is

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1 that accurate or is that false?  
 2 A. Sorry, can you repeat the  
 3 question? Did we get a borrow through -- did we  
 4 get a fill through MMCap?  
 5 1259 Q. No, did Anson get RECO shares  
 6 through a bought-deal financing?  
 7 A. I don't know.  
 8 1260 Q. Can you check?  
 9 A. Sure.  
 10 U/T MR. STALEY: Yes.  
 11 BY MR. KIM:  
 12 1261 Q. And did you short -- so you  
 13 shorted ReconAfrica stock; correct?  
 14 A. At what period?  
 15 1262 Q. Say around 2021, the spring of  
 16 2021.  
 17 A. I believe we had a short position  
 18 at times during the spring of 2021.  
 19 1263 Q. Okay. And you worked with MMCap?  
 20 A. No.  
 21 1264 Q. No? Who did you work with?  
 22 A. I don't believe we -- in regards  
 23 to ReconAfrica?  
 24 1265 Q. Yes.  
 25 A. I don't believe we worked with any

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1 hedge fund on ReconAfrica.  
 2 1266 Q. So you never -- who is MMCap? Do  
 3 you know who they are?  
 4 A. MMCap is a hedge fund with offices  
 5 in Vancouver and Toronto.  
 6 1267 Q. Did you ever work with them on any  
 7 short sells, short transactions?  
 8 A. I don't believe we have ever  
 9 worked together on a short transaction, no.  
 10 1268 Q. Now, where did you get your stock  
 11 for ReconAfrica?  
 12 A. Get my stock? What do you mean?  
 13 1269 Q. Where did you get your borrow?  
 14 A. I believe wherever we have settled  
 15 our trades.  
 16 1270 Q. And where was that?  
 17 A. I can't recall off the top of my  
 18 head.  
 19 1271 Q. Counsel, I would like an  
 20 undertaking to produce where Anson got their  
 21 borrow?  
 22 U/A MR. STALEY: We'll take it under  
 23 advisement.  
 24 BY MR. KIM:  
 25 1272 Q. Mr. Kassam, what is Anson's

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1 standard margin requirement?  
 2 A. I don't understand the question.  
 3 1273 Q. What collateral does Anson have to  
 4 post to cover your margin calls, margin accounts?  
 5 A. Generally speaking, it is a mix of  
 6 stock and cash and securities.  
 7 1274 Q. Okay, is there a proportion? Is  
 8 there a minimum?  
 9 A. I think it varies by the  
 10 underlying brokerage, but you know, it really  
 11 depends on what names you are in, et cetera.  
 12 1275 Q. Okay. Now, let's take TD. What  
 13 is your standard margin requirement for TD?  
 14 A. I don't believe there is a  
 15 standard margin requirement. It is just depending  
 16 on what is in your portfolio, they will ascribe a  
 17 percent of margin or leverage that you can take  
 18 based on the underlying securities and cash.  
 19 1276 Q. Okay. What would be a standard  
 20 percentage?  
 21 A. Honestly, there is no such thing  
 22 anymore. Like it is all formulaic and done by  
 23 computer. Like every day changes.  
 24 1277 Q. Is it done by computer or is it  
 25 done through relationships with your broker?

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1 A. No, it is all computer.  
 2 1278 Q. And if the values fluctuate, do  
 3 you adjust once a month, once a week? How does  
 4 that work?  
 5 A. We don't make any adjustments. It  
 6 is the bank or the underlying brokerage that makes  
 7 the adjustments, right. So you know, you have a  
 8 mix, a portfolio of cash of securities, and you  
 9 know, depending on if it goes up or down or you  
 10 move to certain securities or in and out of them,  
 11 the margin requirement associated with the overall  
 12 portfolio is dynamic and shifts.  
 13 1279 Q. Okay. My question is more simple,  
 14 I guess, reflecting my understanding of this. How  
 15 often are you required to adjust the margins?  
 16 MR. STALEY: So, Won, can you tell me  
 17 this is relevant to anything?  
 18 MR. KIM: Well, I am --  
 19 R/F MR. STALEY: I have given you some  
 20 considerable latitude, but it is not clear that  
 21 this is relevant to anything at all.  
 22 BY MR. KIM:  
 23 1280 Q. Well, this is all part of the  
 24 allegation that Anson manipulated their -- well,  
 25 we'll get into it.

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1 Now, has Anson ever taken steps to  
 2 inflate the value of your margin account?  
 3 A. I wouldn't even know how to do  
 4 that.  
 5 1281 Q. So for example, revisiting TD's  
 6 call on you in the spring of 2021. What was TD's  
 7 request? For you to put in more cash, or what was  
 8 it?  
 9 A. TD's request was to either add  
 10 more cash or more securities or reduce some of the  
 11 existing securities within the portfolio. There  
 12 really is no mechanism to artificially increase  
 13 your margin, right. Like it is all formulaic by a  
 14 computer, right. So I can't say, Oh, I think this  
 15 is worth more than what you are giving me. There  
 16 is no subjectivity on their side. Like, you know,  
 17 they say this is your margin; this is what we think  
 18 you owe or this is what we need.  
 19 1282 Q. So other than Tilray, Mr. Kassam,  
 20 has Anson received any margin calls or buy-ins from  
 21 your brokers for the companies listed in the  
 22 Defamatory Manifesto?  
 23 A. Sorry, you asked two different  
 24 questions there. You are asking about margin calls  
 25 associated with having those -- within those

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1 securities within our portfolio, and then you asked  
 2 about buy-ins. They are two very different things.  
 3 1283 Q. Margin calls.  
 4 A. Never.  
 5 1284 Q. Never, well, except for, say,  
 6 Tilray, right?  
 7 A. Well, you said aside from Tilray.  
 8 You asked about the other securities.  
 9 1285 Q. So you have never had a margin  
 10 call?  
 11 A. I don't believe we have had a  
 12 margin call associated with the other securities  
 13 that you listed.  
 14 1286 Q. What about buy-ins?  
 15 A. How do you define buy-ins?  
 16 1287 Q. For example, have the banks ever  
 17 asked you to raise more capital or inject more  
 18 capital?  
 19 A. Other than that Tilray situation,  
 20 I don't think we have had an issue with margin  
 21 calls, you know, that I can recall.  
 22 1288 Q. Has Anson ever participated in a  
 23 private financing of a company?  
 24 A. We have.  
 25 1289 Q. Which ones?

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1 A. Thousands.  
 2 1290 Q. Thousands. Was Anson involved in  
 3 raising capital for any of the companies listed in  
 4 the Defamatory Manifesto?  
 5 MR. STALEY: Which companies are those?  
 6 You need to give me a list. There is lots of  
 7 companies.  
 8 MR. KIM: Well, we know the companies,  
 9 right.  
 10 MR. STALEY: Well, no, I don't work  
 11 like that. There is lots of companies mentioned,  
 12 so...  
 13 BY MR. KIM:  
 14 1291 Q. Now, you would agree with me that  
 15 private placements often -- they can often be a  
 16 good deal. You can get stock at below market  
 17 price?  
 18 A. Yeah, at times you are able to buy  
 19 stocks below market price, but then they come with,  
 20 you know, a hold period, so that sort of is the pro  
 21 and con associated with a private placement.  
 22 1292 Q. Right. And how does Anson  
 23 typically get presented with these opportunities?  
 24 A. A wide variety of the sources,  
 25 right. We get it sometimes from brokerages,

366	<p>1 sometimes from the company itself, sometimes from</p> <p>2 independent people, sometimes from our investors.</p> <p>3 We are shown deals every day from a host of</p> <p>4 varieties.</p> <p>5 MR. STALEY: Won, can you sort of help</p> <p>6 me how any of this is relevant to anything, how</p> <p>7 they end up making private investments?</p> <p>8 MR. KIM: Well, there is an allegation</p> <p>9 in the Defamatory Manifesto, Rob, that Anson gets</p> <p>10 private placements to get insider information and</p> <p>11 then uses that to short the company.</p> <p>12 MR. STALEY: Okay, well, why don't you</p> <p>13 take him to that.</p> <p>14 MR. KIM: Well, we are here.</p> <p>15 MR. STALEY: Well, no, but you are</p> <p>16 asking him how he gets into private placements. It</p> <p>17 is not that question.</p> <p>18 Could I also just -- like how are you</p> <p>19 moving along? How are you progressing through your</p> <p>20 questions?</p> <p>21 MR. KIM: I am progressing.</p> <p>22 MR. STALEY: Do you have any idea as to</p> <p>23 how much longer you are going to be?</p> <p>24 MR. KIM: Well, no. I mean, we'll have</p> <p>25 the lunch break, and we have got some questions to</p>	368
367	<p>1 ask. I mean, but I am making good time.</p> <p>2 MR. STALEY: Okay, no, that is fine.</p> <p>3 BY MR. KIM:</p> <p>4 1293 Q. I'll do my best, Rob. As you</p> <p>5 know, I always do my best.</p> <p>6 Mr. Kassam, so if we can look at this</p> <p>7 document, you would agree with me that you often</p> <p>8 get -- do you get material non-public information</p> <p>9 through participating in a private placement?</p> <p>10 A. Generally speaking, no. You know,</p> <p>11 why would you get material non-public information</p> <p>12 for participating in a placement?</p> <p>13 1294 Q. But you would be able to -- if</p> <p>14 not, why would there be a corresponding hold?</p> <p>15 A. The hold is a regulatory hold</p> <p>16 associated with private placements, that if you</p> <p>17 don't have the underlying shares registered, it</p> <p>18 generally takes in Canada four months for those</p> <p>19 shares to come to the market.</p> <p>20 1295 Q. Okay, so --</p> <p>21 A. It is not a function of MNPI.</p> <p>22 1296 Q. Is the hold really to -- -- is</p> <p>23 that the price you pay for getting a favourable</p> <p>24 price on a stock?</p> <p>25 A. It is just part of the contract,</p>	369

370	<p>1 1309 Q. Can you check?</p> <p>2 U/A MR. STALEY: We'll take it under</p> <p>3 advisement.</p> <p>4 BY MR. KIM:</p> <p>5 1310 Q. Now, for all of the tickers that</p> <p>6 we just named, I would like particulars of those;</p> <p>7 for those where Anson participated, I would like</p> <p>8 terms of the participation and the subsequent short</p> <p>9 positions?</p> <p>10 R/F MR. STALEY: No. It is not relevant.</p> <p>11 BY MR. KIM:</p> <p>12 1311 Q. So you are aware, sir, that the</p> <p>13 Defamatory Manifesto claims that Anson took a naked</p> <p>14 short position with Facedrive in 2020, if we could</p> <p>15 call that up? You are familiar with this passage</p> <p>16 in the Manifesto?</p> <p>17 A. I see it here, yes.</p> <p>18 1312 Q. How big was Anson's short position</p> <p>19 in Facedrive?</p> <p>20 A. I believe our largest position,</p> <p>21 short position in Facedrive was 400,000 shares.</p> <p>22 1313 Q. And where did you borrow the</p> <p>23 shares?</p> <p>24 A. I don't know.</p> <p>25 1314 Q. Can you find out?</p>	372
371	<p>1 U/A MR. STALEY: We'll take it under</p> <p>2 advisement.</p> <p>3 BY MR. KIM:</p> <p>4 1315 Q. And at any time -- I understand</p> <p>5 that prior to the change in guidance from IIROC,</p> <p>6 you would agree with me that nakedly shorting</p> <p>7 stocks was technically not offside regulations in</p> <p>8 Ontario?</p> <p>9 A. Well, again, if the premise of</p> <p>10 naked short, I wouldn't call it "naked short". I</p> <p>11 would just call it a short.</p> <p>12 1316 Q. Right, but I am just saying that</p> <p>13 did you have -- your biggest position was 400,000</p> <p>14 for Facedrive?</p> <p>15 A. I believe so, yes.</p> <p>16 1317 Q. And you are going to tell me who</p> <p>17 you borrowed the shares from.</p> <p>18 A. If that was the undertaking you</p> <p>19 asked.</p> <p>20 1318 Q. Yeah, Counsel, I would like an</p> <p>21 undertaking for all of the records of all positions</p> <p>22 taken on Facedrive across all of the Anson Funds,</p> <p>23 including records of where Anson obtained the</p> <p>24 borrow to cover its short position?</p> <p>25 U/A MR. STALEY: We'll take it under</p>	373
	<p>1 advisement.</p> <p>2 BY MR. KIM:</p> <p>3 1319 Q. Sir, did you ever communicate with</p> <p>4 Nate Anderson about Facedrive?</p> <p>5 A. I believe we have had</p> <p>6 conversations with Nate Anderson about Facedrive,</p> <p>7 yes.</p> <p>8 1320 Q. So you are aware that Hindenburg</p> <p>9 Research put out a short report about Facedrive on</p> <p>10 or about July 23rd, 2020?</p> <p>11 A. I believe so.</p> <p>12 1321 Q. Okay, can we put that on. Did</p> <p>13 Anson pay Nate Anderson and/or Hindenburg and/or</p> <p>14 ClaritySprings for this report?</p> <p>15 A. We did not.</p> <p>16 1322 Q. You are sure?</p> <p>17 A. I am sure.</p> <p>18 1323 Q. Okay. Did you share information</p> <p>19 with Nate Anderson or anyone at Hindenburg about</p> <p>20 Facedrive?</p> <p>21 A. We did.</p> <p>22 1324 Q. Now, Counsel, in your Schedule B1</p> <p>23 you list emails between July 13th, 2020 to July</p> <p>24 23rd between Sunny Puri, Joshua Fineman, Michael</p> <p>25 Russell and Nate Anderson with the subject line</p>	
	<p>1 "Re: Facedrive, Re: FD and Facedrive edits". What</p> <p>2 is the basis for this privilege?</p> <p>3 U/A MR. STALEY: We'll take it under</p> <p>4 advisement.</p> <p>5 BY MR. KIM:</p> <p>6 1325 Q. I want an undertaking to produce</p> <p>7 the original emails, including attachments in their</p> <p>8 entirety, if not privileged?</p> <p>9 R/F MR. STALEY: Well, I am not going to</p> <p>10 give you the undertaking. I took under advisement</p> <p>11 the earlier question.</p> <p>12 BY MR. KIM:</p> <p>13 1326 Q. So, sir, how much money did Anson</p> <p>14 make on shorting Facedrive?</p> <p>15 A. I can't recall.</p> <p>16 1327 Q. Can you find out?</p> <p>17 R/F MR. STALEY: I am not sure that is</p> <p>18 relevant to anything.</p> <p>19 BY MR. KIM:</p> <p>20 1328 Q. Well, that is my request.</p> <p>21 Sir, how many of the Anson -- was it</p> <p>22 just the Master Fund or was it other -- were other</p> <p>23 Anson Funds involved in shorting Facedrive as well?</p> <p>24 A. I don't know specifically which</p> <p>25 fund was short when.</p>	

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1 1329 Q. Can you find out?  
 2 U/A MR. STALEY: I'll take it under  
 3 advisement.  
 4 BY MR. KIM:  
 5 1330 Q. And we would also like production  
 6 of all of the training records for all of the  
 7 Anson-related entities on Facedrive?  
 8 U/A MR. STALEY: We'll take it under  
 9 advisement.  
 10 BY MR. KIM:  
 11 1331 Q. Mr. Kassam, has Anson ever held  
 12 any positions in ReconAfrica?  
 13 A. Held positions meaning long  
 14 positions?  
 15 1332 Q. Long or short.  
 16 A. We have been short ReconAfrica,  
 17 yes.  
 18 1333 Q. Okay. It has never been long on  
 19 ReconAfrica?  
 20 A. I don't believe so, no.  
 21 1334 Q. How did you acquire your short  
 22 position on Recon?  
 23 A. I believe with the underlying  
 24 brokerages.  
 25 1335 Q. And who are they?

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1 A. I don't recall.  
 2 1336 Q. Can you find out?  
 3 R/F MR. STALEY: Again, it is not clear to  
 4 me how that is relevant to anything, Won, so I  
 5 would take it as a refusal.  
 6 BY MR. KIM:  
 7 1337 Q. I am going to produce Market  
 8 Fraud's article 10179. Are you familiar with this  
 9 article, sir?  
 10 A. I am.  
 11 1338 Q. And it says that Anson  
 12 participated in ReconAfrica's bought deal on May  
 13 5th, 2021?  
 14 A. I believe it says we didn't  
 15 participate.  
 16 1339 Q. No, no, it says "ReconAfrica  
 17 announced" -- sorry, let me correct that:  
 18 "On May 5th, 2021, ReconAfrica  
 19 announced a bought-deal financing  
 20 deal."  
 21 A. I see that.  
 22 1340 Q. So at this time, was Anson in  
 23 relationships with RBC, TD, CIBC and National Bank  
 24 with regard to ReconAfrica stock?  
 25 MR. STALEY: Sorry, what do you mean by

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1 be in relationship?  
 2 BY MR. KIM:  
 3 1341 Q. Did you have a relationship with  
 4 RBC, TD, CIBC, and National Bank with regard to the  
 5 ReconAfrica stock?  
 6 A. I don't understand the question.  
 7 Did I have a relationship at the time when this  
 8 deal was announced?  
 9 1342 Q. Did you have any transactions with  
 10 RBC, TD, CIBC and the National Bank on ReconAfrica  
 11 stock?  
 12 A. During what period?  
 13 1343 Q. During this period, around May of  
 14 2021.  
 15 A. I don't know off the top of my  
 16 head.  
 17 1344 Q. I know. I am asking you to check  
 18 your records and advise us back?  
 19 MR. STALEY: Well, I am not sure that  
 20 is -- I mean, the issue is -- the relationship in  
 21 itself is not relevant to anything.  
 22 If you are talking about whether or not  
 23 they are entities through which the company might  
 24 have facilitated a short position, that is  
 25 different, but he has already told you that some of

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1 these are not entities for which they were a prime  
 2 dealer or prime broker, so --  
 3 MR. KIM: Rob, the articles --  
 4 MR. STALEY: -- I think --  
 5 MR. KIM: Look, this is a Defamatory  
 6 Manifesto with which your client has major -- they  
 7 issued a lawsuit regarding the Defamatory  
 8 Manifesto. So it is clear that your client has had  
 9 a short position with ReconAfrica. All I am asking  
 10 is were they dealing with RBC, TD, CIBC and the  
 11 National Bank on ReconAfrica stock.  
 12 MR. STALEY: But I think the problem  
 13 was you have to figure out what it means, which is  
 14 not all that intelligible, to say they are  
 15 leveraged, that they used the shares as leverage  
 16 with various banks, and it is premised upon --  
 17 MR. KIM: I am not --  
 18 MR. STALEY: No, no, no, stop  
 19 interrupting me. The reporter won't like it.  
 20 The premise of the question is based  
 21 upon taking down and trying to -- obtaining a  
 22 direct fill and not getting it and then getting it  
 23 somewhere else, which the witness has already  
 24 answered, and then that they are going to do  
 25 something with shares they didn't get.

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1 So like I don't quite know where you  
2 think this is taking you other than it seems to be  
3 entirely wrong.  
4 MR. KIM: Just answer my question.  
5 MR. STALEY: I think you -- no, I agree  
6 with that, but I think the premise of the  
7 question -- the question is based on a bunch of  
8 premises that the witness has already answered that  
9 are incorrect.  
10 BY MR. KIM:  
11 1345 Q. There is no premise to my  
12 question. Did Anson deal with RBC, TD, CIBC,  
13 and/or National Bank on ReconAfrica stock as at May  
14 of 2021?  
15 R/F MR. STALEY: It is not a relevant  
16 question. It is not what you think is -- what is  
17 set out in the statement, in the document.  
18 BY MR. KIM:  
19 1346 Q. Mr. Kassam, how did you acquire  
20 your position on ReconAfrica?  
21 A. Sorry, acquire my position?  
22 1347 Q. Yes.  
23 A. "Position" infers long. Like you  
24 are asking about a long position now?  
25 1348 Q. No, your short position. Who lent

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1 you the stock?  
2 A. Well, I can't recall off the top  
3 of my head.  
4 1349 Q. Mr. Staley, I would like an  
5 undertaking.  
6 R/F MR. STALEY: No.  
7 BY MR. KIM:  
8 1350 Q. Now, Mr. Kassam, did you  
9 collaborate with Viceroy Research on ReconAfrica?  
10 A. I believe we had conversations  
11 with the Viceroy people.  
12 1351 Q. I am going to pull up document  
13 14699. Are you familiar with this document?  
14 A. Yes, I am familiar.  
15 1352 Q. Did you share information with  
16 Viceroy Research about ReconAfrica?  
17 A. I believe we had conversations in  
18 regards to ReconAfrica, yes.  
19 1353 Q. And what were those conversations  
20 about?  
21 A. I believe we exchanged diligence,  
22 just, you know, looking at the press releases and  
23 the people associated with the company and its  
24 financials and discussing the merits of the  
25 underlying company.

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1 1354 Q. And did your diligence make its  
2 way onto this report?  
3 A. I believe some of the stuff we  
4 discussed is definitely mentioned in the report,  
5 yes.  
6 1355 Q. Counsel, I would like an  
7 undertaking from Mr. Kassam and people at Anson to  
8 find out which portion of this report is from  
9 diligence provided to Viceroy Research?  
10 R/F MR. STALEY: I am not going to do that.  
11 You can ask the witness what he recalls sharing.  
12 He is here. He can answer your question.  
13 BY MR. KIM:  
14 1356 Q. Mr. Kassam, generally do you  
15 recall your discussions with Viceroy Research about  
16 ReconAfrica?  
17 A. I believe they were already  
18 looking at ReconAfrica, and you know, because of  
19 all the noise in the chat boards and everywhere  
20 that we were involved and being short, they came to  
21 us to ask us if we had any further information  
22 other than, you know, their thesis.  
23 1357 Q. And why did they come to you?  
24 A. I just said, you know, that, you  
25 know, our name was all over the chat boards,

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1 Stockhouse and Reddit, et cetera, that we were  
2 short ReconAfrica, and so I guess as part of their  
3 diligence process, they reviewed the posts, saw our  
4 name. And you know, we historically have shared  
5 diligence on other names, So they came to us to  
6 say, Hey, you know, this is our theory; what do you  
7 think?  
8 1358 Q. So it is your evidence that  
9 Viceroy learned of your position from reading  
10 Stockhouse and Reddit?  
11 A. I believe they knew or, you know,  
12 had a theory that we were involved or being short  
13 because they saw our name online. Otherwise, I  
14 don't know why they would have randomly come to us,  
15 but I can't answer for them.  
16 1359 Q. What is your relationship with  
17 Viceroy Research?  
18 A. We -- you know, they are another  
19 short selling outfit out there, so we at times  
20 exchange information on, you know, companies that  
21 are out there.  
22 1360 Q. And when you agreed to share  
23 research, do you pay each other? Did they pay you  
24 for your research?  
25 A. They did not pay us for the

382	<p>1 research here, no.</p> <p>2 1361 Q. Have they ever paid you for any of</p> <p>3 your research?</p> <p>4 A. I don't believe they have paid us</p> <p>5 for our research, no.</p> <p>6 1362 Q. Have you ever paid Viceroy</p> <p>7 Research for any research?</p> <p>8 A. We have not paid Viceroy Research,</p> <p>9 Viceroy for any research.</p> <p>10 1363 Q. So then when you agreed to work</p> <p>11 together with Viceroy, there is an understanding</p> <p>12 that you would both benefit from the release of</p> <p>13 your research reports?</p> <p>14 A. No. The purpose of having a</p> <p>15 relationship with someone else who does, you know,</p> <p>16 underlying work is to share that intelligence and</p> <p>17 both of us end up smarter after the intelligence</p> <p>18 has been shared.</p> <p>19 1364 Q. But there is an understanding that</p> <p>20 you both hold positions and you would benefit from</p> <p>21 the release of your report?</p> <p>22 A. I didn't have any report.</p> <p>23 1365 Q. I know, but there is an</p> <p>24 understanding that you held positions in</p> <p>25 ReconAfrica that would benefit from the release of</p>	384
383	<p>1 the report?</p> <p>2 MR. STALEY: I think you have asked</p> <p>3 that twice now, and I don't think you like the</p> <p>4 answer but he has answered the question.</p> <p>5 MR. KIM: He didn't answer the</p> <p>6 question.</p> <p>7 MR. STALEY: He did.</p> <p>8 BY MR. KIM:</p> <p>9 1366 Q. Mr. Kassam, what was the size of</p> <p>10 your position before the release of the Viceroy</p> <p>11 report?</p> <p>12 A. I don't know.</p> <p>13 1367 Q. Can you find out?</p> <p>14 U/A MR. STALEY: We'll take it under</p> <p>15 advisement.</p> <p>16 BY MR. KIM:</p> <p>17 1368 Q. Mr. Staley, I would like an</p> <p>18 undertaking for you to produce records of all of</p> <p>19 the deposits and withdrawals of Recon securities</p> <p>20 for each of the Anson accounts?</p> <p>21 U/A MR. STALEY: I'll take it under</p> <p>22 advisement.</p> <p>23 BY MR. KIM:</p> <p>24 1369 Q. Now, this is a question for</p> <p>25 Mr. Staley. I would like for you to provide</p>	385
	<p>1 undertakings -- sorry, I would like Mr. Staley and</p> <p>2 his team to provide undertakings for Facedrive,</p> <p>3 ReconAfrica, Africa -- sorry, Aphria, for its</p> <p>4 holding, trading and profit and loss records for</p> <p>5 all of the companies, for Facedrive, ReconAfrica,</p> <p>6 Africa -- Aphria, sorry, Zenabis, Facedrive,</p> <p>7 Harvest Health and HEXO?</p> <p>8 R/F MR. STALEY: No.</p> <p>9 MR. KIM: I would like also an</p> <p>10 undertaking --</p> <p>11 MR. STALEY: That's far too broad a</p> <p>12 request based on relevance.</p> <p>13 BY MR. KIM:</p> <p>14 1370 Q. I would like for you to produce</p> <p>15 any whistleblower complaints that Anson or people</p> <p>16 related to Anson filed with any of the securities</p> <p>17 regulators, be it here or in the United States, for</p> <p>18 those stocks that I just mentioned?</p> <p>19 R/F MR. STALEY: No.</p> <p>20 BY MR. KIM:</p> <p>21 1371 Q. I would like an undertaking for</p> <p>22 you to produce all of the communications with any</p> <p>23 journalists that Mr. Kassam or anyone at Anson had</p> <p>24 with any journalists about the companies I just</p> <p>25 referenced?</p>	
	<p>1 R/F MR. STALEY: Won, these are very, very</p> <p>2 broad questions that are not relevant. We are not</p> <p>3 answering that question.</p> <p>4 BY MR. KIM:</p> <p>5 1372 Q. I want production of any of the</p> <p>6 communications that Mr. Kassam and/or people from</p> <p>7 Anson had with management or anyone in management</p> <p>8 or directors for the companies I just mentioned?</p> <p>9 R/F MR. STALEY: That is very, very broad,</p> <p>10 well beyond anything that is relevant.</p> <p>11 BY MR. KIM:</p> <p>12 1373 Q. So let's go then to document 5505.</p> <p>13 Are you familiar with this document?</p> <p>14 A. Okay, I am now.</p> <p>15 1374 Q. It is your document?</p> <p>16 A. I see it.</p> <p>17 1375 Q. You introduce Mark Rendell, who is</p> <p>18 a journalist at The Globe and Mail, to</p> <p>19 Mr. Doxtator?</p> <p>20 A. I believe so.</p> <p>21 1376 Q. And how do you know Mr. Rendell?</p> <p>22 A. Mr. Rendell is a journalist at The</p> <p>23 Globe and Mail. We speak with a wide variety of</p> <p>24 sources, as I had mentioned, including journalists.</p> <p>25 1377 Q. And would you call him a friend?</p>	



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1 A. No.  
 2 1378 Q. Well, what was your purpose in  
 3 making the introduction to Mr. Doxtator?  
 4 A. I believe Robert Doxtator wanted  
 5 to speak to Mark Rendell on cannabis names.  
 6 1379 Q. And so it was done at  
 7 Mr. Doxtator's request?  
 8 A. I believe so, yes.  
 9 1380 Q. Have you or anyone at Anson ever  
 10 collaborated with Mr. Rendell on an article in The  
 11 Globe?  
 12 A. Generally speaking, you can't  
 13 collaborate with, you know, big publications like  
 14 The Globe and Mail. They are a completely  
 15 independent, you know, publishing firm with authors  
 16 who stand behind what they publish.  
 17 So we can, you know, offer information  
 18 to them or, you know, our own theories and  
 19 diligence, but we have not collaborated on any  
 20 piece of work together.  
 21 1381 Q. But you have provided information  
 22 to Mr. Rendell?  
 23 A. I believe over the years we  
 24 provided a lot of information to Mr. Rendell.  
 25 1382 Q. Okay, and about companies where

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1 you had investments or short positions?  
 2 A. I believe at times we provided  
 3 information to journalists when we have long  
 4 positions or short positions or no position at all.  
 5 1383 Q. And it would always be on an  
 6 anonymous basis?  
 7 A. No, he knows who we are. We are  
 8 not sending it from ProtonMail or anything.  
 9 1384 Q. I know, but did you ever get  
 10 identified in these articles?  
 11 A. I don't know which articles you  
 12 are referring to.  
 13 1385 Q. No, but like I am  
 14 talking -- before we get to the specific articles,  
 15 have you ever been identified as somebody that he  
 16 spoke to?  
 17 MR. STALEY: How is this relevant? How  
 18 is this relevant, Won? We are going very, very far  
 19 afield.  
 20 MR. KIM: There is an allegation that  
 21 Anson collaborated with journalists to promote and  
 22 to disparage different stocks, Rob.  
 23 MR. STALEY: Right, and he has already  
 24 told you he doesn't collaborate.  
 25 MR. KIM: Well, he has been a source.

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1 MR. STALEY: Well --  
 2 BY MR. KIM:  
 3 1386 Q. Mr. Kassam, do you think when you  
 4 provide information or a source, do you think that  
 5 is collaborating?  
 6 A. No, I believe that is just  
 7 providing a source or, you know, information to  
 8 journalists.  
 9 1387 Q. So you wouldn't call that  
 10 collaborating. What would you call it?  
 11 A. I would call it, you know, as I  
 12 said, we share diligence, you know, so I don't  
 13 think I am collaborating if I share diligence with  
 14 you about Twitter that we are collaborating on  
 15 something. It is just people -- it is just a  
 16 normal part of -- it is normal course action in the  
 17 stock market.  
 18 1388 Q. So when you provide diligence,  
 19 though, there is a reasonable expectation that the  
 20 journalists would write a story about it?  
 21 A. No. I am generally speaking  
 22 trying to get an author informed of a situation. I  
 23 would say, you know, the bulk of the times they  
 24 have no interest in a story. It is just either  
 25 getting them up to speed on a particular name or

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1 showing what we believe is interesting information.  
 2 1389 Q. And hopefully they would follow up  
 3 on it?  
 4 A. It honestly depends. Like  
 5 sometimes it is just about industry expertise.  
 6 Sometimes it is about, you know, a particular name.  
 7 But you know, the problem is we never have any  
 8 look-through into what a journalist is doing, so  
 9 they are on their own.  
 10 1390 Q. But you provide ideas for  
 11 journalists; correct?  
 12 A. We provide, you know, interesting  
 13 situations that we are involved with, and so we  
 14 will, you know, make some of those situations known  
 15 to a journalist, or at times we see a journalist  
 16 publishes on something that we think we have more  
 17 information on and we'll provide, you know,  
 18 incremental diligence to what they already know.  
 19 1391 Q. And have you ever identified  
 20 companies to The Globe and Mail as a potential  
 21 story, potential subject?  
 22 MR. STALEY: How is that relevant?  
 23 MR. KIM: There is an allegation  
 24 that in the Defamatory --  
 25 MR. STALEY: Take me to the allegation.

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1 Take me to the allegation.  
 2 MR. KIM: Okay, let's go to Part 2 of  
 3 the Defamatory Manifesto.  
 4 MR. STALEY: Yeah, let's ask about --  
 5 MR. KIM: Let's go to 550.  
 6 MR. STALEY: Let's go to that.  
 7 BY MR. KIM:  
 8 1392 Q. Sir, are you familiar with this  
 9 passage in Part 2 of the Manifesto, Mr. Kassam?  
 10 A. I believe so.  
 11 1393 Q. And there is a statement in the  
 12 Manifesto that The Globe and Mail publishes "hit  
 13 piece[s] on every company Anson gets into trouble  
 14 on"; do you see that?  
 15 A. I see it.  
 16 1394 Q. Okay. Now, let me ask you, have  
 17 you ever fed anyone at The Globe and Mail,  
 18 including Mr. Rendell, any stories about  
 19 ReconAfrica?  
 20 MR. STALEY: Sorry, can you ask -- I am  
 21 not sure the question is clear. Can you just state  
 22 it again so we can figure out whether or not --  
 23 BY MR. KIM:  
 24 1395 Q. Have you provided any diligence to  
 25 Mr. Rendell about ReconAfrica?

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1 A. I don't believe we provided any  
 2 information to Mr. Rendell on ReconAfrica.  
 3 1396 Q. Sir, I am not -- I understand it  
 4 is hard to answer these questions, but I am not  
 5 interested in your beliefs. I want you to check  
 6 your records to see if you ever contacted  
 7 Mr. Rendell about ReconAfrica?  
 8 U/A MR. STALEY: We'll take it under  
 9 advisement.  
 10 BY MR. KIM:  
 11 1397 Q. What about Greg McArthur?  
 12 A. I can't recall.  
 13 1398 Q. Can you check your records?  
 14 U/A MR. STALEY: We'll take it under  
 15 advisement.  
 16 BY MR. KIM:  
 17 1399 Q. Who is Greg McArthur, Mr. Kassam?  
 18 A. Greg McArthur is -- I think he is  
 19 a Report on Business reporter at The Globe and  
 20 Mail.  
 21 1400 Q. Have you shared due diligence with  
 22 Mr. McArthur on any of the companies?  
 23 A. Any of which companies?  
 24 1401 Q. Any of the companies that appear  
 25 in the Manifesto or in the Statement of Claim.

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1 MR. STALEY: Well, no, hold on. You  
 2 are going to have to identify specifically which  
 3 ones you are referring to, because there is lots of  
 4 companies mentioned.  
 5 BY MR. KIM:  
 6 1402 Q. Have you talked to Mr. McArthur  
 7 about Facedrive?  
 8 A. I believe we have had  
 9 conversations about Facedrive.  
 10 1403 Q. What do you recall about your  
 11 diligence that you shared with Mr. McArthur?  
 12 A. I believe we shared diligence, you  
 13 know, of, you know, publicly available information  
 14 that was out there that I thought was an  
 15 interesting story for him.  
 16 1404 Q. Okay. Did you share any  
 17 information about your lawsuit, this lawsuit, with  
 18 Mr. McArthur?  
 19 A. I believe we have had  
 20 conversations about this lawsuit, yes.  
 21 1405 Q. And did you provide any  
 22 information about this lawsuit with Mr. McArthur?  
 23 A. What do you mean by provide  
 24 information about the lawsuit?  
 25 1406 Q. Well, public documents such as the

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1 Statement of Claim.  
 2 A. I believe we have had  
 3 correspondence in regards to the Statement of  
 4 Claim, yes.  
 5 1407 Q. And did he approach you or did you  
 6 approach him about this lawsuit?  
 7 A. I believe he approached us.  
 8 1408 Q. And you shared the Statement of  
 9 Claim. What else did you share?  
 10 MR. STALEY: So, Won, the allegation in  
 11 the Defamatory Manifesto has to do with publishing  
 12 a hit piece on every company that Anson gets into  
 13 trouble on or has a long short in. How are these  
 14 questions about this litigation relevant to any  
 15 matter that is pleaded?  
 16 MR. KIM: The allegations are that  
 17 Anson personnel and Mr. Kassam coordinated -- used  
 18 The Globe and Mail and their journalists to publish  
 19 hit pieces about the companies.  
 20 MR. STALEY: Right, and you are asking  
 21 about something entirely different --  
 22 MR. KIM: Well, I am just --  
 23 MR. STALEY: -- in this examination.  
 24 MR. KIM: I am just covering --  
 25 R/F MR. STALEY: No, you are asking

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1 questions that are not relevant based on the  
 2 pleading, and you have just confirmed it is not  
 3 relevant.  
 4 BY MR. KIM:  
 5 1409 Q. Other than Mr. McArthur and  
 6 Mr. Rendell, who else have you spoken to at The  
 7 Globe and Mail about these companies?  
 8 MR. STALEY: Which companies?  
 9 MR. KIM: The companies at issue.  
 10 MR. STALEY: What companies? You are  
 11 going to have to go through them, Won. We are not  
 12 going to --  
 13 MR. KIM: Have you talked to any --  
 14 MR. STALEY: I have told you about 50  
 15 times, we are not playing that game.  
 16 BY MR. KIM:  
 17 1410 Q. Have you talked to anyone at The  
 18 Globe and Mail other than Greg McArthur and Mark  
 19 Rendell about ReconAfrica, Mr. Kassam?  
 20 A. I can't recall.  
 21 1411 Q. Can you check your records?  
 22 U/A MR. STALEY: We'll take it under  
 23 advisement.  
 24 BY MR. KIM:  
 25 1412 Q. What about Facedrive?

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1 A. What about it?  
 2 1413 Q. Have you talked to anybody at The  
 3 Globe and Mail other than Mr. Rendell and  
 4 Mr. McArthur about Facedrive?  
 5 A. I can't recall.  
 6 1414 Q. Please check your records and  
 7 advise.  
 8 U/A MR. STALEY: We'll take it under  
 9 advisement.  
 10 BY MR. KIM:  
 11 1415 Q. What about Aphria?  
 12 A. What about it?  
 13 1416 Q. It is the same question.  
 14 A. Have I spoken with anyone at The  
 15 Globe and Mail other than Mark Rendell or Greg  
 16 McArthur about Aphria?  
 17 1417 Q. Yes.  
 18 A. I can't recall.  
 19 1418 Q. Can you check your records?  
 20 U/A MR. STALEY: We'll take it under  
 21 advisement.  
 22 BY MR. KIM:  
 23 1419 Q. What about Zenabis?  
 24 MR. STALEY: He is going to say "What  
 25 about it?", and you are going to say the same

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1 questions. So why don't we just go right to  
 2 the -- why don't you say the same question for  
 3 Zenabis.  
 4 BY MR. KIM:  
 5 1420 Q. Okay, so I am going to ask the  
 6 same question for VIVO Cannabis, Aphria, Genius  
 7 Brands, Tilray, NexTech AR Solutions, Harvest  
 8 Health --  
 9 MR. STALEY: Okay, go ahead.  
 10 MR. KIM: -- Med Men, GFL  
 11 Environmental --  
 12 MR. STALEY: Go ahead.  
 13 MR. KIM: -- GSX Techedu --  
 14 MR. STALEY: Go ahead.  
 15 MR. KIM: -- Champignon Brands --  
 16 MR. STALEY: Just go ahead and ask the  
 17 questions.  
 18 [Court Reporter Intervenes due to  
 19 overspeaking.]  
 20 MR. STALEY: Just go ahead and ask the  
 21 questions, Won.  
 22 MR. KIM: Valorem Brands, HEXO --  
 23 MR. STALEY: If you are expecting the  
 24 witness to answer the question, you need to ask the  
 25 question to let him have a chance to answer the

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1 question.  
 2 BY MR. KIM:  
 3 1421 Q. No, I am asking a question for all  
 4 of these companies, whether Mr. Kassam or anyone at  
 5 Anson contacted reporters at The Globe and Mail to  
 6 share diligence on any of the companies?  
 7 MR. STALEY: I need you to ask the  
 8 question. You need to go through them one by one  
 9 and ask the question.  
 10 MR. KIM: Rob, I am going to ask the  
 11 questions the way I see fit. You can do whatever  
 12 you want, okay. Okay, I am going to ask you --  
 13 R/F MR. STALEY: You can treat it as a  
 14 refusal.  
 15 MR. KIM: Okay, that is fine.  
 16 MR. STALEY: When are we going to take  
 17 our lunch break, Won?  
 18 BY MR. KIM:  
 19 1422 Q. Ten minutes. How about 1 o'clock  
 20 until 2; is that okay? Is that okay, Mr. Kassam?  
 21 A. That works, thank you.  
 22 1423 Q. Okay. And I promise to be brief  
 23 in the afternoon. I'll have an hour to organize.  
 24 Now, Mr. Kassam, why would you  
 25 introduce Mr. -- I understand the request was made

398	<p>1 by Mr. Doxtator. That is your information. Why</p> <p>2 would you introduce Mr. Doxtator to Mr. Rendell?</p> <p>3 A. I believe, you know, at that time</p> <p>4 we were working, you know, and we had started a</p> <p>5 relationship with Mr. Doxtator, and you know, I was</p> <p>6 showing him some goodwill by making the</p> <p>7 introduction.</p> <p>8 1424 Q. And was it in regard to a</p> <p>9 particular cannabis stock?</p> <p>10 A. I don't know what the -- what the</p> <p>11 specific thing that Mr. Doxtator wanted to speak to</p> <p>12 Mark Rendell about.</p> <p>13 1425 Q. Now, I would like to call up</p> <p>14 document 14639. Sir, do you know this document?</p> <p>15 A. I don't.</p> <p>16 1426 Q. Have you ever seen it before?</p> <p>17 A. I can't recall.</p> <p>18 1427 Q. So you don't know who "Jeff7621"</p> <p>19 is?</p> <p>20 A. I don't believe so.</p> <p>21 MR. KIM: You know what, Rob, I think</p> <p>22 this would be a good time. Can we come back at 2</p> <p>23 o'clock? And I think I will be maybe an hour, an</p> <p>24 hour and a half, at most.</p> <p>25 MR. STALEY: Okay. Do you want to come</p>	400	
399	<p>1 back earlier? We don't mind coming back earlier.</p> <p>2 [Discussion off the Record.]</p> <p>3 -- RECESSED AT 12:52 P.M.</p> <p>4 -- RESUMED AT 1:30 P.M.</p> <p>5 BY MR. KIM:</p> <p>6 1428 Q. Mr. Kassam, have you ever had</p> <p>7 any -- you or anyone at Anson ever had any warnings</p> <p>8 or fines or charges from Canadian regulators for</p> <p>9 using pseudonyms or social media persona not</p> <p>10 related to Anson?</p> <p>11 A. I believe we went over this</p> <p>12 yesterday.</p> <p>13 1429 Q. Yeah, we are talking about -- I</p> <p>14 know yesterday we talked about "Emperor Has No</p> <p>15 Clothes" on Seeking Alpha, but what about "Grumpy</p> <p>16 Bear"?</p> <p>17 MR. STALEY: What about "Grumpy Bear"?</p> <p>18 BY MR. KIM:</p> <p>19 1430 Q. Was "Grumpy Bear" one of the</p> <p>20 aliases for somebody at Anson?</p> <p>21 A. I don't believe so, no.</p> <p>22 1431 Q. No? There is no one related to</p> <p>23 Grumpy Bear Research?</p> <p>24 A. Not from Anson, no.</p> <p>25 1432 Q. Do you know who was behind Grumpy</p>	<p>1 Bear Research?</p> <p>2 A. I don't.</p> <p>3 1433 Q. Okay. Now, this morning and</p> <p>4 yesterday we briefly discussed your relationship</p> <p>5 with your other short sellers and people related to</p> <p>6 short selling firms. What about Grizzly -- I</p> <p>7 forgot to ask you about Grizzly Bear Research. Do</p> <p>8 you work with Grizzly Bear Research?</p> <p>9 A. I believe it is Grizzly Research,</p> <p>10 isn't it?</p> <p>11 1434 Q. Sorry, Grizzly. Sorry, that is</p> <p>12 me. Grizzly Research?</p> <p>13 A. Yeah, no, yeah, we have a working</p> <p>14 relationship with Grizzly Research.</p> <p>15 1435 Q. Okay, and who there at Grizzly?</p> <p>16 A. I believe his name is Jeff Inquist</p> <p>17 (ph.).</p> <p>18 1436 Q. And do you know where he is</p> <p>19 located?</p> <p>20 A. I believe he lives in California.</p> <p>21 1437 Q. Have you cooperated or</p> <p>22 collaborated with Grizzly on any of the tickers</p> <p>23 that we discussed this morning that appears in the</p> <p>24 Manifesto?</p> <p>25 A. Sorry, specifically what tickers?</p>	401
400	<p>1 1438 Q. Facedrive, ReconAfrica, Aphria?</p> <p>2 A. Those three?</p> <p>3 1439 Q. No -- I mean, well, we could go</p> <p>4 through all of the list. But maybe I could just</p> <p>5 ask you, what tickers have you worked with Grizzly</p> <p>6 on?</p> <p>7 A. I can't recall.</p> <p>8 1440 Q. Can you search your records and</p> <p>9 find out?</p> <p>10 R/F MR. STALEY: No.</p> <p>11 BY MR. KIM:</p> <p>12 1441 Q. Okay, let me be more specific</p> <p>13 then. We'll do it the hard way. Did you work with</p> <p>14 Grizzly on Zenabis?</p> <p>15 A. I don't recall.</p> <p>16 1442 Q. Can you find out?</p> <p>17 MR. STALEY: Sorry, which one again?</p> <p>18 MR. KIM: Zenabis.</p> <p>19 U/A MR. STALEY: We'll take it under</p> <p>20 advisement.</p> <p>21 BY MR. KIM:</p> <p>22 1443 Q. What about Aphria?</p> <p>23 A. I don't recall.</p> <p>24 1444 Q. Can you find out?</p> <p>25 U/A MR. STALEY: We'll take it under</p>	401	

402	<p>1 advisement.</p> <p>2 BY MR. KIM:</p> <p>3 1445 Q. What about Genius Brands?</p> <p>4 A. I don't recall.</p> <p>5 1446 Q. Can you find out?</p> <p>6 U/A MR. STALEY: The same answer, under</p> <p>7 advisement.</p> <p>8 BY MR. KIM:</p> <p>9 1447 Q. Tilray?</p> <p>10 A. I don't recall.</p> <p>11 1448 Q. Mr. Staley?</p> <p>12 U/A MR. STALEY: Under advisement.</p> <p>13 BY MR. KIM:</p> <p>14 1449 Q. Facedrive?</p> <p>15 A. I don't recall.</p> <p>16 1450 Q. Mr. Staley?</p> <p>17 U/A MR. STALEY: Under advisement.</p> <p>18 BY MR. KIM:</p> <p>19 1451 Q. NexTech AR Solutions?</p> <p>20 A. I don't recall.</p> <p>21 1452 Q. Mr. Staley?</p> <p>22 U/A MR. STALEY: Under advisement.</p> <p>23 BY MR. KIM:</p> <p>24 1453 Q. ReconAfrica?</p> <p>25 A. I don't recall.</p>	404
403	<p>1 1454 Q. Mr. Staley?</p> <p>2 U/A MR. STALEY: Under advisement.</p> <p>3 BY MR. KIM:</p> <p>4 1455 Q. Harvest Health?</p> <p>5 A. I don't recall.</p> <p>6 1456 Q. Mr. Staley?</p> <p>7 U/A MR. STALEY: Under advisement.</p> <p>8 BY MR. KIM:</p> <p>9 1457 Q. What about Med Men?</p> <p>10 A. I don't recall.</p> <p>11 1458 Q. Mr. Staley?</p> <p>12 U/A MR. STALEY: Under advisement.</p> <p>13 BY MR. KIM:</p> <p>14 1459 Q. GFL Environmental?</p> <p>15 A. I don't recall.</p> <p>16 1460 Q. Mr. Staley?</p> <p>17 U/A MR. STALEY: Under advisement.</p> <p>18 BY MR. KIM:</p> <p>19 1461 Q. GSX Techedu?</p> <p>20 A. I don't recall.</p> <p>21 1462 Q. Mr. Staley?</p> <p>22 U/A MR. STALEY: Under advisement.</p> <p>23 BY MR. KIM:</p> <p>24 1463 Q. What about Champignon Brands?</p> <p>25 A. I don't recall.</p>	405

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1 understand how they are relevant because --  
 2 MR. KIM: Well, there was a chat.  
 3 There was a chat that Mr. Kassam produced with  
 4 Mr. Doxtator where he says he gave them all of the  
 5 information -- gave information on Callidus.  
 6 Should we produce that?  
 7 MR. STALEY: But how is that relevant  
 8 to a matter at issue in the proceeding? There  
 9 could be lots of documents --  
 10 MR. KIM: Well, I'm just asking  
 11 questions.  
 12 MR. STALEY: Well, that is fine, but  
 13 the questions have to be relevant to a matter at  
 14 issue, and I have given you a fair bit of latitude,  
 15 but I think we have now gone beyond --  
 16 MR. KIM: I agree. Well, I think it is  
 17 relevant.  
 18 R/F MR. STALEY: Okay, well, we'll agree to  
 19 disagree, but I don't understand how -- the fact  
 20 that it is a chat doesn't make it relevant. It  
 21 just means that it is a chat.  
 22 BY MR. KIM:  
 23 1475 Q. Well, I mean, you understand  
 24 that -- I am not going to argue about this here.  
 25 Mr. Kassam, how about did you work with

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1 Mr. Anderson on Genius Brands?  
 2 A. I did not.  
 3 1476 Q. Okay. So you have never  
 4 collaborated on anything with Mr. Anderson.  
 5 Anybody else?  
 6 MR. STALEY: Sorry, I don't think that  
 7 is a fair --  
 8 MR. KIM: Well, let me --  
 9 R/F MR. STALEY: -- summary of what his  
 10 evidence is. So if you have a question, you  
 11 can -- don't put a premise in front of it that is  
 12 not accurate based on this witness's own testimony.  
 13 BY MR. KIM:  
 14 1477 Q. Mr. Kassam, has Anson ever shorted  
 15 Genius Brands?  
 16 A. I don't believe we have. We were  
 17 long the entire time. We might have shorted --  
 18 1478 Q. Were you net long?  
 19 A. -- against. We were net long,  
 20 correct.  
 21 1479 Q. Okay, but you had short positions  
 22 on Genius Brands?  
 23 A. I believe from time to time we  
 24 were dealt a short Genius Brands, correct.  
 25 1480 Q. Okay, Counsel, I would like

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1 production of Anson's position on Genius Brands  
 2 from April 2020 to the end of 2020?  
 3 U/A MR. STALEY: I'll take it under  
 4 advisement. I am having a real difficulty with its  
 5 relevance, but I'll take it under advisement.  
 6 BY MR. KIM:  
 7 1481 Q. Now, sir, have you ever traded  
 8 personally or through any Anson entities in a  
 9 company called Harvest Health?  
 10 A. I don't recall.  
 11 1482 Q. Can you find out?  
 12 U/A MR. STALEY: We'll take it under  
 13 advisement.  
 14 BY MR. KIM:  
 15 1483 Q. Okay. Now, Mr. Kassam, it is my  
 16 understanding that the first law firm retained by  
 17 you and Anson entities to investigate the  
 18 defamatory statements was Blake Cassels?  
 19 A. I believe so, yes.  
 20 1484 Q. Okay. And did you have a  
 21 previously existing relationship with Blake  
 22 Cassels?  
 23 A. Like as a firm or the individuals  
 24 in the firm?  
 25 1485 Q. No, with the firm.

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1 A. I don't believe we had previously  
 2 engaged them on any matter, no.  
 3 1486 Q. Okay. And when did you first  
 4 engage -- was your decision to retain Mr. Barrack,  
 5 was it personal to Mr. Barrack or was it the Blakes  
 6 firm?  
 7 A. It was personal to Mr. Barrack.  
 8 1487 Q. And do you recall when you first  
 9 raised the issue of investigating the defamatory  
 10 statements to retain Mr. Barrack?  
 11 MR. STALEY: I mean, you are getting  
 12 into matters that are covered -- that are  
 13 privileged.  
 14 MR. KIM: No, I am asking general  
 15 questions. I am not asking about any information  
 16 about particulars of the retainer. I am asking  
 17 about the date when he first approached  
 18 Mr. Barrack.  
 19 U/A MR. STALEY: When he approached  
 20 Mr. Barrack? We'll take it under advisement.  
 21 BY MR. KIM:  
 22 1488 Q. Now, what made you decide to  
 23 retain Mr. Barrack?  
 24 R/F MR. STALEY: That is not a proper  
 25 question.

410	<p>1 MR. KIM: It is a question. It is a                  2 proper question.                  3 MR. STALEY: It is, but it is not                  4 proper and it is not relevant. Why one chooses to                  5 retain one's lawyers is not relevant to a matter at                  6 issue in the proceeding.                  7 BY MR. KIM:                  8 1489 Q. Okay. Now, who was involved in                  9 retaining Mr. Barrack at your firm?                  10 R/F MR. STALEY: That is all privileged.                  11 BY MR. KIM:                  12 1490 Q. Can you tell me was there a                  13 pre-existing relationship between Sunny Puri and                  14 Iris Fischer at Blakes?                  15 R/F MR. STALEY: That is not relevant.                  16 BY MR. KIM:                  17 1491 Q. Can you undertake to -- Mr.                  18 Kassam, when did you retain Artemis Consulting?                  19 R/F MR. STALEY: That is privileged.                  20 BY MR. KIM:                  21 1492 Q. How did you get introduced to                  22 Artemis Consulting?                  23 R/F MR. STALEY: Privileged.                  24 BY MR. KIM:                  25 1493 Q. Can you tell me have you retained</p>	412	<p>1 R/F MR. STALEY: The same answer, it's all                  2 privileged.                  3 MR. KIM: It is not privileged. I am                  4 talking about Anson internal investigations.                  5 MR. STALEY: No, it is all privileged.                  6 MR. KIM: That is not privileged.                  7 There is no privilege to internal investigations.                  8 MR. STALEY: I disagree with you as it                  9 relates to matters that are done in contemplation                  10 of litigation.                  11 MR. KIM: By a --                  12 MR. STALEY: I am not going to debate                  13 it with you, Won.                  14 MR. KIM: I understand. I agree, we                  15 are not going to debate here.                  16 MR. STALEY: We are not debating it.                  17 BY MR. KIM:                  18 1498 Q. And can we call Mr. Puri's                  19 affidavit. I am going to go to paragraph 36. Are                  20 you familiar with Mr. Puri's affidavit, Mr. Kassam?                  21 A. I believe so.                  22 1499 Q. Okay. Is that accurate that you                  23 were advised for the first time on or about July                  24 28th that your lawyers at Blakes had reached out                  25 and advised of a potential conflict?</p>
411	<p>1 any other private investigators to investigate the                  2 Defendants?                  3 R/F MR. STALEY: We are claiming privilege                  4 at this point in time on any investigative work                  5 that may have been done by or on behalf of the                  6 Plaintiffs.                  7 BY MR. KIM:                  8 1494 Q. Can you tell me how many entities                  9 Anson and Mr. Kassam retained to investigate the                  10 allegations in the Statement of Claim?                  11 R/F MR. STALEY: The same answer.                  12 BY MR. KIM:                  13 1495 Q. Mr. Kassam, when did you decide                  14 you wanted to add Mr. Stafford to the lawsuit?                  15 R/F MR. STALEY: That is a matter touching                  16 on lawyer-client privilege.                  17 BY MR. KIM:                  18 1496 Q. Tell me, Mr. Kassam, why wasn't                  19 Mr. Stafford named as an original Defendant when                  20 the pleading was issued in December 2020?                  21 R/F MR. STALEY: The same answer.                  22 BY MR. KIM:                  23 1497 Q. Can you tell me, Mr. Kassam, when                  24 did Anson start collecting evidence against                  25 Mr. Stafford in-house?</p>	413	<p>1 A. He wrote it, but I believe it to                  2 be true.                  3 1500 Q. Okay. And do you know who the                  4 lawyers were at Blakes that reached out about the                  5 conflict?                  6 A. I don't know.                  7 1501 Q. Can you find out?                  8 U/A MR. STALEY: I am not sure it is                  9 relevant who it is, Won. We'll take it under                  10 advisement.                  11 BY MR. KIM:                  12 1502 Q. Okay. And next day, July 29th,                  13 "we spoke to them about the potential conflict".                  14 Who is "we"?                  15 A. I would imagine my General                  16 Counsel, but I am not sure of the specifics of who                  17 attended that call.                  18 1503 Q. Can you find out who at Anson                  19 attended that call?                  20 U/A MR. STALEY: The same answer. I don't                  21 believe it is relevant, but I'll take it under                  22 advisement.                  23 BY MR. KIM:                  24 1504 Q. Okay. And then Blakes "advised                  25 that another group of lawyers at Blakes were acting</p>

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1 for Stafford on another matter"; do you see that?  
 2 A. I see it.  
 3 1505 Q. Do you know who the other group of  
 4 lawyers at Blakes were?  
 5 A. I don't know any of them  
 6 specifically, but I was told it was the Vancouver  
 7 office.  
 8 1506 Q. The Vancouver office?  
 9 A. Or the British Columbia office.  
 10 1507 Q. Okay, what else did they tell you  
 11 about who represented Mr. Stafford?  
 12 A. They just said it was people based  
 13 in BC.  
 14 1508 Q. Okay. Did Blakes send a letter  
 15 regarding the conflict?  
 16 A. I don't know. That would have  
 17 gone to my General Counsel.  
 18 1509 Q. Could you produce anything -  
 19 redacted for privilege, of course - on the conflict  
 20 issue received at your office from Blakes?  
 21 R/F MR. STALEY: No. No, we are not  
 22 producing any of the lawyer-client privileged  
 23 communications between Blakes and Anson.  
 24 BY MR. KIM:  
 25 1510 Q. Were you concerned that your

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1 information may have been compromised by the fact  
 2 that you had retained the same firm that had been  
 3 acting for Mr. Stafford?  
 4 R/F MR. STALEY: That touches on matters  
 5 that are not pleaded and they are not relevant.  
 6 MR. KIM: I am talking about this  
 7 affidavit, Mr. Staley.  
 8 MR. STALEY: That is fine, but this is  
 9 not a motion to deal -- this is not the motion for  
 10 which the affidavit was filed. There are lots of  
 11 things that get filed in interlocutory motions that  
 12 may be relevant to the motion but are not relevant  
 13 to the matters at issue in the proceeding and are  
 14 not the proper subject of examination for  
 15 discovery.  
 16 BY MR. KIM:  
 17 1511 Q. Mr. Kassam, what did people at  
 18 Blakes tell you about the firewall they had to  
 19 screen out conflict?  
 20 R/F MR. STALEY: That is privileged.  
 21 BY MR. KIM:  
 22 1512 Q. Were you concerned that your  
 23 information may have been compromised?  
 24 R/F MR. STALEY: Privileged and not  
 25 relevant.

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1 BY MR. KIM:  
 2 1513 Q. Can you tell me, Mr. Kassam, what  
 3 was behind the decision to switch from Blakes to  
 4 Davies?  
 5 R/F MR. STALEY: Privileged and not  
 6 relevant.  
 7 BY MR. KIM:  
 8 1514 Q. Did you have a pre-existing  
 9 relationship with Davies?  
 10 R/F MR. STALEY: Privileged and not  
 11 relevant.  
 12 BY MR. KIM:  
 13 1515 Q. Mr. Kassam, have you ever met or  
 14 do you know a Jonathan Lisus?  
 15 R/F MR. STALEY: That is not relevant.  
 16 BY MR. KIM:  
 17 1516 Q. Have you ever retained Jonathan  
 18 Lisus or the Lax O'Sullivan law firm with --  
 19 MR. STALEY: Not relevant.  
 20 MR. KIM: -- regard to this lawsuit?  
 21 R/F MR. STALEY: Not relevant.  
 22 MR. KIM: The fact of the retainer is  
 23 relevant.  
 24 MR. STALEY: Well, we may agree to  
 25 disagree, but he is not going to answer the

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1 question just because you say it is relevant.  
 2 BY MR. KIM:  
 3 1517 Q. Now, Mr. Kassam, going through --  
 4 you swore the Affidavit of Documents in this  
 5 matter?  
 6 A. Sorry?  
 7 1518 Q. You swore the Affidavit of  
 8 Documents on behalf of yourself and Anson in this  
 9 matter; is that correct?  
 10 A. I believe so, yes.  
 11 1519 Q. And what search have you done to  
 12 go through your records?  
 13 A. Sorry, I don't understand the  
 14 question.  
 15 1520 Q. Did you go through your personal  
 16 records, or did somebody else in your firm go  
 17 through your records to produce the Affidavit of  
 18 Documents?  
 19 A. I believe my General Counsel  
 20 spearheaded the search.  
 21 1521 Q. Can you tell me which email  
 22 addresses you searched through in order to prepare  
 23 the affidavit?  
 24 R/F MR. STALEY: It is not a  
 25 cross-examination on the Affidavit of Documents.



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1 MR. KIM: Affidavit of Documents.  
 2 MR. STALEY: Pardon me?  
 3 BY MR. KIM:  
 4 1522 Q. On the Affidavit of Documents for  
 5 Mr. Kassam and the corporate entities, how many  
 6 email addresses were searched? Mr. Kassam, did you  
 7 produce -- did you go through your email and  
 8 produce the documents?  
 9 A. Did I go through my email to  
 10 produce what, sorry?  
 11 1523 Q. Relevant documents. Who did it,  
 12 you or your General Counsel?  
 13 A. My General Counsel.  
 14 1524 Q. Okay. What about going through  
 15 the chats that have been produced?  
 16 A. I believe that was my General  
 17 Counsel as well.  
 18 1525 Q. Okay. Did you go through  
 19 Mr. Puri's email addresses?  
 20 A. My General Counsel did, I believe.  
 21 I didn't.  
 22 1526 Q. Okay. Anybody else other than you  
 23 and Mr. Puri?  
 24 A. I don't know. That would be a  
 25 question for my General Counsel.

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1 1527 Q. Now, did you go through -- are all  
 2 of the -- are there any emails or texts -- are  
 3 there any emails not subject to privilege that have  
 4 not been produced in this matter?  
 5 MR. STALEY: Well, there is obviously  
 6 the grounds, Won, would be privilege and they would  
 7 be relevance, right.  
 8 MR. KIM: Well --  
 9 MR. STALEY: So you should assume that  
 10 on behalf of the Plaintiffs a diligent search was  
 11 made informed by internal and external legal  
 12 counsel for the purpose of meeting the Plaintiff's  
 13 discovery obligations and that proper production  
 14 was made.  
 15 BY MR. KIM:  
 16 1528 Q. Mr. Kassam, what is your email  
 17 address that Betting Bruiser/Mr. Doxtator  
 18 communicated to you on?  
 19 A. I believe it is my corporate email  
 20 address, MKassam@AnsonFunds.com.  
 21 1529 Q. Did you ever communicate with  
 22 Mr. Doxtator on another email address?  
 23 A. I don't believe so, no.  
 24 1530 Q. What about your -- did you have  
 25 communication through WhatsApp?

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1 A. I believe we had conversations  
 2 through WhatsApp.  
 3 1531 Q. And have you produced all of the  
 4 WhatsApp messages exchanged between you and  
 5 Mr. Doxtator?  
 6 A. I believe I have.  
 7 1532 Q. And what is the contact  
 8 information that your WhatsApp handle is attached  
 9 to? Is it a cell phone number?  
 10 A. It is a cell phone number, yes.  
 11 1533 Q. And what is that?  
 12 A. 416-500-9999.  
 13 1534 Q. Have there been any documents or  
 14 chats that have been deleted between you and --  
 15 A. I don't believe so, no.  
 16 1535 Q. It is Mr. Doxtator's information  
 17 that you communicated with him using Signal?  
 18 A. I don't believe that is true.  
 19 1536 Q. Do you have a Signal account?  
 20 A. I do.  
 21 1537 Q. And have you checked through your  
 22 Signal account to produce any communications which  
 23 you may have had with Mr. Doxtator?  
 24 A. I believe we did search it, yes.  
 25 1538 Q. And there are no messages?

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1 A. If there were, it would have been  
 2 produced.  
 3 1539 Q. Okay.  
 4 MR. STALEY: How many has your client  
 5 produced, Won?  
 6 MR. KIM: My clients have produced  
 7 everything they have, I think, Mr. Staley, but I am  
 8 asking Mr. Kassam.  
 9 MR. STALEY: I don't see any Signal  
 10 messages produced by your client.  
 11 MR. KIM: Did you ask him?  
 12 MR. STALEY: I am stating that.  
 13 BY MR. KIM:  
 14 1540 Q. Mr. Kassam, are there any messages  
 15 or emails -- any chats, emails or messages that you  
 16 may have had with Mr. Doxtator which are lost or  
 17 deleted on your end?  
 18 A. I don't believe so.  
 19 [Court Reporter intervenes for  
 20 clarification.]  
 21 MR. STALEY: He said "I don't believe  
 22 so."  
 23 BY MR. KIM:  
 24 1541 Q. Now, did you discuss with Mr. Puri  
 25 the contents of the Manifesto?

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1 MR. STALEY: Well, I mean, obviously,  
 2 Won, there would be communications that would be  
 3 privileged or some that might not be and there  
 4 would be different time frames, and so that is a  
 5 very broad question that --  
 6 MR. KIM: I understand.  
 7 MR. STALEY: -- covers a lot of field.  
 8 BY MR. KIM:  
 9 1542 Q. But I understand that Mr. Puri is  
 10 a principal in the firm; correct?  
 11 A. Today?  
 12 1543 Q. Yes.  
 13 A. Or at the time?  
 14 1544 Q. No, today.  
 15 A. Today he is a principal at the  
 16 firm, correct.  
 17 1545 Q. And what was his position at 2018?  
 18 A. I believe he was an Associate  
 19 Portfolio Manager or Portfolio Manager. I can't  
 20 recall.  
 21 1546 Q. But would it be fair to say that  
 22 Mr. Puri is a very close work colleague of yours?  
 23 A. That would be a fair assessment,  
 24 yes.  
 25 1547 Q. Okay. Did you produce any chats

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1 between you and Mr. Puri regarding the unlawful  
 2 statements?  
 3 A. I believe all our chats were taken  
 4 and produced.  
 5 1548 Q. Okay. There doesn't seem to be  
 6 any chats and emails from Mr. Puri in the  
 7 productions. Why is that?  
 8 MR. STALEY: So I think, Won, as far as  
 9 we understand, everything that is relevant and not  
 10 privileged has been produced.  
 11 BY MR. KIM:  
 12 1549 Q. Have you asked Mr. -- did Mr. Puri  
 13 have occasion to communicate with Mr. Doxtator?  
 14 A. I believe they communicated at  
 15 times, yes.  
 16 1550 Q. Okay, and have those emails, chats  
 17 or texts been produced?  
 18 A. I don't -- I wouldn't know that.  
 19 1551 Q. Okay.  
 20 MR. STALEY: There certainly are some  
 21 in the productions, Won, some of which I think we  
 22 have taken -- we have been to.  
 23 BY MR. KIM:  
 24 1552 Q. And do you know if Mr. Puri's  
 25 email has been -- have they -- have all of the

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1 chats, emails, texts, subject to privilege, have  
 2 they been produced?  
 3 A. I believe so.  
 4 1553 Q. Will you undertake to check and  
 5 find out if any texts, chats or messages passing  
 6 between Mr. Doxtator and Mr. Puri have been  
 7 produced?  
 8 R/F MR. STALEY: No. A diligent search was  
 9 done of all Anson records, including Mr. Puri's  
 10 devices and chats, and proper production has been  
 11 made. We are not doing any further searches.  
 12 BY MR. KIM:  
 13 1554 Q. Have any of the texts, chats or  
 14 emails or other messages between Mr. Doxtator and  
 15 Mr. Puri, have they been lost? Have there been any  
 16 that have been subject to deletion or loss?  
 17 MR. STALEY: Not to our knowledge.  
 18 BY MR. KIM:  
 19 1555 Q. Now, Mr. Kassam, why haven't you  
 20 produced any messages between you and Mr. Spears,  
 21 Mr. Anderson, Mr. Left and Mr. Axler about the  
 22 unlawful statements? Are there any?  
 23 A. I can't recall.  
 24 1556 Q. Did you communicate with  
 25 Mr. Anderson, Mr. Spears, Mr. Left or Mr. Axler

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1 about the Defamatory Manifestos?  
 2 A. I believe we would have had  
 3 conversations, you know, after it had come out.  
 4 1557 Q. And have you produced any of them?  
 5 MR. STALEY: Conversations are  
 6 typically not produced, as people speak to each  
 7 other.  
 8 BY MR. KIM:  
 9 1558 Q. But you agree with me that their  
 10 names and their firms from time to time pop up on  
 11 the Defamatory Manifestos?  
 12 MR. STALEY: They do, but that doesn't  
 13 mean -- that just doesn't make any communication  
 14 necessarily relevant, the fact that they pop up.  
 15 So you are going to have to ground these in  
 16 relevance, Won.  
 17 BY MR. KIM:  
 18 1559 Q. Thank you for that guidance. I am  
 19 just asking can you produce all of the relevant  
 20 communications between you or anyone at Anson to  
 21 Adam Spears, Nate Anderson, Andrew Left and Ben  
 22 Axler about the Defamatory Manifesto?  
 23 U/A MR. STALEY: We'll take that under  
 24 advisement, but I believe all relevant documents  
 25 have been produced.

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1 BY MR. KIM:  
 2 1560 Q. Now, yesterday you advised that  
 3 you were first sent the Defamatory Manifesto, the  
 4 first part, by David Cynamon, and then you sent it  
 5 to other people. Can you produce the email from  
 6 David Cynamon?  
 7 U/T MR. STALEY: Yeah, if we haven't, we  
 8 will produce it.  
 9 BY MR. KIM:  
 10 1561 Q. Okay, and your emails circulating  
 11 it to others when you received it?  
 12 U/A MR. STALEY: We'll take that under  
 13 advisement.  
 14 BY MR. KIM:  
 15 1562 Q. I would like an undertaking for  
 16 you to produce your correspondence with Allen  
 17 Spektor regarding the Defamatory Manifesto Part 1,  
 18 Part 2, and Betting Bruiser tweets and anything  
 19 related to Robert Doxtator in this lawsuit?  
 20 U/A MR. STALEY: We'll take it under  
 21 advisement.  
 22 BY MR. KIM:  
 23 1563 Q. Now, I am going to be asking,  
 24 Mr. Staley, for you to undertake to disclose the  
 25 findings, opinions and conclusions of any experts

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1 retained to report on the matters in this action,  
 2 including the expert's name, address and  
 3 qualifications?  
 4 U/A MR. STALEY: We will comply with the  
 5 Rules of Civil Procedure.  
 6 BY MR. KIM:  
 7 1564 Q. At any time, have you hired  
 8 private investigators to follow Robert Doxtator,  
 9 Jacob Doxtator, James Stafford, Andrew Rudensky or  
 10 Andrew DeFrancesco?  
 11 U/A MR. STALEY: We'll take that under  
 12 advisement.  
 13 BY MR. KIM:  
 14 1565 Q. If so, can you undertake to  
 15 provide the investigator's name, address and the  
 16 report?  
 17 U/A MR. STALEY: We'll comply with the  
 18 Rules of Civil Procedure.  
 19 BY MR. KIM:  
 20 1566 Q. Can you undertake to provide  
 21 will-says before the trial of this action for  
 22 anyone you might call as a witness?  
 23 U/A MR. STALEY: We will comply with the  
 24 Rules of Civil Procedure.  
 25 BY MR. KIM:

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1 1567 Q. With a summary of all their  
 2 evidence to be provided as a witness?  
 3 U/A MR. STALEY: We'll comply with the  
 4 Rules of Civil Procedure.  
 5 MR. KIM: That goes for the main action  
 6 and the counterclaim.  
 7 MR. STALEY: Our answer will not change  
 8 depending on what element of the overall proceeding  
 9 we are speaking to here.  
 10 MR. KIM: Now, Mr. Kassam, you know  
 11 what, I am going to take a five-minute break and go  
 12 through the last of my questions with my  
 13 colleagues. Could we take a break?  
 14 MR. STALEY: Yes.  
 15 -- RECESSED AT 2:04 P.M.  
 16 -- RESUMED AT 2:08 P.M.  
 17 MR. KIM: Mr. Kassam, first of all,  
 18 thank you for sitting through examinations.  
 19 Subject to the voluminous undertakings  
 20 and advisements, which we will work through with  
 21 your team, those are my questions for today.  
 22 I think my colleague Mr. Richard may  
 23 have some questions on anything I didn't cover, but  
 24 I did want to thank you for yesterday and today.  
 25 U/A THE WITNESS: Thank you as well.

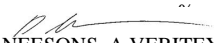
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1 EXAMINATION BY MS. PASCUTTO:  
 2 1568 Q. Thank you. Kevin is not online,  
 3 but I will be taking his place.  
 4 Mr. Kassam, I am Bethanie Pascutto, and  
 5 I am also Counsel at Groia & Company for Jacob  
 6 Doxtator.  
 7 Just a couple of final questions. Have  
 8 you retained Artemis Risk as an expert for this  
 9 action?  
 10 U/A MR. STALEY: We'll take that under  
 11 advisement.  
 12 BY MS. PASCUTTO:  
 13 1569 Q. To the extent that you have  
 14 retained them as an expert, we would expect  
 15 disclosure of their report, if you have it.  
 16 MR. STALEY: I understand your  
 17 position.  
 18 BY MS. PASCUTTO:  
 19 1570 Q. And also we would like the names  
 20 and addresses and emails for any individuals who  
 21 you expect to have information about your  
 22 allegations specifically involving Jacob Doxtator?  
 23 U/A MR. STALEY: We will comply with the  
 24 Rules of Civil Procedure.  
 25 MS. PASCUTTO: Okay, those are all my

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1 questions.  
 2 MR. STALEY: Very good, thank you.  
 3  
 4 -- Adjourned at 2:20 p.m.  
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1 REPORTER'S CERTIFICATE  
 2  
 3 I, DEANA SANTEDICOLA, RPR, CRR,  
 4 CSR, Certified Shorthand Reporter, certify:  
 5 That the foregoing proceedings were  
 6 taken before me at the time and place therein set  
 7 forth, at which time the witness was put under oath  
 8 by me;  
 9 That the testimony of the witness  
 10 and all objections made at the time of the  
 11 examination were recorded stenographically by me  
 12 and were thereafter transcribed;  
 13 That the foregoing is a true and  
 14 correct transcript of my shorthand notes so taken.  
 15  
 16  
 17  
 18 Dated this 27th day of April, 2023.  
 19  
 20  
 21  
 22  
 23   
 24 NEESONS, A VERITEXT COMPANY  
 25 PER: DEANA SANTEDICOLA, RPR, CRR, CSR