

**EMAIL EXCHANGES BETWEEN BRIAN HEMMING'S COUNSEL AND JAZZ.FM91 REPRESENTATIVES**

From: "D'Souza, Shane" <[sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>>  
Date: December 21, 2018 at 3:43:24 PM EST  
To: Sharda Prashad <[sprashad@jazz.fm](mailto:sprashad@jazz.fm)<<mailto:sprashad@jazz.fm>>>, David McGown  
<[davidkmcgown@gmail.com](mailto:davidkmcgown@gmail.com)<<mailto:davidkmcgown@gmail.com>>>  
Cc: "Bridges, Meghan S" <[MBRIDGES@mccarthy.ca](mailto:MBRIDGES@mccarthy.ca)<<mailto:MBRIDGES@mccarthy.ca>>>, "Maclsaac,  
Ryan" <[RMACISAAC@mccarthy.ca](mailto:RMACISAAC@mccarthy.ca)<<mailto:RMACISAAC@mccarthy.ca>>>  
Subject: Re: Appearance at court today

I have now read Justice Myers endorsement. We will get it transcribed and submit it for publication.

We received a USB key today with a pdf of members' emails. We specifically asked for the emails in an electronic format that was usable, like Excel. Please immediately provide an Excel file or a text file with all the email addresses, or call me to discuss what is possible. Otherwise, we will seek directions from Justice Dunphy and costs. Obviously, we will draw your conduct to the court's attention the next time we are before the court.

Shane

[MTLogo]

Shane C. D'Souza  
Partner

T: 416-601-8196<<tel:416-601-8196>>  
C: 416-786-4417<<tel:416-786-4417>>  
F: 416 868-0673<<tel:416%20868-0673>>  
E: [sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>

McCarthy Tétrault LLP  
Suite 5300  
TD Bank Tower  
Toronto ON M5K 1E6

On Dec 21, 2018, at 1:37 PM, D'Souza, Shane <[sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>>  
wrote:

I have removed Natalie and Reagan because I understand they do not represent the corporation. Who does?

Sharda and David, may I please have the courtesy of a response? I have sent several emails since the first email from Sharda informed me that someone (without indicating who) is in court to seek an ex parte order. The pattern of conduct the Board has engaged in to appear in Court today is unethical and its continued non-response to my emails is unprofessional. This pattern will be drawn to the Court's attention. If, contrary to the direction in my emails, you do not show all of my emails to any judge hearing you today, that too will be drawn to the court's attention.

Shane  
[MTLogo]  
Shane C. D'Souza  
Partner

T: 416-601-8196<<tel:416-601-8196>>  
C: 416-786-4417<<tel:416-786-4417>>  
F: 416 868-0673<<tel:416%20868-0673>>  
E: [sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>

McCarthy Tétrault LLP  
Suite 5300  
TD Bank Tower  
Toronto ON M5K 1E6

On Dec 21, 2018, at 12:59 PM, Reagan Ruslim  
<[reaganruslim@me.com](mailto:reaganruslim@me.com)<<mailto:reaganruslim@me.com>>> wrote:

Hi!

I do not represent the Board as its lawyer and to be clear, I have never have acted as its lawyer. I was a volunteer Board member.

JazzFM's lawyer has been Natalie Leon throughout.

Please take me off this email list.

Thank you.  
Reagan Ruslim

On Dec 21, 2018, at 12:04 PM, D'Souza, Shane <[sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>> wrote:

I have still not been contacted. Why?

I understand that Reagan Ruslim is a board member and represents the Board, so I am copying him. Reagan, please see email exchanges below and call me on my cell (416 786 4417) to discuss the Board's appearance in Court today without notice to seek a stay where there is no final order and no appeal has been commenced. If you are not a board member or do not represent the Board qua lawyer, please confirm that as well so I remove you from this email chain.

Thanks,  
Shane  
<image001.png>  
Shane C. D'Souza

From: D'Souza, Shane  
Sent: Friday, December 21, 2018 11:31 AM  
To: Sharda Prashad  
Cc: David McGown; Natalie Leon; Bridges, Meghan S; MacIsaac, Ryan  
Subject: Re: Appearance at court today

Why has no one called me yet?

Where is the appeal to ground the stay?

What authority are you relying on to argue that a stay can be granted without an appeal being commenced?

Please show this email to any judge that you appear before.  
Shane

Shane C. D'Souza  
Partner  
T: 416-601-8196<<tel:416-601-8196>>  
C: 416-786-4417<<tel:416-786-4417>>  
F: 416 868-0673<<tel:416%20868-0673>>  
E: [sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>

McCarthy Tétrault LLP  
Suite 5300  
TD Bank Tower  
Toronto ON M5K 1E6

On Dec 21, 2018, at 11:16 AM, D'Souza, Shane <[sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>>>  
wrote:

Please show this email to the judge you are appearing before and state that I have had no notice of your attendance and have not been provided with any material.

Shane

Shane C. D'Souza  
Partner

T: 416-601-8196<<tel:416-601-8196>>

On Dec 21, 2018, at 11:12 AM, D'Souza, Shane <[sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>>> wrote:

No, I am not available to attend. I am copying Natalie Leon on this email. This is highly unethical conduct (not from Natalie). This intention could and should have been communicated to us last night. Please get a date for an appearance and seek my consent to that date. Who is the lawyer involved? Please ask that person to call my cell right now.

To confirm, Mr. Hemming opposes the stay and it should not proceed ex parte.

Shane

Shane C. D'Souza  
Partner | Associé  
Litigation | Litige

T: 416-601-8196

C: 416-786-4417

F: 416-868-0673

E: [sdsouza@mccarthy.ca](mailto:sdsouza@mccarthy.ca)<<mailto:sdsouza@mccarthy.ca>>

McCarthy Tétrault LLP

Suite 5300  
TD Bank Tower  
Box 48, 66 Wellington Street West  
Toronto ON M5K 1E6

-----Original Message-----

From: Sharda Prashad [<mailto:sprashad@jazz.fm>]

Sent: Friday, December 21, 2018 11:08 AM

To: D'Souza, Shane

Cc: David McGown

Subject: Appearance at court today

Shane,

We are at the courthouse at 130 Queen Street West.

We are seeking a stay on the order for email addresses until we file our appeal.

Are you able to attend today?

Thank you,

Sharda Prashad

Sent from my iPhone

---

This e-mail may contain information that is privileged, confidential and/or exempt from disclosure. No waiver whatsoever is intended by sending this e-mail which is intended only for the named recipient(s). Unauthorized use, dissemination or copying is prohibited. If you receive this email in error, please notify the sender and destroy all copies of this e-mail. Our privacy policy is available at [www.mccarthy.ca](http://www.mccarthy.ca)<<http://www.mccarthy.ca>>.

Click here to

unsubscribe<<mailto:listmanager@mccarthy.ca?subject=!%20wish%20to%20unsubscribe%20from%20commercial%20electronic%20messages%20from%20McCarthy%20Tetrault>> from commercial electronic messages. Please note that you will continue to receive non-commercial electronic messages, such as account statements, invoices, client communications, and other similar factual electronic communications.

Suite 5300, TD Bank Tower, Box 48, 66 Wellington Street West, Toronto, ON M5K 1E6