

C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
N° : 500-17-038173-079

S U P E R I O R C O U R T
FÉDÉRATION CANADIENNE DES
ÉTUDIANTES ET DES ÉTUDIANTES
ÉLÉMENT DU QUÉBEC

Plaintiff

-vs-

NINA AMROV
-and
MAHDI ALTALIBI

Defendants

-and-

MALAMO SAVVAS-BEAUMONT
SOSHIMA VERA-CADET
MELANEE THOMAS, ET AL

Mises en cause

EXAMINATION ON AFFIDAVIT OF SHANICE ROSE

APPEARANCES:

Me ROSELINE OUELLETTE
for Plaintiff and Mises en cause (S. Vera-Cadet, M. Thomas, R.
Nassim, E. Jabouin)

Me WILLIAM DE MERCHANT

Me PIERRE-LOUIS FORTIN-LEGRIS

for Defendants (N. Amrov, M. Altalibi) and Mise en cause (M.
Silverman)

Me STÉPHANE ROY

for Mises en cause (Concordia Student Union and Dawson Student
Union)

AUGUST 31, 2007

AA070831.A2

ANITA AUZA, o.c.r.

STÉNO EXACT

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LIST OF OBJECTIONS

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- #1. I don't know if you have Dawson's bylaws with you, or if you know them by heart, but can you tell me on which power the Executive Council bases itself to limit V.P. External power like that? 15
- #2. So, maybe -- do you think it's in accordance with the bylaw that -- to strip a V.P. of her capacity to...? 16
- #3. Okay, the last -- the result of the resolution present what -- what are the consequences of non-compliance with the motion to Ms. Beaumont? That she could be stripped of her duties by a 2/3 vote of the Executive Council? Here, again, I'd like to know where you found this power in the bylaw. But I guess the same objection? 16

In the year of Our Lord, two thousand and seven (2007), on this thirty-first (31st) day of August,

PERSONALLY CAME AND APPEARED:

SHANICE ROSE, born the fourteenth (14th) day of December, nineteen hundred and eighty-eight (1988), Student, residing at six nine four zero (6940) Fielding, apartment two zero seven (207), Montreal, Province of Quebec;

WHO, after having made a Solemn Affirmation, doth depose and say as follows:

Me WILLIAM DE MERCHANT,

On behalf of Defendants (N. Amrov, M. Altalibi) and Mise en cause (M. Silverman):

Just for the record, I want to state that George Soule stayed in the room under -- for the interrogation of Madame, and that we will ask the same privilege when we -- you come to our office for the -- you agree to that, Madame Ouellette?

Me ROSELINE OUELLETTE:

Yes.

Me STÉPHANE ROY:

Okay. But on that aspect, I want to remark that
it's after his testimony...

Me ROSELINE OUELLETTE:

After the examination...

Me WILLIAM DE MERCHANT:

After his testimony.

Me STÉPHANE ROY:

Like, we did not ask Shanice to be there before.

Me WILLIAM DE MERCHANT:

Yes.

Me STÉPHANE ROY:

Okay, just...

Me WILLIAM DE MERCHANT:

So, I understand it's...

Me STÉPHANE ROY:

It's after.

Me WILLIAM DE MERCHANT:

Okay.

EXAMINATION BY Me PIERRE-LOUIS FORTIN-LEGRIS,

On behalf of Defendants (N. Amrov, M. Altalibi) and
Mise en cause (M. Silverman):

1 Q- Okay, so in your Affidavit, you talk about the
election...

Me STÉPHANE ROY:

Which one? Because we have two (2). Just to be clear. She has two (2) Affidavits. Just...

Me PIERRE-LOUIS FORTIN-LEGRIS:

When were they served? I'm sorry, I have the Affidavit on the seventeenth (17th) of August.

Me STÉPHANE ROY:

Yes, but another one was filed long before that -- on August fourteenth (14th).

Me PIERRE-LOUIS FORTIN-LEGRIS:

On August fourteenth (14th)?

Me STÉPHANE ROY:

Yes. It's...

A- I'm guessing it's this.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Q- Yes, you have this one?

Me STÉPHANE ROY:

But you never saw that?

Me ROSELINE OUELLETTE:

It's in my -- in the file.

Me STÉPHANE ROY:

It was filed?

Me ROSELINE OUELLETTE:

Yes.

Me STÉPHANE ROY:

Just one second. Just off record...

(DISCUSSION OFF RECORD)

Me PIERRE-LOUIS FORTIN-LEGRIS:

3 Q- In your Affidavit of the seventeenth (17th) of
August, paragraph 2, you're naming persons that
have been elected as the Executive Council.

A- Yes.

4 Q- Can you tell us to what positions they were
elected?

A- Okay, so Brandon Vergera is the Executive
Secretary.

5 Q- Yes.

A- Ryan Solomon is the Vice-President of Social
Cultural Activities. Malamo Savvas-Beaumont is
the Vice-President of External. Charles
Brenchely is the President and -- yes.

6 Q- According to the bylaw -- I guess you know -- I
don't know if you refer to the bylaw in your
Affidavit, but I guess you have a certain
knowledge of the bylaws...

A- Yes.

7 Q- ... of the Dawson Student Union?

A- Yes.

8 Q- Do you recall or do you know from the bylaw what
is the main function of V.P. External?

Me STÉPHANE ROY:

From the bylaw? Do you want to refer to a
specific article of the bylaw? Or you ask her
-- because your question is from the bylaw, or
is it her knowledge of the position?

Me PIERRE-LOUIS FORTIN-LEGRIS:

It's her knowledge of the bylaw.

Me STÉPHANE ROY:

I'm not sure I understand your question.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Okay, I withdraw the question.

I just want to clarify one thing. Because
we discussed the other Affidavit, and where we
talk about the minute of a meeting. It's P-18
of the proceeding. So, you already have at
least the exhibits.

Me STÉPHANE ROY:

Yes.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Okay, I just wanted to clarify that.

9 Q- You talk about -- in your Affidavit of August
fourteen (14), you talk about -- at paragraph 3,

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you talk about a meeting held on June twenty
(20).

A- M'hm.

10 Q- And a resolution was passed there. You have
this resolution -- P-20, I believe. P-18, yes.

Me STÉPHANE ROY:

No, P-18, it's the...

Me PIERRE-LOUIS FORTIN-LEGRIS:

Are the minutes, plus the resolution.

Me STÉPHANE ROY:

Yes, okay.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Of the June twenty (20).

11 Q- Okay, so the -- let's talk about the resolution
that was adopted. And I'd like to know, who
wrote this resolution?

A- Myself.

12 Q- Yourself? And did other persons write it with
you?

A- No.

13 Q- No, you're the one, okay.

And when did you write it?

A- I wrote it after the meeting on -- of June
twentieth (20th). After the General Meeting.

14 Q- Okay, after -- you mean the CFS-Q General

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Meeting?

A- Right.

15 Q- Okay. And this was adopted on the same date?

A- Yes.

16 Q- June twenty (20).

So, I understand that there was an emergency meeting called to adopt this -- was the D.S.U. meeting -- D.S.U. Executive Council meeting planned -- or when was it called? When was the...

A- It was called...

17 Q- ... D.S.U. Executive Council meeting called?

A- ... days prior to the meeting.

18 Q- Okay.

A- Like, it wasn't called the same day, it was called days before.

19 Q- Okay. And I guess there was an agenda -- was there an agenda given to all the Executive Council members?

A- Yes.

20 Q- And was this agenda stating that this -- that this motion was going to be discussed?

A- The agenda didn't say that there was going to be a motion, it just says "CFS-Q meetings."

21 Q- And it was relating to -- what was the purpose

of that point?

Me STÉPHANE ROY:

Which point?

Me PIERRE-LOUIS FORTIN-LEGRIS:

Of the CFS-Q meeting point on the agenda of the Executive Council -- of the D.S.U. Executive Council meeting.

A- Well, if you look under that...

22 Q- You're referring to the minutes of the meeting?

A- Right. On point 3.

23 Q- Still Exhibit...

Me STÉPHANE ROY:

P-18.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Yes.

A- Under "CFS-Q meetings", we talk about two (2) different things relating to the CFS. There are two (2) different subjects.

24 Q- Okay. Which are...?

A- The skills symposium that I went to in Toronto, and the meeting that happened the day before and that same day.

25 Q- Okay.

And was Ms. Beaumont -- was she informed prior to that June twentieth (20th) meeting that

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her conduct at the CFS-Q General Meeting would be scrutinized, or would be in question at that June twentieth (20th) meeting of D.S.U.?

A- Can you explain your question further?

26 Q- There was this resolution that was going to be proposed.

A- Right.

27 Q- Was Ms. Beaumont informed prior to the meeting that a resolution of this -- about this subject was going to be discussed and adopted?

A- She knew that we were going to discuss it, she didn't know about the resolution.

28 Q- Okay.

Was she advised beforehand -- prior to the meeting, was she advised that she could be stripped of her function as it's written in the resolution?

A- No.

29 Q- Okay, and the minutes of the June twentieth (20th) meeting of D.S.U. state that you voted in favour of the resolution that was proposed...

A- Right.

30 Q- ... that's exact? Were you present at the -- it refers to a meeting -- a CFS-Q meeting held on June nineteenth (19th), were you present at this

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June nineteenth (19th) General Meeting?

A- Yes.

31 Q- And in what quality were you present? What was
your role there?

A- I was the delegate.

32 Q- Okay. And I will refer to the resolution
adopted on June twentieth (20th).

Me STÉPHANE ROY:

Which part?

Me PIERRE-LOUIS FORTIN-LEGRIS:

Point 8. Paragraph 8 on the first page starting
with -- 4.15.

A- Yes.

33 Q- It refers to 5.15 -- Section 5.15 of the D.S.U.
bylaws, and it refers to -- Section 4.15 is on
conflicts of interest.

A- Yes.

34 Q- And you're saying here that -- well, the
resolution says, point 8, that:

" ... by failing to make public
a personal relationship with
Mahdi Altalibi."

A- Yes.

35 Q- What is it about? What...

Me STÉPHANE ROY:

The relationship, or...

Me PIERRE-LOUIS FORTIN-LEGRIS:

Yes.

36 Q- What is it -- can you explain us this particular point?

A- Their friendship.

37 Q- What do you know about their friendship?

A- How is that -- what's your point? How is that relevant...

Me STÉPHANE ROY:

38 Q- Well, what do you know about -- you have to answer that. What do you know about that?

A- That they're friends, they hang out together. Like...

Me PIERRE-LOUIS FORTIN-LEGRIS:

39 Q- Okay.

A- ... how much detail?

40 Q- Okay, they hang out together? Do you know -- is there any other aspect of their friendship -- of their relation that puts her in a conflict of interest here?

A- They're just a group of people that, I guess, hang out, and they're -- yes, separate from...

41 Q- And this results in a potential conflict of

interest?

A- Yes.

42 Q- This motion -- the results that are adopted imposes an important amount of limitation on Ms. Beaumont's ability to act as V.P. External.

I don't know if you have Dawson's bylaws with you, or if you know them by heart, but can you tell me on which power the Executive Council bases itself to limit V.P. External power like that?

Me STÉPHANE ROY:

O But that's -- I will object, that's a question in law. The application of the bylaw is in law.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Yes, well...

Me STÉPHANE ROY:

If you ask the question -- the witness to interpret the bylaw...

Me PIERRE-LOUIS FORTIN-LEGRIS:

No, I'm just asking on what she's basing herself to propose this resolution. Because she said she had written this resolution...

Me STÉPHANE ROY:

Yes.

Me PIERRE-LOUIS FORTIN-LEGRIS:

... only herself, and no one else.

So, I guess before proposing a resolution, she might know that she's allowed to propose it, and she -- what she's proposing to her council is in accordance with the bylaw.

43 Q- So, maybe -- do you think it's in accordance with the bylaw that -- to strip a V.P. of her capacity to...

Me STÉPHANE ROY:

O No, that's a legal question. I object to that. That's going to be the debate on the merits.

Me PIERRE-LOUIS FORTIN-LEGRIS:

Okay.

44 Q- Okay, the last -- the result of the resolution present what -- what are the consequences of non-compliance with the motion to Ms. Beaumont? That she could be stripped of her duties by a two thirds (2/3) vote of the Executive Council?

Here, again, I'd like to know where you found this power in the bylaw. But I guess...

Me STÉPHANE ROY:

O Same objection.

Me PIERRE-LOUIS FORTIN-LEGRIS:

... the same objection.

45 Q- Okay, paragraph 5 of your Affidavit signed on
August fourteenth (14th). You refer to a
meeting held on August second (2nd) by the
D.S.U. Executive Council, where the Council
named three (3) delegates, Margo Dunnet, Ryan
Solomon, and yourself.

Can you tell us -- because you told me what
was the function of Mr. Solomon, but what is --
who is Ms. Dunnet?

A- She's our Executive Director.

46 Q- Just to specify, which organization? Because I
want to avoid confusion. When you say "our",
which...

A- The D.S.U.'s...

47 Q- Okay, yes, I just want to avoid confusion.

A- ... Executive Director.

48 Q- Executive Director? Okay, so she's an employee?

A- Right.

49 Q- She's paid by D.S.U.? And since when has she
been Executive Director?

A- August first (1st).

50 Q- Of what year?

A- Two thousand and seven (2007).

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51 Q- And was she related to the D.S.U. before?

A- No.

52 Q- No.

In the next paragraph of your same Affidavit -- no, sorry -- okay, well, 6, 7 and - - 6 and 7, they talk about the general discussion on the organization from the D.S.U., and also on the possibility to enforce the Chairperson's decision. It says that...

"Not enforceable since Amrov..."

Well, I'm just quoting paragraph 7 of the Affidavit of August fourteenth (14th). I'd like to know how long this discussion lasted at that August third (3rd) Special General Meeting?

A- My time would be an estimation, obviously.

53 Q- Yes.

A- It was at least twenty (20) minutes.

54 Q- The whole discussion on -- okay, the both on the representation of D.S.U. and the capacity of the Chairperson to take a decision?

A- Yes.

55 Q- Do you know if there was minutes -- the Executive doesn't refer to minutes produced...

Me STÉPHANE ROY:

You're talking about which meeting?

Me PIERRE-LOUIS FORTIN-LEGRIS:

The August third (3rd), CFS-Q Special General Meeting.

A- Okay.

56 Q- Was there any minutes made of this -- of this meeting?

A- Yes.

57 Q- Yes. Do you know who wrote the minutes?

A- There is two (2) minutes that were presented.

58 Q- Okay, do you know who wrote the two (2) versions of the minutes?

A- Well, one would be Mahdi, I'm guessing.

59 Q- You're -- it's important, because you're saying -- you know, or you're guessing?

A- Well, I'm not sure.

(DISCUSSION OFF RECORD)

Me PIERRE-LOUIS FORTIN-LEGRIS:

60 Q- Just -- you were saying that -- we were talking about the minutes, the two (2) versions of the minutes made on -- about the August third (3rd) Special General Meeting of CFS-Q, and you said probably one version has been written by Mahdi?

A- Yes.

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61 Q- And the other version?

A- I'm not sure. I knew who -- I know who the
minute taker was.

62 Q- Who was it?

A- Margo Dunnet.

63 Q- Okay. And when has she been appointed the
minute taker?

A- When the...

64 Q- During the August third (3rd) meeting? Was she
the minute taker from the beginning of the
meeting? Yes?

A- No.

65 Q- No. So, when in the meeting was she made the
minute taker?

A- Well, after the alleged adjournment. Then the
meeting continued, she was then the minute
taker.

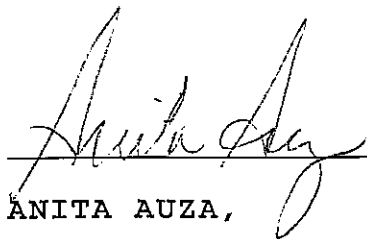
66 Q- Okay, Thank you.

AND FURTHER DEPONENT SAITH NOT

SHANICE ROSE
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EXAMINATION

I, ANITA AUZA, Official Court Reporter in the
Judicial District of Montreal, hereby certify that
the foregoing pages are a true and accurate
transcript of the proceeding taken to the best of my
skill, ability, and understanding,

And I have signed


ANITA AUZA,

Official Court Reporter

COUR SUPÉRIEURE
PROVINCE DE QUÉBEC
DISTRICT DE MONTREAL

No : 500-17-038173-079

CANADIAN FEDERATION OF STUDENTS, QUÉBEC
COMPONENT,

Demanderesse

c.

NINA AMROV ET AL,

Défendeurs

et

MALAMO BEAUMONT-SAWAS ET AL,

Mis en cause

No : 500-17-038176-072

FÉDÉRATION CANADIENNE DES ÉTUDIANTES ET DES
ÉTUDIANTS, ÉLÉMENT DU QUÉBEC ET AL,

Demandeurs

c.

GEORGES SOULE ET AL,

Défendeurs

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