



Federal Court File No. DES-5-22

FEDERAL COURT OF APPEAL

B E T W E E N:

SAKAB SAUDI HOLDING COMPANY, ALPHA STAR
AVIATION SERVICES COMPANY, ENMA AL ARED REAL
ESTATE INVESTMENT AND DEVELOPMENT COMPANY,
KAFA'AT BUSINESS SOLUTIONS COMPANY, SECURITY
CONTROL COMPANY, ARMOUR SECURITY INDUSTRIAL
MANUFACTURING COMPANY, SAUDI TECHNOLOGY
& SECURITY COMPREHENSIVE CONTROL COMPANY,
TECHNOLOGY CONTROL COMPANY, NEW DAWN
CONTRACTING COMPANY and SKY PRIME INVESTMENT
COMPANY

Appellants

- and -

ATTORNEY GENERAL OF CANADA

Respondents

- and -

SAAD KHALID S AL JABRI

Respondents

NOTICE OF APPEAL

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellants request that this appeal be heard at Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the [Federal Courts Rules](#) and serve it on the appellant's solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the [Federal Courts Rules](#) instead of serving and filing a notice of appearance.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Issued by: Jena Russell

Address of local office: 180 Queen Street West, Suite 200
Toronto ON M5V 3L6

TO: **The Chief Administrator**
Federal Court
180 Queen Street West, Suite 200
Toronto ON M5V 3L6

AND TO: **ATTORNEY GENERAL OF CANADA**
Department of Justice Canada
National Security Group
284 Wellington Street
Ottawa ON K1A 0H8

Andre Seguin
Telephone: (613) 957-3487
Email: Andre.Seguin@justice.gc.ca

Solicitors for the applicant

AND TO: **KAPOOR BARRISTERS**
161 Bay Street, Suite 2900
Toronto ON M5J 2S1

Anil Kapoor

Telephone: (416) 363-2700
Email: akk@kapoorbarristers.com

Facsimile: (416) 363-2787

Solicitors for the respondent,
Saad Al Jabri

AND TO: **ADAIR GOLDBLATT BIEBER LLP**
95 Wellington Street West
Suite 1830
Toronto ON M5J 2N7

John J. Adair

Telephone: (416) 941-5858
Email: jadair@agblp.com

Facsimile: (647) 689-2059

Solicitors for the respondent,
Saad Al Jabri

AND TO: **CONWAY BAXTER WILSON LLP/S.R.L.**
Barristers & Solicitors
411 Roosevelt Avenue
Suite 400
Ottawa ON K2A 3X9

Colin Baxter

Telephone: (613) 780-2012
Email: cbaxter@conwaylitigation.ca

Facsimile: (613) 688-0271

Amicus Curiae

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of Justice Kane of the Federal Court of Canada dated October 6, 2023 (Federal Court File No. DES-5-22) (the "Decision"), whereby the Court dismissed the Appellants' motion for a declaration that there is no privilege in the Proffer (defined below) (the "Privilege Motion").

THE APPELLANT ASKS for an Order:

- (a) allowing the Appeal and setting aside the Decision;
- (b) a declaration that the Proffer (defined below) provided by Saad Aljabri to the Attorney General of Canada, with reference to the Second Canada Evidence Act Notice (defined below) and/or the Third Canada Evidence Act Notice (defined below), is not subject to any form of privilege and/or that any such privilege has been waived;
- (c) an order for production of a copy of the Proffer to the Appellants (redacted for any sensitive or potentially injurious information);
- (d) if necessary, an order joining this appeal with the Jurisdiction Appeal (defined below) in Federal Court of Appeal File No. A-17-23;
- (e) granting the costs of this appeal and the costs of the Privilege Motion below; and
- (f) granting further and other relief as counsel may advise and this Honourable Court may permit.

THE GROUNDS OF APPEAL are as follows:

Overview

1. This Appeal concerns an unprecedented process endorsed by the Federal Court in connection with an application under s. 38 of the *Canada Evidence Act*.
2. The respondent Saad Aljabri is a defendant in a multi-billion dollar fraud action brought by the Appellants in the Ontario Superior Court of Justice (the "Fraud Action").

The Superior Court of Justice has determined that the Appellants have established a strong *prima facie* case of fraud and issued an order freezing all of Saad Aljabri's worldwide assets, among other relief.

3. In connection with the Fraud Action, various notices have been filed under s. 38.01(3) of the *Canada Evidence Act* triggering the application of that regime (the "s. 38 Application"). In one instance, a s. 38 notice was delivered in connection with affidavit and other motion materials that Saad Aljabri was under a court order to deliver on a motion that he brought to stay the underlying Fraud Action. In response, instead of providing the affidavit and other motion materials required under the *Canada Evidence Act*, Saad Aljabri and his counsel prepared and drafted a brief setting out the sensitive or potentially injurious information purportedly relevant to his entire defence of the Fraud Action and submissions on the relevance of that information to the Fraud Action (the "Proffer"), for the purpose of conveying information to the Attorney General as required under s. 38.

4. The Attorney General has now redacted the Proffer for any sensitive or potentially injurious information as required under s. 38 of the *Canada Evidence Act*. A redacted copy of the Proffer has been returned to Saad Aljabri and filed with the Federal Court.

5. Despite repeated requests, the Appellants have not been provided with a copy of the redacted Proffer. Saad Aljabri asserts that the Proffer – even though now redacted for any sensitive and/or potentially injurious information – is litigation privileged vis-à-vis the Appellants (only). Saad Aljabri further asserts that the Proffer will remain privileged vis-à-vis the Appellants, even though (i) it has been filed with the Federal Court, and (ii) Saad Aljabri, the Attorney General and *amicus curiae* will actively rely on the document in making submissions in Federal Court as to whether any of the purportedly sensitive or potentially injurious information can be disclosed in the underlying Fraud Action, based on the *Ribic* test.

6. The result being that the Appellants will be the only parties to the s. 38 Application precluded from seeing the redacted Proffer, including the information that

the Attorney General does **not** assert to be sensitive or potentially injurious information.

7. The Appellants brought an initial motion alleging that the Proffer was improper and, among other things, beyond the jurisdiction of the statutory regime under the *Canada Evidence Act* (the "Jurisdiction Motion"). The Federal Court dismissed the Jurisdiction Motion, which is the subject of an appeal to the Federal Court of Canada (the "Jurisdiction Appeal").

8. Separately, due to Saad Aljabri's continued claims of litigation privilege, the Appellants brought a motion for a declaration that the Proffer is not subject to any form of privilege, and an order directing production of a redacted copy of the Proffer to the Appellants (the "Privilege Motion"). The Federal Court dismissed the Privilege Motion, which forms the basis of the within appeal.

9. There is no possible legal basis upon which a document prepared by Saad Aljabri for the purpose of conveying information to the Attorney General of Canada (a party adverse in interest to Saad Aljabri on the s. 38 Application) can be subject to litigation privilege. There is also no legal theory that would permit Saad Aljabri to maintain privilege in the Proffer against some parties to the litigation (the Appellants) while simultaneously choosing to disclose that document to other participants in the litigation (the Attorney General, *amicus* and the Court). Nor is there any legal theory which allows a party to rely on a document in court while simultaneously claiming privilege over it.

10. Despite the Privilege Motion being focused on the issue of privilege, the Federal Court did not decide the privilege issue. Instead, it sidestepped the issue by incorrectly concluding that it did not have the jurisdiction to determine any claim of privilege in the context of a s. 38 application. It also concluded that it did not have the jurisdiction to direct the production of a document filed with the Federal Court on the s. 38 Application to another party to the proceeding.

11. The s. 38 *Canada Evidence Act* regime is almost always utilized in the criminal context; its application to a civil case, such as the Fraud Action, in the manner employed by the Federal Court on the Privilege Motion is unique and highly problematic. For example, one consequence of the Federal Court's decision is to shield a document on its own docket from parties to that proceeding without proper legal reason, and sanction an unfair process whereby the Appellants are unnecessarily precluded from receiving potentially important information in the s. 38 Application.

12. The ramifications of the Privilege Motion on both the s. 38 Application and the Fraud Action demonstrate the errors in the Decision.

The Fraud Action

13. The Appellants are corporate entities that were established and funded to pursue counterterrorism activities in the Kingdom of Saudi Arabia ("KSA"). Saad Aljabri was initially put in charge of the Appellants, but then proceeded to orchestrate a scheme to misappropriate at least USD 5.36 billion from those companies (the "Fraudulent Scheme").

14. Based on a forensic tracing analysis, Saad Aljabri personally received at least USD 546 million from the Appellants.

15. On January 22, 2021, the Appellants commenced an action in the Superior Court of Justice seeking damages of at least USD 5.36 billion and other relief against Saad Aljabri and other defendants in relation to the Fraudulent Scheme.

16. Also on January 22, 2021, Justice Gilmore of the Superior Court of Justice granted a Mareva injunction freezing all of Saad Aljabri's worldwide assets (the "Saad Mareva Order").

17. In granting the Saad Mareva Order, the Superior Court concluded that the evidence established a strong *prima facie* case of fraud and clear risk of irreparable harm through the continued dissipation of assets. Among other things, the Court found that the evidence established that "[Aljabri] was in a position of trust and confidence

in relation to the Plaintiffs... [and] breached his duties to the Plaintiffs by preferring his own interests and those of his family, friends and co-conspirators over those of the Plaintiffs." The Saad Mareva Order has been continued to trial, following two unsuccessful set aside motions by Saad Aljabri.

First Canada Evidence Act Notice

18. In June 2021, Saad Aljabri's counsel provided notice under s. 38.01(1) of the *Canada Evidence Act* that Saad Aljabri intended to disclose sensitive or potentially injurious information in a sworn affidavit, contained in a motion record, to be filed on a stay motion brought by Saad Aljabri in the Fraud Action (the "First Canada Evidence Act Notice").

19. In accordance with the required procedure under s. 38 of the *Canada Evidence Act*, Saad Aljabri's counsel provided the Attorney General of Canada with a copy of Saad Aljabri's sworn affidavit, which included a "Confidential Appendix" and attached several Exhibits (all redacted) detailing the purportedly sensitive material (the "First Saad Submission").

20. The Attorney General of Canada has now redacted the Confidential Appendix and accompanying Exhibits for sensitive or potentially injurious information. A redacted copy of the Confidential Appendix and Exhibits have been released to all parties, and the Federal Court will now adjudicate the appropriateness of the Attorney General of Canada's redactions. The process that occurred following the First Canada Evidence Act Notice is consistent with how the *Canada Evidence Act* process is intended, and required, to work.

Second Canada Evidence Act Notice

21. In June 2022, Saad Aljabri claimed he was taking steps to file additional material, including a supplementary affidavit, on the same Stay Motion, as part of a new or amended motion record (in addition to the motion record on the first stay motion, referred to above).

22. In contrast to his approach with the First Canada Evidence Act Notice, Saad Aljabri's new counsel took the position that the *Canada Evidence Act* did not apply to the supplementary affidavit and motion material that Saad Aljabri actually intended to disclose in the Fraud Action and threatened the Attorney General that he would file it. Counsel took this position notwithstanding that Saad Aljabri had himself invoked the *Canada Evidence Act* process on the *same* motion nearly a year earlier.

23. As a result, an individual at the Canadian Security Intelligence Service was forced to deliver a notice under s. 38.01(3) of the *Canada Evidence Act* that they expected Saad Aljabri to disclose sensitive or potentially injurious information in his motion materials to be filed on the stay motion (the "Second Canada Evidence Act Notice"). The Second Canada Evidence Act Notice made express reference to the notice of motion and supplementary affidavit that Saad Aljabri intended to file on his stay motion, which was due within days pursuant to a court order.

24. In light of this timing, the material subject to the Second Canada Evidence Act Notice would presumably have been immediately available. After missing a previous filing deadline, Saad Aljabri was under a court-imposed deadline to file this material on June 6, 2022. And as late as May 29, 2022, he continued to insist to counsel for the Attorney General of Canada that he "intend[ed] to deliver his Notice of Motion and supporting affidavit on June 6, 2022" – just seven days away.

25. However, after a significant delay, Saad Aljabri delivered to the Attorney General instead an unsworn Proffer containing what his counsel described as the "waterfront" of what Saad Aljabri asserts to be potentially sensitive or injurious information relevant to his potential defence of the Fraud Action at large (the "Second Saad Submission").

26. Given the description provided, the Proffer does not comprise the material that is actually subject to the Second Canada Evidence Act Notice – being the evidence and materials that Saad Aljabri intended to disclose and file on his stay motion. Nevertheless, Saad Aljabri still took the position that the Proffer was responsive to the Second Canada Evidence Act Notice.

27. Saad Aljabri also took the position that the Proffer is subject to litigation privilege, and will remain privileged even after the Attorney General of Canada has redacted the document for any sensitive or potentially injurious information.

28. In order to cloak the Proffer in a claim of litigation privilege, Saad Aljabri's counsel represented that the Brief contained not only the purportedly sensitive or potentially injurious factual information required to be provided to the Attorney General under s. 38 (which on his own admission is not privileged), but a description of the purported relevance of the factual information to Saad Aljabri's defence of the Fraud Action (which is not relevant to the Attorney General's review under s. 38 of the *Canada Evidence Act*).

The Appellants' Jurisdiction Motion

29. Following Saad Aljabri's delivery of the Proffer to the Attorney General, the Appellants brought the Jurisdiction Motion, challenging the form of the Second Saad Submission, nominally made pursuant to the Second Canada Evidence Act Notice. The Appellants' position on the Jurisdiction Motion was that the Federal Court did not have the statutory authority to consider the Proffer in the context of a s. 38 *Canada Evidence Act* application as, among other things, the form it was presented in did not comply with the statutory regime.

30. In the course of the Jurisdiction Motion, the Appellants expressly reserved their position that the Proffer is not privileged.

31. After the Appellants' factum on the Jurisdiction Motion was filed, Saad Aljabri delivered a further notice under s. 38.01(1) of the *Canada Evidence Act* in respect of the same Proffer that had already been provided to the Attorney General (the "Third Canada Evidence Act Notice"). The Third Canada Evidence Act Notice was delivered in an attempt to thwart certain of the Appellants' arguments on the Jurisdiction Motion.

32. In the course of the Jurisdiction Motion, Saad Aljabri provided further information about the nature of the Second Saad Submission, and clarified his position in respect of the privilege asserted to exist in the Proffer:

- (a) The Proffer is a memo drafted by Saad Aljabri's counsel, after the Second Canada Evidence Act Notice was given;
- (b) The Proffer was drafted for the purpose of conveying the purportedly sensitive or potentially injurious factual information in Saad Aljabri's possession to the Attorney General;
- (c) The Proffer contains all of the purportedly sensitive or potentially injurious information known to Saad Aljabri that he asserts may be relevant to his defence of the Fraud Action. Saad Aljabri confirmed that all of this factual information is relevant to his stay motion. As a result, all of the information in the Proffer would also have been included in the stay motion materials Saad Aljabri was poised to file in the Fraud Action, and which Saad Aljabri was required to provide to the Attorney General under the Second Canada Evidence Act Notice;
- (d) In drafting the Proffer, Saad Aljabri's counsel decided to include not only the factual information that is purportedly sensitive or potentially injurious, but also submissions on the relevance of the purportedly sensitive or potentially injurious information to the Fraud Action. In effect, counsel included Saad Aljabri's submissions on the *Ribic* test (which are to be made to the Federal Court in the context of a public hearing) in the Proffer.
- (e) Saad Aljabri asserts that the Proffer *as a whole* (including the factual information included therein) is litigation privileged and therefore shielded from disclosure. However, Saad Aljabri accepts that the underlying factual information (which the Attorney General has reviewed and the Court will adjudicate under s. 38 of the *Canada Evidence Act*) is *not* privileged and that the vast majority of the factual information will be disclosed in the underlying Fraud Action.

- (f) Saad Aljabri's counsel provided inconsistent descriptions of the Proffer and the extent to which the factual information therein is interwoven with the (unnecessary) description of the alleged relevance of the underlying information to the Fraud Action. In some instances, Saad Aljabri's counsel suggested that the Proffer is structured so as to make the factual information easily severable from Saad Aljabri's legal submissions. But in other instances, Saad Aljabri's counsel suggested that the factual information and legal submissions are inextricably linked and not severable.
- (g) Saad Aljabri takes the position that the Proffer is privileged notwithstanding that it was created for the sole purpose of being provided (and now has been provided) to the Attorney General (a party adverse in interest to Saad Aljabri in these Federal Court proceedings).
- (h) Saad Aljabri accepts that both a redacted and unredacted copy of the Proffer will be provided to *amicus* and filed with the Court (once redacted by the Attorney General for potentially injurious or sensitive information). Saad Aljabri also accepts that he will make submissions to the Court based on the information contained in the redacted Proffer. However, Saad Aljabri takes the position that the Proffer will remain privileged vis-à-vis the Appellants, such that the Appellants are the only parties to the Federal Court proceedings that should be deprived of a copy of the redacted Proffer.

33. The Jurisdiction Motion was dismissed by Justice Kane. The Appellants have appealed the Jurisdiction Motion to the Federal Court of Appeal.

The Privilege Motion

34. While the Jurisdiction Motion remained under reserve, the Appellants separately brought the Privilege Motion. On the Privilege Motion, the Appellants took the position that no privilege could exist in the Proffer because, among other grounds:

- (a) Despite bearing the onus on the issue, Saad Aljabri had not led any evidence to support the assertion of litigation privilege in the Proffer. As a matter of law he cannot meet his burden to establish any form of privilege.
- (b) The Proffer was not prepared for the dominant purpose of allowing counsel and Saad Aljabri to prepare their case in the Fraud Action and therefore does not meet the definition of litigation privilege. To the contrary, the only "evidence" before the Federal Court – which consists of representations by Saad Aljabri's counsel – was that the Proffer was prepared for the purpose of conveying information *to the Attorney General of Canada* in connection with the *Canada Evidence Act*.
- (c) As Saad Aljabri admits, the factual information in the Proffer is **not** privileged. Instead, Saad Aljabri asserts privilege over the Proffer because his counsel included unnecessary submissions on the purported relevance of the underlying factual information to the Fraud Action. The purported relevance of the underlying factual information is a matter to be adjudicated in light of the *Ribic* test in a public hearing; the inclusion of those submissions could only be in an attempt to, in effect, make improper *ex parte* submissions to the Federal Court on the relevance and importance of the underlying factual information. This does not make the Proffer subject to litigation privilege.
- (d) In the alternative, any privilege that may have existed in the Proffer was waived because:
 - (i) Saad Aljabri provided a copy of the Proffer to the Attorney General, who is adverse in interest on the s. 38 Application;
 - (ii) The Proffer has been broadly disseminated by the Attorney General to third party security partners, who are similarly adverse in interest to Saad Aljabri, and Saad Aljabri knew that

this broad dissemination would occur when it provided a copy of the Proffer to the Attorney General;

- (iii) The Proffer has been filed with the Federal Court and will be actively relied upon by Saad Aljabri (and the other parties) in making submissions on the s. 38 Application. There is no legal theory that would permit a litigant to maintain a claim of litigation privilege over a document that has been filed with the Court and which the party intends to affirmatively rely upon in the course of its submissions. Saad Aljabri is not permitted to simultaneously use and shelter behind a nominally privileged document.

The Decision

35. On October 6, 2023, the Federal Court of Canada released the Decision dismissing the Privilege Motion.

36. In the Decision, the Court concluded that the Proffer was created for the purpose of the underlying Fraud Action, not the s. 38 Application (although also stating that it was the subject of a *Canada Evidence Act* notice).

37. The Court based that conclusion, in significant part, on the view that no s. 38 Application could exist without an underlying civil or criminal proceeding. As a result, the Court held that but for the Fraud Action, the Proffer would not likely have existed.

38. From this premise, the Court concluded that it had no jurisdiction to determine whether the Proffer – which had been filed with the Federal Court and will be relied upon in the s. 38 Application – was litigation privileged. In its view, the determination of whether the Proffer is privileged is beyond the jurisdiction of the Federal Court and must be pursued in the Ontario Superior Court of Justice.

39. The Court further concluded that it had no jurisdiction to order production of documents to parties to the s. 38 Application. In its view, the Federal Court's only role

was to determine the s. 38 Application as framed by the Attorney General. Any requests for disclosure or production – even of documents *filed with the Federal Court on the s. 38 Application* – is purportedly outside the jurisdiction of the Federal Court and must be pursued in the underlying proceedings (here, the Fraud Action).

40. In arriving at these conclusions, the Court expressed the view that the Privilege Motion overlapped to a significant extent with the Jurisdiction Motion (noting that the Appellants had appealed from the Order dismissing the Jurisdiction Motion). The Court expressed this view notwithstanding the Appellants had specifically reserved their right to challenge whether any privilege existed in the Proffer, and notwithstanding the Jurisdiction Motion was dismissed principally on the basis that it was premature.

41. The Court did not make any determination as to whether the Proffer is subject to litigation privilege and/or whether any privilege in the Proffer had been waived. Nor did it consider that no evidence had been tendered to establish a basis for privilege. Instead, the Court based its decision on the conclusion that the Federal Court could not determine litigation privilege in a document allegedly prepared for litigation in the Ontario Superior Court of Justice.

Grounds of Appeal

42. In deciding the Privilege Motion, the Court erred in law, mixed fact and law, and fact by, among other things:

- (a) Concluding that the Federal Court had no jurisdiction to determine a privilege claim in the context of a proceeding under s. 38 of the *Canada Evidence Act* and over a document filed with the Federal Court;
- (b) Concluding that the Federal Court had no jurisdiction to order production of a document filed with the Federal Court and relied upon in the context of a proceeding under s. 38 of the *Canada Evidence Act* to a party to that same proceeding;

- (c) Concluding that the Ontario Superior Court of Justice must adjudicate the issue of privilege in a document filed with the Federal Court within s. 38 *Canada Evidence Act* proceedings;
- (d) Misapprehending and/or improperly construing the nature and scope of the statutory authority created by s. 38 of the *Canada Evidence Act*, the *Federal Courts Act*, and *Federal Courts Rules*;
- (e) Misapprehending and/or improperly construing the role of the Federal Court in proceedings under s. 38 of the *Canada Evidence Act*;
- (f) Misapprehending and/or improperly construing the nature and scope of the Federal Court's inherent jurisdiction to control its own process, including by making privilege determinations and/or directing the production of documents to a party to a proceeding;
- (g) Concluding that the Proffer was prepared for the purpose of the underlying Fraud Action;
- (h) Misapprehending and/or failing to consider the evidence indicating that the Proffer was prepared specifically for the purpose of the s. 38 Application;
- (i) Failing to consider the civil nature of the Fraud Action and the unique context of this s. 38 Application in determining the issues in the Privilege Motion;
- (j) Failing to determine that the Proffer is not privileged, including failing to consider that Saad Aljabri presented no evidence to substantiate any claim of privilege, and/or that any privilege in the Proffer had been waived; and
- (k) Incorrectly concluding that there was no unfairness to the Appellants in the proposed manner of proceeding.

October 16, 2023

BENNETT JONES LLP
3400 One First Canadian Place
P.O. Box 130
Toronto, ON M5X 1A4

Munaf Mohamed KC (#10114)
Email: mohamedm@bennettjones.com
Telephone: (403) 298-3100

Jonathan G. Bell (#55457P)
Email: bellj@bennettjones.com
Telephone: (416) 777-6511

Facsimile: (416) 863-1716

AGP LLP
116 Lisgar Street, Suite 200
Ottawa, ON K2P 0C2

Howard Krongold (# 51332N)
Email: howard@agpllp.ca
Telephone: (613) 235-9779

Facsimile: (613) 235-8317

Counsel for the Sakab Respondents /
Appellants

TO: **The Chief Administrator**
Federal Court
180 Queen Street West, Suite 200
Toronto ON M5V 3L6

TO: **ATTORNEY GENERAL OF CANADA**
Department of Justice Canada
National Security Group
284 Wellington Street
Ottawa ON K1A 0H8

Andre Seguin

Telephone: (613) 957-3487

Email: Andre.Seguin@justice.gc.ca

Solicitors for the applicant

AND TO: **KAPOOR BARRISTERS**
161 Bay Street, Suite 2900
Toronto ON M5J 2S1

Anil Kapoor

Telephone: (416) 363-2700

Email: akk@kapoorbarristers.com

Facsimile: (416) 363-2787

Solicitors for the respondent,
Saad Al Jabri

AND TO: **ADAIR GOLDBLATT BIEBER LLP**
95 Wellington Street West
Suite 1830
Toronto ON M5J 2N7

John J. Adair

Telephone: (416) 941-5858

Email: jadair@agblp.com

Facsimile: (647) 689-2059

Solicitors for the respondent,
Saad Al Jabri

AND TO: **CONWAY BAXTER WILSON LLP/S.R.L.**
Barristers & Solicitors
411 Roosevelt Avenue
Suite 400
Ottawa ON K2A 3X9

Colin Baxter

Telephone: (613) 780-2012

Email: cbaxter@conwaylitigation.ca

Facsimile: (613) 688-0271

Solicitors for the respondent,
Amicus Curiae